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FOREWORD

By Hon. Justice A. H. Oder
Justice of the Supreme Court and Chairman of the Commission of Inquiry Into Violations of Human, May 1986-December 1995.

Normally a foreword is just that, a short statement. However, for a work of the length of this verbatim,consisting of about 15,000 pages in fifteen volumes, a few pages of 'foreword' will not be too long. The contents of this fifteen thousand or so pages represents the evidence and materials received by the Commission of Inquiry Into Violation of Human Rights which was established under Legal Notice No.5 of 1986, issued on the 16th. May 1986, pursuant of the Commission of Inquiry Act (CAP 56). The full text of which is in volume one pages (iv) to (vi).

The mandate of the Commission was to investigate all aspects of violations of human rigths in Uganda from the time of independence on 9th.October 1962 to the time of take over by the National Resistance Army on 16th. January 1986. The Commission was to inquire into all aspects of violations of human rights, breaches of the the rule of law and execessive abuses of power committed against the persons in Uganda by the regimes in government, their servants, agents or agencies by whatever name called and find possible ways of preventing the re-occurence of the aforesaid matters.

The Members of the Commission appointed under the Legal Notice No.5 of 1986 were:

(a)	Hon. Mr.Justice Arthur O. Oder	Commissioner/Chairman
(b)	Dr.Edward Khiddu-Makubuya	Commissioner
(c)	Dr. Jack Luyombya	Commissioner
(d)	Mr. John Baptist Kawanga	Commissioner
(e)	Mr. John Nagenda	Commissioner
(f)	Mrs. Joan Kakwenzire	Commissioner

The Commission's Terms of Reference were prescribed by the Legal Notice above mentioned.

The work of holding numerous sessions during and from which this verbatim record was compiled was undertaken by very many people who assisted the appointed members of the Commission as stated above.

The Commission sat and held hearings in all districts of Uganda from May 1986 - December 1995. This period was far in excess of that which had originally been envisaged, though the Commission was not given a specific deadline to complete the proceedings. The long duration of the proceedings, which was partly due to scarcity of resources, resulted into the proceedings being even more costly, some loss of evidence especially due to poor recording and translation, and even loss of exhibits. However, despite these and many other problems, the Commissioners did not lose interest, nor did the major part of the Ugandan public in whose history it was the first time true Commission proceedings of this nature were taking place.

This verbatim record of proceedings is the second part of the Commission's Report, having been preceded by a Report of the Commission's Findings, Conclusions and Recommendations with its summary which was handed over to the appointing authority on the 29th of November 1994 and constituted the first part. However, while the first part of the Commission's work gave a general picture of the Commission's proceedings, the reader of this verbatim record will be able to establish for himself or herself the true picture relating to human rights violations between October 1962 and 26th January 1986.

The Commission would like to thank the government of Uganda, foreign governments and donor agencies whose financial generosity made it possible for the work to be completed. These include the governments of Denmark, Sweden, The Federal Republic of Germany (as it then was) and Australia. Donor agencies who provided very effective financial assistance include DANIDA, SIDA, the Ford Foundation and the International Centre for Human Rights and Democratic Development (ICHRDD) Montreal, Canada.

Many individuals also put in a great deal of hard work which contributed to the production of this Report as a whole. One of them, who deserves special mention, is Dr. Wairama G. Baker, a lecturer in the Faculty of Law, Makerere University who single handedly edited and type-set the recording of the proceedings before the material was handed over to the printers for final production.

Needless to say, an overall impression of the Commission's Report can only be appreciated by reading both the first and second parts of the Report. It is hoped that all who have interest in human rights in Uganda wil spare their valuable time to read and peruse through the Report of the Commission as a whole.

Signed .....

HON. JUSTICE A. H. ODER.
December 1995.

COUNSEL: Rose Mary Nabulime. Witness Number 223.

WITNESS NO.223: MISS ROSE MARY NABULIME - SWORN IN

COUNSEL: You are Rose Mary Nabulime.

NABULIME: Correct.

COUNSEL: Unemployed and aged 17 years.

NABULIME: Correct.

COUNSEL: Living at Buwonga, Katikamu County, Luwero District.

NABULIME: Correct.

COUNSEL: What is the name of your father?

NABULIME: Eriyabu Kyeyune.

COUNSEL: And your mother.

NABULIME: Nampera Beatrice - or Beatrice Nampera.

COUNSEL: Have you ever gone to school?

NABULIME: Yes.

COUNSEL: You left which class?

NABULIME: Primary Three.

COUNSEL: In which year did you end school?

NABULIME: I cannot recall the year.

COUNSEL: Which school was this?

NABULIME: Kanyogoga Primary School.

COUNSEL: In August, 1985, where were you? Were you still studying?

NABULIME: I do not remember.

COUNSEL: I see. Now the Commission had received evidence to the effect that, in 1985, round about August, there was a lot of insecurity in Luwero. Is it true?

NABULIME: Yes.

COUNSEL: Were you still at school by then?

NABULIME: Yes, but the time I was taken, I was still at school.

COUNSEL: Now did this insecurity affect you personally?

NABULIME: Yes.

COUNSEL: How did it affect you?

NABULIME: My mother was terribly beaten and slept - at one time slept - with soldiers; and later I was forced - I was taken by the soldiers.

COUNSEL: Yes, how then did this happen?

NABULIME: They found us in our garden, trying to dig out potatoes. Then they asked my mother where I was - where they could buy waragi; because my mother did not understand or even know Swahili. She could not give an explanation to these people; and thereafter they saw somebody - they saw smoke - coming out of a house.

COUNSEL: Yes. How many were they - people who came?

NABULIME: They were two.

COUNSEL: How were they dressed?

NABULIME: Dressed in military uniform.

COUNSEL: What colour of uniform.

NABULIME: Green.

COUNSEL: Were they armed?

NABULIME: Yes they were armed with guns.

COUNSEL: What time was it when they met you in the garden?

NABULIME: It was approaching 4.00 p.m.

COUNSEL: So, when they asked for waragi and they saw smoke coming from a nearby home, what followed?

NABULIME: Smoke was not coming out from a nearby home but it was in a nearby village. So, when my mother saw these soldiers forcing me to go with them, she approached a boy in a nearby compound and told him to come and plead for me, saying that I was his wife. So the boy came and he told the soldiers that I was his wife and they asked him to prove that I was his

wife.

COUNSEL: What was the name of this boy?

NABULIME: I know only one name "Tom".

COUNSEL: Yes. So, when he came, what followed?

NABULIME: Then, when Tom failed to prove that I was his wife, the soldiers forced me and we reached Luwero Town.

COUNSEL: When you say, they forced you, how were they forcing you? Did they hold you by hand or what did they do?

NABULIME: I tried to run away but my mother rejected the idea, saying that for me I was young; I could run away but she could not. If I should manage to go away they could kill her.

COUNSEL: We are now on the way to Luwero.

NABULIME: Yes I had escaped from them on the way and I went back home. These soldiers came again at my home; and then my mother told me that, if I tried to run away, they would come and kill me or shoot you on the way. So she forbade me from running away.

COUNSEL: Yes, what followed?

NABULIME: After staying in Luwero for two days then these soldiers told me that, if I wanted to go back home, I should prepare a good meal for them, which I did. They took me back home and, when we reached home, that is when they saw this girl who has been here and another woman out - who is out there.

COUNSEL: Now, while staying within Luwero for these two days, how were you staying with him, were you staying in one house with him or were you staying with one of them?

NABULIME: I was staying with one of them - one of the soldiers.

COUNSEL: What was his name?

NABULIME: I do not know his name.

COUNSEL: You mean you did not talk to him to ask him his name!

NABULIME: It was because of the language barrier.

COUNSEL: Were you sharing a bed with him?

NABULIME: Yes.

COUNSEL: How old were you by this time?

NABULIME: Fourteen years.

COUNSEL: So, when you went back to your home, what - now while staying with this man - you said you were sleeping with him, did he become your husband?

NABULIME: Yes.

COUNSEL: And did you accept this?

NABULIME: Because they were about to kill me.

COUNSEL: You mean you refused and he forced you.

NABULIME: Yes.

COUNSEL: How did he force you, did he threaten you?

NABULIME: He was keeping a gun in the house - behind the bed; but when he brought me into the house, he cocked and he brought it in front of the bed. It remained there all the time.

COUNSEL: So eventually you went back and found that lady who was there. What happened when you went back, apart from finding that lady?

NABULIME: They arrested two girls from there and one of - a wife of our neighbour was peeping through a window and he was also arrested.

COUNSEL: Can you state her name and the name of the other girl?

NABULIME: The first one was Namugga.

COUNSEL: Was she married?

NABULIME: Yes.

COUNSEL: Married to who?

NABULIME: She was married to Masembe.

COUNSEL: And the other one.

NABULIME: From our home, there was a footpath. So they took one and eventually reached a house. They were looking for property to steal. So, when they were reaching this house, they saw this woman.

COUNSEL: What was her name?

NABULIME: Namuddu.

COUNSEL: Had you known Namuddu before?

NABULIME: Yes we had attended - at one time, we attended - the same school.

COUNSEL: Now in this home where you found Namuddu, did you find any other people at that home?

NABULIME: Yes we found an elderly woman in the same house who was preparing her mat.

COUNSEL: And what happened when you reached there? Did Namuddu agree to go with you people freely or was she forced?

NABULIME: She walked on her own. It was because earlier, information had spread in the village that my mother - the soldiers wanted to take my mother she was trying to prevent the soldiers from carrying me. But I wondered because eventually the village people said that I had planned the whole matter.

COUNSEL: So where did you go to? After the two ladies had also been got?

NABULIME: Before we went to the village, they promised to leave me behind; but, when they arrested these other girls, they broke the promise and I was forced to come - to go back - with them. We reached a certain house where they stopped - to -

COUNSEL: Yes, continue, please.

NABULIME: There was a cow which had a calf but it was very young and later they collected some bananas and they ordered us to carry these towards Luwero. But immediately we reached Luwero the cow and the chicken were slaughtered and they said that the following morning they would go back and collect the pigs.

COUNSEL: Yes, did they go back?

NABULIME: When they went back, they found - they fell - an ambush and they were fought and injured. They were brought back to Luwero for treatment and eventually they were taken to Bombo with us. At Bombo they were admitted but I found a certain man called Mutebi and he tried to get information from me; and I told him that I was arrested by those along with my friends. They forced us and he asked certain questions both regarding my education, and when I replied he tried to help me. But eventually he was arrested and I was also arrested while trying to escape.

COUNSEL: Now while in Bombo - now you see these people went to your village to collect pigs and they were shot. You were brought to Luwero. How did you happen to move from Luwero to Bombo with the injured?

NABULIME: When these people were shot and brought to Luwero, earlier, they had left us in their houses. So, when they were injured and brought to Luwero, these soldiers - the other soldiers - came and told us that: 'Your husbands have been shot, therefore, you should go and look after them.' That is

why we were taken to Bombo.

COUNSEL: So you went to Bombo. What happened in Bombo?

NABULIME: I was arrested with Mutebi when I was going to the stage to board a taxi to go back home. When they arrested me, they told me that, if I was not prepared to look after my husband at Bombo, they would kill me. The next morning these soldiers who escorted the injured ones told me that they were going to bring me back to Luwero and eventually go back home. But Masiga's wife told me they were telling me lies and after reaching Luwero they would get me another soldier; but it was advisable to remain with the injured ones, so that, if they are taken to Nsambya, then I would make another escape.

COUNSEL: Yes. So what did you do?

NABULIME: When we reached Nsambya, they were admitted and they were taken there by Mutebi. And then Mutebi told me to come back with him so that I should go back home. I refused because the one who had taken Masiga's wife had died and my husband had been admitted. So I decided to remain there. Then later Masiga's wife escaped. So I went to my husband where he was dwelling. I managed to get one thousand from the money he had claimed from my family. Then I told him that I was going to collect food. Eventually I took a vehicle and I came back.

COUNSEL: So, when you reached home.

NABULIME: When I came back, my sister started treating me and I pretended to have gone to collect food. I just left it at the stage. So I came back. It is my sister who treated me.

COUNSEL: Now when you say you were treated, you mean you had fallen sick? What sickness?

NABULIME: Yes.

COUNSEL: What sickness?

NABULIME: The disease originated from the umbilical cord and eventually the doctor told us that even they were broken.

COUNSEL: You mean you had got some infection.

NABULIME: The umbilical cord was only paining.

COUNSEL: So eventually you came back and you were treated. Did you get any more problems? - any other problem apart from that one?

NABULIME: No.

COUNSEL: Have you been able to settle now properly?

NABULIME: And the only problem was Namuddu's mother. Before Namuddu went back, her mother used to come to my home she used to cry saying that I had organised the kidnapping of her daughter.

COUNSEL: Now, when you came back after being treated, I suppose you became okay did you go back to school or did you get married?

NABULIME: They told me to go back to school at Luwero but I feared my fellow students and I decided to get married.

COUNSEL: Is the child of your marriage?

NABULIME: Yes.

COUNSEL: That is all I have for this witness, my Lord.

CHAIRMAN: You never got to know the name of the soldier who became your 'husband'!

NABULIME: No.

CHAIRMAN: Up to now.

NABULIME: Yes up to now.

CHAIRMAN: Okay, Rose Nabulime, since your evidence has been clear. It is shown by the lack of questions from the Members of the Commission. I would like to thank you for having come and for the evidence you have given. We are glad to know that after your return you have - oh, she is already walking off.

COUNSEL: My Lord Chairman, Witness Number 223 in this case is of mass murder committed at Makulubita of some God-fearing people on the 17th -

KAKWENZIRE: They are discussing now.

COUNSEL: They were collected by a group of men in the church when they were worshipping and they were taken away. So the First Witness is Wilson Kigozi who is seated in front.

WITNESS NO.224: MR. WILSON KIGOZI - SWORN IN

COUNSEL: You are Wilson Kigozi?

KIGOZI: Yes.

COUNSEL: You are 57 years old.

KIGOZI: Yes.

COUNSEL: What do you do?

KIGOZI: I was a clerk but I retired and now I am a cultivator.

COUNSEL: In what capacity of a clerk?

KIGOZI: I was a clerk at Makuulubita sub-county headquarters.

COUNSEL: Where do you stay?

KIGOZI: I am staying at Makuulubita.

COUNSEL: Is it a sub-county?

KIGOZI: Correct.

COUNSEL: On the 17th of January, 1982, where were you?

KIGOZI: I was at Makuulubita.

COUNSEL: That was a Sunday. What were you doing?

KIGOZI: I left my home and I went to the church because I was one of the church wardens.

COUNSEL: When you were in the church, what happened?

KIGOZI: After organizing things in the church, I went back to take tea and to change clothes, and eventually, I came back. When I was going back to the church, I saw soldiers loitering around the trading centre.

COUNSEL: Yes.

KIGOZI: When I saw them, I left the main road, I took a foot-path and I went to a house where I found a woman who was washing her clothes. I informed her that there were soldiers at the trading centre. I ran away with this woman, along with another man called Ssebuwufu and we decided to hide in the trading centre. We heard people crying and we saw others running away. The soldiers were demolishing buildings. Thereafter, when the situation had cooled down, I decided to go back in the village where I found that the houses had been demolished - had been burnt.

COUNSEL: Which means, you did not go back to church.

KIGOZI: I am still making some ground. Then I passed through a village towards the church, and, before I reached the main road, I saw people whom I thought were soldiers; they were lying down. But later I discovered that these were my fellow villagers who had been killed and they were left naked. I crossed the main road and I reached the church where I found that there was nobody. It had been deserted. When I reached the church, I decided to check at the house of the pastor; but I found there a woman and she told me that I had survived because the rest had been killed.

COUNSEL: When you looked at the bodies you said there were some people lying and you saw the bodies. Did you check to see who they were?

KIGOZI: It was after some time but I did not go to them. I did not go to the bodies straightaway. I only knew their names after.

COUNSEL: Yes.

KIGOZI: Then, when I was going back to the main road, I met the pastor and he asked me where the dead bodies were.

COUNSEL: Who was the pastor?

KIGOZI: Christopher Sseruwaji and he was with his assistant Erukaana Wamala.

COUNSEL: What did you do?

KIGOZI: I later on went where I had seen the bodies and where we started examining the bodies, discovering who these people were. Thereafter, each of us took a different direction. I went back to the villages, informing other people that these people had been killed; and, on the way, I discovered a coat belonging to one - Nassannairi Kipanda. Thereafter, we collected the bodies and took them in the church.

COUNSEL: Whose bodies were these?

KIGOZI: Samuel Kasule, Nassannaire Kipanda, Wilson Kizito, Erunasani Ssemanda.

COUNSEL: In what condition were the bodies?

KIGOZI: All the bodies had blood flowing out of their mouth and they were naked. And there was Pastor Ssembiro.

CHAIRMAN: Pastor who?

KIGOZI: Ssembiro.

COUNSEL: Was this the man who was preaching?

KIGOZI: Yes.

COUNSEL: Yes.

KIGOZI: Thereafter, I went back to Makulubita because Samuel Kasule and Kipanda were residents of my village. The people came and collected the bodies; that of Pastor Ssembiro, we left it there.

COUNSEL: Did you later bury it?

KIGOZI: Yes, we buried all the bodies the following morning but the soldiers were

watching everything.

COUNSEL: Where were these soldiers coming from?

KIGOZI: They came from Ssemuto and they first attacked Kijaguzo Catholic Parish and there they killed people.

COUNSEL: Do you know many people they killed there at Catholic Parish?

KIGOZI: I do not remember.

COUNSEL: Yes, where did you go later on?

KIGOZI: We went back to our homes and later people started running away from the village.

COUNSEL: Did the soldiers stay there?

KIGOZI: They used to come and remain there for some time and then go back.

COUNSEL: What was the reason of the soldiers coming and killing people and going back?

KIGOZI: They knew that in our area - Makulubita - there were guerrillas.

COUNSEL: Were the people killed guerrillas only?

KIGOZI: Yes.

CHAIRMAN: Is it true that there were guerrillas?

KIGOZI: Yes it is true they were there - yes, and, in fact, they had a training camp there and the soldiers went and killed three people in the camp.

COUNSEL: From the guerrillas' camp?

KIGOZI: Yes after the guerrillas had run away. And these three people had been ordered by the soldiers to take them to the training camp of the guerrillas. So they killed them there.

COUNSEL: Was this before the incident had occurred or after?

KIGOZI: That one was the first incident - the three people they had killed earlier.

COUNSEL: That is all for the witness.

DR. MAKUBUYA: Mr. Kigozi, when you took the bodies to the church with Reverend Sseruwáji and Mr. Erukaana Wamala, what was the church like when you went in?

KIGOZI: They only took money which was in the small baskets there but they left everything they found.

DR. MAKUBUYA: Do you know whether Reverend Sseruwaji attended that morning service?

KIGOZI: I had seen Reverend Sseruwaji in the morning when I was going back to change my dress - my clothes; but he had gone somewhere for preaching and it is from where he came when he heard that people had been killed.

MAKUBUYA: Then you said that you had gone to the Pastor's house and you had found there a Matron. Do you remember the name of this Matron?

KIGOZI: I have forgotten her name.

DR. MAKUBUYA: Do you know what happened to Kipanda's coat?

KIGOZI: I knew this coat that it belonged to Kipanda. Then, when I found it on the way, I picked it up and took it to Kipanda's house and gave it to his wife, and thereafter I went to Kasule's house to inform his wife that Kasule had been killed.

DR. MAKUBUYA: And when you examined, did you have a chance to examine these bodies and form an impression as to how they had come to know their death? You have said that they were naked and blood was coming from their mouth. But did you have a chance to observe them and find out, perhaps, how they might have met their death?

KIGOZI: They were shot in the head.

DR. MAKUBUYA: How do you know?

KIGOZI: I participated in the collection of these bodies and some of their heads had been shot at.

DR. MAKUBUYA: I see. Now you say that there was a training camp and there had been guerrillas in the area. Was there also a soldiers' camp in the area?

KIGOZI: The soldiers used to come from Bombo. They had no camp in the area.

DR. MAKUBUYA: Yes, had there been encounters between the guerrillas and the soldiers before this such incident?

KIGOZI: No because the soldiers could not see the guerrillas.

DR. MAKUBUYA: I see. When you mentioned that the soldiers had killed three people before this incident; they had led them from the village and they had taken them to the training camp, do you remember the names of these three people?

KIGOZI: Yes I remember their names.

DR. MAKUBUYA: What are they?

KIGOZI: Kiwanuka, Mukiibi and Budala.

DR. MAKUBUYA: Were they from Makulubita also?

KIGOZI: The two were residents of Makubulubita, the other one was a resident of Lugogo village.

DR. MAKUBUYA: Who was the one from Lugogo?

KIGOZI: Budala.

DR. MAKUBUYA: So you know whether, in fact, these five people who had been killed, had gone to this church service for that morning?

KIGOZI: Yes they were picked from the church because people had gathered inside and then the soldiers came, they picked some of the women, took them and then killed these people. That is how money had already been collected. They were first taken to a mango tree where there was the commander of the soldiers who sentenced them to death.

DR. MAKUBUYA: Did you say there was a reign of terror in the area before this incident occurred?

KIGOZI: No.

KAKWENZIRE: You mentioned a guerrilla camp. How far was this guerrillas camp from the residents?

KIGOZI: About a mile.

KAKWENZIRE: Had you seen them?

KIGOZI: They were our people - children - we used even to give them food.

KAKWENZIRE: Now, you say that the people who were killed were left naked, are you suggesting that soldiers took their clothes?

KIGOZI: We did not find the clothes there except Kibanda's coat. That is the only one we found.

KAKWENZIRE: So the others had been taken by the soldiers.

KIGOZI: Yes because we did not find them there.

KAKWENZIRE: Now, when you discovered that they were killed because they were giving guerrillas food, did you continue to give guerrillas food or did you stop?

KIGOZI: The people started leaving the village and the guerrillas moved to another place.

KAKWENZIRE: Did the people still keep in touch with the guerrillas?

KIGOZI: We did.

KAKWENZIRE: Even when you knew that something was going to happen.

KIGOZI: Because they were fighting the then Government which they did not like.

KAKWENZIRE: Did you have some local authority in this area - chiefs and the District Commissioners?

KIGOZI: We had no chiefs - at that time there were no village chiefs.

KAKWENZIRE: So there was nowhere you could take the complaints - the problems.

KIGOZI: We had our Village Committees.

KAKWENZIRE: And these village committees did they discuss things like these killings, insecurity and such matters?

KIGOZI: Yes and we used to discuss some of our villagers who used to go to the military camps and collect soldiers because we knew them.

KAKWENZIRE: You mean these who collected UNLA soldiers?

KIGOZI: Yes.

KAKWENZIRE: When you discussed them, what did you do with them?

KIGOZI: We did not like them and sometimes our boys used to collect them and kill them.

KAKWENZIRE: I see. So, when you ran, where did you ran to?

KIGOZI: I was arrested and taken to Bombo Barracks.

KAKWENZIRE: And what happened there?

KIGOZI: I was beaten up and they were accusing me of being a bandit.

KAKWENZIRE: And then what happened?

KIGOZI: I stayed there for four months.

KAKWENZIRE: In the cells?

KIGOZI: Yes. I found there a Commander called Kamugisa. He felt sympathetic with me and he took me in his house. They had broken my hands and he asked me whether I had children in Kampala. I said I had. So he told me to write a letter and promised to take it to my children who were in Kampala.

KAKWENZIRE: Did he take it?

KIGOZI: He took the letter and found my son and he demanded the ransom of Shs. seventy thousand shillings. My son told him that, to give him that money, he should first take me there; and Kamugisha gave me two escorts. We went to Kampala and they were given this money and I was released.

KAKWENZIRE: Who is your son in Kampala?

KIGOZI: Joseph Ssenogga.

KAKWENZIRE: Do you know where he works?

KIGOZI: He has a shop in Kampala near this Mini-Price and it is Ssekyaza and Sons.

KAKWENZIRE: And Kamugisha, do you know where he is now?

KIGOZI: I heard that he died during the war when he had gone back to Mbarara - his home area.

KAKWENZIRE: So you were left. What about your family? Where are they?

KIGOZI: They had gone to Ssingo because they thought that I was killed.

KAKWENZIRE: Did you lose some of your relatives?

KIGOZI: No. They only stole my bicycle which I had given to the NRA boys for military intelligence work; but, at one time, they were ambushed and one -David was killed and my bicycle was taken.

KAKWENZIRE: It seems you had understanding with the NRA boys. Who were those people you gave your bicycle to?

KIGOZI: Yes I knew them. He was called Joseph. He was killed in Kabale. He was the one who was guarding the land mine.

KAKWENZIRE: What about the other one. Are there any other NRA people you were assisting?

KIGOZI: Yes I was co-operating with them but after my arrest and Julius was the commander of that camp.

KAKWENZIRE: Julius who?

KIGOZI: I was dealing with him.

KAKWENZIRE: Have you seen any of these people - the NRA people - you were co-operating with?

KIGOZI: No.

KAKWENZIRE: None of them has come back to look for you up.

KIGOZI: None.

KAKWENZIRE: What do you think of them?

KIGOZI: I have nothing against them. I still consider them as good people, may be, some of them died.

KAKWENZIRE: Definitely, you suffered so much. You suffered. Are you happy now?

KIGOZI: I am not happy. I have the scars and my hands were broken. I am not happy, at all. And my property was taken.

KAKWENZIRE: Looking back at what happened, what do you say of this?

KIGOZI: If it is possible to give me assistance, they can do so.

KAKWENZIRE: Your life has changed for better or for worse.

KIGOZI: Yes I am worried. I am not okay and it is my son who is looking after me. I have nothing which I can do.

KAKWENZIRE: So your life, in other words, has grown from bad to worse.

KIGOZI: Yes and you see I am an old man I cannot work, and I am demoralised.

MR. KAWANGA: Do you blame the soldiers who came to attack your place, when you were harbouring bandits?

KIGOZI: Yes because they used to kill us. At one time, at a place called Kikoko, they killed 30 people. It was we - the youth they used to call bandits.

MR. KAWANGA: Yes, the argument was that you were harbouring bandits and feeding them.

KIGOZI: Yes that is why they killed us. But they never saw guerrillas.

MR. KAWANGA: You see, the argument was that, if you did not harbour these bandits and keep them, then they would not exist.

KIGOZI: These were our children. We did not know even Museveni.

MR. KAWANGA: I see.

COUNSEL: Did you know the commander you had talked of? When these people were picked from the church, they were taken to the commander. Do you know this man?

KIGOZI: I was not around but there was a mat on which the commander was lying and we found the mat there.

COUNSEL: Was there a fight between the guerrillas and the Government troops around in the area?

KIGOZI: They could not see the bandits. So there was no fighting.

COUNSEL: You said the soldiers were coming from Bombo.

KIGOZI: Yes.

MR. KAWANGA: Were there incidents that they took women with them or girls?

KIGOZI: Yes they used to take them.

DR. MAKUBUYA: You just said that these soldiers used to take some women from the village. Do you know the women who were taken?

KIGOZI: I remember just one girl called Alice. She was Besweri's daughter.

DR. MAKUBUYA: Is she still there?

KIGOZI: She is not there. She ran away. She is now in Gayaza.

DR. MAKUBUYA: Okay. What kind of people used to go with guerrillas. Were they old people or young people?

KIGOZI: The bandits used to request us to send there our boys, and we used to send them there.

DR. MAKUBUYA: Now could you try to estimate the ages of these people who were in such service? How old was Samuel Kasule, for example?

KIGOZI: He was between 50 and 70.

DR. MAKUBUYA: Wilson Kizito?

KIGOZI: He was about 60.

DR. MAKUBUYA: Nasaani Kipanda?

KIGOZI: Kipanda was more than 60.

DR. MAKUBUYA: Mr. Ssemanda?

KIGOZI: He was - Ssemanda was - 35.

DR. MAKUBUYA: Pastor Ssembiro?

KIGOZI: He was between 57 and 60.

DR. MAKUBUYA: Now what was Samuel Kasule's job?

KIGOZI: He was the leader of the christians. A lay leader in the church.

DR. MAKUBUYA: Wilson Kizito?

KIGOZI: He was a butcher.

DR. MAKUBUYA: Kipanda?

KIGOZI: He was a peasant.

DR. MAKUBUYA: Ssemanda?

KIGOZI: He was also a peasant.

DR. MAKUBUYA: And Ssembiro's job we know.

KIGOZI: He was a preacher.

DR. MAKUBUYA: Okay. When were you arrested and taken to Bombo?

KIGOZI: In September, 1982.

DR. MAKUBUYA: Do you remember some of the people who used to go to the barracks and fetch soldiers?

KIGOZI: There is Kyobe and another one a son of Kayongo, but the boys collected him and killed him.

DR. MAKUBUYA: Do you remember some chap called Muhammad Kasirivu?

KIGOZI: That one was in Bombo areas.

DR. MAKUBUYA: He never operated in Makulubita?

KIGOZI: No. But Kyobe was co-operating with Kasirivu; but in our area it was Kyobe who was terrorising us.

DR. MAKUBUYA: Do you remember some lady called Nakandi?

KIGOZI: I do. She was at Mauale; she was the councillor.

DR. MAKUBUYA: Were you very happy with her office as a Councillor?

KIGOZI: We didn't like her, she was our enemy.

DR. MAKUBUYA: Why?

KIGOZI: We didn't like her government.

DR. MAKUBUYA: Yes; but what concretely was your objection to that government?

KIGOZI: Bad administration.

DR. MAKUBUYA: Yes, what is bad administration? I don't understand it.

KIGOZI: They were mistreating us.

DR. MAKUBUYA: I see. Did Mr. Nathan Kalema ever come to your area?

KIGOZI: I don't remember him.

DR. MAKUBUYA: I see. You don't know who he was in fact?

KIGOZI: I don't know.

DR. MAKUBUYA: Thank you.

CHAIRMAN: I have only few questions for you. Now, how large was a guerrilla training camp?

KIGOZI: It was a small area although there were small huts where they used to stay.

CHAIRMAN: About how many fighters were training there at any one time?

KIGOZI: I can't tell because myself I was not staying there; I used only to see people coming to collect food and to take it away with them.

CHAIRMAN: When was it started there?

KIGOZI: I think it was in 1981.

CHAIRMAN: Do you remember roughly which month?

KIGOZI: It could be August or September, because 1982 found them there.

CHAIRMAN: I see. So it should have been there for about a year at the time of the killing at the church?

KIGOZI: Yes.

CHAIRMAN: Thank you.

DR. MAKUBUYA: Who was the M.P. for your area after the 1980 General Elections?

KIGOZI: I don't remember him.

DR. MAKUBUYA: What was his party?

KIGOZI: It was D.P.

DR. MAKUBUYA: Thank you.

CHAIRMAN: Mr. Kigozi, thank you for the evidence you have given before this Commission. You may go back home now; if you wish you may stay

around and listen to any other evidence by other witnesses.

KIGOZI: Thank you very much.

CHAIRMAN: The next witness.

COUNSEL: My Lord, I will start with an apology. I had an engagement in the High Court and today I had asked my Assistant, Mr. Cheborion to start this case of the church. But I only learnt, he was unable to come at a quarter to mid-day, he has a sick child whom he took to Nsambya and he could not come back until that time. So I had to decide at that time to drive to find whatever was going on. I am very sorry to have kept you waiting.

CHAIRMAN: Mr. Ssekandi, your apology is accepted. We received the message and we have already replied to the message you should be going to Kampala that we have already been doing very well that you didn't have to come today.

SEKANDI: Thank you for your arrangement.

CHAIRMAN: Yes; you must commend that Mrs. Mawa, A.S.P., did very well. Any other time.

SEKANDI: I adopt you as my Assistant. (laughter). My Lord, next witness continues with this incident on a Church on 17th which happened and a preacher was murdered with others. This witness is Efulansi Namala, No. 225.

WITNESS NO.225: MRS. EFULANSI NAMALA - SWORN IN

COUNSEL: You are Efulansi Namala?

NAMALA: Yes.

COUNSEL 53, a business woman.

NAMALA: I am aged 53 years, a business woman.

COUNSEL: You did this business at Katiti Trading Centre in Luwero District?

NAMALA: Yes. I was operating there; I am no longer running it.

COUNSEL: Now, do you remember 17th January, 1982?

NAMALA: I can recall.

COUNSEL: Incidentally, on that day, where were you?

NAMALA: I was in a church.

COUNSEL: Was it in your village or somewhere else?

NAMALA: It was where we had taken a refuge from our home.

COUNSEL: Which church was this one?

NAMALA: It was Kalasa.

COUNSEL: Now you say you had run to this place; where was you home?

NAMALA: My home was in Kalasa but we had taken refuge in the home of a pastor.

COUNSEL: Which pastor was this one?

NAMALA: Mr. Ssembiro who was killed.

COUNSEL: Why do you say, you had run? What happened to cause you to run from your home to the home of a pastor?

NAMALA: What made us run from our home is because the soldiers were just hunting us.

COUNSEL: Which soldiers were hunting you?
NAMALA: The soldiers of the UNLA.

COUNSEL: Why do you say they were UNLA soldiers?

NAMALA: Because they were just hunting us; they used to loot our properties and mistreated us.

COUNSEL: Yes, that is what they were doing. I am asking why did you say they were UNLA?

NAMALA: What made us to think that they were of UNLA is because they were asking us guerrillas and we did not know those the guerrillas were.

COUNSEL: Okay; now, where were these soldiers coming from?

NAMALA: They used to come from Bombo.

COUNSEL: How far was Bombo to Kalasa?

NAMALA: It was about 10 miles.

COUNSEL: Were they using vehicles or they were walking to Kalasa?

NAMALA: At times they used to foot; at times they came with vehicles.

COUNSEL: Were they coming during day time or night time?

NAMALA: At times they used to come during day time and we used to hide in bush; at night we could come back in the houses, until we were defeated.

COUNSEL: Now you said, they were asking you about bandits; did you have bandits' camps nearby?

NAMALA: They used to tell us that they were there, but we did not see them.

COUNSEL: Were these rebels or bandits coming to you for assistance by way of getting food from you?

NAMALA: We were not used to see them, but we heard that they were there; they used to come and buy goods from shops, but we could not see them.

COUNSEL: Okay; now on this day, 17th January, 1982 say from the morning, what happened in the morning; what did you do in the morning?

NAMALA: On that instant day, it was our general rule that each morning we had to kneel down and have some prayers. The Reverend had gone to Bulamba for preaching. Then we heard some gun shots; then there came a soldier and found us with a pastor, then he asked us, are you having some prayers? Yes, we answered. Then he asked the pastor, "Do you know Luganda or English or Swahili?"

COUNSEL: Before you proceed - now when you say 'us'; I mean, how many were you in a church at that time when the soldiers came?

NAMALA: Mostly they were children, we were about four ladies and about four men.

COUNSEL: In all how many were you, just an estimate?

NAMALA: I can't tell.

DR. MAKUBUYA: Was the church brimming?

NAMALA: When people heard some gun shots, they did not manage to come for prayers.

COUNSEL: I see. So now having received a reply from the preacher, what happened?

CHAIRMAN: What was the reply about the languages?

NAMALA: After asking him, he replied that - he identified himself and then introduced him as - some of us came from Kapeka, some from Nakaseke and Mukulubita.

DR. MAKUBUYA: They had gone to look for bandits.

COUNSEL: Now after this soldier saying this, what happened?

NAMALA: He told us to go on with prayers.

COUNSEL: Yes!

NAMALA: He told us to carry on with our prayers, but when we were about to finish, they came back.

COUNSEL: Yes! Alone or with others?

NAMALA: He came with others.

COUNSEL: How many others.

NAMALA: They came very many.

COUNSEL: Armed? Did they carry arms?

NAMALA: Yes, they were armed.

COUNSEL: Yes, now what happened?

NAMALA: They arrested the men and took them before the church and started making search.

COUNSEL: Now, please, would you tell us the names of those four men that were taken from the church, if you remember their names?

NAMALA: One was Kasule, Kipanda, Pastor Sembiro and Mr. Kizito.

COUNSEL: Now they were searched; after the search, what happened?

NAMALA: After making search, they were taken before the Commander.

COUNSEL: Now how did you know this? Were you able to see this?

NAMALA: One of the soldiers got hold of me with his gun and took me where they were residing and he was demanding for money, but there was nothing.

COUNSEL: Yes. Now how were you able to see these people who had been taken before the Commander?

NAMALA: All the men were taken before the Commander and all the children with other ladies and I was taken to where they were residing; but later I was informed that all your colleagues were killed.

COUNSEL: Before this was said, had you heard any shooting or any blast or any kind of ?

NAMALA: I heard some shootings.

COUNSEL: From which direction?

NAMALA: They were from the whole area.

COUNSEL: I see. Now what happened after he had told you that the others had been killed?

NAMALA: What helped me, the Commander avoided the other soldiers, they wanted to rape me, we were with the young girl who used to get some water and serve them.

COUNSEL: Yes; what happened?

NAMALA: They came at around 10.00 a.m., they started looting, demolishing buildings, then they wanted to have sexual intercourse with me; the Commander avoided them; until at 1.00 p.m. when we were directed to go before the Commander.

COUNSEL: Yes!

NAMALA: We went in the church; and when we reached there they thought, I had already been killed. I found there some ladies with their young children.

COUNSEL: Yes; what did you do; tell us?

NAMALA: We lay under the table; and at around 2.00 p.m. they started shooting. When they started making shooting, some children were peeping in the windows; then we asked them, where had they gone? They told us that they had gone to Makulubita and then their fellow soldiers also followed them.

COUNSEL: What happened after you had been informed that the soldiers had moved from the area?

NAMALA: Then we requested the wife of the pastor to go and see where exactly they had been taken.

COUNSEL: Did she go alone?

NAMALA: She went alone.

COUNSEL: Yes; did she come back?

NAMALA: She came back weeping saying you have killed me -

COUNSEL: Well, she reported that ...

NAMALA: She reported that they had killed - four people.

COUNSEL: I see. Now after getting this information, did you go and check yourself?

NAMALA: Because of fear I did not manage to go; we all scattered.

COUNSEL: Now what happened to the dead bodies?

NAMALA: We could do nothing, only that we just moved away from the area; we went to Wololo up to Masulita because the wife of the pastor had 9 children.

COUNSEL: Yes; what happened to the children?

NAMALA: I left them at my sister-in-law at Wololo.

COUNSEL: So you do not know what happened to the bodies whether they were buried or not?

NAMALA: They were buried.

COUNSEL: But you were not present when they were buried?

NAMALA: I was not there because of fear. One was buried at the church - the body of the pastor was buried at the church; some others were taken by their relatives.

COUNSEL: So you decided to leave Kalasa - where did you eventually settle?

NAMALA: I went to Kampala.

COUNSEL: Where in Kampala?

NAMALA: I mean, Wakiso.

COUNSEL: Wakiso?

NAMALA: Yes.

COUNSEL: I see. Now are you back in Kalasa?

NAMALA: I came back.

COUNSEL: When did you come back?

NAMALA: I came back in June, 1987.

COUNSEL: How did you find your home or a place of business?

NAMALA: Everything was looted; and it was bombed, part of it was demolished; and the bar - the iron sheets were also taken away. I am only staying in a small kitchen.

COUNSEL: Did you leave relatives when you went to Wakiso?

NAMALA: Nobody remained.

COUNSEL: You went with them?

NAMALA: Everyone took his own way.

COUNSEL: Did you have relatives anyway?

NAMALA: Yes, I have my relatives and my children.

COUNSEL: Now have they - did they join you later when you came back?

NAMALA: They have nowhere to stay.

COUNSEL: Where are they?

NAMALA: They remained in Kampala.

COUNSEL: Were you the person responsible for looking after them?

NAMALA: I was the one responsible for maintenance.

COUNSEL: Now are they maintaining themselves or still ....?

NAMALA: Our young brothers are looking after them because their father was killed.

COUNSEL: Also during this period?

NAMALA: During the war; about 8 people were killed.

COUNSEL: They killed 8 people of yours - your relatives?

NAMALA: Yes.

COUNSEL: Where were they killed?

NAMALA: My father was killed at 2 miles on Bombo Road, Kampala/Bombo Road. One of my fathers was also arrested with others and were put in a house and it was bombed. And one of my brothers also was arrested and was just slaughtered. Also my other relative was killed at Kakerenge; he was just shot at. My brother James was also killed.

COUNSEL: But you know apparently you are not a witness to these killings yourself.

NAMALA: I did not eye witness.

COUNSEL: You have mentioned one of your relatives as having put in a house and a grenade was thrown over the house; where was this?

NAMALA: It was at Katiti.

COUNSEL: When was this?

NAMALA: It was during that time when we were running away.

COUNSEL: My Lord, there will be evidence on that incident.

CHAIRMAN: Yes.

COUNSEL: That is all in respect of this incident at the church that this witness had to say.

CHAIRMAN: Is there any question from the Commissioners?

DR. MAKUBUYA: Mrs. Namala, I don't know whether you have - what you have been doing to re-establish your business. You said you had a bar and you had a shop. How far have you gone in re-establishing this? And what assistance have you received?

NAMALA: My sister was given two blankets; just only that.

DR. MAKUBUYA: Also, what about in re-establishing your business?

NAMALA: I never received any other assistance.

DR. MAKUBUYA: Haven't you received iron sheets?

NAMALA: Not even a single one.

DR. MAKUBUYA: Who have you approached on this?

NAMALA: I have only ever seen the Commission people who visited us.

DR. MAKUBUYA: Yes. What do you want them to do for you?

NAMALA: I appreciate.

DR. MAKUBUYA: What?

NAMALA: The assistance if any.

DR. MAKUBUYA: Yes; what? What do you have in mind?

NAMALA: I want to re-establish my business and get some iron sheets to roof the buildings.

DR. MAKUBUYA: Did you attend the funeral of the late Dasan Matovu?

NAMALA: We buried him in Namungona.

DR. MAKUBUYA: Did you find out the circumstances of his death; who followed him; you said, they followed him?

NAMALA: The eye-witness told us that there came a Mercedes Benz then they asked the conductor that is there any one called Matovu? We told them that they had dropped him at Kavule. Then the vehicle went to Kavule and asked those who were around and they managed to identify him.

KAKWENZIRE: These soldiers came looking for bandits; do you know whether any of these people who were killed were bandits or supporting bandits?

NAMALA: They were civilians, the people of the area. And you could not readily identify yourself whether you were just assisting the guerrillas or not; you could not identify yourself.

KAKWENZIRE: Have you yourself seen a bandit?

NAMALA: We used to see them and even we used to see the President himself; but they were in civilian clothes.

CHAIRMAN: With guns? You saw them carrying arms?

NAMALA: They were not armed and they were just putting on civilian clothes and they were about a mile away from where we were. And the President himself used to move on a motorcycle.

KAKWENZIRE: We received some evidence; they used to come to the shops and buy things. Did any of them come to your shop to buy things?

NAMALA: I used to see some people coming to buy some commodities but they were in civilian clothes, you could not tell whether they were guerrillas or not.

KAKWENZIRE: Did the Reverend's wife and her children survive?

NAMALA: The wife of the Reverend was not around with the children; it was only the Reverend who was around.

KAKWENZIRE: I mean the one you ran with 9 children and she was left somewhere.

NAMALA: She survived with children.

KAKWENZIRE: Now, you probably, as a mother, could tell the Commission what it was like for a mother with 9 children; just from there onwards; we can guess what it was like; but we want to hear it from you. What it was like for all mothers with children - how they were bearing it. Mostly to the Reverend's family -mostly 9 children.

NAMALA: They are starving.

COUNSEL: Are they near you now; are you living with them?

NAMALA: She is on the other side of the road.

COUNSEL: So you really don't know the circumstances under which she is suffering.

NAMALA: She only told me that they are starving; but I have never reached to their end. She told me that they are in a rented house with all the children.

CHAIRMAN: Where? In Kalasa or Wobulenzi?

NAMALA: They are on Luwero Road.

KAKWENZIRE: Okay; I have seen an orphanage around here, who gets in this orphanage? Is there some screening or anybody who is an orphan come in?

COUNSEL: No, I think this lady will not be able to answer that question. We shall investigate and get a competent person to do that.

KAKWENZIRE: Okay.

CHAIRMAN: Mrs. Efulansi Namala, we thank you for having come and the evidence you have given. Now as to your request to rehabilitate your business, the Commission as such has no resources from which it can dispense such assistance. We thought that since a lot of donations and aids were mobilised to assist people of Luwero, you better by now - you would have had some benefit from it, but we are surprised to have heard that you have had nothing. May be perhaps the Commission or its Secretariat will identify whatever body is to whom you can approach. But this is not a promise. I wonder, for instance, whether you have tried the Uganda Commercial Bank which has a branch in Luwero; and there is another bank in Wobulenzi - no; this is a Building Society. Isn't it? But this should be in Luwero; and I think, the Golden Trust is also in Luwero. You see, for business, those are the kind of institutions which can assist. If you need any recommendation from the Commission, that we can do. But it is up to the discretion of the banks to give loans. If we give you a recommendation, it would be up to the discretion of the bank to process your application on their own criteria. Is there anything you perhaps want to say?

NAMALA: I need at least to have a document to recommend me that my properties were looted; but I just can't approach the bank without anything.

CHAIRMAN: Well, we can write on your behalf; that one we can do. We can do it right now - I don't know whether it is possible today, but it takes some time to type. How far do you come from here?

NAMALA: I am from Kalasa; it is about 20 miles away from here.

CHAIRMAN: Well, what we can do - one of our members is a son of Kalasa; so if you have access to him, perhaps I will give him the letter then he will take it to you instead of putting you into trouble of travelling from Kalasa to here to chase a letter.

NAMALA: I appreciate.

CHAIRMAN: Okay. Thank you.

NAMALA: Thank you Sir.

WITNESS NO.226: MRS. MARGARET KASULE - SWORN IN

COUNSEL: You are Margaret Kasule of William Kasule of Makulubita, aged 57.

KASULE: I am Margaret Kasule.

COUNSEL: Aged 57.

KASULE: I am aged 67 years.

COUNSEL: You are a widow of the late Kasule.

KASULE: I am a widow of the late Kasule.

COUNSEL: When did you get married to Kasule?

KASULE: During 1960.

COUNSEL: Now when did Kasule die?

KASULE: He died on the 17th day of January, 1982.

COUNSEL: Where did he die?

KASULE: He was picked up from the church and he was killed at Kalasa.

COUNSEL: Were you present when he was picked up from the church?

KASULE: I was not around because, before I reached the church, there were some shooting, then I went back.

COUNSEL: And you went in hiding I suppose.

KASULE: I went in hiding.

COUNSEL: How did you know that your husband had been killed?

KASULE: After some shooting, we learnt that they had gone back to Bombo and then one called Kigozi came and reported the murder.

COUNSEL: After you received the report, did you go to see where the dead body was?

KASULE: I went to the scene.

COUNSEL: Did you see the body and where was it?

KASULE: Before I could go to the scene, I learned that the body had been taken to the church to the house of the pastor.

COUNSEL: Now how many bodies were taken to the church?

KASULE: One of the pastors and that of Kasule Samuel.

COUNSEL: Did you examine these bodies?

KASULE: I examined them.

COUNSEL: Did they have any injuries?

KASULE: They had sustained injuries.

COUNSEL: What type?

KASULE: They were shot in the back but also the bullet appeared in the face.

COUNSEL: Yes. How about that of the pastor?

KASULE: He was shot in the arm.

COUNSEL: Now what did you do with the body?

KASULE: After learning that the soldiers had gone away from the area people made all their efforts and took the bodies to the home.

COUNSEL: Was it buried?

KASULE: It was buried.

COUNSEL: In your home.

KASULE: It was taken to the cemetery.

COUNSEL: Did you stay in the house after this?

KASULE: I stayed there for some days, then the soldiers also came back.
COUNSEL: When they came back, did they do anything?

KASULE: They came. Then they asked me where my husband was. I told them that I did not know where he was. Then I had a son. The chap ran away. Then I told them that I could not run away because I was sick. They were pointing at me guns.

COUNSEL: Yes.

KASULE: The soldier went back a bit and cocked the gun. He was intending to shoot me, then his Commander prevented him not to shoot me.

COUNSEL: Yes.

KASULE: They were so many and some tried to enter the house and found out that there were so many properties. Then they started looting. Then their fellow soldiers also went there for looting. So I managed to escape and went in hiding in the forest.

COUNSEL: How long did you stay in the forest?

KASULE: I stayed there until 6.00 p.m. and when I came back, I found out that cattle had been driven away.

COUNSEL: How many?

KASULE: There were two cows with a heifer.

COUNSEL: Yes, anything.

KASULE: The boy who used to milk the cows just sighted them somewhere and then managed to run away.

COUNSEL: Yes. Now what did you do?

KASULE: I was with a young girl. Then we managed to pass through the bush. We went at Kirolo. The soldiers were camping in Kalasa with the looted heads of cattle.

COUNSEL: Now is it at Kirolo you settled?

KASULE: After getting means, we reached Kampala.

COUNSEL: In Kampala, do you have relatives within Kampala?

KASULE: We had some relatives - the children of Kasule.

COUNSEL: Yes.

KASULE: We stayed there for about two months. Then after some time we were told that the situation was calm. Then when I went back, I checked. I had a sewing machine. It had also been looted.

COUNSEL: So did you settle?

KASULE: We stayed there for about three months. Then the soldiers started also attacking us. It worsened. Then we ran away to that place, just in a bush where we could erect a small hut.

COUNSEL: For how long did you stay there?

KASULE: We stayed there the four months.

COUNSEL: What happened after the four months?

KASULE: The soldiers also attacked us there and the soldiers of the NRA also hunted us from there. Then they brought us to Kapeeka in a camp.

COUNSEL: For how long did you stay in this camp and about how many people were in this camp?

KASULE: We were so many. I stayed there for about a month. Then I fell sick. Then the Red Cross people gave me a lift and took me to Mulago for treatment.

COUNSEL: And after treatment?

KASULE: They wanted to take me back, but I requested them to let me stay in Kampala as my health had grown worse, in order to be alright.

COUNSEL: Now when did you come back to Makulubita?

KASULE: I came back on the 11th March, 1987 - 11th April, 1987.

COUNSEL: Yes, did Kasule leave young children?

KASULE: He left me with children.

COUNSEL: Who is the youngest?

KASULE: Edward Lwanga.

COUNSEL: How old is he?

KASULE: He is about 18 years. He is aged 18 years. He is in H.S.C. in Kampala.

COUNSEL: Then how about the others?

KASULE: The other one is aged about 20 years. He completed H.S.C., Lwanga is still schooling.

COUNSEL: Now how did you manage to support these children without a husband and your property having been looted?

KASULE: It was due to God's providence. They applied for some assistance. And, possibly, for Lwanga, those concerned got annoyed some of the subject things they wanted him to take he did not take. Now Lwanga is supporting himself.

COUNSEL: How about yourself?

KASULE: I do not have any.

COUNSEL: What are you doing?

KASULE: I am cultivating.

COUNSEL: You seem to have experienced a lot of suffering. What advice would you give that this suffering should not be repeated?

KASULE: The only advice I can give is that we should always keep on praying before God because everything of mine was now replaced.

COUNSEL: You are suggesting the prayers to change the hearts of the pagan.

KASULE: God has got power. He can do it, first of all.

COUNSEL: So that is the only way you think things can be satisfied.

KASULE: It is the only way applicable because those who wanted to kill me but due to God's power when I prayed I was not killed.

COUNSEL: Thank you very much.

CHAIRMAN: No member of the commission has got questions. Mrs. Kasule, I would like to thank you for having come and for the evidence you have given before this Commission. We are sorry that you had to relate this story to us, which is very unpleasant to remember what happened to you and your husband. But it was necessary for such which we were trying to do, to find out suggestions so that similar things do not happen again in the future. And it is only by hearing people like you that we can make suggestions to the Government - to prevent similar occurrences in future. Thank you.

KASULE: Thank you.

CHAIRMAN: The next one, Counsel. It is 3.30 p.m. Another witness because it is almost 3.30 p.m.

COUNSEL: We can tackle - because I have only two witnesses.

CHAIRMAN: If we can finish two, so much the better.

WITNESS NO.227: MR. ERUKANA WAMALA - SWORN IN

COUNSEL: You are Erukana Wamala.

WAMALA: I am Erukana Wamala.

COUNSEL: How old are you?

WAMALA: I am about eighty years old.

COUNSEL: Where is your village?

WAMALA: Kitiiti - Kalasa.

COUNSEL: For how long have you been in this village?

WAMALA: For about forty years.

COUNSEL: What do you do at Kitiiti?

WAMALA: I was a preacher in the church but now I am just a mere cultivator.

COUNSEL: What type of property do you have?

WAMALA: I have nothing. Everything was looted even the house was demolished

COUNSEL: You had a house which was demolished.

WAMALA: There were three houses. All were demolished.

COUNSEL: What type of houses were these?

WAMALA: They were corrugated iron sheets.

COUNSEL: What were you doing in these houses?

WAMALA: One was for my children; one was mine; the third was a shop.

COUNSEL: When were they destroyed?

WAMALA: June, 1982.

COUNSEL: Who destroyed these houses?

WAMALA: The soldiers of the UNLA from Bombo.

COUNSEL: How did they destroy the houses?

WAMALA: To one of the buildings, they packed in some people - about five of them, then it was bombed.

COUNSEL: When was this?

WAMALA: During 1983.

COUNSEL: We understand that on Sunday - 17th January, 1982 - some few people picked from the church were killed by some people. Was it the same day or before?

WAMALA: It was about the 22nd day of January, 1982.

COUNSEL: Now you said they brought five people and put them there - in the house - and killed them. Do you know these people who were killed in your house?

WAMALA: I still recall the names.

COUNSEL: Could you tell us the names, please?

WAMALA: Yes. One was called Black.

COUNSEL: You do not remember his name?

WAMALA: One was called Katooto, one was called Bandya, one was called Kinene and one was called Kato.

COUNSEL: Did you know these people before they were killed?

WAMALA: I knew them before.

COUNSEL: Were they in a nearby village?

WAMALA: It is just near our village.

COUNSEL: So you are the one who removed them from the house.

WAMALA: It was me who removed the bodies from the house and then their relatives took the bodies.

COUNSEL: What were these people doing before they were killed?

WAMALA: Actually, as they were young men, I think, they were cultivators.

COUNSEL: So they were young men.

WAMALA: Yes they were young men.

COUNSEL: About how old were they?

WAMALA: They were aged between 20 to 30 years.

COUNSEL: Now okay, on the 17th were you also in the church when it happened?

WAMALA: I was there.

COUNSEL: Were you present when they were picked from the church?

WAMALA: After I had gone with the Reverend at Nyamuwoya and then, when we came back from there it was me with the Reverend who picked the bodies and took them to the church; and the following day we buried the bodies.

COUNSEL: Did you try to find out what caused their death?

WAMALA: They were shot dead.

COUNSEL: Now what had gone wrong for this incident to come about in the area?

WAMALA: As the war broke up in our area, the guerrillas were fighting against the Government troops.

COUNSEL: Now were there rebels, for example, in your area at the material time when this happened?

WAMALA: There were some bandits at Mugogo. They had a camp.

COUNSEL: You said they used to come to assist you. How were they assisting you?

WAMALA: They were defending us to avoid the soldiers not to kill us.

COMMISSIONER: What kind of enemy?

WAMALA: The soldiers of the UNLA used to come from Bombo, armed.

COUNSEL: And do what?

WAMALA: They first looted our property, after which they started demolishing our houses and after which they killed Kipanda, Kasule, Ssemanda and the Pastor.

COUNSEL: So when they did that - when they started looting your property - did you get in touch with the anti-Government forces?

WAMALA: They used to assist us. We used to run away and found that our houses were burnt.

COUNSEL: Now what did you do after killing these people from the church and the others in your house on the 22nd? What did you do?

WAMALA: We used to run away at Namulanda in hiding; then we could come back and then stay in our homes.

COUNSEL: For how long did this continue?

WAMALA: It lasted for about a year.

COUNSEL: Did the killing stop?

WAMALA: The killing stopped and then, when it worsened, some ran away up to Ssingo; but with me I just hid in the forest where I was captured.

COUNSEL: Who captured you?

WAMALA: We were captured by the UNLA soldiers and then we were taken to Ndejje.

COUNSEL: Where in Ndejje were you taken?

WAMALA: We were taken to Ndejje School.

COUNSEL: You mean you were taken to a camp at Ndejje.

WAMALA: Yes.

COUNSEL: About how many people were in this camp?

WAMALA: We were very many. I cannot even tell the number.

COUNSEL: How were you treated at the camp in Ndejje?

WAMALA: They used to supply us with maize flour but they intended to kill us.

COUNSEL: Why do you say this?

WAMALA: After we were captured, we were given food; but after a week some of us were eliminated and they were taken and they were killed.

COUNSEL: How do you know that those who were picked from you were killed?

WAMALA: They would come and eliminate some of us and they were taken and they were shot.

COUNSEL: Oh, do you know some of those people who were picked up and shot dead?

WAMALA: One was called Ssebuwufu. He was a teacher in a certain school at ours.

COUNSEL: Yes.

WAMALA: One was called Kyanda. He was from somewhere.

COUNSEL: Did you see their bodies?

WAMALA: I did not eye witness. I only managed to escape at night and I went to Kampala.

COUNSEL: And you have never seen Ssebuwufu and Kyanda.

WAMALA: I have never seen them. They actually died.

MR. KAWANGA: In fact, have not the last funeral rites of this Ssebuwufu been performed already?

WAMALA: It was already celebrated.

COUNSEL: So, when you escaped from the camp, you went to Kampala. Where in Kampala?

WAMALA: I was in Kawuku, near Gaba.

COUNSEL: For how long?

WAMALA: For about two years.

COUNSEL: When did you come back to your home?

WAMALA: After the war ended.

COUNSEL: How did you find your home?

WAMALA: Everything had been demolished.

COUNSEL: Did you have children?

WAMALA: Some of the children are old and it is where I took refuge and the two

children I had remained with I managed to escape with them.

COUNSEL: How old are these children?

WAMALA: They were about 12 years.

COUNSEL: At that particular time, were they in schools?

WAMALA: They were schooling at Kalasa - one is a male, one is a female.

COUNSEL: When you ran to Gaba, did they continue with their education?

WAMALA: Yes they managed to get education.

COUNSEL: How did you support them?

WAMALA: My son-in-law managed to pay school fees for the young boy.

COUNSEL: Now would you like these things to happen again?

WAMALA: I cannot even tell. The one who likes the war to be again in existence, he is the one who knows - what his benefits had been; but, with me, I only lost.

COUNSEL What solution would you suggest that would prevent this happening again?

WAMALA I am a pastor. I should suggest that we should only pray and that Museveni should exist.

COUNSEL Well, Museveni is an individual, but, I mean, how would you improve the system. I thought it is the systems that were bad, not the individuals.

WAMALA: Yes he is just a person but Government under him is the Nation to be prayed for to be united, without any problems.

COUNSEL: No the reason I am asking you this question is that, you know when you started giving evidence, you started with your age. This means that you were satisfied with what had prevailed in the past.

WAMALA: What I have experienced right from the Second World War - from the First World War - up to all these wars which have been happening, I only pray that these rulers should have good will and these who believe in God should rule us.

COUNSEL: So now you only belief in God is the solution.

WAMALA: Although we have ammunition but these things should not be - left to these people it should be to only these who rule in a proper manner in order to have peace.

COUNSEL: That is all

DR. MAKUBUYA: (Inaudible).

WAMALA: While still hiding in the forest with my children they came and convinced us that they are no longer killing, please come out of bush.

DR. MAKUBUYA: Were they talking with their natural voices or were they using louder speakers or what?

WAMALA: We were in ragged clothes.

DR. MAKUBUYA: Now, when you were in the camp at Ndejje, was the camp fenced?

WAMALA: It was not a camp. We were just escorted by soldiers and a second lieutenant.

DR. MAKUBUYA: Was it inside the compound of the second lieutenant or outside the compound?

WAMALA: We were outside near the church.

DR. MAKUBUYA: Now, what was the hiding position like in the camp?

WAMALA: We were in huts.

DR. MAKUBUYA: You said you escaped from the camp. Are you suggesting that they allowed you to leave at any time you wanted?

WAMALA: We were not allowed but after seeing our friends being killed, we got horrified and took second thoughts.

DR. MAKUBUYA: Do you know how many people died in the camp?

WAMALA: We were told so many of them were killed when we had escaped.

DR. MAKUBUYA: Did any children die in the camp?

WAMALA: So many children died and they were buried near the place.

DR. MAKUBUYA: Was there any medical treatment provided at the camp?

WAMALA: There was no medical treatment at the camp.

DR. MAKUBUYA: What did the people do in the camp?

WAMALA: Some used to go with soldiers in the villages in order to get some food and then come back.

DR. MAKUBUYA: I see! So they used to go in the villages and get food and nothing more.

WAMALA: Yes they used to get food in their own ways and come back.

DR. MAKUBUYA: Now did you know whether other people brought in other things: coffee, iron sheets and so on?

WAMALA: They brought those things after I had escaped.

DR. MAKUBUYA: Can you tell us whether any people came to visit these camps, for example - the chiefs in the area?

WAMALA: I did not actually know because after a few days, I escaped.

DR. MAKUBUYA: Now you have lived at Kalasa for 40 years. Can you really tell us where the bandits came from?

WAMALA: Banditry started in Ssingo then they came to other places and they spread in other areas. I befriended them and then they summoned me to pray for them.

DR. MAKUBUYA: Did you pray for them?

WAMALA: Yes I prayed for them as well as Ssemanda Kaggwa.

DR. MAKUBUYA: How long had you worked for the church at Kalasa by 17th February, 1982?

WAMALA: Right from 1935.

DR. MAKUBUYA: Now for how long had Reverend Sseruwaji worked in Kalasa by 17th January, 1982?

WAMALA: Many years - for about two years. There came Ssemanda first and then there came Nsale. Sseruwaji ran away.

DR. MAKUBUYA: Did you know this Sseruwaji very well?

WAMALA: I knew him as a pastor.

DR. MAKUBUYA: Did you know whether he was a friend of bandits?

WAMALA: He was a friend of bandits because they warned him that you run away; you are likely to be killed. Then he ran away.

DR. MAKUBUYA: For how long had preacher Ssembiro worked by 17th of January, 1982?

WAMALA: For about two years.

DR. MAKUBUYA: Two years. Did you know him very well?

WAMALA: I knew him.

DR. MAKUBUYA: Was he a friend of bandits?

WAMALA: He was a friend of bandits.

DR. MAKUBUYA: Who was the M.P. of your area after the 1980 Elections?

COUNSEL: You see, when you say Sseruwaji was a friend of bandits, would you further clarify "A friend of bandits?" What do you exactly mean when you say those people were bandits?

WAMALA: Because they tried to warn us. We used to mix with them.

COUNSEL: So that is the friendship you are talking about?

WAMALA: Yes we used to mix with them.

COUNSEL: That is actually what we are saying that the bandits were friendly to the local people.

WAMALA: They were friendly to local people, otherwise they would not summon them or call them when they were going.

COUNSEL: Did they ever summon Reverend Sseruwaji to your knowledge or to pray for them?

WAMALA: It was only the pastor who could approach these people in the area because the Reverend was a bit difficult.

DR. MAKUBUYA: Yes I asked you who was the M.P. of your area after the 1980 General Elections?

WAMALA: I cannot actually recall him.

DR. MAKUBUYA: What party was he?

WAMALA: I think he was a member of Museveni's party. I do not know very well.

DR. MAKUBUYA: Have you received assistance from anywhere since you returned from Kawuku?

WAMALA: We have ever been given some blankets and some flour and some hoes and some salt.

DR. MAKUBUYA: Who gave you these things?

WAMALA: Red Cross people.

DR. MAKUBUYA: Red Cross people?

WAMALA: Yes.

DR. MAKUBUYA: Blankets you received?

WAMALA: Yes we got blankets.

DR. MAKUBUYA: Iron sheets?

WAMALA: We have never received iron sheets.

DR. MAKUBUYA: Do you know whether anybody has received iron sheets?

WAMALA: Nobody had ever received iron sheets.

DR. MAKUBUYA: Thank you.

CHAIRMAN: Mr. Wamala, I would like to thank you for the evidence you have given before the Commission. You are free to go now.

WITNESS NO.228: MRS MARIA KIPANDA - SWORN IN

COUNSEL: You are Maria Kipanda.

KIPANDA: Yes I am Maria Kipanda.

COUNSEL: How old are you?

KIPANDA: I am aged 62 years.

COUNSEL: And where do you live?

KIPANDA: I stay in Kapeeka village.

COUNSEL: Makulubita?

KIPANDA: Yes, Sir.

COUNSEL: You are the widow of Reverend Kipanda who died on the 17th January, 1982.

KIPANDA: Well. It was 1981.

COUNSEL: Where did Kipanda die?

KIPANDA: During prayers.

COUNSEL: Which church?
KIPANDA: At Katete.

COUNSEL: Do you remember the date?

KIPANDA: It was a Sunday.

COUNSEL: I mean the date.

KIPANDA: Yes, it was 17th January.

COUNSEL: Were you in the church then?

KIPANDA: I had not gone yet. I was still at home preparing myself.

COUNSEL: You were fearing and preparing to go to the church. Why did you not go to church?

KIPANDA: Soldiers began to shoot.

COUNSEL: One gun?

KIPANDA: So many.

COUNSEL: Now what did you do when you heard it?

KIPANDA: I ran away and then hid myself.

COUNSEL: With whom did you hide?

KIPANDA: I had a grand-son who was a young one, who I had remained with.

COUNSEL: Where did you hide?

KIPANDA: We hid in the bush near our home.

COUNSEL: Why did you hide? Was it the first occasion to hear a gun?

KIPANDA: On the first occasion, the soldiers came in the nearby village and killed some people.

COUNSEL: Which village?

KIPANDA: It is called Taifa.

COUNSEL: How many people were killed?

KIPANDA: I do not know actually the number but I know some of them.

COUNSEL: Okay tell us some of those who were killed.

KIPANDA: There is one called Kalege, one called Bukenya. He was even a teacher and two children of my brother; and two other men called Kazibwe. Both of them were called Kazibwe. And even some others whom I cannot even recall.

COUNSEL: Were all these people killed on one day?

KIPANDA: They were killed on one day.

COUNSEL: So on this Sunday when you heard soldiers discharging, you were in hiding?

KIPANDA: Yes I was in hiding because they had killed some people.

COUNSEL: Did you come out of hiding?

KIPANDA: Yes we came back at about 5.00 p.m.

COUNSEL: What happened when you came out of hiding?

KIPANDA: I was informed by the first people who went to the scene, when they came out, they told me that my husband was killed and Kasule was killed, Ssemanda was killed and the pastor.

COUNSEL: How old was your husband then?

KIPANDA: He was aged about 70.

COUNSEL: So, on learning about his death, what did you do?

KIPANDA: I ran following the other men with the dead bodies.

COUNSEL: Where did you find the dead bodies?

KIPANDA: They were still in a certain home, in the courtyard.

COUNSEL: What evidence do you have to show that these people had been shot?

KIPANDA: They had been tied. We identified the injuries sustained and on their bodies there were so many shootings.

COUNSEL: What was the occupation of your late husband by the time of his death?

KIPANDA: He was just a mere cultivator.

COUNSEL: Was he fighting Government agents?

KIPANDA: Well.

COUNSEL: Before was he supporting ant-government agents?

KIPANDA: He was not supporting.

MR. KAWANGA: In fact, what was the state of Mr. Kipanda's health? What was the state of his health?

KIPANDA: He lacked some strength.

MR. KAWANGA: Could he do some exercises?

KIPANDA: No.

COUNSEL: So what did you do with the body of your husband?

KIPANDA: As we were there then the reverend came and then he suggested that these people should be buried as martyrs.

COUNSEL: Did you bury them as martyrs?

KIPANDA: We took away my husband's body.

COUNSEL: Now, after burial, what did you do?

KIPANDA: I stayed with my relatives in the village.

COUNSEL: Where did you go?

KIPANDA: I went to Kabale.

COUNSEL: For how long did you stay there?

KIPANDA: When they realized that we could be taken away by soldiers, they took us to Kamuli.

COUNSEL: For how long did you stay at Kamuli?

KIPANDA: I stayed there for eight months.

COUNSEL: What happened after that?

KIPANDA: From there I stayed in Entebbe.

COUNSEL: For how long did you stay in Entebbe?

KIPANDA: I stayed in Entebbe for five years.

COUNSEL: So, when you came back, what did you find at home?

KIPANDA: It had grown into bush.

COUNSEL: Then what did you do?

KIPANDA: I started clearing the bush.

COUNSEL: Did you get any - who gave you the - assistance to clear the bush?

KIPANDA: I only acted on it myself.

COUNSEL: Did you get any assistance from the Ministry of Rehabilitation?

KIPANDA: I have never had any assistance from that Ministry.

COUNSEL: How about from outside organizations?

KIPANDA: I was given a blanket.

COUNSEL: What would you like to say about the experience you had with these soldiers?

KIPANDA: They were behaving badly. They were mistreating us. They used to kill us and, when we learnt that they were at Wobulenzi, we started running away.

COUNSEL: That is all.

CHAIRMAN: Mrs. Kipanda we are sorry about what - that - you had to tell us again about this sad incident. It was a necessary exercise. We shall report what you have told us and what other witnesses have told us and Government will take whatever action they are going to take. We do not have any resources with to help you. Our duty is only to report. Thank you.

It is now 2.30 p.m. When can we resume next week - Tuesday next? It is after Monday and Tuesday or Tuesday and Wednesday. May be, we better resume here on Tuesday - that is two days. Tuesday and Wednesday. We will work in Kampala on Tuesday and on Wednesday.

COUNSEL: I am sorry but I have been given a third information here that some had agreed to give evidence, may be if they can be summoned on Tuesday. But there are others we can take on.

CHAIRMAN: Other witnesses.

COUNSEL: Yes.

CHAIRMAN: The Commission is adjourned to hear some witnesses in Kampala next week on Tuesday and Wednesday and we shall resume here in Luwero a week after. We resume here a week after on Wednesday 6th of April, 1988, at 9.30 a.m. In the meantime on Tuesday the 19th and Wednesday 30 we shall be able to hear some witnesses in Kampala, resuming on Tuesday, 29th at 9.30 a.m. Thank you.

I WISH EVERYBODY A HAPPY EASTER.

CHAIRMAN: Commissioners, Learned counsel, Ladies and Gentlemen, we are ready now to commence the Session of today the 6th of April, 1988, in the Senior Police Officers Mess. Now we should have gone to Luwero today but we have been advised that for some practical reasons, it was not possible to do so. For some witness have been brought from Luwero whose evidence we are hearing her; and we hope that when it is possible, we shall resume inquiry of Luwero as soon as possible.

AST.COUNSEL (CHEBORION): My Lord Chairman, Lady and Gentlemen Commissioners, the Commission in Luwero looked at the violation of human rights that were perpetuated by the UNLA soldiers. Now because of the insecurity in Luwero, the UNLA soldiers decided to arrest all the displaced people from their homes and took them to camps that they had set up in several

places in Luwero. While in these camps a lot of violations of human rights were carried out by these very soldiers. This morning we shall look at the conditions in one of the camps and this is Ndejje. And our first witness to testify on this is Sulaiman Sentongo.

WITNESS NO.229: MR. SULAIMAN SENTONGO - AFFIRMED

CHAIRMAN: This is a witness No. 29.

COUNSEL: Very well, My Lord. You are Sulaiman Sentongo?

SENTONGO: Correct.

COUNSEL: Aged 57 years?

SENTONGO: Correct.

COUNSEL: Cultivator by occupation?

SENTONGO: Yes.

COUNSEL: A Ugandan by Nationality; resident at Kyamuwonya village?

SENTONGO: Yes.

CHAIRMAN: Sorry, Counsel, I did not get the name of the village properly.

COUNSEL: Kyamuwonya village, My Lord. This is in Makulubita in Luwero District?

SENTONGO: Yes, Makulubita is our Sub-County.

COUNSEL: Mr. Sulaiman, in 1983, were you residing in this village in Luwero District?

SENTONGO: Yes, I was there.

COUNSEL: The Commission has received evidence to the effect that around about this time, there was a lot of insecurity in Luwero; did you witness it?

SENTONGO: Yes, the situation was bad.

COUNSEL: How was it bad, to you, what did you witness that was bad?

SENTONGO: There was fighting between Obote and Museveni.

COUNSEL: I see.

CHAIRMAN: Personally between these two?

SENTONGO: Government troops used to come in our areas looking for bandits and accusing us of assisting them.

COUNSEL: Were these bandits in your village?

SENTONGO: Yes, they were there in the bush.

COUNSEL: I see. Now did this insecurity affect you personally and may be, your family in any way?

SENTONGO: Yes, it affected me.

COUNSEL: Could you explain to this Commission how it affected you; at what time?

SENTONGO: Yes. It was in 1981 when the fighting began; the government troops could come in our area; but instead of asking us where the rebels were hiding, they only went there to steal; they could steal our money and other properties.

COUNSEL: Did this continue may be up to 1983?

SENTONGO: Yes, it extended to 1983. During that time, we were not okay in these areas; soldiers used to come looking for bandits and in the process they could beat us and eventually some of us decided to stay in the forests.

COUNSEL: In which month specifically did you decide to stay in the forests.

SENTONGO: We started in 1982.

COUNSEL: Roughly, was it the whole village or it was a few people who went to stay in the bush?

SENTONGO: The fighting was not strictly on one village; they could attack one village, then people desert and go to another area; then the soldiers attack another village; so the attacks were spread all over the place.

CHAIRMAN: The attacks by who?

SENTONGO: The government troops.

COUNSEL: Did you eventually stop staying in the bush?

SENTONGO: Yes, we stopped in 1983, I think it was in March.

COUNSEL: What happened in that month - how did you come out of the bush?

SENTONGO: We were brought out by the soldiers; they used our friend, the late George Mpagi; he used to go round the forests and bushes telling the people that they should come out or else they would be burnt.

COUNSEL: I see. You mean these soldiers would not follow you into the bush; were they fearing or what was it?

SENTONGO: The soldiers were interested in looting; but they used this George Mpagi because he was known to us. So they knew that if they use this Mpagi we could come out; and it was Mpagi who was telling us that if we don't leave out of the bush the soldiers were going to burn us.

COUNSEL: Who was this George Mpagi; was he a village mate; and what was he doing?

SENTONGO: George Mpagi was just a resident; but because he had been one of the first people to be arrested; when he was taken to the detach, he was told to go back and call us.

COUNSEL: So when he came in March to call you out of the bush, did you respond and come out?

SENTONGO: Yes, we did.

COUNSEL: About how many of you came out of the bush?

SENTONGO: About four.

COUNSEL: About four people?

SENTONGO: Yes.

COUNSEL: Now when you came out what did they do to you; what happened?

SENTONGO: When I came out of the forest, I went back to my house where I left my pair of shoes; then I went straight to the camp where they had told us to go. On the way I found a soldier who demanded my identification. I gave him my graduated tax tickets; then he read them through and he returned them to me; so I went where we were told to go.

COUNSEL: Who had told you to go to that place?

SENTONGO: It was because of this Mpagi's message that they were going to burn the forests. So to save our lives we decided to go to that place where we were told to come.

COUNSEL: I see. Did you eventually reach this place?

SENTONGO: Yes.

COUNSEL: Did you have a family at that time; let us say, wife and children?

SENTONGO: I had my family but they had already gone because earlier the NRA had occupied these areas and they were maintaining security in these areas. But eventually the UNLA over-powered them and they ran away and that is when my family also went to another place.

COUNSEL: I see. So did you eventually get to this camp?

SSENTONGO: Yes. The following morning we were told to go to Bombo; but I told the soldiers that I couldn't go because I wanted to go back and collect my people. So they told me to go back and collect them because they were saying that they were going to burn the whole area.

COUNSEL: Yes; did you do this?

SENTONGO: There after my friends were taken to Bombo, I was given soldiers and I went back to where my family was. But when we reached there, the soldiers started looting the property which my people were found with. Eventually we were brought to the camp; we were counted and then taken to Ndejje; we didn't go to Bombo.

COUNSEL: How many of you were taken to Ndejje?

SENTONGO: I couldn't know their number because they were so many; they had still been rounded up.

COUNSEL: Were they about 200?

SENTONGO: They were more than 200.

COUNSEL: Can we say, about 300?

SENTONGO: They were about 600 including children.

COUNSEL: I see. So all of you were taken to Ndejje? Now did you meet any people at Ndejje when you reached there?

SENTONGO: Yes, we found people there.

COUNSEL: What sort of people and what were they doing?

SENTONGO: Civilians and soldiers who were working in that particular camp.

COUNSEL: When you say, a camp where the soldiers were working - had they built any houses, may be for these people to stay in as a camp?

SENTONGO: There were buildings belonging to a school, but they couldn't accommodate all the people. Some of us decided to construct some huts.

COUNSEL: Was this Ndejje Senior Secondary School?

SENTONGO: Not Ndejje Senior Secondary School, the secondary was at a distance, but the other one before the secondary school.

COUNSEL: What was the name of that school; is it a primary school?

SENTONGO: I didn't follow up the matter. As I was given where to stay, I couldn't follow up the matter. But may be these buildings belonged to that secondary school; I do not know. You can carry out the investigations

and find out.

COUNSEL: My Lord Chairman, Gentlemen Commissioners, this was Ndejje Boys Primary School which the Commission visited some time earlier last year, I suppose. Now did you eventually stay in this place?

SENTONGO: Yes, we stayed there for some months. But because of the beatings, the raping of women during the night, the stealing of our food - we decided to go away.

COUNSEL: Mr. Sulaiman, let us go step by step. You said, you stayed there for four months. Now during these four months, you have mentioned very briefly that there was raping of women, there was beating, could you systematically narrate to the Commission the conditions in this camp, when you say, there was a rape; you give examples, so and so was - daughter or wife was raped.

SENTONGO: Yes.

COUNSEL: I see. And may be before you start that, now let us look at how these people were staying. You said, you met there some other people and you were about 600. Now that place where you were staying was a primary school with a few buildings. How were you able to stay? Were you divided into a 100 people in one class room or how were you living? Give us a detail of how you were living.

SENTONGO: I have already explained that these buildings could not accommodate all of us; some of us decided to construct small huts.

MR. KAWANGA: Perhaps to help him. Let us get Mr. Sulaiman arriving at Ndejje, himself - let him dispel to us what he found and how he settled down in the place.

SENTONGO: On our arrival we found the then District Commissioner, we found him there, he talked to us, he said that as we survived the life in the bush, that the government was going to take care of us and that we were going to be provided with the maize flour.

COUNSEL: Did you know the name of this D.C.?

SENTONGO: I heard his name was Karema.

COUNSEL: Was he Nathan Karema?

SENTONGO: I heard - Karema. I do not know whether he was Nathan.

COUNSEL: I see. Continue, as the Commissioner had asked you.

SENTONGO: He told the soldiers to show us where we were going to establish our residential area and he assured us that we were going to have security. We spent that night in the open, but the following morning we were told to go and look for food in the villages. We went in the surrounding villages and collected some food. As time went on they established the

road-block whose aim was to search the people coming from the villages to collect food.

MR. KAWANGA: From who were you getting this food?

SENTONGO: From the surrounding villages. Because the residents of those villages had run away.

MR. KAWANGA: So you were just collecting this from the gardens?

SENTONGO: Yes.

COUNSEL: Yes, continue.

SENTONGO: The soldiers on this road-block started stealing our food; sometimes we could go empty handed; and sometimes they could leave a portion.

COUNSEL: You said that on the first day you slept in the open; now what happened next day and subsequent days?

SENTONGO: It is very difficult to give the details as they occurred daily because the days are very many. I cannot recall everything.

COUNSEL: No; I am just saying, try to get on the next day; because you mentioned that on the first day you slept in the open. Then what happened after sleeping in the open?

SENTONGO: The following day we decided to collect some trees; and I got assistance from my boys. So we constructed ourselves a small hut.

COUNSEL: Now did you get occasion to visit those who were staying inside the primary school?

SENTONGO: No; we could only meet outside.

COUNSEL: So you didn't know.

SENTONGO But I knew that the people were staying there; but I couldn't tell their number.

COUNSEL: While there, did these soldiers whom you were staying with give you any food?

SENTONGO: Yes, they used to give us maize flour.

COUNSEL: Only maize flour; did they give you may be sauce?

SENTONGO: No, there was no sauce.

COUNSEL: I see. How were you able to get water in this place?

SENTONGO: There was a pool nearby. But later they established a bore-hole - the Red

Cross people.

COUNSEL: Now you were about more than 600 people; and I suppose the toilets for the primary schools were not adequate for you. How were you able to go to toilets - all these people, did you have latrines?

SENTONGO: The toilet facilities at the school eventually were filled up and the soldiers used to take us to a distance to dig our own pits.

COUNSEL: Was there a dispensary or some medical institution that would accord you treatment if you fell sick?

SENTONGO: We were treated by the Red Cross people, but at one time it was interrupted by the soldiers saying that we were bandits. But later then the Red Cross people came back.

COUNSEL: I see. Apparently, whatever I am asking you, things you had; you had medical facilities, you built yourself huts; now what problems did you have? What did you feel - how did you, in this place, apart from missing your home may be food which you used to eat like matooke and others? What problems - you mentioned the rape - can you give us the details of who was raped and how?

SENTONGO: For instance, after getting food during the day, the soldiers could come in our houses and steal it. Then the same to blankets, they could come and take our blankets.

COUNSEL: You mean, they would give you the food and then come and steal it again themselves?

SENTONGO: Yes.

COUNSEL: You have mentioned that some women were raped and some daughters of your friends were raped. Could you give us an example of these incidents?

SENTONGO: But as I was going to give the details, you told me not to do so saying that I should restrict myself on what happened to me.

COUNSEL: No; that was at that time; now we need it; we have to be systematic.

SENTONGO: The soldiers used to come at night and collect women from their husbands' huts. And it happened to me at one time when they were trying to get mine. But she made an alarm and the soldiers resorted to beating me because they couldn't take her.

COUNSEL: So they failed to take yours; was any woman then taken? You mentioned that there was a rape; whose wife or whose daughter?

SENTONGO: Yes, there were some women who were taken but I cannot tell their names.

COUNSEL: I see. Now apart from that, was there any other mistreatment for example, you mentioned beating; was there any other mistreatment that was unleashed to you while in the camp?

SENTONGO: Apart from those I have mentioned, myself I wasn't subjected to any other mistreatment except I used to hear that some of our friends were taken in these soldiers' offices and some were not seen again.

COUNSEL: So you know their names?

SENTONGO: I know Eric Wasswa, one of the elders.

COUNSEL: Anybody else who was taken and never been seen again?

SENTONGO: Mr. John Kibirango.

COUNSEL: Any more?

SENTONGO: Mr. Sewakirya and Mr. Lurent Lubega.

COUNSEL: Were these people of your village?

SENTONGO: Lurent Lubega was from my village.

COUNSEL: And since then they have never been seen again?

SENTONGO And Mr. Samuel Lwanga of Lukegette.

COUNSEL: Any more?

SENTONGO: So many.

COUNSEL: I see. While in this camp at Ndejje apart from what you have mentioned, is there anything more you want to mention that occurred while you were in this camp?

SENTONGO: No.

COUNSEL: So after the four months, how were you released from this camp?

SENTONGO: We escaped during the night with my people.

COUNSEL: How did you escape - you and who?

SENTONGO: It was during the night. We collected our belongings and we tied them in the luggage and we went back to the villages.

COUNSEL: What of your family, did you leave it behind or you went with it at night?

SENTONGO: Some had gone earlier because we discovered that there was no difference: staying in the camp and going back there in the bush. There

was no difference. Some had gone earlier.

CHAIRMAN: Sorry Counsel. When you say, "we", escaped, how many of you escaped at the same time you did?

SENTONGO: I went with my two wives and my children.

CHAIRMAN: How many wives and children?

SENTONGO: Only those ones.

CHAIRMAN: How many wives and children?

SENTONGO: Two wives and three children.

MR. NAGENDA: Excuse me Interpreter. Would you, please, get the witness speak up. I am personally interested to hear what he is saying.

SENTONGO: I had two wives and three children and we all managed to escape.

COUNSEL: Are these children of yours still alive?

SENTONGO: I had lost three children in the camp but the others I went back with them.

COUNSEL: Who were these children who you lost in the camp?

SENTONGO: Ziyada.

COUNSEL: How old was he?

SENTONGO: Ziyada Nalikuwa was three years. The other name I have forgotten.

COUNSEL: The other one.

SENTONGO: Ziyada.

COUNSEL: Yes.

SENTONGO: The other one was Salaama aged two years.

COUNSEL: Yes.

SENTONGO: The other one was Maliyamu Nakabugo.

CHAIRMAN: How old was Maliyamu?

SENTONGO: Four years.

CHAIRMAN: How did the children die?

SENTONGO: It was like diarrhoea. It did not affect my family alone or only but a

number of children in the camp died.

COUNSEL: Now, earlier on you mentioned that you had medical facilities from Red Cross. Wasn't this available at this time?

SENTONGO: They were not coming.

COUNSEL: I see. Did any other people die as a result of other circumstances, apart from sickness?

SENTONGO: I didn't see them killed physically; but some were selected and taken away where they were killed.

COUNSEL: Now my last question may be you said that you went to this camp voluntarily - you were asked to go to the camp - and you walked there on you own; but, to come out of the camp, you had to escape. Does it mean that, while in the camp, they had refused you to get out of it?

SENTONGO: The soldiers couldn't allow us to go back peacefully; and if you were arrested trying to do so, we were severely beaten.

COUNSEL: Were you told the reasons why you were not supposed to leave this camp?

SENTONGO: They had accused us of being bandits.

COUNSEL: Now eventually, when you escaped and went back to your home, did you settle peacefully?

SENTONGO: Now, when I went back, we used the same system as we had used earlier: hiding in the morning and then coming back in the evening. But we found that the situation was intolerable and I went to Namungona with my family. I walked on foot.

COUNSEL: You mean you walked from Luwero to Kampala on foot with your kids and wives?

SENTONGO: One of the wives took her own direction and she went to her relatives, but the other one I walked with her to Namungona.

COUNSEL: My Lord Chairman, Gentlemen Commissioner, that is all from this witness.

CHAIRMAN: Thank you. I have a few questions for the witness. Now you mentioned earlier on in your evidence about somebody called George Mpagi. You said he later assisted you. How and when did he die?

SENTONGO: He was taken the same way as I have mentioned as the other ones who were taken and never to be seen again. He died, presumably, in the prison.

CHAIRMAN: Taken by who?

SENTONGO: The soldiers. The soldiers could come and collect or select some people and take them.

CHAIRMAN: How old was he?

SENTONGO: I cannot tell.

CHAIRMAN: Pardon!

SENTONGO: I cannot tell.

CHAIRMAN: But you can always guess or estimate. You must have known. Was he as old as you?

SENTONGO: He was about fifty or fifty-five.

CHAIRMAN: How many people - or are you able to estimate how many people - were taken in the same manner?

SENTONGO: It is difficult.

CHAIRMAN: I see. Now there must have been many children in this camp.

SENTONGO: Yes - they were so many and they died as a result of this disease. Many of them died as well as aged ones.

CHAIRMAN: School-going aged children?

SENTONGO: The majority were between four and five years; but others were younger than that.

CHAIRMAN: Yes. Was there any facility for schooling for the children?

SENTONGO: There was no schooling.

CHAIRMAN: How did you get water, before the bore-hole was built?

SENTONGO: There was a pool nearby.

CHAIRMAN: There was a what?

SENTONGO: A pool.

CHAIRMAN: What kind of a pool?

SENTONGO: It was large but the water was stagnant - a distance of about from here up to that door.

CHAIRMAN: I see. And you used this water both for drinking and cooking and washing.

SENTONGO: Yes until the Red Cross people established a bore-hole.

CHAIRMAN: When was the bore-hole dug?

SENTONGO: At the time when these children died.

CHAIRMAN: Was there any kind of administration in the camp? Were there any leaders appointed or supervision?

SENTONGO: Every part had a leader.

CHAIRMAN: Every what?

SENTONGO: Part. They had divided the area into parts.

CHAIRMAN: I see. What kind of leaders?

SENTONGO: They were selected from ourselves.

CHAIRMAN: Who selected them?

SENTONGO: The soldiers. They were selected by the soldiers.

CHAIRMAN: What did they do? What was their job?

SENTONGO: Those people were linking us with the soldiers. They could come and inform us that they were going to distribute food; or, if there was a matter one wanted to voice to the soldiers, it was these people to inform us that such person would want to go and explain.

CHAIRMAN: Who was an overall in charge of the camp? Who was the boss?

SENTONGO: He was Ali.

CHAIRMAN: Who?

SENTONGO: Ali.

CHAIRMAN: Ali who?

SENTONGO: I do not know the other name.

CHAIRMAN: What was he?

SENTONGO: He was an ordinary person.

CHAIRMAN: Was he a chief or doing or holding some responsible positions before or what?

SENTONGO: He was selected from us. He was one of us but he was the person who acted as our spokesman.

CHAIRMAN: Okay - thank you.

MR. KAWANGA: Now you said, when you arrived, the D.C. of Luwero - Mr. Kalema - received you. Did Kalema ever come back again?

SENTONGO: He used to come but not talk to us; but, at one time, I remember, when he came with some visitors and he addressed us.

MR. KAWANGA: I see. You said some maize was brought to you, who brought the maize flour?

SENTONGO: The Red Cross people.

MR. KAWANGA: I see. That is the one which was distributed to you and then the soldiers collected it at night.

SENTONGO: Yes.

MR. KAWANGA: What about the blankets? Is it the same thing again?

SENTONGO: I did not know where they came from but they were distributed to us.

MR. KAWANGA: And the soldiers took them.

SENTONGO: Yes.

MR. KAWANGA: Okay. Now you said, that you used to go to the villages to collect food. Did you have implements to dig it or pangas to cut it from there? How were you getting it from the garden?

SENTONGO: We used to get these small hoes as we wanted to get food.

MR. KAWANGA: Yes.

SENTONGO: And, after collecting the food, we extend it to your friend and he also gets food.

MR. KAWANGA: Now what kind of food did you eat - were you able to get and eat?

SENTONGO: Cassava and potatoes.

MR. KAWANGA: Okay. How were you cooking this food after getting it. Was it communally or in families?

SENTONGO: We used to cook based on our families.

MR. KAWANGA: Any sauce?

SENTONGO: We used to collect these greens from where we used to get food.

MR. KAWANGA: I see. Salt.

SENTONGO: Sometimes, they used to give us salt.

MR. KAWANGA: Toilet soap.

SENTONGO: They used to give us soap sometimes.

MR. KAWANGA: Yes. But then, under these circumstances, why did you feel like running out of the camp?

SENTONGO: At the constant beatings and coming of soldiers in our huts during the night and to collect our women; and, at one time I remember, they forced me out during the day time and threatened to kill me if I do not give soldiers money.

MR. KAWANGA: Yes.

SENTONGO: So these are the reasons why I decided to go back.

MR. KAWANGA: So it was a scene of constant harassment.

SENTONGO: Yes.

MR. KAWANGA: And you talked of Ali being the Head of your Camp - the civilian. Who was the soldier - who was the soldier chief of this area?

SENTONGO: I do not know him because I do not go to him. It was not common to see him. It was not a peaceful time.

MR. KAWANGA: Yes. But was there one? Was there some leader although you never went to him?

SENTONGO: He was there - the one who was the Head of the Soldiers.

MR. KAWANGA: I see. Why didn't you complain to him about this harassment - beatings and what not? Why didn't you feel like doing it?

SENTONGO: Although we were all human beings - the soldiers and us - our relationship was difficult; one could not risk his life to go and report to those soldiers because, at night, they could come and kill you.

MR. KAWANGA: I see.

MR. NAGENDA: This Ali that you talked about, was he from your local area?

SENTONGO: Yes.

MR. NAGENDA: Was he employed by the Government? To head this camp?

SENTONGO: No. I think he was just selected like any other person to lead us.

MR. NAGENDA: Did he take any part in the beatings and the harassment that the soldiers

meted out to you?

SENTONGO: No he didn't.

MR. NAGENDA: You talked about the camp from which you escaped and you said it was in a school and you had built some huts around it. Was there a boundary to the camp? Were there, may be, barbed wires enclosures?

SENTONGO: It was on the other side of the school that there was a fence - barbed wire; but, on our side, it was open. It was an open place.

MR. NAGENDA: So it was quite easy to escape from.

SENTONGO: Yes.

MR. NAGENDA: Did many people escape?

SENTONGO: Yes because of the constant harassment and after realizing that there was no difference, staying in the camp or staying in the bush.

MR. NAGENDA: Were there any civilian harassers who were locally - or were there any civilian people who joined the soldiers in harassing people?

SENTONGO: Not from our group.

MR. NAGENDA: Thank you.

CHAIRMAN: At this stage, I think, we shall have a break for about 20 minutes and resume here at twenty to one - in about twenty minutes' time.

(BREAK TIME)

CHAIRMAN: Learned Counsels, Commissioners, we are ready to resume the inquiry now.

COUNSEL: My Lord, this is Witness Number 230 - Mr. G. W. Kakande.

WITNESS NO.230: MR. GEORGE WILLIAM KAKANDE - SWORN IN

COUNSEL: Would you, please, state your names in full?

KAKANDE: George William Kakande.

COUNSEL: You are aged 38 years.

KAKANDE: Correct.

COUNSEL: A cultivator by profession and a Ugandan by nationality.

KAKANDE: Correct.

COUNSEL: Residing at Lubwama, Mukulubita sub-county in Luwero District.

KAKANDE: Correct.

COUNSEL: Now, Mr. Kakande, this Commission has received evidence to the effect that, right from 1981, there were a lot disturbances and insecurity in Luwero.

KAKANDE: It is true.

COUNSEL: That this insecurity and disturbances resulted into people abandoning their homes and running into the bush. Is it so?

KAKANDE: Yes, including myself; I was taken out of the bush; then afterwards taken to Ndejje where they had a detachment.

MR. NAGENDA: Mr. Kakande, Please, speak up so that we hear you. We want to hear you as well, as interpreters.

COUNSEL: Now, before you said you were taken out of the bush, may be, before you came out of the bush, could you explain to the Commission, in brief, the circumstances under which you went to stay in the bush?

KAKANDE: It was the soldiers who started hunting us and we were forced to go to the bush.

COUNSEL: Which soldiers?

KAKANDE: The then Government troops.

COUNSEL: Were these the UNLA soldiers?

KAKANDE: No they were not the UNLA but they were soldiers during Obote's government.

COUNSEL: I see. Now you said, they started hunting for you. Were they looking for you, specifically the people of that area, or they were looking for some other people who were in your area?

KAKANDE: They were looking for bandits.

COUNSEL: Now, if they were looking for bandits, why did you run to the bush yourself?

KAKANDE: It was because even those who were found in their homes, when these soldiers were looking for bandits, they could arrest you and ask you where the rebels were hiding; but some of us did not know.

COUNSEL: Did they reach your home?

KAKANDE: Yes.

COUNSEL: And, when they reached your home, what did you do, that forced you to flee your home?

KAKANDE: When these soldiers came, they used to ask us where the rebels were hiding; and, in the process, they could beat us. But in our sub-county, we could not reveal anything concerning the rebels.

COUNSEL: Why couldn't you reveal them?

KAKANDE: We didn't know.

COUNSEL: I see.

MR. KAWANGA: You really didn't know or you felt it was unwise to reveal them.

COUNSEL: Can you mention names of people who you know were killed?

KAKANDE: They first collected us and took us to each camp.

COUNSEL: No we have not reached that stage of going to the camp. You have not run to the bush as yet. This is the time when soldiers were coming to your homes asking for the bandits and you could not tell them where they were. So -

KAKANDE: They had a feeling or a mentality that the Baganda are wiseacres so, when we refused to tell them where the bandits were, they became furious.

COMMISSIONER: Wise elephant, I do not understand that word. What does it mean?

KAKANDE: Well.

COUNSEL: Now you said, by that time, because of calling you wiseacres, they started killing people; and that is when I asked you that, could you name any person who was killed because you refused to reveal where these bandits were.

KAKANDE: The first one is my brother.

COUNSEL: What was his name?

KAKANDE: Stanley Kasule.

COMMISSIONER: Was he from your village?

KAKANDE: Yes, he was a resident of Lubwama.

COUNSEL: Now I am asking you of the people who were killed; and because of that you decided to run and hide in the bush and left your homes.

KAKANDE: No the killing started after collecting us from the forest.

COUNSEL: So you decided to run to the forest because the soldiers were harassing you.

KAKANDE: Yes.

COUNSEL: How far did you run from your homes?

KAKANDE: It was less than a mile.

COUNSEL: Yes, and whom did you run with?

KAKANDE: I went with my wife, my brother went with his wife. We stayed in the same forest until when we were collected by the soldiers and taken.

COUNSEL: I see. For how long did you stay in that bush?

KAKANDE: It was almost a month.

COUNSEL: Now you said, the soldiers came to collect you. How did the soldiers know that you were in that bush?

KAKANDE: They even used an helicopter.

COUNSEL: So, when you saw the helicopter, you came out or they did something?

KAKANDE: It was a day after when these soldiers came and said - shouting that they were going to burn all these forests and we should come out.

COUNSEL: What language were they speaking?

KAKANDE: They used some of the residents who fell victims and these were the ones to lead them and they were the people calling us to come out of the forest.

COUNSEL: Did you know any of these victims?

KAKANDE: They were later killed after taking us to the detachment.

COUNSEL: Yes, what were their names?

KAKANDE: The first one was Mr. George Mpagi; Lawrence, although he was a resident of Lubwama, I did not know his second name; Luutu - the same village. There are the people I saw but none of them is alive.

COUNSEL: So, when these people started calling you to come out of the bush, you decided to come out?

KAKANDE: We were about 5,000 and they kept us in a certain place. After two days, we were taken to Ndejje.

COUNSEL: Now, when they were keeping you for these two days, did they feed you?

KAKANDE: We were kept at a village called Kyamwooya.

COUNSEL: And did they feed you while you were at Kyamwooya for these two days?

KAKANDE: Yes and they even slaughtered a cow.

COUNSEL: Were you happy after you had come out?

KAKANDE: We were not happy because we knew that we were going to be killed.

COUNSEL: Now what was your composition? Did you have small children, women, old people among you; or all of you were strong men?

KAKANDE: There was no discrimination.

COUNSEL: Did you carry your belongings with you, old clothes belonging, let us say clothes, blankets and cooking utensil?

KAKANDE: No because at that place where we remained for two days, if one had a luggage, they could pick the best ones you had.

COMMISSIONER: To store for you?

KAKANDE: No, grabbing.

COUNSEL: After two days at Kyamwooya, where did you go and how did you go to that place?

KAKANDE: They told us to collect our remaining property we had and we were told to go to Ndejje.

COUNSEL: How far was Ndejje from Nyamwooya?

KAKANDE: It is about six miles.

COUNSEL: And how did you go, did they give you transport or you walked?

KAKANDE: We walked on foot.

COUNSEL: Eventually, did you reach Ndejje?

KAKANDE: Yes.

COUNSEL: And, on your arrival, what did you see at Ndejje?

KAKANDE: Well.

COUNSEL: No, before, your arrival, the first day you arrived - the first time - you reached Ndejje. Ndejje is a big place. Which place did you go to: be it Ndejje Secondary School, Trading Centre or where?

KAKANDE: In front of the secondary school.

COUNSEL: I see. So, when you arrived, you were put in front of the secondary school. At what time did you reach there?

KAKANDE: We left Kyamwooya at about or around 8.00 a.m., and, by mid-day, we had arrived.

COUNSEL: Yes. So, when you gathered in front of the secondary school, did anybody welcome you? Or did anybody address you?

KAKANDE: We found a certain officer and he received us.

COUNSEL: Did you come to know this officer?

KAKANDE: We stayed at a distance. We could not go nearer.

COUNSEL: Yes. When this officer was welcoming you, did he tell you why you had been brought there?

KAKANDE: The one we met at Ndejje?

COUNSEL: Yes.

KAKANDE: They collected us to keep us in the camp and thereafter to go back and look for bandits.

COUNSEL: Did he explain to you how you were going to stay there?

KAKANDE: Well.

COUNSEL: Now you were going to get food or, if you were free, may be, go and stay with your relative elsewhere?

KAKANDE: He did not explain why.

COUNSEL: So you were told not to leave the camp once you entered?

KAKANDE: Yes, but some people used to find their means and escape.

COUNSEL: After this welcome address from this officer whom you did not know on that day, what followed? Were you shown where to go, were you given houses to stay in?

KAKANDE: We slept in the open.

COUNSEL: You mean even when it was raining you would be in the open?

KAKANDE: It was after four or five days that we were ordered each to construct a hut.

COUNSEL: Before you constructed these huts you said you were staying in the open,

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was it both at night and during the day you were in the open?

KAKANDE: Yes.

COUNSEL: With the children?

KAKANDE: Yes, in the open.

COUNSEL: And in those five days did it occur that it even rained in one of those days?

KAKANDE: Yes, it was a heavy storm.

COUNSEL: Then how did you manage to keep your children alive in this rain and in the open?

KAKANDE: We had nothing to do.

COUNSEL: During those five days before you built yourselves huts, how were you able to feed yourselves, had you carried any food or were you given food?

KAKANDE: In the nearby villages the residents had run away and we used to collect food from their shambas.

COUNSEL: As a result of staying in the open for five days with a lot of rain did you suffer any casualties, did the children may be fall sick and did some of them may be pass away?

KAKANDE: Mostly the children and old people died in large numbers and many were buried there.

COUNSEL: Within those five days when you were sleeping in the open, could you estimate may be how many of you amongst your number you lost?

KAKANDE: Because we were very many one could not record the number but we could bury five people a day, eight or ten, many people died.

COUNSEL: So, eventually you were shown a place to build your huts for yourselves, did you do this?

KAKANDE: Yes, I did.

COUNSEL: How was life after you had built yourselves huts, how were you able to look after yourselves, were you organised in groups, were you given facilities like food, cooking utensils since they had taken yours, were you given medicine, were you provided may be with household amenities things like salt to look for yourselves?

KAKANDE: We did not get food from these soldiers but after consuming what was in the shambas which were deserted by the people who had escaped earlier then it was the Red Cross people who were giving us food and other

facilities.

COUNSEL: They also gave you medicine and blankets?

KAKANDE: Yes, on every Wednesday they used to send doctors to treat us.

COUNSEL: Now we have received here evidence before the Commission to the effect that soldiers used to grab your food and blankets and medicine which were given to you by the Red Cross, did you witness this?

KAKANDE: Yes, it is true, it happened that after getting, even we used to get cooking oil after getting it in the evening the soldiers used to come and grab it.

COUNSEL: Did you try to resist?

KAKANDE: They were using force there was no way of resisting.

COUNSEL: How were you able to get water to cook this food and may be for drinking?

KAKANDE: In the earlier days there was no water we used to get water from a nearby pool but the water was stagnant and this is the water we used to drink and in fact it can be one of the reasons why many children and old people died.

COUNSEL: We have also received evidence that eventually a bore-hole was drilled for you, was it true?

KAKANDE: It was after we had left but the one which we found there was at the school and we were not allowed to go there.

COUNSEL: Who would refuse you from using this water pump at the school?

KAKANDE: The soldiers.

MR. KAWANGA: Was the school in session when you were there? The secondary school?

KAKANDE: Yes.

COUNSEL: We have also received evidence to the effect that while you were at this camp you organised groups and there was some sort of administration and the camp was headed by one Ali, did you know this gentleman Ali?

KAKANDE: Yes, it is true.

COUNSEL: Did you know this Ali?

KAKANDE: Yes, he is still alive and he is staying in our sub-county.

COUNSEL: Who chose Ali to be the leader of this camp?

KAKANDE: It was the soldiers.

COUNSEL: Was he assisting you in your day to day problems?

KAKANDE: Yes, he was the person responsible for the distributing of the goods which were brought by the Red Cross.

COUNSEL: Apart from the soldiers grabbing your food which was given to you by the Red Cross, did they do anything inhuman to you, did they mistreat you and your families in any other way?

KAKANDE: They used to grab women; they could get your wife and take her and then return her afterwards.

COUNSEL: And apart from that, did they do anything more?

KAKANDE: They also used to take people during the night and by morning you could not see them and they were never seen again.

COUNSEL: Can you give us some names of people who were taken and they were never seen again?

KAKANDE: Yes.

COUNSEL: Please do so.

KAKANDE: The first one is Mr. Kibirango, another one is Siriri from Nakaseke Sub-County. I remember these ones and those ones I mentioned earlier.

COUNSEL: Who was this Siriri from Nakaseke, was he having any particular job he used to do to your knowledge?

KAKANDE: Yes, he had a timber factory.

COUNSEL: You mean he was a rich man.

MR. NAGENDA: Sorry, Counsel before you go on. When you say the ones you mentioned earlier, do you mean George Mpagi, Lutu and Lawule?

KAKANDE: Yes, and those ones were of my village.

MR. KAWANGA: Do you also include Stanley Kasule?

KAKANDE: Yes.

COUNSEL: And Kibirango, had you known Kibirango before he was taken?

KAKANDE: Yes, I knew him.

COUNSEL: What was he doing?

KAKANDE: He had a coffee processing factory.

MR. KAWANGA: Where?

KAKANDE: At Kibowa near Nakaseke.

COUNSEL: Did you come to learn of the reasons why these people had been taken by the soldiers and never to be seen again?

KAKANDE: I knew the reasons.

COUNSEL: What was the reason?

KAKANDE: Kibirango had given his Leyland lorry to the bandits to help them when they were going to Ssingo.

MR. NAGENDA: How do you know?

MR. KAWANGA: My friend, it is not enough. This is a serious matter, was he present when they were negotiating this deal?

KAKANDE: We received this information after his arrest.

MR. KAWANGA: No, but what you mean is that his lorry was used by bandits?

KAKANDE: Yes.

MR. KAWANGA: Do you know really whether he gave it to them voluntarily?

KAKANDE: That I do not know.

COUNSEL: Let us put it this way. Did Kibirango tell you that he had given his lorry to the bandits to use?

KAKANDE: No.

COUNSEL: Did you know why Siriri was arrested?

KAKANDE: We were in the same camp.

COUNSEL: You do not know the reasons why he was taken?

KAKANDE: I do not know.

MR. NAGENDA: Sorry, Counsel, before you move from this point, I am afraid, we were not trying to frighten the witness from telling us something he knows but we just want the information to be accurate. Please explain.

KAKANDE: Yes.

MR. NAGENDA: So if you know that for example, Kibirango did release the lorry to the bandits that is useful information but you have got to tell us how you knew it.

KAKANDE: After the war this lorry was returned to his children and it is now with them.

MR. NAGENDA: So they used it. But then what I was going to ask you before we leave this point, how do you know that these people were taken in the night by soldiers?

KAKANDE: After constructing these huts one could know after a day or two that his neighbour is not around.

MR. NAGENDA: Yes, but perhaps he had escaped?

KAKANDE: No.

MR. NAGENDA: How do you know?

KAKANDE: Their belongings in many cases were left behind.

MR. NAGENDA: Okay then were you so deeply asleep that you did not see them being taken away?

KAKANDE: We could hear the soldiers calling them that *"kuja"* come.

COUNSEL: And up to now you have never seen these gentlemen Kibirango, Siriri and Stanley, is that true?

KAKANDE: Siriri, Kasule, George Mpagi were taken during day light like this.

COUNSEL: And you saw them?

KAKANDE: Yes.

COUNSEL: And you have never seen them again?

KAKANDE: When they were taken they were killed in Bombo and we organised and collected their remains and we reburied them.

COUNSEL: You mean you were able to identify their remains?

KAKANDE: The first one was Kibirango who informed his people through a dream that we were killed in a particular area. And later George Mpagi who also informed his people through a dream and the next one was Stanley Kasule. Those were the ones.

MR. NAGENDA: Stanley Kasule was your brother?

KAKANDE: Yes, he was my elder brother.

MR. NAGENDA: Can we assume that it was to you he appeared in the dream to tell you where he had been killed?

KAKANDE: His wife.

MR. NAGENDA: She found the body where he said he had been killed and left?

KAKANDE: Yes and his clothes had not rotten it was easy to identify.

COUNSEL: Now during your stay in this camp apart from the Red Cross visiting you, were you visited by any other Government Officials may be policemen or other security personnel?

KAKANDE: They came.

COUNSEL: Who came there?

KAKANDE: I think they called them Intelligence people.

COUNSEL: What did they do when they came?

KAKANDE: They used to come in groups and call us one by one for interrogation.

COUNSEL: Did they call you specifically?

KAKANDE: Yes.

COUNSEL: And what did they ask you?

KAKANDE: The details concerning my village whether I knew the bandits, whether I knew where they were hiding and other details.

COUNSEL: And after these interviews did anything happen, did your conditions of living in that camp improve or did they deteriorate?

KAKANDE: It improved somehow.

COUNSEL: How did it improve, did they bring you food, did they bring you water?

KAKANDE: Some Europeans came and brought us tents but at night again soldiers used to come and grab them and take them to Bombo and sell them.

COUNSEL: We have also received evidence here that at one time the soldiers refused the Red Cross, the Medical Team, to treat your people and as a result many children died as a result of an epidemic, did they witness this?

KAKANDE: It is correct.

COUNSEL: Could you estimate how many people might have died or died as a result of this?

KAKANDE: Because the size of the camp was about half a mile square we could not tell how many people died in a particular day.

COUNSEL: How many deaths did you witness yourself as a result of that epidemic?

KAKANDE: More than three hundred..

COUNSEL: You mean 300 people died?

KAKANDE: Even more.

COUNSEL: Now apart from sickness, killing people and those who were taken away by soldiers and people die as a result of any other circumstances, for example, where people were shot at by soldiers directly in your presence?

KAKANDE: Yes, especially when we used to go with soldiers to collect food, some of the people were killed there.

COUNSEL: Do you know any name as an example?

KAKANDE: No, I cannot tell because we were in a very large group.

COUNSEL: Eventually, did you leave this camp, under what circumstances?

KAKANDE: It was after a year when they decided to release us.

COUNSEL: And what did they tell you on your release?

KAKANDE: That you go back to your homes.

COUNSEL: Do you remember the exact time may be a month or date and the year?

KAKANDE: No.

COUNSEL: May be the year?

KAKANDE: No.

COUNSEL: It should have been 1984.

MR. KAWANGA: Who was in power when you were released?

KAKANDE: Obote.

MR. KAWANGA: How long did he remain in power after your release?

KAKANDE: It was I think after two years after when he was toppled.

COUNSEL: My Lord, these people were taken in 1983 around March so they had released after one year that is in 1984 around March/April. Now eventually when you were released did you settle down peacefully in your home?

KAKANDE: No, when we went back afterwards they sent a Mobile Unit which killed people.

COUNSEL: What did you do as a result of this?

MR. KAWANGA: Who sent it?

KAKANDE: It was Obote, who else?

MR. NAGENDA: How did this Mobile Unit work?

KAKANDE: They could surround a particular village and then collect the people and kill them.

COUNSEL: My Lord Chairman, as to the circumstances how the Mobile operated and other sources outside this camp, that is another subject which we shall be hearing evidence from other witnesses who witnessed their activities, but from this witness that is all I have regarding the state of affairs in Ndejje Camp.

CHAIRMAN: We shall ask you some questions also which we like you to answer. In your evidence you said earlier that there were at times people called rebels in this area and you knew where they were but you thought it unwise to reveal their whereabouts?

KAKANDE: Yes.

CHAIRMAN: Was there any fighting which you heard about or you knew about between the then Government forces and rebels in your area.

KAKANDE: Yes, even in our areas or villages and the Government troops used to come armed with artillery guns.

CHAIRMAN: Did he understand my question?

KAKANDE: Yes and he said there was fighting in these areas.

CHAIRMAN: I see.

MEMBER: Even brought heavy guns.

CHAIRMAN: Yes. Fighting many times?

KAKANDE: It was constant because after attacking these rebels when rebels managed to go on their own, then the UNLA could withdraw and then the following day send more troops but after an attack the bandits used to move from that particular place so when the soldiers came they found an empty place.

CHAIRMAN: Do you know whether there were deaths on both sides of this fighting?

KAKANDE: It was the Government side which used to suffer heavy casualties because the rebels used to ambush the Government troops and these Government troops used to fall in this ambush when these people have already

established their place.

CHAIRMAN: Do you know what happened to the bodies of soldiers killed in such ambush?

KAKANDE: We could not go to places of fighting but what I know is that the bandits used to undress the soldiers, take their uniforms and guns.

CHAIRMAN: You do not know whether the bodies were buried or presumably were left there after they were undressed of the uniforms?

KAKANDE: Sometimes they were so many that they could not be buried.

CHAIRMAN: Okay, Thank you.

MR. NAGENDA: You told us that in your sub-county you did not reveal the whereabouts of the guerrillas even if you were asked by the Government forces, is that right?

KAKANDE: I have already told you that we could not reveal their whereabouts.

MR. NAGENDA: Was this because if you revealed their whereabouts they would punish you some way?

KAKANDE: Yes, it occurred sometimes.

MR. NAGENDA: Do you know of any examples of such punishments which were visited upon your sub-county by people who revealed whereabouts of the guerrillas?

KAKANDE: In our sub-county people were very firm, we were very firm we could not reveal the whereabouts of the soldiers.

MR. NAGENDA: So are you saying that you could not reveal the whereabouts because you supported the guerrillas?

KAKANDE: Yes because they were the freedom fighters.

MR. NAGENDA: Okay, but still have you heard of people who were let us say killed by the guerrillas because they talked where they were?

KAKANDE: I do not know because we did not go to the camps of guerrillas they used to tell us to be in our homes so I cannot tell whether they killed people or not.

MR. NAGENDA: If you did not go to their camps you did not particularly know where they were, how do you know they were freedom fighters?

KAKANDE: They used to mix with us in our areas.

MR. NAGENDA: Did they do any recruiting in your area to your knowledge.

KAKANDE: They did and recently we buried a commander who died in Gulu; he was of our parish.

MR. NAGENDA: Did they try to recruit you, the guerrillas, and you refused to be recruited, what happened?

KAKANDE: They were not forcing anybody; it was one's choice to join or not to do so.

MR. NAGENDA: Were you yourself recruited?

KAKANDE: No.

MR. NAGENDA: You did not want to join in this freedom fighting?

KAKANDE: Not at all; people joined; some had to remain in the villages.

MR. NAGENDA: Or in camps? Now you said that the soldiers apart from your food could also grab your women, do you know of any examples where they grabbed people's women? You did not need to tell us the names but do you know yourself of particular examples?

KAKANDE: I have them because I saw.

MR. NAGENDA: Were those of the soldiers who were coming with these deeds or there were some civilians as well?

KAKANDE: I did not witness one.

MR. NAGENDA: Finally, after you had been told to go home and then the mobile unit started operating, did you have to go to the bush again; did you have to go to hide yourself?

KAKANDE: No, we were advised by these freedom fighters that if you see these people from a certain direction you turn round and you go back where they have come from.

MR. NAGENDA: Okay, thank you.

DR. MAKUBUYA: Mr. Kakande, how long had you lived in Kyamwoya by the time you were forced to go to the forest?

KAKANDE: Lubwama is where I was born. It is where I was born.

DR. MAKUBUYA: And you had lived there all your life.

KAKANDE: Yes. Did you have village chief and miruka chiefs at the time these things were happening?

KAKANDE: We had them.

DR. MAKUBUYA: How did they help you?

KAKANDE: They were of no help to us.

DR. MAKUBUYA: Couldn't you report these problems to them?

KAKANDE: We used to report.

DR. MAKUBUYA: Could he sympathize with you in these problems?

KAKANDE: Yes, they could listen.

DR. MAKUBUYA: But they couldn't help.

KAKANDE: No, no.

DR. MAKUBUYA: Why not?

KAKANDE: I did not know their minds.

DR. MAKUBUYA: Really, they were very local people- these chiefs?

KAKANDE: Yes.

DR. MAKUBUYA: Still they could not help.

KAKANDE: I am not God and I cannot open one's heart to know what he is thinking.

DR. MAKUBUYA: You were in the forest for a month. What were you eating?

KAKANDE: At night, we used to go to our shambas to collect cassava and then go back to the forest.

DR. MAKUBUYA: Yes, when these soldiers came in the forest after the helicopter had come, and addressed you in Luganda, were they using natural voices or loud-speakers?

KAKANDE: Their voices, and the hill where we were hiding was near the main road; so we could hear if one was speaking from the main road.

DR. MAKUBUYA: Now you said that the two days that you were collected in Kyamwoya that you were well fed; even cows were slaughtered for you. Whose cows were these?

KAKANDE: They were stolen from the people. The practice was that, if they found you with cattle going away, they could give you one and take the rest and tell you that: 'You go and feed on that one'.

DR. MAKUBUYA: Had you been to Ndejje before?

KAKANDE: No.

DR. MAKUBUYA: I would imagine that there were other routes; after Kyamwoya you could go to Ndejje, and you could go to Ssemuto, you could go to Mawalo. Why did you follow the route to Ndejje?

KAKANDE: I was forced. It wasn't my choice.

DR. MAKUBUYA: Now, when you arrived at Ndejje, there was - is -some officer there and I am not sure how you explained why you had come! Right!

KAKANDE: As we had refused to reveal where the rebels were hiding, they decided to remove us from the villages; and; when we were taken to the camp, the soldiers went back to look for the bandits.

DR. MAKUBUYA: I see. Did you get the impression that whoever had remained in the village was deemed to be a bandit?

KAKANDE: No. Some civilians remained there; and, when these soldiers who went to look for bandits found one, they could ask him why he remained there whether he was a bandit. These were the people who were killed.

DR. MAKUBUYA: Did you know the objectives of the bandits?

KAKANDE: Yes they were fighting to remove dictatorship.

DR. MAKUBUYA: I see. While at Ndejje at this camp, was there a register of inmates?

KAKANDE: It was there - bigger than this one.

DR. MAKUBUYA: Was there a regular roll-call?

KAKANDE: Yes, these leaders of ours used to count us every after two days.

DR. MAKUBUYA: Do you know whether anybody was ever released before the camp was closed down? Was anybody ever released to your knowledge?

KAKANDE: Some people especially these from the non-affected areas used to come and collect their relatives; but I do not know whether they gave anything to them.

DR. MAKUBUYA: Yes did you ever hear that it was possible to buy your way out of this camp?

KAKANDE: I did not know.

DR. MAKUBUYA: Now about this camp, did any Government officers, apart from the intelligence people - did any Government officers, ever come to visit the camp?

KAKANDE: Rwakasisi came.

DR. MAKUBUYA: Who was Rwakasisi?

KAKANDE: May be, he was a Minister.

DR. MAKUBUYA: Did the District Commissioner of Luwero ever come to the camp?

KAKANDE: Yes I used to see him.

DR. MAKUBUYA: What did he do when he came there?

KAKANDE: He used to come and inspect us and sometimes to talk with these people who were giving us assistance.

DR. MAKUBUYA: What did Rwakasisi do when he came?

KAKANDE: Now, when Rwakasisi came, he came with other Government officers and we were mobilised into a group and he talked to us and most of his speech was on the current Government.

DR. MAKUBUYA: Was he praising it?

KAKANDE: No, even though we were prisoners, what he was talking was false.

DR. MAKUBUYA: What was it?

KAKANDE: He asked us what assistance we were getting from Museveni; that, at one time, Museveni's mother fell mad and it was Rwakasisi who treated her.

DR. MAKUBUYA: Okay. Now you mentioned that you were prisoners in the camp.

KAKANDE: Yes.

DR. MAKUBUYA: Were you prisoners, in fact?

KAKANDE: Yes.

DR. MAKUBUYA: I see. I do not know! Do you remember whether the Vice President of the then Government ever came there to your camp?

KAKANDE: I said it is Rwakasisi.

DR. MAKUBUYA: I see. Now what about religious leaders?

KAKANDE: Yes they used to come. I remember one, Kawuma. He came and brought some clothes.

DR. MAKUBUYA: The Cardinal?

KAKANDE: May be, it was the Cardinal. I have forgotten. I do not know whether he was the one. And the clothes he brought did not remain on our bodies even for three days. They were taken by the soldiers.

DR. MAKUBUYA: Was there any person above the soldiers to whom you could report such things?

KAKANDE: There was no way and they used to come in the evening when we were in our huts and tell us that: 'They gave you a nice shirt. Please, give it to us'.

DR. MAKUBUYA: I see. What was your health like when you returned there after one year?

KAKANDE: It was busy and one to find his former house it was a struggle.

DR. MAKUBUYA: Were the houses still there?

KAKANDE: No.

DR. MAKUBUYA: They were just falling down because of this mess.

KAKANDE: The iron sheets had been taken.

DR. MAKUBUYA: I see. And the gardens?

KAKANDE: Everything was in a bush because they had not been cared for almost a year.

DR. MAKUBUYA: Thanks.

MR. NAGENDA: Can I just ask one or two questions? The Commissioner has just asked you a question about D.C. of Luwero Mr. Kalema. Had you known Mr. Kalema before this?

KAKANDE: No.

MR. NAGENDA: Now, as D.C., anyway, when he came to these places, did he make speeches to you?

KAKANDE: Yes they used to mobilise us.

MR. NAGENDA: What was the D.C.'s address to you?

KAKANDE: He used to assure us that at one day we will be released and go back to our homes.

MR. NAGENDA: So unlike the soldiers he was being very kind to you. Was he?

KAKANDE: When addressing us he was speaking in favour of us.

MR. NAGENDA: Was, he, in fact, even the person who was speaking about going home.

KAKANDE: Yes he came and told us to go back.

MR. NAGENDA: Did he use the opportunity, after you had gone back, come and see what had happened to your villages?

KAKANDE: The roads were in bad conditions. I did not see him.

MR. NAGENDA: Now you see the D.C. is the chief Government Officer in the District. You had gone back to your area after one year to find everything overgrown, your houses broken down because the roofs had gone. Would that not be the trouble of the D.C. to come and see or look after people in such a plight?

KAKANDE: I did not know his mind and I did not know why he did not come.

MR. NAGENDA: Thank you.

CHAIRMAN (DR. LUYOMBYA): Mr. Kakande is there anything you want to say to the Commission?

KAKANDE: Yes I have. In our place we have no transport - from Ssemuto up to Wobulenzi, we have no transport.

DR. LUYOMBYA: Is that all?

KAKANDE: And we do not have enough essential commodities.

CHAIRMAN: Arising from what you have told the Commission, have you channelled these complaints through your R.Cs to the District Administrator?

KAKANDE: Yesterday, we had a meeting and we drafted a statement too, complaining about these problems; and I do not know whether it had now reached the D.A's office.

CHAIRMAN: Which council or which group drafted this memoranda?

KAKANDE: The meeting was convened by the Chairman, R.C 1 and he called the villagers to state what - all the - complaints they have; and it was these complaints that we summarised in a statement to be sent to D.A.

CHAIRMAN: How long have you had these problems of lack of transport and of essential commodities?

KAKANDE: Since the end of the war.

CHAIRMAN: Why is it only yesterday that you drafted the memorandum?

KAKANDE: It is because most of the people have returned this year and it seems they are well off - and the people who are suffering are we who remained in the camps.

CHAIRMAN: Yes, but that does not explain the point that I was trying to put to you; that, you said that these problems have been there since the end of the war. Now why didn't you when you were in the camp send your memorandum, complaining to the Government earlier than yesterday?

KAKANDE: We had not elected our R.C.s

CHAIRMAN: Even R.C. 1 -1 and 2 or 2 and 3?

KAKANDE: We had these committees but most of these people are very lazy.

CHAIRMAN: Most of them -

KAKANDE: Most of these people are lazy.

CHAIRMAN: Are lazy. I see. That is a more plausible explanation. Unless, any other Commissioner and the particularly one from Makulubita has something more to say, Mr. Kakande I would like to thank you for having come and for the evidence you have given before this Commission. As for your complaints, since you have written and sent them through the proper channels - channel-of-communication to and from the top of the government, we hope that you will get the appropriate response. Counsel is it now, 2.30 and we have not yet lunched. Would you advise? Can we take on another witness or would you advise?

COUNSEL: Lord Chairman, I would have done this but the interpreter has just written me a note that his child is very sick; his wife has brought the child sick and he is seeking for assistance to go home. I have shopped around for another interpreter but without success. So in the circumstances, I would apply for an adjournment.

CHAIRMAN: We are sorry for the sickness of his child. We hope the child will recover as quickly as possible. Now all the interpreters are not with us even in Luwero and here since we came back - Mr. Tamale who is one of the journalists would remain as a main in his career; I do not know what happened to the interpreters in - from - the court when we used to have before. You could arrange to bring those back.

COUNSEL: Very well, my Lord.

CHAIRMAN: Well, on that note, I think, I will adjourn the Inquiry and we resume here tomorrow at 9.30.

WITNESS NO. 231: MR. PERALIO BAGALIRAKUMPAPULA - SWORN IN

COUNSEL: Could you, please, state your names in full?

BAGALIRA: Peralio Bagalirakumpapula.

COUNSEL: You are aged 80 years, and a cultivator by profession?

BAGALIRA: Correct.

COUNSEL: You are a Ugandan national, resident at Lubwama Village in Makulubita Sub-county, Luwero District?

BAGALIRA: Correct.

COUNSEL: Is that where you were born?

BAGALIRA: Yes.

COUNSEL: Mr. Peralio, this Commission has received evidence to the effect that, around - about 1981 up to some time after that, there was a lot of insecurity in the area called Makulubita in Luweero District. And because of this a number of families were forced to flee their homes. Did this affect you?

BAGALIRA: Yes, it affected me.

COUNSEL: At that time, were you married; and, if so, to how many wives and did you have children; and, if so, how many?

BAGALIRA: I had seven (7) children; three (3) were killed and I had six (6) grand children; all of them were lost. At that time, I had two (2) wives.

COUNSEL: Were you staying with these children - grand children?

BAGALIRA: Yes, I was staying with them.

COUNSEL: Now you said that this insecurity affected you and my second question is that a number of people have given evidence that, because of this insecurity, they decided to desert their homes and stayed in the forest. Now did you do the same?

BAGALIRA: I stayed there until the present Government appointed chiefs in these areas and then I was taken to Ndejje Camp where my relatives - the ones I have mentioned - were killed.

COUNSEL: Now at what stage did you go to the forest to stay in the forest?

BAGALIRA: It was 1984, and it was around that time that we were taken out of the forest because I remember I went with my children those who were killed at Ndejje.

COUNSEL: Now how did you come of the bush; may be, I may not go into details of how you survived in the bush; because we have received evidence. But how did you come out of the bush? Could you give us -

BAGALIRA: We were called to come out of the bush.

COUNSEL: By who?

BAGALIRA: It was the chiefs. The chiefs came calling us that the situation had improved and we should come out of the bush.

BAGALIRA: We were called to come out of the bush.

COUNSEL: By who?

BAGALIRA: It was the chiefs. The chiefs came calling us that the situation had improved and we should come out of the bush.

COUNSEL: Who are these chiefs. Could you mention their names and the positions they held?

BAGALIRA: Those were not branded as chiefs and they were the first people who were first collected by the soldiers. So when they were told to leave, they were told to come back and to inform us that the situation had improved.

COUNSEL: Did you know any of these people?

BAGALIRA: I remember George Mpagi. He was first taken to Ndejje and another one called Kasule, although he was killed in Ndejje.

COUNSEL: So you came out because you knew those people were your people?

BAGALIRA: Yes, they were neighbours but they were also killed.

COUNSEL: Did they come alone or they came with soldiers?

BAGALIRA: We were hiding somewhere and it was a certain distance from the main road. So these people - Mpagi and Kasule - were following the main road, calling us that the situation had improved. We should come out of the bush and we came, thinking that really it had improved.

COUNSEL: So, when you came out what followed? May be, before that, other witnesses have said that they were called roundabout March, 1983. Is that the period you were also called to come out?

BAGALIRA: The exercise was done on the same day and we were also called - some of us.

COUNSEL: I see. Is this roundabout the time Kakande also came out?

BAGALIRA: Who is Kakande.

COUNSEL: G.W. Kakande. He was here yesterday. They were together.

BAGALIRA: Yes, and it was his brother who was calling us.

COUNSEL: Well.

BAGALIRA: And I have forgotten the man.

COUNSEL: So, when you came out, you said that the situation had improved. What did you find, when those people called you to come out?

BAGALIRA: The following morning, I was beaten in my compound by the soldiers, demanding money from me and they took my three hundred shillings - Shs.300. and they undressed my wife and took the clothes.

COUNSEL: Now, does it mean that, when you came out of the bush, you went to your home and the soldiers followed you to your home?

BAGALIRA: We came out of the bush and we spent a night in our homes, I think, it was in the morning when the soldiers attacked my home.

COUNSEL: Now, after attacking your home and undressing your wife and taking away her clothes, what followed? Give us the story by the time you were taken to Ndejje.

BAGALIRA: We were taken somewhere - where we were given some meat and we found there some people who had spent there a night. We were taken to Butebere and there I saw some people who were brought in a helicopter; but I did not get the message - what they were talking; and later we were taken to Ndejje.

COUNSEL: Were those people who were brought by a helicopter, ordinary people?

BAGALIRA: I did not see them, but for us, we were taken to Butebere with our belongings.

COUNSEL: Yes - continue.

BAGALIRA: At Butebere - we arrive at Butebere in the evening at around 2.00 p.m and, when we were there, we saw a woman. She had been shot in the leg. And, when the soldiers saw her, they selected 70 people and because my grand-children had a wheel-barrow, they told them - of the selected two 70 people, two of them - were my grand-children. They told them to take the woman who was shot in the leg to Bombo Hospital; but none of them returned again. We have never seen them again.

COUNSEL: Did you know the name of this lady?

BAGALIRA: No, I did not know her. She was not from our village.

COUNSEL: And among these seventy people who have never been seen up to now, did you know any of them?

BAGALIRA: They were seven.

COUNSEL: Did you know them?

BAGALIRA: I only know the names of my grand children.

COUNSEL: Now you said originally - I wanted to combine those. Please give us the names of those grand-children.

BAGALIRA: The first one is Ddamulira, another one is Katende. Those two when they

were told to take the patient to Bombo, they never returned and that was the beginning of killing my relatives.

COUNSEL: So, after that, what followed?

BAGALIRA: The following day we were taken to Buganganya. There is a school but I cannot say whether it was a primary school or a secondary school. We spent there a night.

COUNSEL: But this time how many were you?

BAGALIRA: We were so many. At that place my young brother was killed.

COUNSEL: What is the name?

BAGALIRA: Mr. Ssemakula.

COUNSEL: Was it only your brother who was killed at that place or some other people also lost their lives?

BAGALIRA: They had killed another woman but I did not get her name; but Ssemakula, when we were told to go, we were given instructions not to - there was a group of soldiers standing in a place and the soldiers said that, when we are walking, we should not cross to the other side there were soldiers who were standing. So, when Ssemakula wanted to go for a short call, so he crossed over to where the soldiers were standing, and, when he was coming back, he was arrested by the soldiers and he was killed.

COUNSEL: During this movement, were you escorted by soldiers or how were you moving?

BAGALIRA: We have soldiers - a group; the one group was in front, the other one was behind and the other one walking from behind. We were like prisoners.

COUNSEL: Now, eventually where did you come to?

BAGALIRA: From Buganganya, we arrived at Ndejje.

COUNSEL: At around about what time did you arrive at Ndejje?

BAGALIRA: About 6.00 p.m.

COUNSEL: And which place did you go to?

BAGALIRA: We spent the night in the compound of that school and that day it rained and we stayed in the open.

COUNSEL: Now, on your arrival, were you welcomed by anybody?

BAGALIRA: No we arrived late in the evening. We still had our chief and, at Ndejje, we found other chiefs.

COUNSEL: Now you said that you had your chiefs. Who were these chiefs?

BAGALIRA: George and Kasule, because they came when they were our leaders.

COUNSEL: Now, while in this camp you said that day it rained and you stayed in the open, can you now tell us what followed after that?

BAGALIRA: The following morning we were told to go to collect food.

COUNSEL: Now, when you went to collect food, I suppose, you went into the village. Wouldn't you escape?

BAGALIRA: I couldn't because in all the areas they had established the camps; so I couldn't risk going back.

COUNSEL: While looking for this food, were you under escort or you would go alone with your friends in the village?

BAGALIRA: We were escorted by the soldiers and on the way they were stealing and looting property, collecting iron sheets and other things and cooked food and coffee and loading them on our heads.

COUNSEL: Now give us a brief account of how you stayed in this place - were you staying in a room; some other people who have given evidence, they said they built themselves huts and it was difficult to get water; and soldiers would grab their food. Give us your account of your staying in that place.

BAGALIRA: The soldiers used to steal our food - the food - which we had collected from the villages; and they could take a portion and leave you with a small portion.

COUNSEL: Were you able to get water to drink and, may be, for cooking easily?

BAGALIRA: We were staying on - this camp was - on a hill and there was something like a valley where there was a pool. So all these materials from the hill could go in this pool, and this is the type of water we used to drink.

COUNSEL: Did you have toilet facilities?

BAGALIRA: There was none that is why most of our children died and even myself I survived narrowly.

COUNSEL: Did any of your children die as a result of - the three children you lost- these diseases in the camp.

BAGALIRA: The three young ones but myself I blamed the soldiers for their death, although they died because of water.

COUNSEL: What of your six grand children whom you said were also killed? Under what circumstances did they die?

BAGALIRA: They were selected from among the people. They could come and say that, "You go to our office", and you would never come back.

COUNSEL: Can you give us the names of these grand children who were selected and never came back?

BAGALIRA: One is Yowaana Mboggo, Paul Serunjogi and Mutyaba.

COUNSEL: These are three. Any more?

BAGALIRA: And my grand daughter called Nabatanzi with her son. She was taken by the soldiers at Bombo and she never came back.

COMMISSIONER: She had a baby?

BAGALIRA: She had a baby.

CHAIRMAN: From there the names of the grand children. Can you give us an idea of their age?

BAGALIRA: They were the father of - this Yowaana Mbogo was the father of Nabatanzi.

CHAIRMAN: Any other?

BAGALIRA: And Paul was the father of Nnamakula.

COUNSEL: What about Mutyaba - about how old was he?

BAGALIRA: Mutyaba was a youth and he was taken when he was told to escort - to carry this woman - towards the lake.

COUNSEL: A youth - how old?

BAGALIRA: Eighteen years.

COUNSEL: Now, apart from your relatives, do you know of any other people who were also taken from this camp and have never been seen again?

BAGALIRA: Yes, our leader - Mpagi, he was my neighbour.

COUNSEL: You have mentioned that - you have also mentioned.....

BAGALIRA: Sewakiryange Kazibwe was also our leader and others; but I really cannot get their names because they were not from our village; but they were taken and I saw them. And I have remembered Kibirango.

COUNSEL: Now, during this time, when you were in the camp, were you staying with your wives and the rest of your children who had not died?

BAGALIRA: Yes, I was staying with them.

COUNSEL: I see. Now we have received evidence that people were organized and there were even leaders to look after the people in the camp. There has been some evidence here that one leader called Ali was appointed to be the Administrator of that camp. Did you know this man?

BAGALIRA: May be, I know his surname but I do not remember somebody called Ali.

COUNSEL: While in the camp, what other mistreatment, apart from the soldiers grabbing your food, did you undergo?

BAGALIRA: They used to take our cooked food and these soldiers used to pour uncooked food - rice in our food; and, in fact, at one time, we were forced to off-load lorries carrying coffee; and, in that exercise, they used to beat us terribly.

COUNSEL: So eventually how were you able to get out of this camp?

BAGALIRA: Before we were released, we were given tents and thereafter we were told to go back to our villages; and, when we reached our villages, we were told to report to a Parish Chief at Bukekete; and from Bukekete, we were told to go to Bukere; and it was this Parish Chief who took us to Bukalamu where was a military detach.

COUNSEL: And eventually did you settle down?

BAGALIRA: Now, when this Parish Chief told us to report to Bukalamu Detachment, we were given food - rice - and, on our way back, then the soldiers we found on the road block - the soldiers - grabbed our food and we went back to our houses. But again the soldiers could come demanding for coffee when the coffee -

COUNSEL: Who was this Parish Chief?

BAGALIRA: I have forgotten his name but he was Kasoro's son.

COUNSEL: Is he still in the village?

BAGALIRA: He ran away and I think he was of another party not U.P.C but Democratic Party; may be, that is why he ran away.

COUNSEL: My Lord that is all from me for the witness.

DR. LUYOMBYA: Mr. Bagalirakumpapula, I want you to clear a few points for me. When the soldiers took you from your home together with your family, did they allow you to take any property?

BAGALIRA: I did not find my property when I came back from the bush. I had seven cows. They were eaten. I had seven goats. They were eaten. Six sheep. They were taken. And three bicycles which were used to distribute milk - three jars.

DR. LUYOMBYA: But did they allow you to take any blankets or anything to cover yourself

when they took you to the camp?

BAGALIRA: These things were taken when I was taken to Ndejje; from Ndejje, I did not find anything at all.

DR. LUYOMBYA: What I am asking, before you were taken to Ndejje - soldiers called him from his home - was he allowed to take a blanket or anything - a cup?

BAGALIRA: No, it was because when the soldiers immediately came to my home, they started beating me and the only thing we took were our saucepans. So there was no time to collect other property.

DR. LUYOMBYA: While in the camp, was there any medical treatment of any sort either to reinforce the people with you?

BAGALIRA: At one time I felt sick and a certain European gave me porridge mixed with milk and even my grand-children were given and I recovered. There was a European who was giving us porridge mixed with milk.

DR. LUYOMBYA: They used to go and collect food. How was he getting this food?

BAGALIRA: They used to give us maize flour at times and we used to go to the surrounding villages to collect food from deserted gardens; and, after collecting food; bananas, potatoes and cassava, we could then bring them and hand them over to the soldiers who used to give us some for each family to go and cook on his door.

CHAIRMAN: Well, we do not have any more questions for you. Do you have any questions to put to this Commission other than the answers you have given to the Commission?

BAGALIRA: I would request the Commission, if it is possible, to get me a bicycle because, as you see me, I cannot walk; and that is the only means of transport I can manage now.

CHAIRMAN: Anything else?

BAGALIRA: And as my ranches are empty, again, where possible, I would request that if the Commission can give me cows it would help me.

CHAIRMAN: Next, is that all?

BAGALIRA: And our road from Ssemuto to Bowa is the only road we have in that area. I would request that reconstruction should be considered.

CHAIRMAN: Well, first of all, about cows and the bicycle, the Commission as such does not have any resources from which to provide - replace your cows and buy you a bicycle.

BAGALIRA: Okay, concerning the cows and the bicycle, what can somebody mention; okay, if the Commission has no resources, what about the roads? Because when we grow our maize, there is no way out to sell it.

CHAIRMAN: Now about the road, have the RC's in his area made any recommendations about this through the District Administrator's office, Luwero?

BAGALIRA: I do not know. But originally that road was - it was originally - owned by Ssekasi the one of Kirolo who has a bus company. In the old days he could chase people from using the road. But now he is not doing anything to re-construct that road.

CHAIRMAN: I do not want a private road. Anyway, the Commission is here to -

COMMISSIONER: I think, what he is saying is that, Ssekasi's buses ply through there.

BAGALIRA: Because he was preventing other users. We thought that the road was his.

CHAIRMAN: Yes, there are two problems there, apart from the condition of the road which need to be repaired. Now that is something which the Government could do if they had enough resources. But I would advise that they take this up through the R.Cs and the D.A's Office, Luwero. The same with allocation of a bus through the same route.

BAGALIRA: But we are in a terrible situation because whatever we are growing has no market.

CHAIRMAN: Yes, because of lack of lorries and the bad condition of the road.

BAGALIRA: There are no lorries and the road is impassable. We cannot get transport.

CHAIRMAN: Well, could the Co-operative Society which has a lot of lorries, Luwero Co-operative Society Limited, could it be of assistance here? Does any of the Commissioners here know the society?

COUNSEL: My Lord, I think, what we can say in this case is that his case has been heard and, may be, when we are making our recommendations, the Government looks into the improvement of this road and providing bus service. Because the complaint about Ssekasi, as I understand it, was, I think, Mr. Ssekasi had a licence to operate on that road and no other person had a licence. I think, that is what he says; 'Ssekasi could not allow'. May be, for us just to recommend to the appropriate authorities to look into this matter.

CHAIRMAN: Yes, while we could say that; but, in the meantime, something could be done at the material appropriate time. But what we would say, I think, these are complaints or problems which we suggest he should take up through your R.Cs up to the District Administrator. Anything else? He is still talking.

BAGALIRA: I have nothing else. These are the problems.

CHAIRMAN: We are sorry that we are not able to give you a satisfactory answer to your complaint. We have no instant solution to those problems. Now, before

you go, I would like to thank you for having come forward and for the evidence you have given.

COUNSEL: The next witness who will testify as to the conditions in yet another concentration camp for civilians and this was at Bowa which is a primary school. He is witness No.232, Frederick Luyombya.

CHAIRMAN: Council, this is the first time you are describing this camp as concentration camp, is that how it should be described?

COUNSEL: I do not know my Lord, but I saw people put together.

CHAIRMAN: I think that word NAZI has a different meaning, that one applied acquired mostly in West Germany that is Europe.

COUNSEL: My Lord then you would call it only a camp.

CHAIRMAN: Okay, next witness then.

WITNESS NO.232: MR. FREDERICK LUYOMBYA - SWORN IN

COUNSEL: You are Frederick Luyombya?

LUYOMBYA: Yes.

COUNSEL: Aged 40?

LUYOMBYA: Yes.

COUNSEL: A Ugandan national, Headmaster of Sambwe Primary School?

LUYOMBYA: Yes.

COUNSEL: And resident at Sambwe Primary School?

LUYOMBYA: Yes.

COUNSEL: Which Primary School?

LUYOMBYA: Ssabwe.

COUNSEL: Mr. Luyombya, when did you become a headmaster?

LUYOMBYA: 1978.

COUNSEL: Is this also in Makulubita Sub-county?

LUYOMBYA: Nyimbwe Sub-county in Luwero District.

CHAIRMAN: Can you speak English?

COUNSEL: He prefers to talk in Luganda. Could you may be answer my question again. When did you become a Primary Headmaster?

LUYOMBYA: In 1978.

COUNSEL: And where were you posted?

LUYOMBYA: Kamuli.

COUNSEL: From Kamuli, could you give us your subsequent postings?

LUYOMBYA: From Kamuli I went to Bowa.

COUNSEL: In which year was this?

LUYOMBYA: 1983.

COUNSEL: Now in 1983, were you able to carry your work as Headmaster normally or was it interrupted in any way?

LUYOMBYA: I started in September, 1983.

COUNSEL: Yes, and did you do it peacefully?

LUYOMBYA: I was not doing my work properly because nearby there was a camp, a military camp. When I was posted to that school I found that it was a school within a camp.

COUNSEL: Could you describe in detail a school within a camp, had they built a camp or the people who were there were using the school building for other facilities?

LUYOMBYA: The school was used by the people; they were staying there.

COUNSEL: About how many people were in this camp?

LUYOMBYA: There were about five thousand people.

COUNSEL: What category of people, were they old people or young people, were they mixed up ladies, children?

LUYOMBYA: All types of people.

COUNSEL: The figure of 5000 is very big for a primary school to accommodate, how were the rest who were not in the primary school staying?

LUYOMBYA: They were staying in other buildings and the dispensary and other homes which were around.

COUNSEL: Were these people guarded by anybody or they were staying on their

own?

LUYOMBYA: They were on their own, but it was taken as a camp; the detachment was at Bukalasa.

COUNSEL: Could you describe to the Commission how conditions in this camp were for the period which those people stayed there?

LUYOMBYA: The movement was restricted; the people could not go to the nearby trading centre and whoever was caught moving was punished.

COUNSEL: So, it was a guarded camp? Is that true?

LUYOMBYA: Practically, it is true because there were chiefs and UPC youth wingers who were guarding the people to see that they are not moving.

COUNSEL: So, the people did not have free movement?

LUYOMBYA: Yes.

COUNSEL: About how many chiefs were guarding those people?

LUYOMBYA: They were about three, the Sub-county Chief.

COUNSEL: Could you mention the names?

LUYOMBYA: The Sub-county Chief Kibuuka Kato the then Sub-Parish Chief and Kasujja was the one who was considered the Chief Administrator or the one you could call the Defence Secretary in NRC structure called Jogojogo, he was the Chief Administrator or the person you would call the Defence Secretary in NRM which is not here.

DR. MAKUBUYA: No, was this an NRM structure?

COUNSEL: I think he is giving us as an example.

DR. MAKUBUYA: No, who is not giving the example? The witness?

COUNSEL: Yes, he said that he was somebody who was on defence.

LUYOMBYA: This one was dealing with security.

CHAIRMAN: Was he a Government employee?

LUYOMBYA: Yes, he was with the soldiers in the camp.

CHAIRMAN: A soldier or intelligence or what?

LUYOMBYA: We could not tell whether he was a soldier or intelligence Officer, was a Civilian we could not tell.

CHAIRMAN: He was called Jogojogo?

LUYOMBYA: Yes.

CHAIRMAN: Was he from the local area?

LUYOMBYA: He was from Kalule Trading Centre.

CHAIRMAN: What are the UPC youth wingers you have mentioned, do you know their names?

DR. LUYOMBYA: No, because I was not of their group and I had no need to mix with them.

COUNSEL: Apart from the restriction of the movement of these people, what other inhuman treatment did they receive which you witnessed while in this camp?

LUYOMBYA: There was a lot of harassment during the night, you could hear people crying and some of them were people collected from the nearby villages. And there was a cell at Waluleeta where the cases were being taken and most of them were never to be seen again.

CHAIRMAN: Suspect for what?

LUYOMBYA: The people suspected of being bandits or their supporters.

COUNSEL: Who took them to this cell?

LUYOMBYA: Obote's soldiers and UPC youth wingers.

COUNSEL: Yes, any more? Please restrict yourself to what was happening in this camp. Any more sufferings and mistreatment? We have received evidence to the effect that in one other camp at Ndejje there was a lot of raping women and looting.

CHAIRMAN: No, Counsel, you cannot, that is leading witness, you are suggesting to him what answer you want, let him tell us what he observed.

COUNSEL: Please could you tell us what you observed apart from what you have mentioned, is there any more mistreatment of those people which you witnessed?

LUYOMBYA: Concerning the camp, I used to get information that women were mistreated especially during the night but I witnessed at one time at Waluleeta when I was coming from Luwero Headquarters, at Waluleeta Trading Centre the soldiers grabbed a woman with her baby at her back and they took her away without - they raped her without removing the baby from the back.

COUNSEL: You mean you were able to see this?

LUYOMBYA: Yes.

COUNSEL: Do you know this lady?

LUYOMBYA: I do not know her, but if you carry on investigations you can find out.

COUNSEL: Any more apart from that, any more inhuman treatment in the Camp at Bowa?

LUYOMBYA: Another thing was demoralised the people because myself I was sent there I was not originally from those areas but the soldiers could grab or steal one's sauce-pan the only one he has and that meant that the only way he could cook food was by roasting.

COUNSEL: You mentioned that some of these people were staying in the class rooms; how then were you able to carry out your duties of teaching your pupils?

LUYOMBYA: I tried to chase out these people out of the building but then I realised that because the movement was restricted they had nowhere to go so what I decided was to put together all the pupils I had in the church and teaching was conducted in the church because they were not staying in the church, the church was empty.

COUNSEL: Among those people who were in this camp, did they have children of school age who could may be attend primary education?

LUYOMBYA: They were many children who were able to go to school and I registered them and I had in the original four classes until when I remained with three, that P.I, P.II and P.III.

COUNSEL: So you accorded them education, is that what you are saying?

LUYOMBYA: Yes.

COUNSEL: What about I presume that in your school toilet facilities only for your pupils, what about these escalated number of five thousand, how were they able to may be get water for the toilet facilities and other amenities?

LUYOMBYA: At the dispensary there was a bore hole and at a school, the original ones not the one which has been provided by Government after the take-over.

COUNSEL: Did you dig more pit latrines for these five thousand people? Did the school dig more pit latrines for these five thousand people?

LUYOMBYA: We had a number of latrines at the trading centre, at the dispensary, so there was no need of digging others.

COUNSEL: Was there a dispensary or some facilities for medication?

MR. LUYOMBYA: Medical personnel used to come once a week at a dispensary to treat the people.

COUNSEL:. Apart from the Medical personnel who came once a week to treat those people, did any other people may be Government officials come to visit

this camp?

LUYOMBYA: Except from UPC, at times UPC officials could come on specific reasons which I cannot explain.

COUNSEL: Now, eventually did those people go away from your school?

LUYOMBYA: There are times when Government may be was confused, they could say that these people could go back the situation has improved when in fact it was not and most of the people who went back many were killed and there are others who remained in that camp.

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

MR. KAWANGA: Mr. Headmaster, you were posted to this school, why were you posted there when there was already a collection centre of people?

LUYOMBYA: My boss who posted me there told me that he had been approached by people from Ndejje and Bowa camps saying that they would like their children to get education but he could not get anybody he could send there so he decided to send me there.

MR. KAWANGA: I see; were your movements restricted as headmaster?

LUYOMBYA: I was allowed to go to office to collect chalk and to remain at the school.

MR. KAWANGA: Where were you getting your food from?

LUYOMBYA: I could go to Luwero Trading Centre and buy maize flour.

MR. KAWANGA: What about the inmates of the camp where were they getting their food from?

LUYOMBYA: They had difficulties in getting food because they could go during the night to the nearby villages to collect food.

MR. KAWANGA: Escorted or on their own?

LUYOMBYA: On their own.

MR. KAWANGA: Smuggling themselves out of the camp?

LUYOMBYA: Yes, and this was supplemented by the Red Cross.

MR. KAWANGA: Where did the people who were in this camp come from? Were they residents of the surrounding areas of Bowa or they were from other areas?

LUYOMBYA: Even in other areas because some could come from Semuto and Busiro.

MR. KAWANGA: So they were brought to the camp they did not come on their own?

LUYOMBYA: Yes, they were forced.

MR. KAWANGA: Now, what happened to the residents of Bowa Trading Centre?

LUYOMBYA: They had to run away because of constant attacks by Obote soldiers calling them bandits.

MR. KAWANGA: You made reference to people who went back and then they were killed, how do you know this?

LUYOMBYA: These days it was possible to know they have got relatives and if you ask about somebody he can tell you that when he went back he has never been seen again and you know that he was killed or that he died.

LUYOMBYA: Yes.

CHAIRMAN: How many other teachers did you have?

LUYOMBYA: Three.

CHAIRMAN: What kind of primary school was this, was it a P.7 Primary School or of lower grade?

LUYOMBYA: When it was opened it was supposed to be a P.7 Primary School but we failed to get the number of the pupils.

CHAIRMAN: Were the pupils you had mostly from the camp?

LUYOMBYA: Yes, all of them.

CHAIRMAN: Did you have other scholastic materials like book, pens, pencils and chalk?

LUYOMBYA: We were using pencils and the Luwero Administration had assisted us with exercise books.

CHAIRMAN: For how long did you stay there until the camp was disbanded?

LUYOMBYA: Yes.

CHAIRMAN: When was it disbanded?

LUYOMBYA: Early 1984.

CHAIRMAN: What happened, the people dispersed and went back to their various areas?

LUYOMBYA: There was a bit of peace because of some sort of agreement between the Government and NRA, so at that time the rebels had come out of the bush so the people thought that the situation had improved and they decided to go back.

CHAIRMAN: You mentioned the Red Cross, what were they doing there, what did they

do in the camp.

LUYOMBYA: They used to bring beans, maize flour and at times to take those who were in very bad situation to hospitals.

CHAIRMAN: How often did they bring food supplies?

LUYOMBYA: The interval was not specific because they were not following a timetable but we could see them bringing food.

CHAIRMAN: Did the people have enough to eat the inmates?

LUYOMBYA: It is self explanatory because these people could not cultivate and therefore they could not get sufficient food.

CHAIRMAN: Where were you yourself and other teachers getting your food from?

LUYOMBYA: As I said, I used to go to Luwero to buy food and this was supplemented by the Red Cross.

CHAIRMAN: How far was Luwero from the camp?

LUYOMBYA: About 13 miles.

CHAIRMAN: Is this camp on the main road?

LUYOMBYA: No.

CHAIRMAN: How far away from the main road?

LUYOMBYA: About three miles.

CHAIRMAN: When I say main road I mean the Kampala/Gulu Road.

LUYOMBYA: There are two directions, one is three miles and another one is two miles. There are two routes.

CHAIRMAN: One to where?

CHAIRMAN: Where do you turn off from the Kampala/Gulu Road? On which side, right or left?

LUYOMBYA: The easiest route was from Kalule Trading Centre, and Wobulenzi was insecure because of the Special Force people who were stationed at Bukalasa.

CHAIRMAN: I see, Okay.

DR. MAKUBUYA: Mr. Luyombya, please help me to understand the geography of this camp. I have turned off at Kalule, I have gone up to Waluleeta, does the camp start there?

LUYOMBYA: Between Baale and Waluleeta.

DR. MAKUBUYA: Between Baale and Waluleeta?

LUYOMBYA: Yes. On the other side how far does it go?

DR. MAKUBUYA Yes, it went and stopped on the road which goes the well to Nyanyenso as you by pass the school.

LUYOMBYA: Yes.

DR. MAKUBUYA So, we were talking about a distance of four miles, would you say?

LUYOMBYA: Three to four miles.

DR. MAKUBUYA Yes, between three and four miles. And where was the school specifically?

LUYOMBYA: The school was in the area called Mpumudde.

DR. MAKUBUYA Mpumudde? In other words you go up to a place called Bunkembya and you turn right and you go up there?

LUYOMBYA: Yes.

COUNSEL: Excuse me Mr. Chairman, it appears what has gone on with Commissioner Dr. Makubuya and the witness has not gone on record because what you must have heard is our questions the others were never recorded because he was speaking in Luganda and the other one was speaking in English.

DR. MAKUBUYA Yes, Mr. Chairman, I am trying to clear just one matter, initially I got the impression that we were talking about school compound but the witness is actually saying that we are talking about the distance of four miles.

COUNSEL: No, I am not saying that should not have happened. I am only saying his answers were not translated.

CHAIRMAN: I think Commissioner you continue from there.

LUYOMBYA: The camp was of four miles; it started from River Kayiirira.

DR. MAKUBUYA: Yes, Mr. Chairman, I am trying to clear up one matter.

CHAIRMAN: Oh!

LUYOMBYA: The camp of four miles starts from River Kayiirira, Bukedeya and Waluleeta and Mpumudde - a distance of about four miles.

DR. MAKUBUYA: Now, where did you yourself stay?

LUYOMBYA: At the school.

DR. MAKUBUYA: Did you have anything to do with the administration of the camp?

LUYOMBYA: I was not one of the agents of the camp, and, therefore, I had nothing to do with it. I found it there.

DR. MAKUBUYA: In September, 1983, to whom did you report when you arrived?

LUYOMBYA: When my boss was giving me a briefing, he told me that there was going to be a public rally at the school and that it was going to be addressed by Kasiriivu - the M.P. of Luwero Central.

MR. KAWANGA: Kasiriivu was not an M.P. He was just, I think, a Chairman of a constituency - U.P.C Chairman of a constituency.

LUYOMBYA: So he told me that this was going to be addressed by the M.P. Central Kasiriivu - and, during that political rally, that I should introduce myself that I had gone up there to open the school and I would be reporting to Zakariya Bukenya Luwero.

DR. MAKUBUYA: Who was Zakariya Bukenya?

LUYOMBYA: He was an influential figure in the area, but I do not know why they asked me that I should be reporting there?

DR. MAKUBUYA: Did you ever feel that your life was in danger?

LUYOMBYA: Yes, after I got it, I went back to my home. I told my family that I had been posted to an insecure place in Luwero; and they told me that I should go back - I should go to them - because, if I failed, they would start looking for me and create problems for myself. I went back.

DR. MAKUBUYA: Incidentally, how far was Bukalabi to Bowa?

LUYOMBYA: Two and a half miles but I cannot be sure because I do not come from that area.

DR. MAKUBUYA: Yes, you had said earlier that these people were being held there against their will, but you are talking about a distance of two miles. Now, why did they not just leave?

LUYOMBYA: The most important fact was especially the men they did not have identity cards and graduated tax tickets. So, that being the case, they could not move because they could be demanded at the road blocks. And some of them approached me saying that I should get them identity cards; but I couldn't because I knew that if the soldiers get information that I am the one who supplied them with those identity cards, my life would be in danger.

DR. MAKUBUYA: Who was the D.E.O at the time?

LUYOMBYA: Mr. Engule.

DR. LUYOMBYA: Is it Mr. Engule who sent you to Bowa?

LUYOMBYA: Yes.

DR. MAKUBUYA: Did this Mr. Engule ever come to Bowa to see how you were progressing?

LUYOMBYA: He did not.

DR. MAKUBUYA: But you always reported your problems to him?

LUYOMBYA: Yes.

DR. MAKUBUYA: Do you know whether the camp was ever attacked by anybody?

LUYOMBYA: It was attacked two times; one during day time and on a Sunday, I remember we were going for a church service, and another one during the night.

DR. MAKUBUYA: Who attacked it?

LUYOMBYA: We could not know.

DR. MAKUBUYA: You could not know who attacked it?

LUYOMBYA: On that Sunday we only saw people coming here and there in different directions and hearing gun-shots; but we could not know who was attacking or how they were dressed.

DR. MAKUBUYA: Was anybody hurt?

LUYOMBYA: Some were taken and killed.

DR. MAKUBUYA: Who took them?

LUYOMBYA: I didn't know.

DR. LUYOMBYA: Excuse me. How does he know that they were killed; were they killed at site or?

LUYOMBYA: Our leaders they kept trying to follow up the matter and they came back.

DR. LUYOMBYA: Did you know the names of some of those chiefs?

LUYOMBYA: I cannot recall the names but one of them was Obote's Chief.

DR. LUYOMBYA: You mean one of the leaders in the camp.

LUYOMBYA: He was not in the camp but one of those people who were taken and killed was Obote's Chief - that is what I heard.

DR. LUYOMBYA: But the people who were taken and killed were taken from the camp?

LUYOMBYA: Among the corpses which were brought from where those people had been taken was that of Obote's Chief. I do not know how he went there.

CHAIRMAN: How many people were killed?

DR. LUYOMBYA: One was a youth winger, working in that camp.

CHAIRMAN: Youth winger of what?

LUYOMBYA: Obote's Youth Winger.

DR. LUYOMBYA: The second time. What happened in the second attack?

LUYOMBYA: On another attack, it was during the night and I was there and I heard gun shots. There was fighting till morning. And I went away and I took some time to come back.

DR. LUYOMBYA: Did anybody in the camp have guns?

LUYOMBYA: There was none except the youth wingers who had grenades.

DR. LUYOMBYA: You mentioned one Muhamed Kisiirivu. What was his role in the camp?

LUYOMBYA: He used to come as an M.P and I was informed that he was an M.P.

DR. LUYOMBYA: Okay, as far as I know, Muhamed Kisiirivu was a U.P.C candidate for Luwero people in 1980, and they elected Dr. Ssemambo who became the M.P for Luwero people.

LUYOMBYA: It is because they used to say that it was the U.P.C which was in power and he was very powerful. He used soldiers in the villages and they killed some people.

DR. LUYOMBYA: I see. Did he bring any assistance to the people in the camp - this M.P?

LUYOMBYA: Not at any one time but he used to come to inspect the camp and if he saw somebody, may be, his classmate, he could get him out and detain him.

DR. LUYOMBYA: So what?

LUYOMBYA: He used to abuse them calling them misguided goats and he could boast that, "You look at me. I am a U.P.C man I am dressing properly; but you are in rags," such things.

CHAIRMAN: Did you witness it yourself personally?

LUYOMBYA: I did not get this opportunity but, at one time, I remember, he found a certain man and he started abusing him that -

CHAIRMAN: You see, it is important that you should tell us whether you know this from your own knowledge or you have heard it or the stories you have heard.

LUYOMBYA: My chances of witnessing these were limited because I didn't attend their functions. But there was a time when he came and he told me to put up my hand as a U.P.C man and he gave me questions and he asked me whether I was a U.P.C, I said I am a civil servant. I have no political party.

DR. LUYOMBYA: Did you ever know whether it was possible to buy your way out of the camp?

LUYOMBYA: I did not see it but I had a friend in that camp and at one time I wanted to talk to him but I was told by other people that God had helped him and he managed to go. So I cannot rule out the possibility of getting out people from the camp.

CHAIRMAN: No that is speculation. If you know, you say so; if you do not know you say you do not know.

LUYOMBYA: I do not know because I had no interest.

CHAIRMAN: Are there any questions?

KAKWENZIRE: Mr. Luyombya, how was this camp administered?

LUYOMBYA: I said earlier that there was a sub-county chief. That is how it was administered.

KAKWENZIRE: Was there a District Commissioner in that area? What was his name?

LUYOMBYA: Yes, a Mr. Karema. I do not remember his other name.

KAKWENZIRE: Did he use to pay visits in this camp?

LUYOMBYA: No.

KAKWENZIRE: Did these people who administered the camp -

COUNSEL: My Lord in view of what the witness earlier on said about the extensive of the camp, I do not know whether the answer 'no', or 'yes', must stand because would have assisted the party without him seeing. So I do not know whether his answer of saying `no', is really justified.

CHAIRMAN: Counsel, I think, if the witness knows whether the D.C visited or he heard that the D.C visited but he was not there, he can say so. If he had been paying visits, he is entitled to say so. Now, did the D.C visit the camp or not?

LUYOMBYA: I did not get that information and I did not see him.

KAKWENZIRE: I am saying you said there were 5,000 people and they must have lots of problems. Did you say they could communicate with these chiefs who were looking after your problems?

LUYOMBYA: As I said earlier that I was not a member of U.P.C I could not invite myself in anything because I knew that it could create problems for myself.

KAKWENZIRE: Were U.P.C and D.P in that camp?

LUYOMBYA: I did not get the time to find out. What I saw -I only saw people, I could not tell whether they were U.P.C or D.P.

KAKWENZIRE: You could not get in touch with the administrator, how did the Red Cross, for instance, come to you?

COUNSEL: Excuse me, Lord Chairman. I think I have got some difficulty which that he himself was not a member of the camp. He was working there as a teacher.

CHAIRMAN: That is right.

COUNSEL: He was free to go to Kampala, Jinja, purchase whatever he wanted and go back to his work; but he was not a member. He was not affected by the conditions. So the Red Cross was only assisting people who had been collected from the other places. So he is not actually an inmate or an intern.

CHAIRMAN: He was not an inmate or a member of the camp. Mr. Luyombya, is there anything else - anything other than what we have asked you - is there anything - that you want to tell us on your own volition or ideas?

LUYOMBYA: I have some points I want to raise here.

CHAIRMAN: Yes.

LUYOMBYA: Which I thought the Government should look into and find a solution to.

CHAIRMAN: Yes.

LUYOMBYA: In many schools in Luwero Triangle, the pupils sit on the ground because the chairs were destroyed by the Obote's soldiers.

CHAIRMAN: That is also the case in many other places.

LUYOMBYA: But as myself I know what is happening in Luwero, I do not know whether in other places things were destroyed.

CHAIRMAN: No, I am just telling him that it is not only in Luwero Triangle also in other places where students sit on the floor. Carry on.

LUYOMBYA: I would think that it would help to improve the environment if our pupils

were given desks and chairs.

CHAIRMAN: By who? Can you suggest?

LUYOMBYA: The Government in power.

CHAIRMAN: Yes.

LUYOMBYA: I am working as - I am - a teacher but I am surviving because of the farmer. I am depending on the farmer. The farmers are not paid in cash. They are not paid promptly and some of their produce have no market; like beans and soya beans. They have no market. I also request the government that it should at least give us iron sheets, for instance my house as a headmaster in Kamuli was demolished by the Obote's soldiers because they could not carry my property they had no vehicles to carry my property and my house at my home near Ndejje was also destroyed. Those are my points.

CHAIRMAN: Well that does not seem to be complete you cannot just say that my house was also destroyed and so on. What should be done about them.

LUYOMBYA: What I want to say is that if I get assistance for instance if I am given iron sheets, I can help myself and rehabilitate myself.

CHAIRMAN: Well, okay, we thank you for that information and ideas. Now, this Commission as such does not have any resources to render assistance of the kind you have requested but your request and suggestions will reach the government in the report which we shall make. But I would suggest that in the meantime you should follow up these issues from your RC's through the DA and it will reach appropriate government authorities. Are you satisfied?

LUYOMBYA: Yes.

CHAIRMAN: Okay, thank you, Mr. Luyombya for having come and for the evidence and the ideas you have given to this Commission. At this stage it is about 1.00 O'clock now we shall have a break of 20 minutes and then resume at 1.20 p.m. We are back from the break and let us call the next witness.

COUNSEL: My Lord Chairman, the next witness is Mariko Kisinde.

WITNESS NO.233: MR. MARIKO KISINDE - SWORN IN

COUNSEL: You are Mariko Kisinde aged 53 years?

KISINDE: Yes.

COUNSEL: What do you do?

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KISINDE: I am a caterer of Ndejje Senior Secondary School.

COUNSEL: Where do you reside?

KISINDE: I am residing in Mau.

COUNSEL: Is this in Makulubita in Katikamu county?

KISINDE: Correct.

COUNSEL: Since when have you worked as a caterer?

KISINDE: 12 years. I had worked in that school earlier but I was promoted.

COUNSEL: Were you residing at your place of work since 1967?

KISINDE: Currently I am not staying there but during the war time I was forced to leave my house to stay at that place.

COUNSEL: In 1982 around about May were you still staying at Ndejje Senior Secondary School where you are working?

KISINDE: Yes, I was staying there.

COUNSEL: Do you remember the date 25th May, 1982?

KISINDE: Yes.

COUNSEL: Why do you remember that date?

KISINDE: On that date I left the school and went to Nyimbwa Ex-headquarters to get a permit to transfer my cattle.

COUNSEL: Yes, continue, what happened?

KISINDE: When I reached there I found the Sub-county Chief, Mr. Kigozi. I told him that I wanted to get a letter from him so that I could get a permit from Katikamu to transfer my cattle.

COUNSEL: Yes, did you get this permit?

KISINDE: Instead of giving me this letter he told me that I was under arrest and he kept me in a small room which is behind the *Gombolola* Headquarters.

COUNSEL: What post was Mr. Kigozi holding again if you have mentioned? What post he has mentioned?

KISINDE: He was a *Gombolola* Chief.

COUNSEL: So, he said you were a wanted man what followed?

KISINDE: He knew me because at one time I had been a Sub-county Chief in Makulubita and he said that any person from that Sub-county was a bandit.

COUNSEL: Yes.

KISINDE: I remained in that room for 30 minutes and Kigozi went and wrote a letter which he gave to an Administrative Policeman and he ordered him to take me to a Commanding Officer of Katikamu, saying that I had been on the wanted list, I was the Commander of the bandits.

COUNSEL: Continue, what followed.

KISINDE: This Administrative policeman when he was escorting me was armed and all the way he was pushing me and kicking me.

COUNSEL: Continue please, where did you come to.

KISINDE: We reached at the quarter guard of Bombo barracks. They allowed us to enter, but after some beatings, because they said that I was a bandit.

COUNSEL: Yes.

KISINDE: We went to the Intelligence Officers' Office.

COUNSEL: How did you know that he was the I/O?

KISINDE: There was a post on the door written on that it was the I/O's office.

COUNSEL: And did you know the name of the I/O?

KISINDE: He was called Martin Onyach.

COUNSEL: Did he have any rank?

KISINDE: Yes he had, he was a Second Lieutenant.

COUNSEL: So, what happened in Second Lieutenant Onyach's office?

KISINDE: We found the office closed and there were soldiers guarding it. They asked me whether I was a proper bandit, and I told them that I was not and explained to them the reason why I had gone to the Sub-county Chief. They started beating me accusing me of being a bandit and they said that I was going to reveal. I was severely beaten and my knees and ankles were beaten.

COUNSEL: What were they using to beat you?

KISINDE: They were using whip, a hippo's tail.

COUNSEL: And how many people beat you?

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KISINDE: Three.

COUNSEL: Yes, after they beat you what happened?

KISINDE: They took me to the godown. When I reached there the RP's the soldiers who were guarding the godown, they also started beating me saying that I was a bandit.

COUNSEL: Now, when you talk of a godown can you describe what it is? Did you go underground or was it a -

KISINDE: This room was called godown because it was constructed with concrete, the roof was of concrete and the doors were of steel and iron bars.

COUNSEL: And you said that the soldiers who were guarding the godown started beating you were they at a gate on the godown or they were inside?

KISINDE: They were outside.

COUNSEL: How many were they?

KISINDE: They were many but because of the pain I could not count. Everyone who was there tried to get a piece of stick to beat me.

COUNSEL: Now, after this beating what followed?

KISINDE: They undressed me, took all my clothes including the underwear and took my money, I was left naked.

COUNSEL: Yes, then what followed?

KISINDE: They gave me a shirt and a trouser which were rags, they were littered with blood and they forced me to put on those ones. After that they pushed me inside kicking and beating.

COUNSEL: Inside the godown, did you find any people, what did you see there?

KISINDE: I found people there; civilians and soldiers.

COUNSEL: About how many people did you find inside?

KISINDE: At that time there were about 160.

COUNSEL: And how were they looking, were they dressed in the rags that you had been given or were they healthy?

KISINDE: They were in a very bad shape because it was a tradition to these people that whoever was taken there was undressed and given rags, they were in rags and the whole place was smelling.

COUNSEL: Were they all men or they were mixed with women and may be with some children there?

KISINDE: It was mixed.

COUNSEL: You mean even women were there?

KISINDE: Women had a small extension, it was an extended room from this main one.

COUNSEL: Now, how big was this room with 160 people?

KISINDE: It was like this one but that one had some partitions inside. Some small rooms had been constructed from it and they left out a small opening room, the godown.

COUNSEL: How many small rooms were there, did you know?

KISINDE: There were three small rooms.

COUNSEL: Now, were those people so squeezed? To your findings were they able to may be lie down and sleep or the space was too small to your observation?

KISINDE: People were squeezed.

COUNSEL: What of ventilations, did it have windows?

KISINDE: Small ventilators at the upper side of the wall.

COUNSEL: So, how long did you stay in this cell?

KISINDE: From May, 1982 to August, 1983.

COUNSEL: Now, during that time when you were in this cell, could you describe a typical day how life was, let us say from morning and you went to sleep?

KISINDE: The new comer, because for me I arrived during mid-day but in the evening that was when the counting was done and the new comer was given tea and the team meant beating to warm up.

COUNSEL: You mean to be beaten inside the cell or outside during the counting?

KISINDE: Outside.

COUNSEL: Yes, continue.

KISINDE: On that day when I arrived there, I was fortunate because they gave us some remains of food.

COUNSEL: Continue to describe the typical day in this cell.

KISINDE: We were taken back in the godown but a new comer there was a room which was called a fridge because of the water inside. The new comer

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had to spend the first night in that room, the fridge.

COUNSEL: Yes?

KISINDE: That is where I spent the first night but we were congested because it was a struggle to get a space.

COUNSEL: Did you have water may be for bathing and drinking?

KISINDE: There was water.

COUNSEL: And were there toilet facilities within this cell?

KISINDE: Yes, there was, we had it inside and in the morning one was forced to carry it out and while carrying it they used to kick, beat us and the like, and after taking it to where they wanted it to be taken, then we were forced to clean it with empty hands and then to take it back.

COUNSEL: What was this that you were using, was it tin, were you using a pot, were you using what?

KISINDE: Those petrol tins, but it had been cut half way.

COUNSEL: You mean it was only one for 160 people?

KISINDE: Yes, but there was specific times to ease ourselves because at times it was only allowed for soldiers and we used it at times.

COUNSEL: What of other times when you were not allowed to use it, what would you use?

KISINDE: We had nothing to do because if one did, the others, the soldiers could beat you and kill you or to force you to remove with your own hands. So, because of the fear people had no alternative.

COUNSEL: How were the soldiers who were with you in the cell treating you?

KISINDE: They could do anything they wanted on us because we were bandits.

COUNSEL: Did you find anybody you knew in this cell?

KISINDE: Yes, I found.

COUNSEL: Whom did you find there?

KISINDE: One Ssengendo, another one Mvule, another one Mukasanga. Unfortunately, those I have mentioned except Mukasanga they were killed.

COUNSEL: How do you know they were killed?

KISINDE: At times a vehicle we had nicknamed Kayola used to come at the godown

and the soldiers could select whoever they wanted and those people never returned.

COUNSEL: So, you presume them dead?

KISINDE: We could also see the RP's, these people who were taking them, they could come and say that we have killed them, and they were very happy.

COUNSEL: Apart from that presumed killing, did you witness any other deaths, while in this cell?

KISINDE: Yes, many died as a result of starvation.

COUNSEL: Do you estimate the numbers who died as a result of starvation?

KISINDE: Yes, they are so many but because they were not dying in a day, this occurred in different days and at times they could bury people who were still alive, but because they could not help themselves, because of hunger.

COUNSEL: Did you personally witness a person being buried alive and by who?

KISINDE: Yes, we buried him and during the burial, the soil which we were putting on the body was rolling, meaning that the person was still alive but the soldiers told us that we should cover him.

COUNSEL: You would dig the grave they would bury these people?

KISINDE: The prisoners who were energetic. These were short pits, very small.

COUNSEL: And where were these graves, were they within the barracks or were they outside?

KISINDE: Near the fence of the barracks.

COUNSEL: Can you identify these places if we want to know?

KISINDE: I remember, I can take you there.

COUNSEL: Now, while in this cell may be any statement taken from you either by those who were guarding you, the police or any other person?

KISINDE: When I was taken in the godown for about six months I was forgotten. It was after that period that I was taken to the I/O to make a statement.

COUNSEL: Yes, and in your statement what did they ask you to state?

KISINDE: They gave me a piece of paper and told me to write all details concerning my arrest and myself.

COUNSEL: Yes? You have told us that story is that what you wrote and what followed after writing this?

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KISINDE: I was taken to the godown.

COUNSEL: Did anything happen may be as the result of your statement?

KISINDE: Nothing.

COUNSEL: Now, while in the cell, were you allowed to be visited may be by your relatives or friends?

KISINDE: No, whoever was arrested the visitors whoever came to visit us, if the soldiers arrested him or her, he was also added to us as a prisoner.

COUNSEL: And were you allowed to communicate with your relatives let us say send messages or else write letters?

KISINDE: No, it was not allowed and it could lead to someone's death.

COUNSEL: When you say, you mean somebody was killed because of doing this? How could it lead to someone's death?

KISINDE: Yes.

COUNSEL: Who was that?

KISINDE: I have forgotten the name but he was a resident of Zirobwe.

COUNSEL: Yes, what happened?

KISINDE: At one time we were taken to work at the O/C's residence and one of us had wanted to send his message home he gave a piece of paper to somebody who was passing by and this person was later arrested and they accused him of sending messages to the rebels and he was killed.

COUNSEL: Did you witness his being killed.

KISINDE: He was killed along with 70 people.

COUNSEL: When you talk of 70 people, how did you know that 70 people had been killed all this much?

KISINDE: They had arrested some people whom they claimed to have been bandits. Those people were well treated and afterwards they came and selected some people from our groups saying that they had at one time they had been with them in the bush.

COUNSEL: Yes, after the selection what followed?

KISINDE: They selected these people, removed them from us and kept them in this small room I mentioned earlier and they first took 38 and later they took 40. This included our teacher he was teaching in our secondary school.

COUNSEL: What is his name?

KISINDE: He was called Muyanza.

COUNSEL: Apart from that one, did you know the names of any of this 78?

KISINDE: Some of the names I know.

COUNSEL: Could you mention them?

KISINDE: Sam Mvule.

COUNSEL: Any other?

KISINDE: Ssengendo.

COUNSEL: Continue if you know any.

KISINDE: Rusovia and Kawesa.

COUNSEL: And then?

KISINDE: These were among the 78 who were killed.

COUNSEL: And up to now you have never seen them?

KISINDE: Yes.

COUNSEL: Now, for the two years, did you remain in the cell throughout?

KISINDE: I spent most of the time in the godown.

COUNSEL: What of the other time, where did you spend it?

KISINDE: Because they realized that I was interested in helping them, one of the bosses took me and started working in his house.

COUNSEL: How were you interested in helping them?

KISINDE: Because every time when I felt well, I wanted to go out to do something like digging, slashing, that is when they realized that I was interested in helping them.

COUNSEL: And you said they took you out to go and work for them, what work were you doing?

KISINDE: Cleaning his compound, cooking, washing and ironing clothes. I started by doing there part time they used to get me out of the godown to go there and do some work and then return to the godown.

COUNSEL: Now, why did you not escape during this time when you could come out?

KISINDE: Because I was not a criminal, I had not committed any crime and I knew

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that I was not a bandit I believed that at one time God would save me.

COUNSEL: What was the name of this officer who took you out and then employed you this way?

KISINDE: He was called Rubalimira, he was a Lieutenant.

COUNSEL: So, eventually you said after two years you were able to get out of that place, how did you come out to be released or how did you get out?

KISINDE: It was Rubalimira who handled my case and he said that if I was a bandit I would have escaped. He said that I was a good man and I was released.

COUNSEL: How did he release you? Did he just tell you go away?

KISINDE: I was taken to the Adjutant's office who gave me a letter and he told me to go and report to the Police Station to get another letter.

COUNSEL: Yes, did you go to the Police and did you get this letter?

KISINDE: I did. Because I had no graduated tax ticket I had no identity card, and the only document which could allow me to move I could get it from the police. After my release I remained with Mr. Rubalimira for a month because I did not want to make it as if I had not appreciated his efforts.

COUNSEL: Now, you said that you were given a letter by the Adjutant, do you still have this letter?

KISINDE: It was taken by the Police when they were giving me another one from them.

COUNSEL: And do you have the one of the Police?

KISINDE: I had kept it but during the liberation war most of our property were looted and in that way I lost that letter.

COUNSEL: Now, you said that you decided to join Rubalimira again after your release, why did you decide to do this, did you not have a family whom you wished to go and may be join? So, after how many days did you leave Rubalimira's home?

KISINDE: I said one month.

COUNSEL: And where did you go?

KISINDE: When the Adjutant was giving me this letter he said that I should go back where I was working and if at all I go to another place they would come and arrest me and then kill me, so I went back to Ndejje.

COUNSEL: And did you work peacefully?

KISINDE: Yes, I went back and continued with my duties.

COUNSEL: Did you get any other problems?

KISINDE: I was re-arrested in 1984 in September?

COUNSEL: Who re-arrested you and for what reason?

KISINDE: Near the school where I was working I had a garden there one time I was digging with my wife and the youth wingers came and they arrested me that I was collaborating with bad people.

COUNSEL: Which youth wingers and did you know their names?

KISINDE: I know their names.

COUNSEL: Who were they?

KISINDE: Kyolia and Kiiza.

COUNSEL: You said they were youth wingers, what youth wingers?

KISINDE: That is how they were calling themselves that they were youth wingers.

COUNSEL: Were they armed?

KISINDE: They were not armed and they said that I was trying to create or see between the people that if anything or if something is done to me then the people will say that it was them who did this.

COUNSEL: Were you arrested alone or with some other people?

KISINDE: They did not arrest me at that time they went back but during that time one of the villagers called Kidomola was killed along with government soldiers.

COUNSEL: Who killed him?

KISINDE: I did not know but I heard that he was taken from the school and taken with the soldiers and we heard gun shots but Kyolia this youth winger was among those people who took him away.

COUNSEL: Did you see him take him or you never saw?

KISINDE: He was among those who took him.

COUNSEL: My question is, did you see?

KISINDE: Because I was at a short distance from where this Kidomola was removed and it was daylight, I saw.

COUNSEL: Now, on the day you were arrested in 1984 September, where were you and whom were you arrested with?

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KISINDE: I was arrested by the UPC youth wingers they were Kiiza, Ozunga and Esain.

COUNSEL: Were those your village mates?

KISINDE: No, they were coming from Kistonga village. The residence of Kistonga village. They came with a hand grenade and they arrested me and they demanded Shs.200,000. to get my release. I did not have that amount and I was taken.

COUNSEL: Did they arrest you alone?

KISINDE: I was arrested with Paul Muwanga.

COUNSEL: Who was this Paul Muwanga?

KISINDE: He was the Head Cook at the school.

COUNSEL: Anybody else you were arrested with?

KISINDE: I have forgotten the names.

COUNSEL: So, what happened when they arrested you, where were you?

KISINDE: I was taken to Nalinya Primary School where they had established a detachment.

COUNSEL: I suppose three of you were taken not you alone?

KISINDE: Yes.

COUNSEL: And when you reached that military detach what happened?

KISINDE: They started beating us and they forced me to lie down, and one soldier tried to knife me on the head but it did not get me properly and then there was a lot of blood coming out of the wound.

COUNSEL: Yes?

KISINDE: As they were beating me the deputy headmaster came.

COUNSEL: Who was that?

KISINDE: Miss Nabulibwa, and Mr. Ssekoba.

COUNSEL: Yes, and when they came what followed?

KISINDE: They demanded to know what crime I had committed.

COUNSEL: Yes, continue.

KISINDE: They started accusing each other that the person who made a list did a mistake that my name was not included.

COUNSEL: Yes, so what did they do? Did they release you?

KISINDE: At that time one of us, Mobenda, the one whose name I had forgotten to mention was taken from us and was killed.

COUNSEL: Did you see him being killed?

KISINDE: No, I saw them when they were taking him but killed in a bush and since then he had never been seen.

COUNSEL: And what happened to you?

KISINDE: I was released but I left them beating Paul Muwanga.

COUNSEL: And after your release where did you go?

KISINDE: I went back to the school.

COUNSEL: And you continued to do your work normally?

KISINDE: I was treated because of the blood and after three days I was re-arrested.

COUNSEL: By who this time?

KISINDE: That time I was arrested by the soldiers and this followed a visit by the then District Commissioner at the school and in his speech he said, that he knew that many of the workers of the school were bandits and he said that the government was going to arrest those people, take them in court.

COUNSEL: What was the name of this D.C if you know?

KISINDE: Olwodo, immediately after his speech we were arrested.

COUNSEL: Yes, when you were arrested where were you taken?

KISINDE: We were arrested three people, myself, Paul Muwanga had been released and the other one Kasumba.

COUNSEL: And where were you taken?

KISINDE: We were taken to Bombo Barracks.

COUNSEL: And for how long did you stay in Bombo Barracks?

KISINDE: Three months.

COUNSEL: And while in this barracks were you taken to the same small cell you had been in to the godown?

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KISINDE: I was taken to I/O's office to make a statement.

COUNSEL: After that?

KISINDE: I was taken back to the godown, after beating me.

COUNSEL: And this time how many people were in that godown?

KISINDE: They were not many but we found many soldiers?

COUNSEL: Was the life the same as in this godown as you had experienced here?

KISINDE: This was too hard because we were not given food. We survived the remains of the food which were given to the soldiers and water.

COUNSEL: And how were these soldiers inside treating you?

KISINDE: We were severely beaten but myself I received insensitive beatings because some of the soldiers I found there I had left them inside, so they said that Oh, you have come again, you are a bad man they did a mistake, they would have killed you straight away. I was in constant fear that these people anytime would kill me.

COUNSEL: Now, do you remember may be 9th of October, 1984?

KISINDE: I do remember.

COUNSEL: Why do you remember that date?

KISINDE: We were celebrating Independence.

COUNSEL: Where were you exactly?

KISINDE: I was in the cell and most of the officers had gone to Luwero to celebrate.

COUNSEL: Of course for you, you were in the cell you never saw this?

KISINDE: And a second Lieutenant Mukasa was brought in the cell but he had committed some offences there, he was taken and dumped in the godown.

COUNSEL: Yes.

KISINDE: When this Lieutenant Mukasa was brought because the soldiers feared him that he was a bandit they ran way and they left us inside, they switched on light and then Mukasa started beating us and he killed some people. In this exercise he killed five civilians and myself I survived narrowly.

COUNSEL: How was he killing these people?

KISINDE: He could hold you by the neck, put you up and then crash you, when you fall down, he could kick you in the neck and because some of these people

had been kept without food, that is why they died.

COUNSEL: How long did this Lieutenant Mukasa stay in this godown with you?

KISINDE: He spent five days in the godown but when he was brought he was drunk, when this beer went off he tended to be a good man.

COUNSEL: So, he never killed any more people after the first incident?

KISINDE: He did not kill any other person after the beer had evaporated.

COUNSEL: Now, you said that when this Lieutenant Mukasa was brought in they switched on light, you mean you had not been switching on before?

KISINDE: Yes, there was no light.

COUNSEL: So, for how long did you stay in this godown?

KISINDE: Three months.

COUNSEL: And after that what happened?

KISINDE: I was released but my release was influenced by somebody he came and talked to the I/C. I do not know what they talked but the results were to release me.

COUNSEL: And were you given a letter of release?

KISINDE: They gave me a letter but it was not a releasing letter, but I had to report on every two days to the barracks. I reported for two weeks until the soldiers who were working in that office said that I had no case and that I should go back and settle but they said that I had to strictly go back to Ndejje.

COUNSEL: Do you have that letter of release which you were given?

KISINDE: I said earlier that those documents were looted along with the other properties when Ndejje was attacked.

COUNSEL: Now, we have received here evidence to the effect that there was a camp at Ndejje which was for keeping civilians who are in a disturbed areas, were you at Ndejje at this time and did you see any camp?

KISINDE: On my first release I found the camp there because I was released on September but it was removed in November.

COUNSEL: Where exactly was this camp?

KISINDE: It was at Ndejje Boys Primary School.

COUNSEL: Roughly how many people were in this camp?

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MR. KAWANG

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KISINDE: They were more than 10,000.

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

CHAIRMAN: Mr. Kisinde, can you tell us by whose influence you were released?

KISINDE: Yes, I can tell you.

CHAIRMAN: Yes.

KISINDE: He is called Timuli.

CHAIRMAN: Who was he?

KISINDE: He is working here in the City.

CHAIRMAN: Which work?

KISINDE: He had a hardware shop.

CHAIRMAN: Even that time he was working in Kampala in the hardware shop?

KISINDE: Yes, up to now he is still working in that shop.

CHAIRMAN: Towards the end you said Ndejje was attacked, when was this?

KISINDE: In September, 1985.

CHAIRMAN: 1985?

KISINDE: At that time we could not go to Bombo but we received information that the government troops had been deployed there and later using their artillery guns they started hitting the school. And we thought that if they had decided to hit the school the situation was getting out of hand, so we started to move and left the school.

CHAIRMAN: Were the people collected still in the camp?

KISINDE: They were not.

CHAIRMAN: The camp had been disbanded?

KISINDE: Yes, it had been disbanded.

CHAIRMAN: Thank you.

MR. KAWANGA: You stayed in the barracks for about one and a half years, do you remember any prominent people who were in those cells with you over this period?

KISINDE: A politician? They took there three of our teachers, Kome, Eune and the other one I had forgotten and the other one who was killed.

MR. KAWANGA: Yes, any other people?

KISINDE: Another man called Sentamu had a shop in Kampala he died recently. Another gentleman called Kato, he had a coffee processing factory in Luwero. Another man called Serere he had timber factory in Luwero.

CHAIRMAN: Were these killed or were they released?

KISINDE: The teachers and Sentamu were released but the rest were killed, and Kato was released.

MR. KAWANGA: Yes, any other?

KISINDE: They were so many and I have forgotten.

KAKWENZIRE: You stayed in a godown within the barracks, what kind of godown was it, could you describe to the Commission?

COUNSEL: Yes, my Lord Chairman, the witness described that it was a large building outside the gate. As big almost as the size of this building with some side rooms.

KAKWENZIRE: You keep talking about Obote's soldiers, did you not have any other soldiers other than Obote's soldiers?

KISINDE: It was during the peace talks when I saw other soldiers who had come out of the bush.

KAKWENZIRE: Yes, but did any of these things from the soldier you had seen before?

KISINDE: They were different, for instance the ones who had just come out of the bush, if they wanted to get something from you, they would request and they could not threaten you.

CHAIRMAN: Mr. Kisinde, is there anything else you would like to tell us?

KISINDE: I have.

CHAIRMAN: Yes.

KISINDE: In our area as we have just gone back after the war, I request the government to give us tractors which we could hire to rehabilitate our *shambas* because the area is fertile.

CHAIRMAN: Have you put that request through your RCs to the DA of Luwero.

KISINDE: Yes, on several occasions but we have never received the reply.

CHAIRMAN: May be he may assist because we may make recommendations but may be sometime before we do that but in the meantime your complaints or request to the government could be channelled through the RC and the

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KISINDE: I think it will be very easy if this request is channelled through you because as I speak now I think I am speaking nearer the government than it would be when I am in Luwero.

CHAIRMAN: Okay, your note may be taken. Okay, I would like to thank you for having come and for the evidence you have given before the Commission. Learned Counsel, I think it is now ten past three, we have not yet had lunch everybody must be very hungry now, I think it is appropriate time to adjourn which we shall do now until 9.30 a.m tomorrow.

COUNSEL: Most obliged my Lord.

COUNSEL: My Lord Chairman, Lady and Gentlemen Commissioners, today's witness will give us evidence regarding mistreatment of soldiers at the Ndejje Military Detach. Yesterday we were hearing evidence regarding the mistreatment of civilians in the camp, but today he will give us evidence regarding the mistreatment of people who were taken to the army detach in Ndejje.

WITNESS NO.234: MR. ANATOLI NFAYOKULEKA - SWORN IN

COUNSEL: Could you state your names, please?

NFAYOKULEKA: Anatoli Nfayokuleka.

COUNSEL: You are aged 28 years?

NFAYOKULEKA: Correct.

COUNSEL: A resident of Ntinda village?

NFAYOKULEKA: Correct.

COUNSEL: This is in Kagogwe Parish, Makulubita Sub-county in Luwero District?

NFAYOKULEKA: Correct.

COUNSEL: Were you born in this village?

NFAYOKULEKA: Yes.

COUNSEL: Around about April, 1983, were you in this village?

NFAYOKULEKA: Yes.

COUNSEL: Did anything of significance occur which you may remember and may be tell the Commission?

NFAYOKULEKA: During that time, there was insecurity in our area; there was actual fighting. And some DP members - prominent members, started coming in our areas to mobilise us.

COUNSEL: Could you mention some of the names if you know any?

NFAYOKULEKA: Mr. Sekitoleko, Mr. Kajubi.

COUNSEL: Yes, continue.

NFAYOKULEKA: We joined them and eventually, the government troops came in our areas and started harassing us; and sometimes killing the people.

COUNSEL: Were you affected personally?

NFAYOKULEKA: Yes.

COUNSEL: What did they do to you?

NFAYOKULEKA: They looted my property and I was beaten severely; and as a result, I have got permanent pains in the back and in the chest; and my hand was crippled.

COUNSEL: I see! Now may be before you show us how you were beaten, tell us first of all, did they arrest you and did they take you anywhere before they beat you?

NFAYOKULEKA: No; when these soldiers were chasing us, we started moving from one village to another. From my village we went to a village called Bukekette where we stayed for three days and the fourth day the soldiers came from Kanyanda area and reached Bukekete village where we were staying.

COUNSEL: When you talk of soldiers, which soldiers were these?

NFAYOKULEKA: Obote's soldiers.

COUNSEL: Yes! What did they do?

NFAYOKULEKA: When they reached the village, they looted and killed a number of people. At that time the rebels who were in these areas guarding us, told us to find our means because they could not protect us. Many of the people decided to go to SSingo, but for us, in my group, we decided to go back in our homes and to hide in the forests. We stayed in the forest for a week. We did not know what was happening outside, that soldiers were taking people to their detachments. We used to collect food during the night.

COUNSEL: Eventually, what happened?

NFAYOKULEKA: We were arrested and taken to Ndejje with my parents and my brothers.

COUNSEL: Around about what time, if you remember, were you arrested?

NFAYOKULEKA: It was in April.

COUNSEL: Yes! Where in Ndejje were you taken?

NFAYOKULEKA: In their detachment.

COUNSEL: Yes! When you reached there, what happened?

NFAYOKULEKA: When we reached there they started beating us using their knives and ordering us to tell them where the bandits were hiding.

COUNSEL: Did you suffer any injuries yourself? What caused these injuries if you have them?

NFAYOKULEKA: Yes; and I have got constant pains in the chest.

COUNSEL: Any other particular injuries?

NFAYOKULEKA: The back and the hand which was shot.

COUNSEL: You mean they shot you on the hand?

NFAYOKULEKA: Yes; the scars can easily be seen.

COUNSEL: What other mistreatment did they do to you?

NFAYOKULEKA: After the beatings, somebody had taken my name saying that I was a bandit. So at 3.00 p.m. when I was in my hut, they came and collected me.

COUNSEL: We are talking about when you were in the bush, you said they shot you on the hand. And I am asking you, apart from being shot on the hand, did they cause any other injury may be to your body which the Commission may wish to see apart from the hand which was shot?

NFAYOKULEKA: The remains of the burns which the soldiers burnt me using jerricans.

COUNSEL: How did they burn you using jerricans? Could you describe how this was done?

NFAYOKULEKA: They were burning me with jerricans saying that I should tell them where were the bandits I was collaborating with and where they were hiding.

COUNSEL: You mean, they used molten jerricans on you?

NFAYOKULEKA: They cut the jerrican into pieces and they put fire on it; this was the liquid which they were using to burn us to tell them where the bandits were hiding.

COUNSEL: And did they leave any scars and if they are there, would you wish to

show the Commission?

NFAYOKULEKA: Yes.

COUNSEL: Okay, show them.

COUNSEL: Now, after all this, I am sure you had severe wounds, how were these wounds healed? Did you get treatment?

NFAYOKULEKA: The following day after these burns, we were selected 20 people; the soldiers said, they were taking us to Bombo. Then when we reached a place called Nakivubo, the soldiers ordered me and another friend of mine to get off the vehicle. We were led inside the bush and we were shot at.

DR. MAKUBUYA: Two of you?

NFAYOKULEKA: Yes, two of us.

COUNSEL: Yes, continue.

NFAYOKULEKA: After the shooting I was in comma; when I rose up my head, I found that my friend was dead. But the soldiers after shooting at us they said that, they have died; and they boarded their vehicle and drove away.

CHAIRMAN: What about the others?

NFAYOKULEKA: They had left the others in the prison. They took only two of us, myself and my friend.

COUNSEL: Do you know the name of this late friend of yours?

NFAYOKULEKA: Yes.

COUNSEL: What was his name?

NFAYOKULEKA: He was Mariko; he was from Namengo Village.

KAKWENZIRE: Did they give the reason why they selected two of you?

NFAYOKULEKA: They said, we were bandits.

KAKWENZIRE: Had somebody told them or they were just guessing?

NFAYOKULEKA: Yes, somebody had informed them.

KAKWENZIRE: Who is that?

NFAYOKULEKA: He is called Eliya Lwasa.

COUNSEL: Who was this Eliya Lwasa?

NFAYOKULEKA: He was the 10 house cells leader.

COUNSEL: Of which village?

NFAYOKULEKA: Sanga Village.

COUNSEL: And is he still there?

NFAYOKULEKA: Yes.

COUNSEL: I see. Now eventually when you found that your friend had been shot dead, what did you do?

NFAYOKULEKA: I walked two miles deep into the forest. Because we were shot at 10.00 a.m. I walked deep inside the forest until 5.00 p.m when I decided to come back towards the main road slowly. When I reached the main road, I remained there for about an hour, because at that time the soldiers were using that road towards Bombo. So when I realised that there was no military vehicle, I decided to go, but I did not go back to Ndejje.

COUNSEL: I see. Eventually, did you get treatment for your wounds?

NFAYOKULEKA: I received treatment from two elderly women who had remained in Senga village on our village. These were the people who gave me treatment; but all the time we were in hiding.

COUNSEL: You mean, you got traditional treatment?

NFAYOKULEKA: Yes, the traditional herbs.

COUNSEL: Apart now from the pain which you say is in your back, do you have any other may be disability as a result of this shooting?

NFAYOKULEKA: No.

COUNSEL: I see. My Lord that is all for this witness.

CHAIRMAN: At the beginning of your evidence, you said that these DP members mobilised you, what were you mobilised to do?

NFAYOKULEKA: To liberate us from the then Government dictatorship.

CHAIRMAN: Yes, but I mean, what were you told to do?

NFAYOKULEKA: To give them food and other assistance.

CHAIRMAN: I see. What other assistance apart from food?

NFAYOKULEKA: To guard the roads and to alert the rebels when we see the government troops. And that is why these people tortured us to the extent as they did to me. Because all the time they were telling us to tell them where the bandits were hiding. And they knew, they said that; we were the people who were alerting the rebels when we have seen them because we were

using drums whenever we saw those soldiers, to alert the rebels that the soldiers had come.

CHAIRMAN: Did you do what they asked you to do? Were you doing it?

NFAYOKULEKA: Yes; we gave them food and we used to guard the roads.

CHAIRMAN: What about beating drums?

NFAYOKULEKA: We did, after seeing government troops coming.

CHAIRMAN: So in other words, the rebels were in your village?

NFAYOKULEKA: Yes, it was the centre of the struggle.

CHAIRMAN: I see. Did you know any of them?

NFAYOKULEKA: Yes.

CHAIRMAN: Could you tell us the names?

NFAYOKULEKA: Some. Sabaata was the head of that detachment, the Commander; but I heard that he was killed at the Clock Tower.

CHAIRMAN: When?

NFAYOKULEKA: In taking over.

CHAIRMAN: I see. How many rebels were in your village?

NFAYOKULEKA: They were very many, I cannot give a specific figure.

CHAIRMAN: Were they in camps or?

NFAYOKULEKA: Yes, they were in camps.

CHAIRMAN: How far was the camp from your own home?

NFAYOKULEKA: Very near; the village was called Bukooba and it is near our village.

CHAIRMAN: I see. Okay, that is all from me.

KAKWENZIRE: Before this trouble befalling your area, before the Luwero war, had you ever experienced acts of lawlessness before?

NFAYOKULEKA: No.

KAKWENZIRE: Why were you assisting the rebels?

NFAYOKULEKA: Sometimes you have to follow what the elders are saying. Those people came and they showed us light.

KAKWENZIRE: They showed you what?

NFAYOKULEKA: Light.

KAKWENZIRE: What light?

NFAYOKULEKA: Judging from their speeches and their objectives, we knew that they would help the country as now we see that they have improved.

KAKWENZIRE: What did they tell you and what have you seen has improved?

NFAYOKULEKA: To restore human rights. Soldiers could come, loot your property, sometimes they kill you; and you had nowhere to report them.

KAKWENZIRE: But I had asked you whether there had ever been violation of human rights before and you said, no.

NFAYOKULEKA: There was mistreatment before even though it was not in our areas. But for instance, one could not come to Bombo and sell his goods and go back with the money. The soldiers could steal it on the way.

KAKWENZIRE: So are you happy now; are your human rights being upheld?

NFAYOKULEKA: I am very happy. I am happy because although my property was looted, I sleep in my house without interference; I know that I will work and get what I lost.

CHAIRMAN: Well, that is all we have for you, and we thank you for having come and for the evidence you have given to Commission.

COUNSEL: My Lord Chairman, there were two witnesses this morning, after perusing through the statement of the other, I found out that he was going to talk about matters relating to Ndejje Camp, the condition there which in my opinion I feel we have covered substantially, in circumstances. We therefore do not have any other witness apart from one we have had.

CHAIRMAN: I see. Okay, we are guided by your advice, Counsel, on availability of witnesses. In which event, we shall adjourn the session now; we shall resume in Wobulenzi next week on Wednesday next week at 9.30 a.m at the country hall of Katikamu County in Wobulenzi.

COUNSEL: Very well, My Lord.

CHAIRMAN: Commissioners, Learned Counsels, Ladies and Gentlemen, we are now ready to commence the Hearing of today, the 13th of April, 1988, at Katikamu County Hall in Wobulenzi. I am sorry that we are starting very late today even by our usual standard. There must have been some problems which the Secretary has not informed me about why it was not possible to provide transport in time to travel from Kampala to here. Anyhow, we are now ready to start. Counsel, I think, the next Witness will be Number 235 - I beg your pardon? 235?

COUNSEL: Is it 234 or 235?

CHAIRMAN: 235. The last one was 234.

COUNSEL: Mr. Chairman, the first case we want to introduce today involves the murder in a most cruel way of over 16 people who had been drinking at a beer party. This happened in August, 1984 at a place called Kikandwa in Gombolola, Nakaseke, Luwero District. The first Witness is Agnes Namboze Ssekiranda.

WITNESS NO.235: MRS. AGNES NAMBOZE SSEKIRANDA - SWORN IN

COUNSEL: Is it true that your names are Agnes Namboze Ssekiranda?

SSEKIRANDA: Yes.

COUNSEL: You are 21?

SSEKIRANDA: Yes.

COUNSEL: And married?

SSEKIRANDA: Yes.

COUNSEL: A resident of Kikandwa Village, *Gombolola* Nakaseke, Luwero District?

SSEKIRANDA: Yes.

COUNSEL: Do you recall 25th August, 1984?

SSEKIRANDA: Yes.

COUNSEL: What do you remember about this date?

SSEKIRANDA: This is the day when our people at Kikandwa were killed.

CHAIRMAN: Could you encourage her to speak louder, please. She had a very faint voice.

SSEKIRANDA: I recall this day because this was when our people at Kikandwa were killed.

COUNSEL: Where was this killing?

SSEKIRANDA: It was at Kikandwa.

COUNSEL: Were you at this material time at Kikandwa?

SSEKIRANDA: Yes.

COUNSEL: What were you doing at Kikandwa and at what time did this happen?

SSEKIRANDA: The killing took place at 1.00 p.m in the afternoon.

COUNSEL: Where exactly were you? Were you at your home, and, if so, what were you doing?

SSEKIRANDA: I was at my home. I had just come from digging and I was to prepare food for my children.

COUNSEL: Now, what happened when you were doing this?

SSEKIRANDA: There was a child who was standing by the doorway. I saw the child running towards me and I asked the child what had happened.

COUNSEL: On receiving an answer what happened?

SSEKIRANDA: When the child answered me, I peeped in front of the house and I saw the soldiers.

COUNSEL: They were army people.

SSEKIRANDA: Well.

COUNSEL: 'Army', Was it army in the usual sense?

SSEKIRANDA: They were armed people and they were soldiers, belonging to Obote.

COUNSEL: Now, how many in your estimation were these soldiers?

SSEKIRANDA: The soldiers I saw were in three groups. They were very many. I cannot tell exactly how many they were.

COUNSEL: Were they armed?

SSEKIRANDA: They were armed - heavily armed.

COUNSEL: Did you know any of the soldiers or any other person that was in this group?

SSEKIRANDA: Some of the people who were not soldiers but who accompanied these soldiers, we know them.

COUNSEL: Who? Whom did you know that was not a soldier?

SSEKIRANDA: There was one man called "Ssebbowa".

COUNSEL: Does he have another name?

SSEKIRANDA: I do not know any other name.

COUNSEL: Was he of your village?

SSEKIRANDA: He was a resident of Bowa.

COUNSEL: When did you know him as Ssebbowa?

SSEKIRANDA: Originally, he was staying in Ssingo, which is Mityana Sub-district. When he left Ssingo, he came and stayed in our area; and later on he pressed and joined the Government troops and engaged himself in slaughtering the people.

COUNSEL: You mean earlier on you were staying in Ssingo - a resident of Ssingo.

SSEKIRANDA: Yes.

COUNSEL: Doing what?

SSEKIRANDA: We had run and settled in Ssingo.

COUNSEL: With Ssebbowa.

SSEKIRANDA: When we went to Ssingo, we were not staying with Ssebbowa.

COUNSEL: Yes, but what was Ssebbowa doing when you were in Ssingo -

KAKWENZIRE: I think there is something he has not -

COUNSEL: Interpreted.

SSEKIRANDA: When we were in Ssingo, we were not with Ssebbowa but Ssebbowa had crossed and joined the Government troops.

COUNSEL: No, Ssebowa had, I think, joined the bandits.

SSEKIRANDA: Originally, Ssebowa had worked with these in the bush - the then bandits; but then later on he crossed and he joined the Government troops. So he started helping Government troops in identifying where the other people were.

COUNSEL: Yes, now the question is, why did you go to Ssingo from Kikandwa - Kikandwa is in Bulemeezi? Why did you go to Ssingo?

SSEKIRANDA: The people who were in the bush by then had decided to take us and rescue us from Obote's soldiers who were hunting for us.

COUNSEL: You mean, you had gone to Ssingo because there was some insecurity in your local area?

SSEKIRANDA: Yes.

COUNSEL: Then why did you come back? It seems at the material time - August

1984 -you were back. Why did you come back?

SSEKIRANDA: I came back in response of the call that the situation had improved and we had been called to come back.

COUNSEL: Okay, now you mentioned among the group of soldiers that came to your home was Ssebbowa. Was there another person you know?

SSEKIRANDA: There were some other people whose names I do not know; may be; my other friends would know them.

COUNSEL: Now is Ssebbowa still in Bowa or do you still see him?

SSEKIRANDA: After the last war had ended, Ssebbowa escaped and went away.

COUNSEL: Now they told you - the soldiers told you - to come out of the house. Did you come out of the house?

SSEKIRANDA: I got out and immediately I reached outside I was nearly stabbed by a bayonet.

COUNSEL: Yes, now what happened?

SSEKIRANDA: They asked me whether I had a husband and I told them that my husband died in the war.

COUNSEL: But was that true?

SSEKIRANDA: The answer I gave to the soldiers that my husband had died in the war, was not true; this I did in order to protect my husband because I knew if I said, he was around, they would kill him.

COUNSEL: Where, in fact, was your husband at that material time?

SSEKIRANDA: My husband had gone to nearby drinking party - a nearby drinking place.

COUNSEL: Now, after Ssebbowa said you were telling lies, what happened?

SSEKIRANDA: When I told the soldiers that my husband had died in the war, Ssebbowa interrupted - he was a bandit.

COUNSEL: Yes.

SSEKIRANDA: After this Ssebbowa led the soldiers to the home of my brother in-law called Kintu.

COUNSEL: Yes.

SSEKIRANDA: He even took them to Furasiko's home.

COUNSEL: Did you accompany them to Kintu and Furasiko?

SSEKIRANDA: Other soldiers had remained at my home, guarding me with the others and then Ssebbowa led another group.

COUNSEL: Now, did they come back to where you were?

SSEKIRANDA: After they had collected Kintu's wife, they asked me whether the people they were hearing talking were not bandits. I told them, those were not bandits.

COUNSEL: Who was Kintu's wife that was collected and brought to where you were?

SSEKIRANDA: She is called Nakalema.

COUNSEL: Yes. So you said they asked you; 'Who was talking'? Were there some people talking somewhere else?

SSEKIRANDA: Yes, among the 17 people who were killed, those were - those who were - killed were at a drinking place, and those are the people who were talking.

COUNSEL: Where was this drinking taking place?

SSEKIRANDA: The drinking place was at the home of Mr. Walusimbi.

COUNSEL: Has he got another name?

SSEKIRANDA: No.

COUNSEL: How far was Walusimbi from your place?

SSEKIRANDA: The distance from my home to Walusimbi's home is near and all those who were killed; all were found at Walusimbi's home.

COUNSEL: Yes, when you say 'near', how far near your home?

SSEKIRANDA: The distance is less than a half a mile, from my home to Walusimbi's home.

COUNSEL: Was this Walusimbi's home the place where they sell beer or he had just brewed beer locally?

SSEKIRANDA: That day when people gathered at Walusimbi's home was when Walusimbi had brought some beer.

COUNSEL: Now, after you had told them; 'No.' They were not bandits. What happened?

SSEKIRANDA: They went to Walusimbi's home and surrounded the home and arrested all those who were drinking on suspicion that they were bandits.

COUNSEL: Were you there?

SSEKIRANDA: I had already been arrested and put under guard at my home.

COUNSEL: Yes but, if you didn't see, how did you know that they were also arrested?

SSEKIRANDA: It was true I was led at my home being guarded by a group of soldiers; another group of soldiers went to Walusimbi's home and arrested those who were drinking. After their arrest, those who were guarding us, took us at Walusimbi's home. So we joined those who had been arrested at Walusimbi's home.

COUNSEL: Yes, when you joined them at Walusimbi's home, how many people did you find under arrest?

SSEKIRANDA: They were many. I recall they killed 17 and two escaped.

COUNSEL: Did you know -

CHAIRMAN: Let us go - she is very anxious to tell us about the killing; but let us go - step-by-step. What happened next when you reached Walusimbi's home?

COUNSEL: Now, you said, you joined them. Did you know the people who were under arrest?

SSEKIRANDA: Those who had been arrested at Walusimbi's home led the way. They were being taken away. Those who had arrested us and who were guarding us came from behind, following the first group. But, as they went, the first group - the people who were in the first group, as they went ahead of us - they were being killed.

COUNSEL: So are you suggesting that, when you reached Walusimbi's home, you did not find any person there who had been talking?

SSEKIRANDA: We did not find them because they had arrested them and they had taken them away.

COUNSEL: Now, when you followed them, what happened?

SSEKIRANDA: As we were moving, we heard a bang as if they were shooting a door, and, when we reached the home of Mr. Ddamba, we found one person already had been killed.

COUNSEL: Did you know that person?

SSEKIRANDA: Yes.

COUNSEL: Who was he?

SSEKIRANDA: He was called Mibulo.

COUNSEL: Did you form an idea how he was killed?

SSEKIRANDA: Mibule was killed by being cut on the legs.

COUNSEL: Was this Mibule a village mate?

SSEKIRANDA: He was staying at Tandwa.

COUNSEL: Yes, now what followed?

SSEKIRANDA: They even killed another woman called Nanjobe.

COUNSEL: Why do you say, "They even killed?" Did you see the body?

SSEKIRANDA: As they went ahead of us, they went on killing those they had arrested. So I say Nanjobe was killed because I found her body lying on the way as I was being taken.

COUNSEL: Did you find out as to how she was killed?

SSEKIRANDA: I did not know because, as I was being taken together with others, the soldiers were beating us. So we were only jumping the bodies we found ahead of us.

COUNSEL: Well, while you were walking, how many bodies did you see?

SSEKIRANDA: I saw 17 dead bodies.

COUNSEL: Were all those people known to you?

SSEKIRANDA: Yes.

COUNSEL: Now, can you - you said 17, can you - tell us the names of the 17 bodies you saw?

SSEKIRANDA: Yes.

COUNSEL: So, please, tell us the names.

SSEKIRANDA: The first one is Mibuulo.

COUNSEL: Yes - go on.

SSEKIRANDA: Nanjobe, Kawooya, Kintu, Walusimbi, Minakabyeyi.

COUNSEL: Was she a woman?

SSEKIRANDA: Yes. Mrs. Kabanda - I do not know her name, Kalooli, Misaago, Lubega, Mubuzankima. The rest I do not recall the names; may be, my other colleagues know the other names.

COUNSEL: So now where did you go?

SSEKIRANDA: Kaloli, Misaago, Lubega, Muvuzankima and the rest I do not recall their names; maybe, my other colleagues would know the other names.

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COUNSEL: So, now here did you go to?

SSEKIRANDA: They took us at Kalule.

COUNSEL: How far was Kalule from Kikandwa?

SSEKIRANDA: I do not know exactly.

COUNSEL: Was it a long distance?

SSEKIRANDA: It is far.

COUNSEL: Where exactly did they take you at Kalule?

SSEKIRANDA: We were taken to Kalule Coffee Factory.

COUNSEL: Now, when you say you were taken to Kalule Coffee Factory, what do you mean by "we" how many were you taken?

SSEKIRANDA: I was taken together with other women who are outside.

COUNSEL: Who are they?

SSEKIRANDA: One of the women with whom I was taken is called Nampa; the second woman I was taken with is called Nakalema.

COUNSEL: Is that the Nakalema wife of Kintu?

SSEKIRANDA: Yes; but the others with whom I was taken are not here now.

COUNSEL: Yes, but tell who they were.

SSEKIRANDA: There was another girl called Kamisoni with whom we were taken, and I was taken with two children of mine but one of them died.

COUNSEL: Who are the two children you were taken with?

SSEKIRANDA: One is called Sekyebwa and the one who died was called Namwanje.

COUNSEL: How old were each?

SSEKIRANDA: And even Nannono, Nakalema's child was taken was well.

COUNSEL: How old was each of those?

SSEKIRANDA: And Musaasizi, Nampa's child was also taken. Sekyebwa was four years old, Namwanje was one and half years old and I do not know how old Nannono was, maybe, the mother would know.

COUNSEL: Now, did they tell why you were taken to Kalule?

SSEKIRANDA: They told us that we were wives of the bandits, so they had removed us

from the bush and had killed our husbands.

COUNSEL: So, now when you were taken to Kalule what happened to you; did you stay there the whole day, one week - how long did you stay in Kalule?

SSEKIRANDA: There was a man called Jogojogo who prevented us from going back and he said if any one of us attempted to go back, that person would be slaughtered and thrown in a swamp called Lumansi.

COUNSEL: Who is Jogojogo and where did you find him?

SSEKIRANDA: Jogojogo was the man who had brought the soldiers at our home.

COUNSEL: Was he a chief?

SSEKIRANDA: I really do not know whether he was a chief or a soldier.

COUNSEL: Where is this Jogojogo?

SSEKIRANDA: Jogojogo died in a motor accident, his fellow soldiers knocked him.

CHAIRMAN: Was he in uniform or civilians clothes when he came with soldiers at your home?

SSEKIRANDA: He was in civilian clothes.

MR. NAGENDA: How did you know that his name was Jogojogo; was he somebody you knew before?

SSEKIRANDA: That was the first day for him to reach our home, but originally he was staying in Kalule.

COUNSEL: For how long did you continue to see this Jogojogo?

SSEKIRANDA: About four months, and that is when I was kept at Kalule Coffee Factory.

COUNSEL: Did Jogojogo provide you with food?

SSEKIRANDA: We would look and look for food ourselves in the villages of Kwese and Bufumbanswa, but Jogojogo had warned us not to attempt to look for food in our own villages.

COUNSEL: Now, when you went to look for food, could you not escape and go back to your homes?

SSEKIRANDA: We could not escape because our husbands or our people had been killed when we were being brought, and then at Waluleeta which is on the way to our home there was a military detach and that was the only way; we could not risk to pass on the detach.

COUNSEL: Were medical facilities available to you at Kalule?

SSEKIRANDA: No.

KAKWENZIRE: Excuse me, I would like to know whether Kalule Coffee Factory had been turned into some kind of military barracks. Were there some soldiers?

SSEKIRANDA: There were no soldiers; the soldiers were at Bombo.

KAKWENZIRE: So you were living with Jogojogo alone?

SSEKIRANDA: There were people who were close to Jogojogo, probably his relatives, who had been removed from disturbed areas and they were brought to Kalule, and these were the people we were staying with.

KAKWENZIRE: How did Jogojogo treat you?

SSEKIRANDA: We wanted to escape and go back home, but Jogojogo would not give us this chance because each time he would move around us armed with guns, threatening us that if we attempted to escape he would kill us; and even when some of us went out, those who remained would be constantly questioned where the rest were and they had delayed to come back.

COUNSEL: When did you leave Kalule Coffee Factory?

SSEKIRANDA: We had no chance to leave Kalule not until Jogojogo was killed in a motor accident; this was when we were free to go and we were advised to go and pick our coffee, try to sell it and try to get clothes, because we were now in rags, all our clothes had been looted and those we were putting on were rags.

COUNSEL: So, when did you go back to Kikandwa?

SSEKIRANDA: We went back to Kikandwa after Christmas.

COUNSEL: So, that was in 1985?

SSEKIRANDA: Probably, it could be after the Christmas celebrations of 1985.

COUNSEL: Now, I mean, you stayed in Kalule for four months, you were taken there in August, 1984?

SSEKIRANDA: Yes, I spent there four months.

COUNSEL: So, you returned to your home in early 1985?

SSEKIRANDA: Yes.

COUNSEL: Now, did you find your husband?

SSEKIRANDA: My husband had run away and he had joined those who were in the bush. He was being hunted by the then Government agents, so he decided to go and join those who were in the bush.

COUNSEL: Now, when did you see him again?

SSEKIRANDA: I saw my husband after the last liberation war had come to an end.

COUNSEL: Where did you find your husband?

SSEKIRANDA: My husband followed me after my home village where I am born, a place called Kasambya.

COUNSEL: Now, are you living with him in your village?

SSEKIRANDA: Yes.

COUNSEL: My Lord Chairman, this is what this witness has to say about this incident of seventeen murdered people.

CHAIRMAN: Did you actually see any of these seventeen people killed or you were finding the bodies as you went along?

SSEKIRANDA: I did not see the seventeen people being killed but as I moved, I came across to the dead bodies.

CHAIRMAN: Were these bodies thrown along the road and for what distance?

SSEKIRANDA: At one point, these people would be thrown and put together in a group of about six people. At another point, they would be spaced. You would find one here then another one after a certain distance.

CHAIRMAN: Were the bodies right on the road or were thrown off the road, some distance from the road?

SSEKIRANDA: The bodies of those who were killed had been thrown on the road which we were following so we were jumping the dead bodies as we moved.

CHAIRMAN: How many soldiers escorted you as you went?

SSEKIRANDA: The soldiers were very many. I cannot count but they were in hundred.

CHAIRMAN: They took you up to Kalule Coffee Factory and left you there in the hands of Jogojogo?.

SSEKIRANDA: The soldiers who had escorted us wanted to take us and burn us with molten jerrycans but then Jogojogo suggested that he should remain with us at Kalule Coffee Factory.

CHAIRMAN: Apart from beating you as you said was done, was anything else done to you?

SSEKIRANDA: I was mistreated in other ways.

CHAIRMAN: What ways?

SSEKIRANDA: Some of us were raped.

CHAIRMAN: How many?

SSEKIRANDA: Three were raped.

CHAIRMAN: How were you staying in this place, in this Coffee Factory? As prisoners or as sort of people kept together for their own security?

SSEKIRANDA: We were being kept there as prisoners because our movements were restricted and all the time we were being questioned how the bandits look like and where they were and whether we knew them; so we were not free and they were always asking us whether we had ever seen the bandits.

CHAIRMAN: Who were doing all these?

SSEKIRANDA: It was Jogojogo.

CHAIRMAN: Alone?

SSEKIRANDA: There was another man called Kato who was also asking us the same.

CHAIRMAN: I saw when you came in limping. Do you limp?

SSEKIRANDA: I am lame.

CHAIRMAN: How did that came about?

SSEKIRANDA: It originated from some traditional things. I jumped certain things, certain charms.

CHAIRMAN: So, it is nothing to do with what you went through with the hands of soldiers?

SSEKIRANDA: However, I wish to add that, I was also seriously beaten.

CHAIRMAN: Where did your child die?

SSEKIRANDA: The Child who died, died at the home of my parents where I had gone to. A place called Kasambya.

CHAIRMAN: Was this after or during when you were at Kalule Coffee Factory?

SSEKIRANDA: This was after my stay at Kalule.

CHAIRMAN: I see. Now you said, you left Kalule because you were told that, the situation had improved and that you should go back; Who told you this?

SSEKIRANDA: Sincerely the situation as it were had not completely improved but because we were, honest, naked, we decided to go back and pick some coffee so that we sell and get money even to buy clothes because we were almost moving naked.

CHAIRMAN: Did you pick the coffee?

SSEKIRANDA: We found other people had already picked up the coffee. The little we found is what we picked.

CHAIRMAN: Yes, did you pick; and did you sell it?

SSEKIRANDA: We sold some.

CHAIRMAN: Where?

SSEKIRANDA: We sold it within the village. There were people who would come and buy a tin at Shs.100 or Shs.200.

CHAIRMAN: Now, you were telling us somewhere where you were born; where was this?

SSEKIRANDA: I was born at a village called Kasambya.

CHAIRMAN: This is in Nakaseke? Were you born of Baganda parents? Are you a Muganda?

SSEKIRANDA: I am a Murundi by nationality.

CHAIRMAN: I see. Do you mean from Burundi?

SSEKIRANDA: I do not know exactly because those who would know are a Father and a Mother, all were killed in Singo.

CHAIRMAN: Did they tell you that you had come from Burundi?

SSEKIRANDA: Yes. They had told me before they died.

CHAIRMAN: Do you know when?

SSEKIRANDA: I was born here so I would not know when they left Burundi for Uganda.

CHAIRMAN: And they gave you Kiganda names?

SSEKIRANDA: Yes.

CHAIRMAN: Do you have a Kiganda clan also?

SSEKIRANDA: I have a clan in Buganda which honours a cow.

CHAIRMAN: Well, that is all from me for the time being. Any other question?

KAKWENZIRE: Were most of these seventeen people also from Burundi?

SSEKIRANDA: I just got married in Kikandwa so I do not know whether they were Barundi or not.

KAKWENZIRE: Now, this beer party, was it a functional or it was just a village gathering?

SSEKIRANDA: They were just drinking.

KAKWENZIRE: In other words, most of these seventeen people were friends?

SSEKIRANDA: Yes, and they were village-mates and they were young of the same village.

KAKWENZIRE: I am asking this because I am interested. This Mr. Sebowa who was leading the soldiers to arrest these people, was he telling the soldiers specifically who to arrest or did he just, because the soldiers discovered the crowd, go on to - (Interruption)

COUNSEL: My Lord Chairman, I do not think this witness will be able to answer that question. In view of what she told us that soldiers attacked her at her home before they went and arrested these people so she will not be able to tell.

KAKWENZIRE: But the witness also had an encounter with Sebowa before he left. I was trying to find out whether she heard Sebowa mentioning?

SSEKIRANDA: When Sebowa came with the soldiers at mine, Sebowa was in one of the houses and he was busy removing the properties while the soldiers were interviewing me about my husband but when I got out he came to the soldiers and said, all that I told was a lie. My husband had not been killed, he was alive and I even had my brothers-in-law around. So the soldiers went to the homes.

KAKWENZIRE: Had you ever seen bandits yourself?

SSEKIRANDA: I had seen them. They would pass via our homes and indeed I gave them some water.

KAKWENZIRE: So, Sebowa was actually speaking the truth?

SSEKIRANDA: What Sebowa was telling the soldiers about what I had said was true but I decided to tell the lie because if I said, I had seen the bandits or I knew the bandits that would cost my life.

KAKWENZIRE: Had you come to know some of these bandits by name?

SSEKIRANDA: I did not know their names.

KAKWENZIRE: But how did you know that they were bandits?

SSEKIRANDA: They would always tell us as they came that, they were freedom fighters and they were peacemakers.

KAKWENZIRE: So you sympathised with them? Did you understand who a freedom fighter was?

SSEKIRANDA: I did not understand it properly.

KAKWENZIRE: Why did you sympathize with them?

SSEKIRANDA: They would kindly beg us for water and we would give them the water and they had even told us that each time we saw them we should not be scared and should not run away. They were genuine peacemakers. They had not problem with us.

KAKWENZIRE: So, your husband subsequent run to them and you had told us, he is back with you. Is he not a regular soldier?

SSEKIRANDA: He is not a regular soldier. After the last liberators war had ended my husbands requested to be allowed to come back home.

CHAIRMAN: Let me follow that. Allowed by who and from where?

SSEKIRANDA: These with whom he was. I mean those he requested be allowed to come back home were in Mubende so I do not know whom they were.

CHAIRMAN: Was he also fighting with them in Mubende?

SSEKIRANDA: I do not know exactly whether he was staying in an area to rescue himself in being killed, I do not know.

CHAIRMAN: Is he at home now?

SSEKIRANDA: Yes.

MR.NAGENDA: I am interested in these three people you have mentioned. You mentioned Jogojogo, you mentioned Kato and mentioned Sebowa, were there any other people who interrogated you or tortured you in any way whose names you can tell us?

SSEKIRANDA: I do not know the names of other people who were asking us, may be, my other friends would know.

MR. NAGENDA: Okay, Jogojogo was run over by an army vehicle, do you know whether this was intentional or whether it was an accident?

SSEKIRANDA: I do not know my Lord whether it was intentional or accidental.

MR. NAGENDA: Sebowa, was he somebody from your village, is that because you knew him by his name?

SSEKIRANDA: Sebowa was a resident of Bowa. Sebowa is the one who killed my brother-in-law called Kintu and after killing Kintu, he undressed the dead body of Kintu removed his trousers and he put on Kintu's trousers.

MR. NAGENDA: How do you know he killed Kintu?

SSEKIRANDA: As we moved and in reaching Kalule, we saw Sebowa dressed in the

trousers of my brother-in-law Kintu.

MR. NAGENDA: Yes, but he could have found Kintu killed and take his trousers; but to put on his trousers does not prove anything.

SSEKIRANDA: I know, it was Sebowa who killed Kintu because Kintu pleaded before Sebowa, saying I have my young children do not kill me, let me offer you some money but Sebowa said, no I am on duty I cannot spare you.

MR. NAGENDA: You heard Kintu cry out in this way, did you?

SSEKIRANDA: Our brother-in-law called Farasiko who escaped this massacre is the one who told us that Kintu pleaded before Sebowa to spare him but in vain.

MR. NAGENDA: Are we going to hear from Farasiko, is he one of the witnesses, Legal Counsel?

COUNSEL: Well, we have other witnesses.

MR. NAGENDA: No, but before I ask her any more question, are we likely to hear from him?

COUNSEL: We have that by another witness not Farasiko.

MR. NAGENDA: Where is Sebowa today?

SSEKIRANDA: Others said that after the war had ended Sebowa escaped and went away and other say that may be he was joined the group that cuts timber but I do not know where exactly.

MR. NAGENDA: Please ask her whether what she said was that, Sebowa might have joined the present Army of NRA?

SSEKIRANDA: Others say that possibly Sebowa could have joined the present NRA and others say possibly he might have escaped to unknown place.

MR. NAGENDA: Well, if you ever found him wearing our uniform perhaps you would tell us. What about Kato? Where is Kato?

SSEKIRANDA: If I see him, though in uniform, the present uniform, I can identify him.

MR. NAGENDA: What I want to be translated to the lady is that hopefully if she ever finds him in our uniform she will tell us.

SSEKIRANDA: I can hardly walk from my home so the chances that I will ever see him are rare, But if I ever see him I think I shall be in a position to tell you.

MR. NAGENDA: And Kato, where did Kato go, is he also in the army?

SSEKIRANDA: I do not know exactly where Kato is.

MR. NAGENDA: Did these people leave their families in your village? Are their families

still there?

SSEKIRANDA: For Jogojogo, he was killed, I do not know whether he ever left any member of his family.

MR. NAGENDA: What about the other two?

SSEKIRANDA: I do not know whether they ever left any member of their family.

MR. NAGENDA: Okay, lastly for me as always very sad to hear your story, would you say that, you have now got over it?

SSEKIRANDA: Yes, I survived it.

MR. NAGENDA: What about your child? Is she a healthy girl or does she remember the things that happened?

SSEKIRANDA: The child that is alive is healthy and is with me.

MR. NAGENDA: Thank you.

CHAIRMAN: Thank you for your evidence, we are sorry that you had to come and tell us about this reminding you of what happened. It is necessary in the exercise which we are doing. You may go home now.

WITNESS NO.236: MISS CHRISTINE NAKALEMA - SWORN IN

COUNSEL: You are Christine Nakalema, wife of Kiwanuka?

NAKALEMA: Yes.

COUNSEL: You are about 21 or 21?

NAKALEMA: Yes.

COUNSEL: And a resident of Mayirikiti Village?

NAKALEMA: Yes.

COUNSEL: In Nakaseke *Gombolola*, Luwero District?

NAKALEMA: Yes.

COUNSEL: Is Kiwanuka your first husband?

NAKALEMA: No.

COUNSEL: Who was your first husband?

NAKALEMA: My first husband was Augustino Kintu.

COUNSEL: Where is he?

NAKALEMA: He was staying in Kikandwa.

COUNSEL: Is he still in Kikandwa or he is dead?

NAKALEMA: He died.

COUNSEL: Do you know when he died?

NAKALEMA: He died in 1984.

COUNSEL: Do you remember the date and the month?

NAKALEMA: Yes.

COUNSEL: Tell us.

NAKALEMA: On the 26th August, 1984.

COUNSEL: What day of the week, was it? Do you remember?

NAKALEMA: It was Saturday.

COUNSEL: Do you know where he died?

NAKALEMA: Yes.

COUNSEL: Where?

NAKALEMA: At Kikandwa.

COUNSEL: Were you present when he died?

NAKALEMA: Yes.

COUNSEL: Would you like to tell us the circumstances of his death?

NAKALEMA: Yes.

COUNSEL: Tell us.

NAKALEMA: It was the soldiers who killed him.

COUNSEL: How did the soldiers come to kill him?

NAKALEMA: A group of soldiers whom we used to call "Mobile" came and when they came, they found my husband was at a home of a certain neighbour with other people. He was arrested together with those people.

MR. NAGENDA: Actually what she says is that, they found her at home but he was somewhere else drinking.

NAKALEMA: I was at home.

COUNSEL: When they found you at home, what happened to you?

NAKALEMA: They asked where my husband was.

COUNSEL: What was your answer?

NAKALEMA: I told them that my husband was present.

COUNSEL: Did you know where your husband was at that material time?

NAKALEMA: Yes.

COUNSEL: Where was he?

NAKALEMA: My husband was at the home of our neighbour.

COUNSEL: You might have had many neighbours, who was your neighbour and at which place was he?

NAKALEMA: He was called Walusimbi.

COUNSEL: How did you know that your husband was at Walusimbi's and what was he doing there?

NAKALEMA: My husband had told me that, he was bored of staying at home so he was going at Walusimbi's home to converse with other people.

COUNSEL: Does it mean that at Walusimbi's there were other people?

NAKALEMA: Yes.

COUNSEL: Do you know what they were doing and did you know who were there?

NAKALEMA: There was some beer at Walusimbi's home.

COUNSEL: Now, when you told them that your husband was at neighbour's, what did they do to you?

NAKALEMA: They got into our residence and took away all our property which were there and ordered me to carry my child and go ahead of them; that I would know more information when we reach where they were taking us.

COUNSEL: Did you have a child and how old was she or he?

NAKALEMA: I had a child who was one year and eight months old.

COUNSEL: By name?

NAKALEMA: The child was called Annet Nannono.

COUNSEL: Was your husband related to Sekiranda?

NAKALEMA: Yes.

COUNSEL: The Sekiranda I mean, is the husband of the lady who has appeared before this Commission?

NAKALEMA: Yes.

COUNSEL: Now, where did you go?

NAKALEMA: We moved and joined another group of soldiers who were at the home of my father-in-law.

COUNSEL: Who was your father-in-law?

NAKALEMA: My father in law was called Yowana Kalekeezi.

COUNSEL: What was next?

NAKALEMA: Now we were still at the home of my father-in-law, we heard gun shots and then one called Jogojogo remarked that the bandits had started and then after sometime a certain youth came and collected us saying that those were - some people had already been arrested - those who were at the drinking place.

COUNSEL: Thanks, just a small correction. She says that, Jogojogo seems to be in charge of the soldiers?

NAKALEMA: Jogojogo who seems to be the leader of the soldiers had come, said that, after the shooting had erupted but, this boy had seen him.

COUNSEL: Who is this Jogojogo and when did you know him as Jogojogo?

NAKALEMA: Originally, when we were staying in the village before the incident, we had heard about Jogojogo. People were talking about him, the Gombolola Chief of Makulubita but on that day when we were collected and taken I as well knew him as Jogojogo.

COUNSEL: Other than Jogojogo, did you know any other person among soldiers or people who came to your home?

NAKALEMA: Yes, there were other people.

COUNSEL: Please, tell us their details.

NAKALEMA: There was a man called Kato and another man Kateregga, one called Nabbi and another one called Sebowa. There are two people by the name

of Sebowa. Another one was called Kitunzi. There was another man also by the name of Semanda and another one called Wasswa.

COUNSEL: Was Wasswa a brother of Kato?

NAKALEMA: No. There was another one Abdullai.

COUNSEL: Now, when did you know these people, on that day or before?

NAKALEMA: I got to know these people by the name after they had collected us from our own village and we were staying at Kalule.

COUNSEL: Do you mean, did they introduce themselves to you by these names or you heard them being called?

NAKALEMA: When we were at Kalule, we could hear one calling the other by name and this is how we came to learn their names.

COUNSEL: May be, you did not know their names. Had you seen them before?

NAKALEMA: I had known and seen some of them before this incident.

COUNSEL: Whom had you seen?

NAKALEMA: I had known Sebowa and known also Semanda, Kateregga and Nabbi.

COUNSEL: Where did you see them before?

NAKALEMA: They were staying on the same village where I was staying.

COUNSEL: What were they doing on that village?

NAKALEMA: When I got married in that village, I found some of them were still schooling.

COUNSEL: Now, do you see them on the village?

NAKALEMA: No.KatereggaKateregga

COUNSEL: All of them? Do you not see any of them?

NAKALEMA: No.

COUNSEL: Even Jogojogo?

NAKALEMA: Jogojogo died.

COUNSEL: Okay. Let us now go back. Now after you are arrested and taken to Kalekezi at your father-in law, what happened to you?

NAKALEMA: When we were at Kalekezi's home, one called Sebowa came and informed those who were keeping us that, some other people had been arrested.

But that people at Walusimbi's home had been arrested and so we should be taken there and join them.

COUNSEL: Were you taken there?

NAKALEMA: Yes.

COUNSEL: What did you see at Walusimbi's?

NAKALEMA: When we reached Walusimbi's home, we found there were people but we were in a different group of soldiers.

COUNSEL: The group that had arrested the other had moved?

NAKALEMA: The group which had arrested people at Walusimbi's home had already gone with the arrested people.

COUNSEL: So you followed them?

NAKALEMA: Yes.

COUNSEL: What did you see on your way?

NAKALEMA: When we reached the home of Mr. Damba, we found one youth being butchered.

COUNSEL: Having been butchered or being butchered?

NAKALEMA: This man had been already killed but the soldiers who were in group escorting us, each one of them would cut the dead man.

COUNSEL: Were you able to identify this dead man?

NAKALEMA: Yes.

COUNSEL: Who was he?

NAKALEMA: He was called Mibuulo.

COUNSEL: Of the same village as yours?

NAKALEMA: Yes.

COUNSEL: What was next?

NAKALEMA: We went ahead after we had left the man who had been butchered.

COUNSEL: Go ahead.

NAKALEMA: When we reached the compound of a certain man, one of the soldiers grabbed me by the collar and ordered me to lie down. Saying *lala chini* meaning, lie down. I pleaded with the soldier and said, please, leave me.

I pleaded with him and he left me but told me to hurry up so that we go.

COUNSEL: What was next?

NAKALEMA: We moved further ahead and found another man who had been killed.

COUNSEL: Did you identify the body?

NAKALEMA: Yes.

COUNSEL: Who was he?

NAKALEMA: He was called Mr. Kawooya.

COUNSEL: Go ahead.

NAKALEMA: We went further ahead and met yet another person, a woman who had been killed.

COUNSEL: Were you able to identify her?

NAKALEMA: Yes.

COUNSEL: What was her name?

NAKALEMA: She was called Nanjobe.

COUNSEL: Go ahead.

NAKALEMA: We continued and came yet to another man who had been killed.

COUNSEL: Go ahead. Who was he?

NAKALEMA: He was called Muvuzankima.

COUNSEL: Go ahead.

NAKALEMA: After we had left the path and joined another main path, we came across another woman who had been killed.

COUNSEL: Were you able to identify her.

NAKALEMA: Yes, I was able.

COUNSEL: What was she?

NAKALEMA: The lady or the woman was called Nyirakabyeyi.

COUNSEL: Go ahead.

NAKALEMA: Now after we had left this woman who had been killed, a soldier who had grabbed me by the collar and ordered me to lie down, grabbed the child

which I was carrying on my back and ordered me to lie down again.

COUNSEL: Yes, go ahead.

NAKALEMA: Now when I pleaded with this soldier to spare me, they laughed, then one youth whom I did not know told me that I should follow him and where he steps I should step and that if I lag behind I would face consequences.

COUNSEL: What was next?

MR. KAWANGA: But perhaps for clarification, the 'youth' appears to have a special connotation. What does she mean by youth?

NAKALEMA: By the youth, I mean, those who were moving with the soldiers and yet they were not soldiers. They were civilians.

COUNSEL: Yes, go ahead.

NAKALEMA: Now, as I moved with that youth, we reached a road junction called Mwera where we found people who had been arrested by soldiers had all been killed.

COUNSEL: How many were being killed?

NAKALEMA: They were seven.

COUNSEL: Were you able to identify any of them or all of them?

NAKALEMA: I knew them.

COUNSEL: Who were they?

NAKALEMA: There was one called Walusimbi. The second one was called Kalori, the third one was called Kasule. The fourth one was called Lubega. The fifth was called Augustino Kintu.

COUNSEL: Your husband?

NAKALEMA: Yes. The sixth one was called Misaago. There was one called Kizza.

COUNSEL: Who?

NAKALEMA: There was a lady called Kizza, she was also killed.

COUNSEL: And how was the body of your husband?

NAKALEMA: The body of my husband had been stripped naked. The trousers had been removed. The shirt had been removed and used as a rope to tie him in a 'three piece', commonly knows as *kandoya*.

COUNSEL: Yes, go ahead.

NAKALEMA: We moved further when we reached another small trading centre called Kagogo, Jogojogo stopped and talked to the soldiers; saying that, the women who had children should be let free after all, their husbands had been killed.

COUNSEL: Do you mean, you were with other women with children?

NAKALEMA: Yes.

COUNSEL: Who were these?

NAKALEMA: There was a lady called Nambooze.

COUNSEL: Nambooze, the wife of Ssekiranda?

NAKALEMA: Yes. There was another lady called Nampa.

COUNSEL: Nampa was also a married woman?

NAKALEMA: No. She was not a married woman.

COUNSEL: Who else?

NAKALEMA: There were other children also.

COUNSEL: One was Kamisini?

NAKALEMA: Yes.

COUNSEL: Yes, go ahead. Or maybe, before you move away when Jogojogo said that; the ladies with children should not be killed and you told us that, Nampa was not married but did she have a child as well?

NAKALEMA: Although Nampa had no husband but she had a child.

COUNSEL: Okay, go ahead.

NAKALEMA: Now, when we reached another trading centre called Waluleta Jogojogo instructed the soldier to go and pump water for us, the women and the children from the borehole so that we could drink and the children with us to drink.

COUNSEL: Yes, was this done?

NAKALEMA: Yes, it was one and after that.

COUNSEL: Yes, and after that?

NAKALEMA: The soldiers lined us up after lining us up, we were counted after being counted, we went further ahead.

COUNSEL: What was next?

NAKALEMA: We reached yet another road junction called Luyobyo where there is a way which goes to Nandere. Here also we found another army detach where by the same soldiers were paraded, inspected and counted and they were let to go ahead with us.

COUNSEL: You said that, they were counted, probably, you will give me some idea of how many they were, about how many soldiers were accompanying you?

NAKALEMA: We were terribly terrified, so we could not count and know the number but they were many because earlier on we had been they were two army trucks which had been deployed in the same village where we had been called from.

COUNSEL: Well, before we move there, did you try to find out what had happened to your husband's trousers?

NAKALEMA: Yes.

COUNSEL: What did you find out?

NAKALEMA: When we reached Waluleta, I had in mind that, my husband had run away and escaped but when we reached Waluleta, I tried to look around and remarked to my surprise, I saw one boy Sebowa whom I also used to call my brother-in-law, he was putting on the trousers of my husband so from that time I realised, my husband had been arrested.

COUNSEL: Now, was this before you saw the body of your husband with the other six at Mawale?

NAKALEMA: We had already seen the body of my husband and others.

COUNSEL: We had done. Then, does it mean that actually, you did not recognize the body of your husband at Mawale when you passed it?

NAKALEMA: When we reached where my husband and others had been killed and they had been put together, we were terribly terrified, we managed to identify two bodies including that of one who was called Misaago.

COUNSEL: So, the conclusion is that, the one of the bodies that you found naked was that of your husband, was it because of seeing the trousers being won by Sebowa?

NAKALEMA: Yes.

COUNSEL: Now, from Waluleta, what happened?

NAKALEMA: From Waluleta, we continued to Luyobyo where again the soldiers were lined up and counted and inspected.

COUNSEL: Then from there?

NAKALEMA: From Luyobyo, we continued up to Kalule road junction.

COUNSEL: Yes, go ahead.

NAKALEMA: On reaching Kalule, Jogojogo instructed soldiers to go back to the barracks.

COUNSEL: How about you?

NAKALEMA: The soldiers before they return back, said that, women who had been collected from the bush, they wanted to take them with them.

COUNSEL: Go ahead.

NAKALEMA: Then Jogojogo interrupted and said, those women when collected from the bush, he was not ready to release any to the soldiers. He was going to look after them himself.

COUNSEL: Did the soldiers agree to this?

NAKALEMA: Yes.

COUNSEL: Did he look after you?

NAKALEMA: After the soldiers had left, Jogojogo started interrogating us concerning what our husbands were doing.

COUNSEL: Go ahead.

NAKALEMA: We were being interviewed one at a time and started with me. Jogojogo asked me what my husband had been doing. I told him that, he had been cultivating.

COUNSEL: Yes, go ahead.

NAKALEMA: When I told Jogojogo that, my husband had been cultivating, Jogojogo refused to accept that, he was cultivating. He instead said; my husband had been a bandit and he had been killed of course, he was found in a meeting of bandits.

COUNSEL: Yes, go ahead.

NAKALEMA: When I told Jogojogo that, my husband had not been a bandit, Jogojogo threatened me and said, he should be given his gun although the soldiers were with us, he himself will kill us.

COUNSEL: Yes, go ahead.

NAKALEMA: He went on to say that, after he had killed us, the babies we had, he will not bother to look after them. After all, he had no female children whom

he will look after together with ours.

COUNSEL: Yes, go ahead.

NAKALEMA: After me, Jogojogo asked another lady called Nampa about where her husband works. Nampa answered that, her husband had been killed in the barracks at Kasese.

COUNSEL: Go ahead.

NAKALEMA: After that, Jogojogo said that, if we had refused to disclose to him what he was asking, he was going to bring his bosses from Bombo who would make us speak. So he told us to go and look for ripe banana to buy for our children from the main road.

COUNSEL: Did he give you money?

NAKALEMA: He did not give us but he had sent somebody there to check whether there were ripe banana but the person he had sent found out that the bananas had got finished.

COUNSEL: Yes, now how long did you stay at Kalule?

NAKALEMA: We spent three months.

COUNSEL: What happened after four months?

NAKALEMA: Jogojogo later on handed us to a certain chief called Kasujja. And instructed him to take us at a Coffee Factory at Kalule.

COUNSEL: Yes, go ahead.

NAKALEMA: When we went to the Coffee Factory in the hands of Kasule we joined there another group of people who had also run away from disturbed areas. We stayed there at the Coffee Factory for another month and then the District Commissioner came and told those who were keeping us that they could let us free so that we go back home and try to fight the enemy.

COUNSEL: What was the name of the DC?

NAKALEMA: I did not know his name.

COUNSEL: Now, did you go back to your home?

NAKALEMA: Those whom we had found at the Coffee Factory who had run away from disturbed areas were released and they went for us who recently come, Jogojogo told us that we should not leave the Coffee Factory because if we went back, we would corroborate with the bandits and let them attack the Coffee Factory.

COUNSEL: So, what happened?

NAKALEMA: We begged Jogojogo that we had problems in finding food and we needed to be let free and yet the Factory owners wanted to utilise their Factory but Jogojogo refused saying that, we could not leave and we could not go back home, alternatively we should find yet another house where to stay.

COUNSEL: Go ahead.

NAKALEMA: After the Factory Owners had got people who were to work in their factory, we got another house at a place called Kwese.

COUNSEL: Did Jogojogo continue to follow you?

NAKALEMA: He would follow us and check on us.

COUNSEL: Excuse me, when you say, you found a house, do you mean to say that, you found a house from which people had fled?

NAKALEMA: The house we found belong to a man called Luwala. Luwala had two homes.

COUNSEL: So, he gave you one of them?

NAKALEMA: Yes.

COUNSEL: Yes, for how long did you stay there?

NAKALEMA: We spent two months at Luwala's home.

COUNSEL: After that, what did you do?

NAKALEMA: Now, when we were there Christmas came and we had it but before having Christmas Jogojogo had already had a motor accident which cost him his life.

COUNSEL: Yes, go ahead.

NAKALEMA: We then managed to meet people who had come from our village and they were on their way to our village. So we also joined them.

COUNSEL: So, you went back to your home with them?

NAKALEMA: We joined them and visited our village and we found the village a bit peaceful so we did not come back to Kalule.

COUNSEL: Now tell us before this incident, had you been assisting bandits in your village?

NAKALEMA: We had just come from Singo.

COUNSEL: What had you been doing in Singo?

NAKALEMA: We had run and taken refuge there in Singo.

COUNSEL: When did you go to Singo?

NAKALEMA: We had gone there in 1983.

COUNSEL: Where in Singo?

NAKALEMA: We moved through many villages in Singo.

COUNSEL: My Lord, this is what I have in respect of this incident for which I called this witness.

CHAIRMAN: Yes, thank you. Is there any question from Commissioners.

MR.J.NAGENDA: I am interested in hearing that you celebrated Christmas, how did you do this?

NAKALEMA: We celebrated Christmas after we had left the Coffee Factory and had gone to a place called Kwese but we would go out and look for food.

MR. NAGENDA: Yes, I know but please, tell us how you enjoyed this Christmas. What did you do? How did you celebrate the Christmas?

NAKALEMA: We celebrated Christmas peacefully and we passed through it peacefully and it was on Christmas day when Jogojogo was buried.

MR. NAGENDA: Was it a part of your celebration?

NAKALEMA: No.

MR. NAGENDA: Did you have a service? Did the priest come and lead in prayers? Did you have special meals? I am asking this because we just want to see how you were living.

NAKALEMA: We did not have a service.

MR. NAGENDA: Now it seems to me that Jogojogo from what you have told us actually, looked after you very well. I mean he stopped the soldiers from arresting you. He did not allow them to kill you because you had children. Did he in fact, look after you well?

NAKALEMA: Having arrived at Kalule in the hands of Jogojogo, Jogojogo warned us not to go back to where we had been collected from and saying, if anyone of us ever disappears, all of us will be killed. Otherwise, he did not provide us with any other things materially which to use.

MR. NAGENDA: Did Jogojogo or any of the other people physically molest you?

NAKALEMA: The people did not molest us but one man called Sebowa attempted to bring some soldiers to us where we were at the Coffee Factory.

MR. NAGENDA: We heard evidence that some of the soldiers raped some of the ladies. Did this happen?

NAKALEMA: The rape did not take place at the Coffee Factory but it took place in the village as we were being brought.

MR. NAGENDA: Was it only soldiers who attacked the ladies in this way or did some of the civilians do so?

NAKALEMA: Even other civilians raped the women but most of the women were raped by the soldiers.

MR. NAGENDA: Okay, now it has become apparent to us that quite a lot of people, it was quite a lot of people in this area were either Barundi or Banyarwandaby tribe. Is it so?

NAKALEMA: All tribes were there.

MR. NAGENDA: Let us say, Sebowa was he a Munyarwanda or a Murundi?

NAKALEMA: There were to Sebowas, one was a Munyarwanda and one a Murundi.

MR. NAGENDA: Your present husband Kiwanuka was he a Munyarwanda, a Murundi or a Muganda?

NAKALEMA: His is a Muganda.

MR. NAGENDA: How about Augustino Kintu, what was he?

NAKALEMA: He was a Munyarwanda.

MR. NAGENDA: And Yoana Kalekezi, your father-in-law, of course, he was also a Munyarwanda?

NAKALEMA: He was a Nyarwanda.

MR. NAGENDA: How about Kato?

NAKALEMA: Kato was a Muganda.

MR. NAGENDA: How about Katerega?

NAKALEMA: Katerega was a Murundi.

MR. NAGENDA: What about Nabbi?

NAKALEMA: Nabbi was a Muganda.

MR. NAGENDA: And how about Semanda?

NAKALEMA: He was a Muganda.

MR. NAGENDA: Abudulayi?

NAKALEMA: I did not know his nationality because I found him at Kalule.

MR. NAGENDA: Okay, what I am trying to get - (Interjection) - What about Walusimbi?

NAKALEMA: He was a Muganda.

MR. NAGENDA: Alright, what I am driving at, has there been enmity between Baganda on the one hand and people of the other tribes?

NAKALEMA: There was no enmity.

MR. NAGENDA: And your in-law also was a Munyarwanda.

NAKALEMA: He was a Munyarwanda. There was one village mate who had managed to locate one of them called Lwabisa. He gave a statement to the authorities, but, when they made a follow up, it was later found out that he was one of those wanted and he escaped to a farming place; otherwise we had wanted to make him also face the same ordeal we had to face.

MR. NAGENDA: Do you mean to say, they wanted to kill him?

NAKALEMA: I do not know but possibly the villagers they know how those things.

MR. NAGENDA: You remained with these children and they are not your children; you said that she was not married she had children as well.

NAKALEMA: Although she had no husband, she had children because she is also human being.

MR. NAGENDA: Now, talking of children, do you know who killed your husband?

NAKALEMA: The people who killed my husband generally were the soldiers and the people came with the soldiers specifically knew it was Ssebowa who killed my husband.

MR. NAGENDA: How do you know? Were you there?

NAKALEMA: What makes me think that it was Ssebowa who killed him, was that, after his death, Ssebowa put on the trousers of my husband.

MR. NAGENDA: Could he not have found the dead body of your husband and the trousers?

NAKALEMA: If my husband had been killed by other people, those other people should have been the ones who should have removed this trousers.

CHAIRMAN: I think this is - well, if I may intervene, it is - now a matter of speculation. This is an opinion, since she was not there. I think no point pursuing it.

MR. NAGENDA: No what I was going to pursue, we have already heard somebody saying that they heard shouting. I want to ask whether she knows anything

about it. We heard another witness say that they heard your husband begging them to spare his life and that Ssebowa refused. Did you yourself hear your husband asking for mercy from Ssebowa?

NAKALEMA: Not all of us heard my husband begging for mercy from Ssebowa, but my brother-in-law who had been arrested with my husband heard my husband begging for mercy from Ssebowa.

MR. NAGENDA: What was the name of this brother-in-law of yours?

NAKALEMA: He was called Farasiko.

COUNSEL: Thank you.

MR. NAGENDA: After the chaos you went through, seen your husband killed and dead and so on, have you managed to return to normal life?

NAKALEMA: Yes.

MR. NAGENDA: What do you think when you remember this day in August 1984?

NAKALEMA: This day is a special day for me because when I think about this, I recall the day when my husband was killed and I feel some grief.

MR. NAGENDA: Of all the people who were with Jogojogo whom you told us, you said, they are no longer in your village - I am talking about people like Kato, Katerega, the two Sebowas, Nabbi, Kituuzi, Semanda and Abudulayi and Wasswa they are all gone but do you know where they are? Do you know where any of these people are today?

NAKALEMA: I do not know where they are.

KAKWENZIRE: Just one question about these who were assisting soldiers to cut down people. You said, you knew some of them and some of them were still in school, what sort of people were they; sons of people in the village or just people who came from other places?

NAKALEMA: Others were residents of Kikandwa village and others come from a village called Namiswa.

KAKWENZIRE: Do you know at least one or two of them to be able to tell us what kind of people they were?

NAKALEMA: A lady called Nampa could be in a better position to tell you more about these people because she got married earlier to this village than I did.

MR.KAWANGA: Do you know whether these people who were killed were ever buried?

NAKALEMA: Yes.

MR. KAWANGA: Who buried them?

NAKALEMA: The people who had remained in the village buried them.

MR. KAWANGA: I see. So it means, after they had taken you, certain people remained on the village?

NAKALEMA: Yes, some people remained behind after we had been taken.

MR. KAWANGA: How did they manage to remain?

NAKALEMA: When our village Kikandwa was attacked by the soldiers that day people from that village were disturbed, others were beaten others killed but a neighbouring village called Makonzi was not disturbed. So, after residents of Kikandwa had been taken, the residents of Makonzi came and buried those who had been killed.

MR. KAWANGA: Okay, when you are released, you went back home. How did you find your home?

NAKALEMA: On my release, I did not go back directly to our home because our home and the neighbouring home had been deserted, the whole village had been deserted, so I went to another village called Makonzi.

MR. KAWANGA: And you stayed with whom?

NAKALEMA: I stayed with a lady called Nampa.

MR. KAWANGA: And thereafter got remarried?

NAKALEMA: Yes.

MR. KAWANGA: How long afterwards?

NAKALEMA: I got married to a second man after one year.

MR. KAWANGA: Were you then working for Nampa or were you living with her as a relative? How were you living with here?

NAKALEMA: I was just staying with her because earlier on I had been with her.

MR. KAWANGA: In prison or?

NAKALEMA: Yes.

MR. KAWANGA: I see, that is all.

CHAIRMAN: I just have one question for you. This child whom you had, did she survive all this?

NAKALEMA: The child survived.

CHAIRMAN: Is she with you now?

NAKALEMA: I have been having this child but recently his father asked for this child and now is staying with his father.

CHAIRMAN: Which father?

NAKALEMA: The child's uncle.

CHAIRMAN: I see. The brother of the father?

NAKALEMA: Yes.

CHAIRMAN: Was it the father, your husband who was killed?

NAKALEMA: Yes.

CHAIRMAN: Thank you.

KAKWENZIRE: First of all, I congratulate you for having survived this ordeal and so on and the courage you have displayed, or mainly to live. Now those people who have caused all these miseries - in-laws, relatives have you and other survivors tried to find out where they are if you found out where they are would you forgive them or do you want them punished. What should be done?

CHAIRMAN: Mrs. Kiwanuka, we thank you for your evidence and for having appeared before this Commission. It is a bit of relief to know that you survived and you do not appear to look very badly since the incidents. Okay, thank you. You may go home now. I do not know what the Commissioners think. It is about twenty past three now. Can we take on another witness.

MR. NAGENDA: Personally, I have got to be back in town before five.

CHAIRMAN: And another witness, I do not think we can finish before five o'clock.

COUNSEL: Well, I was going to complete this case. There is one witness who came with these people afterwards but there is another case which, I think, we could complete within - depending on your questions you want to put to him; but I for one I think, I can finish him in twenty minutes time.

CHAIRMAN: Okay. We call a witness whose evidence is brief.

COUNSEL: He is Misaago.

WITNESS NO.237: MR. GEORGE MISAAGO - SWORN IN

COUNSEL: Mr. Chairman, this witness was apparently assisting the rebels against the then Government; but the purpose of his evidence is to inquire into the inhuman treatment of the rebels or suspected rebels by the Government, the summary execution of other people who were suspected to be assisting rebels. Would you state your names, please?

MISAAGO: My names are George Misaago.

COUNSEL: How old are you?

MISAAGO: I am 46 years old.

COUNSEL: What do you do?

MISAAGO: I am a cultivator.

COUNSEL: Where do you live?

MISAAGO: I live at Bubumbuvule, Kagogo Parish.

COUNSEL: Which *Gombolola*?

MISAAGO: Makulubita *Gombolola*.

COUNSEL: You seem to have recently sustained injuries on your head. Can you tell us how you came to have these injuries?

MISAAGO: Well -

COUNSEL: When did you get them?

MISAAGO: Soldiers came at my house and they arrested me at around evening. They were nine people.

MR NAGENDA: When was this date? What year - a Monday?

COUNSEL: When was this, if you can remember?

MISAAGO: In 1985.

CHAIRMAN: Which month?

COUNSEL: My Lord, I want you to assist me because I have not talked to him. I want to assist him. Is your village near Kikandwa?

MISAAGO: Yes.

COUNSEL: We have been told that in August, 1984, some fifteen people were killed. They were found at a beer party.

MISAAGO: Yes.

COUNSEL: Did you hear about it?

MISAAGO: These people were arrested after soldiers had beaten me.

COUNSEL: I see. How many months had passed?

MISAAGO: Waluleeta Forest.

COUNSEL: Yes.

MISAAGO: The exercise took about three hours and, when they left, it took me four hours to regain my consciousness. I stood up and went to another place.

COUNSEL: Where did you go?

MISAAGO: I went back to my village where they had arrested me.

COUNSEL: In your house?

MISAAGO: I went into the bush.

COUNSEL: Now, what did you do with the cuts that you had sustained on your body?

MISAAGO: My friends took me and treated me.

COUNSEL: How did they know about your presence in the bush?

MISAAGO: I contacted them at their homes.

COUNSEL: At night?

MISAAGO: During the day.

COUNSEL: Now what kind of treatment did they give you? Did they have medicine or what treatment?

MISAAGO: They used the native medicine.

COUNSEL: For how long did they treat you?

MISAAGO: Two months.

COUNSEL: Now, what happened after the two months? Did you continue to stay in the bush?

MISAAGO: I left the bush when I was invited by the - when I was called by the man who cut me.

COUNSEL: Who?

CHAIRMAN: We want to know the kind of injuries you got - which cut, which kind of injuries?

MISAAGO: Well -

MR. NAGENDA: What are these in front?

COUNSEL: You mean, when they arrested you, they tied your hands.

MISAAGO: Yes, they tied me.

COUNSEL: Even the other people were tied in the same way.

MISAAGO: Yes, they were tied in the same way.

COUNSEL: Now, you say you were called out of the bush by a person who cut you; who was this one?

MISAAGO: Jogojogo.

CHAIRMAN: Is he the one who cut you?

MISAAGO: The youth wingers.

COUNSEL: Jogojogo was present when you were arrested and cut?

MISAAGO: Yes, he is the one who arrested me. He is the one who put me in the car.

COUNSEL: Now, when he called you, did you go to them - when you were called by Jogojogo?

MISAAGO: Yes, I went -

COUNSEL: Where did you go?

MISAAGO: I went to Waluleeta where he was performing his duties.

COUNSEL: Yes, what happened?

MISAAGO: He told me that, since I had survived the war - as I had survived the war that I should go back and settle in my home.

MR. NAGENDA: Which war had you been in.

MISAAGO: Since I had survived my war.

COUNSEL: Now, did you settle in your house?

MISAAGO: Yes, I went back and settled down.

COUNSEL: Did you have more problems?

MISAAGO: No -

COUNSEL: Now, did you try to find out what happened to the other eight?

MISAAGO: I made some investigations but I did not know where they had come from and in their area there were no people.

COUNSEL: How about Nalongo?

MISAAGO: Nalongo I investigated and found out that it was because her son had joined the guerrillas.

COUNSEL: You mean you have never seen her again?

MISAAGO: She was killed.

COUNSEL: Did you try to check in the forest to find out what had happened - after you had been given liberty by -

MISAAGO: We removed the body of Nnalongo from the forest and we buried.

COUNSEL: Did you see the body when you visited the forest at Waluleeta?

MISAAGO: No.

COUNSEL: That is all, my Lord.

CHAIRMAN: What were you cut with? You have not told us.

MISAAGO: Pangas.

CHAIRMAN: By how many people? Did you know?

MISAAGO: Four.

CHAIRMAN: Each cutting you at a time.

MISAAGO: At intervals; anybody would come and cut and go; and another one would come and he goes and then another group.

CHAIRMAN: Did they leave you for dead or were you still struggling each time when they cut you?

MISAAGO: They thought that I had died and they left.

CHAIRMAN: You were alone in your house when you were arrested?

MISAAGO: I had my wife.

CHAIRMAN: Was your wife also taken with you?

MISAAGO: Yes, she was also taken.

CHAIRMAN: What happened to her?

MISAAGO: I did not know. She came back after my release.

CHAIRMAN: You mean she was not taken in the same place. She was taken somewhere else.

MISAAGO: She was taken to a Detach at Kalule.

CHAIRMAN: Were they close from where you were close to your village; who were assisting them with - giving them - food?

MISAAGO: They were in Nakaseke Sub-county and I was staying there in Makulubita Sub-county. We were near.

CHAIRMAN: I mean from where they were, how far away?

CHAIRMAN: You mean, she was not taken in the same place; she was taken somewhere else?

MISAAGO: She was taken in a different place.

CHAIRMAN: I see. Were the rebels close to your village? You say, you were assisting them, giving them food.

MISAAGO: They were in Nakaseke Sub-county and I was staying in Makulubita Sub-county. They were near.

CHAIRMAN: I mean, from where you were, how far away?

MISAAGO: About five miles.

CHAIRMAN: How long had you assisted them when this happened?

MISAAGO: One month.

CHAIRMAN: Did Jogo-Jogo know about this, about what you were doing?

MISAAGO: Yes, he knew.

CHAIRMAN: I am sorry, when you first gave evidence, you said, you were cut by an Acholi. Is that correct?

MISAAGO: Because at that time they were in the army; and those who arrested me were soldiers. That is why I said that I was cut by an Acholi.

CHAIRMAN: No; well, arrest and cutting is different; but I thought you said, you were cut by youth wingers and Jogo-Jogo.

MISAAGO: Jogo-Jogo used to dress in military uniform; and Bruno was an Acholi. So they were together when they arrested me and when I was cut.

CHAIRMAN: Was Bruno a soldier or a civilian?

MISAAGO: He was a soldier.

CHAIRMAN: All the four people who cut were soldiers?

MISAAGO: They were youth wingers.

CHAIRMAN: Was Bruno present when you were being cut?

MISAAGO: He was present but he did not participate in the cutting.

CHAIRMAN: Well, you confused evidence again. You said, you were cut by an Acholi and yet you were again cut by youth wingers.

MISAAGO: I was cut by the youth wingers; we even arrested them and took them to Bombo Barracks.

CHAIRMAN: When was that?

MISAAGO: Last year but I do not remember the month.

CHAIRMAN: How many were they you arrested?

MISAAGO: Two of them.

CHAIRMAN: What were their names?

MISAAGO: Kalule, and his younger brother Kabuye.

CHAIRMAN: When you say, youth wingers; youth wingers of what?

MISAAGO: They were Baganda youth wingers but working on orders of the Acholis (Laughter) -

CHAIRMAN: Youth wingers of Baganda?

MISAAGO: Yes, they were Baganda.

CHAIRMAN: You arrested them and took them to Bombo Barracks?

MISAAGO: Yes.

CHAIRMAN: What happened to them?

MISAAGO: They spent there two months and they were released.

CHAIRMAN: Where are they now?

MISAAGO: They are in their home.

CHAIRMAN: They are in their homes. Were those two among those who actually cut you?

MISAAGO: Yes.

CHAIRMAN: Yes.

CHAIRMAN: Did you know them before?

MISAAGO: Yes, I knew them.

CHAIRMAN: I see. And they are there up to now?

MISAAGO: Yes, they are there.

CHAIRMAN: Okay, thank you.

MR.KAWANGA: You gave us the list of people who were cut before; but you did not include these two names which you are giving us now.

MISAAGO: These were the first people we arrested and when they were taken to the Bombo Barracks they were released because there was no evidence.

COUNSEL: The question, I think, he is asking you, you arrested them because they cut you. Is that the reason why you arrested them?

MISAAGO: Yes.

MR. KAWANGA: Is that what he claims?

COUNSEL: Yes. Is it because they cut you or because they were youth wingers - those Kabuye and Kalule?

MISAAGO: Because they were the people who cut me.

COUNSEL: Now, did you intend to include these people in the list of people who came to your home that night?

MISAAGO: Yes, because they were -

COUNSEL: Now, for purposes of clarity, would you tell us who came to your home with soldiers that night?

MISAAGO: Jogo-Jogo, Lawrence Kasujja, Ali Bruno, Kalule, Kabuye, ...

COUNSEL: Then you mentioned Fred Musisi. Why did you mention Fred Musisi?

MISAAGO: He is also in the list.

COUNSEL: Senfuka? Kato?

MISAAGO: And Senfuka, and Kato who was an assistant Sub-Parish Chief.

MR. KAWANGA: Okay, one other I wanted to ask you, you were got from your house with the 8 people; were you escorted with these 8 people to the forest together?

MISAAGO: Yes.

MR. KAWANGA: And did you see your friends being cut?

MISAAGO: Yes; they first took us to Waluleta Trading Centre; and they removed four from the group; they took them and killed them and then afterwards they came and collected us and led us into the forest.

MR. KAWANGA: Yes. So you saw four of you being cut; were you taken together with the other four?

MISAAGO: Yes.

MR. KAWANGA: Now, when were you burnt with molten jerrycans?

MISAAGO: On the way going.

MR. KAWANGA: Did this also happen to your friends?

MISAAGO: No.

MR. KAWANGA: It was only you who was burnt?

MISAAGO: Yes.

MR. KAWANGA: I see.

CHAIRMAN: Okay. Are there any more questions?

MR.NAGENDA: I am very sorry to ask these questions again because they must be very painful to you but exactly how did they burn you with these plastic containers?

MISAAGO: They used to move with pieces of those jerrycans. And after arresting you they could put fire on them and then start burning you.

MR. NAGENDA: Were you lying on the ground?

MISAAGO: Yes.

MR. NAGENDA: And then would they hold the plastic jerrycans when they were actually burning?

MISAAGO: Yes, they had cut them into pieces.

MR. NAGENDA: Yes, but were they holding them? What was holding up these plastic jerrycans?

MISAAGO: They were cut into pieces and they could hold these pieces; when they burn to an extent that they will feel the fire, then they could remove it.

MR. NAGENDA: Okay, that is what I wanted to know. How many people actually cut you?

MISAAGO: Four.

MR. NAGENDA: And you say, Kalule and Kabuye were two of them?

MISAAGO: Yes.

MR. NAGENDA: Who were the other two?

MISAAGO: Fred Musisi and Senfuka.

MR. NAGENDA: Why didn't you take Senfuka and Musisi also to Bombo?

MISAAGO: They ran away and they have never come back.

MR. NAGENDA: Do you know whether Kasule and Kabuye were brought to trial in Bombo?

MISAAGO: No, they were not charged in court, they remained in the barracks.

MR. NAGENDA: So, why did they bring them back?

MISAAGO: I did not know.

MR. NAGENDA: Do you have any witnesses of people who saw you being taken away with these two people among four people who took you away?

MISAAGO: Yes, they are there.

MR. NAGENDA: Who are these witnesses?

MISAAGO: One is called Kapere and Mr. Erisa Kiwanuka - he is around.

MR. SEKANDI: And your wife of course?

MISAAGO: Yes, but she divorced.

MR. SEKANDI: Where is she?

MISAAGO: I do not know where she is.

MR. SEKANDI: I see. Now how did Kapere see you being taken to the forest?

MISAAGO: We passed at his home.

MR. SEKANDI: I thought, this was at night?

MISAAGO: We passed in his compound; but he was awake and he saw us and he decided to hide himself.

MR. NAGENDA: Has it occurred to you to bring a case - a civil case - whatever - a case against these two people, especially since you have got witnesses? Have you even taken it to, for example, RC I?

MISAAGO: I took the matter to the RC; they gave me a letter to take to the Sub-

county chief; I went to him; he was not co-operative and I went back to the RC's; they gave me another letter which I took to Bombo.

MR. NAGENDA: So you mean the case is continuing?

MISAAGO: If they summon I will go and follow up the case.

MR. NAGENDA: Well, very good of you, you will because people who treated you like this really should be brought to trial.

MISAAGO: I am ready to follow up the matter.

MR. NAGENDA: How are these two gentlemen treated you in your village?

MISAAGO: They are not harassed but the people know.

MR. NAGENDA: What do they do; what type of their work?

MISAAGO: They are cultivators.

MR. NAGENDA: Have you yourself as a person got any plans for these people?

MISAAGO: Sorry!

MR. NAGENDA: You as the victim of an attack, what do you want to be done to these people?

MISAAGO: It will depend on the government; what the government will decide to do that is what will be done. If the government decides to arrest them, I have no problem with that.

MR. NAGENDA: I think you might like to know that we have been asked by this government you are talking about to make recommendations on the kind of evidence we hear. Now after Mr. Jogo-Jogo had allowed you to go back to your house, did you resume your food collecting for the NRA?

MISAAGO: They had moved to another area.

MR. NAGENDA: Would you have resumed?

MISAAGO: Yes, I would have done it.

MR. NAGENDA: Right. Lastly, have you had any thanks of any kind, material or other wise from the people from whom you collected food, now that they have taken over power?

MISAAGO: No.

MR. NAGENDA: I think you should write a letter to them at the NRM Secretariat or even to go personally and show them what you underwent on their behalf.

MISAAGO: I do not know where the NRM Secretariat is.

MR. NAGENDA: I think we have got one gentleman in this room who will tell you when you see him after here.

MISAAGO: I will thank him about a thousand times.

CHAIRMAN: Any more questions?

KAKWENZIRE: You said that these people who cut you were arrested and taken to Bombo and then released; and you are still hopeful that when you are called you will go and pursue the case. But, where do you base your hopes - who will call you?

MISAAGO: The Commission - members of the Commission.

KAKWENZIRE: This Commission?

MISAAGO Yes, because I think, they are the ones who are going to show me where the Secretariat is.

KAKWENZIRE: We are talking about the court pursuing these people and making sure that they are charged with causing you such injuries.

COUNSEL: But, my Lord and Lady Commissioner, you see, this witness has just come to you and he has told you what he knows, he says, he complained to the authorities; nothing was done. I think it is certainly to us, otherwise he cannot here just suggest ways of dealing with this matter.

KAKWENZIRE: But also Counsel, matters - I see your point - and when I see these questions I also know, but I want really to be on record there normally people are confused about what to do. And probably even when we should also highlight this problem; that people put so much faith in authority, the faith of which is never realised.

CHAIRMAN: Well, if I may just - it is only one point - you informed us about yourself. Were you born in your present place?

MISAAGO: No.

CHAIRMAN: Where were you born?

MISAAGO: I was born in Tanzania.

CHAIRMAN: I see. You originate from Tanzania?

MISAAGO: Yes.

CHAIRMAN: When did you come to this area?

MISAAGO: In 1951.

CHAIRMAN: And you settled here since?

MISAAGO: Yes.

CHAIRMAN: I see. Why did you come?

MISAAGO: I was looking for employment.

CHAIRMAN: What kind of employment?

MISAAGO: Digging.

CHAIRMAN: I see. What about your wife?

MISAAGO: I found her in this place where I am staying.

CHAIRMAN: Do you hope to go back to Tanzania?

MISAAGO: I do not know.

CHAIRMAN: Did you find the job you came looking for?

MISAAGO: Yes, I am working.

CHAIRMAN: What - digging?

MISAAGO: Yes.

CHAIRMAN: For who?

MISAAGO: In my plot.

CHAIRMAN: Couldn't you have dug in Tanzania?

MISAAGO: I couldn't.

CHAIRMAN: Why not?

MISAAGO: Where a person wants to settle is where he goes (Laughter) -

CHAIRMAN: I see. It does not sound very convincing.

KAKWENZIRE: It is. (Laughter) -. Are you a Murundi?

MISAAGO: I am a Muhangaza from Tanzania.

CHAIRMAN: Okay, thank you for the evidence you have given to the Commission. It seems that - it is now about 4.00 o'clock - well past 4.00 and we have not had lunch all of us and it is appropriate time to break off. We shall resume here tomorrow at 9.30 a.m.

CHAIRMAN: Commissioner, Learned Counsels, Ladies and Gentlemen, we are ready now to commence the Hearing of Today - the 14th of April, 1988, still in

Katikamu County Hall. Counsel, let us have the next witness, please.

COUNSEL: The next witness is Erisa Kiwanuka.

CHAIRMAN: That is Number 238.

WITNESS NO.238: MR. ERISA KIWANUKA - SWORN IN

COUNSEL: You are Erisa Kiwanuka?

KIWANUKA I am Erisa Kiwanuka.

COUNSEL: How old are you?

KIWANUKA I am aged seventy five.

MR. NAGENDA: Pardon!

KIWANUKA I am aged seventy five.

CHAIRMAN: Seventy five?

KIWANUKA Yes, seventy five.

COUNSEL: You are a Muganda Cultivator at Namulese?

KIWANUKA Yes.

COUNSEL: *Gombolola* Makulubita?

KIWANUKA Yes.

COUNSEL: Luwero District?

KIWANUKA Yes, Luwero District.

COUNSEL: Now, for how long have you been a resident of this village?

KIWANUKA I was born there.

COUNSEL: Now, were you there in 1984?

KIWANUKA I was staying at Gangu.

COUNSEL: Whose detach was that?

KIWANUKA I was in the Detach of Jogojogo who was just guarding us.

COUNSEL: Why had it been necessary?

KIWANUKA It was just for guarding us. We had run away to Singo.

COUNSEL: You mean in your area there had been some kind of insecurity because of fighting between soldiers of Government troops and rebels?

KIWANUKA There was insecurity.

COUNSEL: Now, do you remember August 24th in 1984; is there anything which happened to you?

KIWANUKA I was arrested with my colleagues when we had gone to collect food with other seventeen who were killed.

COUNSEL: Were you alone when you were arrested?

KIWANUKA At first, I was arrested alone, when I had gone for food.

COUNSEL: Who arrested you?

KIWANUKA It was Jogojogo who arrested me.

COUNSEL: Who is Jogojogo?

KIWANUKA He was a Commander of the said detach.

COUNSEL: Was he a soldier - a Civilian?

KIWANUKA He was regarded as a soldier and he went and he asked for some soldiers in Bombo Barracks.

CHAIRMAN: He was what? I am sorry interpreter. We do not hear you.

KIWANUKA He was regarded as a soldier.

CHAIRMAN: Yes, 'regarded'.

KIWANUKA Yes.

COUNSEL: Now, when he arrested you, did he tell you why he had arrested you?

KIWANUKA He told me that I was a bandit and that they were looking for them.

COUNSEL: Did you give an explanation why you were there?

KIWANUKA I explained to him, I had come from the detach and I had come for food.

COUNSEL: So, when he arrested you, was he alone or with other people?

KIWANUKA He was with some soldiers from Bombo.

COUNSEL: How many soldiers did he have?

KIWANUKA They were about three hundred in number.

COUNSEL: Apart from Jogojogo, did you recognize any other person other than those soldiers from Bombo?

KIWANUKA I knew nobody beside Jogojogo as they had come from Bombo.

COUNSEL: Now what happened after you had been arrested?

KIWANUKA I was arrested and I went along with them; later we found the people taking some beer at Kikandwa.

COUNSEL: Pardon!

KIWANUKA Later we found some people drinking beer at Kikandwa.

COUNSEL: I see.

KIWANUKA I went on following them.

COUNSEL: I see. Did you know these people who were drinking beer and at whose house were they drinking beer?

KIWANUKA The home was of Nakayanga.

COUNSEL: Is he also known as Walusimbi?

KIWANUKA Walusimbi was his son.

COUNSEL: I see. Was also Walusimbi there?

KIWANUKA Yes, Walusimbi was also there and he was killed.

COUNSEL: Now - I asked you - did you know the people you found drinking beer apart from Walusimbi?

KIWANUKA We remained behind - I remained behind -with Jogojogo and the soldiers surrounded those who were taking beer. Then we found the soldiers interrogating the widows, who were their husbands, and where they had gone.

COUNSEL: Yes, now did you go to Walusimbi's place where beer was being taken.

CHAIRMAN: Sorry! Were they widows at that time?

KIWANUKA The ladies were still behind but those who were found taking beer were killed - their husbands were killed.

CHAIRMAN: We have not reached there yet. Let us go step-by-step. You have been telling us that you found the soldiers interrogating the women.

KIWANUKA Yes. As we had remained behind, they - some soldiers - surrounded those

who were drinking beer; then those who were scattered were all rounded up and we found them when they had already killed them.

DR.MAKUBUYA: Were you present when the soldiers surrounded people who were taking beer?

KIWANUKA I was not around by then. I had remained with Jogojogo. Then some soldiers went - some of the soldiers went - and surrounded those who were taking beer.

COUNSEL: Yes, I think, the Chairman had asked you, were they widows by that time you found being interrogated or they became widows afterwards.

KIWANUKA They were not yet widows.

COUNSEL: And did you know these women who were being interrogated?

KIWANUKA I did not know them before.

COUNSEL: Now did you eventually follow the soldiers to Walusimbi's place?

KIWANUKA Eventually, we went to Walusimbi's place and we found that they had already been taken, and they went along with them, killing them.

COUNSEL: Yes. Did you witness any killing or you only saw dead bodies?

KIWANUKA I only saw bodies.

COUNSEL: How many bodies did you see?

KIWANUKA They were seventeen dead bodies. I was the eighteenth.

COUNSEL: Pardon!

KIWANUKA I was the only one surviving.

COUNSEL: How were these people killed in your observation?

KIWANUKA They were tied with ropes and after which they were cut with and they had a hole most of them in their skulls.

COUNSEL: Were those people known to you? Did you know them?

KIWANUKA The dead bodies?

COUNSEL: Yes.

KIWANUKA I did not know them. They were Barundi. Only I knew Kawooya who was a Muganda.

COUNSEL: How about Walusimbi? Was Walusimbi also a Murundi?

KIWANUKA I also knew Walusimbi.

COUNSEL: How? We have been told also Nanjobe also a woman had been killed? Was she also a Murundi?

KIWANUKA She was also a Murundi; but, because her boss was of a Lion Totem, that is why she was named that name.

CHAIRMAN: Her boss was what?

KIWANUKA The boss whose totem was a lion; that is why she was named the name 'Nanjobe'.

COUNSEL: Now, what happened or what happened to you - how did you come to be saved?

KIWANUKA As they were killing, I thought that I was also to be killed, after when we reached Waluleeta at around 5.00 p.m., he called me. He said - I was set free but he did not want me to say what had happened. He told me to go home. After three days, when people had all run away from his Sub-county, he called people to come back.

MR.NAGENDA: Who was this?

KIWANUKA Jogojogo. On the third day it is when Jogojogo saw me. He said you were treated. You are lucky you survived. Then people had refused to turn up but after realizing that there was no disturbance, people decided to come back in their homes.

COUNSEL: Yes.

KIWANUKA After about two months, there broke a war. The soldiers were brought in our area. Then they started looting our property.

DR.LUYOMBYA: Clarification, please. He said that he lives at Namulese, Makulubita Sub-county and now they are at Waluleeta. Did you have another plot at Waluletta as well?

KIWANUKA Waluleeta is near our village and it is in the Sub-county of Makulubita.

COUNSEL: My Lord, that is all I have for this witness.

CHAIRMAN: Any questions from the Commissioner?

MR.KAWANGA: I only want to know who this Jogojogo was! You know it does not appear to be a normal name. Does he know who he was - what kind of a person he was?

KIWANUKA He was a Kakwa. He was a Sub-county Chief of Makulubita.

MR. KAWANGA: Was he a soldier?

KIWANUKA He was not a soldier.

MR. KAWANGA: Who had appointed him a *Gombolola* Chief?

KIWANUKA He was appointed by the Government - his Government.

MR. KAWANGA: Was he able to speak Luganda?

KIWANUKA He could speak fluent Luganda.

MR. KAWANGA: Had he been born around?

KIWANUKA He was born in Luwuubo.

MR. KAWANGA: And he has grown up in Luwero District?

KIWANUKA Yes.

MR. KAWANGA: But originally coming from West Nile District.

KIWANUKA He was born in this Sub-county after which he went to Bombo.

MR. KAWANGA: Had he ever been to school?

KIWANUKA He was well educated.

MR.NAGENDA: You said that of the people who were killed, only two of them were Baganda - Walusimbi and somebody else. What was the name of the other person?

KIWANUKA Yes, Walusimbi and Kawooya.

MR. NAGENDA: And the rest were Barundi?

KIWANUKA Yes, they were Barundi.

MR. NAGENDA: Were they Barundi who had grown up in this area or had they just come there to settle over a short time?

KIWANUKA They were youths born in this area.

MR. NAGENDA: You see, I find it funny that, if they were - they had grown up in the area, you did not know them, at all! Was it because they were Barundi?

KIWANUKA They were Barundi. They were in the other Sub-county and I was in the other Sub-county where Jogojogo attacked them.

MR. NAGENDA: What I am trying to say, was there a great gap between the Barundi and the Baganda in the area or did they ever work together?

KIWANUKA I did not know as we were not in the same area - just we were arrested.

MR. NAGENDA: Okay, did you hear whether, in fact, the massacre might have been because these people were Barundi? Did anybody tell you that this might have happened?

KIWANUKA Just because they were found at a beer party.

KAKWENZIRE: For how long were you in the camp?

KIWANUKA I was there for about three months.

KAKWENZIRE: Were you alone or with somebody?

KIWANUKA I was with my family but we were about three hundred in the camp.

KAKWENZIRE: And what was life like; were you getting medicine?

KIWANUKA We used to look for food.

KAKWENZIRE: Did you ever receive any visits from the Red Cross or from the Government?

KIWANUKA The Red Cross people used to visit us and gave us assistance like hoes, blankets, jerry-cans and pangas.

KAKWENZIRE: Was it in the camp or after?

KIWANUKA By then we were not at the camp, we were in our homes.

KAKWENZIRE: Did you witness deaths in that camp?

KIWANUKA Where we were staying, we did not witness any deaths because we were not allowed to move at night.

KAKWENZIRE: But for the lack of medical facilities, were the children dying or what?

KIWANUKA In the camp people used to die and relatives used to collect the bodies and bury them.

DR.LUYOMBYA: One other little point of clarification. You had moved to Singo because you wanted to run away from wars in Luwero.

KIWANUKA We were taken to Singo because we had been warned that the area was going to be a battle field and we were taken thousands and thousands of people.

DR. LUYOMBYA: Who warned you about that and who took you?

KIWANUKA The soldiers who were in the area were the ones who warned us that we should move from the area that it was going to be a battle field. They were guarding us from Namusera.

COUNSEL: Yes, when you say 'the soldiers - our soldiers,' what did you mean by

using that word 'our soldiers' what did you mean?

KIWANUKA The bandits, they are the ones who warned us that this was going to be a battle field.

DR.LUYOMBYA: And did they direct you to any particular area where you should go?

KIWANUKA People from Makulibita Sub-county and Kisuuna and Namayumba were helpful to us.

DR. LUYOMBYA: Who asked you to return to your area?

KIWANUKA After which the soldiers of Obote refused us to get food from the areas from where we used to get it and they told us to go back in our home areas.

CHAIRMAN: Mr. Kiwanuka, the evidence is clear enough and we have understood what you have told the Commission. I would like to thank you for having come and for the evidence you have given.

KIWANUKA During the war, my grand-son was killed and he left me a young baby who is now - she is now a girl - about eight years. I am staying with her. She is schooling.

COUNSEL: Are you putting up a request?

KIWANUKA I am requesting for assistance because all my property was stolen.

CHAIRMAN: Anything else?

KIWANUKA No. That is all.

CHAIRMAN: Well, it is good you have put forward your request; but, unfortunately, we do not have resources from which to draw to render you assistance.

KIWANUKA That is why I have tendered my request to the Commission.

CHAIRMAN: But there has quite a bit of rehabilitation effort in Luwero Triangle. Have you had any assistance from that direction either through the chief or the D.A or non-Governmental organization?

KIWANUKA I have never done it.

CHAIRMAN: So you only got what the Red Cross gave you; blankets and so on

KIWANUKA I did get and some flour.

CHAIRMAN: For food.

KIWANUKA Yes.

CHAIRMAN: Well, there are people who need assistance - people like yourself in

Luwero and elsewhere. We will recommend those to the Government in our report; then we shall hope that the Government will render the necessary assistance. But we warn that the Government does not have a bottomless Treasury.

KIWANUKA Thank you very much, Sir.

CHAIRMAN: We do not want you to go with the hope that the Commission had promised us things and that we shall get free things from Government. Whatever is possible may be done but this Commission does not have anything.

KIWANUKA I agree.

CHAIRMAN: Do you have any grown up son?

KIWANUKA I have got four grown-up children.

CHAIRMAN: Have they not done anything to you or daughters, for that matter?

KIWANUKA One is a teacher and my daughter is at Mbale - married. The other two are still at school.

CHAIRMAN: Okay. Thank you.

COUNSEL: The next Witness is Raphael Kiwanuka-Ssalongo. The Witness is the one who assisted to bury the people who were killed.

WITNESS NO.239: MR. RAPHAEL KIWANUKA SSALONGO - SWORN IN

COUNSEL: You are Raphael Kiwanuka Ssalongo?

SSALONGO I am Raphael Kiwanuka Ssalongo.

COUNSEL: How old are you?

SSALONGO I am aged fifty three.

COUNSEL: What do you do?

SSALONGO I am a Cultivator.

COUNSEL: Of where?

SSALONGO I stay in Kikandwa Village, Mpwedde Sub-parish, *Gombolola* Nakaseke.

COUNSEL: For how long have you been in this village?

SSALONGO I have stayed in that area for twenty three years.

COUNSEL: Now, were you there in August, 1984?

SSALONGO I was there.

COUNSEL: In particular, do you remember 24th August, 1984?

SSALONGO While I was at home, on that instant day, there came people running to my home. Then in the neighbouring area there had been some shootings. I asked them why bullets had been shot. They told me that they were chasing them. As they were of the soldiers that they used to attack us, after learning that the bullets had been shot, me with my wife, we went to Mayirikiti Village for hiding.

SSALONGO Some children of those who died - Kaloolo.

(NOT INTERPRETED)

COUNSEL: No, no, no. Who are the parents of these children you are talking about?

SSALONGO The parents of those children, one was Nandere, the other one was Dinguli.

COUNSEL: So they came back and reported to you that they had seen a dead body somewhere.

SSALONGO Yes.

CHAIRMAN: Where you were hiding or where you had gone at home.

SSALONGO I had come back at home.

COUNSEL: Now, what did you do?

SSALONGO Okay, Ssekiranda came with another.

COUNSEL: No, let us - know what happened.

CHAIRMAN: Counsel, I am not following. Are you still interpreting or what?

COUNSEL: Okay. From hiding, you returned to your home?

SSALONGO I came back home.

COUNSEL: And while at home, two children of Nandere came back and then said to you having seen a dead body.

SSALONGO Yes.

COUNSEL: Now, when they told you this, what did you do?

SSALONGO Well.

COUNSEL: Okay, you did nothing?

SSALONGO I did nothing.

COUNSEL: Now, what followed?

SSALONGO Then Ssekiranda came and reported to me that Nandere had been killed, Ddungu had been killed, Kawooya had been killed, Musadda had been killed, Lubega had been killed and Mubuzansi had been killed, Munyakabeeye had been killed, Kizza also had been killed, Hassan had been killed, Kintu had been killed, Walusimbi had been killed; Madaleene Kizza had also been killed.

COUNSEL: Now, did you know these people who had been killed or reported to having been killed?

SSALONGO I knew them thoroughly well.

COUNSEL: Why was it because they were of the same village?

SSALONGO They were fellow village mates and I was the *Manyumba Kumi* (Ten-Homes Chief) of the area.

COUNSEL: Were they Baganda or Banyarwanda or Barundi?

SSALONGO Some were Banyarwanda, some were Barundi and Baganda.

COUNSEL: Did Ssekiranda say anything about his family?

SSALONGO Kintu's brother he told me he had been killed; the wife of Kintu also had been taken and his wife - Ssekiranda's wife also had been taken.

COUNSEL: Now, on receiving this report from Ssekiranda, what did you do?

SSALONGO After receiving the information from Ssekiranda, I went to make a report to the *Mutongole* Chief.

COUNSEL: Who was the *Mutongole* Chief?

SSALONGO Kabugo was the Chief - he was the *Mutongole* Chief but has since died.

COUNSEL: Now, what did you do?

SSALONGO After reporting to the *Mutongole* Chief, he advised me to turn up the following day and go to the Sub-county Chief to go and make a report.

COUNSEL: Now, on the following day, did you go back to the *Mutongole* Chief?

SSALONGO I went back to the *Mutongole* Chief.

COUNSEL: What happened?

SSALONGO That following day we went with the *Mutongole* Chief to the Sub-county Headquarters where we made a report and he authorised us to bury.

COUNSEL: Now, was the authority in writing or just verbal?

SSALONGO The authority was in writing?

COUNSEL: Who was this *Gombolola* Chief?

SSALONGO He was called Wagumbulizi.

COUNSEL: Now, did you bury the dead?

SSALONGO We buried the dead bodies.

COUNSEL: Now, did you observe these bodies before you buried them?

SSALONGO I observed the bodies and the first one was shot in the thigh that was Kiiza.

COUNSEL: Yes.

SSALONGO The second one was Mubuulo. He was just cut in various parts and his fingers were cut off.

COUNSEL: Yes.

SSALONGO The fourth was Nantale. She was cut on the neck then on the rib and the fingers were cut off.

COUNSEL: Yes.

SSALONGO The fifth was Muguzansuma. He was stabbed in the ribs and after which he was hit on the head with a hoe.

COUNSEL: Shall we say that other than Kizza other people were cut like that and hit by hoes like that?

SSALONGO Yes.

MR. NAGENDA: I think at first when he started telling us about these various fatal injuries, I think, he said something about how he had been told in person to prepare them for burial. Am I right? Did he say that he had prepared the bodies for burial?

SSALONGO All the bodies it was me who prepared them for burial.

COUNSEL: How many bodies did you bury and did you bury them in separate graves?

SSALONGO I buried 15 bodies and there were 15 graves.

COUNSEL: Where did you bury them?

SSALONGO Some I buried at Mwera Village, some at Kikandwa; and one at Mahirikiti.

COUNSEL: Why did you bury them in different places?

SSALONGO Each had his own home. Three of them who had no people to take of their bodies, I buried them at Mwere and recently they have taken their remains.

COUNSEL: Did you have any incident at the burial or it was a peaceful burial?

SSALONGO There was something which happened. When we were burying there came some soldiers who were by then bandits; and when people who were burying saw them, they were frightened and ran way. Then they approached us, not to fear; they removed their shoes, then they narrated us the story that they were the people who assisted them from the army man by untying them.

COUNSEL: When you talk about these rebels who were around, should we say, they were many in your village at the material time?

SSALONGO They were many in the area but on that instant day they were not very many.

COUNSEL: You, as *Manyumba Kumi*, were you assisting rebels?

SSALONGO I tried to assist them.

COUNSEL: How?

SSALONGO Before running to Singo I used even to cater for them.

COUNSEL: Should we say that these 15 people were killed because they were assisting rebels?

SSALONGO They were assisting the bandits.

COUNSEL: How?

SSALONGO And the cause of their death, there was one who had brought the beer; then because these people who were assisting the bandits went and collected that beer for the bandits; and he took the complaint to Jogojogo.

COUNSEL: Why do you say that Mbuya was not co-operative in the village?

SSALONGO The reason why I think these people were assisting the *bayekera* is because the beer they were drinking when they were arrested had been taken from one Mbuya who was anti rebels; it was bought from his village to this village by people who were supporting rebels. So the

owner of the beer reported the people who stole his beer to Jogojogo and Jogojogo came to arrest them.

COUNSEL: My Lord, this is what he had to report about this particular incident.

CHAIRMAN: You said, you prepared the bodies of these people for burial; Did you do all this alone or did you have assistance from other people of the area, relatives and so on?

SSALONGO Some had their relatives who assisted me; some had no relatives.

CHAIRMAN: During the course of the burial, you didn't have any more disturbance from the soldiers?

SSALONGO There was no disturbance by the soldiers; they did not turn up.

CHAIRMAN: They had left the place?

SSALONGO They were not around by then.

CHAIRMAN: Okay. Thank you. Any more questions to this witness?

MR. NAGENDA: Among the people who died, you mentioned Misaago. Yesterday, we had a witness called John Misaago, were the two related? Was he?

SSALONGO No, he was not related.

MR. NAGENDA: I see! Secondly, you said that they were 15 bodies all together. But the figure that we have over the last two days was the figure of 17 people killed. What is the right figure please?

SSALONGO They were 15 - they were only 15.

MR. NAGENDA: Not 17?

SSALONGO They were only 15; they were mistaken.

MR. NAGENDA: I see. Thank you.

KAKWENZIRE: It is not clear to me about this beer party; did you say that those people who were drinking the beer had stolen it from one called Mbuya?

SSALONGO That was the beer which had been stolen from Mbuya.

KAKWENZIRE: Would you say, there was some conflict between Barundi of that area and other people in the area?

SSALONGO There was no conflict.

DR. LUYOMBYA: Of the 15 people you buried, you said 3 did not have relatives; but later on the remains were taken?

SSALONGO: At that very moment the relatives had run away.

DR. LUYOMBYA: But did you know their homes?

SSALONGO: I knew their homes, but it was late, it was darkening.

DR. LUYOMBYA: I see.

CHAIRMAN: Sorry to come back to you again. Something to yourself - you said you have been in this village for 23 years. Where did you come from?

SSALONGO: I came from Kyagwe. From Nabaale Sub-Parish; by then the Sub-Parish was Nabaale and the *Gombolola* was Nakifuma. But now the Sub-Parish is now Nakanyonyi and the *Gombolola* is Nabaale.

CHAIRMAN: Is that where you were born?

SSALONGO: I was born in Kiti in Kyadondo.

CHAIRMAN: I see. Why were you moving about?

SSALONGO: I was born in Kiti, then after which I went with my mother to Nabaale. And then where now I am residing is where I bought my *kibanja*.

CHAIRMAN: Okay.

KAKWENZIRE: Where did your grand-fathers come from?

SSALONGO: They were from Kizima, but they died when I was young I even never saw them.

KAKWENZIRE: Where is Kizima?

SSALONGO: It is also in Nabaale.

KAKWENZIRE: Are you a Muganda or a Murundi?

SSALONGO: I am a Muganda.

COUNSEL: My Lord Chairman, can I be excused at this stage?

CHAIRMAN: Yes, you are, your able Assistant is here, you are excused; you can go. But will you be here tomorrow?

COUNSEL: I will try to be here tomorrow. Thank you.

MR. NAGENDA: Sorry, just one more question - I am sorry to go back to it, but I get worried by figures. All the other people said 17 and you said 15: Is it possible that there were two people you did not bury but had died anyway?

SSALONGO: It could be possible, but it cannot be.

MR. NAGENDA: You see, I don't want to get you say something wrong, but an old gentleman - you talk the right thing. You said that you had been at the drinking party, but if you are sure, they were 15, that is fine.

CHAIRMAN: Well, Mr. Kiwanuka Salongo, thank you for the evidence which you have given to this Commission. You may go now, unless you have something to tell us.

SSALONGO May I bring the said orphans and the Commission can as well see them?

CHAIRMAN: Well, no, it is not necessary.

WITNESS NO.240: MRS. JANET NAMPA - SWORN IN

COUNSEL: You are Janet Nampa?

NAMPA: Yes, I am Janet Nampa.

COUNSEL: A Munyarwanda?

NAMPA: Yes.

COUNSEL: A widow aged 43?

NAMPA: Yes.

COUNSEL: You are a cultivator of Kikandwa Village?

NAMPA: Yes.

COUNSEL: In Nakaseke, Katikamu, in Luwero District?

NAMPA: Yes.

COUNSEL: Now, Janet, we have received evidence stating that there was a lot of insecurity in this area in 1981.

NAMPA: Yes.

COUNSEL: At that time in 1981, were you married?

NAMPA: Yes.

COUNSEL: When did you marry?

NAMPA: My husband died in 1981, but I had stayed with him for about 20 years.

COUNSEL: I see! What was the name of your husband?

NAMPA: My husband was called Eliazar Kakwene.

COUNSEL: And when you say, he was killed, could you tell the Commission the circumstances under which your husband died?

NAMPA: Yes, I can narrate.

COUNSEL: Please do.

NAMPA: During that time we had run away to Singo with my husband; then on our way back when we were just crossing Mayanja, we met soldiers and arrested us and took us to the detach at Kapeeka.

COUNSEL: This was in 1981?

NAMPA: Yes.

COUNSEL: Do you remember the month?

NAMPA: It was in May.

COUNSEL: Continue. Now the soldiers arrested you ....

NAMPA: Then we were taken to the detach; and then the following day when we were at the detach when he was getting out of the store where we were staying, he was arrested and taken to a place called Kabere for collecting coffee.

DR. LUYOMBYA: Sorry, sorry, just to clarify this - they had been arrested already; so they could not have been re-arrested within after the same arrest.

COUNSEL: Please continue.

NAMPA: When they were taken to Kabere for collecting coffee; they went in a certain house, they packed coffee; then there was a sack which was half way packed, then he was told to carry it but as he was aged, he was unable to carry it; he was beaten, kicked and he was left there in a critical condition.

COUNSEL: Were you with him when this was happening?

NAMPA: I was not there, but he managed to crawl slowly and managed to reach the place where we were staying. He stayed there for 2 days and after which he died.

COUNSEL: Now, when he came back, did you maybe see any injuries on his body?

NAMPA: He tried to tell me the story as how it was; he was kicked in the pelvic girdle and he was hit possibly by an iron bar on the head and all the shirt was dirtened by blood.

COUNSEL: Now you said that after two days he died; did he die in the house where

you were staying or where did he die?

NAMPA: He died in the house where we were staying.

COUNSEL: Did you try may be to get him treated or didn't he try himself to get some treatment?

NAMPA: I tried to take him for treatment because there were some Red Cross people who were treating people, but because the number was so large, he was not treated. Because soldiers used to take their women for treatment.

COUNSEL: Now, after the death, did you bury your husband or what followed?

NAMPA: I buried him with the assistance of some other people whom we were staying with in that house.

COUNSEL: You buried him in which place?

NAMPA: We buried him behind the house where we were staying in Kapeeka.

COUNSEL: Did you know these soldiers who had arrested you and maybe beaten your husband? Did you know who were they? Were they Government troops or? We have received here evidence that there were also bandits in the area; did you know who these soldiers were?

NAMPA: They were Government soldiers of Obote which was by then in the force.

COUNSEL: Now, after the death of your husband, what did you do?

NAMPA: We stayed there for about 9 months thinking that possibly they could release us; after which we were released and went back to Kikandwa.

COUNSEL: Now, while in Kikandwa - the Commission has also received evidence that in 1984; that is around about August, there were arrests of people and some of them were killed. Do you remember this period, specifically, maybe 25th of August, 1984?

NAMPA: I was around by then. And the soldiers used to come and disturb us; they could come, beat people, loot and rape some women; and kill others.

COUNSEL: Did you know any of the people - among these soldiers?

NAMPA: No, I did not know them.

COUNSEL: Yes, continue.

NAMPA: As they were coming I sighted them, then I ran away. Then there was a boy who was a youth winger called Ssebowa called me that do not run away. By that time one of my children had run away in the bush.

COUNSEL: Did you know Ssebowa?

NAMPA: Yes, I used to know Ssebowa; because he had run away to Singo; by then when we came back he also came back later and stayed at my neighbour's home because his father had been killed at Bowa.

COUNSEL: So, when he called you, did you respond because you knew him?

NAMPA: I responded; then when I returned, I saw so many soldiers, then I stopped running because I realised that they could shoot me.

COUNSEL: Yes.

NAMPA: When the soldiers got hold of my arm, we went back to my home; then while at home the soldier heard some people talking, then he asked me, who are those people talking? I told him, there is beer somewhere, people are drinking. He asked me, is it beer for money or just for nothing? I told him that I do not take beer; I do not know whether it is for money or for free.

COUNSEL: So what followed?

NAMPA: The one who was holding my arm asked me that, do you know where the bandits are? I told him, I do not know. There was also his fellow soldier, he asked me, don't you really know where the bandits are? I told him that I used to see people who are putting on military clothes but I cannot tell whether they are really soldiers of the government or they are bandits.

COUNSEL: So eventually what did they do after that?

NAMPA: Then the soldier got hold of a gun which had a bayonet, he wanted to stab; then his fellow soldier stopped him from stabbing me, and got hold of him. Then they got a stick and they told me to lead them to my neighbour; then we went with my children. Then we went to my neighbour; when we reached there, there was a very big jack fruit tree, there we found so many soldiers; some were in the banana plantation, some were in coffee plantation; and I found there my neighbour's wife with her children; then we were told to sit down. While still seated there, another lady was brought, Christine Nakalema, holding her cloth and she was having also a baby.

COUNSEL: So eventually what happened while you were there?

NAMPA: Then while still there, one youth winger called Kitunzi tried to cut my child forcing her to tell where the bandits were; the chap cried saying that I do not know where they are; even my father was killed.

COUNSEL: Was this Kitunzi with the soldiers?

NAMPA: Yes, he was with the soldiers.

COUNSEL: Was he armed with, maybe, a gun and a knife and what have you?

NAMPA: He was having a panga.

COUNSEL: So what happened on that day eventually?

NAMPA: When Kitunzi was trying to cut my child, Jogojogo prevented him from cutting, saying that children are like women, when a husband is a guerrilla she just follows him. Then while there some soldiers scattered going towards where the people were talking.

COUNSEL: Now we have received evidence before this Commission that on that day about 17 people were killed, bodies were seen; did you witness this killing?

NAMPA: I witnessed it. After killing we were called to go; and some soldiers who killed them had already gone away; and as we were just passing we saw some bodies; and some soldiers were just stabbing the bodies.

COUNSEL: Could you give us the names of the bodies you met?

NAMPA: Those who were killed are as follows: One was Walusimbi, Kiiza, Kaloli Musamya, Kasule, Koyasi Kawoya, Misaago, Nyirakabyeyi, Lubyogo, Madalena Kiiza, Lubega, Yakobo Muvuzankima, Nanjobe; some I cannot remember.

MR. NAGENDA: Did you count the bodies?

NAMPA: I could not actually count them, because I first saw Miburo, Koyasi Kawoya, Nanjobe, Yakobo Muvuzankima and Nyirakabyeyi. Those I actually identified them; but the other bodies were heaped somewhere; I only sighted them; we passed on the other side. And I also saw Madalena Kiiza because she was just in front where we went.

COUNSEL: Now were you the only person arrested or you were with others?

NAMPA: There were also some others; we were three ladies with our children.

COUNSEL: Do you know their names?

NAMPA: Yes.

COUNSEL: Who were they?

NAMPA: One lady was called Christine Nakalema, Namboze and one Janet Nampa.

COUNSEL: Now after these, what did they eventually do to you? Did they release you or what happened?

NAMPA: We were taken to Waluleta; when we reached there we got water from a bore hole; and while there we were raped and I was under pregnancy, then I got abortion of twins.

MR. NAGENDA: You said twins of seven months?

NAMPA: Yes, it was of twins?

COUNSEL: Yes, what followed?

NAMPA: Then from Waluleta we went up to Mpande near Nandere; there we stopped and they counted their soldiers and they said they wanted to go with ladies. As they wanted to go with us, Jogojogo refused, saying that, it was me who has got these people from the bush; you will not take them.

COUNSEL: So what followed?

NAMPA: Then as the soldiers went, some people who had run away from Waluleta who were in the factory gathered and started asking us, where the bandits were. Then we denied of having knowledge of where the bandits were. Then there was one Senfuka who asked me that, are you not the wife of Kakwene? I accepted. Then he told me, why I could not know where the bandits were because we knew the children who were the bandits.

COUNSEL: Who was this Senfuka? What was he doing?

NAMPA: Senfuka was a youth winger.

COUNSEL: Of what?

NAMPA: He was a youth winger of the soldiers of Jogojogo.

COUNSEL: I see! So after pointing at you, what happened?

NAMPA: He told me that, you have been a wife of Kakwene for quite a long time, how could it be possible that I did not know that Kato the son of Nakayonga that he is a bandit.

COUNSEL: Did you know this Kato?

NAMPA: I knew Kato, he was a son of my neighbour.

COUNSEL: Did you know whether he was a bandit?

NAMPA: Yes, I knew Kato; he was a bandit; but possibly as he went to Singo, he was defeated and surrendered.

MR. NAGENDA: No. no; that is a bad translation, I am sorry. She said that when he went to Singo though he had been a guerrilla, he gave up. Not defeated.

COUNSEL: As a result of this Senfuka pointing at you, did anything happen to you?

NAMPA: He asked me three names of people; that didn't I know where their whereabouts; Kato, Senteza and Yoya? I totally denied of knowing their where-abouts.

COUNSEL: Did anything happen to you?

NAMPA: While there Jogojogo got hold of my child, then threw him away; then cocked a gun, he wanted to shoot me in the chest, then my child came crying and fell on me; then Jogojogo said, you are very lucky, I was almost going to kill you.

COUNSEL: How old was this child?

NAMPA: The child was aged about four years.

COUNSEL: And what was his name?

NAMPA: Henry Musasizi.

COUNSEL: I see. So after that what did they do to you?

NAMPA: After setting me free, then they turned to Christine Nakalema; they asked her as to whether she knew the whereabouts of bandits. She also totally denied.

COUNSEL: You mean, they set you free and they told you to go away?

NAMPA: They only stopped interrogating me then they turned on to Christine Nakalema.

COUNSEL: I see. Now did they do anything to Christine Nakalema which you saw apart from interrogation?

NAMPA: As they were interrogating Nakalema, Jogojogo got hold of a stick, beat her on the head, then she was wounded, then left her.

COUNSEL: Yes, what followed after the beatings?

NAMPA: Then after leaving us, Jogojogo told his men, Kasujja, Kanakulya and Kato - he directed them to take us in the factory. He told them that no youth winger should tamper with us; and if they could attempt, they could immediately be reported.

COUNSEL: How long did you stay in that place?

NAMPA: We stayed in the factory for about four months.

COUNSEL: As prisoners?

NAMPA: We were prisoners; but actually we were not prisoners, because they only stopped us from taking our route to collect food. We were only advised to go to Bufumbira and Kikubampagi.

COUNSEL: So after the four months which you have mentioned; what happened; did they release you or what did they do?

NAMPA: Then, we were only mistreated there; then a certain night that Sebowa got

a trouser of the husband of Christine Nakalema and put it on; then he got a gun with a half litre of enguli (waragi); then he came and collected Christine.

COUNSEL: What happened to Christine eventually?

NAMPA: Christine resisted not to go with that Sebowa.

COUNSEL: So eventually what happened?

NAMPA: Then the head man of the factory blamed Sebowa of mistreating people telling him that he had killed some people; then they asked him that - should they go and report to Jogojogo?

COUNSEL: So after this period in that place with all that mistreatment, what did they do to you?

NAMPA: Then after that each day we could be interrogated three times where the bandits were. But after finding that we could not reveal where they were, then some youth wingers used to go to Waluleta and report to the soldiers that there were some ladies who were collected from the bush and they have refused to befriend us. Then the soldiers also came and we tried to run away. Even one time a certain lady was injured by the barbed wire in the face as she was trying to run away.

COUNSEL: So after all this, what did they do to you after all this mistreatment?

NAMPA: The District Commissioner of Luwero came and had set free some people to go home but Jogojogo refused us that our area was still insecure.

COUNSEL: Did you know the name of this D.C?

NAMPA: The name of the District Commissioner was called Karema.

COUNSEL: So, when he released people, were you also released?

NAMPA: He had set all people free, but after his departure, Jogojogo refused.

COUNSEL: For how long again did you continue to stay in that place?

NAMPA: After about a month, the factory men wanted to start operating their factory, but Jogojogo advised them not to send away we the ladies and he advised them we could be employed that we had no where to go.

COUNSEL: What was the purpose of this Jogojogo wanting to keep you at this coffee factory?

NAMPA: We did not know the purpose why Jogojogo refused us to leave the factory.

COUNSEL: So eventually were you released?

NAMPA: We requested them to set us free that we refused to work in the factory because the salary was about Shs.600. which was not enough because we had children. We requested them to let us free to go to the place where we used to get food. After which Jogojogo accepted and advised us not to go beyond his area.

COUNSEL: So you went to which place?

NAMPA: We went to Kwese.

COUNSEL: I see. And that is where you settled?

NAMPA: We stayed at Kwese for about a month; but before that, about after two weeks Jogojogo died; and some people who run away from their areas decided to go back. We also realised after seeing some people going and harvest coffee, we also decided to go in our areas.

COUNSEL: At that time how many children did you have?

NAMPA: I had three children when I was at Kalule.

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

CHAIRMAN: Is there any question by Commissioner to this witness?

MR. NAGENDA: I was sorry to hear that as a result of your being raped, you lost a pregnancy which was seven month twins. Did you lose there and then or later on when you went to the coffee plant?

NAMPA: It got off there at Kalule; and then one of the people went to Kasana and told my daughter because I was badly off; then she managed to take me to Kasana for treatment.

MR. NAGENDA: Very sorry. Thank you.

CHAIRMAN: Well, we thank you very much for the evidence you have given; you have given a very clear narrative of what you have suffered. Is there something more you wanted to tell us?

NAMPA: I have got five children whom I was left with, but I have no assistance. I would request if any.

CHAIRMAN: Some of whom are not your own children. Is it?

NAMPA: All are mine.

CHAIRMAN: How old is the eldest?

NAMPA: The eldest daughter just became worried and ran away to Kampala, but I am remaining with four children.

CHAIRMAN: The other four are still very young?

NAMPA: The boy is about 12 years, the other one is about 8 years, then the last one with my husband is about 6 years.

CHAIRMAN: And this one?

NAMPA: This is of another man, not of my former husband.

CHAIRMAN: You remarried. Did you?

NAMPA: I am in my own home; even the man is at his home.

CHAIRMAN: I see. He does not help you to look after the children?

NAMPA: He is giving assistance; only that he cannot manage to pay school fees.

CHAIRMAN: Anything else?

NAMPA: That is all.

CHAIRMAN: So you are asking for assistance to help you to look after the children. That is your request.

NAMPA: Yes.

CHAIRMAN: Well, unfortunately the Commission does not have immediate assistance which we can give you. All that we shall do is to recommend to the government to do something about people who are in your condition. Whether Government will render direct assistance, we cannot tell. It is also important to bear in mind that government does not have unlimited resources and that there are many other demands in these meagre resources. I do not know, are there anything perhaps Commissioners would like to add on this request?

MR. NAGENDA: The very sad part of the whole thing is that, it has now been proved that some of the things which government had already sent to help people like yourselves were actually looted by the people in the Ministry themselves.

NAMPA: Very sorry.

COUNSEL: The next witness is Wilson Lule.

WITNESS NO.241: MR. WILSON LULE - SWORN IN

COUNSEL: You are Wilson Lule aged 55 years?

LULE: Yes.

COUNSEL: A cultivator, a resident of Mwera Village?

LULE: Yes.

COUNSEL: This is in Nakaseke, in Luwero District?

LULE: Yes.

COUNSEL: Are you married?

LULE: I am single.

COUNSEL: Have you ever got married?

LULE: I have ever got married.

COUNSEL: And do you have children?

LULE: I had children but they were killed.

COUNSEL: Now maybe before you tell us the circumstances surrounding the death of your children, how many were they?

LULE: They were three.

COUNSEL: And all of them were killed?

LULE: Yes, they were all killed.

CHAIRMAN: Were they male or female children?

LULE: All of them were male children and one of them was a soldier.

COUNSEL: Now, before we come to the circumstances of their death, we have received evidence before the Commission to the effect that around 1982, there was a lot of insecurity in Luwero District and many people ran to the bush and stayed there. Did this happen to your family?

LULE: We all ran to the bush.

COUNSEL: You and who in your family, did it include your sons and maybe your wife if she was alive?

LULE: Yes, me together with my wife and my sons.

COUNSEL: To which bush did you run to?

LULE: First we went to Kasozi; but when people started scattering we decided to go to Buligwe.

COUNSEL: For how long did you stay in the bush?

LULE: We stayed in the bush for about 6 months.

COUNSEL: So when did you come out?

LULE: We came out of the bush during 1983.

COUNSEL: Are you saying you went to the bush in 1983 and came out in 1983?

LULE: Yes.

COUNSEL: In which month if you remember when you came out of the bush?

LULE: I did not stick on it; I cannot remember it.

COUNSEL: Okay, could you give us the circumstances how you decided to come out of the bush?

LULE: Yes, I can tell.

COUNSEL: Please do so.

LULE: When I had come to collect food, I met a certain lady; she asked me, where are you going? I told her that I am going to collect food. She told me that they had already been told, all of us to come out of the bush and then go to Waluleta. She told me that, do not waste time collecting food, we were told that the forest is going to be burnt within two days time. Likewise I just went back and informed my colleagues who were in the bush, we were about 50 in number, that the forest was likely to be burnt. The following day we got our luggages with my son called Kasule; then as we were going ahead, we heard some noise of people, then we decided to hide; while hiding we saw some soldiers where one called Kasule was just heading them. The second one was Michael Mpoza.

COUNSEL: So what followed when you saw these people?

LULE: They passed us and followed the route where we were coming from; then they met them; then one Mawagi was found putting on a green pairs of trousers and they pointed at him that that was a senior bandit, he was one of those who bombed Mpigi Police Station.

COUNSEL: How far was Mawagi your son from where you were?

LULE: It was a short distance.

COUNSEL: How did you know that they had arrested him because he had green trousers?

LULE: It was Jackson Kasule who came and narrated us the story that they had arrested all the people and took them to Bukalabi; and that they found one called Mawagi who had put on a green pair of trousers and they were intending to take him to Bombo.

DR. LUYOMBYA: I think you said that Mawagi was putting on a green pair of trousers and it has been alleged that he was one of those who had attacked the Police

Station at Mpigi and for that reason that trousers belonged to the police, he was going to be taken to Bombo.

LULE: Yes.

COUNSEL: Now as a matter of fact, this Mawagi was your son, did you know whether this trousers belonged to the police or not?

LULE: It was not a police uniform.

COUNSEL: So when you received information that he was being taken to Bombo, what did you do?

LULE: I had nothing to do.

COUNSEL: I see. And what followed after this?

LULE: They took him to Bombo.

COUNSEL: No; to you.

LULE: Nothing happened to me.

COUNSEL: I see. So this son of yours who, you said, they told you, he was being taken to Bombo, eventually did you see him?

LULE: I have never seen him again.

COUNSEL: Up to today?

LULE: Up to now.

COUNSEL: Now you said you had three sons, this one was one of them, who were the other two?

LULE: One was Edward Katamira.

COUNSEL: And how did Edward Katamira die?

LULE: While we had gone to Gangu, there was a youth winger called Sebowa, then he came with a letter saying that he had been sent for Edward Katamira.

COUNSEL: Did he tell you who had sent him?

LULE: He told us that that my son Katamira used to hunt pigs and took them to the bandits.

COUNSEL: So when he said, he was wanted, did he go with him or what followed?

LULE: He went along with him.

COUNSEL: Was Sebowa escorted by anybody when they came to take your son?

LULE: He came with his colleagues the youth wingers who were about 8 in number.

COUNSEL: Do you know any of these 8?

LULE: I knew some of them but I did not know their names.

COUNSEL: Were they sons of the area?

LULE: There was one from Namagala, I do not know the name, but I know the person.

COUNSEL: And the rest were they sons of the area?

LULE: The others were not sons of the area and I did not know them.

COUNSEL: What about of this Sebowa?

LULE: Sebowa was born in Bowa.

COUNSEL: And you say, he was a youth.

LULE: Yes.

COUNSEL: After taking your son, did your son eventually come back?

LULE: He did not come back.

COUNSEL: You mean from that day he never came back up to today?

LULE: He has never turned up.

COUNSEL: Have you ever heard maybe of what happened to him?

LULE: While they were detained at Waluleta, we were told that all prisoners who were detained there were taken, but ever since he has never come back.

COUNSEL: What about of the third son; what was his name?

LULE: He was William Kasule.

COUNSEL: And you said, all the three are dead. How did William Kasule die?

LULE: William Kasule was one of the 17 people who were killed.

COUNSEL: You mean the 17 people who were killed at Kikandwa?

LULE: Yes.

COUNSEL: In 1984?

LULE: Yes.

COUNSEL: Did you witness this killing?

LULE: I did not witness it because we could not cross from the other end to that end.

COUNSEL: So at time you were still at Waluleta. Is that so?

LULE: I was in Gangu.

COUNSEL: I see. Now how did you know that your son was killed among these 17?

LULE: It was reported that among the 17 people who were killed at Kikandwa, one of them was my son.

COUNSEL: And you said his name was - what again?

LULE: William Kasule.

COUNSEL: And when you heard that he was killed, did you go and maybe did you bury him?

LULE: It could not be possible, there was no way.

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

CHAIRMAN: Are there any questions for this witness from Commissioners?

MR. NAGENDA: You said that one of your sons who was killed was a soldier, I think.

LULE: Yes.

COUNSEL: Whose soldier was he?

LULE: He was a soldier of the bandits; and it was even Kasule who trained him. But when people were just going to Singo, he fell sick, he could not go, I then remained with him.

MR. NAGENDA: But which son was this one? Is he one of the three or is he another son?

LULE: Yes, he is one of the three; he is the one who was taken to Bombo.

MR. NAGENDA: I see. So this is the one who was wearing a green trousers?

LULE: Yes.

MR. NAGENDA: Okay; was he a guerrilla?

LULE: Yes, he was a bandit. That is why he was arrested putting it to him that he was one of those who hit Mpigi Police Station.

MR. NAGENDA: Was he one of the people who had attacked Mpigi?

LULE: No; he was not among them.

MR. NAGENDA: I see. And you said that William Kasule trained him. Was William Kasule also a guerrilla?

LULE: It is another Kasule, was the one who trained him.

MR. NAGENDA: Now you have mentioned a figure of 17 people who were killed at the beer drinking party; were they 17 or were they 15?

LULE: I did not see them; I was only told.

MR. NAGENDA: Okay. Now I have got just a very few clarification because they are so many Kasules and I am beginning to get lost. You said that Kasule came back and made a report that your son Mawagi had been taken to Bombo. To whom did Kasule make this report?

LULE: It was Jackson Kasule who revealed that they had taken the prisoners to Bukalabi and then people had said that my son was putting on a green pair of trousers and that they were intending to take him to Bombo.

MR. NAGENDA: Yes, I know; and I know that this is Kasule who was leading the soldiers. That much I know.

LULE: That Jackson Kasule.

MR. NAGENDA: Yes. But my question still is, when he came back and talked about your son, to whom did he report?

LULE: He was narrating to the Gombolola Chief, Jogojogo and the Muluka Chief, Kasujja.

MR. NAGENDA: Okay; were you also there; is that how you know that he told them?

LULE: Yes, I was around.

MR. NAGENDA: Okay. Now I am sorry to go back to Mawagi your son who died. Do you think that because he had not been well before, he might have died - did he die of disease?

LULE: He was still alive and he was taken to Bombo, I did not know how he was killed.

MR. NAGENDA: Well, Mr. Lule, I am very sorry that you lost three sons in this way.

CHAIRMAN: What about your wife?

LULE: My wife is still alive; but during the war she ran away to Bukoba.

CHAIRMAN: I see. But you said, you are now a single.

LULE: Yes; my wife is in Bukoba.

CHAIRMAN: Bukoba in Tanzania?

LULE: No, in Kyaggwe.

CHAIRMAN: I see. Why did she run away?

LULE: Because of the insecurity.

CHAIRMAN: But doesn't she know that insecurity is no longer there?

LULE: She is well aware that the insecurity is no longer there.

CHAIRMAN: She has separated from you?

LULE: I do not know.

CHAIRMAN: Has she divorced you?

LULE: She has not come back.

MR. NAGENDA: Will she come back?

LULE: That one, I do not know. (Laughter) -.

CHAIRMAN: But have you tried to follow her and find out?

LULE: I have never tried to get her; because I had no money.

CHAIRMAN: But you have also lost interest in her?

LULE: I still have interest, but I have no money.

CHAIRMAN: Okay, that is all. Well, thank you very much Mr. Wilson Lule for your evidence. You may go home now.

LULE: I could go but I only request for assistance. I would even like to go and follow my wife but I have no money.

CHAIRMAN: So you are asking this Commission to help you. Isn't it?

LULE: Yes.

CHAIRMAN: Well, unfortunately we do not have resources from which to give assistance the kind you are asking.

LULE: There is something said that this Commission at least can give me a letter which can guide me to the government and give me assistance.

CHAIRMAN: I see. Who said so? Who gave this information?

LULE: From some people when they are talking.

CHAIRMAN: They don't know. Well, we sympathise with your condition, your state of affairs; but we don't; we may make some recommendations to government but that will be some time to come; it can't help you immediately.

MR. NAGENDA: Can I just say something. What we mean to say is that we have been given authority by government to recommend to government what should happen. And we will give such advice and then depending on government position it will take its actions. That is all.

CHAIRMAN: Counsel, I think it is time to have a break for lunch; I don't know whether we shall continue - it is about 1.50 p.m. now.

COUNSEL: My Lord Chairman we had one more short evidence from a witness whom I thought we would hear and maybe close this case and close the session today.

CHAIRMAN: It is okay. Yes, Counsel, we shall hear the witness.

COUNSEL: Paul Sebowa. My Lord Chairman, this witness will testify on the murder of the 17 people; he participated in the burial and two of the deceased were his relatives; one was his mother and the other one was his younger brother.

WITNESS NO.242: MR. PAUL SEBOWA - SWORN IN

COUNSEL: You are Paul Sebowa aged 30?

SEBOWA: Yes.

COUNSEL: You are a cultivator, a Munyarwanda by nationality?

SEBOWA: Yes.

COUNSEL: You are a resident of Kikandwa village; this is in Nakaseke, in Luwero District?

SEBOWA: Yes.

COUNSEL: For how long have you lived in Kikandwa village?

SEBOWA: I was born there.

MR. NAGENDA: Excuse me Counsel, do you mean a Munyarwanda by nationality or tribe?

COUNSEL: Maybe we ask the witness. Because, My Lord, my record says that - a nationality - a Munyarwanda. And he had said, yes.

CHAIRMAN: Where did his parents come from?

SEBOWA: They came from Rwanda?

MR. NAGENDA: Was he born here?

SEBOWA: I was born here.

COUNSEL: In which year?

SEBOWA: I cannot remember the year.

COUNSEL: I think for that matter he is a Ugandan by nationality, but then a Munyarwanda by tribe.

CHAIRMAN: Yes.

COUNSEL: Now Mr. Sebowa, in 1984, were you in Kikandwa?

SEBOWA: I was in Kikandwa.

COUNSEL: I want to mention a specific date of 25th August, 1984, were you at your home?

SEBOWA: I was at home.

COUNSEL: I see. Do you maybe remember anything spectacular that happened on that date?

SEBOWA: I can still recall.

COUNSEL: What happened?

SEBOWA: We heard some bullets, then we ran away with my wife to hide.

COUNSEL: At what time was it?

SEBOWA: It was around 2.00 p.m.

COUNSEL: You said, you ran way with your wife; what is the name of your wife?

SEBOWA: She is Robina.

COUNSEL: Where did you run to?

SEBOWA: We went into the valley.

COUNSEL: Did you come out?

SEBOWA: We came back at around 5.00 p.m.

COUNSEL: And when you came out, what did you find?

SEBOWA: When we came back, we came back to the home of my mother, Nyirakabyeyi, we found there a dead body. Then when sighting it, we just ran back.

COUNSEL: Did you know whose body this was?

SEBOWA: It was of Mr. Kawoya.

COUNSEL: Was Kawoya of your village?

SEBOWA: He was staying in my village.

COUNSEL: So you had known him before?

SEBOWA: Yes, I knew him before.

COUNSEL: I see. Now did you examine this body closely?

SEBOWA: No; I did not examine the body closely; I just ran back.

COUNSEL: You ran back to where this time?

SEBOWA: I went back to where we were hiding.

COUNSEL: And you hid for how long?

SEBOWA: We came back at around 7.00 p.m.

COUNSEL: Yes. Tell us your story now from when you came back.

SEBOWA: I did not even bother going back home, I only went to the village called Kalagi.

COUNSEL: Yes, tell us what followed.

SEBOWA: The next day people informed me that my mother had been killed and so many others. After Salongo had received a report, he went to Nakaseke to report that our people had been killed.

COUNSEL: Salongo who?

SEBOWA: Mr. Kiwanuka.

COUNSEL: I see. And was he having any position in your village?

SEBOWA: He was a chief.

COUNSEL: What chief - Parish Chief, *Gombolola* Chief?

SEBOWA: He was a *Mutongole* Chief.

COUNSEL: So when you heard this, what did you do?

SEBOWA: After reporting to Nakaseke, he came back and ordered us to bury.

COUNSEL: So you went to bury?

SEBOWA: We came and dug the grave and buried them.

COUNSEL: Whom did you bury?

SEBOWA: I buried Kiiza, Mibure, Kawoya, Nanjobe, Mvuzankima, my mother Nyirakabyeyi and my younger brother Lubyogo, Walusimbi, Lubega, Musamya, Mrs.Kabanda -

COUNSEL: You seem to remember those names well, were all those people from your village?

SEBOWA: Yes, two of them were of Makonzi.

COUNSEL: And the rest?

SEBOWA: Others were village mates.

COUNSEL: Now, you mentioned that your mother Nyirakabyeyi was among those people; did you closely look at the body of your mother?

SEBOWA: Yes, I tried to examine my mother.

COUNSEL: And what injuries did you find on her, if any?

SEBOWA: The arms were cut and her legs.

COUNSEL: You mean they were mutilated cut off?

SEBOWA: They were cut off.

COUNSEL: Any other injuries on her body?

SEBOWA: There was nothing.

COUNSEL: What about of your younger brother Lubyogo?

SEBOWA: Lubyogo was cut in the fore-head and the neck.

COUNSEL: I see. Now where did you bury these people?

SEBOWA: All those I have mentioned were buried in our village besides the two who were buried at Makonzi.

COUNSEL: I see. Now you mentioned that your father died some time back; is that true?

SEBOWA: Yes.

COUNSEL: Now at this time of the death of your mother, did you have any younger brothers or sisters apart from Lubyogo who survived?

SEBOWA: Besides my sister Nabowa, all the others died.

COUNSEL: You mean Nabowa is younger than you?

SEBOWA: Yes, she is next to me.

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

CHAIRMAN: Do we have any questions for this witness?

MR. NAGENDA: How old was your younger brother whom they killed?

SEBOWA: He was aged 18.

MR. NAGENDA: Okay. And how many people were killed?

SEBOWA: We buried 15.

MR. NAGENDA: Were there some dead people that you didn't bury?

SEBOWA: Because I was not around, possibly they were there, but not on that village.

MR. NAGENDA: So including the two that were buried at Makenzi, they were all together 15 that you buried?

SEBOWA: Yes.

MR. NAGENDA: Thank you; and let me just say how sorry we are that you lost your family in this terrible manner.

CHAIRMAN: Mr. Sebowa, thank you for the evidence, we associate ourselves with all the sentiment expressed by Commissioner Nagenda in respect of loss of members of your family. Okay thank you. Well Counsel, in view of what you have said earlier, I think, at this stage, it is about 2.05 p.m., we shall adjourn inquiry until tomorrow at 9.30 a.m to resume the same place.

COUNSEL: Most obliged My Lord.

CHAIRMAN: Commissioners, Counsels, Ladies and Gentlemen, today the 15th of April, 1988, we are sorry that, we have to start so late. It is now about 12.10 noon. This has been because it took time for us to come from Kampala because there was not enough transport. Anyhow, we are now being able to start. We are sorry that we had to keep you waiting for so long since this morning. The leading Counsels and the Assistant Legal

Counsels have not yet arrived. Consequently, A.S.P, Mrs. Mawa 2 1/C, the Investigation Team will lead the evidence from the Witness.

MRS MAWA(ASP): My Lord Chairman, the case we are about to hear today is about "Unlawful Arrest and Detention" and this Witness will also tell us about the situation when the struggle took place in their areas. He is the current County Chief of Nakaseke.

MR. KAWANGA: I understand that you speak English?

KAAYA: Well, I prefer to speak Luganda. (Laughter) -

MR. KAWANGA: You will find that that will save you, that what you are saying will not be translated so we switch to English.

CHAIRMAN: Moreover, you are not on trial in court where you think if you make a mistake in English it is to your detriment.

KAAYA: But I think I will use my language.

WITNESS NO.243: HAJI ABDU GINGO KAAYA - AFFIRMED

MRS. MAWA: You are Haji Abdu Gingo Kaaya?

KAAYA: I am Haji Abdu Gingo Kaaya.

MRS. MAWA: What do you do?

KAAYA: I am a Saza Chief.

MRS. MAWA: Of where?

KAAYA: Of Luwero District.

MRS. MAWA: How old are you?

KAAYA: I am aged 47 years.

MRS. MAWA: When did you become a chief of Nakaseke?

KAAYA: I was appointed in 1980.

MRS. MAWA: Can you tell us what you did before you became a County Chief?

KAAYA: I was a Sub-county Chief since 1967. I was once in Koome, in 1969, I was transferred to Nagojje. I was transferred from Nagojje to Buvuma in 1970. From there, I was transferred to Kalungi in Luwero District. In 1972 I was transferred to Kalagala. In 1975 I was transferred to Luwero Sub-county. In 1980 I was promoted to a County Chief.

MRS. MAWA: Before becoming a Chief and working on round in this situation of administration of chief, what was your educational standard?

KAAYA: I attended Junior education. I studied as a Correspondence Student in this Tutorial College in Nairobi. I was in Nsamizi for an Administration Course.

MRS. MAWA: Can you tell us your experience during the course of your administration?

KAAYA: My duties are, implementation of Law and Order and administration in general and administering Government Revenue.

MRS. MAWA: You say, you were appointed a County Chief in 1980 in Nakaseke; are you still there?

KAAYA: I am still in Nakaseke.

MRS. MAWA: When you were there in 1980, what happened? Can you tell us?

KAAYA: In 1980 so many deeds were there and one of them was General Election.

MRS. MAWA: Go ahead.

KAAYA: In 1981 there came insecurity in Luwero District and mostly in Nakaseke. On 29th August, I was attacked by the Government soldiers being led by one Ham Kanyike. Ham Kanyike was the *Gombolola* Chief of Nakaseke and in addition was the Vice Chairman of UPC in Nakaseke and he was very much eager to be appointed as a Saza Chief. On 29th August, 1981, Kanyike came with soldiers in two Tata lorries but because I was aware I tried to escape. They entered the house and looted, swept everything and they bombed my motor vehicle.

MRS. MAWA: Go ahead.

KAAYA: After this incident they went to Kapeeka as a result they killed Mr. Lakabira Kawesa who was a former District Chairman of Luwero.

MR. KAWANGA: Why do you not speak in English? It will be quicker for you.

MRS. MAWA: What was the reason of the attack?

KAAYA: Well, as I have already mentioned my Sub-county Chief, that Sub-county Chief and who was also the Vice-Chairman of UPC Luwero South Constituency and who was eager to take-over from me as it was the policy by that time. That after the Election of 1980 they thought they will be replacing all chiefs and when they saw that I was still remaining in my Chair, probably, he used the soldiers to come and storm my official residence because he knew very well that I was a Government Servant, I was his boss and I was the one who should have controlled the security in the whole county because of that, he used the Government soldiers and

came and stormed my headquarters.

CHAIRMAN: What happened to you? Did you manage to escape?

KAAYA: Exactly. When they came in the two Tatas and the other vehicle, I was suspicious because as I have already mentioned that on 28th, I had a boy in my house who was working for me, he was called Ponsiano. He had heard a rumour that, Kanyike and other youth wingers including Obonyo who was working in Nakaseke Hospital as a Laboratory Attendant were planning to assassinate me and on that 28th, early in the morning, I withdrew my family. So I remained at my headquarters and it was Saturday. I was not expecting anything but because of the tip, I had to wait around and see what will happen and immediately I saw those lorries - I could not run away because I was the man concerned of the security but when I saw Kanyike leading them some 50 metres away I had to dash out of my house and hide somewhere. We had some cassava nearby, I had to dash through my house in the door which was behind and went into the *shamba* and I remained there to see what was happening. Then I saw Kanyike leading them to my house as I have already mentioned and they got hold of that boy, in the loud voice they asked him, "Where is your boss?" The man said, "He has left for Kampala". Then Kanyike said, "No, no, this man was here. How comes that he has gone to Kampala?" Then the boy insisted, "No, no, he has gone to Kampala". They entered the house. Because I was somehow far away from the house, I could not hear the exchange within the house.

MRS. MAWA: What happened?

KAAYA: Then immediately afterwards the other group which had encamped near my office block joined them; these were seven including Kanyike and then they were joined by the other about forty. They started a looting exercise and later on when I heard a bullet which they used to destroy my vehicle, I had to run away from where I was and crossed the road into the bush again. Then from there, as I have already mentioned, they proceeded to Kapeeka where they afterwards killed the other Lakabira Kaweesa.

MRS. MAWA: For how long did you remain in hiding?

KAAYA: Well, I run away up to my friend called Ali Kaweesa, another Ali Kaweesa, then I could not stay in his house because I thought that they were coming behind my heels. Then on Sunday I went back because I did not stay at my headquarters. I went back through panya roads, then I looked around and found that everything had been taken away and the situation was so tense, I said no, I cannot be here because I am a Government Servant. They are also, maybe, Government Servants before they could do anything they would have come and talked to me. I decided to leave the place and go to Luwero.

MRS. MAWA: You came to Luwero District Headquarters?

KAAYA: When I went to Luwero District Headquarters, I met the D.C who was

there. He was Mr. Nambafu. I explained the situation to him. I had a chance on that day, the late Lieutenant Colonel Bazilio Okello was coming from Gulu and he had arranged for a Security Meeting in Luwero so I was bold enough to go and approach him and ask him because he was the Brigade Commander by then. Then I talked about it, he said, he could see the then 8th Battalion Commander who was Mr. Otim. When we met they said, no, we have never sent soldiers to your residence, so we did not know about the operation. So I decided to stay permanently in Luwero because I knew that maybe, there was a plan to eliminate me.

MRS. MAWA: Now, you said you lost properties during that, whether you call it an operation or the attack and they you were able to talk to the Brigade Commander about it. Did they take any action?

KAAYA: Yeah, later on when they saw in our first meeting that, maybe, I looked as if I was so aggressive to them, they requested the D.C to take me to the Barracks in Bombo. Me with Mr. Nambafu and others- I had refused to go to Bombo but Nambafu advised me to proceed to Bombo. I went to Bombo, they interrogated me about it and they said, Kanyike had done it on his own and I blamed them that they had no system of chain of command. If my Sub-county Chief can go and order a full battalion to come to my headquarters then, it happens that, the system which they were using had some defective somewhere. So they advised me to go back, I refused. I said, I cannot go and I remained in Luwero.

MRS. MAWA: Did you try to recover some of your properties from the Barracks?

KAAYA: As I have already mentioned, the Battalion Commander had denied to have sent some soldiers and later on apologized after realizing that the soldiers were coming from Bombo and I do not see how they could recover them. During that time it was impossible to ask a soldier to return your chair or to replace the vehicle which they had already destroyed. It was impossible.

MRS. MAWA: You mean, the only action was taken, was to take you to Bombo Barracks, for what reason?

KAAYA: Interrogation. Because as far as I know, maybe, Kanyike has used some subversive languages against me, maybe, and that is why I was taken to Bombo for that interrogation and later on they found me to be innocent and then, they advised me to go back to the Headquarters. I said, no, I cannot. You have destroyed all my property and you are now asking me to go back to my headquarters, you are Government soldiers and government servants, suppose, I am the one to assist you. How come that instead of asking me for assistance, you come and destroy my property if I was there, you would have killed me, so I refused.

MRS. MAWA: There was no action taken against Kanyike?

KAAYA: Well as I have already mentioned, that was 1981, he was the Vice-Chairman of UPC and a Sub-county Chief. Later on Kanyike was dismissed and -

CHAIRMAN: When was that, do you remember?

KAAYA: That was 1982, I remember.

CHAIRMAN: Do you know why he was dismissed? Was it because of what he had done to your house?

KAAYA: Yes, later on it was known that as I have already mentioned that Kanyike caused the death of Lakabira Kaweesa and I had protested about it. Then Haji Sebirumbi who was the boss as everybody knew in Luwero South and Luwero District decided to dismiss him from the Chair of Vice-Chairman of UPC.

CHAIRMAN: Did he remain a Sub-County Chief or he was also dismissed from that one?

KAAYA: Yes, exactly.

MRS. MAWA: What happened after that when you refused to go back to your station?

KAAYA: Well, that was now 1982, I used to operate from Luwero as a County Chief by name. Then early 1983, I was posted to work here as County Chief in Katikamu. When I was a County Chief in Katikamu, I used again to be the Chairman - you see I am a sports lover - I was the Chairman of Luwero District Football Association. On 9th October we had an official football tournament to celebrate the Independence.

MRS. MAWA: 9th October, 1983?

KAAYA: 9th October, 1983. During that celebration Mr. Nathan Karema was there as the Chief guest. We had Haji Muhammed Kalule, the Administrator Secretary and others.

CHAIRMAN: Where was this, at the District Headquarters?

KAAYA: Yes, at the District Headquarters. We had a cup to be denoted on that day. That cup was a bit small in size but silver in make. Now I saw Haji Kalule waving at me, he called me, I went where they were seated. He asked me why there was no big cup other than this small bit? I told him that, me I am just a Chairman of Football Association. We have a Sports Officer. But again that cup is enough for the occasion because it was more expensive than the other big cups he used to see. Then he talked to Kalema after the argument with me then probably told Kalema that, I always tell you that this is a bandit and that is why he presented this cup - (Interruption) -

CHAIRMAN: In the hearing of everybody?

KAAYA: Yes, I was there with the others whoever cared to hear he heard. Then Kalema ordered two people whom I had never seen; 'Get hold of that man'.

MRS. MAWA: Do you mean, you were arrested?

KAAYA: Immediately there, I was arrested. I tried to ask why. They said; no, the big men have ordered when you were seeing, do not ask us. I was escorted to the Police. Where by that time, it was mixed police and army.

MRS. MAWA: Luwero Police Station?

KAAYA: Yes, when the policeman who was on duty heard the whole thing because that area was under my jurisdiction during that time, they wondered and said, okay, we have been ordered. They wrote in their Note Book and I was pushed inside. I was counted as a bandit by then who had given out a cup on that occasion which they thought not to be fit for the occasion and they have never even bought one for Football matches. I remained there.

MRS. MAWA: Which groups were playing?

KAAYA: You can find out from the Sports Officer. It was official, he can tell us. I have forgotten.

MRS. MAWA: I see, go ahead.

KAAYA: Then I remained there, 9th, 10th, 11th. Then 11th at around 10.50 a.m. I heard a policeman calling, first of all I heard someone saying, is he coming here? Then later on the policeman came and knocked, we were with soldiers inside, then they knocked and I came out.

CHAIRMAN: With soldiers who were prisoners?

KAAYA: Who were prisoners, yes. Then, when you are prisoners may be, Hon. Chairman you have never been a prisoner but when you are a prisoner (Laughter)

CHAIRMAN: Well not yet and I hope it will not happen. Although regretfully it is my nature of work I send people to prison but that one is after a careful trial and so on.

KAAYA: When you are a prisoner and when you are with colleagues you try to discuss. Then when we were the soldiers themselves were so disturbed with my story. They said, 'I think you have *fitina* (malice) with your big people. 'I said; no, no, I think it was an accident. Then we heard someone knocking and calling my name. He was a policeman, after opening. I came out and then Kalema said, you come let us go. Then the policeman protested. They were two, Kalema with Haji Kalule. Kalema was driving, then the policeman protested and said, no, no, you cannot take this man and moreover we do not know where you are taking him. You come and sign in our daily. Kalema refused and said; no. You come let us go. I was put in the vehicle.

CHAIRMAN: Did he say where they were taking you?

KAAYA: No, no, he said, you come. The policeman on duty said but where are you taking this man, Sir? He said, we know, let us go. I entered and he entered we proceeded to Wobulenzi here where they said okay you are a free man, you can go. I protested and said, I have no vehicle and I had property in the vehicle when you arrested me. Where is it? He said you go back to Luwero and look for one and see whether it is there. I got a taxi and went back to Luwero, I found it at Luwero Healthy Centre with a side door broken.

MRS. MAWA: You mean, you were released after three days without explaining why you were put in?

KAAYA: As I have already mentioned when the policeman was telling him, first of all, to record something in his daily book, he did not tell me anything and when I entered the car he was just saying sorry, sorry, then he dumped me here at Wobulenzi. And when I tried to ask where my car was, he said, you go and look for it. I had a pick up.

MRS. MAWA: Did you recover your car?

KAAYA: Later on I got it.

MRS. MAWA: What happened after that?

KAAYA: In 1983 after that one they were embarrassed in fact and they decided to remove me from county chieftainship because after the arrest and so forth they were not safe, they thought. And I was made to be a Senior Executive Officer in Luwero District.

CHAIRMAN: In what, 84 or 83?

KAAYA: In the same year of 1983. After 1983, 9th October, after our working relationship was not all that good, they thought I should be removed from the county chieftainship to another position and I was made to be a Tax Officer. By then a Senior Tax Officer which post I did not want -

MRS. MAWA: Do you mean you rejected the appointment?

KAAYA: No, no, I said as I have already mentioned, I am an experienced administrator. When you are made to be a Tax Officer you are just a Clerk, a man who is familiar with field work, I think, he could not prefer for that but I decided to take it up. I do not mind when I call it a demotion because I was already in U.4 and the post was in U.6. So you can imagine. So I had to be in Luwero but I was staying here. My official residence was which the Administration was renting so I had to drive to Luwero daily.

CHAIRMAN: When you say here, do you mean Wobulenzi?

KAAYA: You see, during that time, the house was not utilized, we had to rent a house from someone officially. This was out of use, the residential house.

MRS. MAWA: Do you mean where you were, was not being used?

KAAYA: No, and this one was just repaired after 1979 they just repaired it. So I had to drive from Wobulenzi daily during 1984 and as I have already mentioned that, I was the Chairman of Luwero District Football Association so we had an engagement. The Districts all over Uganda were competing for championship and we were zoned Luwero District with other Buganda Districts. So I took a team to Masaka in 1984 and after Masaka I was named Buganda Team Manager. I proceeded to Gulu after Gulu when I came back, we had to take a team to Mityana to compete for the mini leagues. So when I came back there was an allegation again, unfortunately that I had gone to Masaka, Gulu, Mityana instead of leading footballers, I was leading bandits. So in November 1984, the date was 13th, I saw four plain clothed men came to my office at Luwero District Treasury. I was out - I had forgotten one that after seeing that I had taken over the office of the Senior Tax Officer, they said but this man is still here, let us remove him from the Senior Tax Officer to be an Assistant Tax Officer. I also agreed because they wanted me to run away from the area so that they can get me from somewhere that I am a bandit. I insisted to be in the area. So I continued working.

CHAIRMAN: To work as what?

KAAYA: From Senior Tax Officer again to an Assistant Tax Officer. I agreed, I said, okay. I will not run away from here because I had sensed that what they wanted, was that, if I run away from this area, they could get me from outside the District and then be regarded as a bandit. I refused I remained in the office. So, as I have already mentioned I saw them then they were introduced to me by a Senior Tax Officer who was Geresom Lukwago and he told me -

MRS. MAWA: Do you mean the men in the plain clothes?

KAAYA: The four people. The then Senior Tax Officer introduced them to me because me I was outside and said, these people have been looking for you. They say, they have been sent by Haji Muhamudu Kalule that you are needed by Lieutenant Colonel Ogole. I said, how comes that I can be needed by Lieutenant Colonel Ogole? Then they tried to explain that they have been with Haji Kalule and that he say, the man responsible for what they were asking for was Haji Kaaya. Mr. Kaaya, so here they are. They want me? I insisted and said; no, I cannot go because I had known that vehicle. It was running up and down here. It was a 504 white in colour. So it was known when they came to me with that vehicle I knew that these people maybe, they are after other things, I refused. Then they said, okay, let us go to Haji Muhamudu Kalule. We proceeded to Haji Muhamudu Kalule, the Administrative Secretary of then. When we reached there, Haji Muhamudu Kalule was seated with other people, then I asked him myself, these people have come to me that you have directed them that Lieutenant Colonel Ogole wanted to see me. On what? Then he told me that, you see Lieutenant Colonel Ogole wanted some tickets, when they are sending spies to *bayekera* (bandits) to those areas, they

needed some tickets, may be, to disguise as they are civilians.

CHAIRMAN: Tax tickets?

KAAYA: Tax tickets. I told him that, you are the man concerned. Why do you send me to Lieutenant Colonel Ogole? You are the Administrative Secretary, for me I am a mere Assistant. There is a Senior Tax Officer, why to send me to Ogole? Then he told the other gentleman, that is the man, you take him. So I was asked to move away from the big boss and we went out and sat in the vehicle. They drove me -(Interruption)

CHAIRMAN: Haji we shall adjourn for few minutes. We give you time to recover yourself. We shall adjourn for 10 minutes and resume at 1.05, I wish you well.

KAAYA: Okay, Sir.

CHAIRMAN: Well, let me just remind you where we reached. Unfortunately, you have to tell us about what happened to you in that house.

KAAYA: Exactly, Sir. I am sorry for what has happened but I could not control myself in that point.

CHAIRMAN: No, the people have been sorry also but that is a different matter.

KAAYA: We reached that house downwards, there as soon as we arrived, I was removed from the vehicle, kicked, beaten, tortured in the usual language. Then I met some people there. I wonder whether you have understood the house, not this house here but the other house across the other one. That was the quarter-guard.

MR. KAWANGA: Quarter-guard for what?

KAAYA: It was the quarter-guard for the tactical operational headquarters according to what I knew them. I was so surprised because when someone who was in plain clothes whom I understood to be one of the Senior Intelligent Officers, he had a Walkie-talkie system then he mentioned to those people of here that the big fish has been fished out and it is here. That is the language he used and the other people from here, I mean soldiers, rushed to the building to me. So that one, it just indicated that, I was regarded as a big fish which they wanted to get from the lake. So, I was careful now, I knew that something might happen Now, during the torture, when I was kicked they had a needle they put through my hand, then I tried to talk to them politely. Then they said, you be very careful. That was the 13th.

MRS. MAWA: Do you mean, were you being pricked by a needle?

KAAYA: Yes.

MRS. MAWA: With needles?

KAAYA: Yes. Then that afternoon I spent there, during that evening, there comes another big man, he was also in plain clothes accompanied by other soldiers in uniform. He said, is this the man? They said; yes. Okay, you will tell us. You have to answer some questions with us before we release you. I thought it was going to be a temporary thing and they said; do you know Haji Muhamud Kalule? I said; I know him. Do you know Mr. Kalema? They said, okay. Were you a County-chief in Nakaseke? I said, okay, I was. Okay, you will tell us more about Museveni. I said, about Museveni? Okay. Then because I was polite, there is corridor in that house, they said, you come and sit here that evening. Then we had other about six around and others were just shouting behind, then, that big man with the escort came and shot these two people who were near me. He shot them and then said, Kaaya, that is an example, if you do not tell us more, you will see. That was the evening of 13th.

CHAIRMAN: Did he shoot them dead?

KAAYA: Dead. I said, okay, I will tell you.

CHAIRMAN: Were they also prisoners, it appears to be?

KAAYA: I found them there and they brought others as they brought me, whoever they were bringing through that corridor. Some were put in those small rooms, there were some rooms there. That was 13th evening.

CHAIRMAN: Did you know the people?

KAAYA: Well, as I have already said, some were from Kyotera, others were from Masaka who were used to be brought here and I was just a new comer, I could not talk to any person I found in the place, it would be very difficult for me to tell you that I knew any of them. Now, when later on I was called at night to testify the interrogations.

We were seated in the corridor there. I can take you there. This is the big room and there is corridor there. So here was a receiving room, we may call it a reception, in the main sitting-room and there was a corridor there, so when we were received here, beaten, tortured, what have you, you are sent there again and others were taken out. May be, they thought, I am a big man a bit and they said, you sit there. So the other two were shot dead and the man said, you Kaaya you have seen if you do not tell us more, you will see. I said, I will tell you. Now they charged me with four questions to answer. They said that I had, according to Haji Kalule and Nathan Kalema, that I had sent tickets to Museveni, who is now the President, so that he can use them to attack the army by passing through the road and what have you.

CHAIRMAN: What type of tickets?

KAAYA: Graduated Tax tickets. Then the first to count. The second one, is that when you went to Masaka, Gulu what have you, you had to recruit the bandits and train them and that we had deducted some money from the employees for that purpose. Haji Muhamud Kalule and Nathan Kalema

had deducted some money to contribute from each civil servant for the training and upkeeping of the team in Masaka. Now they were turning everything to me that I had powers by then as Assistant Tax Officer to ask the employees in the District to contribute towards the training of the *bayekeras* in Masaka. This is what the allegation was. That was the second question which they wanted me to answer. The third one, is why I was reading *Munnansi* Newspaper. They said, they saw me reading Munnansi now and then. Now, how comes that a civil servant could read *Munnansi*, otherwise, I would be a bandit and subversive? The fourth one, was, how comes that riding my motor cycle from Wobulenzi to Luwero which was infected with the bandits that they were not attacking neither abducting me if I was not a *muyekera*. So these were the four counts they wanted me to answer.

CHAIRMAN: Yes, go ahead.

KAAYA: I was surprised, I said, now may be, otherwise I will be killed because the four counts were so big, so serious for me to meet, first of all, although I was Assistant Tax Officer but I was not handling the taxes neither was I writing tickets or what have you. Neither did I have a key for the Graduated Tax Tickets so with that one I was beaten so much so that I may confess on that account. May be, that was the principal allegations they wanted me to confess on. Then, they went on the other account of deduction of the money from the employees. On this I told them, they go to Luwero and find out who did that and why. Then, they said, may be, I was not aware of the danger I was faced with, that is why I was replying like that. Then the fourth one I admitted, I said, well I am reading *Munnansi* and if you go at my home, there are a lot of papers, even Daily Nation because I was following this Njojo case. So I was buying a lot of Daily Nation besides *Munnansi*, you will find even Daily Nation, so you can go and find it. In fact, I was reading *Munnansi*. That one, they said, okay, you have done well.

MR. KAWANGA: So you admitted?

KAAYA: Yes. They went to another count of riding a motor cycle through this infested bandits area. I said, it is true and you will find me in Luwero but you will also be driving too through that area up to Luwero. But they said, you are not armed, for us we are armed, how comes that you dare to pass through this road to Luwero? Then, I asked them who gave that information and they said, your bosses; Haji Kalule and Nathan Kalema and they are wondering, for them, they are passing through with the escorts but for you, you just ride of, if you are not a *muyekera*, how comes that you dare to pass through that road? I told them that, when you came, you found my motor-cycle on the verandah, really, I had gone to Luwero with that motor-cycle but you can turn me to be a bandit or to be a messenger but I am passing through that road. So on 14th they said, you better go there, they will kill you there.

MR.NAGENDA: They said what?

KAAYA: You better go there they will kill you there. Let us transfer you to the other worst consignment, that was by then Luwero Barracks because this had just started here, so they said, okay, let us send you to Luwero. They brought a land-rover, we were about six of us, me and others five. We went to Luwero Military Barracks.

CHAIRMAN: What was that Barracks?

KAAYA: Your Lordship, Mr. Chairman, that Barracks was within the Police Station, Sir. So when I reached there with the others, the policeman said, again you are here! I said, I am here. They said, we told you, you better run away from Luwero, here you are. I said; okay, I have nothing to do. Then I was kicked, beaten, tortured and the policeman asked whether it was a police case. The RP. said, no, no, this is ours, this is our food. They pushed me into the cell. That evening, I remember Mr. Zakayo Bukenya also arrived, he was a prominent and when I asked him all about. He said, they have asked me about *Munnansi* too. I said, this is one of the reasons why I am here. He said, but what can I do? I also read *Munnansi*. So we were in the cell. What I remember during that time is that from 14th to early February, lucky enough when I reached the Military Barracks there because some policemen had known me, I was regarded as the in charge in the cell, a head prisoner who looks after his colleagues.

MRS. MAWA: So you were appointed the head?

KAAYA: In disguise. So there with Bukenya and others, we were in the cell.

MRS. MAWA: For how long were you there?

KAAYA: I was transferred from Luwero Barracks 5th July 1985. I went there on 14th November 1984 and then transferred from there on 5th July 1985 so I saw a lot during that period. So this is what I am saying that from November 14th to early February I saw, this I did not forget, 15 men killed others starving. They had a system, we had an RP Commander called Ogweyo, whether I am mistaken with the name, but that is the name Ogweyo RP. Commander, there was a system he used to kill people, those who were brought as *bayekeras*, he had these two fingers, there is a big main door with the Barracks, he could invite you to come to the door and uses these two fingers, I understand they call it *chokiya* he used to use them like this when he pushed them here you are already dead and many of them died in that way.

MRS. MAWA: Through the bars?

KAAYA: Yes, I beg your pardon.

MRS. MAWA: Did he put the fingers through the bars?

KAAYA: No, I have already said, there is a big door with bars inside, he was outside and you are inside. He says, he wants Kaaya you come near the door, he holds you like this he chokes with these two fingers here

immediately you are dead.

MR.NAGENDA: Let me clarify. I think her question is, are you both on the same side of the bars or is the other person on the side of the bars, therefore, he pushes his hand through the bars?

KAAYA: Probably, the question is not yet clear to me. What I am saying is that, there is a big door, the prisoners are inside, this is the main entrance, he calls you, this door is locked. He says, you come. You come and stand. Are you a *muyekera*? You have been brought here for what? For *muyekera* and others because he is already told go and kill so and so. So here he holds, it is open here except that, there are bars and the door is locked then when he holds you here, he just chokes you with two fingers and you fall down and you fall dead immediately there then he will say, hey, *Caci*, you take away that one there. That was one of the methods.

CHAIRMAN: What was his name, did you get to know?

KAAYA: Ogweyo, the RP. Commander. Then, I was lucky enough although it was unfortunate; immediately I arrived, three, four days after being beaten and so forth, even this one called Sokolo, one day I was called by Sokolo and another by Captain Kiiza -

CHAIRMAN: Haji Kaaya, you were telling us about the needles. You have told us about one, what is the other needle they used for killing?

KAAYA: This is what I am coming to.

CHAIRMAN: Yes.

KAAYA: I have to be -

MRS. MAWA: Yes, you have to follow the system.

KAAYA: Me, I am telling you what I saw but not what I am told to say. Well, immediately I have just mentioned that one because it was one of the way Ogweyo used to kill but there were other methods. Now I have gone back to my story. So Sokolo, used to be here. This was where he was operating from. So one day I was called out and I was told that Captain Kiiza was coming, Captain Kiiza was the man who was the Intelligence Officer, in charge of the Tactical - sort of operating headquarters, this is what I heard. Then I went to the unipot where they used to interrogate people, I found my colleagues. Then they repeated the same thing because they were from here. So there was Sokolo, another man called Kawuzu and others who were on the interrogating panel. There was my other friends, my colleagues, that was I remember Wasswa from Bugerere, another was, whom I knew as Mukasa Littlen and others because I was just new. During that time, they started interrogating us but because they were aware of my statement here, they just kicked me and made me lay down. Then Wasswa was summoned; are you a bandit? He was coming from Busiika, he had come to collect his wife. His wife had run away and he was arrested in Matugga going back with his wife,

and he was removed from the bus and his wife continued with the journey and Wasswa was brought to Luwero. We went together from here to Luwero. So they were so interested in Wasswa. The method I saw which they used to interrogate Wasswa, was this. That first of all, they unclothed him I was lying down myself because as I have already said; Sokolo and others were here when we were interrogated and they knew me and they said, we shall transfer you to Luwero where you will meet more so and so. So Wasswa, they brought a wire -a long wire with a big block, then, there were two tables in the unipot; he stood on one leg here and the other leg here. Like this, so they tied a big block here with a wire on his private parts, whatever we call it and what have you and then they used to kick it so that he can reveal everything, whatever he knew about the bandits. The man collapsed. Then, they said,*yeye ana kwisha* and that was some of the methods which they used to torture people. Later on, they had these cameras, they took our photographs immediately. Unfortunately, when they reached me the camera jammed, then, they said, in their Swahili; *wewe iko na charms*? From there they beat me up that I am a jammer and a wrong person their camera has jammed while they had already taken the five and when they came to me to take mine then the camera jammed. It was just a co-incidence really, when I went back. So we continued to be that way. Then another one came in around January.

KAAYA: Yes as I have already mentioned that Mr., maybe, my friend here, Byaługombe, the same method was used on him; that I wonder whether he is still having a family - I mean a wife - because, when we were there, he complained and he said; "When I go back, I don't think that I will go back to my wife".

COMMISSIONER: Yes, you remember about Lieutenant Mukasa's death.

KAAYA: Yes, before that I mentioned that, during January, an order came that food should not be served to the detainees or the prisoners because we were so many and they wanted to eliminate them. It was that - you see I have to elaborate more on that - during that time, they had erected a road block between Kawanda - Matugga which was commanded by Captain Ochaya. He used to collect a lot of people and dump them there; one of them was a mad man from Degeya, Kalagala Sub-county. I used to know him, he was among the detainees.

Now, as I have already said, the order came then there was a tin they said this time we were going to be served food and they brought food and they poured it on the ground there; and they asked us to go and get that food. As I was Chief and I knew what would happen, I advised even Bukenya that; 'Please, do not take that food', because, your Lordship, if you are a detainee you have got to be very careful. You have to use your psychology to fight and last longer in the cells. So we refused although we were slapped for refusing the food; but we were sent back and they said; *'Wewe munajivuma kyakula yi. Mu tawona'* (you have scorned this food, you will see). Then as I have already mentioned about 59 - exactly fifty nine because me I was counting them, fifty nine - bodies were counted people dead by chocking, starvation and other methods as I have already mentioned. Now on 8th February, there was a gentleman called

Lieutenant Colonel Mukasa whom they brought on 8th at night in our cells.

MR.NAGENDA: Lieutenant Colonel or Lieutenant Mukasa?

KAAYA: Lieutenant Mukasa.

MR. NAGENDA: Yes, not Lieutenant Colonel.

KAAYA: I gathered the story from the *mukyotala* (half-cast) who was accompanying him who was also suffering in the same way. He was beaten also.

COMMISSIONER: Did they arrive already beaten or they were beaten there?

KAAYA: They arrested them here. From here they were taken to Luwero but the beating was done here.

CHAIRMAN: Were they arrested from Katikamu?

KAAYA: Katikamu and then they were taken to Luwero with a big escort. Me I was inside but I saw them being escorted to our cells.

CHAIRMAN: Was he in uniform?

KAAYA: Yeah, he was in a smart uniform. It was the same grey and very nice and it was removed when he was dead. Someone removed it. He was a sergeant. He removed that uniform and he put it on at that place, after death. We had a tendency of reporting whatever had happened in the cells that: 'Who have died. Five had died', and they wanted the minimum to be five so that, if you are not more than five dead, then you would see what would happen. We had nothing to do because we could not kill our own fellow prisoners to make the number. So we reported early in the morning on the 9th that the prisoner whom you brought - we did not know that he is a Lieutenant Mukasa; later on *mukyotala* told us, then we reported that the man - is dead. And he said; no, no. You are the ones - you people you killed your friend'. We said; you dumped this man when he was severely beaten and he is dead. But we could report that. We gave him water that night, otherwise we would have had it. They said; okay. There appeared to be a commotion around. They gathered around. They looked at the body. They looked at the body and they sent a message here. Some soldiers came from here to Luwero Barracks. Then it was decided to take away the body and we were asked to lift the body from our cell to the pick-up. That was one of our chances to go out. So every one could pretend to be holding the corpse so that you could go out and see to fresh air. So he was there only in pants because immediately we reported the uniform was removed and he was in pants now. They put him on the vehicle and they drove away. It was a 504 Pick-up. Left. Then at around 10.00 that Lorry - .....

NOT RECORDED BECAUSE OF TECHNICAL FAULT - SOME WORDS MISSED....

..... and we were forced to sit down because they had parked in our main door. Then came another soldier in civilian clothes. He was joined by that short man, the Commander who was commanding the detach and others and they came to our cells and they said; 'Listen, listen. Whoever we read, come out, You are going to be released.' So they read, they read six people as I have mentioned; Toofa - one of them was Toofa - from Wobulenzi here. He was a prominent trader. I have forgotten his other name - Toofa; there was B. Ogwang, there was Farasiko and other two whom I have forgotten. So they came out. Me and others started shouting; 'Why not we also. Why not we also.' Then the other soldiers said 'Ugh, you will be released later. Your turn is not yet'.

Now then later on we sensed the way they were arranging themselves. They were in a circle. Then I told my friends that that might not be a genuine release. That is a different thing, may be. We have to be very careful. Then they talked to these six: 'You are going to be released. Where are you from?' 'From Makulubita'. "Where are you from?" From Makulubita'. We know you. You are from Wobulenzi and others. And Ogwang was one of the Government soldiers who had run away and later on they said - they claimed he had betrayed them and he had joined the bandits and later on he rejoined them- then later on he escaped. That was their story. So they were releasing him because he is their friend. And they were talking to him in Luo. We could not follow. So we knew that, maybe. But later on we sensed that something was cooking.

Now, they were made to climb the lorry in line - single line. Then there was Sergeant Okidi whom we used to know. He was very funny and he was talking about killing and what-have-you. Then he also joined them. Then a panga because he passed in the main gate with a panga and a knife on them. So; 'Egh', we said, 'things are not so good with these people.' They drove the vehicle and they went. Then at around 4.30 that lorry came back and parked behind our cells. We were inside but we could hear. We saw the vehicle. They parked and then parked behind. Then later on they came to our cells and said; 'We want the people to wash the lorry.' Then I was among the ones who went out to wash. I do not remember whether Bukenya joined me; but - I do not remember. Then we went out. When we reached the lorry, it was full of blood, then they said *'Safisa upesi. Safisa upesi'* (wash quickly, wash quickly). Then we washed the lorry. We came back to our cells - escorted back to our cells. Then at 8.30 or nine something - eight to eight thirty or nine -

COUNSEL: Hajji Kaaya, are you saying that the people who were taken on the lorry you presume were killed?

KAAYA: I have not come to that. I will tell you. So at around 8.00 - 8.30, Lieutenant Okidi - Sergeant Okidi came. He seemed to be not really drunk but he came to our cells. He said; *"Tawuula sisi"*. This is what he talked in Swahili: *'Yio Toofa alikuwa nagigina, Kwisa kata na panga. Kama nyinyi munacheza na sisi, kama yi apana chunga hata nyinyi muta kuwa namuna yiyo'*. But we had already whispered to ourselves that,

according to the blood we had seen on the lorry, maybe, our friends had been killed.

MR. NAGENDA: Can you please translate in English so that it goes on record what Okidi said?

KAAYA: Okidi said, '*Sasa*', in English.

COMMISSIONER: In English.

KAAYA: That: "You people you were playing with us. Toofa who was a very rich man - posing as a rich man - very proud, he is dead. I have cut him with my panga". That was the version of the words he used - Sergeant Okidi. So everybody was so frightened after hearing that news. That was nine and came to understand that they wanted to cover up the death of Lieutenant Mukasa so that, where they dumped him, maybe, they dumped those other dead bodies that they can say that he was among the *bayekeera*, if they came to look for him. You see, although we were in the barracks, but there were some soldiers who could come and tell us what was happening. So that story was related to us that your friends were dead; besides Sergeant Okidi's message but we have to be very careful. And Sergeant Okidi to say that, he found me praying and he said in Luswahili that you are praying - he said in Swahili '*Nyinyi nawomba ya Mungu yenyu ya kinyegi. Sasa Toofa ye yiko wapi*? This is what he said because we were praying and he said: 'You pray God. This your God: Where is now Toofa? He also used to be praying with us'. 'Where is he; that it was 9th February -

CHAIRMAN: 9th February, 1985.

KAAYA: Yes. Now there used to be operations and whenever they used to be going on operations - they suffered casualties. So, instead of consoling ourselves of what has happened; they used to come and pick us some and then they would say; 'Your friends have been killed and you will also die'. So that was the case. And so many of them more than two hundred during that period were fifty nine to around January, it was almost two hundred and forty; two hundred and sixty or something like that - dead - and most of them coming from Matugga and others; because now used to be the cell for people, Luweero people and others captured within the operational areas; one they used to collect from Katikamu; later on I gathered information at Luzira that all of them from Masaka, Kyotera and other areas were brought to Katikamu Area; and those from Luweero Triangle were in Luweero. So many of us witnessed that type of death. Then we were told by our friends that there was a Commission with International Amnesty- or something like that - which was pressing for removal from military barracks to either other areas; and they were threatened that, if that was the case, then, before we go to Luzira, they will kill something like that. Then on 5th July early in the morning we were made up that a new message had arrived. Then we had already witnessed Toofa's death and others; so we were sure that this is our end. Then on that one - ocassion, before that - there was an incident when someone - you see, this is funny; there was a lady at night, I do not know,

these night dancers; I do not know. But they had kept dogs in the barracks. So this night-dancer managed to come to the barracks and then the dogs barked at her. Then the soldiers woke up and brought her to our cell.

She came in naked and she was dancing all over the place and led the policeman who had the key and then everybody wanted to hide himself or run away from the cell; but the soldiers were guarding and then that lady. So there were about other three ladies naked because there was another; whenever they used to bring he was naked and they said, '*Tunamupa wewe wacha tusikiye maneno kwako. Mutawona*'. That they had given us one, if anything - shouting - we shall see. So another torturing method was to bring naked women in our cells also. And you can see. I had a big task of controlling my fellow prisoners not to tamper with such type of a lady; otherwise we were going to suffer the consequences. And one night - there were two incidences I want to start with before I go to Luzira Story - there was also a man who ran amok when we were inside the cell. He shouted. Later on the RP. Agore came and he said; 'Oh, who is shouting?' Before I could answer, the man continued shouting. So he summoned; 'Are you the one who is shouting?' The man could not answer; in Kiswahili. So he decided; 'Okay, you will see me'. He went to his house. He brought a rope and he was this way behind, then he asked some of the prisoners "Can you help me?" Can you help me?" Everyone was running away; even myself we were just running away. And then he called the man. 'You come'. The man could not sense the danger. He just came to the door. Then he got hold of the rope. He tied him on the bars. Then he brought paraffin. He poured paraffin on him. He brought a box of matches and lit it and the body was like those cartoons when you throw it in the fire - doing like this, doing like this. Then sensing that the parafin was on the wall, it had started also to spread and we were inside and there was no key; we decided to rebel. We said 'No, we cannot allow this man to die on the door. We have to remove him from the door'. So the man - this Agore - seeing that the fire was - even the people outside were seeing the fire, it was at night; so he ran away from the door we used that chance to extinguish the fire. But the man died. He was burnt and the RP. Commander reported that evening that the prisoners had attempted to break the door.

So, Captain Ochaya came - and this man was also with us. He was badly burnt and he was dead. So we were taken outside. Then to Captain Ochaya that man the RP. gave a statement. We could not oppose him. We were just looking at him and he was making a statement that "*alikuwa nataka vunja mulango*". He was saying that:'*Awa watu wana najaribu kutoroka. Ye unja ye na yo*'. We want to look at him and say "What can we say." Then Ochaya said; 'Now I can give an order for all of you to be killed. This must be the last warning. 'Api you did very well to punish this man'. Then we went back. But they could not come to the cell to inspect; nobody could say. We went back. He dead man was from Kakooge. That was one of the incidents. Then, another one, during that time, there was a big gentleman. He was Mudaama,I think. He is called Katuladda. He was from Nakaseke. He was brought with the soldiers because they were speaking the same language - what-have-you. He was

getting food from them. He was well built. Then before the story of going to Luzira came, he was briefed that there will be people to be killed.

CHAIRMAN: He was a detainee?

KAAYA: Yes, a fellow detainee. That was Katuladda from Nakaseke. Then he said, 'No', after hearing that one; may be, the other soldier heard that story but it was not really true; and he related it to Katuladda. So Katuladda panicked. First of all, he wanted to raise some funds to give some soldiers to help him run away and they promised that he would run away and he briefed us that, 'Maybe, I can have a chance to go', before we are led'. We said; "Okay, if you have a chance'. Then he sent a message to where he had his property. They brought some money. I understand they brought a hundred and one thousand shillings. They smuggled it inside. Then two policemen one took fifty thousand shillings. I remember; then the other fifty thousand shillings was to be given to the RP Commander - Agore - so that this man can be conducted from outside; and that Agore had promised that he will see the Intelligence Officer to inform him of the development. So, unfortunately, the policeman agreed to the arrangement; but, I am sure that the RP. Commander also took over command but he did not inform the other Army Commanders. So the day came. Katuladda We had this big thing where we were dumping our - yes, this *bakiyita ki* -

COMMISSIONER: *Ekidoli.*

KAAYA: *Ekidoli*. So he was so much of a gentleman that he could not raise the *kidoli* or hold it or taking it away; but that time - that morning - he volunteered to do it and said; "I will be among the four who will take the *kidoli*". I was surprised, because he is a gentleman. He was so lucky that he was getting free things from outside. So I didn't see how he could -

CHAIRMAN: Sorry. This is a bucket which you used - a toilet bucket.

KAAYA: Yes, a bucket. So Katuladda - they were four; it was a drum, not just a bucket; it was a big drum cut in half; we were so many, a bucket could not have gone in; so he - took away the *kidoli* with the other policeman, escorting him. Then went in the bush to throw away the*kidoli*. Then we heard the whistle - *chu, chu, chu*. We said; 'What is happening?' Then later on about ten minutes the other colleague came. But before that policeman had run to our cell and then he went back without informing us what was happening - that policeman who had escorted them - and then he brought the other four. Then later on we came to understand that Katuladde had escaped. We were surprised how Katuladda could escape. But because we had known about it, then we thought; 'Okay, may be, he had managed to escape'. He escaped. Then the RP Commander came to us. He called me and Bukenya and others; Walugembe and the others; we stood behind. Then he said; 'Your friend has escaped'. He is the man who they alleged to have taken the money; but now saying; 'Your friend has escaped, but now you will see. You will see. *Ye apana wonekana, nyinyi yote mutakufa*'. Then I told Bukenya - he was saying to me - that -

you, don't worry. This is their game possibly. Then Katuladda disappeared.

Then in the morning of the next day, Katuladda was - when he escaped he was, may be, helped and he had to spend a night near there. There was a road there which I knew later on. So early in the morning, Katuladda with his son got a bicycle and he rode through this road towards Wobulenzi; at around 6.00 according to him because he came back and told us about six something he met a road block there. They stopped him. 'Where are you going?' Who are you? Identify yourselves'. According to him, he ran away. During the course of running away they shot at him. He was injured. Later on the message came back that a big man - that, one of the fat men - had been shot at at Katikamu. They collected him; then brought him to our cells - in jubilation.

So we tried to ask Katuladda; 'You are bringing trouble to us; Here you are covered now. Now you man, you are one, they were going to kill some of us. That evening another soldier had come with his grenadeand he had tried to throw it in our cells. Then a policeman came and got hold of him and told him; 'You, do not do that, don't do that, don't do that', and then the man ran. He went away. So that morning Katuladda was brought back. Then he said; friends, I have been injured, I have been shot at; but these are the people who took my money and they are now the ones who are now shooting me; and now, if I die; I am not dying - don't say that I did something wrong. I arranged it with them and now here they are'. Now the other soldiers came to find out because he was shot at here when the Tactical Headquarters were here. So they came to fight this man who had escaped. Then he narrated the story to them. Then the man said; 'You, this is very dangerous. You go back. You go back.' So Agoye came in the evening - the man who took the money - and .... Yes, Katuladda, *onasema nini*? What are you saying? That you gave us some money. What have you. Okay'. He collected other people - about three of them; they had knives - during that time; they arrested other two sons of Katuladda who had helped him to run away. So they were now three relatives.

COMMISSIONER: Katuladda's?

KAAYA: Katuladda and two other sons. So now Katuladda and another soldier also was in, maybe, he was related also to Katuladda, he was coming from Bamunaanika. He was also arrested for deserting, probably, and another one Galusanja. He was also related to them. He was of the same tribe. So now they were four. Now then Agoye said; 'Okay, you wanted to escape'. That they came three other soldiers to the cells; but, because we were so many, the other two were so sensitive and said: 'But how can we go inside when those bandits are here. They can get hold of us. No, no, no, no'. Then Agoye came 'Galusanja - and other three - you come. *Nyinyi kama apana wuwa muntu wuyu, keso mutakuwa kwa Firing Squad*'.

MR.NAGENDA: Sorry. Can you translate what he said?

KAAYA: Then Agoye came and he said 'It is you', then he called Galusanja and another - and that soldier and another - two sons and he ordered them: 'You people, if you do not finish that man tonight, tomorrow you are facing a Firing Squad'.

COUNSEL: Meaning 'Katuladda'.

KAAYA: Meaning 'Katuladda' who had given him money to escape. So the men, at around ten or eleven, attempted on Katuladda. Katuladda was sensing - Katuladda called me and Bukenya: "I have heard someone saying to finish me, but what can I do? You help me'. We said: "How can one help you? You ran away and you know you had your arrangement with Agoye. Now, we are fellow detainees, what are we going to do? These are your sons; your friends'. Then his sons - one was called'Ssebowa, I think, then they started strangling him. The Katuladda said; 'Eh, oh, Galusanja, can you also do such a thing? Galusanja said; "But I am being ordered to do it. If I do not do it, I will get finished'. Then they said you, you, you just wait. You just wait. They went to the other gentleman and the other soldier whom I have said to when they are related tribally. They said; 'You come and help us'. The man went. He went to him. I don't know what he did.. But within a minute, the man was dead. "I couldn't hear him yelling. He had already died. And in the morning he said 'Galisanja, did you do my job?' He said; 'everything is '*tayari*' meaning everything was okay. Then the body was removed and it was thrown in - We had a pig place where they used to dump the bodies. The man had died. So that was one of the interesting stories.

So, on 5th of July, may be, an order had come that we should be removed from the cells. We were about sixty five. Others remained and some sixty five or something we were made to climb on the lorry after calling out names and we thought that that was the day again. We were made to travel from Luwero to Luzira was even very, very dangerous - more dangerous than staying in Luwero for another five months. Because, on the lorry we had to lie down, another one could squat on you; another one was on top of your head. And one of them who was a heavy gentleman was Mr. Kabakyala - the .... Kasese, we met him at the D.C's office and he was also put on our lorry and was made to sit on us, and he was too heavy. You can imagine! But he was and he tried to squeeze himself and fall on the lorry so that - on the lorry, - he could not injure us. But, during that suffocation we reached Bombo where there was the main gathering of all the detainees - and then to transmit us to Luzira, three of our colleagues died on the way from here to Bombo. We left them in Bombo. We were asked to throw the bodies - and they put more in the same way up to Luzira. But the journey from Luweero to Luzira was so terribly difficult.

So, when we reached Luzira, we found a human - I call him a human officer, he was Mr. Okoth; he was the Commandant of the Upper Prison during that time. They received us. We found a lot of soldiers; may be, they were bandits who were coming. We found many of them and we started mixing Bombo group and Luweero Group and Katikamu. So we were thoroughly received. We were with those big men- where you put

your *buugi, kawunga* (porridge, posho) and so and so forth. In Luzira, I do not have much to comment on because they appeared to be understanding compared to what we had seen; and whether they were inhuman too, but, comparing them to what we had seen, they were more human than somebody could say. So we spent from 5th to 10th September, we were lucky that we could hear the developments outside. Among the detainees there was Namakajjo, they were in our group. We were with Kakyope and others. Luckily enough, as I went as a chief, I also became a chief in Luzira. I was a ward leader in-charge of one hundred and ninety five prisoners. You see, when they asked the prisoners in the line; we were squatting and they said: "Who will be your leader?" "Kaaya", those from Luwero because they knew my name. They said; "Kaaya will be our leader". And the Bombo people also had to - they had - no one to propose but they had to do it. So I took over immediately.

And we had these International Red Cross coming to us and they gave us food; but, even others died there because - you see, when we reached Luzira, Mr.Okoth and others prepared food for us. The other prisoners were so weak to eat the kind of food served to us. Unknowingly, they took two blocks each, immediately five died there because they took more than what the stomach could accommodate and were given milk and what-have-you with the International Red Cross fellows.

A certain incident I saw in Luzira which was also inhuman was that, after Obote Regime had fallen, there was a scuffle one day - I call it a scuffle - one day I saw soldiers coming in the prison, shooting at random. And, maybe, I did not follow much about it but some - one or two - died in that exchange with the prisoners; and one of our friends from Mityana was injured by the bullet through the window. That was the only incident I saw in Luzira. Then it came as a surprise when we were informed that we were going to be released under an Amnesty which was then given - extended - to us by the Lutwa's Regime. And, on 10th September, we were at the City Square being released. So that was what briefly - I call it briefly - that is what I experienced between 1981 and 1985. Now when I went back to - when I came after Lutwa's regime, I was resting; a new Government came in. I complained that; 'I am a civil servant. Here I am'. They said; 'You, you, your records are clean. Can you resume your work?' I said, 'Yes,' They sent me back to Nakaseke. But one of the - besides looting, killing and orphanage, I saw one man whom I want this Commission maybe, if he agrees, you can see him; a man whose arms were also cut here and removed. He has no relatives in Nakaseke. He is called Peter Kamba from Ijinje. His arms were cut off on the 22nd October, 1983. So that is one of the horrible things that was committed by the Government soldiers, besides my stories and what I have explained to you. So that is what I can give to this Commission. Sorry for the time I have taken.

CHAIRMAN: Well, thank you very much Hajji Kaaya. It has been so absorbing that we have not noticed the time you have take with us. Now we may have a few questions to ask you to clarify certain things only.

KAAYA: Yes.

CHAIRMAN: Then you will go. Are there any questions from Members of the Commission?

MR. KAWANGA: Well, let us start from the beginning. Apart from this Kanyike wanting to take over from you as *Ssaza* Chief, do you know of any other reason why he was able to mobilise soldiers to come and loot a whole Ssaza Headquarters?

KAAYA: Yeah, may be, I may have to go back again. I did not want to go into politics. Maybe, this might be an advantage even to the present Government or the future Government. First of all, when parties were competing for the 1980 Elections; each party thought it would win; and chiefs are in a delicate position always. We are Government servants and we should serve the Government first of all. Now the party was also there as a U.P.C Party - D.P's., U.P.Mand what-have-you. Then the biggest mistake they made as that some of the civil servants like Kanyike had political posts in the party itself. And, however much he could be illiterate, he wanted to have a big post. So, after the election; U.P.C was thoroughly defeated in Nakaseke. The D.P. won and U.P.C lost in Nakaseke. These people thought that it were the Chiefs who had not helped the party to win; and, by that time, Kanyike was not a Chief. He came in after the elections. And, you see, as far as I knew, even if he was a Chief, but, by that time, the U.P.C he just came in, not as a civil servant because he was just hand picked by Hajji Ssebirumbi to make him a Chief in Nakaseke. He is his man and the Vice-chairman. And, during that time, each of the politicians, had chosen which position to take; Others said; 'Me, I will go to be District Marketing Officer if we win'. Another one: 'I will be the County Chief'. Another one: 'I will be the Sub-county Chief'. And, your Lordship, even immediately after the election, they declared all the Chiefs dismissed.

And I stood, I remember - even it was reported on Radio Uganda - that no one could dismiss a Chief other than a President or an appointing authority. So they got annoyed and Kanyike knew that, unless I am dead, he cannot take over. I am permanent and pensionable and I am a civil servant. The question is, how come that Kanyike could mobilise the soldiers? During that time, as I have already mentioned, there was insecurity and there was no chain of command which could be respected by those people-by the Kanyikes who were Vice-chairmen and so on and so forth. They could enter the barracks. Maybe, they had told them - I do not know; but, maybe, they had told them - that, in my absence that they were bandits. You never know. So, in disguise, they could eliminate me, at the same time, gain what they wanted to gain. Maybe, that is the reason. I wonder whether I have answered your question properly!

MR. KAWANGA: Now, besides that, you were the *Ssaza* Chief, Nakaseke, 1981. Had the guerrilla activities started in your county by the time Kanyike wanted to take over?

KAAYA: The guerrilla activities was not an open thing. First of all, I am the County Chief - I was a County Chief. Now you can imagine - you have dismissed all the *batongoles* (Sub-Village Chiefs) - you have dismissed all the *Muluka* Chiefs (Village Chiefs); you have dismissed all the *Gombolola* Chiefs (County Chiefs). The D.P has won in the area. You have replaced them with illiterate Chiefs of the U.P.C at that time. How could you expect a County Chief to get the information from the grassroots? Whether it had started or they were in hiding during that time I could not know. But, by 19th 1981 August, definitely it had started because it was in Mubende - Kikandwa or something like that. But the proper information from the grassroots could not be received because there was no Chief by then. They had dismissed them and their Chiefs - the U.P.C Chiefs - could not go and stay with them in the area. Right. Could not stay within the area. So the Government itself promoted the insecurity within Nakaseke area. Now I move to this Administrative - was it Secretary, is he called Kafule.

COMMISSIONER: Yes. How did he become Administrative Secretary to begin with?

KAAYA: Well, that is a good story also. I will also go back to that. In 1980 - in 1979, I think, after liberation - the so-called Liberators from Tanzania - they wanted to normalise the Government set-up within the country; that is Chiefs and so on to be properly appointed. So they scrutinised they wanted permanent and pensionable Chiefs also and to recruit the proper Chiefs with qualifications. So we had interviews. Then they found out that there were four counties which were vacant. Me, by then, I was a Sub-county Chief in Luweero. I am coming to your question.

KAKWENZIRE Yes.

KAAYA: Now we were invited to sit the interview. Hajji Kanyike by then was Acting County Chief, Nakaseke. Now, when we sat on the interview, he also sat. Unfortunately I and Mr. Kizza - Fonekansi Kizza - we were because they presented two posts to fight for - that is Nakaseke and Buruli; and Nakaseke he has a big company of buses he was operating his buses there; so he could not stay in Nakaseke. So they wanted to fill that post properly - whether he can compete with us and beat us and be appointed to the post. So, after that interview, I and Kizza, the Public Service Commission declared us to be promoted to the County Chieftainship. I was posted to Nakaseke unfortunately, where I was.

MR. KAWANGA: He was not appointed himself?

KAAYA: He was not. And he was asked to come here to Wobuleenzi as a Sub-county Chief, his substantive post. Then he said; 'How can that happen? How can Kizza and Kaaya beat me at the interview? I want to move from Nakaseke'. He went to, I think, to Rurangaranga, I am sure, Rurangaranga -who was a Deputy Minister by then. They were two - Hon. Bidandi Ssali and Rurangaranga. He chose to go to Rurangaranga. And he said; 'Look, I have been moved from Nakaseke to Sub-county chieftainship. I am not moving'. He could not hand over to me. I spent a month in Nakaseke, waiting for the hand over. He was moving from Luwero to

Kampala, Luweero to Kampala, Luweero to Kampala. So later on he was asked by Mr. Bakyengana. He had just time to take over the district as a D.C. That, if you are a civil servant, you cannot take a post by your own force. Get out from here, a properly appointed County Chief must take over. So I took over.

So in all these incidents he harboured all that; that this man I will punish him in one way or another. Now in that question it was funny, U.P.C executive could come here - in this community centre here - and declare a D.C dismissed; 'So-and-so is appointed an Administrative Secretary'. So they appointed him an Administrative Secretary and they took him to Kalule-Ssettala to appoint him as an Administrative Secretary. That is how I knew he became an Administrative Secretary; and would not have any grudges with Nathan Kalema. Because, according to the story, it is Nathan Kalema and Kalule who sent him to the gallows as it were. Well, I cannot imagine to have a grudge with Kalema. Kalema was a new comer in the district. But you see you can come today and you be interested with someone that: 'Please, do this and this, and this. The way I was treated at the Luwero ground, I can guess that I was someone Mutuba 3, otherwise there was no ground, unless when you realize the same with him and leave you.

DR.MAKUBUYA: First of all, I must congratulate you upon your survival, Hajji Kaaya; many people who went through this did not survive; so you better thank the All Mighty. At least, you were spared to say this story. Who was the U.P.C Chairman for Luwero South?

KAAYA: It was Hajji Ssebalamu.

DR. MAKUBUYA: Were you on good terms with him?

KAAYA: Politically we were not but outside politics. I knew him before politics. Politically he was not.

DR. MAKUBUYA: He was not a friend of yours?

KAAYA: Probably he wanted to use my influence and I could not give it to him because that would have been the reason as a Chairman.

DR. MAKUBUYA: Did he ever come to solicit your support or assistance?

KAAYA: Exactly, he did. He used to come and I used to -because one day I remember, he had come to the District Headquarters and I told him that I had no powers. He became annoyed and everybody in Nakaseke knows all this because it was done in the open.

DR. MAKUBUYA: This is after the election?

KAAYA: Even before the election.

DR. MAKUBUYA: Even before the election?

KAAYA: Yeah.

DR. MAKUBUYA: Would you say this Chairman was a stabilising factor in Nakaseke?

KAAYA: Mr. Ssebirumbi?

DR. MAKUBUYA: Yes.

KAAYA: I could not say he was a stabilising factor because he also helped to destabilise the area. Now, for example, we had this system of essential commodities, that I will tell you; that is also violation of human rights. We had this system of essential commodities. He used to go and collect lorries and bring the clothes - and what-have-you. I do not know where they were coming from. But he could deny these essential commodities to other people whom he thought were not supporting him; and by dismissing all these chiefs at random, he created instability in the area; No information was coming or have-you. So he was a destabilising factor.

DR. MAKUBUYA: Naturally, how did he conduct himself?

KAAYA: First of all, he was illiterate and I do not know how he could manage to be a Member of Parliament!

DR. MAKUBUYA: Eh, oh!

KAAYA: No, he was illiterate completely. By falling into such a big post he could boast around. So you could imagine, he was getting support from the top. On that note, I am wondering even how a big Minister like Kalule-Ssettala could trust Ssebirumbi to authorise him to appoint Chiefs and even dismissing, them, if you do not belong to the same party. If you are in the same party, you can say to someone that this one is wrong or this one is right.

DR. MAKUBUYA: Do you think that he had anything to do with your detention?

KAAYA: Pardon!

DR. MAKUBUYA: This Chairman, do you think he had anything to do with your detention?

KAAYA: I remember when I had gone to report to Mr. Nambogo what had befallen on me, he came by accident. Then he said; Eh - Kaaya - I wanted to come and warn you. I had known of this but I had no time to warn you. Oh, are you still alive! This is what he said. So, if I can join that one with Kanyike's, I could imagine; I could think that, maybe, Ssebirumbi had arranged it in conjunction with Kanyike and he could stay behind so that he could blame someone else. I cannot rule it out completely. You cannot say he was unhappy about what had happened about me. I do not think so. Because, if you can have - what was written in Topic some time in 1981, when he had gone to the Ministry of Local Government, asking for a lorry to transfer me because I had betrayed him in Nakaseke and he wanted a lorry to remove me and I was warned by Mr. Tumwesigye who

was the then District Chairman of Luweero Sub-constituency that; 'Be very careful, Ssebirumbi is coming with a lorry to remove you from Nakaseke by force but which never materialised. So I cannot say that a hundred per cent we were on good terms; anything could have happened.

DR. MAKUBUYA: Where is Ali Kanyike today?

KAAYA: Well, some time back, he was arrested for killing Zakaria Kawa as I have already mentioned; but I do not know whether he is still in Luzira or he was released. I do not know. He had been charged with murder and I read it in the news-papers one day.

DR. MAKUBUYA: He had been charged with murder or something. Do you know whether he was charged?

KAAYA: Yeah, I understood that he was charged with murder and I read in the news-papers that day; but I do not know whether he is still in the prison or he was released.

DR. MAKUBUYA: When did Mr. Nathan Kalema take over?

KAAYA: That was in 1983, I remember.

DR. MAKUBUYA: You never had a chance to work under Mr.Kalema. Did you?

KAAYA: As I have already said, I have.

DR. MAKUBUYA: A long time or a short time?

KAAYA: That was from 1983 up to the time I was arrested -

DR. MAKUBUYA: A few months, only?

KAAYA: Under different capacities. Because, after the arrest of 9th October, as I have already mentioned, they tried to remove me from the county chieftainship. I was taken to Luweero from there and arrested.

DR. MAKUBUYA: Yes, you talked about these transfers. You were transferred from Katikamu to Luweero Military Barracks and then you said the military barracks were within the police station. Are you saying that there were two custodies - the other police custody?

KAAYA: No, we were all kept in one custody, the police cases and what-have-you.

DR. MAKUBUYA: Was the police completely mixed up with the military?

KAAYA: Yeah.

DR. MAKUBUYA: Yes.

KAAYA: Yeah and I wanted to comment on that, last time. It is possible for any country could resign from keeping civilians in the military barracks?

DR. MAKUBUYA: Yes.

KAAYA: Because the way they are treated is inhuman. And, when you an army detainee, you become wild, the way they treat you. You become wild when you are treated with police cases. You regard these police cases as hooligan, something can happen with them, when you are thinking that tomorrow you are going to die. They are taken out. They are given food. For you you are inside. They can come back and you can see what can happen with them.

DR. MAKUBUYA: You see, were you ever charged in or before a court of law?

KAAYA: When?

DR. MAKUBUYA: When you were in custody. You went in 1983. You came out in 1985. Did anybody ever take you to court?

KAAYA: This is why I am saying it is a violation of human rights - violation on my personality; and moreover they arrested me in my own area as thief.

DR. MAKUBUYA: Yes.

KAAYA: And, at the same time, there was no charge against me; someone coming back and picking you, only later to go back as if he has brought a chief to keep it somewhere.

DR. MAKUBUYA: I do not know. What about the Administration? Did the administration do anything? You were working for Luweero District Administration. Did they do anything to help you to get out? You were their employee and so on? Do you know whether they made any effort?

KAAYA: This is the question now. The Administrative Secretary was the leader of the civil service. The District Commissioner was the representative of the President in the District. Now they have combined against me. Now you are asking them to come and see to your release. I do not know how it can come to the point.

DR. MAKUBUYA: That is ridiculous, in fact.

KAAYA: Now that is what I am saying. That is why I am complaining.

DR. MAKUBUYA: I see.

KAAYA: Not only that I was on duty and I am just advising any Government that you are a civil servant - for example, the Chairman is coming from Kampala to do the work here.

DR. MAKUBUYA: Yes.

KAAYA: On his way to here he is ambushed and is killed or he is taken.

DR. MAKUBUYA: God forbid.

KAAYA: Or anything - God forbid. And they say - okay, very sorry. I can do it. I lost everything because of the Government. I did not run away; I thought that I was doing my duty - why they recruited me; and, at the same time after suffering all that, they just say; 'Oh, thank you. Oh, thank you'. So this is what I am saying. It is ridiculous in one way or another.

DR. MAKUBUYA: What about this Mohamed Kasule? Where is he?

KAAYA: Mohamed Kasule?

DR. MAKUBUYA: Mohamed Kasule - the Administrative Secretary.

KAAYA: Mohammed Kalule.

DR. MAKUBUYA: Kalule - yes.

KAAYA: He is in Kampala. He is living here. He has a home here. I have nothing against him. My purpose of coming here is to tell you about myself. Of course, I have nothing against him either; I am just wondering what happened to him thereafter.

DR. MAKUBUYA: Yes, but Hajji, you are an educated and experienced administrator, when you came out of prison, what did you do? Did you take the Government to task for dismissal?

KAAYA: I could not.

DR. MAKUBUYA: Why?

KAAYA: First of all, it was also a Military Government immediately I came out. It was just a change of a coat - wearing a coat and then removing it; because Obote had gone and then the power in now - the same people, the same system as far as I know. Then NRM came. NRM,when they came, they said; 'Oh, oh, sorry, what happened to you, it was another regime; don't take us to task. This was under - I think, law was enacted. I think, was there. Preventing us from -

CHAIRMAN: The Hajji is well informed. That law is called Legal Notice No.6 of 1986.

KAAYA: Legal Notice Number Six; saying that whatever happened to you, you are lucky to survive. Start afresh. Thank God for that.

DR. MAKUBUYA: And forget.

KAAYA: So this is what was happening.

DR. MAKUBUYA: But I am wondering whether you would have liked to take the Government to task for this! Even if it is not possible; it was possible at one time. Would you have liked to take Government to task for it?

KAAYA: Well, in the normal circumstances, when you are detained for nothing, you sue the Government; that was an agent of the Government. Put it like that. I could sue them. But, according to the Legal Notice Number Six, it is equally impossible; and I cannot appeal to the Government to change it for my own sake.

DR. MAKUBUYA: Are you happy with it?

KAAYA: Well, if the Government is helpful to compensate whoever had fallen into the same category as myself, I think, even the Treasury would become dry; because millions and millions of people suffered in the same way like me.

DR. MAKUBUYA: Yes, but what are the people to do who suffered?

KAAYA: For me, I think, this is why the Commission is here. It is the Commission to advise the Government and next time Number Six would not be there.

CHAIRMAN: Now it is people like - people who are intelligent and knowledgeable like - you who are to help the Commission.

KAAYA: This is what I am saying.

CHAIRMAN: We report on information and advice we receive.

KAAYA: Yeah, this is what I am saying that - you have heard what I have said - the Commission is there. It is up to the Commission to advise the Government. My self my task was to come before the Commission, to tell it what I think. Then it is up to the Commission to gather the report and give advice to the Government.

DR. MAKUBUYA: Okay. Do you know the circumstances in which Mr. Peter lost his hands?

KAAYA: Mr. Peter Kamba, according to him he came from Ssingo and he found soldiers - Government soldiers. You see he is a man from the North. They said: "Even you. Let them be others, even you! Can you do that?" On the 22nd October, 1983. "And to be an example to others, we are not going to kill you but to remove your hands."

DR. MAKUBUYA: And you say he is in Nakaseke now?

KAAYA: He is in Nakaseke. It is a good example which I wanted to give you.

DR. MAKUBUYA: It is a good example. I agree with you. Now I have one of my favourite questions. I do not know whether Mr. Chairman you have - because I would hate to lose this opportunity to ask Hajji this. What do we do to avoid a reoccurrence of all those things in the future?

KAAYA: That is a very good question. First of all, people should understand politics. First of all, people should be educated about this politics because politics - as simple as someone may think, but - is very delicate. And another one is that, once you make democracy, you have to accept

that democracy is a two-way system. When you tell me that I should follow democracy, you also who is telling me to follow democracy, you should stomach the results of democracy. So people tend to forget that. They tell others to be more democratic but, for them, they do not want to be democratic.

CHAIRMAN: It is a very good point.

KAAYA: If we want Uganda to be as safe for everybody as it should be, everybody should accept democracy, as a result towards repercussion and so forth and so on. And whoever tells his friend to be democratic, he should also be democratic and respect democracy. Another point is that, whether the security forces, Government services, what-have-you, political arrangement, a chain-of-command must be sticked to. Because all these problems are caused by one part saying that: Oh, someone who is avoiding the normal system. For example, my sub-county chief could not go to the barracks and ask the soldiers to come and operate in my county and moreover taking them to another sub-county; because someone could agree that probably the county chief had bandits in his area. So the sub-county chief had come to remove the bandits. But he even took the soldiers to another sub-county and killed someone who was at par. Don't you see? So, this is what I am saying; that, if all the organizations had to accept the established norm; that is a chain-of-command and hierarchy; supposing I am a local man here and then I go and accuse my D.C. in the Ministry, it is ridiculous if a Minister acts on my information without checking it.

DR. MAKUBUYA: Yes.

KAAYA: So whoever is in the system should be trusted: If I have a M*utongole* Chief, a *Muluka* Chief, a Sub-county Chief, a *Gombolola* - a County Chief, or a D.C. and so on and so forth; so, when I want to deal with my Sub-County Chief, I have to contact the County Chief so that he may know what is happening. So we should avoid that and stick to this professional system. I think, Uganda would be peaceful. That is the only advice I can give.

DR. MAKUBUYA: Yes, most of the suffering we encountered was at the hands of the army. What should we do about the army?

KAAYA: I will reply to that again; that what I saw and what I am seeing I have one point that let us avoid military men other than those in the system like a Minister and so forth and so on, commanding the army. For example, if we tell - only the army but even the police; if there are these which are now in force, if you make - I am the chairman of the R.C. or someone, and you empower me to go and command an army, I will command them; they will commit something and later on they will say: You, we were commanded by this man. And this man had no experience on the way that these people were made operative. So what I am saying is that, before they could be commanded by an outsider, they should stick to their own profession. This is what I am saying, because Kanyike - the one thing which I forgot to mention - he was in uniform. But I just managed

to see him because he was a bit late and when I saw him running then I saw that that was Kanyike. I had to take off immediately.

DR. MAKUBUYA: He was a civilian himself?

KAAYA: He is a civilian and he was a civilian.

DR. MAKUBUYA: But he was in army uniform.

KAAYA: He was in army uniform on that day.

DR. MAKUBUYA: Was he armed?

KAAYA: Well, I was at a distance, may be, he might have been armed but I could not see.

DR. MAKUBUYA: Well I do not know. Did you get a feeling that the army was well training -this army which tortured you?

KAAYA: The training of the army - me, I could not tell because I do not know in which system they were trained - whether to kill or to do what; may be, they were well trained in killing. But I cannot also say that they were not trained and they killed a lot of people. So they were well trained in killing.

DR. MAKUBUYA: I do not know how you educate people in politics because you said we should educate people about politics.

KAAYA: Mr. Chairman, I am not a politician. I am a civil servant.

DR. MAKUBUYA: Yes. You would not know how to educate them but you want them to be educated in politics.

KAAYA: In politics?

DR. MAKUBUYA: Yes.

KAAYA: Yes.

DR. MAKUBUYA: How shall we educate them?

KAAYA: Through political systems like NRM - we have now an NRM system. Let us educate them; that - as I have already said, we educate them that - you have to stomach someone's democracy and they also take it. That is the only system we can say. We should not resort to violence. For example, if you know what you should do, I think, you should do it democratically. You see what I am saying. But, if you kick democracy, then violence is there.

DR. MAKUBUYA: I see. Thank you very much Hajji Kaaya.

CHAIRMAN: Hajji, where is Kanyike - Hajji Kanyike - now? Oh, he is the same. You have already asked that one. Sorry. Now there are two questions here which Commissioner Nagenda jotted down, which he wanted to ask himself but he couldn't, he had to leave. So he asked me to put the questions to you: One is that I would like you to comment on the allegation that food and other materials have not reached those for whom they were meant in Luwero - the Luwero Triangle: Relief supplies and any other thing.

KAAYA: The word 'relief.' is a very wide word.

CHAIRMAN: Yes.

KAAYA: First of all, as I have already mentioned, I am a county chief. In my understanding initially, we had relief in terms of beans, maize flour, pangas, hoes, jerry cans and what-have-you. these were delivered, in my understanding - and blankets and sauce pans, yes these were delivered, definitely. I do not know what was behind the question itself - which relief he was talking about.

CHAIRMAN: He was talking about food and other materials; this would include building materials, I suppose: iron sheets and so on.

KAAYA: Yeah, as I have already mentioned, we had blankets, moreover, those were in the Ministry of Rehabilitation and the Rehabilitation Staff was in charge of all those which I am mentioning, not we chiefs. But, as I have already mentioned, we had - we got - blankets, beans, hoes, sauce pans, maize four and some jerry cans - and in other areas like Nakaseke sub-county they got some jerrycans.

CHAIRMAN: Pangas, axes.

KAAYA: Yes, axes and hoes - those were reliefs definitely as far as I know. With the question of *mabatis* (iron sheets), it was made clear by His Excellency the President that not every home will be able to be given *mabatis*; that they were going to make tiles and that project started in Bukatira and they are making them. With other reliefs like iron sheets for schools, he brought just for the other time 10,000 iron sheets; and the 4,000 iron sheets due for Luwero District were delivered at Luwero; and some schools have been chosen to benefit from the President's offer. So, unless I am questioned further about.

CHAIRMAN: Well, that is enough.

KAAYA: This is what I know in my -

DR. MAKUBUYA: Chairman, there were some witnesses here yesterday from your county, they were saying they never received anything; and, I think, that the origin of that thing.

CHAIRMAN: Yes it is.

DR. MAKUBUYA: It is in the papers.

KAAYA: He was mentioning what?

CHAIRMAN: It is all over the papers. So were those people telling lies? Is it true?

KAAYA: What I am saying is that the Ministry of Rehabilitation delivered those items I have mentioned to the people through R.Cs. This is what I mean. Whoever did not get, it might be a fault within his R.Cs at grassroots in his or her village. But according to me what I saw, the Rehabilitation brought these things as I have mentioned - maize floor at *Ssaza* headquarters, other areas, panga, axes on so forth and so on, with iron sheets, I have mentioned. It was clear it was the President's statement, that we were going to manufacture tiles and these things at Kakira. So this is what I understand.

CHAIRMAN: Thank you. And that is another question a brief one. He said he asked what is your feeling about Ssokolo's escape?

KAAYA: From Luzira?

CHAIRMAN: From Luzira - this is because you had referred to him in your evidence.

KAAYA: Yes, not only Ssokolo; besides me mentioning Ssokolo in Luzira. I am wondering, Mr. Chairman, because I was in Luzira myself and not in Murchison Bay. I wonder whether he was in Murchison Bay but I was in the Maximum Upper Prison. I observed that, unless someone is assisted to get out of Luzira, no one can escape from Luzira; unless someone is assisted by someone to escape Luzira. If Ssokolo has escaped and according to how I saw him, then the State has got to do whatever it can to recover him; otherwise he is a dangerous man.

CHAIRMAN: Hajji Kaaya, I think, that is all from us and we were sorry that we detained you for so long it was because your evidence was very interesting and you are the first witness with such clear knowledge of what happened here. And because of the position which you hold in this area, your evidence is very important to us. Thank you very much also for the advice which you have given as to how things should be improved; so that we do not go back to the same situation.

KAAYA: Thank you very much.

CHAIRMAN: Thank you. Now, on that note, it is now a quarter past three and we all have not had lunch and we are tired and hungry now. We shall not resume after lunch; we shall adjourn now and resume next week here at 9.30 a.m. There should be no doubt about that - this one and nobody should -

KAKWENZIRE: Wednesday?

CHAIRMAN: Sorry - Wednesday next week, Now yesterday Mrs Mawa was suggesting - intimated - that it might be possible to go to hear evidence at

another venue.

MRS MAWA: At Kikyusa.

CHAIRMAN: Kikyusa.

CHAIRMAN: Kikyusa. I think, that is possible if it can be arranged. We now have our generator. We have also the recording equipment. So it is a question of transport.

MRS MAWA: My Lord Chairman, we had agreed that it may be if may be possible next week on Friday that is due to the weather conditions now.

CHAIRMAN: So that means that we shall sit here at Katikamu County Hall Wednesday and Thursday next week and Friday we move to Kikyusa. Thank you.

CHAIRMAN: Commissioners, Legal Counsel, Ladies and Gentlemen, we are now ready to start the Inquiry today, the 20th of April, 1988, at Katikamu. We have to apologize that we are starting very late today at ten minutes to two; this is because there is no electricity here, when we arrived this morning; and we had to send a driver to Kampala to bring a generator which has not been brought. Legal Counsel, the last witness we had was the County Chief of Nakaseke County - Hajji Abdu Kaaya. He was Number 243.

COUNSEL: Mr. Chairman, the witnesses we have will be testifying on unlawful, arbitrary arrests, summary executions and starvation of the prisoners. The next witness is Amina Nansubuga.

WITNESS NO.244: MRS AMINA NANSUBUGA - AFFIRMED

COUNSEL: You are Amina Nansubuga - Muganda of Kasana, Luwero Town.

NANSUBUGA: Correct.

COUNSEL: For how long have you been in Luwero?

NANSUBUGA: Since 1962.

COUNSEL: What do you do?

NANSUBUGA: I am a cultivator.

COUNSEL: Are you alone?

NANSUBUGA: I am married to my husband who owns two *bibanjas*.

COUNSEL: Who is your husband?

NANSUBUGA: He is called Shaban Buwule.

COUNSEL: Have you ever been to prison?

NANSUBUGA: Yes, Sir.

COUNSEL: When were you in prison?

NANSUBUGA: May be, early 1983, but I am not sure.

COUNSEL: Why did you go to prison?

NANSUBUGA: It was alleged that I was a bandit.

COUNSEL: Who alleged that you were a bandit?

NANSUBUGA: It was one called Mustafa Kibugo.

COUNSEL: Who was this Mustafa Kibugo?

NANSUBUGA: He is my brother.

COUNSEL: Was he a Chief? Was he a soldier? What was he?

NANSUBUGA: He was not in any office.

COUNSEL: Now, when he alleged you were a bandit, what happened to you?

NANSUBUGA: I was arrested and I was taken to prison at Luwero and I spent at Luwero three days, then later I was transferred to Bombo Army Barracks.

COUNSEL: Where in Luwero were you taken and by who?

NANSUBUGA: A local administration askari came for me and told me - he was called Mayanja, he told me - that I was wanted at the D.C.'s office.

COUNSEL: Yes.

NANSUBUGA: When we arrived at the D.C's office, he handed me over to another gentleman whom I did not know and he took me to the police; and I was put in a group of bandits - where the bandits were kept. And, when they asked him: 'Where have you brought that person from?' Then he answered that I was from Kasana. Then I was taken from that group.

COUNSEL: About how many people were there?

NANSUBUGA: We were about fifty. At that time, the gombolola chief called Migadde - at that time, the gombolola chief by the name Mayanja - came - Migadde - to inquire as to why I had been arrested.

COUNSEL: Yes.

NANSUBUGA: They replied that I was a bandit and had with me twenty guns, including

G.3 guns. I was among the group of 20 soldiers who attacked Luwero Police Station and castrate twenty policemen.

COUNSEL: Now, was that so?

NANSUBUGA: It was not true. As you see me here before you, can I manage to beat twenty men and castrate them?

COUNSEL: How old are you?

NANSUBUGA: I am about thirty eight years.

COUNSEL: Had there been such an incident?

NANSUBUGA: Well -

COUNSEL: To your knowledge, did it happen.

NANSUBUGA: I did not hear of it.

COUNSEL: Now what happened after these allegations had been made against you?

NANSUBUGA: I was transferred to Bombo Barracks and they further alleged that - I had offered my home to be the meeting place for the bandits led by one man whom they had heard of called Museveni.

COUNSEL: Now what happened at Bombo?

NANSUBUGA: I was interrogated and I only denied the allegations that I don't know even Museveni myself.

COUNSEL: Before whom were you making these denials?

NANSUBUGA: The soldiers.

COUNSEL: So what happened?

NANSUBUGA: I was tied with a wire around my neck in a window and they started whipping me thirty times - thirty strokes. They said that you will have to reveal or to say -

COUNSEL: Yes.

NANSUBUGA: To say what I know about the bandits - to say about Museveni. I was put in the cell where I spent the night. Then the following day, the officer came and asked whether I had said anything or I had talked to the interrogation officer and they said that I hadn't. Then I was stripped again thirty strokes.

COUNSEL: Yes.

NANSUBUGA: That was a Sunday and I spent Monday and Tuesday without saying anything and on Wednesday that is when they burnt me with a jerrycan on the hands.

COUNSEL: How did they burn you with jerrycans?

NANSUBUGA: They cut the jerrycans into small pieces and they lighted. Then one burnt the other side and the other one on the other one and they gave me fifty strokes; because at first they had tried to give me eighty strokes.

COUNSEL: Yes.

NANSUBUGA: They further said that, if you have refused to say anything, we will make you to say so that they tied me how they call*kandooya* style. Then I told them to go and make inquiries in the village from my bosses and get the truth whether really I had involved myself in banditry activities; but they only tied me the *kandooya* and they said that you take her to the butchery. At that time, that officer whose name I did not know did appear and he ordered for my release.

COUNSEL: Tell her to answer my questions.

NANSUBUGA: Well -

COUNSEL: Please, answer only the questions put to you.

NANSUBUGA: So he came -

COUNSEL: Now before you go to that were you imprisoned alone or you were with other people?

NANSUBUGA: I was not put in the cells but they handed me over to an intelligence officer who brought me from Luwero - from Bombo, and I was staying at his home, and even these strokes were being caned to me at his home.

COUNSEL: Were you the only prisoner at the home of this intelligence officer.

NANSUBUGA: I was alone. I was at first alone but later I was joined by another prisoner called Ssepiriya Kaddu who came to give evidence.

KAKWENZIRE: I was to get something straight. Initially she said she was imprisoned with fifty other prisoners, now she says she was alone.

COUNSEL: That was in Luwero.

KAKWENZIRE: Ugh, before she went to -

COUNSEL: Now what happened after you had been given fifty strokes of the cane?

NANSUBUGA: After the fifty strokes, I was - and I had denied totally then they said that: 'You take her away to the slaughtering place'; and we were thirteen in number.

COUNSEL: Now the thirteen did you know any of them?

NANSUBUGA: I did not except that they were women and ten men.

COUNSEL: Where were you taken?

NANSUBUGA: There was a butchery place at the barracks because somewhere in the barracks, in fact, we found dead bodies there, where they were doing the shooting.

COUNSEL: Yes now what happened there?

NANSUBUGA: They first killed the men.

COUNSEL: Were you tied?

NANSUBUGA: I was tied kandooya.

(the witness demonstrated the way they knelt while tied).

NANSUBUGA: They fired the men.

COUNSEL: How did they kill them, by firing or by what?

NANSUBUGA: Firing.

COUNSEL: Yes, now after the ten, what happened?

NANSUBUGA: I was the last and an officer came and he said, 'Please, leave her.'

COUNSEL: Do you mean to say that even the women were killed?

NANSUBUGA: Yes, I survived alone. And the officer said that, 'You leave that one; she is a Luwero resident.'

COUNSEL: Did you know this officer?

NANSUBUGA: I did not.

COUNSEL: Now what happened?

NANSUBUGA: I was returned in the office and from there to the place where I was sleeping.

COUNSEL: Yes.

NANSUBUGA: The officer gave me some little medicine because I had swollen all over the body. Then he asked the *Gombolola* Chief -

COUNSEL: No you do not know - that you do not know.

NANSUBUGA: I did not.

COUNSEL: Then what happened subsequently?

NANSUBUGA: On his return he came and called me in his office. I thought I was going to be killed; Then he said, 'You are now released'. And he gave me a document to walk along with and he advised me not to leave it behind wherever I was going.

COUNSEL: This letter is dated 22nd April, 1983. Is that the month in which you were arrested? Were you arrested in April?

NANSUBUGA: Correct.

COUNSEL: Was it on a 12th of April, 1983, you were arrested?

NANSUBUGA: I only know the day of the week but I do not know or remember the date. It was a Wednesday.

COUNSEL: My Lord I want to tender this Release Form as an Exhibit.

CHAIRMAN: We do not remember the Exhibit Number now. Would you know?

COUNSEL: I understand it was ninety one; so this likely to be ninety two. Now what do you have to say about your experience in Luwero Bombo?

NANSUBUGA: I do not know how I can think about what I experienced.

COUNSEL: Now do you have anything about those who caused you this problem?

NANSUBUGA: Commenting about them in which way?

COUNSEL: Have you pardoned them? What do you think about them?

NANSUBUGA: I leave it to the Commission - to the Government because I was punished -beaten eighty strokes, a woman, it is too much and I cannot now experience what I think of what I experienced while in prison because, on my return, I found all my property gone in the house; and my father was constructing for me a house, I found it had fallen down. I fought also because I was punished and I am now in the government which is now leading.

COUNSEL: I see. So now you are satisfied or the suffering - you have a Government which you believe in.

NANSUBUGA: I am very happy.

COUNSEL: My Lord, that is the evidence from this witness.

CHAIRMAN: Commissioners, do you have any questions for this witness?

MR. KAWANGA: Why did your brother say you were a bandit?

NANSUBUGA: I do not know. He belonged to a different party from mine. So I do not know whether it was the cause or it was from something else.

MR. KAWANGA: Which party do you mean?

NANSUBUGA: He was a UPC supporter.

MR. KAWANGA: And you were not.

NANSUBUGA: I was not otherwise I would not have suffered all that.

MR. KAWANGA: What was your party?

NANSUBUGA: I was a DP. supporter.

MR. KAWANGA: And you think that is the only reason why he accused you to the authorities?

NANSUBUGA: I cannot tell.

CHAIRMAN: Were there rebels in your area - those who were fighting against the Government at that time?

NANSUBUGA: I was hearing of them.

CHAIRMAN: Were there rebels and were you helping them?

NANSUBUGA: I did not support them.

CHAIRMAN: No that is not what I asked. That is another thing - what you are saying. But I am not saying that you were assisting them; because to that one you said no. You did not. But what I am asking did you get to know whether they were there in your area - whether they were operating in your area?

NANSUBUGA: I was in the town so I was not able to tell whether they were there.

CHAIRMAN: Within Luwero camp or map, this is the main road - the main street.

NANSUBUGA: It is on the main road - from the hotel, when to the mosque and my house is facing the mosque.

CHAIRMAN: Was he your real brother? I am sorry to ask you this. Was he a real brother not a cousin or -

NANSUBUGA: We were of the same father but different mothers.

CHAIRMAN: Was he holding any post in the UPC? Was he an official or he was just something?

NANSUBUGA: I did not know but I only heard that he was a UPC supporter.

CHAIRMAN: Now, when you were arrested and first taken to Luwero Police Station, were you beaten or dealt with by women constables or by men soldiers?

NANSUBUGA: It was RP men soldiers.

CHAIRMAN: I see. what about at Bombo - at Bombo?

COUNSEL: My Lord I had earlier said she was not beaten at Luwero.

CHAIRMAN: I beg your pardon! Yes.

COUNSEL: It was at Bombo.

CHAIRMAN: Yes it was at Bombo. Now this officer who saved you - you said you were the only person left; the men had been killed so had the other two women - was he the one who had taken you from Luwero to Bombo or was he another officer?

NANSUBUGA: It was a different officer - it was a different soldier - who collected me from Luwero to Bombo and this officer came on Sunday.

CHAIRMAN: Sunday. Did you get to know his name? Did you ever get to know his name?

NANSUBUGA: I did not because I was almost dead because, after the burning of these jerrycans, I had lost the figure, anything. I could not investigate or tell or get to know the name of the officer.

CHAIRMAN: What about the one at whose house you were first detained - the Intelligence Officer? Did you ever get to know his name?

NANSUBUGA: I did not.

CHAIRMAN: No. Thank you.

KAKWENZIRE: Who is this fellow who assisted you?

NANSUBUGA: His name is on that release paper or order.

KAKWENZIRE: I cannot read it but you had said it before. He is the one who arrested her. Is he the same one who released her? I think, you said the name? Which name did you say before? But there is a name you said before.

NANSUBUGA: The one who gave me that Release Order is the one who saved me.

KAKWENZIRE: Now it is two years since the change of Government. Have you tried to complain about your brother to the RC's for bringing false accusation against you.

NANSUBUGA: I have never.

KAKWENZIRE: What should you feel still now going to court with your own brother? Would you be comfortable?

NANSUBUGA: Is it you charging him?

KAKWENZIRE: It should be you who would give evidence against him.

NANSUBUGA: I am satisfied. I have no complaint about him because I was saved. He alleged that I was a bandit and later on the bandits - the rebels - won. So, I think, I have no complaint.

KAKWENZIRE: But you sustained injuries and you have come here to talk about what happened to you.

NANSUBUGA: Yes.

KAKWENZIRE: So what is your purpose for coming? What do you want to be done in your case?

NANSUBUGA: It is up to the Commission which decides to do something for me.

KAKWENZIRE: But, if the Commission decided to prosecute your brother for doing this - for bringing false charges against you - would you be happy if that was done?

NANSUBUGA: If I am called upon to give evidence by the Commission against him.

KAKWENZIRE: But on your own, you have forgiven him.

NANSUBUGA: I am happy. I am morally satisfied because there was a victory I was saved from death. And the people against whom I was - the charges were brought because I was - assisting bandits won. I am satisfied.

CHAIRMAN: Well, madam, thank you very much for your evidence and, all the same, we are happy that you came and gave the evidence before the Commission. Thank you.

NANSUBUGA: I am also appreciative and I am very happy.

KAKWENZIRE: We congratulate you for your victory.

NANSUBUGA: I am not leaving my Release Order because I have already tendered a photo copy of the order.

CHAIRMAN: Well, the original of this document should be returned to the owner, the witness - and, instead, a photo copy which is already here, will be kept as exhibit.

COUNSEL: The next witness is Maria Namatovu.

WITNESS NO.245: MISS MARIA NAMATOVU - SWORN IN

COUNSEL: You are Maria Namatovu.

NAMATOVU: Yes.

COUNSEL: How old are you?

NAMATOVU: I am 35.

COUNSEL: Now what do you do?

NAMATOVU: I work in an hotel.

COUNSEL: Where?

NAMATOVU: At Kasana.

COUNSEL: Kasana is in Luwero Town.

NAMATOVU: They are two different places. Kasana is a separate town from Luwero Town.

COUNSEL: How far is it from Luwero?

NAMATOVU: About a mile.

COUNSEL: For how long have you lived at Kasana?

NAMATOVU: About twenty years.

COUNSEL: Do you remember 23rd March, 1982?

NAMATOVU: I do remember the 23rd day of March

COUNSEL: Twentieth of March - 20th of March 1982.

COUNSEL: What do you remember about it?

NAMATOVU: I remember, on that day, I was taken to Luwero Police Station.

COUNSEL: Why were you taken to Luwero Police Station and who took you there?

NAMATOVU: It was both soldiers and policemen on the allegation that Hajji Ssebirumbi wanted me.

COUNSEL: Did you know any of those police officers and soldiers who fetched you for Hajji Ssebirumbi?

NAMATOVU: I did not know any of them.

COUNSEL: Now, when the soldiers said that you were required by Ssebirumbi, did you know Hajji Ssebirumbi?

NAMATOVU: Yes I used to see him and he used even to come at our place.

COUNSEL: What was the work of Hajji Ssebirumbi?

NAMATOVU: He was a UPC Chairman.

COUNSEL: Now, when you were taken to Luwero Police Station, did you find Hajji Ssebirumbi?

NAMATOVU: Yes.

COUNSEL: Now did you talk to him or did he talk to you?

NAMATOVU: Neither of us did speak to each other.

COUNSEL: Now what happened?

NAMATOVU: I was interrogated.

COUNSEL: Asking you what?

NAMATOVU: They were asking me where Mayungwe and Sunday and other 25 young men where do they work.

COUNSEL: Now did you know any of those twenty five people they were asking you about?

NAMATOVU: I knew Mayungwe because he was born at our place.

COUNSEL: All the twenty five?

NAMATOVU: I did not know them.

COUNSEL: Where was Mayongwe at that material time?

NAMATOVU: I did not know where he was.

COUNSEL: Incidentally, who was interrogating you?

NAMATOVU: It was both the soldiers and the policemen.

COUNSEL: Was this in the presence of Hajji ssebirumbi?

NAMATOVU: He was not present. When he saw me, he left.

COUNSEL: Now what happened?

NAMATOVU: I was beaten up seriously.

COUNSEL: Yes, how was the beating done?

NAMATOVU: At first they used force then continued beating with coffee tree and after that I was forced to squat. I squatted and I was kicked at my toes three times.

COUNSEL: Yes, what happened?

NAMATOVU: I lost consciousness and I gained consciousness after I was in hospital at Kasana.

COUNSEL: You do not know who took you to hospital.

NAMATOVU: I do not know.

COUNSEL: Yes, what happened?

NAMATOVU: I was admitted for a few weeks, after hospital, when I went home, I found nothing in the house. It had been swept. So I also left the area - I vacated it.

COUNSEL: Where did you go?

NAMATOVU: I went at Kiteezi in Kyadondo.

COUNSEL: For how long did you stay in Kiteezi?

NAMATOVU: Eight months.

COUNSEL: Yes.

NAMATOVU: I went at Kyaggwe at my mother's home.

COUNSEL: When did you come back?

NAMATOVU: After the liberation.

COUNSEL: Anything you want to say about those who mistreated you?

NAMATOVU: I want something to be done but I did not know them and I did not recognize them.

COUNSEL: That is all.

CHAIRMAN: What is something you want to be done to these people, although you do not know them? Do you want them to be detained or picked or what?

NAMATOVU: Excuse them.

CHAIRMAN: You forgive them.

the P.W.D.

COUNSEL: What kind of assistance did he want?

WALUGEMBE: To give them a list up to where their vehicle had broken down.

COUNSEL: Did you give them a lift?

WALUGEMBE: I did.

COUNSEL: How many?

WALUGEMBE: They were two.

COUNSEL: With who?

WALUGEMBE: I do not know the second one.

COUNSEL: Now, when you reached the P.W.D. what happened?

WALUGEMBE: I asked them that I do not see any vehicle here!

COUNSEL: Yes, continue.

WALUGEMBE: They answered that, may be it has been pushed ahead.

COUNSEL: So, what happened?

WALUGEMBE: When we drove ahead, that is where the Detach was.

COUNSEL: Detach of which place?

WALUGEMBE: Of Kasana.

COUNSEL: Yes.

WALUGEMBE: When we arrived there, he told me to stop that may be their vehicle had been turned off that way. Before I had even stopped Lubulwa jumped off the vehicle and went to the detach soldiers.

COUNSEL: Yes.

WALUGEMBE: When they moved towards us armed with guns, they found two people because he had alerted them to hurry up because the bandits were there in my vehicle. When they came they only found two people, me and the other friend of Lubulwa, and they knew the vehicle very well.

COUNSEL: Yes, but was Lubulwa a soldier, what was he?

WALUGEMBE: I did not know.

COUNSEL: Now, what happened?

WALUGEMBE: When they came towards the vehicle they were surprised and said; 'but this is the vehicle which fetches water for us! How did it get involved in banditry activities?

COUNSEL: Yes.

WALUGEMBE: They told me to raise up my hands. I had a watch and the friend of Lubulwa took it off and he pulled out a pistol. Then Lubulwa searched my pockets, I had with me Shs.30,000/= for the Company and Lubulwa took it away.

COUNSEL: Which Company was this?

WALUGEMBE: Kasana Produce Company.

COUNSEL: Yes, continue.

WALUGEMBE: What followed, even the graduated tax tickets were removed from me; then I was made to sit in middle, Lubulwa sat on the offside and the other soldier with whom he was drove the vehicle and I was brought at Katikamu here.

COUNSEL: Here in this place where we are sitting?

WALUGEMBE: Down there, my Lord.

COUNSEL: Yes, continue.

WALUGEMBE: When we reached there, one soldier came and asked me that have you seen Lumu's daughter somewhere; I told him 'yes, I have seen her she is there'. Then they brought very big head of food and meat and then they ordered me to eat that food until I finish it, and they alleged that 'the medicine which you have been carrying to the rebels and the food, we also have it here- so you must eat this food up to the time you finish it up. When I had refused to eat that food one of them slapped me, and he slapped me I fell on my right on the concrete which was made for a tank and the tank was removed, that is where I fell and I sustained injury on my right eye. When I had fallen down then another soldier came and kicked me in the hips; after that they rushed to where they had -

COUNSEL: Yes, you were made to enter the house where you found some few people; what happened?

WALUGEMBE: We stayed there and later I was removed, they told me that you have refused to speak that you were taking food and medicine to rebels?

COUNSEL: So, what you are saying is that they accused you of taking food and medicine to the bandits?

WALUGEMBE: Yes.

COUNSEL: And you denied this?

WALUGEMBE: I denied. It was not true.

COUNSEL: Now, what happened?

WALUGEMBE: I was returned, but at around 5.00 p.m. we were driven together with other three people, to Luwero in my vehicle.

COUNSEL: Where in Luwero were you put?

WALUGEMBE: At the Police Station where the Army had a cell.

COUNSEL: Did you find some other people in the cells?

WALUGEMBE: Many people!

COUNSEL: About how many?

WALUGEMBE: It was difficult to tell, because the size of the room is like this one but we could number up to 400. When they put me in they left me.

COUNSEL: Now when you were put there, was there any other interrogation made?

WALUGEMBE: After four days they returned, and they used to tie our legs with arms so that they could put a tree in between and there was a drum and a table, so that this tree could be put between the drum and the table so that you are hanging in-between; they started beating you up to the time you would swell - even to the private parts and at the present I am impotent. After that exercise they would put a piece of brick and tie it on your private parts hanging, and they could tell you to dance while singing that 'Museveni oyee, Museveni oyee' while this stone is hanging on your private parts.

COUNSEL: Yes, continue.

WALUGEMBE: From that day they returned me to the cell where I spent nine months.

COUNSEL: Now, during these nine months what did you see in the cell?

WALUGEMBE: A lot of killings; and at time they could come and call upon a certain number of say about five people, put them in their vehicle and they drove away with them. And one time I personally witnessed, we were taken thirty-seven and I was the only one who survived.

COUNSEL: What happened to the thirty-six?

WALUGEMBE: They were telling us to roll, someone from a lorry to the doorway, and at the doorway were two soldiers with knives. So, one would pierce on the other end and another one on the neck, then that one falls down dead; and then another rolls, one by one.

COUNSEL: You mean you were put on the lorry, thirty seven of you?

WALUGEMBE: It was a Tata lorry.

COUNSEL: Where did they take you?

WALUGEMBE: And it was being driven by a soldier called Mukwasi, attached to Bombo.

COUNSEL: Where were you taken?

WALUGEMBE: Somewhere at Kaaya's place.

COUNSEL: Where is Kaaya's farm?

WALUGEMBE: You go by Nakasongola road.

COUNSEL: Is it around the road or inside?

WALUGEMBE: It is about two miles off the road.

COUNSEL: You said you were thrity seven but how many soldiers were they?

WALUGEMBE: They were six soldiers.

COUNSEL: Were they all armed?

WALUGEMBE: Yes.

COUNSEL: How about you the thirty-seven, were you tied or you were not?

WALUGEMBE: We were not tied.

COUNSEL: At what time did they take you?

WALUGEMBE: At 3.00 p.m.

COUNSEL: The thrity six were killed, how did you come to be saved?

WALUGEMBE: That man whom I referred to as Mukwasi, who was the driver, by the time at Luwero Police when he was attacked he came running naked to my home, and I entered with him in my house, that you cannot run naked; he stayed at my home up to the following day, and I gave him clothes because he requested that he wanted to go to check on whether his gun had been taken.

COUNSEL: I see; so now what happened on this day when the thirty six were killed, did he intervene for you?

WALUGEMBE: He was the one driving us, and may be, he was a sympathiser and he said; 'do not kill this old man'.

COUNSEL: So, Mukwasi was the Head of this Operation?

WALUGEMBE: I think - He was.

COUNSEL: Where is he now?

WALUGEMBE: I cannot tell; I have never seen him myself but I only hear rumours that he may have joined this army, and may be he is somewhere in Kampala but I am not sure.

COUNSEL: You mean, this is a man who is very well known you?

WALUGEMBE: Yes, very well.

COUNSEL: How long did this Operation take, of killing thirty six people?

WALUGEMBE: That was a very horrible moment and nobody could tell exactly what the next step would be, as you know death; but it could not take say three minutes to kill one person. I did not even know, because I was half way dead, how I came to be saved and how I was returned to the barracks, because I had even defecated in my trousers and I did not know, only to be informed by my fellow prisoners to remove off my clothes that they were spoilt and smelling.

COUNSEL: Did you witness many other similar incidents?

CHAIRMAN: Sorry, Counsel, before that let him tell us how he came back; were you brought back on the truck?

WALUGEMBE: Yes, on the same truck.

CHAIRMAN: Still they brought you back to the cells?

WALUGEMBE: Yes, to the place where we had been locked up.

CHAIRMAN: Mukwasi should have assisted to get your released!

WALUGEMBE: When we arrived at the cells I saw him addressing the officers and said that this man can do better than a soldier; so, at that time I fell sick and I was mentally disturbed and these fellow prisoners used to assist me, tie me up with ropes.

CHAIRMAN: Counsel, I am advised that the interpretation is not satisfactory; Mr. Jjemba, may be, you are tired, could you - perhaps you could rest and somebody assists you for the time being. Yes, you just rest for the time being and let the other Court Interpreter come. Now, Counsel, could you remember and put it in English what the witness said last?

COUNSEL: Now, did you say when you returned this had a psychological effect on you; in what form did it have psychological effect on you; after returning from Kaaya's farm?

WALUGEMBE: I became mentally disturbed. I used to shout.

COUNSEL: At night, day time or-----?

WALUGEMBE: Even during day time.

COUNSEL: Was this the first and last time to witness this kind of incident?

WALUGEMBE: That was the first time.

COUNSEL: Now, did you witness any other incident where a group of people were being taken on that Tata lorry?

WALUGEMBE: The second incident was a group of people who were collected from Matugga, and then they told us that; '*wewe kwisangalia lole iyo, ata nyinyi nitawona*' - that, have you seen that lorry, you will also see what will happen.

CHAIRMAN: Were those collected from Matugga and brought to your prison or what?

WALUGEMBE: That is right.

CHAIRMAN: And they were off loaded?

WALUGEMBE: They were not off loaded.

COUNSEL: About how many were they?

WALUGEMBE: I cannot tell because we were under bars, and we could only sight them from where we were.

COUNSEL: Did the lorry take the same direction you had earlier taken?

WALUGEMBE: I think so.

CHAIRMAN: Sorry Counsel; the lorry never came back with these people?

WALUGEMBE: It came back and passed without the people.

COUNSEL: Did you get to know what happened to them?

WALUGEMBE: I cannot tell.

COUNSEL: How were you being fed, the 400, were you getting sufficient food?

WALUGEMBE: At time we were not fed, at times they could bring food and we could not look at them; they could only get you a small lunch, and whichever could fall down we could not eat it; if we attempted to do so we should be killed!

COUNSEL: How often were you getting food; was it a daily basis or not?

WALUGEMBE: At times we could get food twice in a week.

CHAIRMAN: What kind of food?

COUNSEL: Were your relatives visiting you or members of your family visiting you?

WALUGEMBE: If any should attempt he should be dead.

COUNSEL: Some must have fallen sick, were they being treated?

WALUGEMBE: They could not be treated.

COUNSEL: You mean some people were dying of lack of treatment?

WALUGEMBE: We were not treated at all, we were just starving and whoever should be brought in the cell could stand either for a month until he should be transferred to another place where you could squat.

COUNSEL: (Inaudible)

WALUGEMBE: That is right; you could either be brought in a cell today and we ourselves we could call you, and because we were fed up we could easily sleep.

KAKWENZIRE: How did you sleep?

WALUGEMBE: There was no sleeping.

CHAIRMAN: Were you over-crowded?

WALUGEMBE: We were quite over-crowded; if you could have a chance of sleeping you could sleep first; if someone just near the wall could lean on the wall and then the next one could also lie on him, then the other until the last one. That is the only way of sleeping.

KAKWENZIRE: But for standing, can you stand for a month?

WALUGEMBE: Others could easily collapse and die.

COUNSEL: Now what were you doing with these dead bodies?

WALUGEMBE: We ourselves would either be chosen, then lift the bodies from either here to the other end; we could either pile them somewhere until we could make a number of them, then they could tell you to lift the bodies to the other end and throw them there; by bad chance if you could easily pass near the tent of the commander, you could easily die also.

CHAIRMAN: Were you dumping the bodies in a mass grave or what?

WALUGEMBE: At first we dumped them in a place somewhere then pigs of a certain commander could come and feed on those dead bodies, until they realised that it was facing on the road then they told their fellow askaris to dig a grave and then we could dump in either four or five.

CHAIRMAN: How far away from the place of detention?

WALUGEMBE: From here to that banana plantation down there - it is about.....

COUNSEL: How were you getting water?

WALUGEMBE: Later on they brought us water in a jug, then on that water we could be served, about 40; you could make there with your fingers through the bars.

COUNSEL: How often was this supply of water?

WALUGEMBE: Almost daily we should get water.

CHAIRMAN: Was this for drinking or for washing your bodies as well?

WALUGEMBE: Just for drinking.

CHAIRMAN: Did you ever get water to wash yourself?

WALUGEMBE: We could not get water for washing or bathing.

COUNSEL: Now, how about short calls, long calls?

WALUGEMBE: We could ease ourselves in a bucket?

COUNSEL: One or?

WALUGEMBE: It was only one.

COUNSEL: So, it was you emptying this?

WALUGEMBE: After realising that the urine was just landing on the floor, then they could again blame us and beat us (inaudible).

COUNSEL: Then.

WALUGEMBE: Then after that we could all be taken out of the cell, then they should choose some few and then wash the floor.

COUNSEL: How often was this getting you out?

WALUGEMBE: Before filling that bucket you could not get out! Even we should stay indoors for a week, because we were not being fed.

COUNSEL: How did you get your liberty?

WALUGEMBE: It came just by surprise; it was on Sunday when I heard a vehicle, then I alerted my friends that 'we are in danger' and all of a sudden I heard my name being called 'Yoana Walugombwa' though I am Yoana Walugembe they used to call me that. Then there came Lubulwa who arrested me and he called "where is Yoana Walugembe?" I identified myself; then they

called another friend of mine then we told them that we did not know his whereabout, they called another one and another one; the two were released and the two were already dead - they were killed; that was all.

COUNSEL: You said you were in Kasana Produce, was Sepiria Kaddu your employer?

WALUGEMBE: (Inaudible)

COUNSEL: Now, is this the letter you got on your release?

WALUGEMBE: This was the very letter which was given to me on my release.

COUNSEL: My Lord, I would like to tender that letter dated 30th June 1985.

CHAIRMAN: It is okey.

COUNSEL: How about your vehicle?

WALUGEMBE: It was - (inaudible) - and get a break down; so, after being spoilt it was taken to my boss.

COUNSEL: Then how did you go to your home, did you walk?

WALUGEMBE: There was one Administration askari who saw me and asked me 'are you released?' I said 'yes' then he gave me a lift on a bicycle and took me up to home.

COUNSEL: Did you have clothes with you? Because you said after the other incident you threw them.

WALUGEMBE: As I stated before that there was one Mukwasi, he is the one who went and brought me an underwear.

COUNSEL: Did you have other problems after your release?

WALUGEMBE: Yes.

COUNSEL: What happened?

WALUGEMBE: The other problem was Katumba who attacked me at my home.

COUNSEL: How did he attack you?

WALUGEMBE: He came with a soldier.

COUNSEL: Yes, what happened?

WALUGEMBE: When I was just lying outside I sighted Katumba, then I told my friends that why have they come. Then I took my cover, I entered in the House and just passed through, I run up to my mother's home at Kande.

COUNSEL: How long did you stay there?

WALUGEMBE: I stayed there for a long time.

COUNSEL: When did you come back?

WALUGEMBE: After the taking over.

COUNSEL: Thank you.

CHAIRMAN: I will have some few questions for clarification, to clarify certain things. This Mukwasi you said he assisted you because at one time he took refugee at your house when Luwero Police Station was attacked. Was he a soldier or a policeman.

WALUGEMBE: He was a soldier.

CHAIRMAN: Do you know whether Luwero Police Station was attacked?

WALUGEMBE: I knew it very well.

CHAIRMAN: When was it attacked?

WALUGEMBE: As I am illiterate I cannot know exactly the particular year.

CHAIRMAN: By who was it attacked?

WALUGEMBE: We were told they were rebels.

CHAIRMAN: Were any people killed?

WALUGEMBE: Some were killed.

CHAIRMAN: Who, policemen or soldiers.

WALUGEMBE: There I did not exactly know who were killed because I was not there.

CHAIRMAN: Somebody mentioned here earlier that a policeman had been castrated.

WALUGEMBE: I did not know.

CHAIRMAN: Now, this Lubulwa, who was he?

WALUGEMBE: Either he was a detective or an Intelligence Officer I did not know and even their vehicle which was hit, the vehicle was of the District Commissioner. I did not know exactly what he was because he could either be seen in the vehicles and one of the vehicles which was bombed at Naluvule was of the District Commissioner. I cannot say whether he was a detective or intelligence officer, I only just saw him.

CHAIRMAN: Was he a soldier or a civilian?

WALUGEMBE: He was a civilian. I only learnt his job on the day he arrested me. I did not know whether he was a soldier or what.

CHAIRMAN: Was he a local person of the area?

WALUGEMBE: Yes, he is even there in Luwero, he is born in the area.

CHAIRMAN: Now, this letter of your release, exhibit 93, this letter is very short which was given on 30th June 1985, it says: "Uganda National Liberation Army, 58th Brigade Headquarters, P.O. Box 132, Bombo. Date 30th June, 1985. It is addressed: To Whom It May Concern. This is to introduce to you Yoana Walugembe of Kasana, Luwero. He has been assisting us in the operation but he now would like to go back home. Please accord him every possible assistance. Signed Brigade Intelligence Officer". And then the official stamp followed. Now, this letter the impression it gives is that you were part of the operation. According to your evidence you were a prisoner. Which one is right.

WALUGEMBE: I was just a prisoner. If I were assisting them how comes that they made me become impotent now?

COUNSEL: Is it also while you were in prison that you lost your teeth?

WALUGEMBE: It was in prison that I lost my teeth.

CHAIRMAN: How did they come out?

WALUGEMBE: I was hit by the but of the gun.

CHAIRMAN: Did you know the meaning of this letter when you got it? Did you understand what the letter said:

WALUGEMBE: I did not understand it even today when I just picked it again I just kept it.

CHAIRMAN: Yes, you have kept it very nicely but you never bothered to find somebody to read it to you and explain what it meant?

WALUGEMBE: In fact at my home there is nobody who is literate and I explained it here and all over around here they only knew my son but he was a bandit. Wherever anything could occur they could point at my son that he was the very one who has acted in the very way.

CHAIRMAN: Was he a bandit?

WALUGEMBE: Yes, he was a rebel.

CHAIRMAN: I see. Did they arrest you because of him?

WALUGEMBE: I was arrested because of supplying food.

CHAIRMAN: Supplying food to whom?

WALUGEMBE: That I was supplying it to the rebels.

CHAIRMAN: Did you?

WALUGEMBE: Where could I get it. They also alleged that I was supplying medicine yet my children were also starving for medicine, how could I manage supplying medicine to the rebels?

CHAINMAN: Where did your son operate as a rebel or a guerilla?

WALUGEMBE: I did not know where he was.

CHAIRMAN: Did he come out eventually?

WALUGEMBE: Yes, he is still alive.

CHAIRMAN: Where is he now.

WALUGEMBE: He is in Gulu.

CHAIRMAN: In the NRA?

WALUGEMBE: Yes.

CHAIRMAN: Were you married when you were arrested?

WALUGEMBE: Yes, I was married.

CHAIRMAN: Are you still married, is the wife still with you?

WALUGEMBE: Yes, I am still with my wife.

CHAIRMAN: One?

WALUGEMBE: Yes.

CHAIRMAN: Is she still there?

WALUGEMBE: She is at home.

CHAIRMAN: This thing has not affected your marriage?

WALUGEMBE: We are not stable because we used to play the game but we are no longer exercising the same. It is just like somebody who was eating meat but now he just cannot.

CHAIRMAN: I am very sorry about that. What do you think of these people who did all this to you? What should be done to them.

WALUGEMBE: That is why I came before the Commission also to give me advice because if I wish them bad - for them they wish me bad but with me I just

wish them okay.

CHAIRMAN: You see we depend on what - that is why we call people like you to tell what you think should be done, we depend on your opinion and advice.

WALUGEMBE: I pray before the Commission that these people should be charged.

CHAIRMAN: But you do not know who they are.

WALUGEMBE: I know the person who committed me to all these occurrence and the one who beat me I also know him, they are three.

CHAIRMAN: Nine months is a long time. Did you get to know their names?

WALUGEMBE: I know Mr. Lubulwa.

CHAIRMAN: What about the soldiers?

WALUGEMBE: The soldiers I do not know. But the soldiers never tortured me badly, it was Lubulwa who chased me in the house and then took me in their small house and then started beating me.

CHAIRMAN: But you said it was the soldiers who tortured you when you were detained and made you impotent.

WALUGEMBE: It was this very guy who could easily call you and keep you from where you were and take you into the uniport then you could be tortured there. The soldiers could simply find you just there and beat you or kick you.

CHAIRMAN: They were torturing you in the uniport.

WALUGEMBE: Then you could be beaten on your private parts.

CHAIRMAN: And taken back in the cell?

WALUGEMBE: Yes, you be taken back in the cell.

CHAIRMAN: Thank you.

MR. KAWANGA: I just want to know, was Lubulwa present when you were being tortured?

WALUGEMBE: Yes, he was present.

MR. KAWANGA: On how many occasions?

WALUGEMBE: On that occasion he was there and there was also a Medical Officer who was there.

DR. MAKUBUYA: Somebody working in the Medical Department?

WALUGEMBE: Yes.

MR. KAWANGA: Was he there at any other time?

WALUGEMBE: He was also there on other occasions.

MR. KAWANGA: You said your son joined the NRA. When did he join the NRA.

WALUGEMBE: They are the first people.

MR. KAWANGA: Was it a known fact around that your son had joined the NRA and was it known to Lubulwa?

WALUGEMBE: I did not know.

MR. KAWANGA: You do not know how Lubulwa decided to arrest you.

WALUGEMBE: At first I did not know even Lubulwa himself did not know. He only requested me to give him a lift because their vehicle had broken down. Because if he knew, there in the office of the administration, he could have said that you are under arrest and show me an identity card.

KAKWENZIRE: Where is Lubulwa now?

WALUGEMBE: He is in Luwero.

KAKWENZIRE: What is he doing?

WALUGEMBE: I do not know.

KAKWENZIRE: Have you spoken to him since?

WALUGEMBE: I have never done so. What talk could we make? Should I tell him of my impotence?

KAKWENZIRE: Probably to ask him why he did it?

WALUGEMBE: No.

KAKWENZIRE: If he is capable of doing such things, are you not worried that he might do similar things again? Definitely you must be worried and ask about what happened. Have you thought of taking Lubulwa to court?

WALUGEMBE: I have ever thought of it that one time Lubulwa could be taken to court.

KAKWENZIRE: What made it difficult. I am sorry to ask you such questions.

WALUGEMBE: I went and made a statement when we were at Luwero Sub County. There is one I made to even one lady who has been sitting here and then another man who has been here.

KAKWENZIRE: Mr. Makubuya?

WALUGEMBE: Yes. There is a certain man even if I come across I can identify him. I

also saw him one day in the Revenue Office.

KAKWENZIRE: So you raised the complaint.

WALUGEMBE: I made a complaint.

KAKWENZIRE: And what happened?

WALUGEMBE: Nothing, it is only today when I have come before the Commission.

KAKWENZIRE: In other words the complaint was made to our team.

WALUGEMBE: Yes, it was before the Commission team.

CHAIRMAN: Did you complain to the Police since the NRA came to power?

WALUGEMBE: I did not.

KAKWENZIRE: Are there people who would testify that you gave a lift to Lubulwa and subsequently you got arrested?

WALUGEMBE: There are some who were even in my vehicle.

KAKWENZIRE: Who were they?

WALUGEMBE: There was one called Yusufu and even on my arrival there was one called Ali. He was the ring leader of the youth wingers.

CHAIRMAN: Mr. Walugembe, I would like to thank you for your evidence. At the end of our task we will make a recommendation, which we intend to do and appropriate steps will be taken against people who be found to have committed an offence. Thank you, you can go now. We can adjourn now, we shall resume tomorrow at 9.30 a.m.

Commissioners, Learned Counsels, Ladies and Gentlemen we are to commence this Session of the 21st of April, 1988, at Katikamu. Counsel, the last witness we had yesterday was number 46 of 1988. So the next one should be 47. Is it? I beg your pardon. The last witness yesterday should have been number 47 so that the next one today - the first today - is 48.

COUNSEL: My Lord and Commissioners, the next witness is Juliyana Zawedde. She be testifying on matters - corroborating matters - that were mentioned yesterday also she will be giving information regarding the kidnap of her son.

CHAIRMAN: Sorry. Kidnap of who?

COUNSEL: Her son.

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WITNESS NO.247: MRS JULIYANA ZAWEDDE - SWORN IN

COUNSEL: You are Juliyana Żawedde.

ZAWEDDE: I am Juliyana Zawedde.

COUNSEL: Cultivator by profession.

ZAWEDDE: Yes, I am a cultivator.

COUNSEL: Aged about 45 years and a Muganda by tribe.

ZAWEDDE: Yes correct.

COUNSEL: Forty eight years.

ZAWEDDE: Correct.

COUNSEL: You are a resident of Namuli village.

ZAWEDDE: I am a resident of Namuli village.

COUNSEL: This is in Katikamu and Luwero District.

ZAWEDDE: Correct.

COUNSEL: Are you married?

ZAWEDDE: I am married.

COUNSEL: And you have children.

ZAWEDDE: I have got children.

COUNSEL: Now, in 1983, where were you residing?

ZAWEDDE: We had run away from the village and I was in Kasana.

COUNSEL: Particularly in the month of April, 1983, where were you residing?

ZAWEDDE: I was staying in a certain school at Luwero.

COUNSEL: Now, in the month of April, 1986, this Commission has received evidence to the effect that one - Amina Nansubuga - was arrested.

ZAWEDDE: Yes she was arrested. We were coming from -

COUNSEL: Do you know Amina Nansubuga?

ZAWEDDE: I know Amina Nansubuga.

COUNSEL: How do you know her? Was she your neighbour? Was she your friend?

ZAWEDDE: She is my friend.

COUNSEL: Do you remember whether she was arrested or not; and, if so, tell what us you saw?

ZAWEDDE: When we had just come back to collect food, one administrative came, called Mayanja. He told us as how he had been looking for us and told us that there is a certain lady who wanted to see her.

COUNSEL: Which date was it?

ZAWEDDE: I cannot still recall the date.

COUNSEL: At what time was it?

ZAWEDDE: It was around mid-day.

COUNSEL: And where exactly were you?

ZAWEDDE: He found us in Kasana in the home of Nansubuga.

COUNSEL: So when he came what followed?

ZAWEDDE: After receiving the information, so she also went as she had told. She thought that they had brought her mother. So she also went there then.

COUNSEL: Who was this Mayanja who came to call her? Was he a man of the village?

ZAWEDDE: He was an administration askari.

COUNSEL: And whom did he come with? Did he come alone?

ZAWEDDE: He came with another man.

COUNSEL: Who was this man?

ZAWEDDE: I did not know the other man.

COUNSEL: Was he an ordinary man of the area?

ZAWEDDE: He was not an ordinary man.

COUNSEL: Was he a civilian?

ZAWEDDE: He was a civilian.

COUNSEL: So, after they had gone, what followed?

ZAWEDDE: She never came back.

COUNSEL: Did you eventually see her?

ZAWEDDE: After about three days, I just managed to sight her when in a vehicle. She had been taken in a vehicle.

COUNSEL: What type of a vehicle?

ZAWEDDE: It was a pick-up.

COUNSEL: And where was she seated - in front or behind?

ZAWEDDE: She was behind.

COUNSEL: Was she with any people behind or she was alone?

ZAWEDDE: There were about either three or four.

COUNSEL: Were they civilians or were they soldiers?

ZAWEDDE: I cannot actually recall whether there were also some soldiers or not; but there were some civilians.

COUNSEL: I see. Now, after that when you saw her in the pick-up, did you see her eventually?

ZAWEDDE: I saw her after her release.

COUNSEL: And, when you saw her, was she normal as you had seen her before?

ZAWEDDE: She had some sores because she had been burnt with jerrycans.

COUNSEL: Any other injuries which you might have noticed?

ZAWEDDE: She had some scars because she had been beaten with sticks and some sores, because she was burnt all over the body.

CHAIRMAN: You were not there when she was burnt or beaten. It must be what she told you. You saw scars and so on.

ZAWEDDE: I just saw scars because I was not there.

COUNSEL: Now that is all for your friend. Now I will take you to another period the same year. You said in 1983 you were in this area. I will take you to the of 29th of July, 1983. Do you recall that date?

ZAWEDDE: I recall it.

COUNSEL: Why do you recall it?

ZAWEDDE: I had a very big shock when I was being carried by my son on a bicycle.

COUNSEL: Who is this son?

ZAWEDDE: He was called Paul Ssebuwufu.

COUNSEL: How old was he?

ZAWEDDE: He was aged 29.

COUNSEL: You said you were coming from where?

ZAWEDDE: We were coming from Lwankuba where I had gone to see my parents.

COUNSEL: Were you walking?

ZAWEDDE: We were on a bicycle.

COUNSEL: Yes. So what followed?

ZAWEDDE: We were stopped by one - Mohammed Farijarah - who was a youth winger.

COUNSEL: At what place?

ZAWEDDE: The place was called Ddekabusa.

COUNSEL: You were stopped by Farijarah. Was there a road block or he stopped you as a friend?

ZAWEDDE: He just stopped us. There was no road block.

COUNSEL: Yes. So, when he stopped you, what happened?

ZAWEDDE: He told my son that there was a certain gentleman who wanted to see us somewhere.

COUNSEL: Yes continue.

ZAWEDDE: We went in a certain building where we found a gentleman. We found there a soldier and one called Ssemakula.

COUNSEL: Yes.

ZAWEDDE: My son asked that, "What do you want from us?"

COUNSEL: Continue, please.

ZAWEDDE: I also asked: 'What had we committed'? At that juncture, I was told that my son was under arrest. He is a bandit.

COUNSEL: Who told you this?

ZAWEDDE: The soldier is the one who told me.

COUNSEL: In what language?

ZAWEDDE: He told me in Luganda.

COUNSEL: Then what followed?

ZAWEDDE: They boy explained, denying being a bandit. I told the soldier that I have been staying with my son. He was never been a bandit.

COUNSEL: Yes.

ZAWEDDE: He further told me that he used to collect food for the bandits and even he used to spy for them. I requested him to go along with him in Kasala in order for the people to explain about the boy.

COUNSEL: Yes.

ZAWEDDE: He told me that it was impossible because he had his powers there. He then demanded ten thousand shillings in order to release the boy. I told him that I had nothing at that moment. I requested him to go with him in Kasana in order to borrow from somebody. He refused. I left when he had tied him. When I had moved about half a mile, he then sent a youth winger called Ssemakula he gave me a lift on a bicycle and took me in order to borrow money.

COUNSEL: Yes.

ZAWEDDE: I got the money and I came along with him. On my return, I found that the boy was naked and he was strongly tied. I then requested him to untie. I told him I brought the money.

COUNSEL: What had they used to tie him?

ZAWEDDE: It was a rope of a goat.

COUNSEL: How much money had you brought?

ZAWEDDE: I had brought eight thousand. That is what I managed to get.

COUNSEL: Yes.

ZAWEDDE: I requested the man. Then the boy told me that in his pair of trousers he had Shs.2,000/=. He then told me to get that money from the pockets. Then said that, that was a clear exhibit - producing the money. Possibly, he wanted to sympathize with me; but then again Ssemakula advised him that, if he could release the man, he was one of the bandits.

COUNSEL: Yes.

ZAWEDDE: I knelt before him and again requested him to release the boy. He further told me that, at that moment, he had nothing to do and that they had all the powers and he was going to kill the boy. I requested him that, instead of killing my son, he could kill me. He refused. They tried to lift him but they could not manage until they got a stick which had some branches, then they went on pushing him with that tree.

COUNSEL: How were they doing this? How were they using this tree?

ZAWEDDE: They pushed him in the neck here and they went on following him.

COUNSEL: Yes.

ZAWEDDE: As I used to follow them, the boy advised me that I should go back and look after his children. I fell before the soldier in order to beat me; but again there was another lady - a Langi - who advised me they had -

COUNSEL: Do you know the name of that lady?

ZAWEDDE: I heard she was called Faith but badly enough she died. She advised me to leave the matter because they had intended to kill me.

COUNSEL: You mean she knew they were going to kill you.

ZAWEDDE: She knew that they were going to kill me. Then she pulled me.

COUNSEL: Yes.

ZAWEDDE: She strongly pulled me. I was resisting until she managed to make me sit down. She grabbed me and managed to take me in the house where they were seated and she locked me there.

COUNSEL: Were there other people who saw this?

ZAWEDDE: There were some other people who witnessed. They were also in fear.

COUNSEL: Can you name some of them if you know their names?

ZAWEDDE: I did not know the names because we were strangers there.

COUNSEL: Yes.

ZAWEDDE: After that, the lady managed to release me. Then she escorted me for about half a mile. Then I went back home.

COUNSEL: What time was it by then?

ZAWEDDE: It was either 2.00 p.m. or 4.00 p.m. and I was almost unconscious.

COUNSEL: Now eventually did you reach your home?

ZAWEDDE: Eventually I managed to reach at home at around seven 7.00 p.m.

COUNSEL: And did anything else happen?

ZAWEDDE: Nothing happened then.

COUNSEL: Did your son eventually return home?

ZAWEDDE: He never returned and I did not know where he died.

COUNSEL: So you have never seen the body. You have never seen him.

ZAWEDDE: I have never seen his remains because I do not know where he was killed.

COUNSEL: Now whose house was this where Ssemakula and the soldier were in? Did you know the owner of that house?

ZAWEDDE: I did not know the owner of the house where Ssemakula and the soldier were; and even Ssemakula has never appeared again.

COUNSEL: Up to now.

ZAWEDDE: Up to now.

COUNSEL: Now what of Farajarah? Who was he? Was he a person of the area or was he a chief or what?

ZAWEDDE: He was a youth winger but I did not know where he was residing. He was a Lugbara by tribe.

COUNSEL: Have you ever seen him since then?

ZAWEDDE: Farajarah has ever been seen again by some other people whose people were killed. After receiving information that Farajarah had been arrested, I also went to Police Luwero and saw him when he was under detention. I made a statement there.

COUNSEL: Were you ever called to give evidence in any court, after giving that statement?

ZAWEDDE: I have never been called.

COUNSEL: And, after that, is Farajarah still around?

ZAWEDDE: After that, Farajarah was released. I was told by a certain gentleman. Ever since he was released, he has never been seen.

COUNSEL: But when you see him, I am sure, you can recognize him.

ZAWEDDE: I can easily recognize him. I know him.

COUNSEL: Now this soldier who was talking Luganda. Was he in uniform and, if so,

was he armed in any way?

ZAWEDDE: He was in uniform and he was armed.

COUNSEL: Did you know him by any chance?

ZAWEDDE: We used to see him. He was commanding a certain camp at Nakivale. He was a Munyankole by tribe.

COUNSEL: Did he have any rank?

ZAWEDDE: He had no rank.

COUNSEL: Have you ever seen him again?

ZAWEDDE: I have never seen him again.

COUNSEL: Now your son, Ssebuwufu who was aged 29 years old, did he have any job he was doing?

ZAWEDDE: He had no job.

COUNSEL: He was just -

ZAWEDDE: He was just a cultivator.

COUNSEL: And, to your knowledge, did you know whether he was involved in guerrilla activities?

ZAWEDDE: Well, as he was a young man, he had his friends. Possibly he could ride and take some food to the rebels; then I cannot tell. He used to serve them, but one of is friends betrayed him. But he was firm. He could not reveal anybody.

COUNSEL: But these things you are never sure of.

ZAWEDDE: I am sure. I heard even his friend who was involved called Kambagi but he was killed. He used to take them some food. But again it was known.

COUNSEL: I see. Now how many children - you say he told you that you leave him and you go and look after his children, how many children - did he leave?

ZAWEDDE: He left two children.

COUNSEL: Are these children alive?

ZAWEDDE: They are still alive.

COUNSEL: Was he married?

ZAWEDDE: He was not married. He got the children when he was still schooling.

COUNSEL: I see. My Lord Chairman, that is all I have for this witness.

CHAIRMAN: Well.

ZAWEDDE: And I am still with the children.

CHAIRMAN: You talked of a Lango woman called - a Lango Lady - Joyce. How did you come to know her?

ZAWEDDE: That lady I used to know her because she was staying at Kibulala. She was staying at Kibulala but during those days she managed to run away and they found her in Dekabusa.

CHAIRMAN: So that she is a resident. She is settled there.

ZAWEDDE: She was a resident there.

CHAIRMAN: How did she die?

ZAWEDDE: I only heard but I did not know actually how she died.

CHAIRMAN: Was she trying to help you when she told you that this soldier intends to kill your son or what?

ZAWEDDE: She was trying to assist me because she heard when they were talking that they were intending to kill me. After a year, I tried to inquire but I was told that she ran away with the soldiers and after which she died. She had got married to a soldier.

MR. KAWANGA: You said that Ssemakula is dead. Do you know how he died?

ZAWEDDE: Ssebuwufu died but Ssemakula I do not know where he is.

MR. KAWANGA: I mixed up Ssemakula and Ssebuwufu.

DR. LUYOMBYA: I just wanted some clarification. I want you to clarify for me the time you went to borrow the money. Did you with Ssemakula or not?

ZAWEDDE: Ssemakula just found me on the way going; then he gave me a lift on a bicycle, in order to come back soon.

DR. LUYOMBYA: The translation was that she said Ssemakula found her on the way and wanted to give her a lift - but.

ZAWEDDE: No, no.

DR. LUYOMBYA: Did Semakula give you a lift?

ZAWEDDE: Ssemakula gave me a lift on a bicycle and it was our bicycle moreover and he took it for good.

CHAIRMAN: Coming back prolonging this argument. Which direction did they take

your son?

ZAWEDDE: They took a road going to Kiwunta village.

CHAIRMAN: That is the last day you saw him.

ZAWEDDE: That is the last day that I saw him.

CHAIRMAN: Do you have anything more you want to tell this Commission on your own accord?

ZAWEDDE: What I want to tell the Commission is for purposes of assistance as I said before, his children remained. To get me either school fees for my children.

CHAIRMAN: The other children are yours.

ZAWEDDE: I have got my children and those orphans - the grand-children. I would need some assistance. And even they do not have beddings.

CHAIRMAN: Had you put your request through the R.C's to the D.A.?

ZAWEDDE: I have ever done so. When I put my request there, it was not heard.

CHAIRMAN: On your request, in fact, we do not have immediate assistance which we can give you; but, I think, yesterday, one member of the Commission was present when the third Deputy Prime Minister - Honourable Abubaker Mayanja addressed a rally and the Minister promised actually to give some assistance to one of the witnesses who had given evidence here and he is Muhamed Matovu. I am not saying that it is possible to get similar assistance but this is something worth following up if you could go to the D.A.'s office and register your needs. I do not know it may or may not be done. I would like to thank you for having come and given evidence. I express our regret that you have had to recall and to be reminded about the loss of your son.

ZAWEDDE: How can I approach the D.A. when I have not got a letter from you?

CHAIRMAN: We shall give you a letter.

ZAWEDDE: Thank you, Sir.

CHAIRMAN: How old are these children?

ZAWEDDE: The orphans are aged 15 and 11 years.

CHAIRMAN: Are they both boys or girls?

ZAWEDDE: Both are boys.

CHAIRMAN: Are they at school now?

ZAWEDDE: One is schooling the other one is with his grand parents - with his grand mother. He is also schooling. The one I am with is in P.3.

CHAIRMAN: Tell us their names - who is the one of yours?

ZAWEDDE: The one I am having is Paul Mwanje; the other one is Kintu.

CHAIRMAN: What about their mothers?

ZAWEDDE: The mother of the second child is in Bwaise; the mother of Kintu is in Namulonge.

CHAIRMAN: Do they not help you to look after the children -their mothers - to look after the children?

ZAWEDDE: They got married to other husbands.

CHAIRMAN: Thank you. We can have a short break.

WITNESS NO.248: EDWARD NYOMBI - SWORN IN

COUNSEL: You are Edward Nyombi aged 37 years?

NYOMBI: That is right.

COUNSEL: Working as an office messenger in the office of District Medical Officer, Luwero?

NYOMBI: Correct.

COUNSEL: You are a Ugandan National, Resident of Kasana Health Centre?

NYOMBI: Yes, correct.

COUNSEL: For how long have you lived in Kasana?

NYOMBI: I have stayed in Kasana since 1975.

COUNSEL: In 1983 where you in Kasana or where were you?

NYOMBI: I was in Kasana.

COUNSEL: I will take you to a specific date of 11th December, 1983. Do you recall that date?

NYOMBI: I can recall.

COUNSEL: Why do you recall it?

NYOMBI: On that day I remember I went to my friend who was just squeezing juice

I had gone to drink juice.

COUNSEL: What is his name?

NYOMBI: Yes, he is called Wasswa Bijjalunaku.

COUNSEL: Was he your neighbour?

NYOMBI: He had taken refugee in that area.

COUNSEL: I mean where he was staying was it near your home?

NYOMBI: It was nearby.

COUNSEL: Yes? When you reached there what happened?

NYOMBI: - (Inaudible) -

CHAIRMAN: Let him speak a bit louder, we want to hear what he says.

COUNSEL: Okay, let me take it his way. When you reached there whom were you with?

NYOMBI: I went alone and I found there a certain gentleman called Ssekajja.

CHAIRMAN: Where was this? I have not got it properly, where did you go to see your friend, in Kasana or somewhere in Luwero Town?

NYOMBI: In Kasana the neighbour of mine in Kasana.

COUNSEL: So you say you found there Ssekajja, who else?

NYOMBI: And Bijjalunaku the one who was preparing juice.

COUNSEL: Anybody else?

NYOMBI: There was also a lady Mrs. Ssekajja.

COUNSEL: What time was it?

NYOMBI: It was around 1.00 p.m.

COUNSEL: So what followed while you were still there?

NYOMBI: While there, there came some soldiers with some people who had taken refuge, who had run away from other areas.

COUNSEL: How many soldiers?

NYOMBI: They were two soldiers of Special Force.

COUNSEL: Were they armed?

NYOMBI: They were armed.

COUNSEL: With what?

NYOMBI: With some pangas.

COUNSEL: And who else apart from the two Special Force men?

NYOMBI: The others were those who had run away from Kapeeka who were residing in the secondary school.

COUNSEL: How many others?

NYOMBI: There were some others who were more than six.

COUNSEL: About ten?

NYOMBI: They were about ten.

COUNSEL: Were they also armed?

NYOMBI: They were not armed.

COUNSEL: Did you know these others?

NYOMBI: So when they reached what happened?

NYOMBI: When they reached there they warned us not to run away and they told us that the juice which we were preparing was of the bandits, they started cutting me and they had intended to cut me on the head.

COUNSEL: Now may be let us stop there a bit. My Lord, I have just been given a note that they need to add some fuel into the generator it is running out so may be we could have short break of about three minutes.

CHAIRMAN: Yes, okay, let us stop there.

COUNSEL: When we adjourned you were telling us that the two Special Force policemen armed with pangas and with about ten other people had arrived at the home of Mr. Bijjalunaku Wasswa?

NYOMBI: Yes.

COUNSEL: Can you start again from the time of their arrival?

NYOMBI: They started cutting me, beating us and asking for some identities.

COUNSEL: I do not understand, do you mean immediately they arrived they just started cutting you people without talking to you?

NYOMBI: They had not even started talking to us they just started cutting me.

COUNSEL: Yes, and after the cuts I am sure you must have got several cuts on yourself, can you show the Commission those cuts?

NYOMBI: I was cut on the left arm and all these scars. All the injuries I sustained some were stitched.

COUNSEL: When they started cutting you were you seated or you were standing?

NYOMBI: I was standing but then when they started cutting me I fell down.

COUNSEL: How many cut you, both of them or one of them? Did both Special Force men cut you or one of them cut you?

NYOMBI: One cut me and the other one used to stab me.

COUNSEL: Now after this cutting what followed?

NYOMBI: They asked us to produce our identities. My friends gave theirs but with me I did not because it was just useless since they had cut me and then they tore my friend's identities.

COUNSEL: Did they cut them also or they were left.

NYOMBI: They were also cut and one of us was cut a certain muscle and he was unable to move.

COUNSEL: You mean all of you who were found at home were cut.

NYOMBI: All were cut and Mrs. Ssekajja was even raped as she was a female.

COUNSEL: By whom?

NYOMBI: The Special Force soldiers.

COUNSEL: Both of them or one of them?

NYOMBI: Both of them.

COUNSEL: You saw this yourself?

NYOMBI: I physically saw.

COUNSEL: Now out of these other people who were in the company of these Special Force men, what were they doing as they were cutting you?

NYOMBI: Those who accompanied the soldiers were not cut and even they used to collect the juice which had been prepared they took away the juice.

COUNSEL: Did they participate in this savage act?

NYOMBI: They also participated.

COUNSEL: How did they participate?

NYOMBI: They also beat us.

COUNSEL: But you had said they were not armed, what did they use to beat you?

NYOMBI: Where we were there were some coffee trees they got some sticks and they started beating us but with them they had no pangas.

COUNSEL: So after these, what followed?

NYOMBI: We were tied up.

COUNSEL: With what?

NYOMBI: We were tied up with fibres.

COUNSEL: How were you tied?

NYOMBI: I was jointly tied with someone because I was feeling pain as I had been cut the other arm.

COUNSEL: Yes, after tying you what happened?

NYOMBI: We were taken to the camp where people from Kapeeka had taken refuge on a secondary school.

COUNSEL: All of you?

NYOMBI: All of us.

COUNSEL: Yes, what followed?

NYOMBI: On arrival there we were also beaten.

COUNSEL: By who?

NYOMBI: The soldiers.

COUNSEL: You mean army soldiers or who?

NYOMBI: The Special Force soldiers and we found there some army personnel.

COUNSEL: How did they beat you?

NYOMBI: We were kicked.

COUNSEL: What else?

NYOMBI: They used to wrestle us and we fell down.

COUNSEL: Yes, after the beating what followed?

NYOMBI: We were taken to Police.

COUNSEL: Which Police?

NYOMBI: Luwero Police, by then it was not even a police it was an army barracks.

COUNSEL: So when you reached Luwero Police what happened?

NYOMBI: On arrival, there we found some soldiers and they asked, are they bandits? Then these people accepted that we were bandits. So the askaris who were there stated beating us on the counter. Then one of my friends Wasswa died there at the spot.

COUNSEL: What time was this now?

NYOMBI: It was around between seven and eight 8.00 p.m.

COUNSEL: And you mean you could see clearly that these were soldiers?

NYOMBI: They were soldiers. They beat us and I became unconscious almost to death and the next morning they thought I was dead.

COUNSEL: Yes, you reached there and you were beaten, were you locked in any cell because you are talking of the morning? After the beating tell us the whole story.

NYOMBI: We were beaten that night and I became unconscious.

COUNSEL: I see. So eventually when you gained did you gain consciousness?

NYOMBI: I became conscious the next morning.

COUNSEL: Where did you find yourself?

NYOMBI: I became conscious then I realised that I was at the Police.

COUNSEL: And you found yourself in police station inside or just outside?

NYOMBI: We were just on the counter not in the cell.

COUNSEL: What did you find out when you gained consciousness. That you were at the counter with who?

NYOMBI: I realised that I was with a dead body.

COUNSEL: This was your friend you had been brought with.

NYOMBI: I was with my friend whom I had been tied with.

COUNSEL: So what happened when you realised you were with dead body?

NYOMBI: I was still tied with the dead body.

COUNSEL: So what followed?

NYOMBI: What followed next, they then called the prisoners who were in the cells to come and collect the bodies, then when reaching there they realised that I was still alive. I was untied then the body was taken away.

COUNSEL: And what happened to you?

NYOMBI: Then they called a soldier and he asked me whether I was a bandit. I denied. Then they said t "What proves that you are not a bandit?"

COUNSEL: Who was calling you, was it the other soldiers?

NYOMBI: His fellow soldiers were the ones who called me.

COUNSEL: So what followed after that?

NYOMBI: They called a certain soldier then he started interrogating me that I was a bandit. I denied. He asked me, "Are you not the one who was brought with some others at night?" I accepted but then I explained that I was not a bandit and that I had my identity card, graduated tickets.

COUNSEL: Did you show them these identities?

NYOMBI: I could not manage because as I had been I then told him to search in my pockets.

COUNSEL: So what then happened or followed?

NYOMBI: He managed to get the identity card with the graduated tickets he read and then he took them to his fellow soldiers he asked who brought us there? I was brought a medical personnel for treatment he then gave me some treatment.

DR. LUYOMBYA: Was still all that at the counter?

NYOMBI: By then I was seated on the verandah.

COUNSEL: Yes, continue.

NYOMBI: After treating me they told me that I could go. But again when I was about to go another fellow soldier said, "No, he cannot go because they can easily kill him as they can see him" I then told them that if I had got my boss to whom a message could be sent there was a vehicle which could be sent for me for transport.

COUNSEL: What is the name of this boss?

NYOMBI: By then it was Godfrey Lubwama.

COUNSEL: So what did they do when you told them like this.

NYOMBI: They did so, they sent there somebody and in a while there an Ambulance vehicle was sent and I was put in the vehicle with my friend Ssekajja who was cut in the leg.

COUNSEL: Where were you taken?

NYOMBI: We were taken to Mulago at Kampala.

COUNSEL: Did you get treatment there?

NYOMBI: I was treated and I stayed there for three months.

COUNSEL: After which where did you go?

NYOMBI: After being discharged from hospital I went to my grandfather at Mengo.

COUNSEL: What of Ssekajja's wife?

NYOMBI: The wife of Ssekajja never arrived at police she was just left there.

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

CHAIRMAN: Yes, we have some questions from Commissioners.

DR. LUYOMBYA: I have just one question. The people who were with soldiers where juice was being squeezed helped in beating you up, is it not?

NYOMBI: Yes, they assisted in beating.

DR. LUYOMBYA: And you told us that these people had come from Kapeeka as refugees?

NYOMBI: By then people who run away from Kapeeka the wrong people then when they reached at our end they started beating us. So they started beating us voluntarily without being forced.

DR. LUYOMBYA: What do you mean when you say that people who were running away from Kapeeka at that time were the wrong ones?

NYOMBI: They were chiefs, they were first made there so evils then they run away from the area.

DR. LUYOMBYA: But you mean chiefs of the area were evils in their own areas?

NYOMBI: Yes, they could hand over some people then saying that they were bandits. Then when the bandits could arrive in the area they could run away.

CHAIRMAN: Thank you Mr. Nyombi for the evidence you have given to this

Commission. You may go home now.

Now at this stage we have been advised by the Leading Counsel to this Commission that we should go and look at Kaaya's farm which is one of the scenes which were referred to by witness here yesterday to the effect that 37 of them had been taken to this place and only himself managed to survive the rest were killed and their bodies were dumped at this place. It is a place which the Commission visited early last year before it commenced hearing evidence in public. I think, in view of the importance of this place, the Commission should go and see it again particularly with reference to the evidence which this witness gave yesterday. It is important that it should be visited as a locus in quo and it should also be shown to the Commission by this witness and the only time available for us to do that is this afternoon. For that reason, we are going to adjourn the inquiry now which will resume again at Kikyusa, I think tomorrow in Luwero District, here, at 9.30 a.m. In the meantime this afternoon, we shall go and visit Kaaya's farm.

Fellow Commissioners, Learned Counsels, Ladies and Gentlemen, today the 22nd of April, 1988, at a quarter past twelve, we are in Kikyusa Gombolola Headquarters. So there is an assembled member of the public I will say a few words about the Commission - why we are here - and what we are doing.

Now you may have heard already about the Commission of Inquiry into Violation of Human Rights which was appointed by the present Government in 1986. This Commission was appointed to inquire into all aspects of Violation of Human rights in this country between the period October, 1962, and January, 1986. Such violations include: killings by Government soldiers, torturing of people, destruction of property and so on. At the end of such inquiry, the Commission should make a report to the Government or recommendation; a report of what happened, why and how such things happened and a recommendation as to how such things should be prevented in the future. Now, since its appointment, the Commission has been hearing evidence from hundreds of witnesses now in various parts of the country. We depend entirely on the information given to us by members of the public like yourselves. We have been in Luwero District more particularly at Katikamu County Headquarters for the last two weeks in this exercise. And you people of Kikyusa are luckier than many others in that yours is one of the first few *gomboloia* headquarters to which we have come to hear evidence from some members of your company. We are very happy that you have been able to spare your time to come to hear this evidence which we were going to be told today. The proceedings are in public. You are free or anybody else who has not come is free to come and attend these proceedings of the Commission.

With those few words, I now proceed to introduce to you Members of the Commission and other Staff who assist the Commission: The person speaking to you my name is Oder. I am a Judge of the High Court of Uganda and I am Chairman of this Commission. On my immediate right is Dr. Luyombya who is a Member of the National Resistance Council

and also a Member of this Commission. Next to him Mr. John Nagenda who is a farmer from Namutamba in Mityana sub-district. We have many other activities such as he is a Writer, Journalist and also a Cricket Player and he is the Captain of the Uganda Cricket Team. To my immediate left is Mr. John Kawanga, a very experienced Advocate who is in private practice in Uganda, Kampala; he was also a Member of Parliament up to July, 1985. Next to him is Associate Professor, Dr. Khiddu Makubuya, who is the Secretary of the R.C.5 for Luwero District. He has come here in more or less than once.

Another member of this Commission who is not present with us today is the only Lady Member - Mrs. Joan Kakwenzire - who is a Lecturer in History at Makerere University. Also not with us is Mr. Edward Ssekandi, a Lawyer of long experience who is the Legal Counsel to this Commission. The Secretary to this Commission who is the Chief Administrative Officer is Miss Kalanzi who is with us. The Commission has more Lawyers than one to assist it; next to Mr. Sekandi is Legal Assistant who is Mr. Cheborion Barishaki. Then we have a Team of Investigators, led by a Superintendent of Police, Mr. Ntambi. the officer who follows him is Assistant Superintendent of Police Mrs Mawa. Then we have also an Officer of the NRA on our investigating Team. He is Lieutenant Dick Kajugira. The one who is actually translating what I am saying in Luganda he is an Officer of the Investigating Team - Mr. Kotootyo. Then other members of our team, we have the two Lady Secretaries who have come with us, they are sitting next to each other - could the ladies stand up, please! Beatrice? And with two other members of staff, without whom we could not keep record of what we are doing; they are also next to each other, operating the machines. Could you stand up, please? Susan and Majune.

Usually accompanying us - well, before I go to these reporters, there is Mr. Patrick Kisuule who is sitting here. He is very busy. He is the Officer of the UTV - Uganda Television - attached to us to take photographs for TV and on as he is going to do. He will take your photographs; and, if you had television you would see your photographs on Sunday this Week. Accompanying us is also a Munno Newspaper Reporter who is the only Journalist with us today, usually there is a number of them - Mr. Mirundi. Without much ado, I will ask the Commissioners, since they all speak in Luganda - which I do not speak very well, I will ask them to say a few words in vernacular before we proceed to the very business. We start with Dr. Luyombya.

DR. LUYOMBYA: Dear Brothers and Sisters I greet you all. When we came here we purposely came to take evidence.

CHAIRMAN Thank you Commissioners. We shall now commence the hearing of evidence Legal Counsel, the next witness is Number fifty 249 of 1988.

COUNSEL: Very well, my Lord. Mr. Lord Chairman, Gentlemen Commissioners, this afternoon we shall be hearing evidence regarding the establishment of Civilian Holding Camps between May, 1983 and December, 1985, in the areas of Kikyuusa, Wabusaana and Kyampeyo in Luwero District.

We shall also look at causes and circumstances and the functioning of these camps. And our First Witness is Sulaiti Sekajja who is Witness Number 249.

WITNESS NO.249: MR. SULAITI SEKAJJA - AFFIRMED

COUNSEL: You are Sulaiti Sekajja.

SEKAJJA: Yes, my Lord.

COUNSEL: Aged 60.

SEKAJJA: Yes.

COUNSEL: You are unemployed.

SEKAJJA: I am unemployed.

COUNSEL: You are a Ugandan by nationality.

SEKAJJA: Yes.

COUNSEL: Residing at Kankole Village which is in Wabusaana Parish, Kikyusa sub-county in Luwero District.

SEKAJJA: Yes, my Lord.

COUNSEL: Where were you born?

SEKAJJA: I was born at Kankole.

COUNSEL: And who were your parents?

SEKAJJA: One of my parents was Alimansi Kabenge, the other one was Foromera Namutebi.

COUNSEL: You mean they are both dead when you say 'were'.

SEKAJJA: My father died, but my mother is still alive.

COUNSEL: Where does she stay?

SEKAJJA: My mother is staying at Bugerere.

COUNSEL: I presume she is very old now. How old is she, if you know?

SEKAJJA: My mother is approaching 90 years of age.

COUNSEL: Now Mr. Sulaiti you look incapacitated. Were you born like that or this came later on in your life?

SEKAJJA: I was born when I was normal.

COUNSEL: Now when did you become incapacitated? Which year?

SEKAJJA: I became incapacitated during the last Liberation War.

COUNSEL: Do you remember the year?

SEKAJJA: It was in 1983.

COUNSEL: Now, before you were incapacitated, were you employed?

SEKAJJA: Yes, I was employed.

COUNSEL: Can you give us your career before you got incapacitated?

SEKAJJA: Yes, I can.

COUNSEL: Please, do so.

SEKAJJA: Among the jobs I used to do was driving a tractor. I was a tractor driver in Mityana.

COUNSEL: Whose driver? You mean you were driving for other people.

SEKAJJA: I was a Tractor Driver in the Department of Agriculture at Bulawula.

CHAIRMAN: I am sorry to interrupt. Can you speak louder so that as many people as possible can hear you?

SEKAJJA: I would very much like to speak loudly but my throat is sore - my throat is not clear. I am a Tractor Driver at Bulawula Agricultural Department. It is in Bugerere.

COUNSEL: Do you remember when you were a driver - the years?

SEKAJJA: I do not remember the exact year but when they attacked Bugerere. Originally there was a prison's farm but now it is no longer there, that is where I was driving for.

COUNSEL: Apart from driving a tractor, did you do any other job or employment. Were you employed in any other job?

SEKAJJA: Yes, I was also a mechanic.

COUNSEL: Any more?

SEKAJJA: I was a mechanic in the Department of Construction.

COUNSEL: Yes, any more?

SEKAJJA: I also continued being a driver at a Farm called Bomaluzi. It is in Akokolo in Lango District - near Maluzi.

COUNSEL: Now by 1983 just immediately before you were incapacitated, what were you doing?

SEKAJJA: The last job I did before I was incapacitated was being a mechanic in the construction company in Kampala - Muganga.

COUNSEL: Now are you married?

SEKAJJA: I am married.

COUNSEL: To who?

SEKAJJA: My wife was called Nuriati Namaganda.

COUNSEL: Do you have children with Namaganda.

SEKAJJA: Yes I have children with Namaganda.

COUNSEL: How many children?

SEKAJJA: Three children.

COUNSEL: These children - how old are they, beginning from the oldest?

SEKAJJA: My first born with Namaganda is 14 years old now.

COUNSEL: What is the name?

SEKAJJA: She is called Mariyamu and she is a woman.

COUNSEL: The next?

SEKAJJA: The second one after the one who is 14 years old is a girl who is not here, called Aisa Mbekeka.

COUNSEL: How old is she?

SEKAJJA: She is 10 years old now.

COUNSEL: And the third one?

SEKAJJA: The third one is called Kabenge - Idi Kabenge.

COUNSEL: How old is Kabenge?

SEKAJJA: Kabenge is 8 years old now.

COUNSEL: Are these the only children you have?

SEKAJJA: These are my only children. I have another child other than the three, I have mentioned, who went away with my other wife.

COUNSEL: I see. You mean you had two women? What was the name of the other one?

SEKAJJA: Yes I had a second wife - Sarah.

COUNSEL: Sarah who?

SEKAJJA: The name of my second wife is called Sarah Nakamya.

COUNSEL: Now how old was the child she went with and what was the name?

SEKAJJA: Four years old.

COUNSEL: And what was the name?

SEKAJJA: The child she went with is called Yowana Kasiriivu.

COUNSEL: Now you said you were incapacitated in 1983. Can you give us the circumstances that caused this - your - being incapacitated?

SEKAJJA: Yes I can explain.

COUNSEL: Please do.

SEKAJJA: I was arrested on the 17th day of June, 1983.

COUNSEL: By who?

SEKAJJA: The government soldiers then in power were the ones hunting for us.

COUNSEL: Did you know the reasons why they were hunting for you?

SEKAJJA: They were hunting for us on the allegation that we were bandits.

COUNSEL: So on this date of 7th June, 1983 -

CHAIRMAN: Sorry Counsel. Where was this bush where they were hiding?

SEKAJJA: The bush where I was hiding was on the same village - my own village called Kankoole.

COUNSEL: So on this date 17th of June, 1983, the soldiers arrested you, at what was it when they came to where you were hiding?

SEKAJJA: It was 10.00 a.m.

COUNSEL: And, when they came, how many were they?

SEKAJJA: The soldiers who came to arrest me were very many; but before my arrest -occasionally they would come and surround us.

COUNSEL: You mean to say that previously to that day they would surround you and what?

SEKAJJA: They would hunt for us before my arrest had existed but we also continue to seek some safe place, hiding away from them.

COUNSEL: So eventually you were moving around. Were you moving, may be, with your family at that time?

SEKAJJA: Yes.

COUNSEL: And, apart from being with your family, were you with any other people?

SEKAJJA: No.

COUNSEL: So, when the soldiers came, you said they were very many, were they only soldiers or they were with other people who were not soldiers?

SEKAJJA: The day I was arrested the many soldiers who arrested me were being accompanied by other people who were not soldiers.

COUNSEL: Who were these people?

SEKAJJA: I did not know the names of the people who were not soldiers but who accompanied the soldiers and I could not identify them.

COUNSEL: So, when they arrived at 1.00 a.m. on the 17th of June, 1983, what did they do? What did they say before they arrested you?

SEKAJJA: Before my arrest, those who arrested me demanded to know from me where the bandits were.

COUNSEL: Yes. What did you tell them?

SEKAJJA: I told them that I did not know where the bandits were.

COUNSEL: Did you understand the language they were talking?

SEKAJJA: They could speak in Swahili.

COUNSEL: Now, after that, what did they do?

SEKAJJA: Yes, continue, please.

SEKAJJA: When the soldiers had arrested me, they ordered me to walk to where the lorry was standing - the vehicle was standing.

COUNSEL: Were you arrested alone?

SEKAJJA: I was arrested with members of my family.

COUNSEL: You mean all the names you have listed: two of your wives and four of your children.

SEKAJJA: Before my arrest, Nuriati Namaganda had already gone away; I was with the other wife.

COUNSEL: Had she gone with all the children?

SEKAJJA: Namaganda had gone with the two children and I had left behind this one whom I have now.

COUNSEL: What had caused her to go away?

SEKAJJA: When our area was stormed with insecurity - the security situation worsened - and my wife had gone to Masaka to visit her relatives, and when the situation worsened, my wife who had gone to Masaka, had no chance to come back. She had to stay there permanently.

COUNSEL: So, apart from members of your family, were you arrested with any other person?

SEKAJJA: I was only arrested with members of my family with whom I was; but, when I reached on the lorry, I found that many other people had been arrested.

COUNSEL: When these soldiers arrived at the place where you were in the bush, did they tell you: "You are arrested walk to the car," or they tied you? What did they do exactly?

SEKAJJA: Originally when I was arrested from the bush I was not mishandled. I was socially taken. But after I had reached the destination they started mistreating me.

COUNSEL: So, when you reached at the vehicle, what vehicle was it? Was it a lorry? Was it a pick-up?

SEKAJJA: It was a lorry.

COUNSEL: Was it a civilian lorry or it was for the military?

SEKAJJA: It was a civilian lorry.

COUNSEL: Did you know - may be, did you know - whose lorry this was?

SEKAJJA: Yes, I knew the owner of the lorry.

COUNSEL: Whose was it?

SEKAJJA: I knew this lorry. The owner of this lorry was called Mr. Eriya and he

was a resident of Kikyuusa Trading Centre.

COUNSEL: Eriya who?

SEKAJJA: I personally do not know his other names.

COUNSEL: But you have known it before - you had known this man and his lorry before that date.

SEKAJJA: I had known Eriya before my arrest.

COUNSEL: Now, when you reached the lorry, you mean -

CHAIRMAN: Was his name Eriya Ntuluma Mukyuusa? Do you know?

SEKAJJA: Yes. His other names were Eriya Ntuluma Mukyuusa.

COUNSEL: Now you said you found some other people in the lorry. About how many people did you find in this lorry?

SEKAJJA: The people I found at the lorry were very many. I could not tell who they were because, somehow, I had lost my senses because of being arrested.

COUNSEL: You could not know whether they were 20, 30 or 40?

SEKAJJA: They were about 20 in number.

COUNSEL: And, may be, did you know who was driving this lorry?

SEKAJJA: It was Mr. Eriya Ntulume Mukyuusa - the owner of the lorry who was driving his own lorry on which we were taken.

COUNSEL: Did you recognize him?

SEKAJJA: Yes, I recognized him.

COUNSEL: Did you recognize any other person among these people who were on the lorry?

SEKAJJA: There was another child on the lorry, who was subsequently killed. His name was Mukyaddondwa.

COUNSEL: Yes any other person recognized?

SEKAJJA: I did not recognize the others.

COUNSEL: Were they ordinary people?

MR. NAGENDA: Excuse me. when you say that there was a youth called Kyaddondwa on the lorry, are you intimating that he was one of the people who had been arrested or was he helping Eriya?

SEKAJJA: He had been arrested.

COUNSEL: Now about how many soldiers were in this operation which arrested you?

SEKAJJA: They were about eight in number.

COUNSEL: And were they armed?

SEKAJJA: They were all armed with guns.

COUNSEL: Did they have any other arms apart from guns?

SEKAJJA: Others were armed with grenades.

COUNSEL: I see. And how were they dressed?

SEKAJJA: They were dressed like the army officer who has just been sitting next to me here and others were in green uniform.

COUNSEL: I see. Now, when you reached at the lorry, what followed?

SEKAJJA: On reaching where the lorry was, we were ordered to board the lorry. We boarded the lorry and it took us to Kikyusa Trading Centre.

COUNSEL: Yes. Where at that trading centre did you go?

SEKAJJA: We were taken to a residence belonging to Eriya where Eriya himself used to buy coffee from.

DR. MAKUBUYA: Clarification. Was this a residence or a shop?

SEKAJJA: This was a residential house but adjacent to it was a store for coffee.

COUNSEL: Yes, when you reached there, whom did you find there?

SEKAJJA: On reaching Eriya's residence, we found one Chairman by the name of Misaaki Kabenge.

COUNSEL: Chairman of what?

SEKAJJA: He was a UPC Chairman.

COUNSEL: Had you known him before?

SEKAJJA: I had known him before. He was a UPC Chairman of this parish.

COUNSEL: Was he with any other people?

SEKAJJA: When we had arrived at Eriya's residence and on finding the UPC Chairman by the name of Misaaki Kabenge, we were off-loaded in a very terrible way. They were beating us and, in the process of being off-loaded, Mr. Kabenge accused me, saying that I was the DP Chairman of

this area - my brother was a DP Chairman - of this area and he was in the bush and it was me who knew where he was.

COUNSEL: What was the name of this brother of yours?

SEKAJJA: He was called Zeriya Ssendagire.

COUNSEL: And, when he accused that your brother was the DP Chairman, did you know whether your brother was a DP Chairman?

SEKAJJA: Yes, I knew it.

COUNSEL: So, when they off-loaded you and you said they were beating you, who was beating you? Was it Kabenge's group- Kabenge - or was it the soldiers who were torturing you?

SEKAJJA: We were being beaten by the soldiers on the orders of Misaaki Kabenge.

COUNSEL: What did they do to beat you?

SEKAJJA: I was dragged from the lorry. I fell down and the soldiers started stepping all over my body, demanding from me to say -

DR. LUYOMBYA: Clarification, please. Let us take these things in order. At the time of your arrest you told us you were not molested and you were asked to embark without any harassment. Is it correct?

SEKAJJA: It was correct.

DR. LUYOMBYA: Now, at the time of disembarking, you were molested while you were still on the lorry or after you had disembarked?

SEKAJJA: I was beaten after being removed from the lorry.

DR. LUYOMBYA: Did the beating start after Kabenge had accused you?

SEKAJJA: The beating started after Kabenge had accused me, saying that, 'That is the one.'

COUNSEL: Yes. Were you beaten alone or all of you who had been in the lorry were beaten?

SEKAJJA: Very many people were beaten, including me.

COUNSEL: Yes.

SEKAJJA: I was seriously beaten and the soldiers were demanding to know from me where the DP Chairman was. But I already pleaded with them, saying that I did not know where the DP Chairman was.

COUNSEL: Yes, continue.

SEKAJJA: I was further mistreated so that I could disclose where the D.P. Chairman was.

COUNSEL: When you say 'mistreatment' what sort of mistreatment? What did they do exactly?

SEKAJJA: The mistreatment I am talking about is that, at that very hour, I was lifted and carried away to the Office of the O.C.

COUNSEL: O.C. of what?

SEKAJJA: The O.C. who was in-charge of the soldiers.

COUNSEL: Did you may be by any chance, know who this O.C. was?

SEKAJJA: I know the names of the O.C.

COUNSEL: What were the names?

SEKAJJA: His name was Muto.

COUNSEL: Did he have any rank?

SEKAJJA: I used to hear him being addressed as the O.C.

MR. NAGENDA: Excuse me Counsel. I just want to get clarification. Did you say that you were actually lifted to be taken to the O.C.? Does that mean you were not able to walk or you were just led to the O.C.'s office?

SEKAJJA: After being stepped on seriously, I was not capable of walking on my own. That is why they had to lift me.

DR. LUYOMBYA: And further clarification there. You talked of O.C.'s office. This was Kabenge's home - it was Eriya's home. You mean the O.C. had an office in Eriya's home.

SEKAJJA: The office of the O.C. was at a different place but whoever would be brought would be deposited at the residence of Mr. Eriya where he would receive some beatings, and after the beating, he would be taken to the office of the O.C. who was at a different place.

COUNSEL: How far was the O.C.'s office from Eriya's home?

SEKAJJA: A distance in between was about 40 yards.

COUNSEL: And you have just said that whenever a person would be brought, he would be first beaten at Eriya's home. Was this the practice? Had you known it before?

SEKAJJA: I personally do not know whether it was the practice; but I am telling you what happened to me. I was delivered at Eriya's home, beaten, after which I was taken to the O.C.'s office.

COUNSEL: So, when you reached at the O.C.'s office, did you find the O.C. in the office?

SEKAJJA: I found the O.C. in this office.

COUNSEL: And what followed when you found him there?

SEKAJJA: On reaching the office of the O.C. I was interrogated. The O.C. asked me that it was me who knew where the D.P. Chairman was.

COUNSEL: In what language were you interrogated?

SEKAJJA: He was speaking to me in Swahili.

COUNSEL: Had Kabenge accompanied you?.

SEKAJJA: Kabenge had accompanied me.

COUNSEL: So proceed. When he asked you where this man was what did you say and what followed?

SEKAJJA: I told him I did not know where he was.

SEKAJJA: I told the O.C. that I did not know where the D.P. Chairman was.

COUNSEL: Yes.

SEKAJJA: The O.C. on my reply that I did not know where the D.P. Chairman was said I was playing; that I should tell him where the D.P. Chairman was.

COUNSEL: Yes.

SEKAJJA: The O.C. ordered me to be taken away from him by other people and he further instructed them that they should go and apply force on me, I would speak thereafter.

COUNSEL: Who are those people he ordered?

SEKAJJA: They were soldiers.

COUNSEL: Had you been taken to the O.C.'s office with the rest of the people you had been arrested with?

SEKAJJA: I was taken alone.

COUNSEL: So, when this O.C. instructed them to take you, what followed? Where did they take you and, if they did, where to?

SEKAJJA: The soldiers, after being instructed that I should be taken away and they apply force on me so that I speak, they took me to a separate room. In that room they tied a concrete brick - they tied a rope around the brick -

and then they tied it on my testicles and then they ordered me to jump up.

COUNSEL: How big was this brick you are talking about?

SEKAJJA: It was a block of the normal size that is used for building.

COUNSEL: Is it about seven by nine by four?

SEKAJJA: The size of the brick I am talking about was about the size of this paper.

COUNSEL: Now -

CHAIRMAN: Sorry Counsel - more about it. Is it a clay brick - burnt brick or one made of cement and sand?

SEKAJJA: It was a brick made up of cement mixed with sand.

COUNSEL: What did they use for tying this block on your testicles?

SEKAJJA: They used a rope.

COUNSEL: Yes. So they tied you. What did they - after tying you - what followed? Explain what they did.

SEKAJJA: After tying the brick on my testicles, they ordered me to stand up and begin jumping.

COUNSEL: Yes, did you stand up?

SEKAJJA: I stood up.

COUNSEL: And when you stood up was this block suspended?

SEKAJJA: The brick as I stood up was being suspended between my legs. I really experienced a lot of pain, and I fell down.

COUNSEL: Did you try to jump up?

SEKAJJA: I did not jump. When I attempted to jump, I really felt I was dying.

COUNSEL: Yes.

SEKAJJA: I then fell down.

COUNSEL: Yes.

SEKAJJA: They started kicking me and demanding me to speak but I had nothing to speak.

COUNSEL: Yes.

SEKAJJA: I think that, at that stage, I became unconscious because I could not

understand.

COUNSEL: Now, when you entered this next room where you were tortured, did you find there any other people?

SEKAJJA: When I was taken to this room, I only found there soldiers; but, I think, this room was being used for only torture.

DR. LUYOMBYA: Clarification. From Eriya's home to the O.C.'s, Kabenge accompanied you?

SEKAJJA: Yes, he accompanied me.

DR. LUYOMBYA: Did he participate in the interrogation?

SEKAJJA: Kabenge participated because when I was being asked by the O.C., Kabenge insisted by saying that, 'He will speak where his brother is'.

DR. LUYOMBYA: Was Eriya also present?

SEKAJJA: Eriya had remained at his residence.

DR. LUYOMBYA: When they took you to this room where you were tortured, was Kabenge also there? No this was in the torture room.

SEKAJJA: I was taken to this small room - the torture room - alone. I had left Kabenge in the O.C.'s room. I do not know what followed.

COUNSEL: So you said that, when this block was tied on you, you fell and became unconscious. Eventually did you gain consciousness?

SEKAJJA: I only became conscious - I became conscious - only to find myself in a cell. As to how they untied the block from my testicles, I did not know.

COUNSEL: At what time was this? Can you estimate this when you found yourself in the cell?

SEKAJJA: It was around 8.00 p.m. in the night.

COUNSEL: And in this cell where you found yourself was there any other people?

SEKAJJA: There were very many detainees in the cell.

COUNSEL: About how many?

SEKAJJA: I could not count them. I cannot count because my fellow detainees in that very cell were congested. They were so many. Some were lying on top of the others.

COUNSEL: Were they about 20 or 30 or 50?

SEKAJJA: They were about 50 and above detainees in the cell.

COUNSEL: About how big was this cell?

SEKAJJA: This place I am talking about was not originally a cell. It was a room of a residential house.

COUNSEL: You mean, you eventually came to know that you were in a room in a residential house; but that night when you reached there you found about 50 people. How big was this cell from your estimation?

SEKAJJA: The size of that cell the width would be like from where I am seated up to the wall behind and then also the length was the width of this room.

COUNSEL: It was about nine feet by fifteen feet?

SEKAJJA: Well.

COUNSEL: That is about nine feet, my Lord, by fifteen feet. Now that was at night. So, in the morning, you found yourself in this place. Did you recognize this place where you had been taken to by any way?

SEKAJJA: When it was morning, the following day, I realized I was in the cell together with other people.

COUNSEL: First of all, did you recognize any of these people, while in the cell?

SEKAJJA: I knew some of the detainees and others I did not know them.

COUNSEL: When did you know?

SEKAJJA: One of the detainees I knew in the cell that morning was called Dick; but he was also killed eventually.

COUNSEL: Where was he from?

SEKAJJA: Dick was not a resident of Kikyuusa but he had run away from a place, I did not know due to insecurity, and he had taken refuge in our area. So I did not know him very well.

COUNSEL: And you said he was killed eventually. What killed him?

SEKAJJA: I say Dick was killed because it was the practice that at around 4.00 a.m., every day, the soldiers came with a list of names of the detainees. They read about 12 names in the morning and took them away; and even in the evening they read a list of about 10 detainees and they would also be taken away.

COUNSEL: And, when they were taken away, did they come back?

SEKAJJA: They would not be brought back.

COUNSEL: Now, apart from Dick who was eventually taken away, did you know any other persons among these - about - 50 people in the cells?

SEKAJJA: I did not know any other by name.

DR. LUYOMBYA: Just clarification. Does the witness mean that Dick was taken and he has never seen him again?

SEKAJJA: Dick was taken and I have never seen him again.

DR. LUYOMBYA: So you just assume he died.

SEKAJJA: I confirm that he was killed.

COUNSEL: How do you confirm?

SEKAJJA: I confirm that Dick was killed because, after I have been incapacitated, I was brought out of the cell, but I had nowhere to go. I would stay outside the door of the cell. People's names could be read. They would be ordered to board Eriya's lorry and we were told that they were going to pick coffee. But whenever they were taken, they were not brought back. All the time I spent outside the door of the cell, I did not see Dick back. And whenever these were taken on Eriya's lorry allegedly to pick coffee we would hear bullets and those people would not return.

COUNSEL: Now on this day when Dick was taken were you inside the cell or you were outside?

SEKAJJA: He was taken when I was still in the cell.

COUNSEL: So you cannot exactly know where he was taken.

SEKAJJA: I cannot tell exactly where he was taken; but those who would be taken to look for food, they would come across dead bodies of people who had been killed and they could identify them and say: "This is the body of so-and-so."

COUNSEL: I see. Now for how long did you stay in this cell?

SEKAJJA: I spent 40 days in the cell.

COUNSEL: And while in this cell were you able to get food?

SEKAJJA: They would occasionally prepare food and bring it in the cell; but the food was insufficient. Some of us would eat, others would not eat. But then outside soldiers would remark and say: 'Whether they eat or they do not eat, we do not care. After all, they are all going to be killed'.

COUNSEL: And did you have adequate toilet facilities?

SEKAJJA: We did not have toilet facilities in the cells, but we were going for both

long and short calls in the very cell where we were staying.

COUNSEL: And were you given a chance, may be, to clean this cell once in a while?

SEKAJJA: Those who would be called outside to be taken to be killed would be used for cleaning the cells.

COUNSEL: Did you have water, may be for drinking and other toilets?

SEKAJJA: Whenever they would bring food, they would also bring a jerrican of water; but this water would not be enough for all of us. Some of us would miss.

COUNSEL: Now for you at this time you must have been very sick because of the treatment you had received. Were there any medical facilities provided to the detainees and, may be to you particularly?

SEKAJJA: There was no treatment availed to me.

COUNSEL: So what really would happen to you? How were you able to contain the situation?

SEKAJJA: After some time in the cell without treatment, I was removed from the cell and taken back to Kikyuusa Holding Camp where members of the Red Cross found me. My stomach had swollen and then I started getting treatment.

COUNSEL: And eventually did you recover?

SEKAJJA: It is true I got treatment from members of the Red Cross but I would not say I got cured because even up to now I am not normal. The treatment I was given was completed but I never became well. And after the holding camp had been disbanded we were told to go back to our villages; so I went back in the same state.

COUNSEL: Before I come to that, while in this camp, in the cell, was there any statement given to you and was there any recording of your presence in that cell made anywhere?

SEKAJJA: When you would arrive in the office of the O.C. you would be asked who your names were after mentioning the names, the O.C. would write down names.

COUNSEL: And, may be they made a roll call of people taken for labour - at labour.

SEKAJJA: There was a book which contained the names of the detainees and it was being kept in the office of the O.C.; but the O.C. would hand it to one by the name of Muhamed who was the Chairman of Kabunyata who would come and take the roll call at the cell.

COUNSEL: Mohammed who?

SEKAJJA: I know only one name 'Muhamed.'

DR. MAKUBUYA: Clarification, please. Did Muhamed take a roll call or he used to read the names of those to be taken our of the cell?

SEKAJJA: Mohammed had a book which contained the names of the detainees. He would come at the door of the cell. Then read out the names. Then the people whose names were read would get out and these people would be taken to be killed.

COUNSEL: And you had known his Mohammed before you were taken to the cells.

SEKAJJA: I had known him before my arrest.

COUNSEL: Is he still in his village?

SEKAJJA: He was arrested, taken and detained by the intelligence in this Government.

COUNSEL: When?

SEKAJJA: I do not remember the date. It was in 1987.

COUNSEL: Now you said you stayed in this cell for 40 days. Now did you come to be released after the 40 days?

SEKAJJA: It so happened that time came when the cell which had been congested was spacious because a number of the detainees had been killed and only about 20 detainees, including me, remained in the cell. Now one day there were some intelligence officers who came from Bombo one morning. These intelligence officers on arrival at the cell ordered the one who was keeping the cell to open the door of the cell so that they inspect the detainees who were in the cell.

COUNSEL: Yes.

SEKAJJA: My fellow detainees dragged me and took me to the office. They went on dragging me patiently because they were friendly to me.

COUNSEL: So you reached the office. Whose office?

SEKAJJA: The office of the O.C. which I have talked about earlier.

COUNSEL: Is also O.C. Muto's office?

SEKAJJA: Yes it is Muto's office.

COUNSEL: Yes while there what followed?

SEKAJJA: On reaching Muto's office we were asked several questions and then later the intelligence officer said they had some order to say that people should

not be killed any more.

COUNSEL: Did you know who this intelligence officer was?

SEKAJJA: I did not know them.

COUNSEL: So what followed?

SEKAJJA: After that, the intelligence officer said, 'we, who had remained in the cell should not be killed but should just be taken to the O.C. and should be prepared for trial; but, in the meantime, we should be detained,' but I was not taken back in the cell.

COUNSEL: Where were you taken?

SEKAJJA: From Muto's office, I was taken to the torture room where they had tied a block on my testicles and left me there.

COUNSEL: Yes.

SEKAJJA: I stayed in this torture room for three days. After three days, the intelligence officer from Bombo came back again.

COUNSEL: Now while in this small room where you stayed for three days, were they feeding you and giving you amenities like a blanket?

SEKAJJA: There were no amenities like blanket, we were only bare foot. I was only in a trouser.

COUNSEL: And you were fed.

SEKAJJA: I was given food three times, that is one meal each day.

COUNSEL: After the three days, what followed?

SEKAJJA: They discussed among themselves that the issues which had caused my detention was the whereabouts of the DP Chairman. They later decided that it was not a serious matter. So I should be released.

COUNSEL: Yes. Did they release you?

SEKAJJA: I was released.

COUNSEL: Now when they released you, how did you leave this place?

SEKAJJA: My fellow detainees lifted me on my release and took me to a grass-thatched hut at Kikyuusa Holding camp, which they had given to my wife and this child whom I have here now.

COUNSEL: They had given it to your wife - Sarah Nakamya.

SEKAJJA: Yes, my Lord.

COUNSEL: And when you reached that hut, you found her there.

SEKAJJA: I found her.

COUNSEL: Where she was with, was she with your child Yowaana and Solome?

SEKAJJA: Yes, my Lord.

COUNSEL: Now, when you were released, did you find, as a result of these beatings any disabilities you had suffered?

SEKAJJA: Yes I realized that something had gone wrong with my heath.

COUNSEL: What disability?

SEKAJJA: As a result of serious beatings, and tying a block on my testicles, I realized I had become impotent.

COUNSEL: And I see that you also became paralysed; you cannot walk properly. Is that true also?

SEKAJJA: Yes my body is also paralysed.

COUNSEL: As a result of these serious beatings, are there any scars, may be, on your body which would be remarkable for anybody to see?

SEKAJJA: Yes I have the scars on my body which I would like to show to the Commission.

COUNSEL: Would you, please do so?

SEKAJJA: Yes I can show them. Some of the scars are on my knees.

COUNSEL: My Lord, I request the Commissioners to come and look at the witness's body.

CHAIRMAN: We have looked at the scars on the knee on his left knee, what happened on his right thumb and the hand, the fingers do not go straight.

SEKAJJA: After we had stayed for some time at Kikyuusa Holding camp, it was decided that we should be shifted from Kikyusa Holding Camp to a camp in our area called Wabusaana. We were put on a vehicle. When we reached Wabusana Holding Camp, I was put in a grass-thatched house. The hut which I was given was next to the home of a UPC Chairman, Mr. Misaaki Kabenge.

CHAIRMAN: Yes.

SEKAJJA: Whenever soldiers would come at Wabusaana Holding Camp Misaaki Kabenge would continue telling them that I was a bandit and that my brother was in the bush.

COUNSEL: You mean it would happen frequently.

SEKAJJA: It was a daily practice whenever soldiers would come.

COUNSEL: Now when you moved did you go with your wife?

SEKAJJA Yes, my Lord.

COUNSEL: Would you tell the Commission briefly how life was in this camp? How were you treated.

DR. MAKUBUYA: Legal Counsel, before he talks to us, he was answering the Chairman's question about the deformity on the fingers and so on and he was narrating about this other camp.

COUNSEL: I see.

SEKAJJA: My right hand - I got paralysed on my right hand - and as a result of the beatings I received at Kikyuusa Holding Camp. The scars I have on my right-hand thumb - the deformity - was as a result of the beatings at Wabusaana Holding camp.

COUNSEL: May be, let us begin with Kikyuusa Holding Camp. When you reached there, you were already a disabled person. Are you saying soldiers would come at your hut and start beating? And, if they did so, what were they beating you with?

SEKAJJA: When I was at Kikyuusa Holding Camp, the soldiers would not beat me; but when I was shifted and taken to Wabusaana Holding Camp, it was a daily practice for the soldiers to beat and the others and even take away people's wives.

COUNSEL: Then you just mentioned that your right hand got paralysed as a result of beatings at Kikyuusa.

SEKAJJA: Yes, my Lord.

COUNSEL: Now I will go back to my question. Would you describe to the Commission briefly how life was in Kikyuusa Holding Camp - in Wabusaana Holding Camp.

SEKAJJA: My Lord, on my release from the cell, I went and joined Sarah my wife at a grass-thatched house at Kikyuusa Holding Camp; but I spent there only a few days and then we were transferred and taken to Wabusaana Holding Camp.

COUNSEL: For the three days you were there, were you able to eat?

SEKAJJA: I was able to eat because my wife and other people's wives would go in the deserted villages where people had run away and gather food and bring food in the holding camp and cook this food. This is what we

would eat.

COUNSEL: So you did not know much since you only stayed there for three days. Is that true?

SEKAJJA: I did not know much because I spent only a few days at Kikyuusa Camp but I know what happened at Wabusaana Holding Camp.

COUNSEL: For how long did you stay at in Wabusaana Holding Camp?

SEKAJJA: We were led from Kikyuusa Holding Camp to Wabusaana Holding Camp in August 1983 and we did not leave Wabusaana Holding Camp until May, 1985.

COUNSEL: Now could you describe to the Commission what you saw apart from what you had stated?

SEKAJJA: Yes I am able to tell the Commission what I saw at Wabusaana Holding Camp.

COUNSEL: Please describe what life was like there daily?

SEKAJJA: My Lord, while at Wabusaana Holding Camp, people were being kept there would be forced to go out and pick peoples' coffee of those who had run away from their homes and at times they would also be forced to pick coffee for the UPC Chairman, Mr. Kabenge.

COUNSEL: May be before you go into detail, about how many people in your estimation were in this Wabusaana Camp?

SEKAJJA: They were very many people at Wabusaana Holding Camp.

COUNSEL: Were they in thousands?

SEKAJJA: They were about 8,000 people.

COUNSEL: And how big was the area this camp was covering?

SEKAJJA: My Lord, the Wabusaana Camp I am talking about extended from the other side of the road across this side included also this area where we are seated; and it also stretched that side up to the market and the small huts were congested close to one another.

COUNSEL: Were you organized in any way and - (Interjection) -

NAGENDA: What he said was that the houses were like mushrooms.

SEKAJJA: The huts within the holding camp were so close to one another as if they were like small mushrooms.

COUNSEL: You mean people were forced to stay in very closed way?

SEKAJJA: There were no choice; we were forced to stay close to one another.

COUNSEL: I see. And who forced people to stay like that? Was it still the soldiers?

SEKAJJA: The overall boss within the Wabusaana detach who had the authority ever this camp was Misaki Kabenge.

COUNSEL: Yes; continue.

SEKAJJA: At that material time the government troops would go into the bush in hunting for people; they would arrest people, bring them back to the camp; and then Misaki Kabenge would pull out a book.

COUNSEL: Yes, what would he do with this book?

SEKAJJA: Whenever people would be brought, Misaki Kabenge would bring the book; he would read the names among those who have been brought; and those whose names had been read could be taken away to be killed.

MR. NAGENDA: But I thought you told us that some intelligence people from Bombo had said that killing of people had stopped.

SEKAJJA: Yes, they had addressed us so.

MR. NAGENDA: Do you mean that it was after that Mr. Kabenge was still reading out names of people and those people were killed?

SEKAJJA: After the arrest, the killing continued in spite of the fact that the intelligence men had said that there would be no more killing; and whenever the soldiers would refuse to kill, Kabenge would instruct the civilians who were around to be armed with sticks and kill people. I recall three people were killed on the compound of Mr. Kabenge on Kabenge's orders.

MR. NAGENDA: Did you say that three people were killed? Or that three civilians helped Mr. Kabenge to kill people?

SEKAJJA: The three people were the ones who were killed.

MR. NAGENDA: But who are the people - the civilians who were helping him to kill these people?

SEKAJJA: I wouldn't know the ordinary people who killed the three people. But it was always the practice that whenever people were arrested by soldiers form the bush, several other people who were within the camp would gather around to see whether they could identify among the people arrested whether they were their relatives.

COUNSEL: Did you know these people who were killed, by any chance?

SEKAJJA: These three people were arrested from an area called Gambirana.

COUNSEL: Now while in this camp, how were you able to get food?

SEKAJJA: When we were at Wabusaana Holding Camp, I was able to eat because my wife and my children would go out in the villages to look for food. They would bring food and this is the food we would eat. This continued until the members of the Red Cross brought food to Wabusaana Holding Camp.

COUNSEL: Now to your knowledge was this what other families were also doing, collecting food from the villages?

SEKAJJA: This was the practice for everybody, every member of other families to go and look for food in the deserted villages.

COUNSEL: Were you able to get water easily?

SEKAJJA: The members of the Red Cross prepared some two water places.

COUNSEL: And before the Red Cross came, what were you using?

CHAIRMAN: I beg your pardon; what kind of water places? Bore holes; like that we see?

SEKAJJA: They improved on the ordinary wells which were within the area.

COUNSEL: I see. How was the sanitation? Did you dig pit latrines or how was it?

SEKAJJA: The members of the International Committee of the Red Cross had come and addressed us saying that there were serious epidemics breaking out and claiming many lives as a result of poor sanitation. So they instructed that pit latrines be dug for us to use so as to improve on the situation.

DR. MAKUBUYA: Is the witness saying that many lives were lost in the camp?

SEKAJJA: Since I am not a doctor, I cannot take it like that.

DR. MAKUBUYA: But did the people die at all?

SEKAJJA: My Lord, I, as a person who is not a doctor, I wouldn't say that people died because of the poor sanitation; but it is true that people died.

DR. MAKUBUYA: On average, how many people died every day?

SEKAJJA: Daily, we would bury people within the range of 15, 20 or 25 daily.

DR. MAKUBUYA: Were these children or adults or what?

SEKAJJA: Both, children and mature people.

DR. MAKUBUYA: More children than adults?

SEKAJJA: More children than adult people.

MR. NAGENDA: I am just picking up this figure. There must have been then some days when people didn't die at all. Is that so?

SEKAJJA: There was not a single day when people did not die.

MR. NAGENDA: You see, if you were burying an average of 15 people, that would be over 4,000 people in a year; and in the near two years that you were there, you would have buried about 8,000 people (Interjection). Yes. In a year and 8 months, you would have buried over 6,000 people; which I think is difficult. I just want to get the record.

SEKAJJA: It could be true that within the period I stayed within this camp, about 6,000 people died and we buried them.

MR. NAGENDA: Where did you bury exactly? Did you bury them in one grave or the graves scattered all over here?

SEKAJJA: My Lord, there is a local cemetery up there; so whenever one would lose his dear one or a relative, those who knew you would come to your assistance and assist you to bury that dead one.

DR. MAKUBUYA: Counsel, I think you have taken over.

COUNSEL: No, I just wanted to get may be one point. Now at around this time when you were in Wabusaana, I am sure from the beatings you had received, you were already incapacitated. Is that true?

SEKAJJA: Yes, My Lord.

COUNSEL: Were you able to walk?

SEKAJJA: When I was brought from Kikyuusa to Wabusaana, I remained in the state in which you see me here.

COUNSEL: So you would not be able to walk around this camp to find who had died and who may be had suffered?

SEKAJJA: Because I was incapacitated, I would be left behind; but whenever the dead one would be taken for burial, I was able to see where the dead body was being taken.

COUNSEL: You would just see those which were near where you were staying?

SEKAJJA: Yes, My Lord.

COUNSEL: So you cannot exactly estimate how many people were dying every day and so forth and so forth?

SEKAJJA: My Lord, I was able to have an idea of those who had died because each time a person would die, a report would be made to the Chairman of the

place.

COUNSEL: I see.

DR. MAKUBUYA: It makes it worse in fact. The man saw only 15 a day; but there may be others which he never saw.

CHAIRMAN: Well, they told him that - slight - don't exaggerate the evidence. We want to know the truth.

COUNSEL: My Lord, you see, it causes a contradiction; when he estimated a certain number of people to be 8,000; and then you are estimating the death rate at may be around 15 to 30, it would - so we have to. So may be he does not exactly know; he doesn't know how many people were there may be.

DR. MAKUBUYA: These statistics are giving us problems for nothing. Who said the population of this camp was always 8,000 and nothing more? There were people leaving; there were more coming in and so on. This is an estimate of total population. I don't think you can come to a conclusive figure simply of his evidence.

CHAIRMAN: Well, I think, let us move to the next point.

COUNSEL: Now apart from the Red Cross assisting you in rehabilitating your wells and giving you some other assistance, did they give you medical facilities?

SEKAJJA: Yes, My Lord.

COUNSEL: And were you required by the authorities who were keeping you there, whom you haven't told us in detail, to do any other duties?

SEKAJJA: The chiefs within the camp would tell, people within the camp would do some work whenever they were instructed by the chiefs.

COUNSEL: And who had appointed these chiefs: Had you elected them yourselves?

SEKAJJA: These chiefs I am talking about had been appointed by a Commander who had come at Kikyusa holding camp.

COUNSEL: Did you know this Commander?

SEKAJJA: I didn't know him.

COUNSEL: And did he appoint these chiefs form amongst you people in the camp or he brought them from elsewhere?

SEKAJJA: These chiefs I am talking about were the first to be appointed in this camp. So that when the people started to be gathered in the camp, they found these chiefs. These chiefs did not originate from the people who were in the camp.

COUNSEL: How were these chiefs treating you people; were they good people or?

SEKAJJA: These chiefs I am talking about were being referred to as *mayumba kuma* - Ten-house Cell System. They would be allocated a number of grass houses which they would have control within the holding camp.

COUNSEL: You haven't answered my question. How were they treating you people?

SEKAJJA: All the chiefs who were within the holding camp were under the chairman. Generally, they were not bad; but they were following the instructions from their boss, the chairman.

COUNSEL: And the instruction from their boss - when they would get this instruction, would they end up doing some things which may be you would wish to mention?

SEKAJJA: The people within the camp would be told to go and dig; and at some other times, to slash.

COUNSEL: They would dig. Whose gardens? Were they digging for themselves or they were digging for other people?

SEKAJJA: The people would be told to dig around, within and around the holding camp and they would as well slash. This was done so that the area would be clear so that the bandits would not get a hiding place for which to attach those who were in the camp.

COUNSEL: You stayed in this camp for about two years and I think, you had no income; how were you able to get clothing?

SEKAJJA: The members of the International Committee of the Red Cross also got for us second hand clothes.

COUNSEL: Now after this period of one year and eight months, you said you stayed in this camp - how were you able to leave the camp and where did you go?

SEKAJJA: My Lord, after the D.C. had said that, people who are within the holding camp were free to go to their respective homes, if the homes were stable. I personally asked the O.C. and told him that I wanted to go back to my home.

COUNSEL: Who was this D.C.?

SEKAJJA: I wouldn't know the name of the D.C. at the time because the D.Cs would come; others would be transferred and others would be brought. So I didn't know the D.C. at that material time by name.

COUNSEL: But while you were in this camp, did you know any D.Cs who were in your area?

SEKAJJA: I only knew one D.C., that was after I had left this camp and I went home;

this D.C. was called Mawuba.

DR. MAKUBUYA: Okay. Did any person called D.C. ever come to Wabusaana camp when you were there?

SEKAJJA: Yes.

DR. MAKUBUYA: How many times did he come?

SEKAJJA: The time I remember when D.C. came here was once.

DR. MAKUBUYA: What had he come to do?

SEKAJJA: We were warned that the D.C. will come here and he had some instructions for us who were staying in the camp and he wanted to pass those instructions to us.

DR. MAKUBUYA: Did he pass the instructions?

SEKAJJA: My Lord, the D.C. came and addressed us and some of the instructions he gave us was that, if anyone among us knew that the area or the home he had come from was stable, he was free to go back and settle.

DR. MAKUBUYA: And this is the only time you remember?

SEKAJJA: That is the time I could remember when he gave us those instructions.

COUNSEL: Did you attend the D.C.'s address, personally?

SEKAJJA: The D.C. came and he carried out the inspection from one hut to another all over the place.

COUNSEL: Did he come to your hut?

SEKAJJA: As my hut was near the chairman's place, the D.C. also came to inspect my hut.

COUNSEL: Did he talk to you? And if so, what did he say?

SEKAJJA: He did not talk to me. He was only watching as he walked around.

COUNSEL: And did you attend the public address he made, if any?

SEKAJJA: I did not go there to attend the D.C.'s address.

COUNSEL: Please tell us how you were able to leave this camp and where you went to?

SEKAJJA: My friends put me on the wheel-barrow and took me back home.

COUNSEL: You went back with your family?

SEKAJJA: At that time my wife Sarah had already gone away as the soldiers were disturbing her.

COUNSEL: And did you know where she had gone?

SEKAJJA: Sarahh went to her father's home at a place called Kiwanguzi.

COUNSEL: Did she go with both the children, Yowana and the one you are with or she went alone?

SEKAJJA: Sarah went with her own child and left this one with me to look after me.

COUNSEL: When your friends took you on a wheel barrow to your home, what did you find there?

SEKAJJA: I found out that my home had turned into a bush.

COUNSEL: Was the house there?

SEKAJJA: I found only the walls of my house were standing. The roof which was made up of iron sheets had been removed and the sheets taken.

COUNSEL: So where did you stay?

SEKAJJA: My friends who had taken me back to my home; and when finding that my home had turned into a bush and there was no house, my friends constructed for me a grassed hut.

COUNSEL: And by this time you are only with your daughter the one you are with now, how were you able to get food?

SEKAJJA: It is this small daughter of mine who would go in deserted banana plantations and look for some bananas, out them and bring them for us to feed on.

COUNSEL: We found you in a hut; who built this hut for you?

SEKAJJA: The D.C. I have told you about, by the name of Mr. Mawuba, sent at that place a group of 50 women who constructed for me that hut you have seen and even a small kitchen behind and they went away.

COUNSEL: And they left you with your daughter alone?

SEKAJJA: My Lord, the day when my hut was finally constructed by those women I have told you, the D.C. came to witness the work which the women had done and he appreciated it; and he left me with my daughter and he went away.

COUNSEL: Now is this the daughter who looks for food for you up to now?

SEKAJJA: Yes, My Lord.

COUNSEL: Your hands are paralysed and you are not able to wash; is she the one who washes for you?

SEKAJJA: I have an old friend called Karoli Kabaale, for each time I need to bath, it is Karoli Kabaale who comes and washes my body.

COUNSEL: And how are you able to go to the toilets to help yourself?

SEKAJJA: My Lord, I just have to drag myself to the latrine, but in most cases I have some old containers within my hut which I use when I need to go for long call and short call.

COUNSEL: And who pours away the waste? Is it this small girl?

SEKAJJA: That very daughter of mine does the cleaning and emptying of the old containers.

COUNSEL: Now why is it that your first wife Nuriati has not come back? You told the Commission, she went away because of the insecurity in the area. Why hasn't she been able to come to rejoin you? Do you know the reason?

SEKAJJA: My Lord, I am always gazing in front of my house expecting Nuriati to arrive any time; but since she went I have never seen her again.

COUNSEL: What about of your daughter Mariamu, has she ever come to see you?

SEKAJJA: Mariamu went with her mother.

COUNSEL: What about of your wife Sarah Nakamya, why has she not come to join you?

SEKAJJA: My Lord, I was made to understand that when Nakamya reached her father's home, he made her continue to Kampala; and since then I have never seen her.

COUNSEL: How are you able to earn an income in order may be to buy clothes or some other amenities?

SEKAJJA: My Lord, I just imagine that may be my wife Sarah could have known that I am impotent that is why she has never come back to me.

COUNSEL: You are saying, you are now impotent?

SEKAJJA: My Lord, this wife of mine Sarah was a young woman, I don't think she would tolerate to stay with me when I am impotent.

COUNSEL: How are you able to get income or how do you survive? How do you buy clothes, how do you may be get salt?

SEKAJJA: I am always assisted by my friends, but when everything ceases, I also eat food without salt.

COUNSEL: This gentleman, the owner of the lorry, Mr. Eriya, have you ever seen him again?

SEKAJJA: Since I do not walk around I have never seen him again.

COUNSEL: My Lord, that is all for this witness.

CHAIRMAN: I will ask you a few questions and then other members of Commission will also ask you some questions to clarify your evidence. This Eriya, the owner of the lorry, did he appear to be driving his lorry and doing all this voluntarily or did he do it because he had been forced? Were you able to assess?

SEKAJJA: My Lord, I wouldn't know because we would see Eriya's lorry parked somewhere and people would be ordered to board this lorry. So I really don't know whether he was acting under force or he was acting voluntarily.

CHAIRMAN: I see. He didn't appear to be a prisoner himself or he seemed to be free to all what he was doing?

SEKAJJA: I would personally think, he was not arrested or he was not under detention, whatever he was doing, I think, he was doing it freely.

CHAIRMAN: Certainly, that is an opinion. I thought there was an evidence. Now about the chairman, Kabenge; is he still in the area?

SEKAJJA: Kabenge ran away and went.

CHAIRMAN: You have never seen him since?

SEKAJJA: I have never seen him.

CHAIRMAN: Okay, that is all. Thank you.

MR. NAGENDA: I would like to come back to the chairman Kabenge. Have you heard - at least I know he ran away and you do not know where he is, but have you heard any rumours or wherever he might be - does anybody know where he is?

SEKAJJA: The news which would reach us this way was that Kabenge was staying in Wobulenzi.

MR. NAGENDA: Have you heard the same story saying that he is still in Wobulenzi?

SEKAJJA: At the moment I am not hearing the same news that he is in Wobulenzi.

MR. NAGENDA: About Eriya Ntulume Mukyusa, am I right in thinking that his name is connected with the place 'Kikyuusa?'

SEKAJJA: Mukyusa is his father; Mukyusa is the father of Eriya Ntuluzne.

MR.NAGENDA: Therefore, was he a very important man in Kikyusa?

SEKAJJA: Mukyusa was a prominent person in Kikyuusa; he was the land Lord of Kikyuusa.

MR. NAGENDA: Am I right in thinking that the present Mukyusa is now the land Lord of the place?

SEKAJJA: I don't know very well.

MR. NAGENDA: But did he once stay at Kikyusa himself?

SEKAJJA: He would stay in Kikyusa some time in the past.

MR. NAGENDA: Does he come there any more?

SEKAJJA: I personally don't know; because as I do not walk, I would not tell whether he comes or not.

MR. NAGENDA: Do you know where he is?

SEKAJJA: I don't know.

MR. NAGENDA: On the day that he took you in his lorry and deposited you in his house, did he himself take any part in the beating?

SEKAJJA: As soon as he parked the lorry at his residence, he disappeared and went away.

MR. NAGENDA: Have you seen any of the people who took part in your torture again?

SEKAJJA: I have never seen any of them again.

MR. NAGENDA: Did you see your brother, the D.P. Chairman, again?

SEKAJJA: I have seen him.

MR. NAGENDA: He is around; he is alive, is he?

SEKAJJA: He is alive and he is available.

MR. NAGENDA: Is he giving you any help; does he contribute to may be some clothes that you may be wearing or some food or that salt that you mentioned?

SEKAJJA: He was also mistreated and he doesn't have anything.

MR. NAGENDA: Is he also crippled or deformed as you are?

SEKAJJA: I don't know because for him he was in the bush.

MR. NAGENDA: Well, I mean, do you see him very often; is he healthy?

SEKAJJA: I see him very often and he is alive.

MR. NAGENDA. Yes; but does he come to see you, talk to you? You know, are you in regular meeting terms?

SEKAJJA: Yes, he does come.

MR. NAGENDA: Was he a guerrilla?

SEKAJJA: Yes, he was.

MR. NAGENDA: Has he told you about what he did when he was a guerrilla?

SEKAJJA: What he told me was that he was a chairman and he was together with those who were fighting in the bush.

MR. NAGENDA: Well, has he been helped by the people with whom he was friendly who were fighting in the bush?

COUNSEL: My Lord Chairman, may be this will not be very useful to us, because whatever the witness will be saying, it will be hearsay -

DR. MAKUBUYA: You know, the question of whether the people, the other gentleman was assisting have come back to assist this witness is very relevant to the matters which we are supposed to enquire into. It is the matter arising from those very things, it cannot be hearsay in my judgement.

CHAIRMAN: No; I think what the Commissioner has said is correct. I think what Counsel was pointing out was that - what the witness's brother told the brother that were about his activities with the people whom he was. That is what is hearsay. Am I correct?

COUNSEL: That is what I am referring to, My Lord.

CHAIRMAN: I see.

MR. NAGENDA: Let me reset my question now that we have resolved this matter. What I am trying to find out from the witness who is the key in a very pathetic state reduced to being with this little daughter; and because the reason he was reduced to this circumstance is because of his brother who was suspected of being a guerrilla in the bush and he has now turned out to have been a guerrilla in the bush.

SEKAJJA: Yes, My Lord.

MR. NAGENDA: Who is also reduced to such a state that he cannot help you in any way?

SEKAJJA: Yes, it is true he is reduced to a state where he cannot help me; because all his houses were burnt down.

MR. NAGENDA: Now the question is - has your brother, to your knowledge, been helped by the people who at that time were guerrillas and who are in the government of Uganda?

SEKAJJA: I do not know whether those whom he was acting with in the bush have ever assisted him.

MR. NAGENDA: We are enjoined by the Government of Uganda to recommend ways and means - I mean - to find solutions to these terrible things that have happened. Is there anything that you would like to say to us in the connection?

SEKAJJA: I have some advice which I would like to give to the Commission.

MR. NAGENDA: Yes, please give it.

SEKAJJA: My first advice to this Commission would be that now that we have settled down and we are staying in our homes, I think to avoid the repetition of these violations in future, we should all unite and stay as one.

MR. NAGENDA: I agree. But do you - (Interruption) - Yes. What do you mean by we?

SEKAJJA: When I mean 'we' - what I mean by the word 'we' is, I mean me with my fellow residents and those who were in the UPC Party.

MR. NAGENDA: You mean everybody in the community?

SEKAJJA: I mean everybody in the community in the whole country.

MR. NAGENDA: It is a very creditable sentiment. But do you also have something to say about yourself?

SEKAJJA: I have something to tell the Commission, I, in my capacity as Sulait Sekajja. I am helpless and I don't have any assistance; I find it difficult to feed myself properly, the way I clothe my dresses, I find it difficult to dress up properly; and where I sleep is also very bad, I don't have proper bedding facilities; My Lord, as you have reached my home I suppose you have seen, it is a grass house; when it is rain season and it rains, the house leaks; and sooner or later it will break down and I have no any other person to assist me to erect another.

MR. NAGENDA: Have you not received any help from the D.A. for example or from any of the local authorities?

SEKAJJA: I have never got any assistance from either the D.C. or the D.A. or from the local authorities of my area.

MEMBER: The D.A. Prince Mawuba built him a house.

MR. NAGENDA: Please that was - the D.A., Prince Mawuba actually did at least build your house; he got some ladies to build your house.

SEKAJJA: Yes; that is the assistance the D.A. gave me.

MR. NAGENDA: At that time did you get anything else apart from this house?

SEKAJJA: The D.A. in addition to sending women to construct for me a hut, he gave me a dish from which I eat, a bowl; and he also gave another bowl to my daughter where she eats from.

MR. NAGENDA: Any blankets?

SEKAJJA: No.

NAGENDA: Jerrican?

SEKAJJA: He gave me a jerrican.

MR. NAGENDA: Beans?

SEKAJJA: I have never got it.

MR. NAGENDA: Posho?

SEKAJJA: I did not got anything eatable.

MR. NAGENDA: Well, although people now are very poor, they have got some more food; I think you told us that they do send you some food from time to time; they help you, your friends.

SEKAJJA: In that area where I stay, it appears there is a little food. And sometimes when my daughter goes out into the village, sometimes she gets some food which I share with her. But at the other time when she fails to get food we stay the whole day hungry and sometimes even the whole night without food.

MR. NAGENDA: Well you have told us a terrible story and all we can do is to recommend what we can do; but I am speaking for the Chairman and my fellow Commissioners when I say that "we shall make every recommendation possible". And let me just finish by saying that I have personally been very moved by your courage and deportment and I have not enough words to say about your little daughter who, I am sorry to say she isn't here to hear it, but I want to put it on record that she is a very considerable woman.

SEKAJJA: Thank you very much.

DR. LUYOMBYA: Mr. Sekajja Sulait, I will also express the same sentiment and it is a pity this state befell you, especially, that you suffered for on behalf of somebody else. I will also congratulate you on the advice you have given to Ugandans for this is, unity, despite of your suffering. Very few people

would take that advice. All the same I will ask you a few questions and I ask you to bear with me. About your wives - you have told us - Sarah was young and probably could not stay. One thing which strikes me was the names of your children Sarah produced Yowana Kasiriivu. Is this your real child or somebody else's child, but she had come with that child?

SEKAJJA: Yowana Kasiriivu is my own child.

DR. LUYOMBYA: I presume from the name Sulait, you are a muslim. Is it?

SEKAJJA: Yes, My Lord, I am a muslim.

DR. LUYOMBYA: And to me, Yowana seems a name for a Roman Catholic.

SEKAJJA: Yes, My Lord.

DR. LUYOMBYA: How come that the child differs?

SEKAJJA: When this child was born, it was my elder brother who named him 'Yowana Kasiriivu'.

DR. LUYOMBYA: I see. About Nuliyati, did you marry officially or you acquired her in the same other way?

SEKAJJA: I married her officially.

DR. LUYOMBYA: Has any of your brothers-in-law or relatives from her side ever come to visit you?

SEKAJJA: My brothers-in-law have never come this way to visit me because where they stay is very far form here.

DR. LUYOMBYA: You told us they were - where? In Bugerere or Masaka?

SEKAJJA: Mbarara.

DR. LUYOMBYA: I am finding it a little bit difficult that Nuliyati went away with the rest of your children including the eldest and left you with this little daughter who was younger at that time; and you were staying with Sarah at that particular time. Have you heard about whether Nuliyati and your other children are alive or not alive?

SEKAJJA: I do not know. My Lord, it is a long time since they departed from me; I do not know whether they are alive or dead.

DR. LUYOMBYA: Before you were arrested, did you know whether they had arrived at Mbarara?

SEKAJJA: Those had left me and departed from me on the 14th day of January, 1981.

DR. LUYOMBYA: And you were arrested two years later?

SEKAJJA: At the time she left, insecurity had hit this area and people were running up and down.

DR. LUYOMBYA: Yes. For how long had you stayed in the bush before you were arrested - hiding in the bush?

SEKAJJA: I had stayed in the bush for some months; but I don't remember exactly how many.

DR. LUYOMBYA: You told us that when you were in the camp, people who went to search for food used to come and tell you that they had found bodies.

SEKAJJA: Yes, My Lord.

DR. LUYOMBYA: And did they name anybody you know?

SEKAJJA: They had mentioned the names of some of those dead bodies they found and those included some of my relatives whose names they mentioned to me.

DR. LUYOMBYA: Who were those relatives?

SEKAJJA: They talked of Yowana Kasiriivu, Bonifansiyo Mukyadondwa, Sepirayano Kagali and a lady Maderena Najuko.

DR. LUYOMBYA: Any more?

SEKAJJA: And a young boy by the name Sendagire.

DR. LUYOMBYA: From the cell where you were imprisoned to the camp in Kikyusa - what was the distance?

SEKAJJA: It was near; the distance was very near just like from here up to that big tree.

MEMBER: 100 yards.

DR. LUYOMBYA: Now about the camp itself - this is a camp in Wabusaana; the boss was Kabenge himself.

SEKAJJA: Yes.

DR. LUYOMBYA: And were there any soldiers guarding this camp?

SEKAJJA: They were there.

DR. LUYOMBYA: Did you know their commander?

SEKAJJA: The Commander of the soldiers who were by then at Wabusaana guarding camp was based at Kikyuusa. But at Wabusaana camp there was an O.C.

DR. LUYOMBYA: I am asking this because I am finding it difficult that Kabenge continued to order you to be beaten in this camp at Wabusana and he killed some people in spite of the army personnel being given an order not to kill any more. Did the O.C., the military O.C. ever object when Kabenge tortured people in that camp including yourself?

SEKAJJA: The O.C. who was based at Wabusana holding camp would always try his best to stop Kabenge and soldiers from mistreating us. And at some other times this O.C. would even punish the soldiers who were continuing on mistreating us together with Kabenge.

DR. LUYOMBYA: It appears to me that Kabenge was on top of the O.C.

SEKAJJA: I wouldn't know, but all I know is that Kabenge would give some instructions/orders.

DR. LUYOMBYA: Okay. Let us go to your present state. I will not repeat what my Colleague has said, but do you have any plans yourself for the future?

SEKAJJA: I do not have any future plans except may be if this plan would come from you, My Lord.

DR. LUYOMBYA: What if the in-laws decided to take this little daughter from you and probably - could that affect that - or anybody else wanted to take that daughter to school, would you accept it?

SEKAJJA: If I accept this daughter to be taken away from me, this would mean my life has ended.

DR. LUYOMBYA: Assuming that your people arrive and Nuliyati is alive and somebody looks for your daughter or somebody else to look after you and the little girl goes to school?

SEKAJJA: It would be the perfect story.

DR. LUYOMBYA: Do you know the address of your in-laws in Mbarara where Nuliyati could be?

SEKAJJA: I only know where I collected Nuliyati from Masaka.

DR. LUYOMBYA: Can you tell us the village or any other place?

SEKAJJA: The village where I collected Nuliyati from which is in Masaka is called Kinoni, *Gombolola* Lwandume.

DR. LUYOMBYA: Who are the parents of Nuliyati?

SEKAJJA: Budalla Nyamayalwo is my father-in-law and the father of Nuliyati who is a resident of Kinoni. But I don't know the name of my mother-in-law.

DR. LUYOMBYA: Okay, thank you.

MR. KAWANGA: Who is this Kabenge? Was he a man of this area?

SEKAJJA: He was a resident of this area.

MR. KAWANGA: Born here?

SEKAJJA: He is born at Kirwanyi but he had a home at Bwizibwera.

MR. KAWANGA: And is his home still there?

SEKAJJA: I don't know. He was born at Kilwanyi but he had a home at Buzzibwera.

MR. KAWANGA: Is his home still there?

SEKAJJA: I do not know whether his home is still there, although it were, I would not know.

MR. KAWANGA: And he had a wife and children?

SEKAJJA: Yes.

MR. KAWANGA: Okay - you talked about a wife running away because she was being bothered by soldiers.

SEKAJJA: Yes.

MR. KAWANGA: How?

SEKAJJA: In the night, the soldiers would come to take her away use her, in the morning they would bring her back.

MR. KAWANGA: Did this happen many times?

SEKAJJA: This happened several times: The soldiers would come in the grass thatched houses - we used to know as *ensiisira* - and they would give an order saying: "Get out," in swahili, saying: "*Toka*".

MR. KAWANGA: Who to get out - you or the wife?

SEKAJJA: They would give order to you a man to get out and then they remove your wife.

MR. KAWANGA: I see. Now was this done to other wives of other people as well to your knowledge?

SEKAJJA: It happened to several women who were in the holding camp, especially these women whom they desired or they saw were beautiful in their sight.

MR. KAWANGA: I see. Were they using them in the wome's huts or they were taking them to their huts?

SEKAJJA: They would take her at their barracks and then the following morning they would bring her back.

MR. KAWANGA: Now how were - this is another question, how were - the soldiers preventing you from escaping from the camp?

SEKAJJA: My Lord, it was difficult to escape because we were within the camp and we were being guarded by these soldiers. So one would not get a chance to escape.

MR. KAWANGA: Was there a fence?

SEKAJJA: There was no fence but the gun was the fence.

MR. KAWANGA: In other words, you considered yourselves as prisoners. There was no way you would escape.

SEKAJJA: Yes, my Lord, we were prisoners.

MR. KAWANGA: I see. Now this very young daughter of yours, is she going to school?

SEKAJJA: This girl is schooling. She is being sponsored by the government.

MR. KAWANGA: I see. So you think her education would not be interfered with while helping you?

SEKAJJA: My Lord, each morning, before this girl goes to school, she looks for food; prepares it, makes it ready and puts it near me and then she goes to school. In the evening, when she comes back, she again has go to look for food with which she would leave me when she goes to school the next day.

MR. KAWANGA: I see. Thank you.

DR. MAKUBUYA: Mr. Sekajja, I know that you have been with us for several hours, but I would like to say, *munyezi Mungu* (God) might have saved you to be able to tell this story. So I ask you to be a little patient with me. You said that you worked as a tractor driver in Maruzi, Akokoro, Lango. Right?

SEKAJJA: Yes, my Lord.

DR. MAKUBUYA: For how long did you work there?

SEKAJJA: It was one year.

DR. MAKUBUYA: How did you happen to go there?

SEKAJJA: I had gone to Maruzi with a certain European who was the head contractor for which I was working. He was called Orek.

DR. MAKUBUYA: Did you have any difficulty in that year that you worked there?

SEKAJJA: We did not have any problems all that year when I stayed in Maruzi Akokoro, Lango District. We would get sufficient food to eat, which included posho and beans; but the only problem we had was that the area was infested with malaria.

DR. MAKUBUYA: This Kankole Village, 1983, were there Chiefs: M*uluka* Chiefs? Were they there?

SEKAJJA: There were some chairmen.

DR. MAKUBUYA: Yes, but there was a system of Chiefs: M*utongole*,*Muluka* and so on and others - are you saying they had been abolished?

SEKAJJA: They were there originally.

DR. MAKUBUYA: Did they assist you in these difficulties?

SEKAJJA: One of the local Chiefs, that is a*Mutongole* Chief, was Y. Ariivu, who was subsequently killed at Kikyusa Holding Camp.

DR. MAKUBUYA: Yes. And the *Gombolola* Chief?

SEKAJJA: The *Gombolola* Chief at that time was called Kalidh.

DR. MAKUBUYA: Yes. Did he assist?

SEKAJJA: Kalidh was a resident of Zirobwe where he had been born. He was brought within the Kikyusa Holding Camp.

DR. MAKUBUYA: Would you say that the system of Chiefs had completely broken down in the area?

SEKAJJA: The system had broken down and there was no protection which the local Chiefs could give to us, the subjects. So it was up to every individual to see how he would save his life.

DR. MAKUBUYA: Okay. I wonder whether you have ever been operated upon on all the injuries you sustained!

SEKAJJA: As a result of the injuries I sustained, I have been operated twice: once, in front, at my abdomen, and once at my back.

DR. MAKUBUYA: I see. When were these operations done and in what places?

SEKAJJA: I was operated upon on those two occasions at Wobusaana here at the Community Centre by members of the Red Cross when my lower abdomen had got swollen.

DR. MAKUBUYA: Twice at the same place?

SEKAJJA: I was operated upon here at the Community Centre by the Red Cross

people once and I took a second operation at Mulago Hospital. I was suffering from hernia.

DR. MAKUBUYA: And was it fixed?

SEKAJJA: I got cured.

DR. MAKUBUYA: Are you receiving medication currently?

SEKAJJA: I have no medication which I am receiving currently but I am in poor health. Sometimes my stomach swells and, when I am urinating, I feel some pain through the penis.

DR. MAKUBUYA: Now I want to go back to life in Wobusaana Camp where you spent some months. Do you remember whether there was a school for the children by the time you were there?

SEKAJJA: There was no school.

DR. MAKUBUYA: Do you remember whether any religious leaders visited you in this camp?

SEKAJJA: The religious leaders would frequently visit us.

DR. MAKUBUYA: Do you remember any of those who came?

SEKAJJA: The Archbishop of the Church of Uganda visited us and so did religious leaders from the Catholic Faith.

DR. MAKUBUYA: Do you remember whether the Cardinal ever came to you?

SEKAJJA: He did come.

DR. MAKUBUYA: Did they bring any supplies?

SEKAJJA: These religious leaders on their visits to this camp they would help us by bringing salt, soap, and old clothes.

DR. MAKUBUYA: Did you pay tax in 1983?

SEKAJJA: No I did not.

DR. MAKUBUYA: 1984?

SEKAJJA: I did not pay tax in 1984 because we all of us running up and down because of insecurity.

DR. MAKUBUYA: Did you witness any marriages while you were in Wobusaana Camp?

SEKAJJA: What I witnessed was that the soldiers, after picking women of their choice from among us, they would give away some other women to some other people who were in the camp to be taken as their wives.

DR. MAKUBUYA: Ugh, but is that the meaning of marriage, surely?

SEKAJJA: No it was not. This was done forcefully.

DR. MAKUBUYA: Now I asked you about Catholic and Protestant Church Leaders, what about Moslems leaders? Did you see any Moslem Religious Leaders in the camp.

SEKAJJA: I saw nobody from the Islamic Faith.

DR. MAKUBUYA: It seems as if you suffered all these problems because your brother Velerian Ssendangire was in the bush.

SEKAJJA: Yes, my Lord.

DR. MAKUBUYA: To your knowledge, what was the origin of banditry?

SEKAJJA: We also saw these banditry activities coming to our area reaching where we were.

DR. MAKUBUYA: Were you sympathetic with them.

SEKAJJA: I was sympathetic and I supported the bandits.

DR. MAKUBUYA: Why?

SEKAJJA: I supported and I sympathised with the bandits because one time their Commander called Bwenje told us that the bands (the group) was the right group and that they were fighting for the right cause, so we should support them.

DR. MAKUBUYA: Yes, but did you understand their objectives?

SEKAJJA: We had not known their objectives at that time but we would go where the majority was going.

DR. MAKUBUYA: Did you finally understand their objectives?

SEKAJJA: I eventually knew their objectives which was to put right what had gone wrong in the nation, and restore human rights.

DR. MAKUBUYA: You mentioned about these forced marriages in Kikyuusa and Wobusaana Camps. Right?

SEKAJJA: Yes.

DR. MAKUBUYA: When these men were giving those wives by force, did they accept them willingly?

SEKAJJA: The men accepted the women they had been given.

DR. MAKUBUYA: Do you know whether some of these marriages survived after the camp was disbanded?

SEKAJJA: Everybody, after the camp had been disbanded, everybody went back to his home or her own home.

DR. MAKUBUYA: Could you be penalised for refusing the wife?

SEKAJJA: The soldiers would penalise you for refusing the women they have given you.

DR. MAKUBUYA: And if the woman happens to refuse?

SEKAJJA: It was impossible for the women to refuse because this was military operation and then gun was at hand.

DR. MAKUBUYA: I see. Would you agree that Misaaki Kabenge was a very bad man?

SEKAJJA: I would agree with you.

DR. MAKUBUYA: Supposing we were to find this Misaaki Kabenge, what do you want us to do to him?

SEKAJJA: Misaaki Kabenge should be punished like he used to punish us. He should be given a punishment.

DR. MAKUBUYA: How will that help us?

SEKAJJA: I am saying so because, if somebody has committed an offence and he is convicted, he is always punished.

DR. MAKUBUYA: Which is the sin this Misaaki committed?

SEKAJJA: Misaaki Kabenge has a case which he has committed, that is he instructed people to be killed.

DR. MAKUBUYA: Thank you very much, Mr. Sulaiti Sekajja.

CHAIRMAN: Well, Mr. Sekajja, I would associate myself with sentiments already expressed by fellow Commissioners. I do not have to repeat them. What remains for me to say is to thank you for having given the evidence which you have done. You will be taken back in the same vehicle which brought you from your home. Thank you.

SEKAJJA: Thank you my Lord.

HAIRMAN: We are advised by Counsel that there is one more witness whom we should hear who was a dispenser, working in this camp; and subsequently he could go and show us this seminary - cemetery - to which this last witness referred. It seems the weather - it seems to be about to rain. I do not know whether we shall have time to hear this witness before we go to this.

COUNSEL: My Lord Chairman, I am also advised by a note here that there is very little fuel - very, very little - remaining in the generator. This note has just been written to me.

CHAIRMAN: I see.

COUNSEL: In the circumstances, maybe, we would adjourn.

CHAIRMAN: Right. Now -

COUNSEL: But I am told by the interpreter that the witness has something to say.

CHAIRMAN: Oh, I see. Sorry.

SEKAJJA: My Lord Chairman, the other assistance I had forgotten to put forward before this Commission, on top of what I have requested, is that I would kindly ask for a wheel-chair, if it is possible, so that I can also be able to be pushed by my daughter and join other people where they are. Otherwise, staying in one place has made my life more difficult.

CHAIRMAN: Good. Okay we shall add it onto the other list which you mentioned.

SEKAJJA: I am very grateful.

CHAIRMAN: Now, in the light of what the Counsel has said - namely that there is very little petrol left in the generator, we will not hear the next witness now but we shall go and visit this seminary - cemetery, I beg your pardon - hoping that this last witness shows us where it is. Well, the Inquiry, therefore, will adjourn now and we resume in Katikamu County Headquarters on Wednesday the 27th of April, 1988, at 9.30 a.m. Thank you.

CHAIRMAN: Fellow Commissioners, Learned Counsels, Ladies and Gentlemen. We are commencing the session of today the 27th of April, 1988, at Katikamu, Wobulenzi. We are starting rather late; the main reason for this was that there was some lack of co-ordination in the movement of Commissioners from Kampala to here. Transport was available; there was no set time as to where to find some of the Commissioners. Now we are ready to commence this business.

COUNSEL: My Lord Chairman, Lady and Gentlemen Commissioners, we still continue to hear evidence regarding the camps - civilian camps - in Kikyusa. Now the next witness who is No. 250

WITNESS NO.250: MRS JANE ZINDA - SWORN IN

COUNSEL: You are Mrs. Jane Zinda?

ZINDA: Yes.

COUNSEL: Aged 30 years?

ZINDA: Yes.

COUNSEL: You are also married to Baptista Zinda?

ZINDA: Yes.

COUNSEL: You are a cultivator?

ZINDA: Yes.

COUNSEL: A Ugandan and a resident of Gaba village?

ZINDA: Yes.

COUNSEL: This is in Kiziba village, Kikyusa in Luwero district. Is that correct?

ZINDA: Yes, it is correct.

COUNSEL: When did you start residing in Kikyusa?

ZINDA: In 1978.

COUNSEL: And where had you come from?

ZINDA: From Entebbe.

COUNSEL: I see. In 1983 were you still in Kikyusa?

ZINDA: Yes.

COUNSEL: Now the Commission has received evidence to the effect that soldiers came and made a detach in Kikyusa. Did you see this?

ZINDA: It is correct.

COUNSEL: And were you present in Kikyusa at that time?

ZINDA: Yes.

COUNSEL: Do you remember the date they came?

ZINDA: It was Tuesday.

COUNSEL: Which date; was it 10th of May, 1983?

ZINDA: Yes.

COUNSEL: Did you see them?

ZINDA; Yes, I saw them.

COUNSEL: Where? How did you come to see them?

ZINDA: They found us at home.

COUNSEL: How many of them?

ZINDA: They were many but I could not get their number.

COUNSEL: Were they in uniform?

ZINDA: Yes.

COUNSEL: So when they came to your home, what did they say and what did they do?

ZINDA; We were so many at home and when we saw the soldiers other people tried to run away, but myself I was shot.

COUNSEL: Yes; explain how you came to be shot.

ZINDA: I was trying to lift my baby because other people had ran away and as I was lifting the baby, I was hit by a bullet and I fell down.

COUNSEL: Which date was this when they came to your home?

ZINDA: It was 12th.

COUNSEL: Of which month?

ZINDA: May; and it was Wednesday.

COUNSEL: So when you were at home, did you see these soldiers physically because you say that you just got a bullet hitting you; did you see them physically shoot at you?

ZINDA: I saw them shooting.

COUNSEL: And before they shot, did they talk anything?

ZINDA: They ordered the people not to run away; but people refused and soldiers started shooting.

COUNSEL: I see. And you said that you saw a bullet touch, where did it touch you?

ZINDA: It entered my body through the hand, it hit the shoulders and eventually it knocked my cheek.

COUNSEL: I see a healed scar on your cheek; was that as a result of the shooting?

ZINDA: Yes.

COUNSEL: Could you please show the Commissioners these scars left behind by the bullet wounds?

ZINDA: Here, then came out through this scar and eventually it hit the cheek.

COUNSEL: I see. Now after shooting at you what followed; what did those soldiers do next?

ZINDA: They arrested a certain woman, gave her my children and then they left me thinking that I had been killed.

COUNSEL: What was the name of this woman?

ZINDA: She was called Nalongo.

COUNSEL: I see. And you said, they gave her your children; how many children did you have?

ZINDA: At that particular moment I had two.

COUNSEL: And how old was the youngest?

ZINDA: One year.

COUNSEL: Was it breast feeding?

ZINDA: No, I had just removed her before.

COUNSEL: So what followed?

ZINDA: One soldier told the other that this woman is not dead; and another came and kicked me.

COUNSEL: What language were they talking?

ZINDA: Swahili and Luganda.

COUNSEL: So what followed when they kicked you?

ZINDA: Another one came and tried to look for money in my clothes, but failure to find any, they took our chickens, goats and then left.

COUNSEL: You were able to see them doing this despite the injuries you had got?

ZINDA: I saw them and I was hearing, but I kept quiet.

COUNSEL: Now among the soldiers who came to your home, did you recognise anybody?

ZINDA: I didn't because I didn't know any of them.

COUNSEL: Did they come with anybody whom you might have recognised?

ZINDA: No.

COUNSEL: Was there no civilian in their group?

ZINDA: They were there but they were not known to me.

COUNSEL: So after that what happened?

ZINDA: I remained there and they left; but after some time I went back to the forest where we were staying in our hut. Those who were arrested were brought to Kikyusa.

COUNSEL: And you yourself were you arrested?

ZINDA: No. But on reaching Kikyusa, the people who were arrested were told to go back to the villages to tell those people, to us who had remained behind to go with them to Kikyusa.

COUNSEL: Did you go there?

ZINDA: My husband went.

COUNSEL: Yes; and you?

ZINDA: He reported that `my wife had been hit by a bullet and I had no means of bringing her here' at Kikyusa.

COUNSEL: Yes!

ZINDA: They promised him a vehicle to collect me. And the vehicle did not come to collect me because on that day the bandits attacked the soldiers and they killed them.

COUNSEL: Were you eventually taken for treatment?

ZINDA: I eventually walked on foot slowly to Kikyusa and then afterwards to Zirobwe Hospital.

COUNSEL: And did you get treatment at Zirobwe?

ZINDA: No; I did not get treatment at Zirobwe, because my bones were disorganised by the bullet and they said that I should go to Mulago.

COUNSEL: Yes!

ZINDA: I stayed at Zirobwe for four days without treatment; and then afterwards I saw a gentleman called Eliya to whom I gave a message to my people at home to send me money.

COUNSEL: Yes!

ZINDA: They sent me the money; I went to the police station; and then afterwards I went to Mulago Hospital.

COUNSEL: And how long did you stay in Mulago?

ZINDA; Two months.

COUNSEL: And you got treatment there?

ZINDA: Yes.

COUNSEL: After Mulago, where did you go?

ZINDA: I went to Entebbe for some time and then afterwards I came back to Kikyusa to see what was happening to my children.

COUNSEL: Yes, when you came back where did you go to?

ZINDA: I remained in Kikyusa because soldiers were not allowing anybody to move from those areas.

COUNSEL: In Kikyusa, where exactly were you staying? We have heard that there was a concentration camp in Kikyusa; was it in the camp or were at your home?

ZINDA: I was in the camp.

COUNSEL: How long did you stay in this camp?

ZINDA: Two years.

COUNSEL: During your two years in this camp, did you come to know any of the soldiers who were looking after this camp?

ZINDA: There was Commander Feste.

COUNSEL: Did you know his tribe?

ZINDA: He was a Munyankole.

COUNSEL: Yes; any more?

ZINDA: And Kasajja.

COUNSEL: Any more? Is that all?

ZINDA: That is all.

COUNSEL: What rank was Feste if you know?

ZINDA: He was a Commander.

COUNSEL: Did he have any pips on?

ZINDA: Yes, he had.

COUNSEL: How many?

ZINDA: Possibly they were three but I have forgotten; but he was the Commander.

COUNSEL: I see. Now while in the camp, how many children did you have?

ZINDA: I had 6 children.

COUNSEL: And did any of those fall sick; we have received evidence that there was a lot of death in this camp because of sickness?

ZINDA: They used to suffer every time.

COUNSEL: I see. And were all your children survived this two years in that terrible camp?

ZINDA: There was one who died.

COUNSEL: How old was he?

ZINDA: He was a young baby of a month.

COUNSEL: What killed it to your knowledge?

ZINDA: There were so many diseases by then and due to lack of treatment, that was the case of death.

COUNSEL: I see. Were there any chiefs in this camp while you were there?

ZINDA: There were some chiefs.

COUNSEL: Do you remember the names of any?

ZINDA: There was Kalidh who was the gombolola chief.

COUNSEL: Kalidh who?

ZINDA: I do not know the other name.

COUNSEL: And who else?

ZINDA: There was one called Jamada; and that was the Councillor.

COUNSEL: Do you know the other name?

ZINDA: I do not know the other name.

COUNSEL: We have also received evidence that the District Commissioner visited this camp; did you see him?

ZINDA: The District Commissioner visited the camp and I physically saw him; even he released some people.

COUNSEL: I see. What was his name?

ZINDA: I did not know.

COUNSEL: And when he came and released people, were you released at that time?

ZINDA: People were released; but those who were in the surrounding areas were not allowed to go home from the camp.

COUNSEL: So how were you eventually able to leave the camp?

ZINDA: Eventually we left the camp; we used to go and cultivate in our homes; and after the departure of the soldiers then we went away from the camp.

COUNSEL: I see. Now have your wounds healed properly or do you still have problems?

ZINDA: Only the scapula which was affected; I cannot lift a heavy thing.

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

CHAIRMAN: Are there questions from Commissioners for this witness?

DR. MAKUBUYA: Mrs. Zinda, I congratulate you upon your survival. You said that by the time the soldiers came you were staying in the forest; and that when you were hit you went back to your hut in the forest. Why were you staying in the forest?

ZINDA: At the beginning soldiers used to come and loot people's properties and on their leaving, shoot you.

DR. MAKUBUYA: I see. Now you also said that after you had been shot, your husband went to Kikyusa and they promised him a car to collect you and take you for assistance, but that the car never came because the bandits attacked the soldiers. Who were the bandits?

ZINDA: Those who were in the bush.

DR. MAKUBUYA: Yes; who are they? Were they many in the area?

ZINDA: They were many in the area.

DR. MAKUBUYA: Had you seen them?

ZINDA: I had ever seen them.

DR. MAKUBUYA: Yes; where were they when the soldiers came?

ZINDA: They were in the bush.

DR. MAKUBUYA: Did you have a deal with the bandits?

ZINDA: I had no dealings with them.

DR. MAKUBUYA: But had they ever talked to you?

ZINDA: I could not.

DR. MAKUBUYA: Did they ever advise you what to do when soldiers came?

ZINDA: They never advised me.

DR. MAKUBUYA: Did you know why they were in the area?

ZINDA: I did not know.

DR. MAKUBUYA: Okay. Now after your treatment in Mulago, you have come back to Kikyusa; why do you stay in Kikyusa camp? Why don't you go back to Gaba?

ZINDA: By then Gaba was not allowed to anybody to stay there.

DR. MAKUBUYA: How were you treated when you were in the camp for two years?

ZINDA: The soldiers could take us and get food; and even the Red Cross members used to supply us with flour.

DR. MAKUBUYA: Yes! I am sure - of course, I am the first to ask you questions and I am sure my colleagues will ask you other questions; but do you have anything to say to us?

ZINDA: I do not have any.

DR. MAKUBUYA: Thanks.

KAKWENZIRE: When you went to Mulago, you left your children with Nalongo; did you find Nalongo and children in the camp at Kikyusa when you returned?

ZINDA: Nalongo only stayed with the children for just only a day; but when my husband came, he remained with the children.

KAKWENZIRE: So did you find your husband and children in the camp?

ZINDA: They were still in the camp.

KAKWENZIRE: I see. So in this camp were you able to live as a family with your own cooking arrangement or you had some kind of common feeding pool?

ZINDA: We used to cater for ourselves.

KAKWENZIRE: You constructed your own huts?

ZINDA: We used to stay in some huts - grass thatched huts.

KAKWENZIRE: Was that camp being supervised by soldiers?

ZINDA: Yes, it was supervised by soldiers.

KAKWENZIRE: How did they treat you?

ZINDA: Well, there, especially at night soldiers could come after women; they could beat you and do so many evils.

KAKWENZIRE: So they could also take you?

ZINDA: Yes; they could take me.

KAKWENZIRE: Did they occasionally kill people?

ZINDA: They could arrest some people in the bush and kill them.

KAKWENZIRE: You mean the bandits or the camp-in-mates who would have gone to look for food?

ZINDA: They could go there and make an exercise of operation; they could meet people and then treat them as bandits; then kill them. They could plan to them that they are bandits.

KAKWENZIRE: There is something I have not understood. Would all the residents of say, Gaba, leave - had they all left and were living in camps; or some people remained there?

ZINDA: Some had left Gaba and some had remained there.

KAKWENZIRE: So those who remained there were the people who would be caught as bandits?

ZINDA: Correct.

KAKWENZIRE: Well, if there had been a proclamation that everybody should leave the villages, why would they have remained behind? Well, she did say - I think she told us that they told them to come out. Were you ever told officially that you should leave the villages?

ZINDA: We were officially told to leave the places and stay in the camp.

KAKWENZIRE: Who told them?

ZINDA: Those had been arrested could go back and then alert their friends to

leave the places.

KAKWENZIRE: Would they say, they have been sent by somebody to come and tell them? Or they would just advise them as friends?

ZINDA: They could only advise their friends that 'you leave the places'.

KAKWENZIRE: I see.

CHAIRMAN: I do not have many questions for you. How many children do you have now?

ZINDA: I have got 10 children.

CHAIRMAN: Are you still living with your husband?

ZINDA: Yes, I am still staying with my husband.

CHAIRMAN: I see. You are back in Gaba village?

ZINDA: Yes, I went to Gaba.

CHAIRMAN: How is it that you came from Entebbe in 1978 to live in this area Gaba?

ZINDA: I with my husband went to my brother-in-law who was staying in Gaba; and then he assisted us to get a *kibanja* there.

CHAIRMAN: Before that you were staying with your husband at Entebbe?

ZINDA: Yes, I was staying with my husband in Entebbe.

CHAIRMAN: I see. Did you do any work? Or you were just a cultivator?

ZINDA: We were just mere cultivators.

CHAIRMAN: I see. Okay thank you. Well, thank you for the evidence which you have given us. I am sorry that you have to come and be reminded about what happened to you. But it is a necessary thing in the exercise we are doing. Okay, you may go now so that another witness comes and tells also what happened to him or her.

COUNSEL: The next witness is Lawrence Bwerere.

WITNESS NO.251: MR LAWRENCE BWERERE - SWORN IN

COUNSEL: You are Lawrence Bwerere?

BWERERE: Yes, I am Lawrence Bwerere.

COUNSEL: Aged 25 years?

BWERERE: Yes.

COUNSEL: Unemployed?

BWERERE: Yes.

COUNSEL: Tanzanian by tribe?

BWERERE: Yes.

COUNSEL: You reside in Ssenyoma village?

BWERERE: Yes.

COUNSEL: This is in Kikyusa parish, Wobusana County, in Luwero District?

BWERERE: Yes.

COUNSEL: Where were you born?

BWERERE: I was born in Tanzania.

COUNSEL: And when did you come to Uganda?

BWERERE: I came during 1952.

COUNSEL: In 1982, where were you residing?

BWERERE: I was staying in Ssenyoma village.

COUNSEL: This is in which county?

BWERERE: It is in Wobusana county.

COUNSEL: Is this near Kikyusa?

BWERERE: It is near Kikyusa.

COUNSEL: The Commission has received evidence to the effect that many people were taken to a camp at Kikyusa; did this happen to you?

BWERERE: I was also there in the camp.

COUNSEL: How long did you stay in this camp?

BWERERE: I was taken there on 15th May, 1983.

COUNSEL: And when did you come out?

BWERERE: I left the camp after the District Commissioner had released us.

COUNSEL: When was this? Do you remember?

BWERERE: Early 1984 but I do not know the date.

COUNSEL: Now while in this camp did you meet any problems?

BWERERE: Yes, I had some problems.

COUNSEL: What were the problems?

BWERERE: Men attacked us at night and then started cutting us, I did not know who they were.

COUNSEL: May be let us get the story of how you were attacked. Now while in this camp were you guarded by soldiers?

BWERERE: Yes, we had some soldiers who were guarding us in the camp.

COUNSEL: And when you say that men attacked you on the 27th, were these soldiers not present who were guarding you?

BWERERE: The soldiers were not there by then. We were told, they had gone away.

COUNSEL: Where had they gone?

BWERERE: We were told that they had gone away from the camp; but when it was in the early morning, then the men attacked us and started cutting us.

COUNSEL: Who told you that these soldiers had gone away?

BWERERE: They were the soldiers themselves who told us that they had gone away. But in the early morning of the next day, then the men attacked us.

DR. MAKUBUYA: But did they actually go away?

BWERERE: Yes, they had gone away.

COUNSEL: I see. So let us get the story correct. On the 26th - because you say you were attacked 27th. So on the 26th of May, 1983, the soldiers told you that they were going away. They said, they were going where?

BWERERE: We only sighted them driving away heads of cattle.

COUNSEL: And you did not see them on the 26th?

BWERERE: We did not see them on the 26th.

COUNSEL: So on the 27th you were attacked?

BWERERE: Yes, we were attacked.

COUNSEL: What time was it?

BWERERE: It was around 5.00 a.m.

COUNSEL: I see. And when you were attacked, I am sure by 5.00 a.m. you were still sleeping?

BWERERE: Yes, I was still sleeping.

COUNSEL: In your hut I suppose?

BWERERE: I was sleeping in my hut.

COUNSEL: When they came to your hut, what happened to you?

BWERERE: I was cut on the head; when he cut me I fell down and they struggled to pull out the panga.

COUNSEL: Was he talking to you?

BWERERE: They were not talking anything.

COUNSEL: How many were they?

BWERERE: I cannot tell exactly their number because they attacked the whole camp.

COUNSEL: I see. And when were you within the hut when they attacked you?

BWERERE: I was with my old mother.

COUNSEL: Was she also hurt?

BWERERE: She was not hurt at all. She never sustained injuries.

COUNSEL: So eventually after cutting you, what followed when it became day time?

BWERERE: Eventually we saw a motor vehicle coming and on it there were some soldiers and they took us to the hospital.

COUNSEL: May be before the soldiers came - when you woke up in the morning did you find out that even your neighbours had also been attacked?

BWERERE: Yes, I found out that even my colleagues had also been cut.

COUNSEL: I see. And there was no gun fire - you did not hear any gun fire?

BWERERE: I heard some gun fire; but many of them were having pangas.

COUNSEL: I see. and did some people die as a result of this attack?

BWERERE: Yes, they were.

COUNSEL: About how many people who died?

BWERERE: I did not actually know the number because I was even taken to Mulago.

COUNSEL: Now when next morning when you woke up you found your friends had also been attacked and you mentioned that soldiers came and took you to hospital. What time did the soldiers come?

BWERERE: They came at 8.00 a.m.

COUNSEL: And were they the same soldiers who had left the camp the day before you were attacked?

BWERERE: I could not differentiate them.

COUNSEL: So you could not recognise anybody who was there?

BWERERE: I could not recognise.

COUNSEL: I see. Now what followed when they came?

BWERERE: All those who were injured were gathered and loaded on the lorry and taken to Mulago.

COUNSEL: And how long did you stay in Mulago?

BWERERE: I stayed in Mulago for two weeks.

COUNSEL: And you became okay after two weeks?

BWERERE: Yes, I became okay.

COUNSEL: And where did you go after Mulago?

BWERERE: After my discharge from Mulago, I stayed in Bamunanika for some days then I went back to the camp and I found when the District Commissioner was just releasing some people.

COUNSEL: I see. Now when you reached this camp, did you see any soldiers there?

BWERERE: They were there.

COUNSEL: And were they the same soldiers who had left your camp to your knowledge, if you could identify?

BWERERE: With me I cannot differentiate them.

COUNSEL: I see. That is all my Lord from this witness. Maybe one more question.

CHAIRMAN: Okay.

COUNSEL: Mr. Bwerere, I see one of your eyes is not working and you are deformed.

What happened?

BWERERE: This happened before the incident.

COUNSEL: I see. And what about your legs?

BWERERE: I became lame after the incident due to the beatings.

COUNSEL: You mean you were normal before you were beaten?

BWERERE: Yes, I was normal before the incident.

COUNSEL: And this beating occurred at night when you were attacked?

BWERERE: Yes.

COUNSEL: And eventually you became lame as a result of that beatings?

BWERERE: Yes.

CHAIRMAN: If I may correct Counsel, he is actually not lame, he is crippled; he is a cripple because he cannot walk.

BWERERE: Yes, I am crippled.

COUNSEL: Now how come that you only stayed in Mulago for two weeks; did they really treat you until you were okay before you left?

BWERERE: They even wanted to cut part of my leg but it was impossible because it was within the waist.

COUNSEL: I see.

DR. MAKUBUYA: They wanted to amputate it?

BWERERE: Yes, they wanted to cut it off but it was impossible.

COUNSEL: Did you say, you were camped at Kikyusa because of the insecurity in the area?

BWERERE: Yes, it was due to the insecurity.

COUNSEL: Then did the authority promise you protection while at the camp?

BWERERE: Yes, they had assured us of protection.

COUNSEL: Now when you say, on the 26th the soldiers went away; did they leave you any protection?

BWERERE: There was nobody left for protection.

COUNSEL: At what time of the day did they leave the camp?

BWERERE: They left the place at around 11.00 a.m. driving off heads of cattle.

COUNSEL: I see. Before that, had you been attacked when the soldiers were keeping the camp?

BWERERE: We were never attacked.

COUNSEL: Those people who attacked you, were they talking any language, were they cursing you, what did they say?

BWERERE: They were only talking '*songa mbele*' in Kiswahili.

COUNSEL: Did you have any property for these people to loot when they attacked you?

BWERERE: Yes, we had some property.

COUNSEL: Was it taken?

BWERERE: Yes, they were taken.

COUNSEL: You said that soldiers took heads of cattle; where did they get those heads of cattle? Did they come with them?

BWERERE: Those which they used to loot.

COUNSEL: Now after this attack was there any investigations made or was there any explanation given for this attack?

BWERERE: There was no investigation at all.

COUNSEL: To your knowledge, do you know whether any person you know lost his life during this attack?

BWERERE: I can know him but he was not my relative. (Laughter).

COUNSEL: Does this mean that some people died during the attack apart from being injured?

BWERERE: There were so many who died besides getting the injuries.

COUNSEL: About how many?

BWERERE: I cannot tell even the number. I went when I was badly off.

COUNSEL: You said, you were taken on - a motor vehicle collected some people and took them to Mulago; were many people taken?

BWERERE: They were so many.

COUNSEL: Now after this attack, did the soldiers come back, you said?

BWERERE: Yes, they came.

COUNSEL: After this incident how long did the camp continue in existence?

BWERERE: It lasted there for a quite long time. Even it lasted there when we had already been released.

COUNSEL: Now how were you getting requirements, say, food, medicine and so forth in this camp?

BWERERE: The Red Cross members used to visit our camp on every Wednesday of the week; and they could get us some medicine; and they could supply us with maize flour and some beans.

COUNSEL: Are you suggesting that after you had returned from Mulago you only depended on the supplies by the Red Cross?

BWERERE: Yes, we used to get supplies from the Red Cross members; they could bring us maize flour and some beans.

COUNSEL: How about the soldiers who were keeping you, were they also giving you something?

BWERERE: They could not supply us anything. Only their vehicle could bring them some food.

COUNSEL: I see. That is all my Lord.

CHAIRMAN: I am still more interested in how you got injuries which crippled you. Which part of your body was beaten or assaulted and with what?

BWERERE: I was hit by an iron bar.

CHAIRMAN: Where?

BWERERE: On the pelvic girdle.

CHAIRMAN: On the right hand side?

BWERERE: Yes, on the right hand side.

CHAIRMAN: How was the other leg affected - the left side?

BWERERE: That is a bit normal; but it is also -

CHAIRMAN: So you could not stand on one leg?

BWERERE: I cannot stand on one leg.

CHAIRMAN: From these injuries or later on?

BWERERE: Due to the injuries I sustained.

CHAIRMAN: Was he the same man who hit and who also cut you?

BWERERE: Yes, that was the very man.

CHAIRMAN: Which part of your head was cut?

BWERERE: Here.

DR. MAKUBUYA: Is the scar there?

BWERERE: Yes, it is there.

CHAIRMAN: Well, we would like to see it. Now was it - were you in your hut when you were cut - when they attacked you?

BWERERE: By the time we were attacked I was in my hut.

CHAIRMAN: Where was your mother?

BWERERE: My mother was also there at that material time she managed to run away.

CHAIRMAN: You were taken unawares - by surprise?

BWERERE: Yes, it came by surprise. After realising that the *Mzee* had run away, automatically they popped in my hut.

CHAIRMAN: Did you ever come to know later who these people were?

BWERERE: No, I did not know.

CHAIRMAN: You did not hear anything?

BWERERE: No, I did not hear anything.

CHAIRMAN: It must be surprising. How many days after the attack were you taken to the hospital?

BWERERE: After one day had passed then we were taken to Mulago.

CHAIRMAN: Were they wearing uniform or they were in civilian clothes?

BWERERE: I only managed to sight - he was wearing civilian clothes.

DR. MAKUBUYA: What about the man who came to your hut?

BWERERE: He was the one who was in civilian cloth.

CHAIRMAN: What about the others? Do you know what others were in?

BWERERE: I did not know whether they were in civilian cloth or in uniform?

CHAIRMAN: Didn't the other injured people relate the same experience to you?

BWERERE: They did not also reveal to me anything.

CHAIRMAN: Okay. Any more questions?

KAKWENZIRE: Was every hut entered or there were a few huts entered?

BWERERE: Every hut was entered.

KAKWENZIRE: Were they cutting men only or were they cutting everybody?

BWERERE: Whomever they could come across; they could eliminate some.

KAKWENZIRE: Now while in this camp when you were being guarded by government soldiers, did they at any time ask you to assist them to look for guerillas?

BWERERE: Of course some used to do it.

KAKWENZIRE: And did these people in the camp assist?

BWERERE: No; they could not; even some used to escape from them.

CHAIRMAN: From who?

BWERERE: From the soldiers.

KAKWENZIRE: Were you at any time asked personally to assist?

BWERERE: I did not attempt to do so; even inmates can support me that I did not assist them in looking for bandits. Those who used to assist them were the youth wingers who used to go along with them in the operations.

KAKWENZIRE: Did these youth wingers who assisted soldiers to look for bandits live in camps?

BWERERE: They where also staying in the camp.

KAKWENZIRE: Do you know any of those people who would have been called upon to assist looking for bandits?

BWERERE: I remember some and they have just been released.

KAKWENZIRE: Who are they and released from where?

BWERERE: From Luzira prison.

KAKWENZIRE: Who are they?

BWERERE: One is Sulaimani Sempa and Bosco and they were handed some letters to introduce themselves.

KAKWENZIRE: You mean recently?

BWERERE: This has just been recent; it is even less than a month.

KAKWENZIRE: And at that time those people were living with you in the camp?

BWERERE: Of course they are the very ones who were staying with us in the camp. They were arrested during 1985; they have just been released.

KAKWENZIRE: Now after two weeks in Mulago, you definitely were not well, how did you fare when you were released? Where did you go from Mulago?

BWERERE: Right from Mulago I went to Bamunanika. But after realising that the District Commissioner had released some people from the camp, I also went back to Ssenyomo.

KAKWENZIRE: So you were in some kind of plaster? I take it that your bones had been crushed; were you not in plaster cast?

BWERERE: No; I had no plaster by then. They had decided to cut off the leg but again the pain was on the hip, they could not.

KAKWENZIRE: If you had been hit by an iron bar, I take it, you bone would have got a fracture. And after two weeks, you would not be in position to move if you don't have a plaster. Who assisted you for instance - who carried you from Mulago with a fractured thigh without a plaster?

BWERERE: The Red Cross members brought a vehicle and dropped me at Bamunanika because I have got a brother there.

KAKWENZIRE: I find it very difficult. Were you not in a very great pain with a fractured thigh?

BWERERE: I was in a great pain.

DR. MAKUBUYA: Mr. Bwerere I thank the Almighty that you are still alive; at least He saved you for some reasons to be able to tell this story. You told us that you are 25 years; and that you came to Uganda in 1952 from Tanzania -

BWERERE: I was mistaken; it was that my father who came in Uganda in 1952.

DR. MAKUBUYA: I see. I am not yet sure how you happen to go to this camp in Kikyusa in the first place. How did you get into the camp in the first place?

BWERERE: We were just arrested from the bush.

DR. MAKUBUYA: Why had you gone into the bush?

BWERERE: We were afraid of some problems.

DR. MAKUBUYA: What?

BWERERE: Problems of death.

DR. MAKUBUYA: Where was death going to come from?

BWERERE: Before the camp the soldiers used to come in our areas, then they could go on looting some heads of cattle.

DR. MAKUBUYA: Yes! And after looting -

BWERERE: In their exercise, if they could come across you, then they could kill you.

DR. MAKUBUYA: I see. Was there always a detach in this area?

BWERERE: By then the detach was at Kasiso.

DR. MAKUBUYA: And how far was Kasiso from Kikyusa?

BWERERE: They are only four miles.

DR. MAKUBUYA: But there was a short cut?

BWERERE: Yes, there was short cut.

DR. MAKUBUYA: I see. Now we come to the 26th of May, 1983, which is a very interesting date. Were the soldiers in the habit of telling you that they were going away or was this the first time they ever told you that they were going away?

BWERERE: That was the first time for them to tell us that they were going away.

DR. MAKUBUYA: When did you learn yourself that they had said this? Did they tell you personally or did they tell your neighbours or? Who gave you this information?

BWERERE: They could first ring the bell and gather us and then they could address us.

DR. MAKUBUYA: On the 26th of May, 1983, did they ring this bell and gather you and address you?

BWERERE: Yes, they did so.

DR. MAKUBUYA: Were you surprised by this announcement that they were going away? I am talking about the time this announcement was made, were you surprised?

BWERERE: I was only surprised after sustaining injuries.

DR. MAKUBUYA: Why then did it not surprise you?

BWERERE: I thought it was a joke.

DR. MAKUBUYA: I see, after these injuries it became a serious matter?

BWERERE: Yes it is when I realised.

DR. MAKUBUYA: You see, it is difficult for me to believe that the attackers said nothing. For how long did the attack go on for example? Yes, they came about 5.30 a.m. and stayed up to about 8.00 a.m.

BWERERE: Yes.

DR. MAKUBUYA: And all this time you didn't hear them say anything?

BWERERE: They were saying nothing.

DR. MAKUBUYA: They were quiet completely?

BWERERE: They only said in Kiswahili that '*songa mbele*'.

DR. MAKUBUYA: *Songa mbele*, what did you understand this *songa mbele* to mean?

BWERERE: I only heard, I did not know the meaning of *songa mbele*.

DR. MAKUBUYA: I don't know, did the lorry that took you to Mulago, did it come after the attackers had left? Or were they still around?

BWERERE: It came after they had already departed.

DR. MAKUBUYA: You say, this was an army vehicle which came.

BWERERE: Yes.

DR. MAKUBUYA: Did it carry the soldiers?

BWERERE: Even the soldiers were carried.

DR. MAKUBUYA: Did the soldiers talk to you the victims?

BWERERE: They did not.

DR. MAKUBUYA: They were completely quiet as they put you on the lorry?

BWERERE: They did not talk to any because none of us was conscious.

DR. MAKUBUYA: I see, you were unconscious at the time?

BWERERE: I was unconscious.

DR. MAKUBUYA: How did you know, you were put on the lorry?

BWERERE: After becoming conscious, I was by then in Mulago.

DR. MAKUBUYA: You said after Mulago, you stayed in Bamunanika and then heard that the D.C. had released people, who was this D.C.?

BWERERE: He was Nathan Karema.

DR. MAKUBUYA: Had you ever seen him before?

BWERERE: I had never seen him before.

DR. MAKUBUYA: I am wondering is your mother still there?

BWERERE: Maama is still alive.

DR. MAKUBUYA: Are you receiving any treatment now?

BWERERE: Yes, I am still receiving some treatment.

DR. MAKUBUYA: From where?

BWERERE: I am treated at Senyomo.

DR. MAKUBUYA: Who treats you?

BWERERE: I am not medically treated because I don't have any means of transport.

DR. MAKUBUYA: But you feel you need some treatment?

BWERERE: I feel, I need some assistance.

DR. MAKUBUYA: In your present state, how did you manage? You are unemployed how do you manage?

BWERERE: I have got my step daughter, whose father died, she is the one who is looking after me.

DR. MAKUBUYA: I want to repeat that we thank the almighty you are still alive, do you have anything to say to us?

BWERERE: What I request, I would need some assistance in to get a wheel-chair.

DR. MAKUBUYA: I understand that request. Thank you very much.

CHAIRMAN: There was one point which should have been clarified earlier, you have referred several times to soldiers having taken away cattle from your area, were you yourself or your father a cattle owner?

BWERERE: My father had no heads of cattle beside the fact that it was only my brother who was possessing some, but he died, it was a natural death.

CHAIRMAN: He died before you were put in the camp?

BWERERE: He died before being in the camp, during 1980.

CHAIRMAN: Well, thank you very much. About your request for a wheel chair, the Commission as such does not have any funds with which to buy the wheel-chair for you. We can only make a recommendation to the Government and may be forward your request to some other bodies who might assist but we are not promising you. Do not go with a hope that we promise you a wheel chair that you will get it. Okay, thank you.

WITNESS NO.252: ALICE NAMAKULA - SWORN IN

COUNSEL: You are Alice Namakula?

NAMAKULA: I am Alice Namakula.

COUNSEL: Aged?

NAMAKULA: I am aged 19 years.

COUNSEL: Unemployed. Residing at Senyomo village?

NAMAKULA: I stay in Senyomo village.

COUNSEL: This is Kikyusa, Wassana?

NAMAKULA: Yes, Sir.

COUNSEL: Luwero District?

NAMAKULA: Yes Sir.

COUNSEL: Namakula, the Commission has received evidence that in the time of 1982 up to 1983 and some time further, there was a lot of insecurity in your area? Is this true?

NAMAKULA: It is true, there was insecurity by then.

COUNSEL: That there was also a camp established at Kikyusa?

NAMAKULA: Correct.

COUNSEL: Did you go to this camp yourself?

NAMAKULA: I went there.

COUNSEL: Who asked you to go there?

NAMAKULA: The soldiers of the defunct Government were the one who told us to go in that camp.

COUNSEL: What did they tell you when you were going there, that why were they

taking you there?

NAMAKULA: Actually we didn't know the motive of taking us there.

COUNSEL: But did you come to know the reason?

NAMAKULA: The soldiers could come in the villages, could kill people and mistreat them.

COUNSEL: They could do this in the villages. Now why did they decide to collect people and take them to the camp?

NAMAKULA: They took us in the camp, in order to protect us from death.

COUNSEL: I see, now, when exactly were you taken to this camp?

NAMAKULA: I was actually taken in the camp on 14th day of May 1983.

COUNSEL: With whom were you taken?

NAMAKULA: I was taken to the camp with my father together with my mother.

COUNSEL: What is the name of your father?

NAMAKULA: He was called Charles Ssemakula.

COUNSEL: And the mother?

NAMAKULA: She was called Milliam Nakakande.

COUNSEL: Now, when you reached in this camp, which you say that you were taken because they did not want you to die so much outside. I suppose you are being guarded, is that true?

NAMAKULA: We were guarded by the Government soldiers by then.

COUNSEL: Were they staying around the camp or they were staying amongst you people?

NAMAKULA: They were staying among, with us.

COUNSEL: Now in the camp, where were you staying? Some people have mentioned that, they were staying in the huts they built by themselves, were you also staying in the camp you had built for yourself and your parents?

NAMAKULA: We were staying in the house of one called Mukyusa.

COUNSEL: Who was Mukyusa?

NAMAKULA: Mukyusa is called Mbogo the son of Mukyusa.

COUNSEL: And he had a house in the camp?

NAMAKULA: It was his own home.

COUNSEL: Now the Commissioners have received evidence that - on the 26th of May, 1983, the soldiers who were with you in this camp left the camp, did you notice this?

NAMAKULA: I actually, saw them.

COUNSEL: Did they tell you when they were going? Why they were going?

NAMAKULA: We only heard rumours that they had been transferred they had been taken to Bushenyi.

COUNSEL: I see, so they left on 26th, did any of them remain behind?

NAMAKULA: No one remained behind.

COUNSEL: Now, did they live anybody to look after you, to guard you from dying when they left on 26th?

NAMAKULA: They never left anybody, they only left us.

COUNSEL: Now, what followed, when these people left?

NAMAKULA: On 27th, some people attacked us and cut us.

COUNSEL: At what time?

NAMAKULA: They first attacked us at around 7.00 p.m. then people raised alarms, then those people ran away.

COUNSEL: Did you see these people who attacked you that time?

CHAIRMAN: 7 p.m.?

COUNSEL: Yes 7 p.m.

NAMAKULA: Physically I did not manage to see them, but on the side they attacked were the people who told us that they had attacked them and raised alarms.

COUNSEL: Now you say, they went away and came back again to attack, what time did they come back again to attack?

NAMAKULA: They came back at around 6.00 a.m.

COUNSEL: And when they came back at 6.00 a.m. where were you exactly?

NAMAKULA: We were in the house where we were staying.

COUNSEL: And did they attack this house where you were staying?

NAMAKULA: Yes, they attacked the very house where we were staying.

COUNSEL: Did you see them?

NAMAKULA:. I physically saw them but I could not identify any of them because I did not know them.

COUNSEL: How were they dressed?

NAMAKULA: They were in civilian clothes.

COUNSEL: Were they armed and if so with what?

NAMAKULA: They were holding pangas, some sticks and spears.

COUNSEL: How did they manage to enter this house where you were staying, did they break it, did they ask you to open for them?

NAMAKULA: They could kick the doors and they get broken.

COUNSEL: When they entered did they talk amongst themselves or did they talk to you? Did you hear them talk?

NAMAKULA: They could not talk anything, soon after entering they could start cutting.

COUNSEL: And when they started cutting, did they injure you in any way?

NAMAKULA: Yes.

COUNSEL: What happened to you?

NAMAKULA: I was cut on the head.

COUNSEL: Where exactly, is there any scar?

NAMAKULA: I was cut just behind the neck and I have got some scars.

COUNSEL: Would you go and show the Commissioners please? Now, as a result of this attack, we have been told that many other huts about from your attack, did any people die to your knowledge?

NAMAKULA: So many died during the incident.

COUNSEL: Did you see any dead people?

NAMAKULA: By then, I was in great pain, I could not know exactly the number but actually I sighted the bodies.

COUNSEL: About how many bodies did you see, give us a rough figure.

NAMAKULA: From the place where actually I was cut, I managed to see five bodies.

COUNSEL: That was just around where you were staying?

NAMAKULA: Yes.

COUNSEL: Did you learn, maybe, through other sources about how many people died as a result of this attack?

NAMAKULA: I heard some rumours, that one hundred and ten who died on the spot.

COUNSEL: Did you get treatment, you have shown us cuts on your head, did you get treatment?

NAMAKULA: I got some treatment.

COUNSEL: Where were you treated from?

NAMAKULA: I was treated in Mulago.

COUNSEL: Do you have any medical forms with you?

NAMAKULA: I had some documents for my treatment but they got misplaced.

COUNSEL: I see, that is all my Lord, from this witness.

CHAIRMAN: We shall also ask you a few questions. The house in which you were staying, how many people who were injured?

NAMAKULA: Four were injured.

CHAIRMAN: Was the owner of the house, the main owner of the house one of them?

NAMAKULA: He was inclusive, he was one of those who sustained injuries.

CHAIRMAN: He survived?

NAMAKULA: He survived.

CHAIRMAN: Do you know why they were attacked?

NAMAKULA: I didn't know.

CHAIRMAN: What of your parents? Were they also injured?

NAMAKULA: They are also inclusive.

CHAIRMAN: Did they survive?

NAMAKULA: They survived.

CHAIRMAN: How did you come to stay in the home of this Mukyusa, is he a relative or how did you come to stay in his house? While others staying in huts?

NAMAKULA: He was our grandson.

CHAIRMAN: I see. How many of you were staying in his home?

NAMAKULA: There were even some others who were staying, there but had no relationship with him.

CHAIRMAN: Did you have any problem with the soldiers?

NAMAKULA: At times they could come in the area and then beat some people then they could go away.

CHAIRMAN: How far was the home from the camp? Kikyusa camp? Kikyusa camp, the home of Mukyusa where you were staying?

NAMAKULA: Just on the same premises - just around.

CHAIRMAN: I see, you personally you did not have any problems with the soldiers?

NAMAKULA: I did not have any problems with the soldiers.

CHAIRMAN: After your treatment at Mulago, what happened?

NAMAKULA: After my treatment in Mulago nothing happened to me, besides that I only never came back I stayed in Kampala for two years.

CHAIRMAN: With the relatives?

NAMAKULA: My parents after their discharge from Mulago they came back in the camp.

CHAIRMAN: But you, you stayed in Kampala, with whom did you stay?

NAMAKULA: There was my aunt.

CHAIRMAN: I see, when you came back, after two years was the camp still there?

NAMAKULA: It was not there by then, by the time I came there.

CHAIRMAN: Was this after change of the government?

NAMAKULA: Before change of the government.

CHAIRMAN: You just found the camp disbanded?

DR. MAKUBUYA: Which change of the government?

CHAIRMAN: 1985 or 1986?

NAMAKULA: July 1985..

CHAIRMAN: You found your parents had gone back home?

NAMAKULA: I found when my parents had gone back home.

CHAIRMAN: And you joined them?

NAMAKULA: Yes, I joined them.

KAKWENZIRE: Alice, could you tell us how this big camp was, give us some example, say from here to there, the size of that camp?

NAMAKULA: It was as like from here to that house on that hill, then it could go as far as to that main road.

KAKWENZIRE: And this side?

NAMAKULA: On this side, it could extend as from here to that Community centre building near the main road.

KAKWENZIRE: Do you have an idea ...?

CHAIRMAN: Its almost a kilometre across from that house to that house about two kilometres?

COUNSEL: Two kilometres.

CHAIRMAN: One and half or two.

KAKWENZIRE: As the size of the village. Could you estimate how many people were there?

NAMAKULA: I can't estimate, we were very many.

KAKWENZIRE: Were there some kind of school, where you could have gone?

NAMAKULA: There were some schools but they were no longer functioning.

KAKWENZIRE: There was no temporary arrangements for school age children like you?

NAMAKULA: There was none.

KAKWENZIRE: Were you schooling?

NAMAKULA: I was schooling.

KAKWENZIRE: What level?

NAMAKULA: I was in primary four.

KAKWENZIRE: Have you gone back to school since?

NAMAKULA: I never went back to school again.

KAKWENZIRE: And this happened for many school age children?

NAMAKULA: This happened to so many other school mates.

KAKWENZIRE: So have you got married since?

NAMAKULA: I am not yet married.

KAKWENZIRE: Haven't you thought of going back to school?

NAMAKULA: I thought of going back but I had nobody to support my schooling.

KAKWENZIRE: What of your parents?

NAMAKULA: My father died.

KAKWENZIRE: As a result of the war?

NAMAKULA: He died after the war.

DR. MAKUBUYA: Miss Namakula, you were asked whether there was insecurity in your area 1983 and 1984, and you say, there was insecurity. Where did this insecurity come from?

NAMAKULA: The Acholis used to attack us in our villages and they could kill us.

DR. MAKUBUYA: The Acholi? How were they dressed?

NAMAKULA: Those of the defunct government.

DR. MAKUBUYA: Who? Who of the defunct government?

NAMAKULA: The soldiers.

DR. MAKUBUYA: I see, what had you done to invite?

NAMAKULA: We had done nothing.

DR. MAKUBUYA: Were there local people in the area?

NAMAKULA: There were some local people in the area.

DR. MAKUBUYA: These people who caused the insecurity, were they local people?

NAMAKULA: They were not local people.

DR. MAKUBUYA: Had there been soldiers all the time around?

NAMAKULA: They used to come and then go away.

DR. MAKUBUYA: From where?

NAMAKULA: At time they used to come from Wobulenzi, at time from Zirobwe, at time from Luwero.

DR. MAKUBUYA: Now, you also said that the soldiers took you away from the villages to the camp to save you from death? Who was causing this death in the villages?

NAMAKULA: They were soldiers.

DR. MAKUBUYA: They were the ones causing death in the villages?

NAMAKULA: They were the ones causing death in our villages.

DR. MAKUBUYA: Yes, of course, you were thirteen years only by then; but why did you believe that, by taking you away from the villages, they would save you from death?

NAMAKULA: They used to tell us that whoever wanted life should come to the detach.

DR. MAKUBUYA: I see. Now you have gotten into the camp. Do you know whether people got killed in the camp before this nasty incident? Do you know whether soldiers killed people in the camps?

NAMAKULA: Like we are seated here, they could easily come and pick you and take you away and kill you.

DR. MAKUBUYA: In the camp.

NAMAKULA: Yes.

DR. MAKUBUYA: Now where is this Mbogo and Mukyusa today?

NAMAKULA: He is in Kyaggwe.

DR. MAKUBUYA: He is in Kyaggwe?

NAMAKULA: Yes.

DR. MAKUBUYA: Now after the attack, you have been cut and taken up there and received scars, how did you go away from Kikyusa for treatment - by what means did you go away?

NAMAKULA: We were taken by the soldiers in a vehicle.

DR. MAKUBUYA: Which soldiers?

NAMAKULA: The Government soldiers.

DR. MAKUBUYA: The Government soldiers?

NAMAKULA: Yes.

DR. MAKUBUYA: Did they say anything to you as they took you?

NAMAKULA: They did not talk to us.

DR. MAKUBUYA: Are you happy now?

NAMAKULA: I am not happy.

DR. MAKUBUYA: Why not?

NAMAKULA: Because we were cut.

CHAIRMAN: Even if you were cut but it has not spoilt your appearance.

NAMAKULA: I am not happy.

DR. MAKUBUYA: You must have some reasons to say why you are unhappy. What are these reasons?

NAMAKULA: Because I am unable to lift up things because I was cut.

DR. MAKUBUYA: I see. Now what do you want us to do?

NAMAKULA: I would request for assistance in order to go back to school.

DR. MAKUBUYA: Yes, understandably so.

NAMAKULA: Nothing again.

DR. MAKUBUYA: Okay, at nineteen years, the entire world is before you. So what do we do to avoid the re-occurrence of these things?

NAMAKULA: That this government should be in existence, for ever.

DR. MAKUBUYA: Okay, we understand your advice. Thank you very much.

CHAIRMAN: I think to put it finally, I think, people can ask her more questions.

KAKWENZIRE: You said that the people who cut you were soldiers. How do you know that they were Acholi? Do you know who the Acholi are?

NAMAKULA: They are the soldiers of the defunct government; but people term them Acholis.

KAKWENZIRE: Are you aware that in the Army there are other tribes other than Acholi?

DR. MAKUBUYA: In that army.

KAKWENZIRE: In that army - sorry.

NAMAKULA: There where some other tribes in the army by then.

KAKWENZIRE: So you want to say, you were cut by the army which comprised of many tribes other than the Acholis?

NAMAKULA: Yes.

CHAIRMAN: Thank you for your evidence. You may go now. Now if you request now to go back to school and in which class - you stopped in P.4; you are now nineteen where can you resume education - in what class? Do you have any idea? P. five.

NAMAKULA: I am about nineteen years, I would like to be trained in an institution.

CHAIRMAN: I see. Thank you.

COUNSEL: Mary Nagawa.

WITNESS NO.253: MISS MARY NAGAWA - SWORN IN

COUNSEL: Could you state your names, please?

NAGAWA: I am Elimary Nagawa.

COUNSEL: You are 31 years old?

NAGAWA: I am aged 31 years.

COUNSEL: Cultivator by occupation?

NAGAWA: I am a cultivator.

COUNSEL: You are a Ugandan, residing at Ssenyomo Village?

NAGAWA: I am Ugandan staying at Ssenyomo Village.

COUNSEL: This is in Kiziba Parish, Wobusaana sub-county, Luwero District.

NAGAWA: Yes.

COUNSEL: Are you married?

NAGAWA: I was married but my husband died.

COUNSEL: When did you marry?

NAGAWA: I got married during 1974.

COUNSEL: And did you have children with your husband?

NAGAWA: We had some children.

COUNSEL: How many?

NAGAWA: We had four.

COUNSEL: What killed your husband?

NAGAWA: He died of natural death.

COUNSEL: Now, in which year did he die?

NAGAWA: He died during 1986.

COUNSEL: Now we have received evidence before this Commission that because of the insecurity in Luwero District people were taken to a camp in Kikyusa.

NAGAWA: Yes.

COUNSEL: Did this happen to you?

NAGAWA: This also happened to me.

COUNSEL: When were you taken?

NAGAWA: I was taken there in 1983.

COUNSEL: Do you remember the month?

NAGAWA: In June/May.

COUNSEL: What date? Do you remember the date?

NAGAWA: It was 14th May, 1983.

COUNSEL: Where were you found when you were taken and by who?

NAGAWA: I was found in my home and I was taken to the camp by askaris.

COUNSEL: What sort of askaris - policemen or what?

NAGAWA: They were soldiers.

COUNSEL: When you say they found you at home, how many were they?

NAGAWA: I did not know the number.

COUNSEL: Were they armed?

NAGAWA: They where armed.

COUNSEL: And whom were you with when they came?

NAGAWA: I was staying there with my husband and together with my children. I was found with my husband and my children.

COUNSEL: Four of your children or how many?

NAGAWA: I was found with two children.

COUNSEL: Now, when they came, what did they tell you?

NAGAWA: We were told to go to Kikyusa.

COUNSEL: Did they give you the reason?

NAGAWA: They explained to us that there is a war.

COUNSEL: So, because of the war, they wanted you to go and take refuge or what?

NAGAWA: Yes.

COUNSEL: I see. Now did you agree?

NAGAWA: We agreed.

COUNSEL: Now did they allow you to take your property with you?

NAGAWA: We were allowed but, after our arrival, they then took away our property.

COUNSEL: Now, when you reached Kikyusa, how did you get to Kikyusa, did they put you on a vehicle or you walked?

NAGAWA: We were on foot.

COUNSEL: And how far was this from your home?

NAGAWA: There were only two miles.

COUNSEL: Now, at Kikyusa, where did you go to?

NAGAWA: We went to the camp.

COUNSEL: When you reached there?

NAGAWA: When we reached there, we were given a house.

COUNSEL: Whose house if you know?

NAGAWA: The house was of Mukyuusa.

COUNSEL: Did you find other people in this house?

NAGAWA: We found so many people there.

COUNSEL: How big was this house?

NAGAWA: It was so huge.

COUNSEL: Were you given a room of your own?

NAGAWA: We were given a room.

COUNSEL: Only for your family?

NAGAWA: We were given a room for our family.

COUNSEL: So, for how long did you stay at Kikyusa?

NAGAWA: We stayed there for a week.

COUNSEL: During this week when you stayed there, were you guarded by the soldiers?

NAGAWA: We were guarded by soldiers.

COUNSEL: How were they carrying out these guard duties, were they patrolling the place or they were staying in?

NAGAWA: They were staying in their houses beside our house.

COUNSEL: Was there a fence around this camp or what?

NAGAWA: There was no fence.

COUNSEL: During this one week when you stayed there, were you treated well?

NAGAWA: They mistreated us.

COUNSEL: How did they mistreat you?

NAGAWA: They were mistreating people by beating them.

COUNSEL: But how were you able to get food at this time?

NAGAWA: They could escort us to our places and get food in our villages.

COUNSEL: Now, on the 25th of May, 1983, were you in Kikyusa in this camp?

NAGAWA: Well.

COUNSEL: Did anything peculiar occur on that day?

NAGAWA: Yes.

COUNSEL: What happened?

NAGAWA: It was on the 27th.

COUNSEL: Before.

NAGAWA: On the 25th we were attacked at night.

COUNSEL: Let me put it this way. The Commission has received evidence to the effect that, on the 25th of May, 1983, the soldiers who were guarding Kikyusa B Camp, left the camp. Did this, to your knowledge, occur?

NAGAWA: It occurred. They were taken.

COUNSEL: Did you learn the reason they had left the camp on the 25th?

NAGAWA: We were told they were taken to be trained at a certain occasion.

COUNSEL: Did you see them go away?

NAGAWA: Yes I saw - them - we saw them - boarding a vehicle.

COUNSEL: Did all of them board vehicles or others went on foot?

NAGAWA: All boarded a vehicle.

COUNSEL: Now on the 27th you said you were attacked or the night of 26th. Could you explain how you were attacked?

NAGAWA: I can explain.

COUNSEL: Please do so. What time did it occur?

NAGAWA: This occurred on the 27th at around 5.00 a.m.

COUNSEL: Yes what happened at 5.00 a.m.?

NAGAWA: What happened was they attacked us. They started cutting us. They demanded some property. I had a baby - by then he was six. The fingers were cut off and I was also cut on the neck.

COUNSEL: How was this baby of yours cut, was he lying down or?

NAGAWA: I was holding the baby on the chest.

COUNSEL: And the hand was on your back?

NAGAWA: I think it was on the back.

COUNSEL: So when they cut you on the back they also cut the baby's hand?

NAGAWA: Actually I did not know by that time.

COUNSEL: I see the kid has got two fingers out.

NAGAWA: The two fingers were cut.

COUNSEL: What is the name of that child?

NAGAWA: Kizza.

COUNSEL: Kizza who?

NAGAWA: The name of the child is Frederick Ssemogerere Kizza.

COUNSEL: And you said he was cut when he was how old?

NAGAWA: He was six months old.

COUNSEL: And did the cut on your back leave any scar?

NAGAWA: Yes, there is a scar.

COUNSEL: Would you show it to the Commissioners? So you were in the house when those people came because the time was 4.00 a.m.

NAGAWA: Yes, I was still in the house.

COUNSEL: How did they enter the house?

NAGAWA: We heard some gunfire outside. We then opened. As we opened; we realized they had arrived and they started demanding property. Then they went on cutting us.

COUNSEL: In what language were they talking?

NAGAWA: Some were talking in Acholi, Swahili, others were talking in Luganda.

COUNSEL: Those who were talking Luganda which you understand, what were they saying?

NAGAWA: By then I could not understand.

COUNSEL: Now did you recognize these people when they came?

NAGAWA: I couldn't.

COUNSEL: Were they ordinary people of the area?

NAGAWA: They were not ordinary people of the area.

COUNSEL: Who were they to your knowledge?

NAGAWA: Possibly they were the soldiers who by then had gone to the front.

COUNSEL: Why do you say that?

NAGAWA: It is just because the day they left us, then the following day it is when we were attacked.

COUNSEL: Now had you never been attacked while those soldiers were around?

NAGAWA: No, at all. We were not attacked.

COUNSEL: You mean there had never been any quarrel, at all?

NAGAWA: There was none.

COUNSEL: Now, after the cutting, what followed?

NAGAWA: For me I just ran away, then when the soldiers were just hunting for them, they found us.

COUNSEL: Yes.

NAGAWA: Then they found me with my children and they said to me, 'You go and board a vehicle and we take you to Mulago'.

COUNSEL: And did you reach Mulago?

NAGAWA: Yes, I reached Mulago.

COUNSEL: How long did you stay there, while undergoing treatment?

NAGAWA: I stayed there for a month, undergoing treatment.

COUNSEL: And do you have any medical form?

NAGAWA: I had them but they got misplaced.

COUNSEL: Now, after treatment in Mulago, where did you go?

NAGAWA: I was discharged.

COUNSEL: And where did you go to?

NAGAWA: We were again brought back to the camp at Kikyusa.

COUNSEL: Who brought you back?

NAGAWA: There was a lieutenant who brought us back.

COUNSEL: Did you accept to come back or you had no alternative?

NAGAWA: I accepted to come back.

COUNSEL: And, when you came back, where did you go; did you go to your home?

NAGAWA: I again stayed in the camp.

COUNSEL: And for how long did you stay in that camp?

NAGAWA: I stayed there for a week.

COUNSEL: And after that one week?

NAGAWA: I went back to the place where I was born in Kyaggwe.

COUNSEL: Now, when you came back and stayed in Kikyusa for one week, did you learn whether some people, as a result of this incident, had lost their lives?

NAGAWA: Some died.

COUNSEL: Do you know of any?

NAGAWA: No one of them I knew because they were very many.

COUNSEL: About how many people, to your knowledge, died?

NAGAWA: I heard some people say that there were about eighty of them.

COUNSEL: Now, while in that camp, did you undergo any, maybe, mistreatment, that you would wish this Commission to hear?

NAGAWA: They used to mistreat people, beating them, they could rape them.

COUNSEL: Who did this?

NAGAWA: The soldiers.

COUNSEL: How were you able to leave this camp; did you go away on your own or you were told to go away?

NAGAWA: I went before we were told to leave the camp because of the mistreatment.

COUNSEL: Okay. That is all, my Lord.

CHAIRMAN: Thank you. When you left the camp, where did you go?

NAGAWA: I went to the place where I was born.

CHAIRMAN: Did you husband follow you?

NAGAWA: My husband remained behind.

CHAIRMAN: What about children?

NAGAWA: I went with the children.

CHAIRMAN: Did you unite with him afterwards?

NAGAWA: Afterwards we joined together with my husband.

CHAIRMAN: Did you come back or he followed you?

NAGAWA: It was my husband who followed me after that event.

CHAIRMAN: I see. When was this?

NAGAWA; January, 1984.

CHAIRMAN: Did you ever come back to your original place or where you were married?

NAGAWA: Yes, we went back to the place where I was married after the war.

CHAIRMAN: Oh, I see. That was in 1984.

NAGAWA: Yes, that was in 1984.

CHAIRMAN: Right.

KAKWENZIRE: We have received other evidence that, once you are in this camp, you couldn't leave it. How did you manage to leave it this time?

NAGAWA: It was only a threat.

KAKWENZIRE: It was a risk, how did you get about it to walk? You took a vehicle or -

NAGAWA: I went on foot.

KAKWENZIRE: You had now many children?

NAGAWA: I was with two children - the one here and the old guy.

KAKWENZIRE: How many miles did you walk altogether?

NAGAWA: I walked 14 miles. They were 10 miles.

KAKWENZIRE: Where is your home where you were born?

NAGAWA: I was born in Bundi.

DR. MAKUBUYA: When the soldiers first came to your home; they told you to go to Kikyusa because of the condition of the war. They explained because of the conditions of the war. What was this war?

NAGAWA: The war between the Soldiers of Museveni and Obote.

DR. MAKUBUYA: I see. Had it already come to your area?

NAGAWA: Yes, it had come to our area.

DR. MAKUBUYA: Now the evening of 25th - five - 1983 - Thursday, 1983, you were trying to say something about that evening and you never completed it.

NAGAWA: We were attacked at that evening.

DR. MAKUBUYA: Yes.

NAGAWA: And it was serious.

DR. MAKUBUYA: Did you do anything?

NAGAWA: People ran away and then raised alarm, after which the situation became normal.

DR. MAKUBUYA: Now I have some difficulty in understanding who did that attack there.

NAGAWA: I cannot tell.

DR. MAKUBUYA: Did you see any of these?

NAGAWA: I saw them.

DR. MAKUBUYA: How were they dressed?

NAGAWA: Some were half naked, some were in civilian clothes, some had some guns.

DR. MAKUBUYA: You never saw anything like soldiers' clothes?

NAGAWA: Not at all.

DR. MAKUBUYA: Did you see any dead bodies after the incident?

NAGAWA: I saw them after my return.

DR. MAKUBUYA: After which return?

NAGAWA: After my return when I was being taken to the hospital.

DR. MAKUBUYA: Yes, now you said you had run away to the bush and it is the soldiers who brought you back?

NAGAWA: That is right.

DR. MAKUBUYA: Did the soldiers say anything to you?

NAGAWA: They told me that they were going to take us to the hospital with my child.

DR. MAKUBUYA: Did they explain why they were not there?

NAGAWA: They told us that they had gone to be trained.

DR. MAKUBUYA: At what time did they come the following day?

NAGAWA: They came around mid-day.

DR. MAKUBUYA: Did you believe them that they had come from training.

NAGAWA: I did not know.

DR. MAKUBUYA: Did they have a vehicle around for example?

NAGAWA: They had a vehicle.

DR. MAKUBUYA: You did not know how far it is from Bushenyi to Kikyusa?

NAGAWA: I do not know.

DR. MAKUBUYA: Would you be surprised if we told you it is more than two hundred miles?

NAGAWA: I do not know. I am surprised.

DR. MAKUBUYA: These people told you the previous day they were going to Bushenyi.

NAGAWA: Yes.

DR. MAKUBUYA: Do you know whether they were the same people who came back?

NAGAWA: I think they were the very one.

DR. MAKUBUYA: And you think they had come from Bushenyi.

NAGAWA: I did not know.

DR. MAKUBUYA: Okay, okay. Now are you happy now?

NAGAWA: I am not happy because my child's fingers were cut.

DR. MAKUBUYA: And you were also cut.

NAGAWA: And I was also cut.

DR. MAKUBUYA: Have you been compensated for the injuries?

NAGAWA: I have never done anything.

DR. MAKUBUYA: You are unhappy and you have not done anything on your unhappiness.

NAGAWA: Well.

DR. MAKUBUYA: Finally, my friend, would you make any contribution on what we should

do to avoid a re-currence of these things?

NAGAWA: Yes, I would like.

DR. MAKUBUYA: Right.

NAGAWA: I would need assistance towards my children.

DR. MAKUBUYA: How?

NAGAWA: Taking them to school.

DR. MAKUBUYA: How many are they?

NAGAWA: They are four children.

DR. MAKUBUYA: Are they all of school going age?

NAGAWA: They are supposed to be in school.

DR. MAKUBUYA: You do not know whether anything can be done to avoid a re-currence of these things?

NAGAWA: I do not know.

DR. MAKUBUYA: Thank you very much mama.

NAGAWA: Yes, Sir.

KAKWENZIRE: Nagawa!

NAGAWA: Yes, Madam.

KAKWENZIRE: You have made some observation or some comments that makes me think she can contribute in our task of finding out why so much suffering took place in this part of the country. In your words what do you think caused all this suffering?

NAGAWA: It was the soldiers of Obote who caused all this insecurity.

KAKWENZIRE: But do you know why the soldiers of Obote caused you this suffering?

NAGAWA: I cannot really know.

KAKWENZIRE: You should feel free to express your ideas as to why you suffered so much. I am sure you could make a contribution. It is not so often that people come and start cutting others or want to keep them in camps.

NAGAWA: It was because of the war which broke in our area since the soldiers of Museveni had reached at our end.

KAKWENZIRE: Now did you understand this war, you call it Museveni/Obote war, did

you understand this war? Did you understand why they were fighting?

NAGAWA: I didn't know.

KAKWENZIRE: Did you support one of them?

NAGAWA: I was supporting the side of Museveni.

KAKWENZIRE: Why did you support the side of Museveni?

NAGAWA: Because the soldiers of Obote were mistreating us terribly.

KAKWENZIRE: Had they mistreated you before?

NAGAWA: Yes, they used to mistreat us by then they used to come before making the camp.

CHAIRMAN: Even before the war they were mistreating you?

NAGAWA: No, they were not mistreating, us before the war broke.

CHAIRMAN: Were they there?

KAKWENZIRE: Before the war?

NAGAWA: They were not there.

KAKWENZIRE: In other words you sided with Museveni and you suffered.

NAGAWA: I think so.

KAKWENZIRE: What do you say of such a war?

NAGAWA: That was the first incident I realized.

KAKWENZIRE: And if it came back again such a similar situation?

NAGAWA: It is very difficult.

CHAIRMAN: Thank you, Nagawa, for the evidence you have given us as to your request, this Commission does not have resources of its own, from which to provide the kind of assistance you have asked for or any other assistance for that matter materially that is, you are one of the numerous witnesses who have given evidence before this Commission and who have asked for one kind of assistance or another. We shall only make recommendations to the government what should be done and if the government has got the resources of which we know, it doesn't have much at its disposal.

CHAIRMAN: People like me and you may not get assistance depending on the resources available to the government. In the meantime thank you for your evidence.

NAGAWA: Thank you, Sir.

WITNESS NO.254: PAULO TIBUZURA - SWORN IN

COUNSEL: Would you state your names please?

TIBUZURA: My names are Paulo Tibuzura.

COUNSEL: Your age is thirty one years?

TIBUZURA: I am aged thirty one years.

COUNSEL: A cultivator?

TIBUZURA: I am a cultivator.

COUNSEL: What tribe are you?

TIBUZURA: I am a Muhaya and I am Tanzanian.

COUNSEL: When did you come to Uganda?

TIBUZURA: We came to Uganda during 1958 when I was still tiny.

COUNSEL: And where do you reside?

TIBUZURA: I stay in Senyomo village.

COUNSEL: Is it in Kiziba parish?

TIBUZURA: Yes, correct.

COUNSEL: In Kikyusa sub-county?

TIBUZURA: Yes, within Kikyusa sub-county.

COUNSEL: In 1983, where were you residing?

TIBUZURA: I was in the bush.

COUNSEL: Which bush?

TIBUZURA: Where we had run.

COUNSEL: Why had you run?

TIBUZURA: The bosses by then who were guarding us like the one Ssebombo advised us to stay in the bush.

COUNSEL: You say Ssebombo, Chairman, Chairman of what?

TIBUZURA: He was the Chairman of those who were in the bush.

COUNSEL: Why did he tell you to go in the bush?

TIBUZURA: He advised that, we should try our level best to hide ourselves because at any time we could be attacked and kill us.

COUNSEL: By who, attacked and killed by who?

TIBUZURA: The soldiers of Obote.

COUNSEL: Now, on the 16th April 1983, do you remember that time?

TIBUZURA: I can still recall.

COUNSEL: What are you remembering?

TIBUZURA: The soldiers of Obote found us in the forest and then we were shot by bullets and two of our colleagues died.

COUNSEL: With whom were you?

TIBUZURA: I was with my wife and the residents of the area.

COUNSEL: Your wife called who?

TIBUZURA: She was called Katarina Ndindayaha.

COUNSEL: You said you were in the bush and you were attacked and two of your friends were shot and killed, who are they if you know?

TIBUZURA: My father called Buzubana.

COUNSEL: Was killed with whom?

TIBUZURA: He was called Richard.

COUNSEL: You say two people were killed, one of them your father Buzubana, and another one is who? Is it Richard?

TIBUZURA: Richard was a soldier and was one of those who attacked us, he was the commander.

COUNSEL: You mean you had known him before?

TIBUZURA: I did not know him before, I knew him later.

COUNSEL: When these soldiers came to attack you, how were they dressed?

TIBUZURA: They were dressed in uniform.

COUNSEL: Army uniform, Police Uniform?

TIBUZURA: It was of Special Force.

KAKWENZIRE: Did you know Richard the other name?

TIBUZURA: I did not know the other name.

COUNSEL: Among the people who came, how many were they and you know any of them apart from Richard?

TIBUZURA: I knew one called Nkimakilya.

COUNSEL: Who was Nkimakilya?

TIBUZURA: He was a youth winger.

KAKWENZIRE: Who?

COUNSEL: Nkimakilya.

CHAIRMAN: Of your area, was he a youth winger of your area?

TIBUZURA: He was a youth winger of the soldiers who were at Kasiiso.

DR. MAKUBUYA: When you say youth winger, what do you mean?

TIBUZURA: The one who used to move with soldiers.

COUNSEL: I see. Now, when these soldiers dressed in Special Force uniform came with Kimakilya you said they came and killed your father and another, when they were attacking you, did they talk anything which you heard?

TIBUZURA: They said that they should kill us.

COUNSEL: Did the soldiers talk anything, did the Special Force people in uniform talk anything?

TIBUZURA: They said that *"sisi apana pereka ata moja, tutawuwa wote atawatooto"i.e that t*oday they should not take anybody, they should kill each and everyone even a child.

COUNSEL: So when these firing which killed your father took place, did it affect you?

TIBUZURA: I was shot in the chest.

COUNSEL: How many bullets?

TIBUZURA: I was shot four bullets.

COUNSEL: And did the wounds that you sustained heal well or there are scars you would show the Commissioners?

TIBUZURA: I have some scars.

COUNSEL: Would you show it to the Commissioners? When they shot you what followed; when the bullets were fired?

TIBUZURA: What followed next was that, the commander told them to react quickly, that the enemy could attack them at any time.

COUNSEL: Yes.

TIBUZURA: They could easily attack them.

COUNSEL: Yes.

TIBUZURA: Then after which they bombed and then went away.

COUNSEL: I see a scar on your cheek, was that also a bullet and if so did it not affect your teeth?

TIBUZURA: The teeth were affected the two got off.

COUNSEL: You mean as a result of shooting you lost two teeth?

TIBUZURA: Yes.

COUNSEL: After they had gone, what followed?

TIBUZURA: After that, my colleagues got hold of me and they took me to Kikandwa for treatment at Muwanguzi.

COUNSEL: And how long did you stay there?

TIBUZURA: I stayed there for two days, then the soldiers also attacked us, then we had to run away.

COUNSEL: Now, what of your wife Katarina?

TIBUZURA: My wife Katarina was shot on the ear, then she fell in the dead bodies, that is how she survived.

COUNSEL: Did you go with her for treatment?

TIBUZURA: We went together, we were together.

COUNSEL: And.

TIBUZURA: Then when they came to attack us at Muwanguzi, they managed to grab her, then they took her.

COUNSEL: Who took her?

TIBUZURA: The soldiers who had come to attack that area.

COUNSEL: And for how long did they take her?

TIBUZURA: She stayed with them for six months.

COUNSEL: And did she come back to you?

TIBUZURA: She managed to escape from them, then came back and joined me when they had gone to get food.

COUNSEL: And did she tell you who had taken her?

TIBUZURA: She told me she had been taken by Richard who was a soldier.

COUNSEL: That Richard had turned her into his wife?

TIBUZURA: She told me when she had been taken by Richard, he treated her like his wife and after four days, he again gave her to another youth winger.

COUNSEL: Do you know the name of the youth winger?

TIBUZURA: Yes, the youth winger was called Sunday, son of Gombe in Kibikke.

COUNSEL: And is he still in the area?

TIBUZURA: I was told that he is still alive.

COUNSEL: Now, as a result of that heavy injury you sustained has it caused any disability to you up to now?

TIBUZURA: Because of the injury that I sustained during the exercise I was affected in the lungs, it took me time when I was coughing blood with pus.

COUNSEL: And you say you are a cultivator I am sure you are not able to do your cultivation as you used to do.

TIBUZURA: I can't cultivate.

COUNSEL: That is all my Lord from this witness.

CHAIRMAN: Is there any questions from the Commissioners?

KAKWENZIRE: This Richard, where was he commanding?

TIBUZURA: He was in Kasiiso camp.

KAKWENZIRE: What was his tribe?

TIBUZURA: He was an Ateso.

KAKWENZIRE: Have you heard of him since?

TIBUZURA: Last year I was told he was in Bombo, where I was working.

CHAIRMAN: In the army?

TIBUZURA: Still in the army.

KAKWENZIRE: Who told you?

TIBUZURA: We have got a boy of the area who is working there called Binaisa, he is the one who told me that he was there.

KAKWENZIRE: Is Binaisa still working there?

TIBUZURA: I do not know currently now whether he is still there, because I am not communicating with anybody.

CHAIRMAN: What was his other name - Binaisa?

TIBUZURA: I only knew Binaisa.

KAKWENZIRE: What was he working as?

TIBUZURA: He only settled at Kiwanguzi when he was alone then he became a soldier and we used to run together.

KAKWENZIRE: He is still in the army he is not working he is an army man; NRA?

TIBUZURA: He is a soldier.

KAKWENZIRE: Would you be interested in having these people Richard and Kimakilya and others, would you be interested in having them traced and brought to justice?

TIBUZURA: I would be interested if those people are traced to be brought to justice.

KAKWENZIRE: Would you be able to recognize them if you saw them?

TIBUZURA: I can easily recognise them, I knew them very well.

KAKWENZIRE: We are very sorry about what happened to you.

TIBUZURA: Yes.

KAKWENZIRE: And if you should know where these people are you can always pass on this information to the commission.

TIBUZURA: Yes, I can.

CHAIRMAN: As there are no more questions, I would like to thank you, Mr. Tibuzura

for having come forward and giving your evidence to the Commission.

TIBUZURA: Yes Sir.

CHAIRMAN: Now, you can go.

COUNSEL: My Lord Chairman, that is the close of this case regarding violation of human rights at Kikyusa and that is the last witness for today.

CHAIRMAN: Thank you Counsel, it is a convenient time now to stop the time now being 4.15 p.m. in the afternoon. We shall have business still here?

COUNSEL: Yes.

CHAIRMAN: Okay, the inquiry is adjourned to resume here tomorrow the usual time, 9.30 a.m.

MR.KAWANGA: I think we should start the hearing of today, 28th April, 1988. This is a quarter to mid-day, I think we should start in spite of our other problems.

COUNSEL: Mr. Chairman, the evidence that I intend to lead to day concerns an incident which happened at Zirobwe Police Post. The date is not clear as one says 1983 or 1984 where a number of people, it is alleged 9, were removed from a Police Station, put in a motor vehicle and were slaughtered by Special Force and UPC functionaries. My first witness is Badru Sekandi.

WITNESS NO.255: MR. BADRU SEKANDI - AFFIRMED

COUNSEL: You are Badru Sekandi?

SEKANDI: I am Badru Sekandi.

COUNSEL: Mr. Chairman, this witness is number 56. You are 28 years old?

SEKANDI: I am not yet, I am aged 26 years.

COUNSEL: A resident of Zirobwe?

SEKANDI: I am a resident of Zirobwe.

COUNSEL: In Luwero District?

SEKANDI: Yes.

COUNSEL: What is your work?

SEKANDI: I am a bus conductor.

COUNSEL: Whose bus do you work in?

SEKANDI: I was working with Tamusuza but I am now with Oyanda Transport Company.

COUNSEL: When did you work for Tamusuza Bus Company?

SEKANDI: I was working with Tamusuza in 1983.

COUNSEL: When?

SEKANDI: I do not remember the month.

COUNSEL: No, I am asking you when did you stop working for Tamusuza?

SEKANDI: I stopped working for Tamusuza in 1986.

COUNSEL: Did you have a particular bus in which you were working as a bus conductor?

SEKANDI: Yes.

COUNSEL: Which bus?

SEKANDI: UWP 741, it was a Tata Bus.

COUNSEL: Do you know one Kinene?

SEKANDI: I know him.

COUNSEL: Has he got any other name?

SEKANDI: He is called Ismail Kinene.

COUNSEL: How do you know him?

SEKANDI: I know him, he was a UPC Chairman in Zirobwe.

COUNSEL: Do you know anything about him which you want to tell this Commission?

SEKANDI: Yes, I have.

COUNSEL: Yes.

SEKANDI: I know he was a Chairman of UPC. On a day I do not remember when I was in residence at 8.00 p.m., he came to my residence with Special force soldiers. He called me.

MR. NAGENDA: Excuse me, how did you know they were Special Force?

SEKANDI: Because they were the ones in the area at Zirobwe.

COUNSEL: Yes.

SEKANDI: Kinene came with Special Force soldiers and called me to get out. he requested me to provide them assistance with means of transport. I told him that I could assist them only that the vehicle lights were out of order. As I told them that lights were out of order they then said that they had a torch, they could use a torch. I tried to resist then the Special Force soldiers tried to force. I moved towards the bus. I started the engine soon as we eventually went to the police post Kinene got out of the bus with the two soldiers, they said they were going to get some other soldiers that they are proceeding to Kikyusa. They proceeded to the police post.

MR. NAGENDA: Interpreter, when you say soldiers do you not mean police?

SEKANDI: By then the police had no powers, most of the Special Force soldiers were on the police post.

MR. NAGENDA: Legal Counsel, were they actually called soldiers or police?

COUNSEL: They were not soldiers, they were called Special Force Police.

MR. NAGENDA: I think we should get that correct.

COUNSEL: But before you go, you said you do not remember the date, do you remember the month and the year when this happened?

SEKANDI: I do not remember the month but I think the year was 1984. As we reached police Kinene came out and they get nine people from the cell one of whom I heard was called Ssali, I did not know the exact number of people because it was dark.

COUNSEL: But how did they get them out? Were they tied, were they being beaten or how did they come to the bus?

SEKANDI: As it was dark I did not know how they were; either they were tied but they removed them from a cell and I heard one being called Ssali.

MR. NAGENDA: But if they were bringing them out by force perhaps you heard them being shouted at or dragged or something. I mean even if it is dark you could hear and tell whether people are coming willingly or not.

SEKANDI: They were dragged. As the people boarded the bus Kinene instructed me to drive it but I told him that I do not know how to drive well at night then there was a certain driver who was not working with Tamusuza who was called Mohammed, they got him and drove away from the police up to the place they were intending to proceed to.

COUNSEL: Has he got another name, Mohammed?

SEKANDI: I know Mohammed. They instructed him to drive taking Kikyusa road. There is a river called Natyaba before crossing - there is a farm called Natyaba but before crossing it they instructed the driver to stop. As he

stopped, they took away people whom they had loaded in the vehicle and the Special Force Police men were more than five. They took these people from the vehicle, the Special Force Police men, and we remained in the vehicle then we heard some shootings. After hearing the shooting then the Special Force men with Kinene came back; then they instructed him to drive ahead and then we stopped at Kyetume whereby we went back to Zirobwe.

MR. NAGENDA: When you say you stopped in Kyetume, did they do anything in Kyetume or did they just sort of say let us return back?

SEKANDI: We just turned back to Zirobwe.

COUNSEL: How far was Natyaba's Farm from Zirobwe?

SEKANDI: It is only a mile.

COUNSEL: And how far is Natyaba Farm to Kyetume?

SEKANDI: It is less than a mile.

COUNSEL: You mean Kyetume was actually a convenient point to turn to Zirobwe?

SEKANDI: Yes. Because that was a river.

COUNSEL: What happened when you returned to Zirobwe?

SEKANDI: They came back singing, shouting. When they reached Zirobwe they went out of the vehicle then they instructed the driver to go back and I was also told to take away the vehicle and go back home.

COUNSEL: When you say they were singing, were they singing hymns or what?

SEKANDI: They were singing military songs.

COUNSEL: You mean even Kinene was singing?

SEKANDI: I did not know whether Kinene was also singing but because we were frightened.

COUNSEL: On the following day did you hear anything? Did you report what you had seen?

SEKANDI: I could not report anywhere because by then the Special Force men were in power and Kinene was the Chairman.

COUNSEL: Did you the following day try to go back to Natyaba Farm to find out what had happened to those people?

SEKANDI: It could not be possible.

COUNSEL: Did you hear any stories about what had happened?

SEKANDI: We heard that people had been killed in Natyaba.

MR. NAGENDA: When you say you heard this, you heard this the next morning or the next day.

SEKANDI: The next morning.

COUNSEL: Did you try to find out the number of people who had been killed?

SEKANDI: I did not try to find out besides Ssali whom I heard being called.

MR. NAGENDA: Did you perhaps find out how the people had died? Did the people say how the people who had died had been killed?

SEKANDI: They were killed with bullets.

COUNSEL: Do you know whether they were buried?

SEKANDI: I heard that they were buried in that very place, in the river.

COUNSEL: Did Kinene talk to you again about this incident?

SEKANDI: He did not.

MR. NAGENDA: Perhaps I would find out - did you find out who had buried these people?

COUNSEL: There is evidence coming to that - there is a witness. That is all, Mr. Chairman.

MR. NAGENDA: You have told us that one of those people was called Ssali. Was Ssali from your area?

SEKANDI: I used to hear people talking about Ssali, he was a resident of Nakigoza.

MR. NAGENDA: Did you find out whether any of the other people who were killed were from your area too?

SEKANDI: I did not try to find out whether people who were killed with Ssali were of the same area but I knew people were being collected from the areas where it was alleged there were bandits.

MR. NAGENDA: What about Mr. Kinene. Was he also from your area?

SEKANDI: He is a man of the area.

MR. NAGENDA: Where is Kinene at the moment?

SEKANDI: Kinene was arrested in Zirobwe but I do not know his whereabouts now.

MR. NAGENDA: Who arrested him?

SEKANDI: He was arrested at *Gombolola* Headquarters but I do not know who actually arrested him.

MR. NAGENDA: Were those the only people to your knowledge, who were killed in Kinene's presence?

SEKANDI: Those are the only ones I can tell because they are the only ones I witnessed.

MR. NAGENDA: Yes, but what kind of reputation did Kinene enjoy in your area?

SEKANDI: He was a UPC Chairman.

MR. NAGENDA: I know you have told us but was he sort of a kind person or was he sort of

SEKANDI: In the area like Zirobwe where he was staying they said he was not mistreating people but in some other areas it was alleged that he was mistreating people.

MR. NAGENDA: Thank you.

MR. KAWANGA: When was Kinene arrested?

SEKANDI: Kinene was arrested during 1987 but I do not know the particular month.

MR. KAWANGA: By who?

SEKANDI: Kinene was arrested by the local people or either by the *Gombolola Askaris* and he was put in a *Gombolola* cell. Possibly people might have reported to Luwero whereby he was collected from there.

MR. KAWANGA: Thank you very much for your evidence and thank you for coming.

COUNSEL: My Lord, my next witness is Abdu Nyanzi. I am sorry Abdu Nyanzi has not turned up and I have another one.

WITNESS NO.256: ALIFUNSI ETYANG - SWORN IN

COUNSEL: How old are you Mr. Etyang?

ETYANG: I am aged 56 years.

COUNSEL: You are an Etesot?

ETYANG: Yes, I am an Etesot.

COUNSEL: A farmer, a cultivator?

ETYANG: Yes, I am a cultivator.

COUNSEL: Where do you do the cultivation?

ETYANG: I cultivate at Mpangati village, Zirobwe.

COUNSEL: For how long have you been at Mpangati?

ETYANG: I have stayed in Mpangati for the last 33 years.

COUNSEL: Were you in Mpangati on 22nd March, 1984?

ETYANG: I was in Mpangati.

MR. NAGENDA: Perhaps we could find out where he was before those 33 years. Where did he come from to come to Mpagati.

ETYANG: I came from Teso.

CHAIRMAN: Teso is a big place, in which particular place or village?

ETYANG: I came from Asine village, *Gombolola* Asine.

COUNSEL: You said on 22nd March, 1984 you where at Mpangati village.

ETYANG: Yes, I was in Mpangati.

COUNSEL: Do you remember anything that happened on that day?

ETYANG: I can remember. By then I was a government official, I was a *Mutongole* chief.

COUNSEL: Yes. Now, tell us what you remember that took place.

ETYANG: On that day I went on duty in a village called Namawejja; then I came back at around 9.00 p.m.

COUNSEL: Yes.

ETYANG: The next day, the *Gombolola* Chief sent somebody that he wanted to see him -me - at the *Gombolola* Headquarters.

MR. NAGENDA: Which *Gombolola*?

ETYANG: Gombolola Zirobwe.

COUNSEL: Who was the *Gombolola* Chief?

ETYANG: The *Gombolola* Chief was called Magero by then.

COUNSEL: Is he still a *Gombolola* Chief of Zirobwe?

ETYANG: No he is no longer a *Gombolola* Chief.

COUNSEL: Where is he now?

ETYANG: He was transferred to another area.

COUNSEL: Now, did you go to Zirobwe *Gombolola* Headquarters.

ETYANG: I went to the *Gombolola* Headquarters in Zirobwe and he told me that people were being killed in my area.

MR. NAGENDA: Pardon. Were being killed or had been killed.

ETYANG: That people had been killed in my area at Natyaaba.

COUNSEL: Yes, what did you do?

ETYANG: I went to the scene and I noticed that nine people had been killed.

COUNSEL: Did you find out how these people had been killed?

ETYANG: I tried to find out and I found that people had been killed with bullets.

COUNSEL: Were you able to identify these people?

ETYANG: I only knew two people out of the nine people. I only knew two people.

COUNSEL: Who are these that you recognised?

ETYANG: One was an Etesot called Damyano; one was a Muganda called Leewe. He was of Kyetume.

COUNSEL: Did Leewe have another name?

ETYANG: I only knew Leewe.

COUNSEL: Were all these people men or there were also women?

ETYANG: All were men.

MR. NAGENDA: Was Leewe also called Ssali. Do you know?

ETYANG: Ssali was a different one - Leewe, Leewe. There was one called Ssali.

MR. NAGENDA: And was there also somebody else you knew?

ETYANG: I knew him. He was staying in Nakigoza.

MR. NAGENDA: So there were three people whom you knew, in fact.

ETYANG: I only knew three.

COUNSEL: Yes.

ETYANG: I ran and reported to the Chairman by then he was called Ssezariyo.

MR. NAGENDA: Chairman of what?

ETYANG: He was a UPC Chairman at *Muluka* level.

MR. NAGENDA: Was he also called Kinene or was that another Chairman?

ETYANG: Kinene was of Nakigoza.

COUNSEL: Now what did the Chairman say?

ETYANG: From there we proceeded to police to report.

COUNSEL: Which police?

ETYANG: Luwero Police.

COUNSEL: Now did you report - actually report - to the police?

ETYANG: We reported.

COUNSEL: What was the reaction of the police?

ETYANG: The police gave us a letter, authorising us to bury.

MR. NAGENDA: Do you mean to say that - I mean, how far was Zirobwe from this place? How far was the place where the people were killed from Zirobwe?

ETYANG: It was a half mile.

MR. NAGENDA: Yes, did the police look at the bodies before they authorised burial?

ETYANG: The police visited the scene.

MR. NAGENDA: With you?

ETYANG: I was there.

COUNSEL: Any other person?

ETYANG: Well.

COUNSEL: Did Kinene visit the scene?

ETYANG: I did not see Kinene at the scene.

MR. NAGENDA: What about the *Gombolola* Chief - did he?

ETYANG: The *Gombolola* Chief also visited the scene.

COUNSEL: Now, after they had visited the scene, what did you do?

ETYANG: We tried to look for people to give us assistance in the burial.

COUNSEL: Did you bury the people?

ETYANG: All were buried in one grave because it was a swampy place.

COUNSEL: Were there any further investigations made about this murder?

ETYANG: The police investigated and found that these people had been killed by bullets.

COUNSEL: And, therefore, the matter just ended there.

ETYANG: That is what I saw.

COUNSEL: That is all, Mr. Chairman.

CHAIRMAN: Didn't this police try to find out - to trace - who the culprits were?

ETYANG: They tried to investigate the culprits but they could not know where they were; then they saw these -

CHAIRMAN: Cartridge empty shells.

ETYANG: Yes empty shells.

CHAIRMAN: Did they take statement from anybody?

ETYANG: They only took my statement and that of Sezariyo.

CHAIRMAN: Did they open a file, as far as you know?

ETYANG: They did not open up any file.

CHAIRMAN: Do you remember who was in-charge of this police?

ETYANG: There was a detective who was called Kiviri who was in-charge of the police.

CHAIRMAN: This was a police post. Was it?

ETYANG: It was a police post.

CHAIRMAN: Is he still in Zirobwe?

ETYANG: He was transferred - some were transferred to Busia, the others were transferred to Malaba.

CHAIRMAN: Do you know names of any other police who visited the scene or who investigated this?

ETYANG:

CHAIRMAN:

COUNSEL:

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CHAIRMAN:

MR. NAGENDA

ETYANG:

ETYANG: I cannot remember.

CHAIRMAN: Counsel will it be possible to trace?

COUNSEL: No, my Lord, maybe only the trace to be charged because the evidence we have is that these people were killed by the Police. So the question of investigating does not arise. They were taken by the police.

CHAIRMAN: Oh, I see. Sorry. It is alright. This is given by this witness.

COUNSEL: Yes.

CHAIRMAN: But it should be possible to trace them.

COUNSEL: Possibly by the police.

CHAIRMAN: How many men were in this police post?

ETYANG: There were four policemen.

CHAIRMAN: They were four?

ETYANG: Yes.

CHAIRMAN: And of whom you know the name of only one?

ETYANG: I only knew one called Kiviri.

CHAIRMAN: What rank was he?

ETYANG: He was a detective.

CHAIRMAN: Yes. But did you know his rank? Was he a corporal or a sergeant?

ETYANG: A police corporal was a Musoga but just retired and went back to Busoga.

CHAIRMAN: Did you know his name?

ETYANG: There is one outside who knew the name of that corporal.

CHAIRMAN: Oh, I see.

ETYANG: Yes.

CHAIRMAN: Well, I hope, it will be possible to trace the policemen who were at the police post.

MR. NAGENDA: Now you were the *Mutongole* Chief in the area. Is that right?

ETYANG: I was the *Mutongole* Chief of Mukimu.

MR. NAGENDA: So you also carried out certain investigations. Did you?

ETYANG: I tried to investigate but I could not find out the exact truth.

MR. NAGENDA: Well, for example, we heard it on evidence that they were driven in a bus - in a Tata bus. Did you find it out?

ETYANG: I tried to inquire and I was exactly told that they were put in a bus and driven.

MR. NAGENDA: Who told you?

ETYANG: The witness who just testified already; he is the one who told me.

MR. NAGENDA: Did he give you the names of the people involved in the taking of these people in the bus?

ETYANG: He did not disclose.

MR. NAGENDA: Do you mean, to this day, you don't know who the people were who were involved in the taking of these people by bus?

ETYANG: I did not know. I was not there. I found that they had been killed.

MR. NAGENDA: No we are aware you were not there.

ETYANG: I have never known it.

MR. NAGENDA: Was it because you were frightened to find out?

ETYANG: People could not tell me. Possibly people just feared to tell me.

MR. NAGENDA: Would you say you were a good *mutongole* chief?

ETYANG: I was a good chief because, in my area, nobody was affected.

MR. NAGENDA: But these people were killed.

ETYANG: They were brought from other areas other than my division.

MR. NAGENDA: But you have told us that these people who were from your area were killed.

ETYANG: The one was from Kanseka then the other one was from Nakigoza, another sub-parish. In my area, nobody was affected.

MR. NAGENDA: Why not? Was it because of your protection?

ETYANG: It was due to my protection and that I tried very much to avoid grudges.

MR. NAGENDA: Were there some people of your area of whom you as a *mutongole* chief was frightened?

ETYANG: I could not fear anybody.

MR. NAGENDA: What about UPC Chairman?

ETYANG: We were on good terms with the UPC Chairman.

MR. NAGENDA: Were you yourself a member of UPC?

ETYANG: I was a UPC member.

MR. NAGENDA: Did the UPC ill treat people from other parties in your area?

ETYANG: They never mistreated other people.

MR. NAGENDA: Now I want you to remember, Mr. Etyang, that you are on oath and that we are doing a serious bit of business here. So I am asking you this question. Were people from other parties mistreated by the UPC?

ETYANG: I never witnessed besides the askaris who were mistreating the people.

MR. NAGENDA: Do you know somebody called Kinene who was Chairman of UPC?

ETYANG: I knew Kinene. He was the Chairman and staying in Nakigoza.

MR. NAGENDA: Did he ill treat people?

ETYANG: I never saw him.

MR. NAGENDA: Was he among the people who brought these people by lorry?

ETYANG: I didn't see him.

MR. NAGENDA: Ugh. You say you were a good *mutongole* chief. But you are still the *Mutongole* Chief in this area?

ETYANG: I retired and gave to the youngsters.

NAGENDA: When did you retire exactly?

ETYANG: I retired. I left the matter entirely to my children - to the children.

MR. NAGENDA: The young people. Yes.

ETYANG: To the young men.

MR. NAGENDA: Yes. When did you leave these matters to those young people?

ETYANG: After the change of Government.

MR. NAGENDA: Yeah. Were - did your retire or were - you pushed out?

ETYANG: I was only retired. I was working but -

MR. NAGENDA: You were retired.

ETYANG: I was only retired.

MR. NAGENDA: I am not surprised. Thank you.

MR. KAWANGA: Do you know that Kinene is the person who carried these people in the bus?

ETYANG: I do not know it. I did not see him.

MR. KAWANGA: We have been told here.

ETYANG: I did not see it actually because Kinene is a resident of Nakigoza and I had no dealing with him.

MR. KAWANGA: You want to mean that, up to now, Sekandi has never told you that he saw Kinene take these people for killing?

ETYANG: He has never told me up to now.

MR. KAWANGA: All right. You said you knew two of these people - three of these people.

ETYANG: Yes. It is true.

MR. KAWANGA: How did you know them?

ETYANG: One of them - they are Etesot - was my brother-in-law. I new Leewe because his son married a daughter of Sezariyo who is just outside.

MR. KAWANGA: Yes. And how did you know Ssali?

ETYANG: I knew Ssali. He was residing at Nakigoza and he used to come in Zirobwe.

MR. KAWANGA: I see. Didn't you know that these people had been arrested and detained at the police?

ETYANG: I know that they were arrested and had been taken to the police. But the way - how they were killed I was not there.

MR. KAWANGA: All right. Who arrested them and brought them to the police?

ETYANG: They were arrested by Special Force askaris.

MR. KAWANGA: Yes. For what?

ETYANG: I did not know. I only saw them being taken to police. I never knew the offence they had committed.

MR. KAWANGA: Didn't you find out why your brother-in-law had been arrested?

ETYANG: I was told that he was arrested because he was called a bandit. I was also frightened. I said that, since we had some business with him, possibly I would also - I was likely to be arrested. I even shed tears.

MR. KAWANGA: So you didn't believe that your brother-in-law was a bandit.

ETYANG: I did not accept that he was a bandit.

MR. KAWANGA: I see. So you think he was arrested for nothing.

ETYANG: I think, he was arrested for nothing.

MR. KAWANGA: And killed for nothing?

ETYANG; He was just killed for nothing.

MR. KAWANGA: Okay. When were you appointed a *Mutongole* Chief?

ETYANG: I was appointed a *Mutongole* Chief right from the monarch times.

MR. KAWANGA: You do not remember the year.

ETYANG: I was appointed right from 1953 when I was still a young man.

MR. KAWANGA: Immediately you were raised in that village apparently.

ETYANG: Yes. I was appointed just when I was a young man, soon after my arrival in the area. I was appointed soon after my arrival less than a month.

CHAIRMAN: When was this?

ETYANG: During the monarch times.

CHAIRMAN: Were there many Etesot people in this area?

ETYANG: There were some Etesots.

CHAIRMAN: Some.

ETYANG: They were very many.

CHAIRMAN: You found them - some there - or they arrived after you.

ETYANG: I found some already there.

CHAIRMAN: I see. Okay.

ETYANG: Yes.

CHAIRMAN: Mr. Etyang, that seems to be all from us. We thank you for the evidence

you have given before this Commission.

ETYANG: I also appreciate it. Is that the end?

CHAIRMAN: Yes, you can go.

WITNESS NO.257: MR. SEZARIYO KODET - SWORN IN

COUNSEL: You are Sezariyo Kodet?

KODET: I am Sezariyo Kodet.

COUNSEL: How old are you?

KODET: I do not know my age.

COUNSEL: You are an Etesot?

KODET: I am an Etesot.

COUNSEL: A cultivator of Mpangati Village.

KODET: I am a cultivator in Mpangati.

COUNSEL: In Zirobwe sub-county, Luwero District.

KODET: Correct.

COUNSEL: For how long have you been at Mpangati?

KODET: I have been in Mpangati since 1947.

MR. NAGENDA: About how old were you when you arrived in Mpangati?

KODET: I was still a young man.

MR. NAGENDA: About 15 - 16?

KODET: I was roughly 15 - 16.

COUNSEL: Where did you come from?

KODET: I came from Busia, *Gombolola* Buteba, *Ssaza* Masaafu.

COUNSEL: Now around 22nd March, 1984, were you at Mpangati village?

KODET: I was in Mpangati.

COUNSEL: Is there anything you remember that happened on this day you want to tell the Commission?

KODET: There is something I can remember which happened on that date.

COUNSEL: Yes.

KODET: By then I had been taken to Kamuli Hospital for operation. Then I went back. Then after two days, while at home, the *Mutongole* Chief came and he reported to me that people had been killed in Natyaba.

MR. NAGENDA: Why did the *Mutongole* Chief come to report this to you?

KODET: He came to report to me because I could not be able to move due to my bad condition.

MR. NAGENDA: Were you some kind of chief yourself?

KODET: I was a chairman.

MR. NAGENDA: A chairman of what?

KODET: I was a UPC Chairman.

COUNSEL: Of which area?

KODET: I was Chairman of Butini sub-parish - Butinyi Parish.

MR. NAGENDA: Who is the *Mutongole* Chief that reported to you?

KODET: It was Mr. Alifunsi Etyang who reported to me.

COUNSEL: Did he tell you whether he had actually seen the bodies - the dead bodies?

KODET: He reported to me that he had actually seen the bodies of the alleged killed people.

COUNSEL: Did he tell you whether he had recognised - identified - any of the bodies as a person he knew?

KODET: Now I did not know.

COUNSEL: Now what did you do?

KODET: After the *Mutongole* Chief had reported to me, we proceeded to the police -proceeded to Zirobwe Police.

COUNSEL: Yes.

KODET: We reported the matter to the police, after which they allowed us to bury the bodies.

MR. NAGENDA: Did the police themselves come to the scene of the killings?

KODET: They visited it.

MR. NAGENDA: You mean you went with them?

KODET: We went with them.

MR. NAGENDA: Well.

COUNSEL: Sorry.

CHAIRMAN: How far away from the police post were the bodies?

KODET: It was about one and a half (1½) miles from Zirobwe.

COUNSEL: Now did you yourself see the dead bodies - and, if you did, how many were they?

KODET: I personally saw the bodies. They were nine in number.

COUNSEL: Did you know any of these bodies? Did you recognize any?

KODET: I could not recognize anyone of them simply because I was still in pain.

COUNSEL: Did you know whether these people were local people or were -

KODET: Those people were said to be from Nakigozi some from Kivuvu.

MR. NAGENDA: How did you know if you did not recognize them?

KODET: Pardon.

MR. NAGENDA: How did you know where they came from if you did not recognize them?

KODET: I only recognized Ssali. I also recognized Lawrence and one called Eneriko, brother-in-law of Ssali.

COUNSEL: Now what did you do after being authorised to bury the dead?

KODET: We buried them.

MR. NAGENDA: At the very spot where they had been killed?

KODET: In that very place where they were killed.

COUNSEL: Yeah. Now that you know that some of these people - that is those people -belonged to Nakigoza -

KODET: Nakigoza -

COUNSEL: Nakigoza and Bududu, did you try to inform the relatives of these people to take the bodies?

KODET: We did not inform the relatives because by then I was unable; I was still sick.

MR. NAGENDA: Did you also know somebody called Damiyano amongst the dead?

KODET: I did not know.

COUNSEL: Yeah, how far was Nakigoza from this spot where those people had been killed?

KODET: I do not actually. It is a long distance.

COUNSEL: Was it very far from your place?

KODET: It was very far from our place.

COUNSEL: In that case, it was not possible to send somebody to inform the relatives of these bodies?

KODET: You could not get somebody whom you could send; people had been in hiding. They were fearing bullets.

COUNSEL: Did you try to find out why those people had been killed?

KODET: I did not try to find out why those people were killed.

COUNSEL: Normally, when a person is killed or murdered, what is the procedure taken -you being a chairman?

KODET: As I had informed you earlier that I had just been discharged from the hospital, so I had no strength. Pus was coming out.

COUNSEL: Did it look strange to you that the police did not take those bodies for say post-mortem for further investigations?

KODET: Well I did not know.

COUNSEL: That is all from this witness.

CHAIRMAN: Were the bodies in clothes - were they wearing the clothes, perhaps, in which they had been killed?

KODET: They were in clothes.

CHAIRMAN: Pardon!

KODET: The bodies were in clothes.

CHAIRMAN: I see. Were they scattered or put together?

KODET: They were heaped together. They were not scattered.

CHAIRMAN: Their hands were not tied?

KODET: They were not tied.

CHAIRMAN: Did you know when they had been arrested and brought to the police? Did you get to know for how long they had been at the police?

KODET: I did not know.

CHAIRMAN: Counsel - it is not known when they had been arrested for how long they had been at the police? Is it possible to know - to find out?

COUNSEL: Well, my Lord, the people - the police - who were at that place at the relevant time are known where they are now. I think, they will assist in telling us.

CHAIRMAN: I see.

COUNSEL: Not in this connection but another follow up; but they have traced them.

CHAIRMAN: But, certainly we would like to know because this Commission should know.

MR. NAGENDA: Yes, I think, Chairman, what was said earlier was that it was quite usual - the first witness told us that it was quite usual - to bring people from all around the place; in this respect they were police stations. They were coming and going. They were being gathered at Zirobwe. But still they would know those particular ones.

COUNSEL: Because some of those names have just been handed to me and they are from - they are just scattered - all over the country; but they know where they are -their presence now.

CHAIRMAN: They can be traced.

COUNSEL: Yes.

CHAIRMAN: Okay.

MR. NAGENDA: You said you are a Roman Catholic. Am I right?

KODET: I am Roman Catholic.

MR. NAGENDA: Was it usual in your area for a Roman Catholic to join the UPC?

CHAIRMAN: I do not see how relevant that one is to the matter at hand!

MR. NAGENDA: Well, I will show later that it is relevant. I will tell you why it is relevant. We have been told here in evidence that one, at least, one - a UPC - chairman was at the scene of the murder. We have been told that he mistreated people. I just want to find out -

CHAIRMAN: But then what has that got to do with religion? Well I am just wondering.

MR. NAGENDA: Well, actually what I am also going to drive at, was this because of your being an Etesot -was there a kind of connection between being an Etesot and being UPC; and, therefore, whether this also had something to do with the way they behaved in the area. I do not think it does any harm. Okay I will put it another way. Were all the Etesot in the area members of UPC?

KODET: Some were not UPC members; some were UPC members.

MR. NAGENDA: We have been told about somebody called Kinene. Did you know him?

KODET: I did not know Kinene.

MR. NAGENDA: We have been told that he was a UPC Chairman at Nakigoza. Do you know this to be true or not?

KODET: I did not know.

MR. NAGENDA: You may be interested old man, to remember that in the Bible which we read we are told that somebody denied the name of somebody three times. So I am going to ask you for a third time; and you are on oath, by the way.

KODET: I had no dealings with him. I do not know him.

MR. NAGENDA: Whether you dealt with him or not, did you know somebody called Kinene?

KODET: Ugh, ugh.

MR. NAGENDA: You have never heard of Kinene?

KODET: No, no.

MR. NAGENDA: I put it to you that you are lying.

KODET: Well.

MR. NAGENDA: Okay. You as a *Muluka* Chairman, did you terrorise none UPC people?

KODET: I did not terrorise people within my parish.

MR. NAGENDA: I would like to put in on record that I find your evidence most unconvincing.

MR. KAWANGA: Is Nakigoza part of Zirobwe Gombolola?

KODET: It is in Zirobwe but I have never even visited there.

MR. KAWANGA: You have lived in that *Gombolola* for about 50 years and you say YOU

HAVE NEVER BEEN TO NAKIGOZA?

KODET: I have never stepped in Nakigoza.

MR. KAWANGA: Okay, did you campaign for your party?

KODET: I have never campaigned.

MR. KAWANGA: How did you get elected chairman yourself?

KODET: I was appointed by my fellow citizens.

KAKWENZIRE: What were your duties as a UPC Chairman?

KODET: By then when I was appointed as UPC Chairman I was then affected by sickness. I suffered for about four months.

KAKWENZIRE: And then you left the job?

KODET: I lost the job because I was weak.

KAKWENZIRE: Okay you left it but when you were chosen you must have been told what you are supposed to do. What were you supposed to do?

KODET: It was to mobilise people in the area.

KAKWENZIRE: Have you just said you worked for one year?

KODET: I worked for one year and then I was affected by sickness.

KAKWENZIRE: In that one year, it is not clear what you were doing to the people.

KODET: I was just mobilizing my people.

KAKWENZIRE: Is *Kunyumya* (discussion) the same as mobilising the people?

KODET: I was just discussing with the people.

KAKWENZIRE: I take it that you were also concerned with the security. Your area was affected by insecurity, did this concern you as a UPC Chairman?

KODET: We did nothing as no bad thing happened in our area.

KAKWENZIRE: Are you telling the Commission that the people in your area did not have to run like other people were running? Did they not suffer from the army like other people were doing?

KODET: No one run away from the area.

KAKWENZIRE: And no army men came to harass people in your area?

KODET: There were some army personnel but never mistreated people.

KAKWENZIRE: Is it because of your work?

KODET: It was mainly because of my work.

CHAIRMAN: Well, *Mzee* Kodet, that is all from us now and we thank you for having come and given evidence before this Commission.

COUNSEL: Now, My Lord, Sir, we shall continue with this case tomorrow with evidence one Police Constable who is at Zirobwe and who was there at the material time but he has not been brought today. However I have got other witnesses to give evidence on the behaviour of Kinene, a UPC Chairman using soldiers, taking people's property as he liked without paying for them. The witness I intend to call is Misigalo Mikaeli.

CHAIRMAN: Counsel may be perhaps there is a suggestion or you may have thought of it already. It would be relevant to call - I do not know under which police post, police station or D.P.C. this police post was - but I do not know whether it would be relevant to find out from the D.P.C. who was responsible for this police post and to find out from them if they were ever informed and what action they took about this incident.

COUNSEL: Yes, my Lord, that will be pursued but there was a corporal who was in the area, there is P.C. who was in the area and there is a proposal I think from certain quarters to charge them with certain offence. So I do not know whether I should call them or I just leave it.

MR. NAGENDA: Yes, because it seems to me, Mr. Chairman, that regardless of whether other forums are interested in them they certainly will be of great interest to this Commission.

CHAIRMAN: I have said so already.

COUNSEL: Yes, certainly I will try to find out who was in charge of this police post so that he can assist us to say what he knows about this matter. My Lord Chairman this is witness No. 258, Mr. Micheal Misigalo.

WITNESS NO.258: MR. MICHEAL MISIGALO - SWORN IN

COUNSEL: You are Micheal Misigalo?

MISIGALO: Micheal Misigalo.

COUNSEL: A cultivator?

MISIGALO: I am a cultivator.

COUNSEL: 50 years old?

MISIGALO: I am aged 50 years.

COUNSEL: A Tanzanian living at Seeta, Kiyiya in Zirobwe?

MISIGALO: Yes.

COUNSEL: When did you come to Uganda?

MISIGALO: I have stayed in Uganda for almost 26 years.

COUNSEL: When did you settle at Seeta?

MISIGALO: I do not actually remember the year but I have stayed there for the last 17 years.

COUNSEL: Do you know a person known as Kinene?

MISIGALO: I know the person called Kinene.

COUNSEL: Who is he?

MISIGALO: I do not know the other name.

COUNSEL: What does he do?

MISIGALO: He was a UPC chairman.

COUNSEL: Of which Branch?

MISIGALO: In Nakigoza Branch.

COUNSEL: It is a Parish. Now, what do you know about him?

MISIGALO: I remember that one day he came to my house, he entered he looted there a bicycle, a sack of groundnuts.

COUNSEL: How did he come to your house, did you invite him?

MISIGALO: He just came as a looter, he came with two *Askaris* being armed.

COUNSEL: Now, when he came what did he say?

MISIGALO: He just entered the house and then started looting.

COUNSEL: What did you say to him?

MISIGALO: I said nothing.

COUNSEL: Did you report this incident to the authority?

MISIGALO: I reported the matter just after the change of the government.

COUNSEL: Why did you wait for the change of government to make a report?

MISIGALO: I could not report the matter by then because they were then in power.

COUNSEL: Now what do you want this Commission to do?

MISIGALO: It is up to the Government.

COUNSEL: Is Kinene still having your bicycle?

MISIGALO: I do not know whether the bicycle was sold or he is still possessing it but I know he just ran away to Kampala.

COUNSEL: Who chased him from the area to say as to run to Kampala?

MISIGALO: I do not know who chased him from the area.

COUNSEL: Apart from taking your bicycle and groundnuts, was he in a habit of taking people's property to your knowledge?

MISIGALO: He used to take some people's properties.

COUNSEL: Are you trying to suggest that he was mobilising people by looting their property?

MISIGALO: He used to do so. He used to loot goats, every property.

COUNSEL: Was he a family man or is he a family man?

MISIGALO: He was a married man with children.

COUNSEL: Is he in the village or is he still in Kampala as you say?

MISIGALO: I heard some rumours that he is under arrest, he in Luzira.

COUNSEL: My Lord, this is what I have from this witness.

CHAIRMAN: Mr. Misigalo, how far was your home from Kinene's home?

MISIGALO: It is a bit distant.

CHAIRMAN: You say he was in the habit of looting other people's property, did he loot property of any of our neighbours or people in your vicinity?

MISIGALO: Yes, he used to do so. He looted my neighbour's properties and some other residents of the area.

CHAIRMAN: Yes. Can you tell us the names of the other people whose property he looted?

MISIGALO: One was called Sulaiman Mabogolo he is neighbour. One was called Katooto. Those were one of the neighbours whose properties were looted.

CHAIRMAN: What about your non neighbours, anybody else?

MISIGALO: I do not know the names of those who are not my neighbours.

CHAIRMAN: That is all.

NAGENDA: When you have been talking about Mr. Kinene you have actually used the plural in saying "they used to go looting" who are the other people who looted?

MISIGALO: Besides the two soldiers who used to accompany him and some other thugs who used to accompany them in looting coffee.

NAGENDA: He was a UPC Chairman. Are you saying that some other UPC chairmen also looted?

MISIGALO: Besides that one only, he is the only one who exercised such acts.

MR. NAGENDA: You mean the other UPC chairmen as far as you are concerned were good people who did not terrorise the neighbourhood?

MISIGALO: Besides Kinene he was the one who used to go with soldiers looting their properties but others never participated.

MR. NAGENDA: Was your area very peaceful at his time?

MISIGALO: It was not in peace, it was very bad.

MR. NAGENDA: Who caused the suffering in your area then?

MISIGALO: It was Kinene who caused the instability.

MR. NAGENDA: Do you know another UPC chairman ....

MISIGALO: He could plant to the residents of the area that they are bandits.

MR. NAGENDA: Do you know another chairman called Sezariyo Kodet?

MISIGALO: I used to hear of Sezario Kodet he is in Zirobwe and I am on the other side of the area.

MR. NAGENDA: Apart from looting people's property, to your knowledge, did Chairman Kinene also mistreat them physically?

MISIGALO: In our area he never mistreated people besides looting.

MR. NAGENDA: Thank you.

KAKWENZIRE: Where in Tanzania do you come from?

MISIGALO: I came from a place called Ngaala.

KAKWENZIRE: Why did you come?

MISIGALO: Just to be employed to get money.

KAKWENZIRE: And consequently you decided to stay permanently in Luwero?

MISIGALO: Yes. I came to be employed and eventually I got even married. If I get money I can go and visit my parents then I come back.

KAKWENZIRE: You married in the area, a Ugandan?

MISIGALO: She is also a Tanzanian.

KAKWENZIRE: So you have already decided to stay permanently in Uganda?

MISIGALO: I have decided to stay permanently in Uganda unless when I feel I am tired I can decide to sell my assets and then go back to my mother land.

KAKWENZIRE: Now, when troubles came to this part of the country did you find your businesses running at a disadvantage to you?

MISIGALO: I never got any advantage because my properties were looted.

KAKWENZIRE: Did you have a political party for instance?

MISIGALO: I was just supporting Museveni but I had no party.

KAKWENZIRE: Why did you support Museveni?

MISIGALO: Because now I am enjoying life.

CHAIRMAN: That seems to be all Mr. Misigalo, the questions from the Commissioners. I would like to thank you for the evidence you have given. You may go now. Next witness please.

COUNSEL: The next witness is Sulaiman Mahogoro.

WITNESS NO.259: MR. SULAIMAN MAHOGORO - AFFIRMED

COUNSEL: You are Sulaiman Mahogoro?

MAHOGORO: I am Sulaiman Mahogoro.

COUNSEL: How old are you?

MAHOGORO: I am aged 57 years.

COUNSEL: What do you do?

MAHOGORO: I am a cultivator.

COUNSEL: Where?

MAHOGORO: I cultivate at Seta Kiyiya.

COUNSEL: You are a Tanzanian?

MAHOGORO: I am a Tanzanian.

COUNSEL: When did you come to Uganda?

MAHOGORO: I just came to Uganda right from 1960 and I settled.

COUNSEL: You are saying that you settled right from 1960 in Seta?

MAHOGORO: Yes.

COUNSEL: In November, 1983 is there anything which happened that you want to tell this Commission?

MAHOGORO: Yes, I can still recall. I remember during November 1983 one called Kinene came with two soldiers and some other people and put six sacks of coffee and then take them away.

COUNSEL: You mean he bought six sacks of coffee or he just took them?

MAHOGORO: The soldiers just packed them and then took them away.

COUNSEL: How did they come to your home, were they walking?

MAHOGORO: They came just walking, some had some bicycles and they had some empty sack where the people who are going to carry the coffee.

COUNSEL: Did you ask them for money?

MAHOGORO: I could not ask for money.

COUNSEL: How did they know you had coffee in your house?

MAHOGORO: At first we were prohibited by the *Mutongole* Chief not to sell coffee in tins but in case we could do so that we were just selling them to the bandits.

COUNSEL: So what happened after this ban by the *Mutongole* Chief?

MAHOGORO: What followed next, there is a day when a *Mutongole* Chief came along with soldiers and came with some other people and found when I had heaped coffee in my house. The *Mutongole* Chief was called Hassan, I do not remember the other name.

COUNSEL: Was the *Mutongole* Chief present when Kinene came to your home to take this coffee?

MAHOGORO: They came along with him.

COUNSEL: You have been talking about Kinene. Who is Kinene? What is his background?

MAHOGORO: Actually I did not know who Kinene was because by then we were just staying in hiding.

COUNSEL: Was he of your village, was he a cultivator, was he a butcher, was he what?

MAHOGORO: He was a cultivator.

COUNSEL: Was he a chief to be able to walk with soldiers?

MAHOGORO: He was just a mere thug.

COUNSEL: Now, where is Kinene?

MAHOGORO: I heard rumours that he is under arrest.

COUNSEL: Do you have anything to say about his taking away of your coffee without paying you money?

MAHOGORO: That is what caused us to come and approach you.

COUNSEL: What do you want this Commission to do for you?

MAHOGORO: I need the Commission to do all that is possible that Kinene could pay money for my coffee he took.

COUNSEL: Did Kinene take only coffee or he took other people's - neighbours' property?

MAHOGORO: He took my coffee and that of my young brother Christopher Katoto.

COUNSEL: Any other person?

MAHOGORO: On the day I realised he had taken is the day I deserted from the area, I never saw him again.

COUNSEL: Where did you go?

MAHOGORO: From Seta Kiyiya I ran away to Manyama in Zirobwe.

COUNSEL: Is Mikaeri Misigalo your neighbour?

MAHOGORO: Mikaeri Misigalo in my neighbour.

COUNSEL: Do you know whether also Kinene visited his home the same day?

MAHOGORO: He went in the home of Misigalo on that very day therein he looted a brand new bicycle and a tin of groundnuts. A sack of groundnuts.

COUNSEL: Did you know what he took from your brother Katoto?

MAHOGORO: I was also forced to accompany them to go and get the coffee from my young brother Katoto. We packed five sacks of coffee.

COUNSEL: Did Katoto also decide to run away to where you went to Manyama?

MAHOGORO: We run away with Katoto but with him never run away a distant, he was a bit nearer. When the situation became calm he used to go and cultivate in his kibanja.

COUNSEL: My Lord, this is what I have from him on this matter.

CHAIRMAN: Did Kinene or any of the people he came with tell you why they were carrying away your coffee?

MAHOGORO: They came and the *Mutongole* Chief said that you are keeping this coffee, I think, you take them for bandits but in case we turn up tomorrow and we find that you have just taken away some coffee you will face it.

CHAIRMAN: I mean the day they came and carried away your coffee. Did they tell you why they or where they were carrying the coffee?

MAHOGORO: They did not tell me where they were taking that coffee. I was frightened and after realising that I just ran away - I had to run away.

CHAIRMAN: You did not ask them because you were frightened?

MAHOGORO: As they came I was frightened. Since I saw they had soldiers who were armed with some other people who had sacks I could not ask them but after packing Mr. Kinene asked me that had I paid graduated tax. I told him I had paid he then shook hands.

MR. KAWANGA: First of all I want to know, you said Kinene was a mere cultivator on the village. When he took your coffee, why did you not report him?

MAHOGORO: I had nowhere to report, there was a *Mutongole* Chief along with him then where could I pass and reach the police?

MR. KAWANGA: You could go to the *Gombolola* Chief.

MAHOGORO: Even the *Gombolola* Chief was just meaningless because they had all the dealings.

MR. KAWANGA: You know about these dealings?

MAHOGORO: That was their trick since the *Mutongole* Chief came and advised us not to sell that coffee but, surprisingly when they came they only planted it on

us that we were keeping that coffee for the bandits.

MR. KAWANGA: So according to you the *Mutongole* chief, Kinene and the *Gombolola* chief, all combined to loot your property?

MAHOGORO: Yes, they combined.

MR KAWANGA: What was the name of the *Gombolola* Chief?

MAHOGORO: I can't still recall the name of the *Gombolola* Chief by then.

MR. KAWANGA: According to the witnesses who have testified before you Kinene was the UPC chairman of your area. Did you know of this fact?

MAHOGORO: I did not know that Kinene was a UPC chairman of the area. Possibly he was a UPC chairman but I did not know. The moment they looted my coffee I just decided to run away from the area.

MR. KAWANGA: That is another thing I want to know. Why did you run away? These people came, they took your coffee, they went away, why did you have to run.

MAHOGORO: The reason why I had to run away is just because these people came, looted my six sacks of coffee, I was a man of a family, I had children by then there was war and I could not go to somebody to be employed to get money in order to feed my people, I had to go deep in the village to get some employment in order to survive.

CHAIRMAN: Mr. Mahogoro, that is all the questions the Commissioners have for you by way of clarifying your evidence. Thank you for having come to give in your evidence to the Commission.

COUNSEL: My Lord, Chairman, I had another witness Katoto but his evidence has actually been given by this witness. So these are the witnesses I had for today, others did not come.

CHAIRMAN: He is the young brother of the last witness, you feel you do not feel to call him?

COUNSEL: Yes, my Lord.

CHAIRMAN: Well, in that case the Inquiry is adjourned and we resume here tomorrow at 9.30 a.m.

CHAIRMAN: Commissioners, Learned Counsel, Ladies and Gentlemen, we are ready to start the session of today the 29th of April, 1988 still at Katikamu county headquarters. Counsel, the next witness will be No.260.

COUNSEL: Yes, my Lord. My Lord Chairman and Gentlemen Commissioners, the next witness we are going to have now will testify to atrocities that were committed between 1981 upwards and in particular to incidents which happened at Kaaya's farm. He is Mr. George William Sekayiri.

WITNESS NO.260: MR. GEORGE WILLIAM SEKAYIRI - SWORN IN

COUNSEL: You are Mr. George William Sekayiri, *Gombolola* Chief of Butuntumula?

SEKAYIRI: I am George William Sekayiri, *Gombolola* Chief of Butuntumula.

COUNSEL: And your age is 46 years?

SEKAYIRI: I am aged 46 years.

COUNSEL: Could you tell your Lords and Gentlemen Commissioners what you were before - your background before you became a chief?

SEKAYIRI: I was a market master at Wobulenzi.

COUNSEL: When were you a Market Master?

SEKAYIRI: I was a Market Master since 1978.

COUNSEL: Up to when?

SEKAYIRI: Up to 1986.

COUNSEL: What did you become after 1986?

SEKAYIRI: I was appointed as a *Gombolola* Chief in Butuntumula.

COUNSEL: Are you still the *Gombolola* Chief in this area?

SEKAYIRI: I am still the *Gombolola* Chief of the area.

COUNSEL: Were you in this country in 1981?

SEKAYIRI: I was in this country in 1981.

COUNSEL: Where were you in 1981?

SEKAYIRI: My home was in Butuntumula but I was working at Wobulenzi.

COUNSEL: While you were there what happened?

SEKAYIRI: The war broke out and there were brought Special Force men. There was a camp at Butuntumula.

COUNSEL: When you say they brought, who brought Special Force men to your place?

SEKAYIRI: They were brought during the reign of Obote.

COUNSEL: You have mentioned Special Force men, of what particular interest were they?

SEKAYIRI: They had come to implement peace but after which they started looting our properties.

COUNSEL: When you say they started looting properties, are you able to name the properties looted?

SEKAYIRI: They looted things like goats, heads of cattle, chickens, radio cassettes and even they raped women.

COUNSEL: Would you mention the victims, people who fell victims to looting?

SEKAYIRI: Yes. I myself I was looted of my properties.

COUNSEL: When was that?

SEKAYIRI: It was during 1983.

COUNSEL: Do you remember the month and date?

SEKAYIRI: I cannot still recall.

COUNSEL: What happened?

SEKAYIRI: Francis Namuyimba was also looted.

COUNSEL: What happened to you?

SEKAYIRI: They looted my heads of cattle, pigs and goats.

COUNSEL: How many cattle?

SEKAYIRI: They first ate two heads of cattle and there remained seven. Home utensils and they looted also chickens and goats.

COUNSEL: Are you able to tell the Commission the number of chickens taken from your home?

SEKAYIRI: About four chickens.

COUNSEL: What about goats?

SEKAYIRI: One goat and one sheep.

DR. LUYOMBYA: Just a clarification. Was this told to you or you were present because you said you used to stay in Wobulenzi yourself.

SEKAYIRI: I physically saw this incident because I was only working at Wobulenzi but I was staying in my home at Butuntumula.

MR. KAWANGA: Mr. *Gombolola* Chief, I expect you to be a little bit more systematic. You told us they looted your pigs and goats, do not just say they did, did they come out of the blue and they come and steal your goats, we expect you to tell us how it happened.

SEKAYIRI: They used to come during the day time, they could order you to chase a chicken ...

COUNSEL: No, on this day when your property was looted, where were you?

SEKAYIRI: I was at home, it was even a Sunday.

COUNSEL: Yes, what happened while you were at home?

SEKAYIRI: There came two soldiers, one of them was called Lembalemba.

CHAIRMAN: Were they soldiers or Special Force?

SEKAYIRI: They were Special Force policemen. They ordered my son to chase the chicken. They ordered my daughter to cut a banana and then ordered me to drive one sheep and one goat to the place they wanted.

COUNSEL: What is the name of your son?

SEKAYIRI: The son was called Ngobya, but he passed away.

COUNSEL: And then the daughter?

SEKAYIRI: The daughter was called Namulindwa.

COUNSEL: What time was it?

SEKAYIRI: It was around 8.30 a.m.

COUNSEL: Were these orders carried out?

SEKAYIRI: Yes.

COUNSEL: What happened?

SEKAYIRI: One of my sons tried to run away - a son called Patrick - and he was beaten. And on another occasion they came back.

COUNSEL: No, we are still on the same occasion.

SEKAYIRI: I chased the sheep and the goat up to the *Gombolola* Headquarters, Butuntumula.

COUNSEL: Who chased the goat? You drove the goat and sheep to Butuntumula.

SEKAYIRI: It was me who drove the goat and sheep.

COUNSEL: Did you arrive at the *Gombolola* Headquarters?

SEKAYIRI: I arrived and took them there.

COUNSEL: What happened?

SEKAYIRI: They ordered me to go back home.

DR. LUYOMBYA: Was it on that same day that they beat your son Patrick?

SEKAYIRI: It was on that very day.

DR. LUYOMBYA: Your daughter was busy cutting matooke; Ngobya was chasing chicken and you were chasing a goat and sheep. How come that they beat this child?

SEKAYIRI: He was trying to run away.

DR. LUYOMBYA: Had they got hold of this child?

SEKAYIRI: The boy was trying to run away up to the mother where she was. They never wanted somebody to run away because he could alert some others ahead.

DR. LUYOMBYA: Where was the mother?

SEKAYIRI: She was cultivating in the shamba.

DR. LUYOMBYA: Incidentally this was a Sunday.

SEKAYIRI: She had gone to collect food.

COUNSEL: How far was this place where the food was from your house?

SEKAYIRI: The banana plantations were in the coffee shamba down the swamp area where the *kibanja* stops.

COUNSEL: Would you estimate, by pointing to any structure here, how far it was?

SEKAYIRI: It was up to that road.

COUNSEL: That is about 200 yards away. Now, did you have neighbours?

SEKAYIRI: I had some neighbours.

COUNSEL: Who were your neighbours?

SEKAYIRI: The two neighbours died, one was called Yokana Bulime and the other neighbour of mine was a young man, he was also killed but I cannot recall his name.

COUNSEL: What happened to them on this day you were looted by Special Force policemen.

SEKAYIRI: They were not affected that day.

COUNSEL: Now, in 1983, was this phenomena of looting people very common in your area?

SEKAYIRI: It was so common, they could go far away from the villages they could loot heads of cattle, goats.

COUNSEL: Would you explain to this Commission how this newly brought Special Force Policemen could be able to move in the villages?

SEKAYIRI: They could go on foot, they could loot and in case they could find some other people they could kill them because they were armed and some of whom they used to order them to carry the looted properties.

COUNSEL: Did you witness any of these incidents?

SEKAYIRI: I used to witness especially carrying of properties.

COUNSEL: Can you give us any incident when property was looted and you saw them carrying it?

SEKAYIRI: Yes, I can but I cannot remember the date.

COUNSEL: But the year?

SEKAYIRI: In 1984. On certain occasion they looted heads of cattle, goats, they could pull out iron sheets from the houses.

CHAIRMAN: You saw them carrying, you did not see them pulling.

SEKAYIRI: I saw them carrying them. There is even a house I saw at Kazinga which iron sheets was pulled away and the owner of the home was killed at Kasiiso.

COUNSEL: What was the name of the house?

SEKAYIRI: The name of the person who was killed was called Lwanga.

CHAIRMAN: You got information about this?

SEKAYIRI: I know the incident when they took him to Kasiiso but how he was killed I did not know, I was only told.

CHAIRMAN: Did you see him after they had taken him?

SEKAYIRI: I was only informed because he was my neighbour, I was told by his wife.

COUNSEL: There has been evidence before this Commission that the looting was

often times accompanied by killing. What do you say about this?

SEKAYIRI: During their exercise they could go in the villages, they could find people and they could saw they are bandits and they could kill them. There was a certain occasion when they killed two men at Butuntumula*Gombolola* Headquarters and there was an occasion whereby they killed a certain girl whom they struggled with, a girl who was killed was the daughter of Payinento Sekatuba.

CHAIRMAN: Give us their names, do not just say two people. Did you know the names of the two people who were killed at the *Gombolola* Headquarters at Butuntumula?

SEKAYIRI: One was called Baale but the other one I cannot remember his name.

CHAIRMAN: Were you present when they were killed? Did you see?

SEKAYIRI: I was there when they were killed. They were coming from Kasaala Catholic Church and then they were called, then they took them to the *Gombolola* Headquarters and they were killed.

CHAIRMAN: When you were seeing, tell us what or how it happened.

SEKAYIRI: They were taken in a forest and this is where they were fired at - they were shot then we managed to go there and we got the bodies and we took them away and we buried them and even paid some money, we gave the money to the policemen.

CHAIRMAN: Why?

SEKAYIRI: In order to allow us to buy the bodies because they were bandits.

COUNSEL: So these two men were alleged to be bandits?

SEKAYIRI: They were alleged to be bandits.

COUNSEL: How much was the money you gave to these Special Force policemen?

SEKAYIRI: I cannot exactly remember the amount of money we paid because it was not me who handed over the money.

COUNSEL: Who handed over the money?

SEKAYIRI: The father of Baale was the one who handed over the money to the policemen.

CHAIRMAN: From whom did the money come from, from the father?

SEKAYIRI: From the father of Baale.

COUNSEL: Now you can go to the second incident.

SEKAYIRI: Problems went ahead and they used to get some coffee from us in order to sell to get some money to feed them and to buy some beers in order to enjoy themselves.

COUNSEL: No, you mentioned that two men were killed and later on a girl was killed. You have finished with the men, tell us about the girl.

SEKAYIRI: There was a day when there was a football match at Kasaala. There was a girl who was riding a bicycle, then a Special Force policeman grabbed the girl, forced her to enter the house. The girl resisted.

COUNSEL: What was the name of this girl?

SEKAYIRI: I know the name of her father.

COUNSEL: A daughter of who?

SEKAYIRI: She was a daughter of Payinento Sekatuba. But the father was also killed.

COUNSEL: Yes.

SEKAYIRI: During the struggle the girl was shot dead.

CHAIRMAN: You were also there?

SEKAYIRI: During the shooting I was not there but I found the body already there.

CHAIRMAN: You were informed of how it happened.

SEKAYIRI: I was only informed how it was but I saw the dead body.

COUNSEL: You came to the scene later on.

SEKAYIRI: Yes, I came to the scene later on.

COUNSEL: After the girl was killed did they report to the police?

MR. KAWANGA: Mr. Leading Counsel, *Gombolola* Chiefs get a lot of information. Unless you take care this *Gombolola* Chief is going to tell us a lot of what he was informed and what he knows. I would ask you kindly to ask him to tell us what he saw and witnessed, otherwise we are going to get all sorts of incidents, he must have a lot of them. So let us stick to that.

COUNSEL: Much obliged, my Lord.

CHAIRMAN: The witness please, you should tell us what, first of all, what you saw, what happened in your presence to you or to other people in your presence. Do not give the impression that you witnessed what you were informed. You are informing us what you were informed, tell us the source of that information because at that time you were still a Market Master, you were not yet a *Gombolola* chief.

SEKAYIRI: They went on doing so many evil things until they were removed and taken away and then there came some soldiers of Lutwa.

COUNSEL: This was in 1985?

SEKAYIRI: Yes.

CHAIRMAN: When were the Special Force removed?

SEKAYIRI: I think they were removed either August, 1985 or November and they were removed away.

CHAIRMAN: How many were they always, these Special Force? How big or small was the unit.

SEKAYIRI: They were only seven at ours. Some were in Kasiiso, some were at Ngogoro.

CHAIRMAN: We are talking about this place at Butuntumula.

SEKAYIRI: They were only seven at Butuntumula. Then soldiers of Lutwa were brought, they came shooting. When they reached Ngogoro they branched to our place; when they reached at my home there was a certain gentleman called Angelo. On their ways they were led by Mr. Angelo.

COUNSEL: Who was Angelo?

SEKAYIRI: Angelo was a youth winger.

DR. LUYOMBYA: Did Angelo have any other names?

SEKAYIRI: I did not know the other name but I knew him by appearance. When they reached my home they found me there with a man called Settimba Fred. They started beating us, they took away our clothes - they undressed us and we remained in pants. They took away Shs 70,000/=; they also looted a radio cassette, one weighing scale and some other home utensils which had remained in the home. They also demanded our wives but we had already moved them away from the homes. My colleague was seriously beaten because they demanded a radio cassette but he had already taken it away. The next day we managed to go away from our homes during night time.

CHAIRMAN: What is the name of your friend?

SEKAYIRI: Fred Settimba.

DR. LUYOMBYA: Now, when Angelo brought Lutwa's soldiers, was Fred Settimba actually in your home or he was also in his home?

SEKAYIRI: We used to gather at a prison, then we could go and get some food for catering.

COUNSEL: Are you suggesting that you had fled your homes and you were staying in one place?

SEKAYIRI: We had fled away from our homes and gathered in a certain place. We could only come and get some food for catering and then go back.

COUNSEL: How far apart was this place of your gathering from your home?

SEKAYIRI: It is only a short distance from our homes to the place where we used to gather as from here up to the main road.

COUNSEL: About 200 yards. Okay, on this particular day when Angelo came with soldiers, what time of the day was it?

SEKAYIRI: It was around 10.00 a.m.

COUNSEL: How many soldiers were they?

SEKAYIRI: They were six soldiers.

COUNSEL: How were they able to carry all this lot?

SEKAYIRI: We had remained with few properties, those they looted; they tied on bicycles.

COUNSEL: Are you suggesting that they came riding bicycles?

SEKAYIRI: Some were on foot, some were on bicycles.

COUNSEL: How many were on bicycles?

SEKAYIRI: They were three those who had bicycles.

COUNSEL: Did you report this incident to the police?

SEKAYIRI: It could not be possible to reach even to the police.

COUNSEL: How about the chiefs in your area?

SEKAYIRI: Some had already run away.

COUNSEL: You said you are a *Gombolola* Chief.

SEKAYIRI: Yes.

COUNSEL: You became a Chief in 1986?

SEKAYIRI: Yes.

COUNSEL: What are your duties as a Chief?

SEKAYIRI: My duty is to implement law and order, collection of revenue,

government revenue and other government funds. To look after the welfare of the people.

COUNSEL: When you say to look after the welfare of the people, does it include collection of remains of people?

SEKAYIRI: It is also inclusive.

COUNSEL: Would you tell this Commission how you have been doing it?

SEKAYIRI: At first we made some tables where we could lay the remains of some people. At last the government decided to collect all these remains and then they were put in store at the *Gombolola* Headquarters.

COUNSEL: When did this exercise of erecting tables begin?

SEKAYIRI: I cannot still remember the year.

COUNSEL: Would you tell the Commission how many remains you have collected?

SEKAYIRI: It is impossible.

COUNSEL: How do you store these remains?

SEKAYIRI: After the collection of the remains they were put in polythene bags and after which they were stored in two rooms of *Gombolola* Headquarters.

COUNSEL: What is the number of polythene bags you have so far collected?

SEKAYIRI: On the day they were collected I was not there but if it is necessary we can count them.

COUNSEL: You have not counted them?

SEKAYIRI: I have never counted them.

COUNSEL: Did you say these bags you have are from your one *Gombolola* or two?

SEKAYIRI: They are from two *Gombololas*.

COUNSEL: Which *Gombolola* and *Gombolola*?

SEKAYIRI: They are from Luwero and Butuntumula.

COUNSEL: Are these bags marked to indicate the place from which they have been collected?

SEKAYIRI: They are labelled.

COUNSEL: Have you been able to read these labels and can you tell us the various places from which these remains have been collected?

SEKAYIRI: Yes, I have ever done so.

COUNSEL: Could you please mention the names?

SEKAYIRI: Some were collected from Kasiiso, some were collected from Ngaaju, Wabiyaayu, these are some I managed to see.

COUNSEL: Is Kaya's farm one of the places in your *Gombolola*?

SEKAYIRI: Yes, it is one of the places in my *Gombolola*.

COUNSEL: What is the exact name - the local name for this Kaaya's farm?

SEKAYIRI: It is within Kalwanga parish.

COUNSEL: But what is the village?

SEKAYIRI: It is called Kisongoza.

COUNSEL: Before these skulls were collected, have you ever visited this Kaya's farm before?

SEKAYIRI: I have ever visited there on a familiarisation tour but I could not even stop there because it had grown into bush.

COUNSEL: So you do not know whether some skeletons were collected from this farm?

SEKAYIRI: They were collected and put at Wabyayi.

COUNSEL: You do not know who collected those bones?

SEKAYIRI: This was done by the *Muluka* Chief and the chairman of the area.

COUNSEL: Shall we say your *Gombolola* and Luweero were war zones or people were just being killed not in actual fighting?

SEKAYIRI: They were only just killed.

COUNSEL: How about in your gombolola Butuntumula? Was it a war zone or just people were being taken there and slaughtered?

SEKAYIRI: They were taken there and be killed.

COUNSEL: That is all, my Lord.

CHAIRMAN: Apparently we are all satisfied with your evidence, we do not need any further clarification. You may go now.

COUNSEL: My Lord, I do not know whether it could be noted that this Commission has seen these bags at Butuntumula because we visited the place.

CHAIRMAN: Yes, that is correct, Counsel. The Commission has already visited part of Kaaya's farm that part which is near the main road, the main Gulu-Kampala road. This was last week where we were taken by one of the witnesses who had given evidence here, Yoana Walugembe, who was one of the survivors -I think the only survivor on a lorry of 27 people who had been taken from Luwero Barracks and the rest were killed. He actually showed us I think a pit for water or a dam, where those people were killed and where he survived. Now, water had covered this place so we could not see whether there were any remains of human beings or not but not very far away, near the road, the Commission had earlier been there in 1986 and saw a lot of human skeletons and bones and clothes, remains on clothes, strings, wires with which people had been tied before they were killed. Now, these have since been collected in the exercise of human skeletons which has been done. Articles of remains of clothing we saw appear to be civilian clothes not military and it appeared that the bodies had either been heaped there or people were taken there already killed or they were taken alive and killed at the place judging by the large number of skeletons which we found concentrated in one small area. And then after the Commission went to Butuntumula Sub-county Headquarters about which this last witness has testified and we saw a large number of sacks of polythene paper into which human remains had been collected and stored. We are informed that later on the remains will be taken away for preservation or burial somewhere else. Now, Counsel, the next witness please.

COUNSEL: Mr. Chairman, this witness is to testify on the summary execution of eleven people, he is a survivor but he is also to tell the kind of torture he underwent when this killing took place by Government agency.

WITNESS NO.261: MR. JOHN MAYANJA - SWORN IN

COUNSEL: Would you tell us your names please?

MAYANJA: I am called John Mayanja.

COUNSEL: How old are you?

MAYANJA: I am aged 35 years.

COUNSEL: What do you do and where do you live?

MAYANJA: I stay in Kito. I am a cultivator.

COUNSEL: Which *Gombolola*?

MAYANJA: *Gombolola* Katikamu.

COUNSEL: For how long have you been in Kito?

MAYANJA: I was born there and I was brought up there.

COUNSEL: You have never moved to any other place?

MAYANJA: I have never moved to another place.

COUNSEL: I see some scars, big ones, on your neck. How did you sustain these?

MAYANJA: I got the scars during the war.

COUNSEL: Do you mean when you were fighting?

MAYANJA: I was not fighting.

COUNSEL: What were you doing, you say - how did you happen to have them?

MAYANJA: During the instability we run away from the area and we went up to Wabusaana. We stayed in Wabusaana two years but after which there was an announcement on the radio, we heard that each was entitled to come back to his home, he was free to return to his home.

COUNSEL: When did you go to Wabusaana?

MAYANJA: I went to Wabusaana during 1981.

COUNSEL: And after two years you said you were told to come back.

MAYANJA: Correct.

COUNSEL: Did you respond to this announcement?

MAYANJA: We responded and we came back to our homes.

COUNSEL: When did you return?

MAYANJA: I came back to my home during July, 1983.

COUNSEL: Do you remember the date?

MAYANJA: It was on 27th day of July, 1983.

COUNSEL: When you returned to your home did you comfortably stay in your home?

MAYANJA: I was not settled well.

COUNSEL: Why?

MAYANJA: Soon after our arrival we went to the Muluka headquarters to introduce ourselves but when we reached there, the Muluka chief denied us.

COUNSEL: What do you mean he denied you?

MAYANJA: He only handed us over to the soldiers saying we were bandits who had fled to the bush.

COUNSEL: Now, when you say "we", who are the others?

MAYANJA: I was with my father-in-law.

COUNSEL: Did he have a name?

MAYANJA: He was called Damba.

COUNSEL: He handed you to the soldiers, where were they based?

MAYANJA: They were based in Wobulenzi.

COUNSEL: What happened when you were handed over to the soldiers?

MR. KAWANGA: Perhaps before you answer that one, what was the name of that *Muluka* Chief?

MAYANJA: The *Muluka* Chief was called Onega.

DR. LUYOMBYA: How far was Kito from Wobulenzi?

MAYANJA: It is only a mile from Kito to Wobulenzi.

DR. LUYOMBYA: Did this *Muluka* Chief take you there as prisoners or what?

MAYANJA: He handed us over to the soldiers like prisoners.

COUNSEL: Yes.

MAYANJA: Then we were handed over to the soldiers we were beaten and tortured throughout the night. Then the next day there was brought a vehicle whereby we were loaded, we were about seven people. From there we went as far as Luwube and there we got two people, we got two men. We went as far as Kikonge and we got three people and we were twelve in number.

COUNSEL: Now, when you say you got two and then three, you mean they found these people walking and then they arrested them or how did they get these two and three.

MAYANJA: At Luwube we got the two people at the detach. And when we reached Kikerege there was also a detach then we got three people. Then we proceeded up to Gayaza where there is a swampy place that is where we were unloaded.

COUNSEL: Was it at night or during the day.

MAYANJA: It was during the day time, during the morning hours.

COUNSEL: Then when we reached Gayaza, we were unloaded then we were put in a small forest. We found there about eighty dead bodies which had been killed before the previous night.

DR. LUYOMBYA: Were you handcuffed at this time?

MAYANJA: We were tied by ropes.

COUNSEL: When you use the word "village like Gayaza", Gayaza is a famous place. We know Gayaza High School, this is in Kyaddondo.

MAYANJA: Gayaza is on Kikyusa road, there is a swampy place, it is about three miles.

COUNSEL: So this is Gayaza of Bulemezi, not Kyaddondo?

MAYANJA: This is of Bulemezi.

COUNSEL: Now, what happened?

MAYANJA: After unloading us from the vehicle, they ordered us to lie down. We then lay down. There were two soldiers and with Onega who were dressed in a military uniform. They started cutting us with pangas. After cutting us they knew that we were all dead. I only kept quiet within the bodies. After realising that they had left the place I got up then I started checking on my colleagues, I noted that they were all dead.

COUNSEL: Including your father-in-law?

MAYANJA: And including my father-in-law.

COUNSEL: Did you know the other ten also?

MAYANJA: I never knew the ten dead bodies. Then from there I managed to escape from that place then I hid on the other side of the road in the bush; while there I heard two women laughing then I requested them to untie me.

COUNSEL: Did they untie you?

MAYANJA: Yes, they cut the ropes. They advised me to hide further because the soldiers were likely to come and collect food. I hid in the bush until at around 8.00 p.m. when I got out from the bush.

COUNSEL: What did you do with the cuts you had?

MAYANJA: I managed to go in a certain house which was abandoned then I got some rugs whereby I managed to tie on the wounds but all the same the blood was still oozing terribly.

COUNSEL: Would you like to show the cuts you had to the Commissioners please? Could you remove your shirt if possible.

MR. MAYANJA: These are the cuts on my neck. And my ribs were also affected because I was kicked.

COUNSEL: Now, what did you do?

MAYANJA: After that I got out of the bush then I went to a certain house which was abandoned, I found there water then I drank that water and it is when I became a bit alright. After drinking water I started moving then when I could feel that it was too cold I could enter the abandoned house then I could sleep.

COUNSEL: You mean you did not have any treatment?

MAYANJA: I had no treatment at all. I remained in the bush for about 14 days being untreated.

COUNSEL: After the 14 days what happened?

MAYANJA: After 14 days I managed to move up to my sisters who were in Kito. They started treating me and during those days somebody to be seen with some wounds was so serious, they could easily kill you.

COUNSEL: So you were just treated locally by herbs and so forth?

MAYANJA: I was treated by native medicines.

COUNSEL: But tell us, were you a bandit?

MAYANJA: I was not a bandit. If I were a bandit, I could not survive, I could not be alive.

COUNSEL: Had you been giving support or were you giving support to the bandits?

MAYANJA: By the time I ran away to Wabusaana I was supporting them.

COUNSEL: When to say supporting, we are not saying supporting them; were you giving them material benefits?

MAYANJA: Because I had also just ran away I had nothing, I was a refugee I could not give them anything.

COUNSEL: What do you want to say about what happened to you and to other people, the eleven and may be the 80 people you found dead? For instance, where is Mr. Onega?

MAYANJA: I hear Onega is within the force.

COUNSEL: Within the NRA?

MAYANJA: Yes.

COUNSEL: Where?

MAYANJA: He is in the northern part of the country.

COUNSEL: Did he not have a *kibanja* in your village Kito?

MAYANJA: He had a *kibanja* in Tweyanze.

COUNSEL: Has he got people there? Members of his family?

MAYANJA: He has no people of his family there.

COUNSEL: When did he abandon the *kibanja*?

MAYANJA: Soon after the take over.

COUNSEL: I see. Okay, now what would you like to say to this Commission to do to such people like Onega and others?

MAYANJA: I would request the Commission to arrest such people and be charged, and be punished as they also did to me.

COUNSEL: When they are punished, were they punishing you? Had you done anything?

MAYANJA: I had done nothing.

COUNSEL: Now, would you like to equate yourself to Onega because you know you were cut, people were killed. Had they done anything, you say they should be punished, what do you mean by punished? Is that because he had done nothing?

MAYANJA: I say that when he is arrested let him be punished the way he also did to me.

COUNSEL: You mean when we immediately arrest him we cut him like you?

MAYANJA: Yes.

MAYANJA: Would you do it yourself? I mean if we brought him, would you cut him?

MAYANJA: I can cut him.

COUNSEL: I do not know what the Chairman will say, I do not know what the Chairman will advise.

MR. KAWANGA: Actually I do not think we would advise to do that. I think what you should perhaps seek is that he should be placed to justice and face the law of this country - punished according to the law of this country.

MAYANJA: I do not object to that but if he is presented before me, I cut him.

COUNSEL: Have you had an occasion to visit Gayaza, that is the area where you

found the 80 bodies then the eleven. Have you had an occasion to visit it?

MAYANJA: We went there looking for the various remains of my father-in-law.

COUNSEL: Were you able to find it?

MAYANJA: We were not able to trace the remains because all the remains were scattered by the animals.

COUNSEL: Were there many skulls?

MAYANJA: There were so many skulls but all were scattered and bones were broken.

COUNSEL: That is all, my Lord, Chairman.

MR. KAWANGA: If I may ask, you ran away - with how many other people did you run away to Wabusaana?

MAYANJA: I ran away with five people.

MR. KAWANGA: From your village?

MAYANJA: Yes.

MR. KAWANGA: Did other people remain on the village?

MAYANJA: Most of them had run away but eventually some came back.

MR. KAWANGA: Was Onega on the village by the time you ran away?

MAYANJA: Yes, he was still there on the village. I left him there and I also found him on my return.

MR. KAWANGA: Now, why did he have to refer to you as a bandit? He knew you had fled there with other members of the village?

MAYANJA: Because I over stayed there.

MR. KAWANGA: For how long did you overstay?

MAYANJA: I overstayed there for two years.

MR. KAWANGA: You stayed away for two years. How earlier did other people return before you returned yourself?

MAYANJA: They did not delay there, they only stayed for about three days then they managed to come back.

MR. KAWANGA: So it is because you spent two years that you were thought to have been with bandits?

MAYANJA: That is so.

MR. KAWANGA: When you came back, you said you went back to your sisters at Kito, where was Onega then?

MAYANJA: He was in Wobulenzi.

MR. KAWANGA: He did not know that you had returned?

MAYANJA: He did not know that I had come back because I was staying in the bush during the day time.

MR. KAWANGA: So for months you were in hiding from Onega?

MAYANJA: Yes.

MR. KAWANGA: What about people on the village? Did they not know that you had come back?

MAYANJA: Very few knew as I used to stay in the bush, in the forest.

MR. KAWANGA: And the treatment you say you got was just local medicine treatment?

MAYANJA: Yes, I was getting native medicine.

MR. KAWANGA: Perhaps now the Chairman has returned you just show him the scars that you got because he was not around.

DR. LUYOMBYA: The witness told us that you stayed in Wabusaana camp for two years.

MAYANJA: I was not in the camp.

DR. LUYOMBYA: You were just in the village?

MAYANJA: I was just in the village.

COUNSEL: That is all, my Lord.

CHAIRMAN: Well, I do not know whether the Commissioners have asked you to give us your views.

COUNSEL: Yes, he has given them.

CHAIRMAN: Thank you. The next witness please.

WITNESS NO.262: MR. DAVID MAGALA - SWORN IN

COUNSEL: You are David Magala, 21 years?

MAGALA: I am David Magala aged 21 years.

COUNSEL: And you work as a Lab. Assistant at Ndejje Senior Secondary School?

MAGALA: Yes.

COUNSEL: But you reside at a village called Mawu?

MAGALA: I stay in a village called Mawu.

COUNSEL: In Makulubita *Gombolola*?

MAGALA: Yes.

COUNSEL: Were you born in Mawu village?

MAGALA: I was born in Mawu village.

COUNSEL: I see you have a big cut on your head, at the back of your head. Did you sustain this in an accident?

MAGALA: I was only cut.

COUNSEL: Who cut you?

MAGALA: The Askaris of the Government of Obote.

COUNSEL: Did they find you at Ndejje Senior Secondary School?

MAGALA: I was found in Dogoya.

COUNSEL: Where is Dogoya?

MAGALA: It is within Kalagala Sub-county headquarters.

COUNSEL: Is Kalangala the same as Makulubita?

MAGALA: Not at all.

COUNSEL: What had you gone to do in Dogoya?

MAGALA: I was just running away because of the war.

COUNSEL: Are you trying to suggest that you ran away from Ndejje because there was a war in Ndejje?

MAGALA: I just ran away from Ndejje to Wobulenzi then from there I proceeded up to Dogoya.

COUNSEL: When did you run away from Ndejje?

MAGALA: I ran away from Ndejje on 3rd September, 1981.

COUNSEL: When you run away from Ndejje where did you settle in Wobulenzi?

MAGALA: I settled on Bukalasa road.

COUNSEL: Did you have a home there?

MAGALA: I was working in a shop of my grandfather.

COUNSEL: Now, when did you run away from Wobulenzi to Dogoya?

MAGALA: On 14th July 1982 is when I run away from Wobulenzi to Dogoya.

COUNSEL: Why did you run away from Wobulenzi?

MAGALA: We just ran away because of the soldiers who came from Kanyonyi.

COUNSEL: Why did they attack you?

MAGALA: When they came they said they were looking for bandits.

COUNSEL: Were you a bandit?

MAGALA: I was not a bandit.

COUNSEL: Then why did you not tell them that I am not a *Muyekera*?

MAGALA: They could go on just arresting people whenever they could wish. They were not asking for bandits, they were only arresting people.

COUNSEL: On 14th you decided to go to Dogoya, where did you settle in Dogoya?

MAGALA: I went in a place called Busisi.

COUNSEL: Did you have a relative there?

MAGALA: I had a relative there.

COUNSEL: Who was he?

MAGALA: There was my mother, there was also my brother called Sempeke Edward.

COUNSEL: Did you settle there comfortably?

MAGALA: At first I settled there comfortably until 30th May, 1985.

COUNSEL: What happened on 30th May, 1985?

MAGALA: We were attacked by soldiers at around 11.00 p.m.

COUNSEL: How did you know they were soldiers?

MAGALA: They were dressed in a military uniform and they were armed.

COUNSEL: Did you know any of them?

MAGALA: I did not know any of them.

COUNSEL: Were they accompanied by local chiefs?

MAGALA: They were just alone, they were three soldiers.

COUNSEL: What happened?

MAGALA: We were just gathered because we were in the house sleeping, we were gathered about six people then they tied us with ropes and some wires, electrical wires. They got an axe and they hit me in the chest. Edward Sempeke was also hit in the chest. Some of our two colleagues were hit on the head then they started demanding money. They were given Shs 20,000 but they claimed that it was not enough. They started looting, they took away a T.V. and a radio cassette and any property whichever they could manage to lift. They were demanding Shs 80,000.

COUNSEL: But tell us, why were they demanding, why were they beating you? Is it because of not giving them money or because you were a bandit or something like that.

MAGALA: Onē of the soldiers said that they had been sent there by the Guard Commander. Then one of them said that they did not know why they were sent, possibly there was one who was after us. Then when they realised that we had failed to give them that amount of money they wanted then they alleged that we were bandits and then they started cutting us. I was cut on the neck and on the shoulder.

COUNSEL: So after that what happened?

MAGALA: Out of the six, three of us were cut. Edward Sempeke was also cut in the same place where I was cut. The other one Kibuuka was also cut in the place where I was cut and then the forehead.

COUNSEL: Where are these people Sempeke and Kibuuka?

MAGALA: They are in Busisi village.

COUNSEL: After that what happened?

MAGALA: We were just left there then they left the place. At the scene there was a certain person who was not seen who came and then managed to call some of our colleagues who were in the other house they came and untied us.

COUNSEL: Did they take you to hospital for treatment?

MAGALA: We were taken in the hospital for treatment the next day.

COUNSEL: Where?

MAGALA: We were taken in Mulago.

COUNSEL: How long did you stay in Mulago?

MAGARA; I stayed in Mulago about two months.

CHAIRMAN: Who took you there?

MAGALA: Three of us were taken to Mulago by our village mates like one called Serunjogi, one Kaaya and the one Mukasa after reporting to police the incident and then they authorised us to be taken then they got a vehicle and eventually we were taken to Mulago.

COUNSEL: When were you discharged from Mulago?

MAGALA: I was discharged from Mulago on 17th July, 1985.

COUNSEL: Where did you go after discharge?

MAGALA: I went to Luwero, there was my father who managed to get a private doctor who gave me treatment until in September, 1985 when we ran away when we were attacked by the *Anyanyas*.

COUNSEL: Why did you run away from the *Banyanya* and who are the *Banyanya*?

MAGALA: Those were the soldiers who were brought in the area after Lutwa had taken over.

COUNSEL: Why did you have to run away from them?

MAGALA: We heard that from the areas where they were coming from they used to mistreat people, to cut people, some women's breasts cut and they could kill them then we felt we had also to run.

COUNSEL: But as far as you are concerned you never had any encounter with them?

MAGALA: I never experienced anything, I just ran away.

COUNSEL: To where?

MAGALA: I ran away to Kikubanyimba.

COUNSEL: For how long did you stay in Kikubanyimba?

MAGALA: I stayed in Kikubanyimba from September and came back in January after the take-over NRA's take over.

COUNSEL: Why did you come back after NRA had taken over?

MAGALA: By then there was peace, those had gone away.

COUNSEL: How did you know?

MAGARA; The soldiers of the NRA fed us with the information that there was nothing wrong which was happening, there was peace by then.

COUNSEL: Are you suggesting that at Kikubanyimba you were with NRA?

MAGALA: We were with NRA soldiers at Kikubanyimba.

COUNSEL: Is that why you ran to Kikubanyimba because the NRA were there?

MAGALA: Yes, I knew they were there and so I was expecting some aid.

COUNSEL: Aid from NRA or some relatives?

MAGALA: I ran away with my family members to Kikubanyimba but we were expecting that the NRA could give us aid - they could give us protection.

COUNSEL: Thank you.

MR. KAWANGA: You were attacked by three people in uniform at night? Why do you say they were soldiers?

MAGALA: They were dressed in military uniform and they were armed.

MR. KAWANGA: They could have been robbers.

MAGALA: I do not think so. Mostly thefts was so common in the area because soldiers used to come from Bombo.

MR. KAWANGA: How far is Dogoya from Bombo?

MAGALA: There are about three miles.

MR. KAWANGA: So whatever robbery which took place there you thought soldiers perpetrated them?

MAGALA: Yes, it was so because whenever they could come they were dressed in a military uniform.

MR. KAWANGA: These were three people; how did they carry away what they had stolen from you?

MAGALA: Actually we did not know because we were cut when we were in a room. After the cutting we could not tell, we only knew the next day when we were being taken to Mulago.

CHAIRMAN: Now, did they cut you after they had asked for more money and you did not have any more?

MAGALA: Yes, it was so.

CHAIRMAN: What happened to other three people - three of your companions?

MAGALA: Two of them are the ones who were hit by an axe on the chest and one of them was a bit shorter than us. With him he was not actually affected.

CHAIRMAN: They were also taken to Mulago for treatment?

MAGALA: They were also taken to Mulago for treatment.

CHAIRMAN: What about the other three who were not injured? You were six you said.

MAGALA: The three who were cut were all taken to Mulago but the others who were not cut were not taken.

CHAIRMAN: Did they flee the place, did they run away?

MAGALA: They run away.

DR. LUYOMBYA: You were six men attacked by three men in uniform and armed.

MAGALA: Yes.

DR. LUYOMBYA: Could you not overpower these three men - six of you?

MAGALA: It could not be possible because they found us when we were asleep and whomever they could awake then it was very possible because one of us tried to run away then they warned him that whoever could attempt to run away could be shot.

DR. LUYOMBYA: Was it due to failure to communicate and quickly organise yourselves or was it fear of the gun?

MAGALA: All the two combined actually.

DR. LUYOMBYA: For your own part what was it?

MAGALA: It was because of fear and with me I had already fell sick a week before.

DR. LUYOMBYA: Where did they get this axe from? Did they come with this axe or it was from one of your houses?

MAGALA: Possibly, they might have got the axe from the house, because, by the time they reached the place where I was, they had already got it; and one was just holding it - raising it. The other one was just also pointing the gun at me.

DR. MAKUBUYA: Mr. Magala, I find that 1981 was rather too early to run away from Ndejje. What specifically were you running away from?

MAGALA: Well.

DR. MAKUBUYA: Mr. Magala I was saying that 1981 was rather too early for you to run away from Ndejje. What specifically had made you to run away?

MAGALA: What forced us to run away from Ndejje was that the soldiers had already attacked us, and, on a certain occasion, they even killed some of our village mates; like one called Makanga who was a chemist at Entebbe.

DR. MAKUBUYA: Yes.

MAGALA: And Makanga's son who was also - who had come from school for holidays, was also - killed with him. He was in H.S.C. And there was also one called Kisitu, a son of Mr. Mukasa in Nsanvu. He was also killed.

DR. MAKUBUYA: Yes.

MAGALA: So we were just aware that even ourselves we could be facing the same problems; until I was taken away by my grand father and he brought me to Wobulenzi in his shop.

DR. MAKUBUYA: Where did these soldiers who attacked you come from?

MAGALA: It was well known that they came from Bombo and that it was the Chairman -Haji Muhamed Kasiriivu - who led the group. He was a UPC Chairman.

DR. MAKUBUYA: Yes, still, what had the people done in the village to make Mr. Kasiriivu bring the soldiers?

MAGALA: We later learnt that he fought with someone who later managed to run away; but, because he was annoyed, he was forced to go to the barracks and bring some soldiers. He informed them that there were some guerillas who had run away and that they had taken the route to Nsanvu.

DR. MAKUBUYA: Where was Mr. Kasiriivu's home?

MAGALA: The home of Kasiriivu was in Kisooba.

DR. MAKUBUYA: How far is Nsoobe from Ndejje? I would like to assure you that I know all these things; but I want them to go on the record. Yes, how far apart were they?

MAGALA: It is just a mile or less than a mile.

DR. MAKUBUYA: And how far is Nsanvu from Kisooba?

MAGALA: There are about three miles.

DR. MAKUBUYA: Yes I understand from what you are saying that Mr. Kasiriivu was a local person in the area. Was he a local resident?

MAGALA: He was a resident of the area, but, at times, he was staying in Wobulenzi.

DR. MAKUBUYA: Well, what had he done in 1980 vis-a-vis the elections?

MAGALA: I knew he was the Chairman; but, by the time the elections were held, I was not there; I was in Rubaga.

DR. MAKUBUYA: Yes, but do you know that he was aspiring to be a Member of Parliament for the area in 1980?

MAGALA: I know.

DR. MAKUBUYA: And are you also saying that, at the end of the day, this is a man who is aspiring to be M.P. for the area; and, at the end of the day, he fights with one of his village mates; and he brings soldiers to attack the village!

MAGALA: He did all these, such acts.

DR. MAKUBUYA: Is this what you expect of an aspiring M.P.?

MAGALA: I would not expect such.

DR. MAKUBUYA: Where is Mr. Kasiriivu today?

MAGALA: I cannot tell.

DR. MAKUBUYA: Okay. We come to this terrible day of the 30th May, 1985. Was there a police station in Dogoya?

MAGALA: There was not police station at Dogoya. It was at Bombo.

DR. MAKUBUYA: And Bombo was three miles away from Dogoya?

MAGALA: Yes.

DR. MAKUBUYA: You also said that these armed robberies used to occur - armed robberies, by armed men in uniform, used to occur - in Dogoya regularly?

MAGALA: Yes, Sir.

DR. MAKUBUYA: Had you people reported these incidents to Bombo Police?

MAGALA: They used to do so and they were aware.

DR. MAKUBUYA: To your knowledge, what did the police do about these?

MAGALA: Well.

DR. MAKUBUYA: Did they come and patrol, for example?

MAGALA: At times, they could request for some askaris to come and guard the area; but, to our surprise, such robberies could occur and we could note that the policemen were not there by the material time.

DR. MAKUBUYA: Yes. Now these thugs, did they fire any shots -these thugs who attacked you?

MAGALA: On that instant occasion, they never fired; but, on some other occasions, they used to fire.

DR. MAKUBUYA: Yes, but on this occasion, how did you know they haven't come with dummy guns? Because you have not heard any gun shots.

MAGALA: It could be possible to note that they were dummy guns.

DR. MAKUBUYA: Now did you raise any alarm?

MAGALA: We do not raise alarm. Alarms were raised after they had departed when our colleagues came to untie us.

DR. MAKUBUYA: Yes. But, isn't it a normal reaction in this country to raise alarm when you have been attacked?

MAGALA: But for us we were surrounded; we had no way to make it.

DR. MAKUBUYA: You had nothing to lose in raising the alarm because you had been surrounded.

MAGALA: We were still in fear. We could do nothing by then.

DR. MAKUBUYA: I see. Is there anything you want to say to us or are you happy?

MAGALA: I am not happy because my life was affected and all the days past I have been trying to go to Mulago for treatment.

DR. MAKUBUYA: I see. I am sorry to hear but do you have some thoughts on what we can do to avoid this kind of thing in the future?

MAGALA: But, as we were visited by the Third Deputy Prime Minister and he is actually concerned that these RC's are the only base where we can rely on; I support this.

DR. MAKUBUYA: How will these RC's prevent armed robberies by people in uniform at 5.00 p.m.? How will RC's prevent this?

MAGALA: If there is a good understanding among them that whoever comes in the area to visit should introduce himself before such an hour.

DR. MAKUBUYA: Yes. But they are thieves; that is why they don't introduce themselves.

MAGALA: As there are some RC's and there are more people in the RC's, they can easily manage to do so within their areas.

DR. MAKUBUYA: Thank you, Sir, and I thank the Almighty that you survived to be able to tell this story.

MAGALA: I also appreciate the work of the Commission.

CHAIRMAN: Thank you very much.

COUNSEL: Nakawuka.

WITNESS NO.263: MRS. ROSEMARY NAKAWUKA - SWORN IN

COUNSEL: You are Rosemary Nakawuka?

NAKAWUKA: I am Rosemary Nakawuka.

COUNSEL: How old are you?

NAKAWUKA: I am aged 38 years.

COUNSEL: Housewife?

NAKAWUKA: I was a housewife but my husband was killed.

COUNSEL: Now you reside at Zirobwe?

NAKAWUKA: I stay in Zirobwe.

COUNSEL: Now you said you were married and your husband was killed. Who was your husband?

NAKAWUKA: He was called Kayiira.

COUNSEL: Called who?

NAKAWUKA: Kayiira.

CHAIRMAN: Kayiira who?

NAKAWUKA: Kayiira was my husband.

CHAIRMAN: I mean the name.

NAKAWUKA: He was Ssemasitiyano.

COUNSEL: When was he killed or when did he disappear from you?

NAKAWUKA: He was kidnapped during the year 1985.

COUNSEL: From where was he kidnapped?

NAKAWUKA: He was kidnapped from a shop in Zirobwe.

MR. KAWANGA: His shop?

NAKAWUKA: His shop.

COUNSEL: When was it? Was it during daytime?

NAKAWUKA: It was during day time.

COUNSEL: You don't remember the date when he was taken?

NAKAWUKA: I do not recall the date but it was around 2.00 to 3.00 p.m.

COUNSEL: Who took him?

NAKAWUKA: He was taken by one called Rose and Kasisi - Kasisi and Harriet and some other soldiers.

CHAIRMAN: Pardon.

NAKAWUKA: He was taken one called Kasisi and one Rose and Harriet and some other soldiers.

COUNSEL: Soldiers or policemen?

NAKAWUKA: Policemen were there and soldiers were there.

COUNSEL: Who was Kasisi?

NAKAWUKA: He was a commander of the soldiers.

COUNSEL: Now who was Rose?

NAKAWUKA: She was their detective. That is what I heard.

COUNSEL: Did she have any other name?

NAKAWUKA: I did not know the other name.

COUNSEL: How about Harriet?

NAKAWUKA: Harriet was a *gombolola askari.*

COUNSEL: At Zirobwe?

NAKAWUKA: Yes; but, after the soldiers' abandonment, then she turned to the NRA Force.

COUNSEL: Have you seen Harriet recently?

NAKAWUKA: I only saw Harriet on the day of kidnapping my husband.

COUNSEL: But you say she joined the NRA; do you know where she works?

NAKAWUKA: I cannot know.

COUNSEL: How did you know she is in the NRA?

NAKAWUKA: I only heard.

COUNSEL: Now, when these people - Kasisi and others - came, did they tell you why they were taking your husband?

NAKAWUKA: They alleged that he was a bandit and that he was supporting bandits and that he was giving them aid - these who were in the bush.

COUNSEL: I suppose you were able to say it because you were present when they came to take your husband.

NAKAWUKA: By the time they kidnapped - or of kidnapping - my husband, I was not there, because we have got another *kibanja* where I was. But, at the material time, one of our sons was sent to me.

COUNSEL: Yes, did you find them at home - this Kasisi, Rose and Harriet, did you find them at home?

NAKAWUKA: I found that they had already gone to the *gombolola* headquarters.

DR. MAKUBUYA: How long did it take you to arrive after you had been informed - was it the same day, the following day or what?

NAKAWUKA: On that very day - there and then - after seeing the son, I just went home. By the time I arrived, I sighted the policemen entering the shop; then they looted there some articles - whichever they wanted. Because I was just hiding somewhere; I was advised that I could not identify myself possibly they could also arrest me.

COUNSEL: Now whom did you see taking away property from the shop?

NAKAWUKA: There was one -

COUNSEL: I am asking you -

NAKAWUKA: The one I saw taking things from the shop was one Wanyama and his colleague called Waiswa and Rose was also there.

COUNSEL: Now what did you do?

NAKAWUKA: I had nothing to do. I only matched away at my home. The next day in the early morning I came to the shop. On my arrival, Kapere came. He was a policeman.

COUNSEL: Yes - a policeman of where - Zirobwe?

NAKAWUKA: He was a policeman of Zirobwe.

COUNSEL: Yes.

NAKAWUKA: Kapere came and opened the house. Then he went through behind; behind there I had some coffee. Then they packed some coffee with the men he came along with whom he alleged were bandits; and they packed the coffee in the sacks. Then they took the coffee to the police.

COUNSEL: How many sacks did they take?

NAKAWUKA: They packed 35 sacks of coffee. They carried the coffee on their heads.

COUNSEL: How many people did he come with?

NAKAWUKA: He came with three men. He also ordered some boys who were in a motor car to join these people in the collection of coffee; but they were also bandits.

COUNSEL: Yes.

NAKAWUKA: By then, Kapere was so serious and he was armed. Then there came a soldier and told us that, in order to get back my husband, it was necessary to raise some money.

COUNSEL: Did he say the amount he wanted?

NAKAWUKA: He demanded three hundred and fifty thousand shillings (Shs. 350,000/=).

COUNSEL: Yes.

NAKAWUKA: We looked for the money and brought it.

COUNSEL: Where did you get this money?

NAKAWUKA: It was Haji Kakule who managed to get me two hundred thousand shillings (Shs. 200,000/=).

COUNSEL: Yes.

NAKAWUKA: The other one hundred thousand shillings (Shs. 100,000/=) was given to me by a certain husband called Ntambala.

COUNSEL: Yes - and then the five thousand - fifty thousand shillings (Shs. 50,000/=)?

NAKAWUKA: The other husband gave me one hundred and fifty thousand shillings (Shs. 150,000/=). I brought the money and my husband was brought in the shop and was passed just behind.

COUNSEL: Did you see him?

NAKAWUKA: I saw him.

COUNSEL: How was he?

NAKAWUKA: They had poured on him some oil and he was beaten on the head and he had a wound on the head. Then I looked at him. I just shed tears and he also cried. He told me that he was feeling feverish. Then I went in the shop. I bought some tablets. He swallowed the tablets. I was told that he was being hit by a hammer - he told me that he was beaten by a hammer all over the body. He asked me as to whether I brought the money. I told him I had brought the money. He requested me to give him the money. I just handed it to him. He told me that had I counted the money properly. I told him, 'Yes.' He counted the money. When he realized two hundred thousand shillings (Shs 200,000/=), he cried. He handed over the money to the askari. He then requested that, as he had handed over the money to them, he should be left free there. He told him that he should not be worried but they should go, in case the commander comes back, they should let him free. He eventually took him back. It was a Sunday day until it got dark. The following day that Kasisi took my husband in a lorry. I did not know where he took him. But people on this side said - in the village - that he was brought here at Katikamu - they brought him here at Katikamu. After producing him here, he told him to run. I did not know where he went. Then even some other prisoners were taken off the vehicle. Then these were left there but again my husband was told again to board the vehicle and he was taken back.

CHAIRMAN: Were you here? Were you with him?

NAKAWUKA: I was not here when he was brought here; I only remained there where he was brought from.

CHAIRMAN: Yes who told you this?

NAKAWUKA: There was a certain gentleman who stays in Luteete; by the time my husband was brought here, he was this way. So he is the one who disclosed this to me.

COUNSEL: What is his name if you know it?

NAKAWUKA: I do not know the name of that gentleman.

CHAIRMAN: But were you present when Kasisi put your husband on the lorry?

NAKAWUKA: I was not there but there is a certain son of ours who is in the force, he had gone on a bore hole to fetch water; he is the one who actually saw my husband when he was being taken on a lorry.

CHAIRMAN: What is his name?

NAKAWUKA: He is called Yawe.

CHAIRMAN: How old was then?

NAKAWUKA: He was aged fifteen years by then.

CHAIRMAN: He saw your husband on the lorry - he told you that - when the lorry was leaving?

NAKAWUKA: Yes he is the one who told me.

CHAIRMAN: Did he see Kasisi put him on the lorry?

NAKAWUKA: I only sighted Kasisi on the lorry, including his father ..

CHAIRMAN: I see. Okay.

COUNSEL: Now what did you do, after getting this information?

NAKAWUKA: When I was told this, I realised, he might have been taken to Makindye because they used to take people there.

COUNSEL: Yes, what did you do?

NAKAWUKA: After a few days, I went to Makindye. When I reached there, I found some soldiers there and there were some detectives who used to stay in Zirobwe. Among the people I found in Makindye was one called Nsereko. then I narrated to him the story as how my husband had been kidnapped. He told me that all the affairs were under his hands - that the case of my husband was under his hand.

COUNSEL: Yes.

NAKAWUKA: He told me that, if I had not overlooked him at first, he would have assisted me because he had demanded some money. But again I only prayed for mercy. He told me that he could assist me only that he advised me to go back that later on he could see him to solve the matter. When I went back, I narrated the story to my brother-in-law John. Then he only told me that, that Nsereko was only cheating me. He wanted to cheat me. Later on, I also went back to Makindye and found there some soldiers. Then I narrated to them the story. Later on the soldiers told me that I could hang on. Then they went in the camp to check. Then later on, one soldier came back and told me that he had seen my husband but that he was badly imprisoned. He is in the go-down and he further told me that he - my husband - was mentally disturbed. He later suggested that I should get - produce - some money and that they should go and look for a medical personnel to treat my husband. And he later advised me that I should again go back and check what had followed next - and, after improving, then I could go back and check on them. I asked them how much money they wanted. They told me that I should, at least, get five thousands shillings (Shs. 5,000/=). I got that money and I gave it to them.

I went there about three times and they just tried to dodge me. Then on

the fourth occasion I went and met that man whom I used to deal with. I then told him that get a piece of paper, give it to me in order to write on the name of his older son and his - the names of his - mother; that if it should be so then I could prove that he is the very man who is under arrest. He went and then came back. Then he asked me where I was staying. I told him I was staying in Bwaise. Then, when he went back, he added here saying that possibly I could also be under arrest. Then eventually I also went away and I never went back. After a long run then we were satisfied that he was killed. That is all I saw.

COUNSEL: I think, you tried your best.

NAKAWUKA: By the time of kidnapping my husband, I had a pregnancy of five months. Then in January, after giving birth,

COUNSEL: In May.

NAKAWUKA: Then in May, after my delivery, then some of the askaris who were there came back and looted some property. The askaris came and looted all the home essentials; like beddings, a T.V., wardrobes, cups and plates and all other essentials which had remained in the house and there was a fan it was also looted.

COUNSEL: Yes.

NAKAWUKA: We all stayed in fear and we were so much worried because wherever they could meet us they were saying we are bandits. I went away from the home for about three months until later I came back and I am still in the home, where I am staying now.

COUNSEL: How many children did you have with Kayiira?

NAKAWUKA: He left me with four children; then later on I delivered twins. The twins are still there.

COUNSEL: Did he have other children?

NAKAWUKA: We had some other children.

COUNSEL: How many?

NAKAWUKA: All children are sixteen.

COUNSEL: Now who is looking after them?

NAKAWUKA: I am looking after my children; some went away with their mothers; some are just like that. Some of them are not even schooling. Those whom I was paying school fees for are also just seated. I cannot manage to pay school fees.

COUNSEL: Now what do you want to tell the Commission?

NAKAWUKA: I request the Commission to assist me because I was left with so many problems; and even the other mothers who went away with their children they are also depending on me. And we have a brother-in-law of ours who at times comes and collects some money from the shop. He takes the money without any authority. He just helps himself. I could request the Commission, if possible, to visit my home to see - to have a look at - my children.

CHAIRMAN: I will ask you a few questions to clarify - I am sorry I have to do it; it is bad to remind you of this very sad incident. Now your husband was reportedly accused of being a bandit or assisting bandits. Did you know whether he was one or he was assisting these bandits?

NAKAWUKA: It could easily be possible because so many village mates of the area used to deal with the bandits at night.

CHAIRMAN: Well those people who were called bandits were they in your area in Zirobwe?

NAKAWUKA: As a lady, it could not easily be possible to be known because they could do it secretly without our knowledge.

CHAIRMAN: Your husband did not tell you anything.

NAKAWUKA: He did not tell me anything.

CHAIRMAN: Was it a prosperous shop?

NAKAWUKA: It was heavily stocked.

CHAIRMAN: I see. You would say he was a prosperous businessman in the area, or the country.

NAKAWUKA: He was prominent trader and it was well stocked.

CHAIRMAN: You had to borrow this money which the soldiers asked you to pay. You had to borrow the money?

NAKAWUKA: Yes.

CHAIRMAN: You did not have the money yourself.

NAKAWUKA: I had no money by then, but, after some time, I came back and I sold my three heads of cattle and I refunded the money.

CHAIRMAN: Did anybody else disappear in the manner your husband did?

NAKAWUKA: There were some others who were also kidnapped in the way my husband was done and their bodies were seen later on and they were buried; with my husband, it was not seen.CHAIRMAN: Would you give us their names?

CHAIRMAN: Would you give us their names?

NAKAWUKA: I did not know their names. They were a bit distant.

CHAIRMAN: Now you asked for assistance for your children. What kind of assistance do you have in mind?

NAKAWUKA: I would ask the Commission to - request the Commission - to assist me in paying school fees for my children.

CHAIRMAN: On that one, the Commission does not have any funds or resources from which to give any assistance; but what we can do is to write to - the - for the immediate purpose is to write to -the D.A. and we recommend you for assistance. I met the District Administrator or Secretary yesterday and I put this question to him specifically and he said that certain recommendations will be referred by them - by his office in his office - to the Rehabilitation Office.

NAKAWUKA: On a certain day, I went to Luwero and I was given some forms. I filled. I took them to Kampala and I was promised that my children would be allowed to go to school freely; but the headmaster refused.

CHAIRMAN: I see. But we shall still write all the same. So we shall write a letter. You can send somebody to collect it here Thursday next week.

NAKAWUKA: The next thing, my children are badly off. They have no beddings and they have no clothes for putting on. They are putting on rags.

CHAIRMAN: Yeah, that will include all your requirements, if you can give your names, and age and sex to one of our investigators.

NAKAWUKA: Thank you very much.

DR. MAKUBUYA: I am sorry to hear the sad story and suffering you are undergoing at the moment. I just want one clarification. You told us that there are some soldiers you used to deal with in Makindye -you used to deal with, while hunting for your husband in Makindye.

NAKAWUKA: Yes.

DR. MAKUBUYA: Did you know their names?

NAKAWUKA: I could not know their names.

DR. MAKUBUYA: How did you manage to get in touch with them each time you went there?

NAKAWUKA: I managed to approach them and possibly it was their trick; they used to sit nearby where people could easily contact them.

DR. MAKUBUYA: Okay.

CHAIRMAN: Okay. Thank you. Of course, I would like to thank you for the evidence

you have given to the Commission. Yes, thank you. But I think you will send somebody or come yourself, next week.

NAKAWUKA: I will personally come.

CHAIRMAN: Before you go, one thing which I forgot, is Kasisi around? You have seen him?

NAKAWUKA: He was transferred but I cannot tell where he was transferred to.

CHAIRMAN: Transferred as what?

NAKAWUKA: He was transferred from that post to the other post - to a place I do not know.

CHAIRMAN: What was he?

NAKAWUKA: He was a soldier during the Obote's regime.

CHAIRMAN: I see. What tribe was he?

NAKAWUKA: He was a Mukiga.

CHAIRMAN: Okay, thank you.

WITNESS NO. 264: AHAMADA MABIRIZI - AFFIRMED

COUNSEL: You are Ahamada Mabirizi?

MABIRIZI: Yes.

COUNSEL: 27 years old?

MABIRIZI: Yes.

COUNSEL: A butcher at Zirobwe?

MABIRIZI: I am a butcher at Zirobwe.

COUNSEL: Do you know Rose Nakawuka who has just been here?

MABIRIZI: I know her very well.

COUNSEL: How long have you known her?

MABIRIZI: For the last six years.

COUNSEL: We have been told that she had a husband known as Sebastiane Kayiira.

MABIRIZI: Yes.

COUNSEL: Did you know him?

MABIRIZI: I knew him.

COUNSEL: He was a shopkeeper at Zirobwe?

MABIRIZI: Yes.

COUNSEL: Was he a friend of yours?

MABIRIZI: He was my boss at first.

COUNSEL: How was he your boss?

MABIRIZI: I was working in an hotel.

COUNSEL: Now, what happened to this Sebastiane Kayiira, we understand he is supposed to be dead.

MABIRIZI: I knew he was kidnapped by soldiers.

COUNSEL: When was he taken by soldiers?

MABIRIZI: He was taken in 1985.

COUNSEL: Do you know the date and the month?

MABIRIZI: I can remember the month but I cannot remember the date.

COUNSEL: Which month was it?

MABIRIZI: It was January, 1985.

COUNSEL: Were you present when he was taken by what you call soldiers?

MABIRIZI: I was there.

COUNSEL: Was it day time or night?

MABIRIZI: It was during day time.

COUNSEL: Were you then still working for Kayiira.

MABIRIZI: I was still working for Kayiira.

COUNSEL: Now, what happened, who came and what followed?

MABIRIZI: While we were there seated in an hotel, there came two ladies. One was known as Rose, the other one was Harriet. They found him in his shop seated, they started talking with him.

CHAIRMAN: In what language?

MABIRIZI: The ladies were talking in Luganda.

CHAIRMAN: Were they Baganda themselves?

MABIRIZI: They are Baganda. There came soldiers and they had their commander, he was called Rwakasisi. He was arrested, they dragged him from the shop, they ordered him to close the shop. They took away the keys from him and handed them to a policeman.

COUNSEL: This Rwakasisi, did he have a rank?

MABIRIZI: He may have a rank but since I was not a military personnel I could not understand them.

COUNSEL: Yes.

MABIRIZI: Kayiira was taken to the prison.

CHAIRMAN: Which prison?

MABIRIZI: The Prison was at Zirobwe.

MR. KAWANGA: Police?

MABIRIZI: He was taken to the police cell. Then after at around 3.00 p.m. they came back. They found us seated there. We were also ordered to sit behind. After that they asked us where the hoes were. They forced us to dig the kitchen. After digging the kitchen they asked us to we were taken to the latrine. They told us to look for Kayiira's gun where it was. After failing to trace the gun we were brought back to the shop. For them they went away, they left us in the shop.

COUNSEL: In the shop or outside.

MABIRIZI: Outside the shop.

DR. MAKUBUYA: They went with the key?

MABIRIZI: They went with the key with the police corporal. The next day they came back. We were directed to pack some coffee which was behind. We packed thirty-five sacks of coffee. They came along with their men whom they alleged were bandits and they carried this coffee up to police. That ended there to know the whereabouts of Kayiira.

COUNSEL: And you have never seen him again?

MABIRIZI: I have never seen Kayiira again.

CHAIRMAN: Did you not check at the police station again?

MABIRIZI: I did not go there because I was just an employee.

COUNSEL: But we have been told that there was I think a few days Kayiira was brought back to the shop. The wife was telling us; did you know about it?

MABIRIZI: I only heard of it.

COUNSEL: This is what I have for this witness.

CHAIRMAN: I do not know whether you can tell me more about this police station. Was it a police post or a police station?

MABIRIZI: It was a police station, it had so many policemen.

CHAIRMAN: Was it established there before or it was during the period of insecurity.

MABIRIZI: It was already established since 1981.

CHAIRMAN: Was it Special Force men or ordinary police.

MABIRIZI: There were ordinary police men.

CHAIRMAN: How far was the police station from the shop?

MABIRIZI: It was a short distance as from here up to that junction.

CHAIRMAN: About 200 yards, Okay, thank you.

DR. LUYOMBYA: You talked about Rose and Harriet. Who are these ladies?

MABIRIZI: One lady was an administration askari.

DR. LUYOMBYA: Which one?

MABIRIZI: Harriet was an Administration askari.

DR. LUYOMBYA: And Rose?

MABIRIZI: Rose was by then a Detective. She used to stay with soldiers.

DR. LUYOMBYA: Which soldiers?

MABIRIZI: The soldiers who were putting on green uniform.

DR. LUYOMBYA: Do you mean there were soldiers at Zirobwe at that time?

MABIRIZI: Yes, they were there.

DR. LUYOMBYA: Did you know any other names, surnames, for these ladies?

MABIRIZI: I did not know their surnames.

DR. LUYOMBYA: Did you know any people at the police station like say the Police Commander of the area at that time?

MABIRIZI: I used to know them.

DR. LUYOMBYA: Who was the commander?

MABIRIZI: He was Corporal Waiswa.

DR. LUYOMBYA: Which policeman were Kayiira's keys handed when he was arrested.

MABIRIZI: They were handed over to Corporal Waiswa.

DR. LUYOMBYA: Did you follow them right up to the police station, the police cell?

MABIRIZI: I did not follow them.

DR. LUYOMBYA: Were you just informed that he had been put into a police cell.

MABIRIZI: I was only informed that he was put in a police cell.

MR. KAWANGA: Somebody has made a mention of Wanyama. Do you know him?

MABIRIZI: I know him.

MR. KAWANGA: What was he?

MABIRIZI: He was a policeman.

MR. KAWANGA: Any other policeman?

MABIRIZI: One was Kapere.

MR. KAWANGA: Were all these policemen?

MABIRIZI: All were policemen.

MR. KAWANGA: Did they participate in getting anything out of the shop?

MABIRIZI: Kapere and Wanyama participated in the looting of articles from the shop.

MR. KAWANGA: What did they take?

MABIRIZI: Those were the ones who looted the coffee.

CHAIRMAN: I think that is all from us. Thank you for having given this evidence before the Commission. You may go now.

WITNESS NO. 265: HAJI ASUMAN KALULE - AFFIRMED

COUNSEL: You are Haji Asuman Kalule?

KALULE: Yes.

COUNSEL: A businessman of Zirobwe?

KALULE: Yes.

COUNSEL: And you are 55 years old?

KALULE: Yes, I am 55 years of age.

COUNSEL: Do you know Rosemary Nakawuka Nalongo?

KALULE: I know her.

COUNSEL: Did she have a husband?

KALULE: I know she had a husband.

COUNSEL: Who was the husband?

KALULE: He was called Kayiira.

COUNSEL: Did he have another name?

KALULE: He was called Sebastiane Kayiira.

COUNSEL: Was he your friend?

KALULE: He was my close friend.

COUNSEL: Was he also a businessman in Zirobwe?

KALULE: He was a prominent trader.

COUNSEL: What type of business was he running?

KALULE: He was running a shop.

COUNSEL: Did he also have a restaurant?

KALULE: He had a restaurant.

COUNSEL: And Mabirizi was also at one time working as a hotel attendant, restaurant attendant?

KALULE: Yes.

COUNSEL: Mabirizi I am talking about is the one who has just been here. Do you know what happened to Sebastiane Kayiira?

KALULE: I know.

COUNSEL: What happened?

KALULE: He was arrested by the soldiers and took him to their camp.

COUNSEL: When did they arrest him?

KALULE: It was during 1985.

COUNSEL: Did this happen in January?

KALULE: I cannot still recall the month.

COUNSEL: Were you present when he was arrested.

KALULE: I was present in my shop and they were just facing each other.

COUNSEL: Did you know the people who arrested him?

KALULE: I know Kasisi who was their commander and some other soldiers because some I did not know their names.

COUNSEL: Did Kasisi also carry the name of Rwakasisi?

KALULE: Some were confused because some were calling him Rwakasisi and others Kasisi then I cannot tell.

COUNSEL: Did you try to find out why Kayiira was arrested by Rwakasisi?

KALULE: I tried to inquire.

COUNSEL: What kind of inquiry did you make?

KALULE: I made inquiries because by then I was a councillor of that sub- county. While I was there he sent to me an askari and I also responded.

COUNSEL: Who sent, you mean Rwakasisi?

KALULE: It was Rwakasisi who sent me an *askari*. When I arrived there he informed me that Kayiira was under arrest, that there were some of those who had come from the bush and on his arrest he had a letter whereby it had been sent to Kayiira. The man was searched the lady who was found with the letter was called Harriet. She was a *Gombolola Askari*. But later I told Commander Rwakasisi that I was so much surprised to know that those who were in the bush had written a letter to Kayiira requesting him to assist them sending them salt. Because I was strongly trusting Kayiira

and he was always there in his shop twenty-four hours. He could only leave the shop going to Kampala to buy some articles, some goods. I requested Kasisi to excuse Kayiira that possible he might have done so by mistake. Rwakasisi refused. I on many occasions turned to him. I was later advised by some people that they had already made a plan to arrest me that I was corroborating with the bandits. Then what followed the next day I sighted Kayiira when he had already been loaded on a lorry with some others. Everything ended there as regard to Kayiira.

COUNSEL: Kayiira's wife Nakauka has told us that she had paid some money to the soldiers to release Kayiira and that she borrowed some money from you for this purpose. Is it true?

KALULE: It was true.

COUNSEL: We have been told by the same witness that after the arrest of Kayiira soldiers, policemen, came and looted Kayiira's property which was in the shop. Is that true or did you know about it?

KALULE: It is true they came and looted some property which was in the shop but I was later told that coffee was also taken but I was not there.

COUNSEL: Were there other people in the area who had disappeared in the same way as Kayiira?

KALULE: Yes, they were there. There was one called Yovani who was at one time picked and taken there. Later I was told he was taken and killed.

COUNSEL: Was there any other person?

KALULE: I only used to hear some others but I did not see them.

COUNSEL: Now, you as a counsellor, apart from intervening for Kayiira by contacting Rwakasisi, did you do any other thing?

KALULE: I immediately after the incident occurred I ran up to the district and I made a report there and I was almost crying even.

COUNSEL: To whom did you report?

KALULE: I made a report to the authorities who were there at the district.

COUNSEL: Was there anything done to your knowledge?

KALULE: Kasisi was called at the district headquarters but what he was told I did not know.

COUNSEL: Now, Kayiira was a first class businessman. What happened now to his business after he was taken.

KALULE: His business collapsed but only that his hotel is still functioning. The shop is now hired by some other tenants but the hotel is still functioning.

COUNSEL: What about Kayiira's family, the wife and children. Are they well off?

KALULE: They are starving, they are badly off.

COUNSEL: What do you mean they are badly off?

KALULE: They have no assistance and that the hotel which they are running has not got enough income.

COUNSEL: Now, you having been a counsellor and having witnessed such incident as the disappearance of Kayiira, what lesson have you learnt from that kind of behaviour?

KALULE: The lesson I had was that if you actually trust God you must actually do so because nobody knew that such a regime will end.

COUNSEL: Anything else?

KALULE: I do not have anything.

CHAIRMAN: I will ask you some few questions. Where did these soldiers come from, this Rwakasisi and other soldiers.

KALULE: We only just saw soldiers, some could come from Valiro, some from other areas, we did not know actually.

CHAIRMAN: Were they based there sometime? At the Police station?

KALULE: They had a certain house where their commanders were and some of them were at *Gombolola* headquarters.

CHAIRMAN: So they stayed there for some time.

KALULE: Yes, they stayed there for some time.

CHAIRMAN: When did they first come in the area?

KALULE: They came in the area soon after this banditry war had started.

CHAIRMAN: When was that?

KALULE: I think it may be around 1982.

CHAIRMAN: So there was a war in the area?

KALULE: In the area there was no war. Only that the soldiers used to go as far as Katabwe.

CHAIRMAN: How far is that from Zirobwe?

KALULE: I do not know actually the place but I heard that it may be approximately

15 miles away from Zirobwe or more.

CHAIRMAN: So they used to go for operation and come back?

KALULE: Yes, they used to go on the operation and come back.

CHAIRMAN: How large was the contingent? Roughly how many soldiers.

KALULE: They were varying in numbers, at times they could send us 150 or 200 like that.

CHAIRMAN: Before this war which you referred to had soldiers been stationed in this place before?

KALULE: They were not there.

CHAIRMAN: Why were they there?

KALULE: As some parts had been affected by the war they hoped that some big towns they could station there some soldiers in order to protect the area.

CHAIRMAN: I see. Apart from what they did to Kayiira, your fellow businessman, what else did they do in the area?

KALULE: They did so many evils, they could go and arrest some people and then bring them to the *Gombolola* Headquarters or they could kill them, some could seriously be tortured and beaten.

CHAIRMAN: Did you see some of this yourself?

KALULE: Those whom they used to beat I saw but at the *Gombolola* Headquarters where they used to kill I did not go there.

CHAIRMAN: The widow of the late Kayiira came here and said that the reason which was given or the pretext given for arresting her husband was that he was assisting bandits, rebels at that time. Did you know whether he was doing so?

KALULE: I protested to such a statement only that possibly the other girl who searched the other man might have made a plan to make a chit and pocket it to the other man and then could plant it to him that ..

CHAIRMAN: Did you know that for sure or this is just a speculation.

KALULE: I only hope that it was so.

CHAIRMAN: You were also a prominent businessman in the place. How did you manage to survive.

KALULE: I was only saved by God like some others also.

CHAIRMAN: Kept on praying?

KALULE: We kept on praying.

CHAIRMAN: Like you are doing now during Ramathan?

KALULE: Yes.

CHAIRMAN: You are a mature citizen, what advice do you give to this Commission. First of all why such things happened and what should be done to prevent a repetition. Let us start with the first.

KALULE: As stated, the reason was that these people sent us soldiers, they could find some people they could arrest them I did not know their motive of arresting such innocent people and I do not know actually.

CHAIRMAN: You do not know why what caused the soldiers to be in the area where they had not been before.

KALULE: Possibly the Government after realising that those who were in the bush had affected some parts, they hoped that those could possibly capture big towns that is why they were forced to send some soldiers.

CHAIRMAN: How do we prevent this in the future. How do we prevent such occurrences so that we have peace in the country in future because that is the mission of this Commission.

KALULE: The only way possible the government thought is to appoint such a commission which may be even the other government which may come in power will also do the same thing.

MR. KAWANGA: I think what Haji said was that one method he thinks of is this kind of Commission because when the Commission is here even people who would want to do bad things now they fear that subsequent governments may set up such commissions of inquiry and that may be some sort of deterrent. And possibly which the Commission must do is to follow up those who have been mentioned to be charged for the evils they did. Such people should be followed up and be charged so as to realise that if they are brought to justice ...

DR. LUYOMBYA: I think what the witness said was that people whose names have been mentioned should be traced so that others know or learn from that that if one does a wrong the long arm of the law always will get at him.

CHAIRMAN: Do you know where Rose and Harriet are?

KALULE: I do not know their whereabouts.

CHAIRMAN: Kasisi?

KALULE: I do not know.

CHAIRMAN: Thank you.

DR. LUYOMBYA: Just to follow on to that, local askaris normally used to come within the area. Did or was Harriet coming from the same *Gombolola* or was she born in that *Gombolola*?

KALULE: She was brought from some other area.

DR. LUYOMBYA: Did you know her other name?

KALULE: I did not know her other name.

MR. KAWANGA: I suppose having been councillor at that time you were somebody who was close to people in the government at least in Luwero. Realising the kind of things they were doing, did you ever tell them that this was a wrong way of dealing with the problem?

KALULE: I also did likewise and possibly that is why Kasisi was also called in the office.

MR. KAWANGA: To whom did you talk to specifically?

KALULE: Actually I faced the Secretary General personally and some other official.

MR. KAWANGA: What was the Secretary General?

KALULE: Haji Muhamud Kalule.

MR. KAWANGA: And other officers, do you mean the army officers of what?

KALULE: Officers who were working in that office.

MR. KAWANGA: You did not talk to the soldiers?

KALULE: I did not.

MR. KAWANGA: Just to seek your opinion, did you think the way the soldiers were handling civilians was advancing their cause of flushing out bandits?

KALULE: That also forced so many to go in the bush because in a way they were the enemies.

MR. KAWANGA: I see so much more people in Zirobwe got outraged by reactions of the soldiers?

KALULE: They were so fed up.

CHAIRMAN: Thank you very much for your evidence, advice and opinion you have given to the Commission. We hope it has not been too much for you as you are fasting during Ramadhan. Thank you very much. Okay you can go now.

COUNSEL: My Lord, this is the last witness on this matter.

CHAIRMAN: Well, for today as well because it is now about 3.35 with no break, no lunch, so I think it is time to adjourn which we shall do until Wednesday next week at 9.30 a.m. in the same place here. Thank you.

CHAIRMAN: Commissioners, learned Counsels, Ladies and Gentlemen we are ready to commence the Session of today, the 4th of May, 1988; still at Katikamu County Headquarters. The next witness - Counsel, will be Number 67, of 1988.

COUNSEL: My next witness - Number 67 (this is Ssekandi) - will be Rhoda Nagawa Mussu. Sorry Rhoda Nabbowa Mussu. My Lord Chairman, the evidence of this witness is trying to show that Violation of Human Rights may cause people to join what is known as Banditry Activities to fight the violation. That is the nature of her evidence.

WITNESS NO. 266: MRS. RHODA NABBOWA MUSSU - SWORN IN

COUNSEL: You are Rhoda Nabbowa Mussu.

MUSSU: Yes.

COUNSEL: And you are 60 years old.

MUSSU: I am aged 60 years.

COUNSEL: You live at a village known as Manzi village.

MUSSU: I stay at Manzi Village.

COUNSEL: *Gombolola* Masuliita, Mpigi District.

MUSSU: Yes.

COUNSEL: For how long have you lived at Manzi?

MUSSU: I got married in Manzi during 1943.

COUNSEL: You are a widow, your husband having died in 1972.

MUSSU: I am a widow, my husband passed away in 1972.

COUNSEL: But did you have children with your late husband?

MUSSU: I had children with my husband.

COUNSEL: How many?

MUSSU: We had five children.

COUNSEL: Are they all men?

MUSSU: There were two boys, one of whom was killed during the war.

COUNSEL: Yes - the others.

MUSSU: The four are still alive.

COUNSEL: Have you, at any time, left Manzi Village?

MUSSU: I have never changed places.

COUNSEL: But have you ever been displaced from your village to another one at any time since you settled in Manzi?

MUSSU: I have never left the place.

COUNSEL: Have you lived peacefully throughout in Manzi?

MUSSU: I remained there peacefully.

COUNSEL: No, I am not talking about your husband; but have you ever been disturbed so that you run away from your area?

MUSSU: Yes.

COUNSEL: When was this?

MUSSU: I cannot still remember the year; but, at one time, we left the place and went to Kanyanda.

COUNSEL: Well, let us say there are important years that we passed through: In 1980, do you remember having participated in a General Election in Uganda?

MUSSU: I was there.

COUNSEL: After that period, did you have some disturbances in Masuliita Area; if so -why?

MUSSU: That is during the war it is when I was chased away from the area.

COUNSEL: I see. How did this war start? Do you know?

MUSSU: I know how it started.

COUNSEL: Now would you tell the Commission how - to your knowledge?

MUSSU: I can.

COUNSEL: Okay go ahead.

MUSSU: During the insecurity days, the soldiers came in the area; first, they came at mine; after being informed that I had joined banditry. I was arrested and beaten. They even raped my young daughter in my presence.

COUNSEL: Who is your daughter?

MUSSU: The daughter who was raped was called Betty Nakyaagaba.

COUNSEL: How old was she?

MUSSU: She was aged 13 years.

COUNSEL: Was she at school at that material time?

MUSSU: At that material time, she was schooling. She was in P.5.

COUNSEL: Now this was after the Election. Shall we say 1981 - 1982?

MUSSU: Yes that was after the Elections.

COUNSEL: Now you say 'soldiers', how do you know they were soldiers and where did they come from? Did you know?

MUSSU: They were in military uniform and armed.

COUNSEL: Where were they based?

MUSSU: Some of those who had knowledge about them said that they came from Entebbe.

COUNSEL: Now how many soldiers came to your home and did you know any of those who came to your home?

MUSSU: I did not know exactly the number and I never knew any of them.

COUNSEL: Yes, but, when they came to your home, what did they say, before they started beating you and raping your daughter?

MUSSU: They said that I was anti-Government and - they then arrested me and started beating me. They then demanded some money. I had two hundred shillings on me. I gave it to them.

COUNSEL: Then after giving them, why did they rape your girl?

MUSSU: These were their atrocities.

COUNSEL: You mean was it the first incident or it was one of the many incidents of raping girls in your area?

MUSSU: That was the first incident in the area.

COUNSEL: Yeah. But, earlier in your evidence, you said, they had said you were a bandit. Had you become a bandit or had you been a supporter of bandits - the people who were fighting the Government?

MUSSU: I was a Vice Chairman and I was a bandit.

COUNSEL: Who was the Chairman?

MUSSU: The first Chairman was Farasika Nabutto.

CHAIRMAN: Chairman of what - the Vice Chairman of what?

MUSSU: I was a Chairman of the bandits.

COUNSEL: I see. Now why did you -

MR. KAWANGA: What do you mean, 'Chairman of Bandits', in the whole country, in your *Muluka*, from there; it cannot be Chairman as such?

MUSSU: I was a Vice Chairman of the bandits of this area as we were in the bush.

CHAIRMAN: Always the name of the organization or the group of which - sorry they were not called 'bandits,' they must have had some other name.

MUSSU: No, that one I did not know.

COUNSEL: Now why had you joined this kind of movement?

MR. KAWANGA: Let her answer be translated first so that we quote her.

MUSSU: I had no specific name of our group but we were gathering in the bush with the bandits who used to come from Kanyanda.

COUNSEL: Now why had you joined this kind of movement - why were you supporting these people from Kanyanda?

MUSSU: What forced me to join the group was that they stole our votes.

COUNSEL: What do you mean, they had stolen your votes?

MUSSU: What forced me to join the bandits was because those were killing people; they were looting our properties and they even stole our votes when we had won.

COUNSEL: I see. Let us now start with one. When you say, they had killed people, do you have any evidence of people who had been killed and if killed, by who?

MUSSU: My own son - Charles Kyagaba - was killed.

CHAIRMAN: When and where?

MUSSU: My son was killed at Kisiikiri when you are moving towards Matugga - they were killed five people.

COUNSEL: Who killed them?

MUSSU: They were killed by soldiers.

COUNSEL: I see. This was before the raping of your daughter - Nakyagaba.

MUSSU: They killed my son - Charles Kyagaba - after they had raped my daughter.

COUNSEL: Now did you know the other four with whom he was killed?

MUSSU: They were my neighbours. I knew them.

COUNSEL: Would you tell us their names, please?

MUSSU: One was called Yonasaani Mubiru, one is called Kiberu, one was called Nsubuga, one was called Kateetwa.

COUNSEL: Now was there any other killing other than this one?

MUSSU: There were so many incidents on our village.

COUNSEL: How many people and do you know their names?

MUSSU: Those who were killed on our village, one was called Erukaana Ssebaggala; one was Bulasiyo Kanyantobya, one was called Kalooki Kugobe; one was called Lawurensiyo Kula, one was called Silivio, one was called Giriyani and so many others.

COUNSEL: I see. How about taking people's properties by soldiers? Did you have any?

MUSSU: Every property of mine was swept.

COUNSEL: Even other people's property.

MUSSU: Yes and even some others' properties were looted.

CHAIRMAN: When was her property looted?

MUSSU: My radio cassette was looted, the other one was just a mere radio and my clothing - blankets, and all the bedding.

CHAIRMAN: Was this before or at the time when they came to your home and beat you?

MUSSU: On the first occasion they came and raped my daughter; they only took money.

COUNSEL: Now you talked about your votes being stolen. Now in general elections,

did you belong to any political party?

MUSSU: Yes, I was a D.P. Member.

COUNSEL: Now were there other parties that participated in your elections in your area?

MUSSU: There were some other parties in the area.

COUNSEL: Which other parties?

MUSSU: There was the UPC Party but the members who supported it they were only three.

COUNSEL: K.Y.

KAKWENZIRE: There was not.

COUNSEL: Oh, sorry - Conservative Party, (CP).

MUSSU: Yes there was also CP.

COUNSEL: And UPM?

MUSSU: And the UPM, as well.

COUNSEL: I see. Now who stole your votes that led you to -

MUSSU: It was done by the defunct government.

COUNSEL: Now this aggrieved you?

MUSSU: Yes I was aggrieved?

KAKWENZIRE: Who won the elections?

MUSSU: It was DP which had won.

KAKWENZIRE: And eventually who became your MP?

MUSSU: It was Mr. Ssengendo.

COUNSEL: Now then what do you mean that your votes had been stolen?

MUSSU: We had won but when I heard on the radio - it was announced on the radio -that we had won, but, after which, it was then altered that it was the UPC who had won.

COUNSEL: Okay. Now assuming that these are the facts, that you had won and somebody had taken your victory, why did you become aggrieved for somebody taking your victory?

MUSSU: To rob us and to murder us.

COUNSEL: No that we have understood. I am asking. You have won the elections. Somebody else comes and takes the victory. Did this aggrieve you?

MUSSU: That forced me to go in the bush.

COUNSEL: I see. Now, after entering the bush, did you incur other incidents where you suffered?

MUSSU: Yes there were some incidents which occurred when I was in the bush.

COUNSEL: Now, would you relate to us what happened?

MUSSU: After entering the bush, people realized and they got annoyed. When I realized this, I went to Mundalana and called Kigongo and he came and addressed a rally; and people knew the motive of entering the bush. He came and held a rally and told the people what was the motive of entering the bush.

COUNSEL: And, as a result of the rally, what happened?

MUSSU: After holding the rally, people realized the motive and then he went on ahead. Then, when the war started, we ran away from the area.

COUNSEL: I see. Now where did you find Moses Kigongo?

MUSSU: I found Moses Kigongo at Mundalana in Kanyanda - their camp - Mundalana Camp.

DR. LUYOMBYA: The word is Mundilane.

MUSSU: I only went there to make a report; then they chose Moses Kigongo to come and make a rally in the area.

COUNSEL: Now, when you ran away, what kind of life did you have?

MUSSU: When I ran away, I was arrested at a place called Kandegeya; then I was taken to a place where dead bodies were heaped and they were killed by stabbing.

COUNSEL: Now who arrested you?

MUSSU: The soldiers of the defunct government.

COUNSEL: Were you alone when you were arrested?

MUSSU: I was with my grandchildren. Those who were ahead, I found them dead; they had already been killed.

COUNSEL: How, why did they arrest you? Did they tell you the reason why they had arrested you?

MUSSU: On reaching the place where dead bodies were piled, they undressed me totally. They told me to lift a young baby on the back; they, too, stood in front of me; they told me that they were going to do like they had done on the dead bodies.

COUNSEL: Yes and what happened?

MUSSU: They got knives to cut me. When they were about to cut me, one of them could talk the language I could understand. He was a Muganda. Then he gave an order that: 'Do not cut her. Let her first narrate where she had come from and where she was going to and to let us know where Museveni was'. Actually I did not tell them where I was coming from, instead I told them I was coming from Kapeeka and I told them that I only hear gun shots; I do not know where Museveni was. While they were still interrogating me, I heard some firing in the air. Then I said possibly one of those who were there was just intending to shoot me. Then some of them started to run. Those who had not run away gave me a directive that: 'You run. Run'. But I refused because I was naked. Then one of them slapped me. I fell down. And one of them kicked me. I fell on some sticks then they just injured my ear and on the eye. Then the shootings went ahead. When the soldiers ran, I also took another direction, jumping some dead bodies, some were fresh; and one of the bodies had some clothes. I removed from him and then I tied them in my waist, and ran away. I ran. When I was approaching the road, I then sighted someone with a gun. Then I just crossed the road and went in the bush. He also followed me. He just called me: 'Eh,*Namwandu* Mussu, *Namwandu* Mussu, come back. We have saved you from death. You go to a place Kimbeti Camp where there is a camp.

COUNSEL: Now, maybe, before you proceed, tell us the bodies you saw at the site where they were going to kill you. How many were they? Can you estimate?

MUSSU: They were very many and some of the dead bodies, some were women who were even under pregnancies. You could even sight the foetus. Their stomachs had been cut and you could easily see the bodies of young babies.

COUNSEL: Yes.

MUSSU: The soldier who was armed in civilian clothes made me stop; but I was just even trembling, even urinating. Then he ordered me to go to Kimbete where there was an office of the bandits. From Kimbete where there was an office, we ran away from there and we went to Kiryanyonza. Then while at Kiryanyonza I could run and then come back. I then ran away at a place called Kafo and I was told by a certain man that we had reached at Kafo. I reached at a river called Kafo and is the boundary of Buganda Region with Bunyoro. I then went back and I realized that I had reached at Kiryanyona where I had come from.

COUNSEL: Yes, you mention some village. Is it Kindegeye or Kindegeya?

MUSSU: Kandegeya is the place where some bodies were piled.

COUNSEL: Yes.

MUSSU: Then, while at Kiryanyonza, there was a certain gentleman who addressed us and told us that Museveni - *Mzee* - had advised us to go to a place which was better than that one and that we could still see what happened in the area. I informed my colleagues whereby we were given an escort up to Mayanja. Before crossing Mayanja River, most of us were just killed there by bullets. We then proceeded ahead. On reaching at Katooke, we were arrested and taken in cells. While there, I was seriously beaten and even my arms cannot fold properly, as a result of such beatings. At Katooke, I was there for three days. Then, when I was released, I went at a village called Kiriri. The whole body had swollen. From Katooko I went to Nakaseke where I found Red Cross members and they gave me this piece of cloth and gave me these documents.

CHAIRMAN: Excuse me. She seems to be talking a lot, we are not -

MUSSU: I was given these documents whereby I could be treated but my real documents got lost. These were my grandchildren's. This is the piece of cloth I was given by the Read Cross members, after realizing that I was totally naked.

COUNSEL: Why are you keeping it?

MUSSU: This is an historical sort of thing.

COUNSEL: Are you suggesting that that experience you passed through taught you a lesson or you have something to say about it?

MUSSU: I have been saying more but I was interrupted.

COUNSEL: Okay, proceed.

MUSSU: Because of freedom I was forced to go and work in Shauri Yako. While there I was arrested and detained at Remand Home.

COUNSEL: Who arrested you and how did they come to arrest you?

MUSSU: I was arrested by a certain boy called Laurensiyo. He was a boy of our area. He reported that I was just cooking for the bandits.

COUNSEL: You mean did you see this Laurensiyo at Shauri Yako?

MUSSU: After my arrest, I asked why I was arrested. They told me that I was cooking food for the bandits. Then I just pointed at Laurensiyo saying that it was that one who was dealing with the bandits and telling him he was cooking for them. They asked me that after giving them food -

CHAIRMAN: Sorry, before that. Was this true? Were you actually cooking for those

people?

MUSSU: Yes I was cooking for them - for the bandits.

CHAIRMAN: What about Laurensiyo? Was he bringing them to you?

MUSSU: It was not so. I was only trying to save myself. He only knew them and that they were staying at my place. I was just cooking food for them.

CHAIRMAN: He knew - Laurensiyo.

MUSSU: Yes he knew and he used to help me serving them with food, but he was a village-mate.

COUNSEL: Now what happened after making this defence?

MUSSU: I then advised them that they could come back the following day; that they would find me at any place, even if they could do anything they could wish.

COUNSEL: When you were not there.

MUSSU: At the spot, they ordered me to go away and then they made that boy to sit down. Then all my property; clothes, cups and kettles remained there. Then I ran away to Bugerere - to Kayunga in Bugerere. That was the end. I came back after the war. But I never remained with any property of mine.

COUNSEL: Yeah, what have you learnt from that experience?

MUSSU: This left side of the head is not well and some of the teeth - I was beaten by a blow and some of the teeth - got out.

COUNSEL: Now you seem to have assisted the people who were in the bush, fighting the Government. Now do you see any of them present in the country - those you assisted by cooking food?

MUSSU: Yes there are some I used to see and those whom I even recruited.

COUNSEL: Now can you tell us some?

MUSSU: One is David Rukubaga, one is called Samuel Nakabungwe, one is Wilson Mugerwa. I can only mention those but they were very many.

CHAIRMAN: What about these you cooked for?

MUSSU: Those ones I used to cook food for one is called Kasumba. He is a Munyankole by tribe; the other one was called Akaya; the third one is Mandovu; the fourth is Kagina and some others.

COUNSEL: Now did they come to see you?

MUSSU: Rukubaga, Nakalungu and Wilson usually visit me and they even bring me some things at times they bring me some sugar; but the others died. They were killed. The other one was David Ssentongo. He was killed at Mityana and left me with a young chap who is just helpless; he just remained there helpless.

COUNSEL: Yeah. What have you learnt from this experience - elections up to the victory of NRM?

MUSSU: The lesson I have learnt is that and which I can tell to the young generation is that where you see the majority is based, you must also go on that side. That is all. Those who went with the minority never survived; but those who went on the majority side survived.

MR. KAWANGA: Very many of the majority also died.

MUSSU: They also died but it is not comparable. What you see that the majority support, you must also support.

COUNSEL: Now what would you say about say when the government is fighting people fighting it? What measures should government take?

CHAIRMAN: That is a very good question. What should a government do against people who are fighting to remove it, the way you were fighting the other government? What should government do to such people?

MUSSU: The Leader of the government must make arrangements to discuss with those who are fighting the government.

CHAIRMAN: No, okay, that is one aspect but apart from discussion what should actually be done against the individuals who participate - who are actually fighting against the Government?

MUSSU: As a Leader, if you realize that you have failed to discuss with the anti-Government, if it can be possible, you resign if you see that people do not want you.

COUNSEL: Well, that may be so but how about if these people who are fighting you are the minority - not the majority as you said, but very few, about twenty? Supposing you are supported by the majority and it is only a small group which is fighting you, what would you do? The majority want you.

MUSSU: What I feel is that if the former Leader had resigned possibly all those could not have happened.

COUNSEL: You are suggesting that the interests of the majority should prevail over personal interests?

MUSSU: Well.

COUNSEL: What I am saying is this. Are you trying to suggest that a single Leader

should not sacrifice the lives of the majority?

MUSSU: Yes.

COUNSEL: My Lord, for the time being, this is all from this witness about her experience and what caused it.

CHAIRMAN: Are there any questions from the panel - Commissioners?

MR. KAWANGA: Now Madam, you said one of your sons was killed; under what circumstances? Why was he killed?

MUSSU: There was no reason why my son was killed; simply because we were just running away then they were netted and taken and killed.

MR. KAWANGA: Yes now don't you think that people in your area had become anti-government?

MUSSU: Yes they were anti-government because I had enlightened them.

MR. KAWANGA: Yeah. So the Government might have felt that all of you were enemies.

MUSSU: Yes it was so.

MR. KAWANGA: And I think that is why they killed you - people in the area.

MUSSU: That was the thing.

MR. KAWANGA: What is wrong with that in your view? You are enemies of the government. It is not justified if it kills you.

MUSSU: We were mistreated on many occasions.

MR. KAWANGA: Yes, and you didn't like it.

MUSSU: Well.

CHAIRMAN: What is she saying? What did she say?

KAWANGA: No what I was trying to -

COUNSEL: The thing is this. Why didn't you like the government?

MUSSU: Before mistreating us, we had nothing against the Government.

MR. KAWANGA: I see. So, when they mistreated you, then you hated it.

MUSSU: After mistreating us, we then hated the Government.

MR. KAWANGA: But, perhaps, I am repeating what has been asked you. What do you do to an area where everybody else - where all the people have decided to fight the Government, if you are the Leader, when you are in the Government?

MUSSU: It has got to punish us because we hated it.

MR. KAWANGA: And do you think that this killing was an act of punishing you?

MUSSU: At that material time, it was hard to know the ones who had hated the government and those ones who supported the Government.

MR. KAWANGA: Oh, I see. So the killing was indiscriminate as it were.

MUSSU: It was indiscrinimate, even the young children.

MR. KAWANGA: Oh, I see. That was excessive. Okay. Now you talked about your being stripped naked.

MUSSU: Yes.

MR. KAWANGA: What happened to your clothes?

MUSSU: All clothes were taken, the piece of cloth like pants were just thrown there and it was impossible to pick them because they could kill you.

MR. KAWANGA: What about the children clothes?

MUSSU: All were dressed and then they just throw them away; and the Red Cross members gave the children some clothes.

MR. KAWANGA: Then you said you were beaten - you were again arrested at some place and badly beaten. Why were you beaten; what reason did they give for beating you, at Katooke?

MUSSU: The reason why I was beaten at Katooke was that, when I was arrested, I had no property with me and my colleagues who had property were not beaten.

MR. KAWANGA: Which Katooke are you talking about where is this Katooke?

MUSSU: It is on the other side of Bulemeezi and there is even a camp. I did not know the place very well; that is why -

MR. KAWANGA: What camp?

MUSSU: It was a camp of the soldiers of Obote. Around Wakyaato, that is where we escaped to.

MR. KAWANGA: Now then this Laulensiyo who accused you of having cooked food for bandits; you said he was arrested. Do you know what happened to him after that?

MUSSU: I did not know what followed next.

MR. KAWANGA: Have you ever seen him?

MUSSU: He came back on the village and then the village-mates wanted to arrest him. But unfortunately he just escaped and ran away. I was told by my co-village-mates.

CHAIRMAN: I want to go back to your evidence and clarify - get certain points clarified. Now you have philosophised the reasons for joining the rebels at the time, why you fought the Government. You said this was because of mistreatment, killings and so on. Now what preceded - when did the soldiers first go in the area - in your area?

MUSSU: The soldiers first came in the area during 1981; but I cannot exactly remember the date and the month.

CHAIRMAN: Before that, there had been no soldiers in your area.

MUSSU: They had never come before 1981.

CHAIRMAN: Do you know why they went there in 1981?

MUSSU: It was because we had joined banditry.

CHAIRMAN: I see. So they went there to fight the people who were fighting the government.

MUSSU: Yes they came to fight those who were anti-government, asking where the rebels were.

CHAIRMAN: Would you say that, may be, but for the insecurity or fighting - but for the presence of activities of anti-government people in your area, soldiers might not have come in your area?

MUSSU: Well.

CHAIRMAN: That, if it had not been for the insecurity - for the anti-government activities or so or what anti-government people had been doing, soldiers would not have come - gone - to your area.

MUSSU: Well, I do not know; possibly - I know Bunyigiro had known that bandits were in our area; that is why he went for the soldiers.

CHAIRMAN: Who was this?

MUSSU: Bunyigiro.

CHAIRMAN: Who was he?

MUSSU: Bunyigiro was a UPC Chairman of the area.

CHAIRMAN: So it was he who went and informed the soldiers to come.

MUSSU: Yes it was Bunyigiro who went and informed the soldiers that I knew

where the bandits were; that is why they came and arrested me and beat me.

CHAIRMAN: How far was the nearest camp from your home - from Manzi?

MUSSU: Well.

CHAIRMAN: The rebel camp.

MUSSU: The nearest camp was at Kyaligonza. It was about then miles away from my home; even that at Kanyanda in Mangirana where the boss was was also very near.

CHAIRMAN: How very near?

MUSSU: Also there were about two miles; and there was one at Sikoyi it was about in the radius of one mile. It was at Masuliita.

DR. LUYOMBYA: The village is not Ssikoli - it is the camp - at Ssikoli.

MUSSU: Kyaligonza was the commander of that camp at Galamba.

CHAIRMAN: Oh, I see! When were these camps established?

MUSSU: I didn't know when they were established.

CHAIRMAN: Is it 1980 - 1981 - 1982?

MUSSU: The incidents occurred in our area during 1981; when we first saw them.

CHAIRMAN: What incident?

MUSSU: During 1981, it is when we first started seeing people with *bikapus* (satchel bags) and people could say that there were some bandits.

CHAIRMAN: What were the *bikapus* for?

MUSSU: In the *bikapus* there were some guns.

CHAIRMAN: Okay. You took part. You participated. Victory came and you have mentioned some of these people for whom you cooked and those whom you recruited. Now have they ever done anything for you since?

MUSSU: I have ever seen some of them and I was given a bicycle and it is in my possession.

CHAIRMAN: I see. You were given free. You didn't have to buy it.

MUSSU. I was given free of charge.

CHAIRMAN: Anything else?

MUSSU: I was given soap. That is all. I was given three thousand shilling only - this new currency.

CHAIRMAN: Do you say - do you think - that you have been adequately rewarded for your participation?

MUSSU: I was given two letters to identify myself that I was cooking food for them. I was given those letters by Commander Musinguzi.

CHAIRMAN: When were those letters given to you?

MUSSU: It is a bit long but unfortunately I have forgotten them.

CHAIRMAN: Was it after January, 1986?

MUSSU: I was given those letters after the war.

CHAIRMAN: Yes. Now you have not yet answered my last question that is, do you consider that you have been adequately rewarded for your participation?

MUSSU: It was inadequate - You cannot be adequately rewarded. I could cook for them.

COUNSEL: No are you satisfied?

MUSSU: I am happy. If I am again rewarded, I can also be happy because I was just dying for them. It is my children who wash my body because I was unable to fold my arms. I cannot wash; I can only cultivate for a small portion. I cannot move when it is shining; once I try to do so, I get disturbed. Even someone who gives you a small thing, you become happy also; even if somebody gives you a small thing.

CHAIRMAN: Okay. Let her answer some questions from the Commissioners.

KAKWENZIRE: I do not have much. I want to congratulate her for her strength which enabled her to survive and for being very witty - clever. I am very happy to see a woman struggler. Now you took initiative. You said that, when you first entered the struggle, people grumbled and you had to go and seek some official assistance. Why were the people unhappy? I did not understand.

MUSSU: Because they were not aware that this lady had joined banditry that she had brought us banditry in the area. They had not known the aim of banditry.

KAKWENZIRE: I see. When Moses Kigongo came, what did he actually tell them that made them understand?

MUSSU: He told them the motive of Mzee.

KAKWENZIRE: And it made sense to them?

MUSSU: They were satisfied and even those who were talking against me they even became chairmen.

KAKWENZIRE: You have told us that, if people are fighting a Government and the Leader sees that people are determined to fight - if people are fighting the government and the Leader sees that such people are determined - she said that even if those people are a minority, the Leader should think of stepping down in the interest of peace. Now since she is a clever lady and the Commission is very much interested in ways of creating peace, she must be aware that as we are now, there are people who are fighting the Government. Would she still advise the President to step down in the interest of peace?

MUSSU: The small group which is fighting possibly has no motive; it is just fighting aimlessly. Possibly, the Leader has got so many problems to solve for the country; but, before doing so, those who are wanting to fight the Government possibly, I can also advise the Leader to go ahead discussing with those - to negotiate with those - who are fighting the Government.

KAKWENZIRE: And if they refuse.

MUSSU: If they totally refuse, it is too bad because should we again go back in the bush; possibly we shall all perish.

CHAIRMAN: Is that not contradicting your own theory? Is that not contradictory?

MUSSU: If they totally refuse, well, what can we do; we have also got to go back to the bush to fight.

CHAIRMAN: Then it will never end.

MUSSU: It is also self-evident; if you actually appeal to somebody and he totally just refuses, you also get annoyed. Then you have to fight him. They should entirely leave the Leader to solve the country's problems; but, if they actually neglect, then what. He told us that whoever has a problem he should go and tell him and solve the problem. I had a problem. I just spotted the problem and there and then it was solved. People let us say those of Kawempe, Kibuye and within the neighbouring parts of Kampala used to get our shares for those who fought.

CHAIRMAN: Shares of what?

MUSSU: Like money, bicycles and radios and even food like groundnuts and some beans; and I gave a suggestion that whoever comes for aid in the areas were I came from should have a letter bearing the stamp of a *Gombolola*.

COUNSEL: Mr. Chairman, I think, what she was saying is that things meant for rehabilitation of the area were being taken; people from Kampala were coming I think in the area to share what was meant for the people there. So she had to advise that people should identify themselves as coming

from those areas concerned.

MUSSU: I later learnt that my suggestion was put into action. And later people said that I never meant that; I personally made a letter myself and took it to Republic House. Then by surprise those people were surprised to see ' Eh' I came there. I then told them that I wanted to find out whether my suggestion was put into practice. I made it physically.

CHAIRMAN: Well.

KAKWENZIRE: And lastly, did your grandchildren survive?

MUSSU: One of them passed away; only two survived.

KAKWENZIRE: I am sorry for that. Thank you very much for your good evidence.

MUSSU: I have also appreciated.

CHAIRMAN: I associate myself with the Commissioner's specific points in order. We thank you for the evidence. You may go now.

MUSSU: Thanks be to God.

COUNSEL: My next witness the Chairman, is Paul Kabengo.

COUNSEL: My next witness, my Lord Chairman, is Paul Kabongo.

CHAIRMAN: He is a Christian. Is he?

WITNESS NO. 267: MR. PAUL KABONGE - SWORN IN

COUNSEL: You are Paul Kabonge.

KABONGE: I am Paul Kabonge.

COUNSEL: Fifty three, of Manzi Village.

KABONGE: I am aged fifty three and of Manzi Village.

COUNSEL: In *Gombolola* Masuliita, Mpigi District.

KABONGE: Yes I am in *Gombolala* Masuliita, Mpigi District.

COUNSEL: Now for how long have you been in this area?

MR. KAWANGA: Is Masuliita in Mpigi or in Luwero? I am at a loss.

KABONGE: It is within Mpigi District.

COUNSEL: For how long have you been in Manzi Village.

KABONGE: I settled in Manzi on the 15th June 1959.

COUNSEL: Well.

CHAIRMAN: Where did you come from?

KABONGE: I came from Ssaayi in Kyaddondo.

COUNSEL: Do you know someone Rhoda Nabbowa Mussu?

KABONGE: I knew her very well.

COUNSEL: You are of the same village.

KABONGE: We are of the same village.

COUNSEL: We have been informed by her that, sometime in 1981, your area became insecure. Is that correct?

KABONGE: It was true.

COUNSEL: But to you, what was the cause of this insecurity?

KABONGE: What brought the insecurity is that the whole country as a whole had insecurity.

COUNSEL: Why? Did you know? Did you find out why this was so?

KABONGE: Yes, I tried to find out.

COUNSEL: What was the reason?

KABONGE: It was due because of some votes.

COUNSEL: Votes you mean during the General Elections of 1980?

KABONGE: It was because of some votes which were held on the 10th of December, 1980.

COUNSEL: How did these votes cause insecurity?

KABONGE: Those who counted the votes informed us that they were stolen.

COUNSEL: And, as a result of this, what happened?

KABONGE: It was declared by Museveni that they had not agreed to what they had stated with his colleagues.

COUNSEL: And what happened as a result of this declaration?

KABONGE: People started supporting him, that what he was saying was correct.

COUNSEL: And, as a result of this support, what happened?

KABONGE: The former Government then started taking soldiers in the villages and started looting people's property.

COUNSEL: Were soldiers brought to Masuliita or Manzi as you know?

KABONGE: At Masuliita, there were some soldiers brought in the area; and at Kirolo also they had brought some soldiers. Those brought in Kirolo arrived in the area on the 21st September, 1981.

COUNSEL: How about at Masuliita?

KABONGE: Those who were brought in Masuliita I didn't know actually the specific date; but it was during 1981.

COUNSEL: Now what is the position of Manzi; is it is between Kirolo and Masuliita?

KABONGE: Yes it is between Masuliita and Kirolo but on the border of Masuliita.

COUNSEL: How far from Kirolo.

KABONGE: It is just adjacent. It is just across the river.

COUNSEL: Now you said, when they brought soldiers to Kirolo and Masuliita and started taking your property, and did they take your personal property?

KABONGE: There were so many looted.

COUNSEL: Apart from looting you all your property, did they steal other people's property?

KABONGE: Even some other people's property were looted.

COUNSEL: Did they tell you the reason why they were looting your property?

KABONGE: They did not tell me why they were looting my property.

COUNSEL: Didn't you have chiefs in the area to whom you could report this?

KABONGE: There were some chiefs and I even reported.

COUNSEL: What happened?

KABONGE: The chiefs physically reported the matter to the commanders of the soldiers and then we were advised to go there to hand over our properties.

COUNSEL: Did you do that?

KABONGE: Well.

MR. KAWANGA: The translation was that we were called to identify the people who had stolen our property.

KABONGE: Some of our colleagues some of them knew those soldiers; then some of us did not know. Then we were called to go and identify them and then handover back our properties.

COUNSEL: Did you go and was property handed back to you?

KABONGE: We went but we were again advised that we should go back again and then after their departure they would hand over the things to us.

COUNSEL: Apparently, they never left.

KABONGE: They went away after six days.

COUNSEL: And what happened?

KABONGE: We found nothing after their departure.

COUNSEL: Now, apart from looting property, did they do any other thing?

KABONGE: Yes there were some others.

COUNSEL: What did they do?

KABONGE: They used to kill people. The things which they were looting, they could throw them away or they could even burn them. Some were shot bullets in the legs.

COUNSEL: Yes.

KABONGE: They used to take people at Kiyambya. They used to rape women.

CHAIRMAN: What did he say?

MR. KAWANGA: The man is a comedian. You just go ahead.

KABONGE: They used to rape women.

COUNSEL: Now what happened as a result of those atrocities committed by soldiers?

KABONGE: What followed next people lost interest in the government - lost confidence in the government.

COUNSEL: As a result of this loss of confidence in the Government, what happened?

KABONGE: We used to see people who could go on telling people of the ways of how to remove the government.

COUNSEL: Did you know these people?

KABONGE: At first I did not know but those who came next I knew them. We agreed with them.

COUNSEL: How?

KABONGE: How they used to treat us again we were just following what they were doing.

COUNSEL: So you started giving them support.

KABONGE: We started giving them support.

COUNSEL: Now what happened as a result of giving support to this Movement, trying to remove government?

KABONGE: After realizing that they had got a very good number, they then started appointing - after realising that the number was enough, then they started appointing - the government as we used to hear that Museveni was in Ssingo.

COUNSEL: Now did you participate in this Government?

KABONGE: I fully participated.

COUNSEL: As what?

KABONGE: I was appointed as a Chairman.

COUNSEL: Now what was the reaction of the Government to these developments?

KABONGE: The soldiers started attacking us.

COUNSEL: How?

KABONGE: The soldiers used to attack our villages, being armed; they could kill some and then they could take some.

COUNSEL: Are there some people you remember in your village who were killed by these soldiers?

KABONGE: Yes there are some I can remember.

COUNSEL: What are their names?

KABONGE: One of those who was killed was Ssebaggala. He was my neighbour on the right hand side; another one was called Laulensiyo Kulakulanye. He was also my neighbour in front and so many others.

COUNSEL: About two more or?

KABONGE: I cannot tell.

COUNSEL: About how many?

KABONGE: There were more than twenty.

COUNSEL: Now, as a result of these killings, did you have to move away from your village?

KABONGE: At first, we tried hard to hide ourselves. We spent almost a year when we were just hiding.

COUNSEL: Yes, after a year?

KABONGE: We ran away from our village to a place called Kanyanda in Bulemezi.

COUNSEL: Yes. Well.

KAKWENZIRE: Excuse me.

KABONGE: We ran away as a result of this long range - we used to call it *Katuusa*.

KAKWENZIRE: What time was that - 1981 - 1982?

KABONGE: On the 7th September, 1982, it is when we ran away from our area.

KAKWENZIRE: Did anybody run?

KABONGE: Well.

KAKWENZIRE: Did everybody run away?

KABONGE: Everybody in the area ran away; some had even spread out from Kigoogwa, Gombe, Matugga.

COUNSEL: About how many people went to Kanyanga?

KABONGE: It was in thousands. There were about thousands and thousands of people who ran away to Kanyanga.

MR. KAWANGA: Why?

COUNSEL: Is there anything which happened to you while at Kanyanga?

KABONGE: We were again bombed.

COUNSEL: Yes.

KABONGE: The soldiers used some short-cuts in order to reach the place where we were. Then we ran away from that area to another end.

COUNSEL: Were there some arrests done at Kanyanga?

KABONGE: There were some arrests at Kanyanga:

COUNSEL: What happened to them?

KABONGE: Those who were arrested were killed.

COUNSEL: About how many?

KABONGE: As I was arrested in that area, I did not exactly know the number of people who were killed; but I actually knew my relatives some of whom were killed: Like Paul Nwemu - my wife - there were about ten in number.

COUNSEL: Yes, what happened?

KABONGE: Well.

COUNSEL: After Kanyanga's incident?

KABONGE: We ran away up to a place called Kikandwa where there was a camp called Lutta.

COUNSEL: Yes.

KABONGE: We spent there about a week and then we were attacked.

COUNSEL: Yes.

KABONGE: From Kikandwa we ran away up to Kalungu in Ssingo; from Kalungu again we again proceeded to Buyonjo.

KAKWENZIRE: I want to go -

COUNSEL: Now, maybe, you might have moved a lot to various places until, may be the victory of NRA. Is there an incident which you want to tell us that happened during this movement?

KABONGE: We suffered a lot in the exercise of getting food. Some of our friends used to go and get some food, and, on the way, they could be killed. The way how it was distributed was also horrible because many of our beddings had been looted. The soldiers used to attack us and some of our friends were killed.

COUNSEL: Yes, but this group you were moving about. Was it really a fighting group or it was just displaced people?

KABONGE: The majority of the people I used to run with were not fighters. They were just misplaced. By the time we used to run away, the killings were indiscriminate; whomever they could find, he could not identify himself. They could only kill him. We used to see them cutting women and the foetus - the babies - could come out. They could argue - they wanted to know either the baby inside was either a male or a female.

COUNSEL: And do what?

KABONGE: After the argument they could cut the woman and the baby had to come out.

COUNSEL: Now what have you learnt from this experience?

KABONGE: If there is any change, with me, I am at the support of the majority.

COUNSEL: Without any reason you just follow the majority?

KABONGE: In that area they were the majority.

COUNSEL: Was that the reason that they were the majority or they had reasons?

KABONGE: With me I have also to think that there must be reasons in order to support the majority.

COUNSEL: That is all My Lord.

CHAIRMAN: Any questions, Commissioners? Now I just want to clarify a few things - I want you to clarify what preceded what to your area, whether the anti-government activities preceded arrival of soldiers or vis-versa; in these two places, Kirolo and Masuliita. Kirolo, I think, in September, 1981, you said the precise date, I think the 6th or 7th of September. And Masuliita you could not remember the date.

KABONGE: On 21st September, 1981, they brought some soldiers over 200 soldiers.

CHAIRMAN: By then had anti-government activities already started in the area?

KABONGE: At that material time we had not known whether there was some anti-government.

CHAIRMAN: You did not know?

KABONGE: By that time I had not known.

CHAIRMAN: What about Masuliita?

KABONGE: Masuliita was not near our place.

CHAIRMAN: How far away?

KABONGE: It is about five miles away from my place.

CHAIRMAN: And Kirolo was how far?

KABONGE: It is just before I cross even the river.

CHAIRMAN: Across from your place?

KABONGE: Yes, from our place.

CHAIRMAN: Less than a mile?

KABONGE: It is less than a mile.

CHAIRMAN: Okay, thank you. That seems to be all - we do not have many questions for you, Mr. Kabonge, thank you for your evidence.

KABONGE: I am very happy that the Commission has come to find out what happened to us and I hope your findings will assist us; and if it does, I will be very, very happy.

CHAIRMAN: Well, we hope so too, we share your hopes.

KAKWENZIRE: What hopes?

CHAIRMAN: Well, Commissioner is asking - What hopes do you have? What are your hopes?

KABONGE: I will be very happy the way how the government is handling us and possibly there are some hopes that the government had made - had promised to give us; just to instal peace and to improve our economy as you can realise. Secondly, I would suggest that if the Commission can at least find out, because some of our children were taken by those soldiers who ran away by then and some of them are just stranded there. If the Commission can go there and make some inquiries and find such children asking them where they were taken from and possibly you can provide them means to return them home.

CHAIRMAN: Taken where?

KABONGE: The children were taken in the places where those soldiers came from - where they were born.

MR. KAWANGA: Mr. Interpreter, I ask you to interpret what a witness says; don't you paraphrase it; otherwise we will lose the meaning; we do not get it; we do not get the full. And try to cut him short so that he will give you a small piece which you can translate. What he is saying is extremely important; so it should be got straight. Okay, will you please repeat - I will try to translate what you are saying.

KABONGE: What I am asking this Commission which does not appear to be as part of the work of this Commission or what has not been asked me, I ask the government to deal with this. It should carry out some inquiry regarding our children who are away to find out where they came from, they can ask them their names. Because these children know where they came from but they did not go with transport, they have no means of coming back to where they came from but they know where they came from. And they are frightened to say where they came from, even just sitting around and thinking, they ask them whether they think of where they came from.

MR. KAWANGA: Apparently, this did not come out, out of this evidence.

COUNSEL: No, no, it didn't.

MR. KAWANGA: So that is why I thought it had better come as a bit of evidence and we go through it.

COUNSEL: Yes. Now are you suggesting that some children, girls and boys were taken by government soldiers?

KABONGE: Yes, they were taken by government soldiers; not only those who were schooling, but even - if he could manage to walk, they could take him or her. And when they are taken there, even some teeth were removed.

CHAIRMAN: Where were they taken? How do you know all this that some teeth were removed?

KABONGE: One of my grand daughter was one of those who was removed from there by tactics and when she came she told us - she was removed two teeth in the lower jaw.

CHAIRMAN: Where did she tell you that she was taken?

KABONGE: The one who brought back the grand daughter told us that he got her at the border of Uganda and Kenya.

CHAIRMAN: How old was the daughter when she was taken?

KABONGE: She was about 8 years by the time she was taken.

CHAIRMAN: When was that?

KABONGE: She was taken in 1983.

CHAIRMAN: When was she brought back?

KABONGE: She was brought back last year.

CHAIRMAN: What is her name?

KABONGE: She is Nabosa.

CHAIRMAN: Who brought her?

KABONGE: She was brought back by her father, Kaguliro.

CHAIRMAN: Where is he; is he in the village, Manzi?

KABONGE: He is staying in Kirolo.

CHAIRMAN: I see. Did he say, he saw other children there where he got your grand

daughter from?

KABONGE: Not only Kaguliro who told us, but there are some other people - I have received about three people who came from there and who are talking the same thing.

CHAIRMAN: How many children did they see?

KABONGE: Well, that could not be put to me because they were just talking in a secret way; some could say, I have come either Kasiso or elsewhere; because they are staying under fear.

MR. KAWANGA: How many children were taken from your area?

KABONGE: I will only tell you the names of my children one was Kabonge -

COUNSEL: How old was he?

KABONGE: He was aged seven years, Nankobe was aged four.

MR. KAWANGA: Do you think they are still living?

KABONGE: Well, I only think, they are still there; I do not know.

CHAIRMAN: Well, I do not know whether Counsel will advise us about this? But certainly what I can tell you is that the Commission - I will only pass on the information to the appropriate government authorities to trace such people. The Commission as such does not have the mechanism or the personnel to do it. Now have you informed any government authority before or this is your first time? Like the D.A.?

KABONGE: Mostly we report such things to the RC's; and I actually reported to the RC's, but I do not know whether they transmitted it to the high authorities?

CHAIRMAN: Have you followed it up - have you checked with them whether they have taken the necessary action.

KABONGE: I have not done so.

CHAIRMAN: Why don't you do that?

KABONGE: I have only got an opportunity to report to you because you are a bit higher than those to whom I reported.

CHAIRMAN: Yes, you see ways are different in which it can be done for first channels. But the RC's are now the nearest organisation to you through which to channel information to and from the top. I do not criticise you for having passed the information; I just want to find out whether you had followed up.

KABONGE: Well, I did not do so; I did not follow up systematically. But it is a very

good opportunity that I have only reached to the Commission this information because you are a bit higher.

CHAIRMAN: Yes, we have taken the point.

KABONGE: Thank you.

CHAIRMAN: Okay, thank you also. Is there a short evidence witness we can take? How many more left in this particular case - I mean - this area of inquiry?

COUNSEL: They are four more. But they are telling you exactly the same thing.

CHAIRMAN: Is it necessary to report?

COUNSEL: No.

CHAIRMAN: Then after that we start with another case.

COUNSEL: Yes. There is another case completely a different one for tomorrow.

CHAIRMAN: Well, we shall deal with that one tomorrow. Well, okay, we shall adjourn the inquiry now, time being about 2.20 p.m. and we shall resume tomorrow here at 9.30 a.m.

CHAIRMAN: Commissioners, Ladies and Gentlemen, we are ready to start the Session of today the 5th of May, 1988, at Katikamu. Now yesterday we had hoped that we would come early such that the Commissioners would hold an administrative meeting. But, since it is so late, I think, we should start on the witness' evidence right away and hold this other meeting at the end of the day.

COUNSEL: My Lord Chairman, Lady and Gentlemen Commissioners, today we shall be hearing evidence regarding the torture, amputation of arms and general maltreatment of people in Nakaseke Area. This is in Luwero District, by Government soldiers of that time. Our next Witness is Petero Kamba No.268.

CHAIRMAN: Petero what?

COUNSEL: Petero Kamba.

WITNESS NO.268: MR. PETERO KAMBA - SWORN IN

COUNSEL: You are Petero Kamba.

KAMBA: Yes, I am Petero Kamba.

COUNSEL: Aged 48 years.

KAMBA: I am aged 48 years.

COUNSEL: Unemployed.

KAMBA: I am unemployed.

COUNSEL: You are a Zairois by nationality.

KAMBA: I am a Zairean

COUNSEL: A resident of Kirinya Village.

KAMBA: I stay in Kirinya Village.

COUNSEL: This is in Nakaseke County in Luwero District.

KAMBA: It is in Nakaseke Sub-county, Luwero District.

COUNSEL: You say you are a Zairean. When did you come to Uganda?

KAMBA: I came in Uganda during 1963.

COUNSEL: And, when you came to Uganda, where did you settle?

KAMBA: At first when I came, I was just a porter in Ssingo. I was a casual labourer.

COUNSEL: Now did you come when you were married or did you marry when you reached here?

KAMBA: By the time I came to Uganda, I was not married.

COUNSEL: Did you marry, in which year?

KAMBA: When I came to Uganda, I got married.

COUNSEL: To who?

KAMBA: I got married at Komamboga.

COUNSEL: Can I know the name of your wife?

KAMBA: The name of my wife was called Bako.

COUNSEL: Did you have children?

KAMBA: I had children with my wife.

COUNSEL: How many?

KAMBA: We had seven children, out of whom two died.

COUNSEL: I see. Now, in 1983, were you in this village Kirinya?

KAMBA: During 1983 I was in a village called Kirinya.

COUNSEL: Now do you remember the date 20th of October, 1983?

KAMBA: There was a war.

COUNSEL: And on 20th October, 1983, where were you?

KAMBA: I was in Ssingo. Very many people ran away to Ssingo.

COUNSEL: Now, Mr. Petero, I see your arms are not normal. What happened to you?

KAMBA: The soldiers by then who were in force they are the ones who cut my arms.

COUNSEL: Can you now give us the story how some of your arms came to be cut by the soldiers: the date, the time and how the soldiers came to cut you?

KAMBA: My arms were cut on the 20th day of October, 1983.

COUNSEL: Yes at what time?

KAMBA: During day time.

COUNSEL: Where were you exactly?

KAMBA: On the 20th day of October, 1983, during day time, we were coming from Ssingo to Kirinya.

COUNSEL: Yes whom were you with?

KAMBA: We were very many people, men, ladies and children; some of them I know them.

COUNSEL: Yes. So, when you were coming, what happened?

KAMBA: On our way, we were ambushed by soldiers. Then they arrested us. They tied my arms. Some suggested to slaughter us by the necks.

COUNSEL: What did they use to tie your arms?

KAMBA: I was tied by a pull over of a certain lady who was undressed.

COUNSEL: And those people who tied you, you said they were soldiers. Did they talk to you?

KAMBA: The soldiers told me that I was a bandit but they suggested to cut my arms.

COUNSEL: Yes. So what happened when they suggested to cut your arms?

KAMBA: Well -

COUNSEL: Did they cut you when you were standing?

KAMBA: They cut me when I was lying down.

COUNSEL: What did they use to cut you?

KAMBA: They used a panga to cut my arms.

COUNSEL: Now you mentioned that it was day time. Did you identify any of those people who cut you - maybe, any of the soldiers?

KAMBA: I did not know any of them.

COUNSEL: Well.

KAMBA: Later I learnt that the one who cut my hands was called John of Bakijjulula.

COUNSEL: And did you know this John?

KAMBA: I did not know him before?

COUNSEL: Had you ever seen him?

KAMBA: On the day my arms were cut, that was the first time for me to see him - John.

COUNSEL: And was he also one of those soldiers? Was he dressed in uniform?

KAMBA: John was not a soldier. He was just a Youth Winger.

COUNSEL: You are meaning a UPC Youth Winger.

KAMBA: He was a UPC Youth Winger.

COUNSEL: How was he dressed.

KAMBA: He had put on civilian clothes.

COUNSEL: And was he armed?

KAMBA: He was holding a panga.

COUNSEL: Now you have mentioned that John was in civilian clothes. Were there any other people apart from John, who were in civilian clothes?

KAMBA: There were no other people who were dressed in civilian clothes, apart from John.

COUNSEL: Now, while on that scene where you were cut, you said, you were with

other people. Before you were cut, were those people also tied with their hands behind, what is commonly known as Kandooya?

KAMBA: Well.

CHAIRMAN: Were his hands tied?

COUNSEL: My Lord, he had described that his hands were - he showed by signs that his hands were tied behind.

CHAIRMAN: I see.

KAMBA: Yes but with a sweater - a pull over.

COUNSEL: Yes. Were these other people also tied?

KAMBA: They had not tied them as yet; but they had cut my arms.

CHAIRMAN: Excuse me, if I may just stop to interrupt. Could you tell the witness that he is giving the evidence to the Commission, not to you. It seems to be a conversation between you and him. We would like to look at the witness and he to look at us. He is testifying to the Commission not to you.

MR. KAWANGA: Translate what he had said, if you remember it, that is.

COUNSEL: Let me put my question back, maybe.

KAMBA: Ugh.

COUNSEL: You mentioned that you were with other people. Were those other people also tied the way you had been tied before you were cut?

KAMBA: By the time my arms were cut, the others had not been tied. And after they had cut my arms, they told me: 'You go away.'

COUNSEL: Yes, what followed when they told you to go away?

KAMBA: I moved away after they had told me to go a way, and I was just bleeding terribly. I just moved.

CHAIRMAN: Were your arms severed completely on the spot?

KAMBA: They were cut completely on the spot.

COUNSEL: And you left them behind?

KAMBA: I just left them there. What could I do? I could not lift them.

MR. KAWANGA: You could not even lift them.

KAMBA: But may be these people might have cut them and gone away with them.

COUNSEL: So where did you go to?

KAMBA: By the time I moved away, I ran away to the bush. Then I lay down. I was also dying.

COUNSEL: Yes, what followed?

KAMBA: From where I was lying, I again moved from that end and then hid again in the bush.

COUNSEL: Yes, from the bush, where did you go?

KAMBA: I hid in the bush for a few days, whereby eventually I moved from that end to our place in Kirinya.

COUNSEL: I see. Now, when you reached Kirinya, what did you find there?

KAMBA: I did not find anything.

COUNSEL: Did you find people?

KAMBA: When I reached Kirinya, I did not find people there; all were gathered in a camp at Mujingye Camp. All these people who were from Ssingo were gathered in Mujingye Camp.

COUNSEL: So what did you decide to do when you found there were no people?

KAMBA: I moved from Kirinya up to Mujingye Camp.

COUNSEL: This was now the third day.

KAMBA: On the third day, I went to Mujingye Camp.

COUNSEL: And did you get anything to eat within these three days?

KAMBA: Ugh, ugh - I did not eat anything.

COUNSEL: So you went to Mujingye - to the detach.

CHAIRMAN: Did he say - 'detach or camp?'

COUNSEL: You went to Mujingye Camp?

KAMBA: I went to Mujingye Camp.

COUNSEL: Tell us what you found there and what you did there.

KAMBA: I found there soldiers and they suggested that I should die.

COUNSEL: Did they tell this to you directly?

KAMBA: They told me directly.

COUNSEL: In what language?

KAMBA: They told me in Swahili.

COUNSEL: Did you understand Swahili?

KAMBA: I knew Swahili.

COUNSEL: What did they exactly say? Can you tell the Commission?

KAMBA: They said in Swahili that; *'Yi yi muntu natakiwa kuffa. Lazima yi yi muyeekera kabisa'* (you person you are seeking death. Indeed, you are a real guerilla).

COUNSEL: Yes, then what followed when they had told you that?

KAMBA: There was a certain gentleman who advised me not to sit there. He picked me from there and took me in a camp where people were seated.

COUNSEL: Did you know this gentleman?

KAMBA: I did not know the gentleman.

COUNSEL: So did you go to where the people were in the camp?

KAMBA: The gentleman picked me and took me in the camp where people were. Then he asked them: ' Do you know this man'? Then they said that I was their man. All people knew me because I was their Catechist.

COUNSEL: So what happened?

KAMBA: The next day, the Red Cross members came. They came from Kapeeka where they found me within the camp. Then they took me to Mulago.

COUNSEL: Yes. And did you get treatment at Mulago?

KAMBA: I got treatment at Mulago.

COUNSEL: For how long?

KAMBA: I stayed in Mulago for six months.

COUNSEL: And, while you were undergoing treatment, did they give you any medical forms that may be you would wish to show to this Commission?

KAMBA: They never gave me a medical report. When I was about to be discharged, they told me they were intending to take me to Kuumi; but they never gave me any medical document I refused to go to Kumi.

COUNSEL: Were you taken to Kumi.

KAMBA: I was taken to Kumi and this arm was cut in Kumi.

COUNSEL: You were not properly healed when you were in Mulago then you went to Kumi.

COUNSEL: I was properly treated in Mulago, but I was taken to Kumi to treat the limbs.

COUNSEL: I see. Now how were you able to feed yourself?

KAMBA: I use a spoon. I fix it in the reeds then I feed myself.

COUNSEL: I see. Now, when you came back - I am sure, after Kumi, you must have come back - to your home. Is that correct?

KAMBA: I never went back home. After my discharge in Kumi, I was taken again to Mulago with the Red Cross premises.

COUNSEL: Yes, from there?

KAMBA: By then when the war was still prevailing, I never went back home.

COUNSEL: I see. Now, after the war?

KAMBA: After the war, I came back home where now I am residing.

COUNSEL: Yes. And, when you came back home, did you meet your wife?

KAMBA: My wife was taken by the Youth Wingers. I do not know her whereabouts.

COUNSEL: You mean you have never seen her up to today.

KAMBA: I have never seen her up to today.

COUNSEL: What was her name?

KAMBA: My wife was called Mayimuuna. I do not know the other name.

COUNSEL: You said that you had seven children and two of them died. Did you meet the other five children?

KAMBA: The other remaining five I had sent them to Zaire.

COUNSEL: Now can you tell us the circumstances how the other two died?

KAMBA: The two children died of natural death.

COUNSEL: Now those five children you sent to Zaire, have they ever come back, maybe, to see you?

KAMBA: The five children whom I took to Zaire never came back to see me.

CHAIRMAN: When did you take them there?

KAMBA: I took my five children to Zaire during 1980.

COUNSEL: What was the reason?

KAMBA: I wanted them to see their grandfather.

COUNSEL: I see. And do you know their names?

KAMBA: Yes, Sir.

COUNSEL: Would you mention them and their age?

KAMBA: I know their names.

COUNSEL: Could you mention them, please?

KAMBA: I can mention their names: One - the eldest child was Night.

COUNSEL: Yes.

KAMBA: The second one was Aliyo. The third one is called Mabira. The fourth one was Aliyo. The last child was called Saba-Saba.

COUNSEL: I see. And how old was the youngest?

KAMBA: The youngest child was six years.

COUNSEL: Now, when you came back, how were you able to survive? I am sure you are not able to do any work to, maybe, get money to look after yourself.

KAMBA: There were some church people who give me assistance as regards to feeding.

MR. KAWANGA: And dress.

KAMBA: I also get clothes from those people - church people.

COUNSEL: I see. My Lord that is all from the witness.

CHAIRMAN: I want to find out certain things from you which you have not clarified. Now, when you were coming from Ssingo, going back to your place in Kirinya, were you together with - oh, no, by then you had already taken your children. Where was your wife?

KAMBA: I was together with my wife by the time I was coming from Ssingo to Kirinya.

CHAIRMAN: So, when your arms were cut off, she was present.

KAMBA: My wife was present when my arms were being cut.

CHAIRMAN: Why did you not run with her? Why did she not accompany you?

KAMBA: She could not be allowed. Each one was on his or her own. I was alone and then my wife was there alone.

CHAIRMAN: Why did you not say: This is my wife. I am going with her?

KAMBA: You could not manage. It was impossible.

CHAIRMAN: Or insist, she could have said instead, that: 'Oh, you have cut my husband. I must go with you.'

KAMBA: She could not. It was impossible.

CHAIRMAN: Was she also tied up?

KAMBA: I did not know.

CHAIRMAN: Have you seen her since or that is when you last saw her?

KAMBA: I last saw my wife on the day I was cut in the arms. I have never seen her again.

CHAIRMAN: I see. Why did you say she was taken by Youth Wingers?

KAMBA: I was told by the village mates.

CHAIRMAN: I see. Was she also from Zaire?

KAMBA: She was not from Zaire.

CHAIRMAN: From Ssingo.

KAMBA: I got my wife in Kirinya. You could not enjoy somebody in Ssingo.

MR. KAWANGA: Why not?

KAMBA: When there are shot-guns, you could not manage to get - there are some shots, you could not manage to get - a wife there.

CHAIRMAN: But already you had one, you had gone with.

KAMBA: I had already got one. I went with her.

CHAIRMAN: I see. What kind of accommodation do you live in now?

KAMBA: I am staying in a small grass-thatched house which was built by some people; but again then the red ants are probably just destroying it.

CHAIRMAN: Would they help you to repair it - those who helped you to build it?

KAMBA: They are trying to repair it only that red ants are always damaging it.

CHAIRMAN: Have you ever been to the Zairean Embassy for your rights?

KAMBA: I have never tried to go to the Zairean Embassy.

CHAIRMAN: Do you know that there is an embassy here?

KAMBA: I am not aware that there is.

CHAIRMAN: There is. Then if you can try, perhaps, and see what they can do for you. Because, when you came, I think, you were already an adult.

KAMBA: Well.

CHAIRMAN: How old were you?

KAMBA: By the time I came to Uganda, I was aged eighteen.

CHAIRMAN: Did you come alone or with some other people - with your parents or what?

KAMBA: I came alone. I left my parents behind.

CHAIRMAN: You try to go and explain it to the Zairean Embassy.

KAMBA: But I do not know there. I do not know how I can do it. I do not know there.

CHAIRMAN: Well, our team of Investigators will inform you where they are located.

KAMBA: Well.

CHAIRMAN: Well, that is also a suggestion. Now you have taken your children away, you took them before this calamity befell you. Do you think it would help you better if you were with them, either here or in Zaire?

KAMBA: I would also have liked my children to come back but I do not have money to collect them.

CHAIRMAN: Do they know that you were injured?

KAMBA: They know because I wrote a letter.

CHAIRMAN: Oh, you wrote. I see. You do not have money but, can't they get money there to come?

KAMBA: They are still children. Where can they get money from?

CHAIRMAN: I see. Okay. That is all from me for the time being.

MR. KAWANGA: I would imagine, when your arms were cut off, you must have felt a lot of pain.

KAMBA: I was in great pain.

MR. KAWANGA: And you must have lost a lot of blood.

KAMBA: I lost a lot of blood.

MR. KAWANGA: How did you manage to stop the blood continuing to run?

KAMBA: It was due to God's providence.

MR. KAWANGA: You did not do anything yourself?

KAMBA: I did nothing.

MR. KAWANGA: And you said you ran to the bush. How many days did it take you to walk from that place to the camp?

KAMBA: I stayed in the bush for two days; on the third day I managed to walk. Then on the fourth day I went to the camp.

MR. KAWANGA: I see. So that means you were not very far from Kirinya by the time they cut off your arms.

KAMBA: It was about twenty miles away from the place where I my arms were cut to the place called Kirinya.

MR. KAWANGA: Do you know the name of the village?

KAMBA: It was called Bakyijjulula.

MR. KAWANGA: Bakyijjulula. I see. And apart from John, you do not know the second name of the youth winger you allege cut off your arms.

KAMBA: I did not know the other name.

MR. KAWANGA: And you do not even know whether he is still there or not.

KAMBA: He is not still there.

MR. KAWANGA: What happened?

KAMBA: After the time of taking over, he might have run away.

DR. MAKUBUYA: Mzee.

KAMBA: After Mzee Museveni had taken over, he ran away.

MR. KAWANGA: He ran away.

KAMBA: He ran away.

MR. KAWANGA: I notice, you have a comb in your pocket; how do you comb your hair?

KAMBA: I can manage to comb my hair.

MR. KAWANGA: And how do you bathe?

KAMBA: I bathe with parts of my arms.

MR. KAWANGA: I see.

DR. MAKUBUYA: Mr. Kamba, I think, we praise the Almighty that you survived to be able to tell this story. Now, have you been back to Zaire since 1963?

KAMBA: I have never gone back to Zaire since 1963.

DR. MAKUBUYA: How did you send back your children?

KAMBA: I just sent them.

DR. MAKUBUYA: I am not sure of what you were doing before 1983 - before the war - what were you doing?

KAMBA: I was just cultivating.

DR. MAKUBUYA: Did you also say, you were a Catechist?

KAMBA: Yes, I was also a Catechist.

DR. MAKUBUYA: In Kirinya?

KAMBA: Yes.

DR. MAKUBUYA: In which church?

KAMBA: In the church of Kirinya.

DR. MAKUBUYA: Yes, my friend I want to understand whether you are talking about a catholic church of a protestant church.

KAMBA: I was in a protestant church.

DR. MAKUBUYA: I see. It is unfortunate that you do not know the other name of this chap John of Bakyijjulula. But did you say that he had a reputation for cutting people?

KAMBA: He had a reputation of cutting some people's arms; and there is another who will also testify.

DR. MAKUBUYA: Did he cut any other people that you know?

KAMBA: They are there.

DR. MAKUBUYA: Such as ....

KAMBA: There is one who is just outside but I do not know his name.

DR. MAKUBUYA: How many others?

KAMBA: I only know the one who is outside and some others who are far away in the village.

DR. MAKUBUYA: The very John?

KAMBA: Yes, the same John was the very one who started to cut off arms. And even some legs.

DR. MAKUBUYA: Okay. In your particular case, you said, he was with soldiers. Did you say, he was with soldiers?

KAMBA: He was with the solders by the time he cut my arms.

DR. MAKUBUYA: And were they armed with guns?

KAMBA: The soldiers were armed with guns.

DR. MAKUBUYA: Did John himself have a gun?

KAMBA: John had no gun; he was having a panga.

DR. MAKUBUYA: Okay. Do you remember whether the soldiers tried to protect you from John?

KAMBA: They were the very soldiers who directed him to cut my arms. How could they protect me?

DR. MAKUBUYA: I see.

KAMBA: He was like a butcher of people.

DR. MAKUBUYA: Yes, a butcher of people. Are you saying, he was acting on the orders of the soldiers?

KAMBA: Yes, he was acting on the orders of the soldiers.

DR. MAKUBUYA: Or was he acting on his own?

KAMBA: Well, I did not know actually.

DR. MAKUBUYA: Would you say this John and the soldiers were in the partnership?

KAMBA: They were in partnership.

DR. MAKUBUYA: I see. Are you in touch with your in-laws?

KAMBA: I am not in touch with my in-laws.

DR. MAKUBUYA: Do you know them?

KAMBA: I know my in-laws.

DR. MAKUBUYA: Have you asked them about the whereabouts of your former wife?

KAMBA: I asked them but they also do not know her whereabouts.

DR. MAKUBUYA: I see. Then of course you mentioned about - you were being helped by church people. May I know who those church people are?

KAMBA: Yes, I can do it.

DR. MAKUBUYA: Who are they?

KAMBA: Patricia Adiya, Yakobo, Andra and many others.

DR. MAKUBUYA: I am wondering whether they are helping you as local citizens or as a church - collectively as a church?

KAMBA: They are helping me as a Church member.

DR. MAKUBUYA: Are you saying they are mobilising you assistance through the church?

KAMBA: Yes, they are mobilising the assistance through the church.

DR. MAKUBUYA: Would you say that you regard yourself as a local person in Nakaseke?

KAMBA: I am a local person in Nakaseke.

DR. MAKUBUYA: You would prefer to remain there than to go to elsewhere?

KAMBA: I need to stay in Nakaseke; I have nowhere to go.

CHAIRMAN: The way you put it - it sounds if - you would if you had a choice of the means - you have nowhere to go. Would you rather go somewhere else if you had the means? Back to Zaire?

KAMBA: No, I do not want to go back to Zaire.

CHAIRMAN: I see.

DR. MAKUBUYA: You were happy in Nakaseke before these things happened to you?

KAMBA: I was happy in Nakaseke, I had no problem.

DR. MAKUBUYA: I see. Are there some things you want to say to the Commission?

KAMBA: Yes. Well, as you can see me, I have no assistance at all; I do not have money; I am just assisted by people to get me cloth; as people can realise they only assist me through God; I had a bicycle, it was also looted.

CHAIRMAN: Who looted it?

KAMBA: The bicycle was taken by the soldiers.

DR. MAKUBUYA: I see.

CHAIRMAN: So you have just enumerated your problems; so what do you want us to do about them?

KAMBA: I need the Commission to assist me.

CHAIRMAN: To assist you?

KAMBA: Yes.

CHAIRMAN: What particular assistance?

KAMBA: What I need the Commission to assist me is that something like money. I can run either a business in order to earn a living. Because now I cannot cultivate.

CHAIRMAN: I see. Well, with the Commission, we have no funds, we have no funds from which we can give you a loan or any financial assistance, not even material resources either. But what we can do or try to do, is to refer you to the local authorities which is nearer you, that is the D.A. and hope that he will be able to solicit assistance from appropriate authorities.

KAMBA: At one occasion I tried to approach them; then I was advised to go to Masindi.

CHAIRMAN: Why Masindi?

KAMBA: I had requested them to give me an assistance so as to collect my children but again they referred me to Masindi. But I did not go there, I could not manage.

CHAIRMAN: But what have you to do with Masindi? You are living in Luwero.

KAMBA: The D.A. is the one who referred me to Masindi; and I have got even the document - the letter.

CHAIRMAN: Let us have a look at it. When was this when you were referred to Masindi?

KAMBA: I think it was during 1986.

CHAIRMAN: Well we can see to it that we try - all the same we shall still write; and we hope that this time they will not refer you to Masindi. I don't see the

relevance of Masindi.

KAMBA: Well, even me I did not know so.

CHAIRMAN: Okay, at the end of the day we will give you a letter to the D.A.

KAMBA: When?

CHAIRMAN: Today.

COUNSEL: Mr. Petero, I see here a signature on your statement. Are you the one who made it or it was made by some one else?

KAMBA: It was me who signed.

COUNSEL: I see. So you can write?

KAMBA: Yes, I can write.

COUNSEL: Can you sign here again?

KAMBA: Yes.

COUNSEL: Okay, thank you very much.

CHAIRMAN: Mr. Kamba, the letter here is dated 17th October, 1986; it was addressed to the Masindi, D.A. because apparently you had asked assistance from the Luwero D.A. to assist you to go back to Zaire, your home country, where you expect assistance from your relatives. So somehow the writer of this letter though -I do not know why - that the D.A. of Masindi will assist you to get to Zaire. To pass through Lake Albert and Mahagi Port.

KAMBA: Then I feared.

CHAIRMAN: I see. But that is what you must have told them.

KAMBA: I had requested them to give me assistance to collect my children.

DR. MAKUBUYA: Mr. Kamba, looking at this letter, it actually says that you have now expressed - you have wished to go back to Zaire, your motherland. It does not say, you wanted assistance to collect your children.

KAMBA: I was going to collect my children.

DR. MAKUBUYA: I see. Then you did not understand each other, which means, you did not come across as clearly as you wanted; and it explains also why you have not received this assistance. Yes?

KAMBA: Possibly.

DR. MAKUBUYA: Yes. Okay, thanks.

CHAIRMAN: Well, we will write and see whether they will make it - we do not know that they will - if they have this on record they will refer to it. Okay. Well, thank you for your evidence. I associate myself with what you have expressed. I think it was with good luck and God's blessing maybe that you survived; because you could have bled to death.

KAMBA: Yes.

CHAIRMAN: It is okay. Thank you.

COUNSEL: My Lord Chairman, the next witness is Mary Nakate.

WITNESS NO.269: MISS MARY NAKATE - SWORN IN

COUNSEL: You are Mary Nakate.

NAKATE: I am Mary Nakate.

COUNSEL: You are unemployed?

NAKATE: I am unemployed.

COUNSEL: Aged about 54 years?

NAKATE: Well, I do not know actually my age.

MR. KAWANGA: She is about 50.

COUNSEL: An adult.

MR. KAWANGA: Yes.

COUNSEL: You are a Muganda resident of Nakaseke Trading Centre?

NAKATE: I am a Muganda resident of Nakaseke Trading Centre.

COUNSEL: Are you married?

NAKATE: I do not have a husband.

COUNSEL: But do you have children?

NAKATE: I do not have any child.

COUNSEL: Whom do you stay with?

NAKATE: I am staying with my mother and also with a child of my brother.

COUNSEL: What are their names?

NAKATE: The names of my mother are Yuniya Namakula.

COUNSEL: Now, Nakate, I see your hand is deformed. What happened?

NAKATE: I was cut by a soldier.

COUNSEL: You mean soldiers belongimg to the government?

NAKATE: He was an Alur; I did not know actually.

COUNSEL: I see. When did this happen?

NAKATE: I do not remember the year this incident happened.

COUNSEL: But do you remember what time it happened?

NAKATE: This happened soon after we had come from Ssingo.

COUNSEL: What time was it?

NAKATE: I was cut in my arm at around 9.00 p.m.

COUNSEL: Where were you exactly?

NAKATE: I was at home.

COUNSEL: With who?

NAKATE: I was with my mother and that child of my brother.

COUNSEL: Yes. So when you were at home at that time, what happened exactly?

NAKATE: While at my mother's home, a certain soldier came and asked me whereabouts of my husband? I told him that I had already divorced with my husband; I did not know where he was.

COUNSEL: What was the name of your husband?

NAKATE: My husband was called Kiwanuka.

COUNSEL: And did you know the name of this soldier who came?

NAKATE: The name of the soldier who came to our home was called Kamya.

COUNSEL: And the other name?

NAKATE: I did not know the other name of the soldier.

COUNSEL: Where was he from?

NAKATE: He came from Nakaseke; they had already brought so many soldiers.

COUNSEL: Yes, so when Kamya came, what followed?

NAKATE: He told me that it was me who was supposed to produce my husband because even if I had left him I was aware of his whereabouts. That my husband was the one who burnt their house.

COUNSEL: Yes!

NAKATE: He eventually kicked me and then cut my head and then I fell down.

COUNSEL: Yes!

NAKATE: He tried to cut my neck but by bad luck he cut my arm and got off. Then he thought, I was dead. Then eventually he entered in the house, pushed in my mother. Then I realised my neck was still on, then I ran away.

COUNSEL: Ran away to where?

NAKATE: After realising that I was still alive I ran away to the bush I hid there. The soldier entered in the house, then he looted everything in the house and just kicked my mother; and then when he got out, he thought I was dead. He said, where is she? He wanted to shoot me. Then I ran away, very far away. Then I went to a certain lady's house whereby I found her already murdered, then I got cut from there.

COUNSEL: What was the name of this lady you found already murdered?

NAKATE: The lady who was murdered was called Maria.

COUNSEL: I see. So what did you do?

NAKATE: Then from Maria's house I ran away again to a certain lady called Nakku.

COUNSEL: Yes?

NAKATE: I called Nakku, who opened for me and then I entered and got asleep.

COUNSEL: Now why didn't you try to seek assistance from the local chiefs in your area?

NAKATE: I could not get assistance because it was dark and I was badly off.

COUNSEL: Did you make an alarm when this Kamya cut you?

NAKATE: I did not make alarms; I could not manage to raise alarms.

COUNSEL: I see. For how long did you stay with this lady Nakku?

NAKATE: After staying at Nakku's, the following day the husband of Nakku went to the *gombolola* headquarters to make a report.

COUNSEL: What was the name of Nakku's husband who went to report at the *gombolola* headquarters?

NAKATE: The name of the husband of Nakku is Kato.

COUNSEL: Yes, and when he reported, did the *gombolola* chief come to your area?

NAKATE: The *gombolola* chief came and advised the husband of Nakku to take me to the hospital.

COUNSEL: I see. What was the name of this chief?

NAKATE: I did not know the name of the *gombolola* chief.

COUNSEL: Were you taken to the hospital? And who took you?

NAKATE: I was taken to the hospital by the husband of Nakku.

COUNSEL: In which hospital did you go to?

NAKATE: I was taken to Nakaseke Hospital.

COUNSEL: Yes, did you get treatment and for how long did they treat you?

NAKATE: I was treated and I was admitted for three months.

COUNSEL: Now after those three months, did you go back to your home or you went somewhere else?

NAKATE: After my discharge from the hospital I went back.

COUNSEL: Did you report this matter to the police?

NAKATE: I did not report the matter to the police.

COUNSEL: Now this gentleman Kamya, was he a man of Nakaseke and if so, was he a neighbour to you?

NAKATE: He was not my neighbour, only that he was a neighbour of my husband whom he used to ask me.

COUNSEL: And did you know who had burnt his house?

NAKATE: No; I did not know since I was not there.

COUNSEL: Now how are you able to look after yourself since you were left with one hand?

NAKATE: I am unable to look after myself; and even the cloth I am putting on I was given it by the RC members.

COUNSEL: Who washes for you for example?

NAKATE: It is my mother who washes for me and now she is so old.

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

CHAIRMAN: Is there any question Commissioners?

MR. KAWANGA: Where is this Kamya now?

NAKATE: While I was still in the hospital I was told that he was killed.

MR. KAWANGA: You said you know where he lived, where was his home?

NAKATE: Kamya's home was at Nakaseke.

MR. KAWANGA: I see. Just near not far from your home?

NAKATE: It was not very far from where I was living.

MR. KAWANGA: And he knows you very well?

NAKATE: He knew me very well because he was just a neighbour of my husband whom I had divorced.

MR. KAWANGA: And he knows that you had divorced your husband?

NAKATE: He was very aware that I had divorced my husband.

MR. KAWANGA: Why did he cut your arm then?

NAKATE: He was just asking me the whereabouts of my husband yet I was not aware of where he was.

MR. KAWANGA: Okay, who killed him?

NAKATE: Well, I was just told that he was killed but I did not know who killed him.

MR. KAWANGA: I see. Now he looted things from your house?

NAKATE: Yes.

MR. KAWANGA: Did I hear you speaking that he was a soldier - I do not know - did you say, he was a soldier?

NAKATE: Yes, he was a soldier.

MR. KAWANGA: How did he become soldier?

NAKATE: Well, I just heard that after the burning of their houses, then they decided to go and join the army.

MR. KAWANGA: I see. To come back and have a revenge?

NAKATE: Yes, in order to come and revenge.

MR. KAWANGA: What tribe was Kamya?

NAKATE: He was an Alur.

MR. KAWANGA: But the name is a Kiganda name?

NAKATE: But he was an Alur.

MR. KAWANGA: I see. Are you an Alur yourself?

NAKATE: I am not an Alur.

MR. KAWANGA: Are there very many Alur in your place?

NAKATE: They were very many in our area.

MR. KAWANGA: And are they still there?

NAKATE: They are no longer there now.

MR. KAWANGA: What happened to them?

NAKATE: I did not know what happened to them.

MR. KAWANGA: Okay, those who were Alur, how did they acquire Kiganda names?

NAKATE: Possibly they were born this way, that is why they were named Kiganda names; I only used to hear - Kamya.

MR. KAWANGA: Okay, did your husband or former husband join the guerrillas?

NAKATE: I did not know since I was not there; possibly as he was their neighbour, when they saw that their houses were burnt, possibly they thought he was a guerrilla.

MR. KAWANGA: I see. So houses of the Alur in the area were burnt?

NAKATE: Yes, they were burnt.

MR. KAWANGA: And they went to join the army to revenge against those who had burnt their houses?

NAKATE: Possibly they joined the army in order to come back and revenge.

MR. KAWANGA: I see. Did they join the army after the burning of the houses?

NAKATE: They joined the army after their houses were burnt.

MR. KAWANGA: I see.

CHAIRMAN: Do you know in what circumstances those Alur left Nakaseke?

NAKATE: Well, I did not know.

CHAIRMAN: When did they leave?

NAKATE: After the general elections was over then they ran away from the area.

CHAIRMAN: Which general elections? 1980?

NAKATE: After the change of the government then they ran away from the area.

CHAIRMAN: I see. Which change - July, 1985 or January, 1986?

NAKATE: I do not know exactly.

CHAIRMAN: Yes. That was the change by elections.

KAKWENZIRE: Still it was not clear maybe - when were the houses of the Alur burnt?

NAKATE: I did not know. I know they were burnt but actually I did not know when they were burnt.

KAKWENZIRE: Was it after the overthrow of Amin?

NAKATE: Well, I did not know.

KAKWENZIRE: From which you observed, how were the Alur behaving towards the Baganda?

NAKATE: They were not in good terms. They only wanted to slaughter us.

KAKWENZIRE: Why?

NAKATE: Well, I do not know.

CHAIRMAN: Mary Nakate, that is all from us; thank you for your evidence. It was good luck and God's blessing that you survived despite of losing your arm. Thank you.

COUNSEL: The next witness is Samuel Sebowa.

WITNESS NO.270: MR. SAMUEL SEBOWA - SWORN IN

COUNSEL: You are Samuel Sebowa?

SEBOWA: Yes, I am Samuel Sebowa.

COUNSEL: How old are you?

SEBOWA: I am aged 28 years.

COUNSEL: You are unemployed?

SEBOWA: I am unemployed.

COUNSEL: What is your nationality?

SEBOWA: I am a Munyarwanda by tribe.

COUNSEL: You reside at Kyamutaka village?

SEBOWA: Yes, I am staying at Kyamutaka village.

COUNSEL: This is in Nakaseke *Gombolola*, Luwero District. You say you are a Munyarwanda, when did you come from Rwanda?

SEBOWA: I was born in Uganda.

COUNSEL: Then why do you say you are a Munyarwanda?

SEBOWA: My father was a Munyarwanda by tribe, but now he passed away.

CHAIRMAN: What about your mother?

SEBOWA: My mother is still alive.

CHAIRMAN: Was she also a Munyarwanda?

SEBOWA: Yes, my mother was a Munyarwanda.

COUNSEL: Now in 1983 were you at Kyamutakasa.

SEBOWA: In 1983 I was coming from Ssingo.

COUNSEL: In what time or month were you coming from Ssingo?

SEBOWA: It was during July.

COUNSEL: Now on 27th of July, 1983, were you still coming from Ssingo?

SEBOWA: I was coming from Ssingo on 27th day of July, 1983.

COUNSEL: Where were you going?

SEBOWA: I was coming back to Kyamutakasa.

COUNSEL: Yes. Did you reach Kyamutakasa well?

SEBOWA: I did not reach well; on the way I was arrested.

COUNSEL: By who?

SEBOWA: I was arrested at Bakyijjulula by the *Gombolola* Chief together with his youth wingers.

COUNSEL: What was the name of this chief?

SEBOWA: The name of the *Gombolola* chief of Bakyijjulula was called Setimba.

COUNSEL: And what were the names of the youth who arrested you?

SEBOWA: I know two of them. One was called John and the other one was called Lupene.

COUNSEL: Did you know these people? Had you known them before?

SEBOWA: I did not know those people before.

COUNSEL: I see. You mean you came to know them later?

SEBOWA: I just knew those people soon after my arrest.

COUNSEL: When you met them at Bakyijjulula, what did they tell you?

SEBOWA: We were very many; only that we were two and we were tied; they tied us with ropes or gauze wires.

COUNSEL: You and who were arrested?

SEBOWA: I was arrested together with Musisi William.

MR. KAWANGA: Was he tied with gauze wires?

SEBOWA: Ropes of gauze wire.

DR. MAKUBUYA: It is impossible.

COUNSEL: Was it plastic or metal?

SEBOWA: They were plastic.

DR. MAKUBUYA: Electric wire perhaps; Gauze wire would not -

MR. KAWANGA: Okay.

COUNSEL: So when they arrested you how and you said you were tied with gauze wire -how were you tied?

SEBOWA: We were tied in *Kandoya* type.

COUNSEL: And after tying you did they tell you why they had arrested you?

SEBOWA: They told us that we were bandits.

COUNSEL: Yes, after tying you what followed; what did they do?

SEBOWA: After being tied we were put in a cell as prisoners.

COUNSEL: Which cells?

SEBOWA: We were put in a cell at Bakyijjulula.

SEBOWA: At Bakyijjulula.

COUNSEL: In the cell did you meet any other people?

SEBOWA: We found there three people.

COUNSEL: Did you come to know their names?

SEBOWA: I did not know the names of the people we found in the cell.

COUNSEL: For how long did you stay in this cell?

SEBOWA: We stayed in the cell for seven days.

COUNSEL: And while in this cell, did they untie your hands?

SEBOWA: We were tied throughout, when we were in the cell.

COUNSEL: And how were you able to feed yourselves.

SEBOWA: We just ate just for once, just for one time. They could bring good and put it on the plate then you could use your mouth to pick the food.

COUNSEL: And how would you go to toilet?

SEBOWA: They could open for us and being escorted by John that youth winger.

COUNSEL: Still tied.

SEBOWA: Yes, we were still tied.

COUNSEL: How did you remove your trousers?

SEBOWA: We were being helped by those youth wingers to untie our trousers.

COUNSEL: You stayed in the cell for seven days. After seven days what happened?

SEBOWA: When those ropes which they had tied us had penetrated in the tissues, had penetrated up to the bone and the chest had swollen then me and my colleague were removed from the cell then we were given a small house were we stayed. Then my arm started rotting and I had no medicine for treatment.

COUNSEL: So what did you do?

SEBOWA: There are certain ladies who used to give me native medicine but all the same it was helpless.

COUNSEL: Did you go to the hospital?

SEBOWA: Later after a long time for about three months we managed to escape at night after realizing that so many of our friends were being murdered - slaughtered. We escaped, we moved at night until we reached at our place at Kyamutakasa. By then the hospital had started operating that of Nakaseke then I managed to go to the hospital. The arm had all rotten there was nothing to do to it and what they had to do was to cut it off.

COUNSEL: So they cut the hand at the hospital?

SEBOWA: The hand was cut off at the hospital after being rotten.

COUNSEL: For how long did you stay in the hospital?

SEBOWA: I stayed in the hospital for one and half months.

COUNSEL: Do you have any medical form which you got?

SEBOWA: I have got it here.

COUNSEL: Now, has the wound healed properly, the part which was cut?

SEBOWA: The wound healed properly.

COUNSEL: Can you show that part to the Commissioners?

SEBOWA: This is the wound I sustained.

COUNSEL: So after hospital, where did you go to?

SEBOWA: After treatment from hospital I went back home.

COUNSEL: And did you settle properly?

SEBOWA: When I went back I settled properly.

COUNSEL: How were you able to look after yourself without one of your hands.

SEBOWA: I had my parent who was looking after me and she is still there. After some time I managed to get a wife.

COUNSEL: Do you have children with this wife?

SEBOWA: We have got one child.

COUNSEL: What of these Settimba, Lupene and John?

SEBOWA: I do not know the whereabouts of Lupene and Settimba.

COUNSEL: And you have never heard of their whereabouts?

SEBOWA: I have never heard of their whereabouts.

COUNSEL: Yes, I see. My Lord this is all from this witness.

MR. KAWANGA: Had you been a bandit, a guerrilla?

SEBOWA: I had never been a bandit.

MR. KAWANGA: Why did these people say you are a guerilla.

SEBOWA: That is how they were treating people. Whomever they could come across they could treat him as a bandit.

MR. KAWANGA: Although they did not know you at all.

SEBOWA: They did not know me before.

MR. KAWANGA: So any young man was considered a bandit.

SEBOWA: Whenever they could see a young man they could call him a bandit; or even a young man who was still a bit brave could be treated a bandit.

MR. KAWANGA: Didn't these soldiers realise that your arm was rotting?

SEBOWA: They were seeing that my arm was rotting.

MR. KAWANGA: So the Gombolola chief and those youth wingers.

SEBOWA: With them they were only praying that possibly I could die.

MR. KAWANGA: So they wanted you to rot to death.

SEBOWA: Yes, they wanted me to rot and die.

CHAIRMAN: You said you were there for three months during which you said other people were killed.

SEBOWA: I stayed there for three months and I saw our friends were being killed.

CHAIRMAN: How many people were killed?

SEBOWA: With us we only know three who were just near us.

CHAIRMAN: You mean who were in this same house?

SEBOWA: I only know three people who were just outside.

CHAIRMAN: Who killed them?

SEBOWA: Those people were being taken by the youth wingers.

CHAIRMAN: Taken where? Taken away and they did not come back?

SEBOWA: They were being taken away and they could not come back.

CHAIRMAN: Did they not kill them where you were?

SEBOWA: They were being taken in the swampy place or just in some shambas.

CHAIRMAN: I see by the youth wingers. Were soldiers also involved?

SEBOWA: They were also involved in the killing.

CHAIRMAN: Were there soldiers stationed at the gombolola headquarters?

SEBOWA: There were some soldiers who were stationed at the gombolola headquarters.

CHAIRMAN: How many?

SEBOWA: They were very many I could not count them.

CHAIRMAN: How did you manage to survive? To survive the killing?

SEBOWA: Right from the cell we stayed in the house in which we were given but some of us could be picked and then be taken and killed.

CHAIRMAN: You have told us about that but I am talking about you and your friend. How did you manage to survive and in the end you escaped at night.

SEBOWA: We managed to survive because we escaped at night.

CHAIRMAN: Before you escaped, you were there for three months, I am talking about the three months.

SEBOWA: Well we managed to survive simply because the soldiers used to bring us food at times and even the Red Cross members used to bring us food but they only managed to commit those atrocities especially at night.

CHAIRMAN: That is how you got food but what I am saying is that how is it that you were not killed, you survived unlike the others.

SEBOWA: It was only due to God's power.

CHAIRMAN: For how long did you remain tied, seven days?

SEBOWA: I remained tied for seven days. On the day we were removed from the cell it was the day when I was untied.

CHAIRMAN: Who untied you?

SEBOWA: I was untied by the Deputy *Gombolola* Chief.

CHAIRMAN: How far Nakaseke is from there?

SEBOWA: There are about ten miles from the place where I was imprisoned up to Nakaseke hospital.

CHAIRMAN: Thank you.

DR. MAKUBUYA: Did you say you ran away from Kyamutakasa to Ssingo?

SEBOWA: Yes, I ran away from Kyamutakasa up to Ssingo.

DR. MAKUBUYA: Why?

SEBOWA: We were running away because of a gun, during the war.

DR. MAKUBUYA: What war?

SEBOWA: With us we did not know, we used to see people just shooting each other.

DR. MAKUBUYA: Who was shooting who?

SEBOWA: It was the soldiers who were shooting each other because they had the guns.

DR. MAKUBUYA: Are you sure soldiers were fighting among themselves?

SEBOWA: I am sure they were the very ones who were fighting each other.

DR. MAKUBUYA: If it doesn't affect you why did you have to run.

SEBOWA: Even the local people were being killed.

DR. MAKUBUYA: Were there bandits in Kyamutakasa?

SEBOWA: They were there - in Kyamutakasa there were some bandits.

DR. MAKUBUYA: What were they doing?

SEBOWA: They were just staying there, they could move - they were just moving on roads, some could come to Nakaseke, some could go anywhere else.

DR. MAKUBUYA: Were there engagements between bandits and soldiers?

SEBOWA: There were no fighting between the bandits and soldiers at Kyamutakasa.

DR. MAKUBUYA: Why did you have to go to Ssingo? The entire country was open to you.

SEBOWA: I was only trying to save my life, that was the only place where I could

save my life.

DR. MAKUBUYA: How come?

SEBOWA: Shooting were coming from this end chasing us up to Ssingo.

DR. MAKUBUYA: Were there no soldiers in Ssingo?

SEBOWA: They were also there but it was too large, we could have somewhere to hide.

DR. MAKUBUYA: Why did you decide to come away from Ssingo?

SEBOWA: We had been told by the chiefs to come back.

DR. MAKUBUYA: Who was controlling Ssingo when you were there?

SEBOWA: There were some chairmen.

DR. MAKUBUYA: In what system?

SEBOWA: I think the chairmen were on the side of Museveni.

DR. MAKUBUYA: Was that are controlled by the NRA?

SEBOWA: It was controlled by the NRA.

DR. MAKUBUYA: What was life like there?

SEBOWA: It was too bad because we were just staying in the bush, we could not enjoy life.

DR. MAKUBUYA: But you were sure you could not be killed.

SEBOWA: Some could be killed on their way going to collect food.

DR. MAKUBUYA: Who killed them?

SEBOWA: Our colleagues were killed by the soldiers of Obote, they could ambush them on the way going to collect food.

DR. MAKUBUYA: Thank you.

CHAIRMAN: Mr. Sebowa, you say you are a Munyarwanda. Is Sebowa a Munyarwanda name?

SEBOWA: Sebowa is not a Kinyarwanda name but I was born at Bowa. I was named Sebowa because I was born on the hill of Bowa.

CHAIRMAN: Well, thank you for your evidence which you have given to this Commission. I am sorry about the ordeal you went through which has now deformed you. Thank you, you can go now.

SEBOWA: Well, as I got such problems can't I get any assistance?

CHAIRMAN: What kind of assistance?

SEBOWA: My house was taken away and I was assisted by the village mates to construct for me a small house of grass thatched house.

CHAIRMAN: Who took away your house?

SEBOWA: It was taken away by the soldiers. They unroofed the house.

CHAIRMAN: The iron sheets were removed.

SEBOWA: The iron sheets were removed from the house.

CHAIRMAN: The commission as such has no money or materials with which to assist needy people but we have tried to refer some cases to the government through the D.A.'s and we hope that may be assistance may be given but it is not a promise.

SEBOWA: Can it be possible to give me a letter?

CHAIRMAN: Yes, it is possible, we can get you a letter at the end of today.

DR. MAKUBUYA: Are you saying you have never received any assistance whatsoever since?

SEBOWA: I have never received any assistance.

DR. MAKUBUYA: Blankets?

SEBOWA: I received a blanket.

DR. MAKUBUYA: A panga?

SEBOWA: I received a panga.

DR. MAKUBUYA: A hoe?

SEBOWA: I got a hoe but since I cannot even cultivate.

DR. MAKUBUYA: A jerrycan?

SEBOWA: I did not get a jerrycan.

DR. MAKUBUYA: An axe?

SEBOWA: Nothing else I got apart from those which I have mentioned.

DR. MAKUBUYA: Maize meals?

SEBOWA: We got maize meal.

DR. MAKUBUYA: Beans?

SEBOWA: We used to get.

CHAIRMAN: Mr. Sebowa, I need to tell you that you got more than many other witnesses who have been here. You should also realise that there are so many people who need assistance. The government does not have the resources to assist everybody to his or her fullest needs. You understand?

SEBOWA: I understand.

CHAIRMAN: But you can wait for this letter.

WITNESS NO.271: MR. SIMON SERUYANGE - SWORN IN

COUNSEL: You are Simon Seruyange?

SERUYANGE: I am Simon Seruyange.

COUNSEL: Aged 39 years?

SERUYANGE: I am aged 39 years.

COUNSEL: Residing at Nakaseke?

SERUYANGE: I reside at Nakaseke.

COUNSEL: In Luwero District?

SERUYANGE: In Luwero District.

COUNSEL: What is your tribe?

SERUYANGE: I am a Murundi.

COUNSEL: When did you come to Uganda from Burundi?

SERUYANGE: I was born in Uganda.

COUNSEL: And your parents?

SERUYANGE: My parents only came to Uganda.

COUNSEL: Both of them?

SERUYANGE: Both of them came from Burundi.

COUNSEL: What is your occupation?

SERUYANGE: I am a pharmacy orderly.

COUNSEL: Your age?

SERUYANGE: I am 39 years old.

CHAIRMAN: A pharmacy orderly where?

SERUYANGE: Of Nakaseke.

COUNSEL: In 1982 were you at Nakaseke?

SERUYANGE: Since February I was in Mpungwe.

COUNSEL: Why had you gone to Mpungwe?

SERUYANGE: By then the soldiers had come in the hospital then we had run away.

COUNSEL: Why did you run away from the soldiers?

SERUYANGE: They used to kill people from the places where they used to come from.

COUNSEL: On the 18th August, 1983 where were you?

SERUYANGE: I was in two places, Bweyeye and Bwerampindi.

COUNSEL: How can you be in two places?

SERUYANGE: When I was coming from Ssingo I reached Bweyeye then I came across a chairman who did not know me then I requested him to give me accommodation. While there one of the young men who knew me that I was a teacher somewhere informed the chairman that I was once working in the hospital where bandits were.

COUNSEL: Chairman of what?

SERUYANGE: He was a UPC Chairman.

COUNSEL: And did you know this person who told the chairman that you were once working at Nakaseke hospital?

SERUYANGE: I know his name.

COUNSEL: Yes, what was his name?

SERUYANGE: He was called Zeveriyo.

COUNSEL: What is the other name?

SERUYANGE: I did not know the other name.

COUNSEL: As a result of this what happened?

SERUYANGE: The three youth wingers who were there tied me with ropes a*Kandooya* type.

COUNSEL: Did you know those youth wingers?

SERUYANGE: I did not know the names of the youth wingers who tied me and took me to Bweyeye.

COUNSEL: Had you seen them before?

SERUYANGE: I did not know them before but the one of the three youth wingers called Zeveriyo told me that he know me that I even taught him.

COUNSEL: And how did you know those people were youth wingers?

SERUYANGE: Later I learnt from the people where I used to stay after they had beaten me.

COUNSEL: You mean these three when they arrested you they started beating you, is that what you are saying?

SERUYANGE: Three youth wingers started beating me at Georges', the chairman, and they took me to Bweyeye.

COUNSEL: At your arrest with whom were you with?

SERUYANGE: During my arrest I was arrested in the garden but in the house where I was staying there was my mother, my wife, my sister and three children. The three children were of my sister.

COUNSEL: Now, let us get this clear. You said at the beginning of your evidence you said that on the 18th August, 1983 you were in two places and you said that you were arrested when you were moving from Ssingo. Is that not correct?

SERUYANGE: I was arrested on that very day at around 6.00 p.m. when I was in the garden.

MR. KAWANGA: Perhaps to help the witness, he appears to be somebody who has got some education, why do you not just ask him to tell us his story, how he arrived then later on you can ask questions for clarification because we shall keep going back and forth and lose trend of the whole story.

COUNSEL: Now, Mr. Simon Seruyange, could you please describe what followed, tell us your story after these three had arrested you?

SERUYANGE: On my way coming from Ssingo I reached the home of George, the UPC Chairman, then I requested him for accommodation. He then directed me to go and get some food, to dig some potatoes. While digging potatoes one of the youth wingers, Zeveriyo came and arrested me. From there they went on beating me and took me to Bweyeye where there was a

detach. When we reached Bweyeye there were some friends with whom we had separated during the running they then went and collected Mugerwa, Nikodemu, his mother and his father and his young brother and his young sister whom I did not know their names. They then seriously went on beating us. Before beating my eye they stabbed me with a spear in the leg. Then they beat me in the chest, then in the back, they speared me in the leg. Then they beat me in the chest, then in the back, they speared me in the leg.

CHAIRMAN: Who did this?

SERUYANGE: By that time I could not know actually who speared me because I was almost dead - I had lost consciousness. During the beating they even beat my eyes, they wanted me to become blind.

COUNSEL: With what?

SERUYANGE: They used sticks in beating me. By then I was unconscious then they lifted me and put me in a certain house of somebody which was being used like a prison. What I can possibly remember there was a certain lady, the mother of Nikodemu who used to turn me because I was just bleeding terribly, she was trying to avoid blood. My sister was taken by the soldiers and she stayed with the soldiers after beating her. The next day I was taken out of the prison because I was unable to move and I could not even see. One of the soldiers just asked me in Luganda that should they shoot me and die because he realised that I was in great pain. After the departure of the soldiers as they went to Katooke, one gentleman put me on a bicycle and took me to a place which I did not know. That gentleman was also a chairman, he had directed that I should be taken to Matayo that in case I die that Matayo was responsible for my burial.

COUNSEL: Was Matayo your relative?

SERUYANGE: I was not related to Matayo, I did not know him at all. After they took me to Matayo, Matayo had a fear that I could die in his house instead he took me in a coffee plantation. As it was getting dark and it was intending to rain then he told the two sisters of mine to lift me and put me in the house - one of my sister with two others to lift me and put me in his house. By the time I left Matayo's home it was five days before the opening of Nakaseke Hospital then I went to Nakaseke.

COUNSEL: For how long did you stay at Matayo's home? Was that about one and half months?

SERUYANGE: About two months, from 19th August to about 19th of October.

COUNSEL: So after Matayo's home you went to Nakaseke Hospital?

SERUYANGE: From Matayo's house I went to Nakaseke Hospital.

COUNSEL: For what since you had healed.

SERUYANGE: I had not healed properly.

COUNSEL: So you got treatment at Nakaseke Hospital?

SERUYANGE: I got treatment at Nakaseke, I was treated my eye but again it could not see.

COUNSEL: Apart from your eye which is not able to see well, do you have any disability or any pains you still suffer?

SERUYANGE: My right leg cannot stand properly and also I feel pain in the chest, I cannot lift heavy things with my arms - as I was tied I cannot also lift heavy things as a result of the beatings I sustained.

COUNSEL: Now, your sister whom you were with when the soldiers arrested and beat you, what is her name?

SERUYANGE: My sister was called Jane Kizza.

COUNSEL: Was she married by that time?

SERUYANGE: She was not married by then.

COUNSEL: When you say she was beaten how was she beaten?

SERUYANGE: I only heard that she was beaten by slapping, boxing and with sticks but she never sustained any injury.

COUNSEL: Now, these people said that you were working in a hospital where bandits were. Have you ever served bandits?

SERUYANGE: Well, I did not know because I was serving whoever could come to get medicine.

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

MR. KAWANGA: This Zeveriyo you said he was your student?

SERUYANGE: It was what Zeveriyo stated to the Chairman.

MR. KAWANGA: But you did not know him yourself.

SERUYANGE: Well, I did not know possible I might have taught him when he was young.

MR. KAWANGA: Did youth wingers join in beating you- joined the soldiers in beating you?

SERUYANGE: They started beating me right from George's home, the chairman, up to Bweyeye where there was a detach.

MR. KAWANGA: Are they still at Bweyeye, those youth wingers?

SERUYANGE: One of whom I knew, Zeveriyo, I heard that he died.

MR. KAWANGA: I see. You do not know what happened to others?

SERUYANGE: Well, I did not know what happened to the others because I did not know them.

MR. KAWANGA: So in the group of your relatives you are the one who was severely beaten.

SERUYANGE: Yes, I was the one who was seriously beaten.

MR. KAWANGA: Why?

SERUYANGE: The reason why I was seriously beaten was that I used to give medicine to the bandits.

MR. KAWANGA: And the others had done nothing.

SERUYANGE: Even the others were beaten but not as serious as I was beaten.

MR. KAWANGA: Okay, thank you.

CHAIRMAN: Well, that is all from us. We would like to thank you for the evidence you have given to this Commission. You can go now.

SERUYANGE: Can't the Commission give me any assistance because my wife is in the village with the children who are suffering and I find it hard to bring them this way.

CHAIRMAN: What assistance?

SERUYANGE: Well, I would request the Commission at least to give me a bicycle, my iron sheets were removed and taken and I am unable to work as a result of the beatings and my eyes cannot see properly. I am only there to assist the other Pharmacy Orderlies.

CHAIRMAN: Yes, I am sorry to cut you short. I think you are much better off than other people whom we have seen here. You are working so you see the government does not have unlimited resources. I consider that we are not going to discriminate about who we will recommend for assistance, I consider that you are not as a deserving a case as some of the others we have seen. So if you have seen letters being written for the others it is because perhaps their cases are more deserving than your case is. You saw a man here who had both of his hands were cut off. I am not saying that you do not deserve assistance but the government cannot help everybody because it does not have the resources.

SERUYANGE: Well, I would request if possible to get me spectacles or at least a bicycle.

CHAIRMAN: Well, I have already told you.

MR. KAWANGA: I think take it from us that we do not have bicycles or spectacles to give but we recommend people in what we consider deserving cases. In fact, in your case you are capable of approaching people who give assistance and explaining your case. Unlike some of the people whom we have seen sitting here who do not even know where Kampala is. But if you think after making an application that our assistance in addition to your application will be of assistance then you can come back to us.

CHAIRMAN: Thank you.

WITNESS NO:272: MR. ANTONIO SEMAKULA - SWORN IN

COUNSEL: You are Antonio Semakula?

SEMAKULA: Yes, I am Antonio Semakula.

COUNSEL: Aged 52 years?

SEMAKULA: I am aged 52 years.

COUNSEL: You are a watchman of Nakaseke Hospital?

SEMAKULA: Yes, I am a watchman in Nakaseke Hospital.

COUNSEL: Residing at Kitasuna village.

SEMAKULA: I stay at Kitasuna village.

COUNSEL: This is in Nakaseke?

SEMAKULA: Yes.

COUNSEL: In 1982 where were you staying?

SEMAKULA: I was staying at Kitasuna, that is where my home is.

COUNSEL: Did anything spectacular which you may recall which you may wish to tell this Commission what happened on the 3rd March, 1982?

SEMAKULA: We had a problem. We were attacked by the soldiers, I was arrested and I was taken to the *Saza* Headquarters and I was cut on the neck.

COUNSEL: Where were you exactly?

SEMAKULA: When the soldiers came in our area we used to run away from our homes and hide in the bush but because they had already sighted us they

followed us and we were arrested and taken to the Saza Headquarters.

COUNSEL: What time was it?

SEMAKULA: It was about 4.00 p.m.

COUNSEL: And when those soldiers came they followed you to the bush and arrested you, did they tell you why they had arrested you?

SEMAKULA: We were not told at first, we were only just arrested and being taken to the Saza Headquarters then we found there some other soldiers then their commander just ordered them to go and slaughter us.

COUNSEL: With whom were you arrested?

SEMAKULA: I was arrested with my young brother called Yokosofati Sekyewa.

COUNSEL: So when you reached the Saza Headquarters was the Saza chief there?

SEMAKULA: There were only the soldiers.

COUNSEL: You said that their commander told the soldiers to take you and kill you, did you know this commander?

SEMAKULA: As the soldiers were not of our area we did not know them.

COUNSEL: And were you taken to be killed?

SEMAKULA: Soon after we arrived where the commander was he directed his soldiers to go and kill us and we were taken to the Community Centre and we were just slaughtered.

COUNSEL: How many were you taken to the Community Centre?

SEMAKULA: We were two me with my young brother.

CHAIRMAN: They did not slaughter you.

SEMAKULA: We were just cut - My friend was slaughtered because he was cut on the throat but for me I was cut on the neck.

COUNSEL: With what, with a knife?

CHAIRMAN: One by one, tell us what happened to you and then to your brother.

SEMAKULA: I was cut on the neck. From the Commander we were taken to the Community Centre, we were taken by two soldiers then we were kicked and fell down, my young brother was slaughtered by the throat and he died at the spot. With me I was just cut on the neck.

CHAIRMAN: Were you cut standing?

SEMAKULA: I was lying down by the time I was cut.

CHAIRMAN: They forced you to lie down?

SEMAKULA: I was just kicked then I fell down.

CHAIRMAN: Was that after your brother had been killed or before.

SEMAKULA: All of us were kicked at once and then we fell down.

COUNSEL: And you saw your brother being cut?

SEMAKULA: I saw my brother being slaughtered. I was also cut by the neck then I just kept quiet as if I was totally dead.

COUNSEL: Were you facing down since you were cut on the back of your neck?

SEMAKULA: I was facing down. After realising that my brother was dead and that soldiers had gone away I then moved from there and went in the bush.

COUNSEL: Did you get any treatment?

SEMAKULA: Yes.

MR. KAWANGA: When you reached in the bush what happened?

SEMAKULA: From the scene I moved to the bush then I tried to go back to my home where I was picked from then while going I found some people who were just looking for me.

COUNSEL: Were they young people?

SEMAKULA: Those who were looking for me were people of the area, they were residents of Namilari.

COUNSEL: So what happened.

SEMAKULA: Those people called me, then we went together with them, then I ordered them to go in my home to get me a mat so as to lie on in the garden. I ordered those people to go and collect a mat from my home because I was in fear that possibly those people could follow me up to the home then they could kill me.

COUNSEL: Did you get any treatment?

SEMAKULA: As the child went and brought the mat, he managed to go to my brother in law who came and collected me and took me to the camp of the bandits. In the camp where I was taken I got treatment and I stayed there for six months.

COUNSEL: Did the wound you sustained may be heal and leave a scar which the Commissioners would be able to see?

SEMAKULA: Yes, I remained with the scar.

COUNSEL: Could you please show it to the Commissioners?

SEMAKULA: That is the scar I remained with and I was even stabbed.

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

CHAIRMAN: I have only one or may be two questions for you. How far was this bandit's camp as you put it from your home?

SEMAKULA: It is about twelve miles away from my home up to the camp of the bandits where they were.

CHAIRMAN: Had there been any fighting or skirmishes between the bandits and the soldiers?

SEMAKULA: Where I was taken for treatment there had been no fighting between the soldiers and bandits they were just only ambushing them.

CHAIRMAN: But what about in your area and where you were arrested from.

SEMAKULA: The soldiers were just in the area where the hospital was and the soldiers tried to follow those who had run away from the hospital up to Bugerere.

CHAIRMAN: Okay, thank you. That is all from us, Mr. Semakula. I would like to thank you for your evidence. Thank you.

WITNESS NO.273: MR. JOHN SERUSAAGO - SWORN IN

COUNSEL: You are John Serusaago?

SERUSAAGO: Yes, I am John Serusaago.

COUNSEL: A farmer, aged 41?

SERUSAAGO: I am a farmer aged 41 years.

COUNSEL: You are a resident of Mufunya village in Nakaseke?

SERUSAAGO: I am a resident of Mufunya village in Nakaseke?

COUNSEL: In Luwero District?

SERUSAAGO: In Luwero District.

COUNSEL: Mr. Serusaago, this Commission has received evidence to the effect that there was a lot of insecurity in Nakaseke in 1983. Were you in Nakaseke at that time?

SERUSAAGO: I was in Nakaseke during 1983.

COUNSEL: And did you have an experience which you might wish to narrate to this Commission?

SERUSAAGO: What happened was, by then we used to hide in the bush and there was an occasion where we were attacked by soldiers and found us three people together with my wife who was the fourth.

COUNSEL: What are the names of those people?

SERUSAAGO: One of them was Sandra Nsekanabo, one of them was Bayinakyurana.

COUNSEL: And the other one?

SERUSAAGO: The other one was Margaret, that was my wife. My son together with my elder brother were killed.

COUNSEL: What was the name of your son?

SERUSAAGO: My son was Vanakyulana.

COUNSEL: And your brother's name?

SERUSAAGO: My brother who was killed was Sandra Nsekanabo.

COUNSEL: You said you were in the bush hiding, do you know the dates?

SERUSAAGO: I cannot still recall the date.

COUNSEL: So when the soldiers came, tell us how these people were killed.

SERUSAAGO: The soldiers came at around 9.00 a.m. in the morning and found us when we had hidden in the bush. When they came they surrounded us then my elder brother tried to run away then they shot him. One of the soldiers advised them not to shoot then he ordered to catch us. My son was just slaughtered - he was cut by the neck and the head got off. I was cut by my leg and they took away my wife to rape her. Then I run away up to Ssingo, I just went alone. After a week we met with my wife in Ssingo.

COUNSEL: What did she tell you when you met?

SERUSAAGO: She told me she stayed with the soldiers for a week after which she followed me and found me in Ssingo.

COUNSEL: You told us that when the soldiers came you had already gone to the bush to hide. Did you know where the soldiers were coming?

SERUSAAGO: They were coming from the Nakaseke detach.

COUNSEL: I asked that did you know when they were coming? Why did you hide

when you had not seen them.

SERUSAAGO: On that day they had just come but we were staying in my home but during the day time we used to hide.

COUNSEL: Why would you hide during the day.

SERUSAAGO: By then they had come in the area but they were not very many and some of us had run to Singo.

COUNSEL: Wouldn't you stay in your homes even if the soldiers were at Nakaseke.

SERUSAAGO: They could not allow us staying in our homes, they used to kill people.

COUNSEL: When you run to Ssingo, did you go with your property?

SERUSAAGO: I went with a blanket with some few clothes, some of the properties remained behind.

COUNSEL: And when you came back did you find that property?

SERUSAAGO: When I came back I found just nothing even the house was unroofed.

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

CHAIRMAN: Mr. Serusaago, thank you for your evidence which you have given to this Commission. Sorry, incidentally, some of the names you have mentioned of your son, for instance, do not seem to be local names. Are you - were you born in the area?

SERUSAAGO: I came from Kabale, I am a Mukiga.

CHAIRMAN: I see, okay, thank you. You can go now.

WITNESS NO.274: MR. MAGIDU GALUSANJA - AFFIRMED

COUNSEL: You are Magidu Galusanja.

GALUSANJA: Yes, I am Magidu Galusanja.

COUNSEL: A cultivator, aged 38 years?

GALUSANJA: I am aged 38 years and I am a cultivator.

COUNSEL: A Muganda resident at Kalagala?

GALUSANJA: Yes.

COUNSEL: This is in Luwero District?

GALUSANJA. Yes, it is within Luwero District.

COUNSEL: Do you recall the date of 30th April, 1982?

GALUSANJA: I can recall.

COUNSEL: What happened on that day?

GALUSANJA: I came across soldiers who were dressed in a military uniform, they were six by number. They found us four people, they found me with my father Budalatifu Kiyemba and Dirisa Kisirinya and with Musisi. We are driving heads of cattle and then they stopped us. They asked us where we were coming from; they told us why we had run away. We told them we had run away because of a gun. They asked us that if you had run away why did you run away, were you bandits or not. We told them we are not bandits. They ordered us to sit down, they demanded from us what we had and then we gave them - we surrendered them to them. We had some saucepans, some kettles and we had heads of cattle. Then they gathered and they suggested that they kill us and take the heads of cattle. We were tied, I was tied with a coat, my father was tied with a rope; my brother was told to keep the heads of cattle. Then they decided to kill us and I was told to go aside and then lie down. A soldier who was armed with a panga, a gun and a stick. He told me not to look at him but to look down. He started cutting me on the neck then in the chest.

COUNSEL: Could you move in front and show the scars to the Commissioners? Yes. After that what else?

GALUSANJA: With my father, the ropes which they had tied him with became untied and they asked him that was he intending to fight, how could he fight with somebody who is having a gun. My father was trying to run away and then he was trapped by grass and he fell down then my father ran away and went in the forest. They felt that I was dead. Then my brother also managed to run away. They then drove away the heads of cattle. After some time my father came back and found me there. He got some water and tried to wash me. He tried to look for some people so as to get assistance. On that day he did not find anybody. I stayed in the bush throughout the night. The next day when he managed to get some people, they collected me on a wheel-barrow, and took me to a UPC Chairman of that area. The next it was decided that I should be taken to Semuto where there was a detach of soldiers and I was treated.

COUNSEL: Did you get treatment?

GALUSANJA: I did not get treatment but there was a native doctor who tried to give me some medicine.

COUNSEL: Did that native medicine cure your wounds?

GALUSANJA: Yes, that native medicine cured the wound.

COUNSEL: Do you still have any pains as a result of these wounds?

GALUSANJA: I cannot turn properly as a result of the injuries suffered, I sustained.

COUNSEL: My Lord that is all from this witness.

CHAIRMAN: Just a few questions. Did the soldiers take all your property or you were not in a position to know after you were cut.

GALUSANJA: They took away the iron sheets, they took away everything of my properties.

CHAIRMAN: This was from your home?

GALUSANJA: From my home.

CHAIRMAN: Before you run away?

GALUSANJA: After I had run away.

CHAIRMAN: What about at the scene where they stopped you. You said they stopped you and they said they were going to kill you and take them.

GALUSANJA: The sauce-pans and the heads of cattle were taken by the time we were stopped by then but when we came back they again took each and every property of mine from my home. Because they said that I was a great bandit.

CHAIRMAN: Were you?

GALUSANJA: I was not.

CHAIRMAN: What language did they speak to you? When they met you with your father and brother.

GALUSANJA: They used Swahili but again we could not understand.

CHAIRMAN: You must have understood something because you told us the conversation which went on.

GALUSANJA: They interrogated us in Swahili but again we were just answering then in Kiganda and they could understand Luganda.

CHAIRMAN: That is all the questions we have for you. I would like to thank you for your evidence before this Commission. Thank you very much.

COUNSEL: My Lord Chairman, my next witness is supposed to be an NRA soldier James Yawe but the file in which his statement is recorded, the statement is with D/AIP Okwalinga who is not here, he did not come, he took the file to Kampala so we are unable - we cannot get his evidence without the statement. We shall hear him tomorrow.

CHAIRMAN: I think this may be appropriate time to find out from you Counsel. We have been informed of indications by some I think highly placed NRA - well, we reserve to hear that evidence tomorrow.

COUNSEL: Much obliged my Lord. In that circumstance I apply that we adjourn.

CHAIRMAN: No other witness?

COUNSEL: This was our last witness today.

CHAIRMAN: Okay, we adjourn and we shall resume here tomorrow at 9.00 a.m. Perhaps may be we may say it today even tomorrow, there has been a proposal I think which is acceptable to us that may be next week which is likely to be our last week in Luwero, we should hear evidence in Kapeka, Semuto and another place. The leading Counsel knows about it, the suggestion was coming from him. So may be the Investigating Team will go ahead to make the necessary arrangements.

COUNSEL: Yes, my Lord. Arrangements have or are being made to let the Commission move to those places.

CHAIRMAN: Commissioners, learned Counsel, we are ready to commence today - the Session of today - the 6th of May, 1988, at Katikamu County Headquarters. Counsel next witness, please.

COUNSEL: My Lord Chairman, and Gentlemen Commissioners, my next witness is Mrs. Joyce Lukwago Kyobe.

WITNESS NO.275: MRS. JOYCE LUKWAGO KYOBE - SWORN IN

COUNSEL: You are Joyce Lukwago Kyobe, aged forty, widow, Kapeka Trading Centre, *Gombolola* Kapeka, in Nakaseke County in Luwero District.

JOYCE: Yes, my Lord.

COUNSEL: You say you are a widow. To whom were you married?

JOYCE: I am now a widow but, before I became a widow, I was the wife of Bulasiyo Lukwago Kyobe.

COUNSEL: When did you marry?

JOYCE: He married me on the 16th day of December 1961.

COUNSEL: Did you have children?

JOYCE: Yes, my Lord.

COUNSEL: How many?

JOYCE: Twelve children.

COUNSEL: Who is the oldest?

JOYCE: The oldest is called Sarah Namuli.

COUNSEL: How old is she now?

JOYCE: I do not know exactly but I gave birth to her in 1962.

COUNSEL: And the youngest.

JOYCE: The youngest is six years old.

COUNSEL: Now, before your late husband died, what work was he doing?

JOYCE: He owned buses and he could, at times, drive the same buses.

COUNSEL: Did these buses have a name?

JOYCE: These buses were in a company of our father who was called - the company was called - Suleimani Sserwanga and Sons. The company was called Suleimani Sserwanga and Brothers.

COUNSEL: On which routes were these buses operating?

JOYCE: These buses were operating on the route between Kampala and Kapeka.

COUNSEL: Now was your late husband a politician?

JOYCE: Yes, my Lord.

COUNSEL: To which party did he belong?

JOYCE: He was a D.P. supporter.

COUNSEL: Now were you in the country in 1980, when the elections were held?

JOYCE: I with my husband were at Kapeka in our home.

COUNSEL: After the elections, was there anything that happened to your husband by virtue of his being a D.P.?

JOYCE: Yes, my Lord.

COUNSEL: Would you tell this Commission what happened?

JOYCE: Yes, my Lord. When we returned from a place commonly known as Lukoola, my husband was arrested and taken to a military detach of Kapeka.

COUNSEL: Yes, go on.

CHAIRMAN: When was this?

JOYCE: I do not remember the exact date when my husband was arrested but it was in June, 1983. So my husband was arrested and taken to Kapeka Military Detach where he spent one week in detention, after which he was put on a lorry and driven to Bombo Army Barracks.

COUNSEL: Yes.

JOYCE: My Lord, my husband was taken to Bombo Army Barracks on the allegation that he was giving food to the then bandits.

CHAIRMAN: Did you accompany him when he was taken?

JOYCE: My Lord, the day he was taken, I was there. I was at Kapeka Trading Centre. He, with others, had been called to attend a meeting of the elders; and, when he went to attend this meeting, he was arrested and he never came back.

CHAIRMAN: No what I mean is, when he was taken to Bombo on army lorry to Bombo Barracks.

JOYCE: My Lord, I did not personally witness my husband when he was removed from Kapeka Military Detach to Bombo; but I was always inquiring from those who used to take food to their relatives who had been detained at Kapeka Military Detach. Now, after one week, I received information from those who had taken food to their relatives at Kapeka Military Detach, that my husband was no longer there. He had been taken to Bombo Army Barracks.

COUNSEL: Yes.

JOYCE: After my husband had been transferred from Kapeka to Bombo, I also moved and left our home with a view of getting to Gombe where we had our other relatives. But, on the way, we landed - with ended up - at Mijingye Military Detach.

CHAIRMAN: Yes, carry on.

JOYCE: My Lord, we stayed - spent - two months at Mijingye Military Detach, after which our sister, called Eddie Lule, employed at Nsambya, she - Edith Lule, our sister who is resident at Nsambya came with members of the International Community of the Red Cross and they removed us from Mijingye and took us to Nsambya. From Nsambya, we shifted and went to Bbunga, at the home of one called Mukasa, a family friend to my husband. While at the home of Leo Mukasa in Bbunga, I received a letter from my husband, who was in detention to say that money was required to buy his release.

CHAIRMAN: Was it written by him? Did you know his hand-writing?

JOYCE: My Lord the letter I received had been written by my husband. I confirmed this because I know his signature and his hand-writing.

CHAIRMAN: Who brought it?

JOYCE: The letter was brought by U.N.L.F. soldiers who were in Government by then.

CHAIRMAN: How many brought the letter?

JOYCE: The first time, the first letter which I received was brought by a group of six soldiers.

COUNSEL: And how much money was demanded?

JOYCE: This first letter which had been brought by a group of six people said that I should raise two hundred thousand shillings. My Lord, I raised the two hundred thousand shillings, gave it to a group of six soldiers. They took it and after some time I was made to understand that the soldiers changed their mind and said that they needed more money to the tune of two million shillings before they could release my husband.

CHAIRMAN: How did you learn this - any of these?

JOYCE: This I learnt before I received a second letter from my husband stating that two million shillings was required.

COUNSEL: Did you raise this money?

JOYCE: I raised the two million shillings my Lord.

CHAIRMAN: Sorry, before we go into that. First of all, how long after you had given the two hundred thousand did you receive the second letter?

JOYCE: They came back the second day?

CHAIRMAN: Oh, I see! So soon. By the same group of soldiers,

JOYCE: My Lord, I do not know exactly whether they were the same people because it was difficult for me to look at them and identify them.

COUNSEL: But was the number the same?

JOYCE: I counted their number. It was six.

COUNSEL: Yes, proceed.

JOYCE: My Lord, after I had raised the two million shillings and it had been taken, my husband was not released. He again wrote to me a third letter.

CHAIRMAN: How soon afterwards?

JOYCE: My Lord, after I had released the two million shillings one week elapsed and I received a third letter to say - my husband was pleading - that the two million shillings about which he had written to me wanting to be produced had not reached him. So he was pleading very much that I should quickly raise the two million shillings.

CHAIRMAN: Sorry, sorry. That she should quickly raise two million shillings.

JOYCE: Yes, my Lord.

CHAIRMAN: But she had already given it to soldiers.

JOYCE: My Lord, I had released the two million shillings after the second letter; but it appears this two million shillings had not been delivered to the right hands. So, when I saw the third letter to say the two million shillings had not arrived, I thought maybe, those to whom I had given the money had not delivered it.

COUNSEL: Did you inform your husband of this fact that you had already sent the two million shillings?

JOYCE: My Lord, I did not write to my husband to inform him that I had already released the two million shillings, although I had already given it to the soldiers.

COUNSEL: So what happened next?

JOYCE: My Lord, I received a fourth letter from my husband to say that the money that I had sent was not enough. They needed more money.

MR. KAWANGA: Yes. But had you paid the third - the second two million shillings.

JOYCE: Each time he would write a letter, asking me for money, I would send the money. As I wanted to rescue my husband from the cells, I decided to suspend sending my children to school so as to raise this money and send it to the soldiers.

COUNSEL: Yes.

JOYCE: My Lord, the soldiers came back the fifth time and demanded money; but I begged them that I no longer had any more money. So I decided to go to the home of one of the detainees who had already been released and who had been detained together with my husband.

COUNSEL: How much had they demanded the fifth time they came?

JOYCE: My Lord, the fifth time the soldiers came they were asking me to raise another two million shillings.

COUNSEL: Now this other detainee who was detained together with your husband, what was his name?

JOYCE: My Lord, my husband had been a famous man and many people knew him. So those who had been detained with him after their release they would come and tell you, but I do not know exactly who they were because they were coming from remote areas.

COUNSEL: Yes, go on.

JOYCE: My Lord, I decided to risk and go to Bombo Army Barracks and inquire about my husband. So I went to Bombo Army Barracks and asked for a certain senior army officer whose name I have forgotten, through whom I wanted to find out whether my husband was still in detention. But, instead, I was seriously beaten.

COUNSEL: Where were you beaten?

JOYCE: After I had asked about the name of a certain senior army officer through which I wanted to contact my husband, I was seriously beaten. I had deceived them to say the army officer I was asking had got married to my daughter.

COUNSEL: Yes, what happened next?

JOYCE: After being beaten in Bombo Army Barracks, I decided to go to a village called Ddegeya. I contacted one man called Lukwaata who was to me capable of going to Bombo Army Barracks and make contacts for me. My Lord, I begged Mr. Lukwaata to go to Bombo Army Barracks and try to find for me whether my husband was still in detention. My Lord, Mr. Lukwaata went to Bombo Army Barracks and tried to search for my husband; but, on his return, he told me that he had failed to find my husband.

COUNSEL: Was there other efforts to trace your husband by other people?

JOYCE: My Lord, I tried to make other efforts through other people to look for my husband. My Lord, I made another contact - another attempt - to look for my husband through our relative called Sarah Nnamuli who was working with the International Community of the Red Cross. She went with the International Red Cross staff to Luzira Government prison to look for my husband. When she came back, she told me that she had failed to trace my husband from Luzira government Prisons.

COUNSEL: Yes, what happened next?

JOYCE: Even Edith Lule whom I have already mentioned earlier tried to look for my husband at Luzira government Prisons, but in vain. My Lord, I made yet another attempt to look for my husband from the Kampala City Square when several detainees were released from Luzira Government Prisons by the then Lutwa government, but he was not traced. I had sent my children to Kampala City Square to find out whether my husband was among those who had been released. But he was nowhere to be found.

COUNSEL: Yes, after that search, what happened next?

JOYCE: After failing to get my husband from the Kampala City Square when the detainees were released, I later on got confirmation from somebody who had been detained together with my husband, who told me that he had seen my husband being killed.

COUNSEL: Where was he killed according to this information?

JOYCE: My Lord, the man who told me that my husband had been killed told me that my husband had been killed at Bombo Army Barracks, military cells. That my husband had been killed with many others. And, after they were killed, they were loaded on army trucks and taken to an unknown destination. But this man remained in the cell - the one who told me - and later he was released.

COUNSEL: Do you remember his name?

JOYCE: My Lord, the detainee who witnessed my husband being killed I do not know him; but, on his release, he came to our village and informed the *muluka* chief of our village by the name Tomusaange; I was personally informed the same by Tomusaange.

COUNSEL: Now eventually, did you come back to your home at Kapeka?

JOYCE: Yes, my Lord.

COUNSEL: When was this?

JOYCE: My Lord, I came back to my home at Kapeka on the 6th day of September 1987.

MR. KAWANGA: Not eighty six?

JOYCE: My Lord, I recall members of this Commission visited me at my home when I had briefly come back to find out whether I could come and settle in our former home or not. So, when I had briefly come, it is when members of the Commission found me at home. But I had not fully returned.

COUNSEL: Now what did you find at your home?

JOYCE: My Lord, on my arrival at home, I found that there had been total destruction at our home. All our main residential had been destroyed. All the vehicles -the buses - had been reduced to scrap. There was one tiny building which was standing. But there was total destruction around our home.

COUNSEL: Now this main home you are talking about, what was it made out of?

JOYCE: The wall of our residence was made of big bricks but one of the rooms was made of tiny bricks.

COUNSEL: Are you suggesting that it was a permanent house?

JOYCE: Yes, my Lord, it was a permanent residence.

COUNSEL: And how many rooms did this house have?

JOYCE: The main residence was made of ten rooms.

COUNSEL: Now, when you came back, were the iron sheets there; if it was made of iron sheets?

JOYCE: I did not find a single iron sheet. All had been taken.

COUNSEL: How about the windows and the doors?

JOYCE: All had been dismantled and now the walls are crumbling down.

COUNSEL: Now about the buses, how many buses were operational - were in working condition - when you left?

JOYCE: There were to buses which were in good working condition.

COUNSEL: And then when you came back.

JOYCE: My Lord, when I came back, I found that the two buses had been reduced to scrap. They had been cut down and only the frame was standing and the tyres had been burnt in my presence.

COUNSEL: What about the third one?

JOYCE: My Lord, the third bus was in good-running condition but it had been parked on the compound, intact.

COUNSEL: But, when you came back, was it still intact?

JOYCE: My Lord, even the third bus had been reduced to scrap.

COUNSEL: Now you told this Commission that you had to leave your home to go to Lukoola, what caused your going to Lukoola?

JOYCE: A group of people called bandits came to our home one evening and told us that, 'by morning, at six the following day, we should have quitted our area and gone to Lukoola.'

COUNSEL: Had you known them before - those so-called bandits?

JOYCE: My Lord, I had known the bandits before and had some dealings with them.

COUNSEL: I see, who were they?

JOYCE: My Lord, I remember some of those people I knew -their names.

COUNSEL: Yes, would you give their names?

JOYCE: Yes, my Lord. I knew one by the name Salim Sale. My Lord, allow me to refresh my mind with the list I have because I had kept a record of the people I knew. Those I knew were: Salim Saleh and one called Kanaabi, another one called Katabalwa, another one called Kafirika, another one called Bonchi, one called Mugume whom we used to call Commander Mugume; another one called Kashaka, another one called Dr. Bwende, another one called Lubaale; another one called Musisi Kampenge; another one called Dr. Bata, another one called Drago, another one called Ssapata.

COUNSEL: Okay, those will suffice. Now, as a result of this tip, when you left for Lukoola, did you come to learn of anything that happened to Kapeka?

JOYCE: My Lord, as soon as we were tipped to leave, my Lord we were further tipped that the government had brought and deployed a lot of soldiers into the area whom we would not manage; and so it was advisable to vacate the area.

COUNSEL: Now, when you moved to Nsambya, to whose house were you staying?

JOYCE: I went to the home of Lule.

COUNSEL: Now, when you suspended the children from school, how many children were at school?

JOYCE: My Lord, at that time, I was sponsoring three children - my Lord, I was sponsoring five children to school; that is four girls and one boy; and, when I ran short of money, as a result of the detention of my husband, I suspended all of them from school.

COUNSEL: What level were they studying at?

JOYCE: The first girl was in S.3, the second girl was in Primary 7, the third girl was in Primary 4 and the fourth girl was in Primary 3; the boy was in Primary 6.

COUNSEL: Now did they later on resume their studies?

JOYCE: Well, my Lord, they did not resume their studies because I had no money.

COUNSEL: Are they with you now?

JOYCE: Yes, my Lord.

COUNSEL: How many are they?

JOYCE: I have twelve children, my Lord, and they are all with me.

COUNSEL: How do you look after them now?

JOYCE: I have no clear way of looking after these twelve children of mine and I have failed to maintain them.

COUNSEL: Is there anything you would wish to tell this Commission?

JOYCE: Yes, my Lord. Before I make any request or I say anything, I would like first of all to express my appreciation for the fact that this Commission has decided to come to Katikamu which is within our district. I have always been wishing for this Commission.

CHAIRMAN: But remember we have also seen you at home. We have visited you at your home.

JOYCE: My Lord, it is true, this Commission visited me at my home; but, from that time up to recently, I had completely lost hope, because it was a long time. I saw nothing happening. I thought matters had ended there.

CHAIRMAN: No, if I may, perhaps, inform you and correct the impression you had. The reason is that the Commission has to make inquiry all over Uganda. We are not only inquiring about Luwero. So we spent time usefully doing inquiries elsewhere. But Luwero was one of the priority areas to which we were to come.

JOYCE: I will always continue to pray and wish this Commission to proceed with its inquiries and I pray that God leads this Commission so that it achieves its goal.

CHAIRMAN: Thank you very much. I am sure that God has heard and He will give us His blessing. Now you may tell us what you have in mind.

JOYCE: My Lord, the first thing I would like to bring your attention to is that - I will tell you that - our residence was destroyed completely and right now the walls are crumbling down. But each time I see these walls crumbling down I weep and look at my children and say: 'Now, where shall I put my children!' Well, now that I am before this Commission to air my views, I hope I will get room even to have a chance to eat my cassava which will go down my throat. My Lord, each time I think about my husband whom I presume is dead, I become more depressed and I become more weakened, especially when I think, and I know that my husband had trust in the now President of Uganda. My Lord, I would like to thank you again for this opportunity which I was given, I with others, to appear before this Commission so that we can air our grievances; something which to me had not happened in the past regimes.

COMMISSIONERS: Is that all?

COUNSEL: Be that you have difficulty in looking after these children, have you made any effort to contact any other bodies or organizations to assist you in ways of

JOYCE: My Lord, there is one organization whose staff reached our area. This organization is called World Vision and it is this organization which has tried to assist me by raising school fees for some of my children.

COUNSEL: How about locally through the District and the D.A.'s office?

JOYCE: My Lord, I launched my complaint to the D.A's office but, maybe, they had not forwarded them to the appropriate authorities.

COUNSEL: Did you follow it up?

JOYCE: My Lord, I was very much interest to follow up and see whether something good will come out of it; but then I was bankrupt by the fact that I had no money.

MR. KAWANGA: What kind of assistance did you seek from the District Administration?

JOYCE: My Lord, the assistance I was asking for was much; this included money and some material things; and I would like also to put it before this Commission that from the time my husband was taken and our residence destroyed, I am leading a miserable life. I have to eat cassava daily without changing because I do not have money to change to another meal so I am living as if I am a dead corpse.

COUNSEL: My Lord this is all the evidence from this witness.

CHAIRMAN: Well, let us perhaps ask a few more questions to clarify. Did you ever get to know the name of any of these soldiers who kept asking money from you?

JOYCE: My Lord, I would not like to tell lies before the Commission. It is true those soldiers came to my home asking for money several times but I did not get to know their names.

CHAIRMAN: In the letters your husband wrote did he not say give money to so and so whom I am now sending this letter. Did he not mention any names?

JOYCE: My Lord, I am of the view that my husband was being forced to write these letters by the soldiers. He was not freely writing them. So each of the letters I received did not contain any of the names of the soldiers who used to come.

CHAIRMAN: How did they speak to you, in what language?

JOYCE: My Lord, the soldiers who came to my home with letters from my husband to demand for money were speaking in Luganda.

MR. KAWANGA: You said that you lived at the home of Leo Mukasa, is Leo Mukasa still living?

JOYCE: My Lord, Leo Mukasa is not living. The soldiers came and killed him.

MR. KAWANGA: At the time they killed him, were you still living with him?

JOYCE: Yes, My Lord. Leo Mukasa was killed when I was staying at his home.

MR. KAWANGA: How long after this demand for money had been made.

JOYCE: Leo Mukasa was killed after they had demanded from him six million shillings.

MR. KAWANGA: So after that did you stay in Leo Mukasa's house? After his death.

JOYCE: My Lord, after Leo Mukasa had been killed by soldiers we left his home and went to another home at Bunanwaya.

DR. LUYOMBYA: You talked of a Mr. Lukwaata whom you saw in a place called Ddegeya and you said he used to help other people to search for prisoners from the barracks.

JOYCE: Yes, my Lord.

DR. LUYOMBYA: Do you know of anybody he assisted and their prisoners were found?

JOYCE: My Lord, when I got to Ddegeya village after my husband had been detained, the villagers on that village told me that it was only Mr. Lukwaata who was used to a soldier in Bombo Army Barracks and it was only through him that I could contact the soldiers and that if I was fortunate mybe he could find my husband in the barracks.

DR. LUYOMBYA: Is Mr Lukwaata still around. Have you seen him since.

JOYCE: My Lord, Lukwaata was also killed by the soldiers.

DR. LUYOMBYA: Now, there is another detainee who had been detained with your husband and told Mr Tomusange, the *Muluka* Chief, that your husband had been killed. Did you at any time attempt to get in touch with this man to tell you the details?

JOYCE: My Lord the detainee who was detained with my husband and who talked to Tomusange, the then *Muluka* Chief, and who is now still a *Muluka* Chief, I do not know his name.

DR. LUYOMBYA: Okay, thank you.

DR. MAKUBUYA: Do you know whether your husband was ever charged with any offence?

JOYCE: My Lord, what I know is that my husband was detained at Bombo Army Barracks, he was never charged and taken to court. It was at Bombo Army Barracks that he was detained and accused of being a supplier of food to the bandits and that he was the one buying the landmines which were hitting the then government troops.

DR. MAKUBUYA: Do you know whether there was any truth in those accusations?

JOYCE: My Lord some of these allegations were true and the one which was true was that it is true my husband was helping the bandits by supplying them with food.

DR. MAKUBUYA: I do not know how you would look at this but those soldiers came again and again to demand money in order to release your husband. Is this what you expect soldiers to do?

JOYCE: My Lord, this is not what I expected those soldiers to do. It is absurd that having eaten a lot of money from me on the pretext that they were going to release my husband, I released the money, they took the money, ate it and then later on killed my husband. I personally would not like this kind of mentality to prevail amongst the soldiers of today or within the cabinet of today.

DR. MAKUBUYA: What did Kapeka look like before these troubles, Kapeka town, what did it look like before these troubles.

JOYCE: My Lord, the town of Kapeka was a good trading centre, there were shops in Kapeka, we - my husband personally owned a shop at Kapeka, he also owned a bar. We had good transport means, buses were there. Life seemed to be comfortable before the war.

DR. MAKUBUYA: Yes, when you first returned there in 1986 what did it look like.

JOYCE: My Lord, when I came back to Kapeka in 1986 I found total destruction within the trading centre. All the shops I had mentioned earlier had been destroyed. The roofs, removed, right now there is not a single shop at Kapeka, there are no houses where people can live not even a bar you can find in Kapeka.

DR. MAKUBUYA: Did you find out who did this destruction?

JOYCE: My Lord, I would say that the destruction of Kapeka trading centre I would attribute it to the Government troops. This I say because they had started with my home and when I was on the run they had already started destroying Kapeka trading centre. So to me it is the soldiers who did all these destructions.

DR. MAKUBUYA: Did many people you know in Kapeka survive this war?

JOYCE: My lord, I would like to say that many people in Kapeka who were trying to put up Kapeka on the map in the sense that some were prosperous businessmen; others were well to do people, all those people were eliminated - they were killed.

DR. MAKUBUYA: Apart from your husband can you name other people?

JOYCE: My lord, one of the most famous people in Kapeka trading centre was Mr. Settimba who was also killed.

DR. MAKUBUYA: I wonder whether you want to say anything on how we might avoid those things in the future.

JOYCE: My Lord, I personally would not like what took place in Kapeka during the war to happen again especially I am not in favour of the idea of letting loose the soldiers while they are armed with guns because it is those guns which are at times turned to us the civilian population and we are deprived of our lives and property. I am therefore making an appeal before this Commission that the President of this country that he should advise the soldiers now looking after us and our properties so that they remain disciplined so as to make the civilian population to live easily and comfortably so that we do not have any incident of depriving people of their property and lives any more.

DR. MAKUBUYA: Thank you.

CHAIRMAN: Mrs. Lukwago I just want to come to you again. I just want to follow up something which the Commissioner has asked. What, in your opinion, should those soldiers have done with your husband after having arrested him.

JOYCE: My Lord, I would say that after arresting my husband he should have been tried and if he was convicted, he should be sentenced and then he serves the sentence through law courts.

MR.KAWANGA: Yes, but people say that courts are a wastage of time. If you arrest somebody and you have got enough evidence, why shouldn't you summarily deal with him? Why do you waste your time in court?

JOYCE: My Lord, if you avoid the court and say taking somebody to court so that the fate is decided is a waste of time, you might end up finding that innocent people fall victims of what they have not done and somebody might end up being killed for what he has not done.

CHAIRMAN: Well, Mrs. Lukwago you have given us what we consider good evidence before this Commission. I should like to thank you. Before I say something on the question made, have you ever received any relief items from the Ministry of Rehabilitation other than from the - World Vision.

JOYCE: My Lord, apart from a new bicycle which we were given there is nothing else which I was given.

CHAIRMAN: Was the bicycle free?

JOYCE: My Lord, we had given away our bicycle to the bandits for their use when they were still in the struggle but after their struggle they bought us a new bicycle and brought it to me. It is the only new item I have in the house.

CHAIRMAN: And that is the only replacement from what you donated?

JOYCE: Yes, my Lord.

CHAIRMAN: And that was through the NRA but did you receive anything like blankets, beans, axe, panga, jerrycan and so on?

JOYCE: My Lord, I would like to say that I got some relief and some of the items I got were: Posho, two blankets, three hoes. When the pangas were being distributed I was absent so I missed them.

CHAIRMAN: That is all you received?

LUKWAGO: Those are the only items I received and which I have.

CHAIRMAN: Now, on the request you have made about having no house, no shelter for you and your children, about the school fees, this Commission does not have its own resources which can render you assistance, you and others. The most we can do at the moment is perhaps to write to the D.A. and as a follow up on a request which you have probably made through his office.

JOYCE: Yes, my Lord, I will be very grateful.

CHAIRMAN: Yes, we hope that you will direct such a request to the appropriate government authorities but this is not a promise that you will receive any assistance. The Government has limited resources and there are so many people in need of assistance that all of them cannot be assisted to the extent they request. We shall be in Kapeka next week, find out the date from our Investigating Team and you will receive the letter written by us to the D.A. introducing you to him.

JOYCE: My Lord when this Commission comes to Kapeka I shall only welcome it. My Lord, now that you are coming to Kapeka and right now as I speak I am speaking to you and I hope I am speaking to you and you are acting on behalf of the President, I am kindly asking you that as you get to Kapeka next week, please spare some time and get to my home and see exactly what I have in my house and the way I sleep on rags of some sacks.

CHAIRMAN: We shall come again. We shall see you at your house.

JOYCE: My Lord, I would like to continue with a request to the President through you that whatever little thing he has in stock for me he should be considerate and get means and ways of passing it to me otherwise I am in a desperate state, I am dying.

CHAIRMAN: Yes. He has been to Kapeka several times, have you spoken to him personally?

JOYCE: My Lord I had never had that chance to speak to him.

CHAIRMAN: Thank you. You can go now. We will see you next week in Kapeka.

JOYCE: I am very grateful to you.

CHAIRMAN: Next witness please.

COUNSEL: My Lord, No. 276 is Beatrice Nalubega.

WITNESS NO.276: MISS BEATRICE NALUBEGA - SWORN IN

COUNSEL: Are you Beatrice Nalubega aged 32 years?

NALUBEGA: Yes, my Lord.

COUNSEL: A Munyankole cultivator of Semuto village?

NALUBEGA; Yes my, Lord.

COUNSEL: Are you married?

NALUBEGA: No, I am not married.

COUNSEL: Were you married before?

NALUBEGA: Yes, I was married before.

COUNSEL: To whom were you married?

NALUBEGA: My husband was called Lasto Opende.

COUNSEL: Where is he now?

NALUBEGA: He died.

COUNSEL: When did he died?

NALUBEGA: He died in June 1983.

COUNSEL: Where?

NALUBEGA: He died at Mityana.

COUNSEL: Now, were you in this country in October, 1981?

CHAIRMAN: Sorry Counsel, how did he die? Or you are coming to it.

COUNSEL: Were you in this country in 1981 October?

NALUBEGA: My Lord I was in Uganda and specifically at Semuto.

COUNSEL: While you were there what happened?

NALUBEGA: My Lord on that day when I was at Semuto my brother- in-law I mean a brother to my husband - came and told me that one of the rooms to our house he had rented it out to some people who wanted to use it as an office.

COUNSEL: Who were those people to whom he had rented out this room?

NALUBEGA: One of the people who were to utilise one of the rooms in our house was the UPC Chairman.

COUNSEL: What was his name?

NALUBEGA: I know two names of those people who were to use part of one of the rooms in the house. One was called Francis Tiberuka, one was called Haji Karuna.

COUNSEL: How much was the rent which they were supposed to pay to you?

NALUBEGA: It was Shs. 70/= per month.

COUNSEL: Was this rent being paid to you when it fell due?

NALUBEGA: After one month when they were occupying this room, one month collapsed and they just left without paying me the money. After some time I wrote a letter to my husband to inform him that I was sick and that one of the rooms of our house had been rented out but the tenants had refused to pay and after some time he came back - the husband came back home.

CHAIRMAN: From where? Where was he when you wrote to him?

NALUBEGA: My Lord, my husband was a Police Constable attached to Kumi Police Station.

COUNSEL: What was his rank if you know.

NALUBEGA: He was still a Constable, he did not have a rank.

COUNSEL: Eventually did he come?

NALUBEGA: Yes, he came.

COUNSEL: When he came what happened?

NALUBEGA: My Lord, on the arrival of my husband at home he was not very much concerned with my sickness but instead he was furious with us on the fact that we had decided to rent out one of the rooms of his residence to be used by those tenants as a UPC Office. So he asked us whether he had built the house as a residential house or a house to rent out to tenants.

COUNSEL: As a result of his being furious is there something - anything that happened?

NALUBEGA: My Lord, before he acted physically on the room which we had rented out, he collected a *Mutongole* Chief of our area and elders of our area and then he requested them to assist him to evict the tenants, that is to remove their property so that he could re-own this room.

COUNSEL: Was this request accepted?

NALUBEGA: My Lord, the *Mutongole* Chief and elders who were summoned to assist my husband evict the tenants failed because they also said they feared the UPC men, who were owning one of our rooms as an office.

COUNSEL: What happened next?

NALUBEGA: Secondly after the *Mutongole* chief and elders had failed to assist my husband to evict these people who were in the room, my husband got a padlock - an ordinary padlock and police handcuffs, fixed both of them on the UPC office, locked them and handed the keys to me. He therefore left saying that if ever any of these people who were using this room as an office came I should give them the keys so that they open and remove their property and leave the room.

COUNSEL: So are you suggesting your husband left for Kumi?

NALUBEGA: My Lord, my husband had just escaped from duty to come and try to solve this problem. As such he hurriedly went back after locking the room.

COUNSEL: Did the tenants turn up for their property?

NALUBEGA: My Lord, the tenants came the following day and removed their properties from the room.

COUNSEL: Do you remember the tenants who turned up?

NALUBEGA: My Lord I recall there is one called Haji Ssebirumbi and even Karuna was present.

COUNSEL: Who was Haji Ssebirumbi?

NALUBEGA: My Lord I used to see Haji Ssebirumbi convening and addressing rallies at Semuto. I did not know whether he was a UPC Chairman or not.

COUNSEL: So after their arrival what happened?

NALUBEGA: My Lord when Haji Ssebirumbi arrived at the house with Karuna I was summoned from behind the house where I was. I came and met Haji Ssebirumbi who demanded the keys to the rooms which my husband had locked. I surrendered the keys to him, he opened the office. My Lord, after they had removed their properties from the room - after I had given him the keys he wanted to hand the keys back to me but I told him that he should open, remove the properties so that I lock the room, this was an

order from my husband. When I told Ssebirumbi to remove his properties from the house he became furious and demanded to know who my husband was and even ordered me saying that he should give me the money so that I could go and collect my husband. He wanted to meet my husband so that they can solve the problem of the house.

COUNSEL: Did you tell him your husband's name?

NALUBEGA: My brother-in-law who was near Ssebirumbi told him the names of my husband.

COUNSEL: After that what happened?

NALUBEGA: What followed was that Ssebirumbi directed the Youth Wingers who were with him to remove the properties which were from that room and then later he said he will try his best to make sure that he meets my husband and see who he is - and find out who he is. After this I got concerned so the following morning I boarded a bus and went to Nsambya Police Barracks.

COUNSEL: Is that in Kampala?

NALUBEGA: Yes, my Lord.

COUNSEL: When you reached there what did you do?

NALUBEGA: When I got to Nsambya Police Barracks I contacted a friend of my husband who gave me company to Nsambya Police Barracks Charge Office from where I sent a message to my husband so that he could find out what should be done on the issue of the house.

COUNSEL: As a result of this telephone did you receive any reply?

NALUBEGA: My husband's response was that I should go back home and settle he was going to apply for pass leave so that he comes home in Semuto and that nobody should chase me from the house in Semuto, it was his personal house, he was coming to look into that problem himself when he has got a pass leave.

COUNSEL: Eventually did he arrive?

NALUBEGA: My Lord after he had got pass leave he came home.

COUNSEL: How long after you had talked to him on a telephone.

NALUBEGA: My Lord I sent a message to him over a telephone and he came after two weeks from the time I sent the message.

COUNSEL: When he arrived what happened at Semuto?

NALUBEGA: My Lord, when my husband had come to Semuto and after he had stayed for a few days and before Haji Ssebirumbi came to see him over the issue

of the house Semuto Police Post was attacked by the then bandits.

COUNSEL: As a result of this attack what happened?

NALUBEGA: My Lord, soon after the attack on Semuto Police Post one called Haji Karuna whom I have told you about the *Mutongole* Chief and other elders came to our home and accused my husband of having been the brain behind the attack on Semuto Police Post by the bandits.

COUNSEL: What happened next?

NALUBEGA: My Lord, an order was made for the arrest of my husband so that he should be taken where the soldiers were.

COUNSEL: Was he arrested?

NALUBEGA: He was ordered to sit down which he did and then other soldiers got into our house and mounted a search in our house.

COUNSEL: After the search what happened?

NALUBEGA: My Lord, during the search I personally accompanied the soldiers in our house, I was physically beaten by the soldiers who were demanding to know from me whether my husband did not come on pass-leave with a gun. They only managed to get one pair of police uniform which he had come with.

COUNSEL: What happened next?

NALUBEGA: My Lord, after the search my husband was taken to their office. At this material time there was a group of soldiers who had come to Semuto so as to contain the situation as a result of the attack on the Post by the bandits. It was at this office where my husband was taken after the arrest at our home and after the search.

DR. MAKUBUYA: Counsel, let us get the timings here. How many days after the attack of the Police Post were soldiers brought to the town here?

NALUBEGA: My Lord, the Police Post was attacked at about 5.00 a.m. in the early morning and then at around 2.00 p.m. the soldiers arrived at Semuto from Bombo Army Barracks.

DR. LUYOMBYA: Then when did Karuna and others come to arrest your husband and search your house?

NALUBEGA: Karuna and others came to arrest my husband the following day the day following the arrival of the soldiers at Semuto.

COUNSEL: Did you follow your husband to this place where the soldiers were?

NALUBEGA: My Lord, at that material time it was a practice for them to even catch women, so my husband advised me not to follow him he said, may be I

would follow at a later time.

COUNSEL: Did you follow at a later time?

NALUBEGA: My Lord, I went at a later time as a follow up but then the soldiers shouted at me and I came back without seeing him.

COUNSEL: How much later?

NALUBEGA: My Lord, my husband had been taken at about 8.00 a.m. in the morning but I followed up at about 2.30 p.m. on the same day.

COUNSEL: So, what happened next?

NALUBEGA: The following day my husband was taken to Bombo Army Barracks.

COUNSEL: Did you follow him to Bombo?

NALUBEGA: My Lord, as I have said, my husband was taken to Bombo Army barracks and detained. Four days later I followed up and found that he had been seriously beaten and that day I went to Bombo that is when I found that he had been released.

COUNSEL: Sorry, not followed. You found him already released but he had been beaten, did you still find him in Bombo?

NALUBEGA: My Lord, on my arrival at Bombo Army Barracks after four days when he had been taken there I found that he had been released but already he had been beaten much earlier before I went there.

COUNSEL: You met him?

NALUBEGA: I saw him my Lord.

COUNSEL: So what happened next when you met him?

NALUBEGA: Having seen that he had been seriously beaten and he was in bad health, I suggested to him that we first of all go to Bombo Clinic so that he gets treatment but he refused saying that we should go straight to Semuto where he would get treatment; we should go back to Semuto.

COUNSEL: Did you go back home?

NALUBEGA: We went to Semuto myself and my husband.

COUNSEL: When you were at Semuto is there any other thing that happened?

NALUBEGA: My Lord, we arrived at Semuto at about 5.00 p.m. that evening and on our arrival I went and collected a medical staff from Semuto and brought him to our home so as to treat my husband.

COUNSEL: So, eventually, did you settle down at Semuto?

NALUBEGA: My Lord, we stayed in Semuto but we would occasionally run away from Semuto to the neighbouring villages stay there for some time and come back again.

COUNSEL: Why?

NALUBEGA: My Lord, we decided to run away from Semuto to the neighbouring villages so as to avoid soldiers who would attack us and disturb us saying that they wanted money from us.

COUNSEL: As a result of this inconvenience and harassment did you eventually leave Semuto?

NALUBEGA: My Lord, after my husband had lost his father who was killed by the soldiers he suggested that we should leave Semuto and go to another place because the place had become insecure.

COUNSEL: What was the name of your father-in-law who was killed?

NALUBEGA: My father-in-law who was killed was called Genatio, I did not know the second name.

COUNSEL: Now for which place did you live?

NALUBEGA: From Semuto, I and my husband went to a place called Katooke.

COUNSEL: While there, is there anything that happened?

NALUBEGA: When we were at Katooke at a maize mill factory there were strange men who came and accused my husband that he had committed some crimes in Semuto so he should not be associated with.

COUNSEL: As a result of this, what happened?

NALUBEGA: My husband felt insecure at Katooke after being accused by those strange men so he suggested that we leave Katooke to another place and we left.

COUNSEL: Where did you go?

NALUBEGA: We went to another place called Kimwanyi.

COUNSEL: So eventually, did you leave Kimwanyi?

NALUBEGA: From Kimwanyi we went to Kigwanya.

COUNSEL: Now you had said that your husband was killed in June 1983, would you explain to this Commission how he came to be killed?

NALUBEGA: Yes, I can tell how my husband was killed.

COUNSEL: Yes, go on.

NALUBEGA: My Lord, while at Kigwanya where we had run to the pass leave days which my husband had been granted expired. So he was required to report on duty at Kumi District Police Headquarters so he suggested that he should connect to Mityana from Kigwanya from where he would go to Kampala and after he had arrived safely he would inform us. My husband separated from me at Kigwanya on his way to Mityana he was arrested by soldiers who asked him where he was coming from?

COUNSEL: Were you with him?

NALUBEGA: No, I was not with him, but I was made to understand that while on his way to Mityana he was arrested.

COUNSEL: Who made you to understand this, who told you?

NALUBEGA: My Lord, the person who made me to understand was a policeman called Robert attached to Mityana Police Station. So on the arrest of my husband Robert sent messages to Kigwanya where I was staying, giving description of my husband and said that my husband had been arrested and he had been seriously shot at in the leg and he was at Mityana Police Station.

COUNSEL: So what happened, did you go to him?

NALUBEGA: My Lord, I left Kigwanya with the *Batongole* Chiefs of Kigwanya heading for Mityana but on the way, these *Batongole* Chiefs came while beating me. I arrived at Mityana Police Station there I was further beaten and cut with a knife on my chick and I was even stabbed the head. I was then tortured at Mityana Police Station so that I should disclose what the activities of my husband were and why he was found in the village.?

DR. LUYOMBYA: Clarification please. When information reached Kigwanya from Robert about the arrest and the shooting of your husband did the *Batongole* chiefs carry you to Mityana or they opted to escort you to look for your husband?

NALUBEGA: My Lord, after receiving the message from Robert at Kigwanya that my husband had been arrested and shot, the *Batongole* chiefs did escort me but had not arrested me but they were instructed by the soldiers to beat me.

COUNSEL: Did soldiers come along with you?

NALUBEGA: Yes, the soldiers came along and they had come from Kigwanya Military Detach.

COUNSEL: Had they come to your home before you set off for Mityana?

NALUBEGA: My Lord, I was not staying in my home at Kigwanya I was staying at the Military Detach this is where I was identified by the soldiers and local chiefs. I was trying to prepare porridge for my children but I was stopped

and I was ordered to accompany the soldiers and local chiefs to Mityana.

CHAIRMAN: She had reached Mityana, you finally ask her, was he there?

NALUBEGA: My Lord, on my arrival at Mityana Police Station I found my husband lying dead in the Military cell.

COUNSEL: Did you notice any injuries on his body?

NALUBEGA: My Lord, on my arrival at Mityana Police Station I saw and identified the body of my husband in the cell. It had bullet wounds in the legs and even in the face - stabbed wounds on the face.

COUNSEL: Were you allowed to take this body away from the cells?

NALUBEGA: My lord, I on my own I was not allowed but may be for the sake of Robert who was a friend of my late husband the body of my husband was released because he had asked for it saying he was going to bury it.

COUNSEL: Where did you take the body?

NALUBEGA: My Lord, I am born from Mbarara or I come from Mbarara, when I found my husband dead at Mityana Police Station I had wanted to take his body to Mbarara for burial but after travelling with the body from Mityana to Kamwenge I ran short of money I therefore decided to bury the body at Kamwenge near the Railway Station.

COUNSEL: That is all from this witness my Lord.

CHAIRMAN: Any questions panelled to this witness?

DR. LUYOMBYA: I think again then clarification. It seems Robert was friendly to your late husband?

NALUBEGA: My Lord, Robert told me that he had undergone Police Training together with my husband somewhere.

DR. LUYOMBYA: Where was Robert stationed, was he stationed at Mityana?

NALUBEGA: My Lord, Robert was a policeman attached to Mityana Police Station and he was a Corporal by rank. The rest of the policemen had run away there were only two policemen including Robert who were staying at the Police Station.

(MISSING TEXT)

NALUBEGA: There are those who died after normal birth and I also had some miscarriage.

MR. KAWANGA: But you cannot have six children in three years.

DR. LUYOMBYA: How many of those six children are still alive?

NALUBEGA: Five are alive up to now.

DR. LUYOMBYA: Are some of those children from other women or wives?

NALUBEGA: Four are born by me and two are born by other women. Those two other children born by other women I found them with my husband.

CHAIRMAN: Are you with the children now?

NALUBEGA: Yes.

CHAIRMAN: The one you are carrying now is by somebody else?

NALUBEGA: This one I am carrying now has a different father.

CHAIRMAN: How do you manage to look after the children your late husband left with you?

NALUBEGA: My Lord, I though that the father of this child I am carrying now would be sympathetic enough to look after this child and the other five children born to me by Elasto, but I was surprised that even the father of this child I am carrying deserted me and he moved away and disappeared; I do not know where he is.

CHAIRMAN: It is very sad.

DR. MAKUBUYA: I am wondering whether you recovered any pension for your husband.

NALUBEGA: I had tried to pursue the issue of pension from my late husband; I moved even up to Kumi District Police Headquarters; but the DPC there harassed me and chased me away saying that I was causing confusion, he was not responsible, I should not even ask him about this pension. So I came back.

CHAIRMAN: Well, okay. Nalubega, thank you for your evidence; we are sorry that you have to be reminded about the death of your late husband. But before we finish one of the Commissioners would like to ask you another question.

DR. LUYOMBYA: From the evidence we have received from various people, there was insecurity in Semuto and banditry activity. Did you know about it?

NALUBEGA: On the issue of insecurity, it is true that Semuto had insecurity. This was characterised by the government soldiers harassing us, beating us, taking people's property, money and eating chickens.

CHAIRMAN: You have not fully answered his question.

NALUBEGA: I would personally say, there was a banditry activity in Semuto; because it was said, it was the bandits who had attacked and hit Semuto Police Post.

DR. LUYOMBYA: To your knowledge, did your husband assist guerrillas?

NALUBEGA: I am of the view that my husband did assist and co-operate with the bandits; because after his release from Bombo Army Barracks, he gave away one pair of - his only pair of police uniform with which he had come. And which during the search, the soldiers found at our residence.

DR. LUYOMBYA: He gave it out to who?

NALUBEGA: My husband told me that he was going to give away the police kits, that is, the head dress, a police rain coat, a police boots and the uniform. He was going to give them away to those who were capable of using this uniform.

CHAIRMAN: So this was after he was released from Bombo?

NALUBEGA: Yes.

DR. LUYOMBYA: What was the name of your brother-in-law?

NALUBEGA: My brother-in-law was called Joshua Obong.

DR. LUYOMBYA: Is he still around?

NALUBEGA: I do not know exactly where he is; because right from the time the struggle ended, I have never seen him.

CHAIRMAN: Are you staying in the house - this house which your husband had built?

NALUBEGA: This house which was the source of trouble for me aand my husband had its roof stripped off completely. I am now staying in a kitchen behind it.

CHAIRMAN: Okay, thank you.

NALUBEGA: My Lord Chairman, I would like to make some requests, now that I have come before this Commission.

CHAIRMAN: I think that was to be expected. I am surprised, you did not say it before. Yes, you can tell us.

NALUBEGA: My first request is that I have a problem of raising school fees for my children. The school fees rates are very high, I always struggle and try to pay for some of them. But after paying, the school fees is again raised and my children are sent away from school.

CHAIRMAN: How many are in school? And which type of standard?

NALUBEGA: Five children are in School. One is in P.6.

DR. MAKUBUYA: Can you go by names?

NALUBEGA: There is one girl called Marion Nyagecho, she is in P.6. The second one

is Gerald Opendi who is in P.4; there is a third child called Silvia Awor, she is in P.2. There is another one called Jeniffer Namusisi who is in P.2. There is one called Janet Nabutono, she is in P.3.

CHAIRMAN: Primary 3?

NALUBEGA: Yes.

CHAIRMAN: Yes! Any other request?

NALUBEGA: Another one is in P.1.

CHAIRMAN: Which one?

DR. MAKUBUYA: The five children - they are all here.

NALUBEGA: There is one called Fred Olweny who is in P.1

DR. MAKUBUYA: I see.

NALUBEGA: My second request is on whether I can be assisted to re-roof that house which caused the trouble - which caused problems to my husband. This house was destroyed during the war; but I have no means of re-roofing it. If I can be assisted by any means so as to get the iron sheets. I would appreciate.

CHAIRMAN: Yes.

NALUBEGA: My third request is an issue of relief. It is true we were given some blankets. But because, where I sleep there are no firm doors which I can lock - close and lock; blankets were stolen away from me; now I just have to sleep in the cold.

CHAIRMAN: How many did you get?

NALUBEGA: During the distribution of this relief materials, I had got two blankets and one saucepan.

CHAIRMAN: Yes. Anything else?

NALUBEGA: Another problem that I am facing is the fact that where I am staying now, where my husband built a house, the land there is owned by somebody else who is my land-lord. Now he has resorted to evicting people who are staying on his land. And, therefore, I have run short of land where I can cultivate my food.

CHAIRMAN: Can't RC I, II assist on that one?

NALUBEGA: My Lord, I am of the view that the Landlord, that is the one owning the land where we are, is closely dealing with the RC authorities. So I don't expect the assistance from the RC's, because our landlord has always told me that, "as.long as I have allowed you to stay where the house is, the rest

you don't have to ask me where you should cultivate."

CHAIRMAN: Are the parents of your late husband still there? Are they alive and they are in Semuto?

NALUBEGA: My Lord, as I mentioned earlier, my father-in-law was killed; but my mother in law probably she is alive but I do not know exactly where she is.

CHAIRMAN: When did your mother in law disappear or leave the place?

NALUBEGA: Immediately after my father in law had been killed, my mother in law went away to unknown destination.

CHAIRMAN: Was she also a Japadhola?

NALUBEGA: Yes.

CHAIRMAN: Did your husband have any other brothers apart from Odong?

NALUBEGA: Yes.

CHAIRMAN: How many?

NALUBEGA: They are three other brothers other than Odong.

CHAIRMAN: Where are they?

NALUBEGA: One is in Nairobi, another one is in Kampala working with Uganda Posts and Telecommunication, the third one is in Mbale working with Uganda Electricity Board, Mbale Branch.

CHAIRMAN: Didn't they have any *kibanja* in Semuto?

NALUBEGA: They don't have any *bibanja* in Semuto. They did probably buy their *bibanja* in Bugisu; I have never seen them since after the war.

CHAIRMAN: The problem of *bibanja* is a tricky one. As I have said - as said to other witnesses, the similar conditions as yours, the most we can do is to write introducing you to the District Administrator of Luwero requesting him to channel your request to the appropriate authorities. The Commission as such does not have any money or any resources or any land which we can settle you on; we don't have anything. We can only write and recommend to the D.A. and see what he can do for you. Secondly, if government decided to settle people in certain areas, will you people be prepared to go anywhere - where you might be settled?

NALUBEGA: I would not agree to be resettled from Semuto to another place where there is a piece of land - where there is a land for government. This is because, if I accepted, I will be deprived of this house where I am staying. The land lord of where I am staying did allow me to stay in this house only, but stopped me from cultivating in the land around it. Now if I

move to somewhere else, I would not benefit in future from this house if I got means to repair it so that I rent it out. It is from the rent that I expect some money with which to maintain the children.

CHAIRMAN: You could sell the house.

NALUBEGA: The issue of selling the house I have had, but I fear to sell it because I know, the money I will get from selling this house, will not be sufficient to construct another house.

CHAIRMAN: But you can still rent the house even if you are staying somewhere else.

NALUBEGA: My Lord, I have a question. If I could rent a house while I am staying somewhere else, shall a house be constructed where I am going to be resettled for me?

CHAIRMAN: I do not know. No; we can't answer that. Any way, generally on your request, we are going to Semuto on Friday next week. So we shall write a letter which you should come and collect from us at Semuto. Thank you.

NALUBEGA: I am also very grateful.

COUNSEL: My Lord Chairman, Gentlemen Commissioners, I am seeking for an adjournment of this case. I have five long witnesses. I seek an adjournment to next week when we shall be in Semuto then we shall continue with the remaining witnesses.

CHAIRMAN: Okay. Is that the death of the six similar cases?

COUNSEL: Similar cases.

CHAIRMAN: Okay. Well, your application is granted. I think it is now about 3.15 p.m. and we have had a rather hungry afternoon. So the session is adjourned and we shall resume next week on Wednesday at Nakaseke at 9.30 a.m.

COUNSEL: Chairman, Commissioner, today we shall hear evidence here at Nakaseke giving reasons as to why people in some of those areas in Luwero decided to go to the bush. We have heard evidence in Luwero, Wobulenzi and Katikamu where people where mistreated by government agents and we also saw how atrocities and army were meted on them. Because of that and other reasons we are going to get today, many people in those areas decided to go to the bush and fight the then government. Our next witness No.79/88 is Lucia Balamaga Munnamawulire.

CHAIRMAN: But before we start the hearing of today, 11th May, 1988 here at Nakaseke, we should wish to thank the *Saza* Chief for Nakaseke, Haji Kaaya, who had kindly allowed us to sit at his headquarters in this Saza Assembly Hall. This is not the first time for this Commission to come to Nakaseke. The Commission visited this place in 1986 when it was still carrying out a physical tour of these areas. This is the second occasion when we have come to hear evidence at this place which suffered a great deal and which is quite topical in the atrocities which were committed in

the last regimes. So we welcome all members of the public who have come here and we are pleased to be able to hear evidence at this place.

COUNSEL: Mr. Chairman, my witness with whom I would have started is Mr. Balamaga is not present. However, I will call Amisi Keya Muwanga as witness No.277.

WITNESS NO.277: AMISI KEYA MUWANGA - SWORN IN

COUNSEL: Can you state your name, please?

MUWANGA: My name is Amisi Keya, but Muwanga is a name of my father.

COUNSEL: You aged 26?

MUWANGA: Yes.

COUNSEL: An unemployed Muganda?

MUWANGA: Yes.

COUNSEL: You are a resident at Mugavu, which is in Nakaseke sub-county, Luwero District?

MUWANGA: Yes.

COUNSEL: In 1984 were you in Nakaseke?

MUWANGA: Yes.

COUNSEL: Around about that period, how was the security situation in Nakaseke in general?

MUWANGA: It was not stable.

COUNSEL: When you say it was not stable, what was wrong?

MUWANGA: By then the Acholis were still loitering in Nakaseke area.

COUNSEL: Who were these Acholi?

MUWANGA: They were Obote's soldiers.

COUNSEL: You mean all Obote soldiers who were in Nakaseke were Acholi?

MUWANGA: The Acholis were outstanding but even some other tribes were also there.

COUNSEL: Did they have detaches in this area?

MUWANGA: There was one detach at Nakaseke, one at Kyamutakasa.

COUNSEL: Specifically in a Nakaseke detach which was in your area, do you know any of the soldiers or commanders of this detach by name?

MUWANGA: I was at Kyamutakasa but I did not know their Commander.

COUNSEL: Did you know any soldiers who was in that detach by name?

MUWANGA: No.

COUNSEL: In July, 1984, were you at Kyamutakasa?

MUWANGA: Yes.

COUNSEL: In that month, maybe on a date I may not be able to tell you, did anything occur that you may recall and wish to tell to this Commission?

MUWANGA: There are so many incidents which occurred. We could hear that the detach at Kapeka was burnt and we would see some mobiles moving around.

COUNSEL: These mobiles that were moving around, did they at any one time reach the place where you were staying?

MUWANGA: They could branch to our place but because by then I had already run away, we were still in hiding.

COUNSEL: Is there a day when these mobile forces that were moving in your area came to your residence and found you at home?

MUWANGA: There was an occasion when those mobile forces came to my residence and they are the very people who caused all these injuries I sustained.

COUNSEL: Do you remember the date when they came?

MUWANGA: I cannot recall the date when they came to my residence.

COUNSEL: What time of the day did they come?

MUWANGA: They came at around 5.00 p.m.

COUNSEL: When they came at 5.00 p.m., how many of them and how were they dressed? Give us a story.

MUWANGA: Those who came to my residence were two soldiers and some other two people when they had arrested.

COUNSEL: Did you know those soldiers?

MUWANGA: These were mobile.

COUNSEL: How were they dressed?

MUWANGA: They were dressed in Military spotted garments.

COUNSEL: Were they armed?

MUWANGA: They had guns and pangas.

COUNSEL: So when they reached and found you at home, what followed?

MUWANGA: On their arrival, when my wives shouted them, they ran away but I remained at home as we have been advised that we should always remain at home. When they approached me, they asked me why had those people run away. I told them that they had feared them and that is why they had run away to go and hide. So they undressed me and tied my eyes with a shirt so that I could not see. They also undressed my pair of trousers and joined me with the other two who had been arrested and took me to a place I could not know.

CHAIRMAN: Do you mean they blind-folded you?

MUWANGA: Yes.

COUNSEL: Before they blind-folded you, did you know these prisoners who came with the soldiers?

MUWANGA: Yes, I knew them.

COUNSEL: Who were they?

MUWANGA: One was called Walusimbi and the other one was Lugolobi.

COUNSEL: Did you know where they came from?

MUWANGA: They were fellow residents of the area.

COUNSEL: After blind-folding you, what followed?

MUWANGA: They took us to a place I could not know, possibly it was a swampy place. They pushed us and we fell down in the swampy place. Then they started cutting my two comrades whom I heard crying.

COUNSEL: I suppose you were blind-folded you could not see them being cut.

MUWANGA: I could not see them being cut.

COUNSEL: How did you know that they were being cut?

MUWANGA: I was blind-folded, I heard a noise that there is someone cutting. After cutting those two, they also cut me in the head.

COUNSEL: What followed after cutting you in the head?

MUWANGA: They cut me on the head, on the shoulder, on some fingers and on the thigh also.

COUNSEL: Did you sustain serious deformities on your body. Can you show the Commissioners where those people cut you?

MUWANGA: I was cut on this arm, I was cut on the head here, I was cut on the shoulder and I was cut on the thigh here.

CHAIRMAN: Are you saying that the fingers of the left hand were cut off in this incident?

MUWANGA: The fingers were cut but on reaching the hospital they were saved.

COUNSEL: So the fingers were left hanging only?

MUWANGA: Yes.

CHAIRMAN: I think you also put on record that the witness has shown to the Commission scars on his body which were cut in this incident. On the witness's left hand only a thumb is remaining. Why is it bandaged?

MUWANGA: Because of the injuries I sustained, I was given a bandage to tie it.

COUNSEL: After this cutting by those people, what followed?

MUWANGA: After cutting us, they thought that we were dead; so they left us there. But because the people of the area remembered that we were taken by the soldiers, they started looking for us until they came across me. Then I was removed from the scene to another place. But I was a bit unconscious. The people found us on the following day after the incident. They lifted us from there on bicycles and took us to hospital.

COUNSEL: I suppose when the people came they unfolded the blind on your face, did you see your two colleagues?

MUWANGA: By then I was unconscious I could not see them.

CHAIRMAN: Which hospital were you taken to?

MUWANGA: I was taken to Nakaseke Hospital.

COUNSEL: Were you able to get treatment at Nakaseke Hospital at that time?

MUWANGA: I was treated but there were Germans and a short lady called Babra was the one who saved my life.

COUNSEL: For how long did you stay at Nakaseke Hospital?

MUWANGA: I stayed at Nakaseke Hospital for three months.

COUNSEL: After three months did the wounds cured properly?

MUWANGA: After three months the wounds cured properly.

COUNSEL: After being discharged, where did you go?

MUWANGA: After my discharge, the Germans themselves took me to Mulago Hospital. First they handed me to the Red Cross members to give me assistance like feeding after which I could go back to the hospital. But by bad luck, I did not get what I had intended to get.

COUNSEL: Did you eventually learn what happened to your friends?

MUWANGA: After the war I came back to my area.

COUNSEL: Did you eventually after being discharged from Mulago Hospital learn of what happened to your friends, Walusimbi and Lugolobi?

MUWANGA: Afterwards I came across my friends and they showed me the parts which were cut. One of them was cut in the forehead here.

COUNSEL: Before those people cut you, were you in any way employed?

MUWANGA: Before the war started, I was a fisherman, but when the war broke out, I then came to the area and became a cultivator.

COUNSEL: After this incident with all those deformities, are you able to do that work -fishing and cultivating?

MUWANGA: I can only try to cultivate but I cannot become a fisherman. I cultivate with hardship because there is no other person who is going to feed me.

COUNSEL: In other words, you are saying you have lost your income from fishing and maybe proper cultivation.

MUWANGA: I lost part of my income and if I had no my people I could be in danger.

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

COMMISSIONER: Those soldiers were just passing, do you know why they picked Lugolobi and Walusimbi?

MUWANGA: I did not know I was only surprise to see them just branching to my residence.

COMMISSIONER: And they cut you simply because your wives ran away?

MUWANGA: The acted in such a way because of anger. Because they were after our women.

COMMISSIONER: And wives ran away?

MUWANGA: Yes.

COMMISSIONER: You became the scape goat for the escape of your wives.

MUWANGA: Yes.

COMMISSIONER: About what time did they cut you? You said they picked you at about five.

MUWANGA: As I was blind-folded, I could not tell the time.

COMMISSIONER: But all you knew is that you spent the night in the bush and you were recovered the following morning.

MUWANGA: Yes.

DR. MAKUBUYA: Mr. Keya, you said at the beginning that you could not use your name Keya at the time because of the soldiers who were in the area. I did not understand this. Can you please explain?

MUWANGA: I could not use the name "Keya" simply because by then I could even be killed because of the word I do not know. At that time if I had used the word 'Keya', possibly I could have been killed and that is why I used the name of my father in order to save my life.

COMMISSIONER: But was your life very threatened because you were called Keya?

MUWANGA: When my friends used to hear the name of Keya, they advised me that if they hear the word Keya, could I survive?

CHAIRMAN: Does Keya mean anything else?

MUWANGA: I did not know why I was named Keya, but when some people hear the name Keya, possibly they regard it as a soldier.

CHAIRMAN: Does it have something to do with K.A.R.?

MUWANGA: I do not know.

COMMISSIONER: You mentioned that there were army detaches at Nakaseke and Kyamutakasa, to your knowledge, why were those detaches there?

MUWANGA: By the time we came from Ssingo, we found those detaches there that they are intending to ambush bandits. But they could not even see the bandits. They were just attacking us that we were the bandits.

COMMISSIONER: Why did you have to go to Ssingo?

MUWANGA: I was a supporter of the bandits and we were advised by the bandits that if we wanted to survive we could go to Ssingo in order to save our lives. But after some time we were advised to go back home and we were advised to keep our tongue.

COMMISSIONER: Are you saying that there were bandits in the area?

MUWANGA: By the time we came from Ssingo we had already left the bandits.

COMMISSIONER: When you mention something called mobile, people here speak about this thing mobile. What is this mobile?

MUWANGA: We used to see soldiers moving, but we could hear people saying that there is a mobile force moving around.

COMMISSIONER: Did you feel secure when the mobile came?

MUWANGA: I felt I was not safe?

COMMISSIONER: Why not?

MUWANGA: At that time we were fearing them because at any time they could kill us.

COMMISSIONER: Did they do some killings?

MUWANGA: We could only hear that in places like Nakulamudde they could find a lady and cut her; they could find a man and cut him.

COMMISSIONER: You said that you had come back because - when those soldiers came to your house, you did not feel like running because they had been encouraging you to stay in your homes. Who were those "they"?

MUWANGA: We were encouraged by the elders of the area because they could go and approach the soldiers who advised them to encourage us to stay in our homes in order to clean roads.

COMMISSIONER: Thank you.

CHAIRMAN: Mr. Keya, I arrived in the middle of evidence; so I cannot ask you any questions. I would like to thank you for all the evidence that you have given to the Commission.

COUNSEL: The next witness is Gideon Kisitu.

WITNESS NO.278: MR. GIDEON KISITU - SWORN IN

COUNSEL: You are Gideon Kisitu?

KISITU: Yes.

COUNSEL: Aged 56 years?

KISITU: Yes.

COUNSEL: You are a coffee processor by occupation and a Ugandan by nationality?

KISITU: Yes.

COUNSEL: Resident of Nakaseke Trading Centre in Luwero District?

KISITU: Yes.

COUNSEL: Yes. Mr. Kisitu, in 1982 where were you?

KISITU: During January, 1982 I was still in Nakaseke area, but we had already started running a bit.

COUNSEL: When you say you had started running, what was the cause of your running?

KISITU: I had already been briefed that I was wanted in the President's office, but some others were not aware.

CHAIRMAN: Briefed by who?

KISITU: I was informed by the so-called youth wingers.

CHAIRMAN: And what was wrong with being required in the President's office, maybe you were wanted for an appointment?

KISITU: That could not be possible and I was surprised to be required in the President's office. I got scared.

CHAIRMAN: Did you know why you were required?

KISITU: I was aware.

COUNSEL: Maybe before we come to the incidents that occurred to you specifically and maybe before we talk about your being wanted in the President's office, could you briefly explain to the Commission how the security situation in your area at Nakaseke was at that time?

KISITU: By then Nakaseke area was insecure because the UPC members showed that they were in power and those who were not UPC supporters were being depressed.

COUNSEL: Who was the UPC Chairman in your area?

KISITU: By then the chairman of UPC was Musa Ssebirumbi with whom I was competing and that is why I knew that I was wanted in the President's office.

COUNSEL: You say that the UPC were taking themselves because they were above all.

CHAIRMAN: Competing with Musa Ssebirumbi in what? You stood against him or

what?

KISITU: I was competing with Haji Musa Ssebirumbi during the elections of 1980.

CHAIRMAN: On what ticket were you?

KISITU: I was a DP supporter and Haji Mesa sebirumbi was a UPC supporter.

COUNSEL: You said that the UPCs were taking themselves to be above the others and were not treating you in a good way. Could you give me the instances where they did this?

KISITU: At first the UPC members gathered; they could get sticks and go on beating people alleging that we were bandits.

COUNSEL: You as contestant of DP who was competing with Ssebirumbi in the 1980 elections, what did you do? Did you do anything?

KISITU: By then during January we could not do anything because by then the UPC members had all powers and they had already been informed that whichever was in the area was for the youth wingers.

COMMISSIONER: Who had told them this?

KISITU: That came from their headquarters.

COUNSEL: So you could not even report these matters to the police?

KISITU: We could easily take such matters to police, but by then even the police could do nothing.

COUNSEL: You made a trial and nothing was done?

KISITU: We used to approach the police and if the youth wingers could see you, they could easily arrest you and beat you and that is why I decided to run away.

COUNSEL: On the 30th January 1982 at around 10 a.m. where were you exactly?

KISITU: I am from the area where I had run to and came to Nakaseke to see what had happened to my residence. We had already been told earlier that each and everything of our property had been looted.

COUNSEL: Who had informed you?

KISITU: Our own residents of the area are the ones who used to report.

COUNSEL: You said that you came back to your home?

KISITU: I came and reached my home and saw what had happened.

COUNSEL: Did you meet anybody maybe at your home?

KISITU: I did not find anybody on my return at home. Even my wife had already run away together with children.

COUNSEL: Did any people maybe meet you around at your home?

KISITU: There were some others who also found me at my home when I had come to check but some of them were killed. One of them was Wassonko.

COUNSEL: I suppose you were not present when they were killed.

KISITU: I was not around.

COUNSEL: You mentioned that people came and told you that you were wanted at the President's office. Do you remember the exact date now?

KISITU: I cannot recall the date.

COUNSEL: But do you know the year?

KISITU: It was during 1982 in February. I was informed that I was wanted in the office of the President in early January, 1982.

COUNSEL: Where were you found when you were told this information?

KISITU: I was in Nakaseke.

COUNSEL: So who came and told you?

KISITU: I said earlier on that I was told by the youth wingers.

COUNSEL: Did you know the names of those youth wingers.

KISITU: I did not know their names.

COUNSEL: Then how do you know they were youth wingers?

KISITU: I know they were youth wingers because they were involved in the cutting of sticks beating people and some other atrocities.

COUNSEL: Were they people of your area of Nakaseke maybe?

KISITU: Some were people of the area. Some could come from other places and then gather.

COUNSEL: So when they told you that you were wanted at the President's office, what did you decide, did you go or what did you do?

KISITU: I have already mentioned it that that is why I was forced to run away from the area.

COUNSEL: Where did you run to?

KISITU: I ran away from Nakaseke and went to Kamanje where there is my farm.

COUNSEL: For how long did you stay there?

KISITU: I stayed in Kamanje for about three weeks.

COUNSEL: Now, after that where did you go to?

KISITU: From Kamanje, when I came back on the 30th day I realised all my properties had been looted, then I decided to run away up to Kampala.

COUNSEL: So on the 2nd of February, 1982 you were still at Kampala?

KISITU: I reached Kampala on lst February, 1982 and on 2nd February I was already there.

COUNSEL: I see! On that day 2nd February, 1982 did anything happen to you which you may still recall?

KISITU: On that 2nd day of February, 1982, when I was taking my child for an interview at Namugongo, when I boarded off at the bus stage at Kampala road, I found somebody who told me that I was needed in Uganda House.

COUNSEL: Did you know this person?

KISITU: I did not know the person who told me that I was wanted in Uganda House.

COUNSEL: Was he an ordinary person or he was a security person.

KISITU: He was putting on civilian clothes. But I did not know whether he was a security personnel or an ordinary person.

COUNSEL: In what language did he talk to you?

KISITU: He talked to me in Luganda.

COUNSEL: So when he told you, you are wanted at the Uganda House, did he tell you the reason?

KISITU: After telling me that I was wanted in the House, Uganda House, I was trying to refuse but as I was still there all of a sudden there came two soldiers who were armed.

COUNSEL: In military uniform?

KISITU: They were dressed in military uniform.

COUNSEL: So what followed after that?

KISITU: One got hold of my collars, the other one got hold of my pair of trousers

and then they took me.

COUNSEL: Yes, when they took you to Uganda House, to which floor did they take you?

KISITU: I can still recall it was about the fourth floor. I can recall that it was second to where Local Administration offices were.

COUNSEL: And on the second floor, were you taken to an office?

KISITU: On the fourth floor, I was taken in the office of the detectives.

COUNSEL: So when you reached there what happened? How did you know?

KISITU: What made me to know it is just because I was interrogated, some questions and the photos I found there made me to think that it was an office of detectives.

COUNSEL: What sort of photos did you see?

KISITU: I found peoples photo and there were some words marked on them "wanted."

COUNSEL: Did you identify anybody on these photos?

KISITU: I did not identify any of the photos.

COUNSEL: And you said you reached there and found people who were still making statements. Did they tell you the reason why they had been taken there?

COUNSEL: I did not ask them why I had been taken there but the first question put to me was that "was I a resident of Nakaseke?"

COUNSEL: Yes, tell us the story now.

KISITU: When they asked whether I was a resident of Nakaseke I told them that I was a resident of Nakaseke. At that time they telephoned to Ssebirumbi and at that very material time they also telephoned a certain lady called Zena or Vena Namukasa who was the Chairman of the women's leader of UPC in Nakaseke area. After ringing they came; they were then asked whether they know me then they accepted that they knew me. Ssebirumbi told them that I was not one of the bandits. He again further told them that I even assisted them and gave them an office where they were running their duties. I was then taken from that office to another office to go and make a statement. When I was taken in the other office I was told to produce my identity card together with my documents, I was then told to sit there until at 5.00 p.m. At 5.00 p.m. I was then picked from that office and taken to another office, the first office where I was, then the charge office told me that I had been allowed bail that I could go back home, the one who was supposed to record my statement was not there.

DR. MAKUBUYA: Bail in Uganda House?

KISITU: Yes.

COUNSEL: Did they give you your graduated tax tickets and identity card?

KISITU: I was told to go back home simply because they were forced because I had a young chap and that chap could not go - manage to go back home alone.

COUNSEL: So you went away that day?

KISITU: When I was about to leave I remember there was a certain gentleman who knew me before, formerly he was a soldier in Amin's regime; he was the one who signed on my behalf, assuring them of my coming back.

DR. MAKUBUYA: Who was he?

KISITU: I do not remember the name but I knew him by appearance. I then went back home but my people advised me not to go back even if my identity card had been taken away from me.

COUNSEL: Did you heed to their advice?

KISITU: All over the day I did not fall asleep but after realising I decided to go back because I was well known all over Kampala. The following day I went back in the office where I had been told to go to record my statement. Then I was told to sit down, it was around 9.00 a.m. until at 5.30 p.m. After 5.30 p.m. there came two soldiers they told me I was wanted in the other office of the detectives then I went. I found when the office was full up of soldiers being armed with guns, I realised I was in danger. When the door was opened, the in charge office told them to take me away. I shouted to the boss saying that you called me to make a statement where are they taking me. By force I was taken away by soldiers about ten in number together with their guns. I went shouting up to the last floor.

COUNSEL: Did anybody come to your assistance?

KISITU: Nobody could come to my rescue. Reaching the verandah we found there three vehicles then I was told to enter in the middle - in the vehicle which was in the middle, it was a Fiat by make. One land rover was behind us and the other one was just leading us.

COUNSEL: Where were you taken to?

KISITU: I was taken in the Nile Mansions. Reaching the Nile Mansions these soldiers who had taken me told the soldiers who were guarding there on the third floor that I was wanted by the President.

COUNSEL: In Nile Mansion you were taken to which place?

KISITU: On the third floor in the Nile Mansions where I was taken, I was taken in

room either from 400 or 450, the number.

MR. KAWANGA: That was Fourth Floor?

KISITU: I think it was the Fourth Floor.

COUNSEL: So when you reached in this room whom did you find there?

KISITU: I found so many people crowded there, you could not even have a place to sit.

COUNSEL: Were they ordinary people or were they soldiers?

KISITU: They were ordinary people whom I found in the room.

COUNSEL: Were they seated or standing?

KISITU: Some were just squatting, some were standing, some were seated. What made fear during that night was that at around 9.00 p.m. soldiers came with knives and stabbed some of our inmates and they were killed in our presence. Seven of them.

COUNSEL: Now, did they say anything before they stabbed these people?

KISITU: When coming to our room as they were opening they said "this is the room where bandits are".

COUNSEL: Now, amongst these people were there both male and female or they were all male.

KISITU: We were only male.

COUNSEL: Adult?

KISITU: All of them were adult.

COUNSEL: Roughly what was the number?

KISITU: We were more than one hundred.

COUNSEL: In the same room? In one room?

KISITU: Just in one room.

COUNSEL: And those who were stabbed, the seven, were they stabbed to death there and then?

KISITU: They were stabbed to death.

COUNSEL: So what followed after that?

KISITU: We only remained in fears because we were doubting that possibly they

are again going to resort to us but we were just looking.

COUNSEL: The next day what happened?

KISITU: The next day we removed the dead bodies from the room where we were staying and then put them somewhere then they closed the door. I remember when it was around mid-day they came back then they said that a bandit who came from Nakaseke was wanted.

CHAIRMAN: Sorry, before you proceed Counsel, you put the body somewhere, what do you mean by somewhere. Was this within the Nile Mansions or some other place.

KISITU: They removed the dead bodies from where they were and put them in a corridor.

COUNSEL: Before you were called that you were wanted - a person from Nakaseke - while in the room, apart from the stabbing of the seven people were there any other mistreatment that may be was carried out by those soldiers to you and your friends?

KISITU: There was nothing done against us after stabbing the people until the next day.

COUNSEL: So the next day when they came to call you what happened.

KISITU: Besides the torture when they were taking me from Uganda House I was not beaten again. Then from Nile Mansions I was again taken back to Uganda House. In Uganda House I met a certain gentleman whom I had not seen before, he told those people who had taken me there that I was wanted by the President that they should take me to Makindye.

COUNSEL: Who was that President who they said had wanted you?

KISITU: During that time possibly it was Mr. Obote because he was the President of Uganda.

COUNSEL: And what followed when they told you that?

KISITU: I was taken back to the First Floor then I was put in the vehicles which had brought me then we proceeded to Makindye. We reached Makindye at around 5.00 p.m.

COUNSEL: And at Makindye where exactly were you taken?

KISITU: At Makindye where they is a reception office is where I was beaten; from that end they took me away when I was unconscious.

COUNSEL: It must have been a very serious beating.

KISITU: It was a serious beating.

COUNSEL: What did they use to beat you with?

KISITU: They used to beat me with electrical wires.

COUNSEL: And were you taken alone or you were taken with anybody else.

KISITU: From Uganda House to Makindye I was taken alone.

COUNSEL: So after this beating that made you unconscious, where did you find yourself when you gained consciousness.

KISITU: After serious beating, when I became conscious, I found that I was in a military cell.

COUNSEL: With who?

KISITU: One of those whom I found in Makindye Military cell was called Kiguli, he was a man of the area. He was from *Gombolola* Kapeka.

COUNSEL: Apart from Kiguli, did you know anybody else?

KISITU: One of those who were in the cell was called Lule, he was a*Gombolola* Chief - one of those who I found in the cell was Lule, he was a resident of Nakaseke but by the time I became conscious I found him also unconscious and eventually he died.

COUNSEL: You became conscious after how long?

KISITU: I became conscious after about three days had elapsed. Three to four days had elapsed.

COUNSEL: And in the cell where you found yourself about how many people were in it?

KISITU: They were very many, they were like those whom I found in the Nile Mansions.

COUNSEL: Could you estimate the number again?

KISITU: The room was measuring 10 to 12 ft. The lock-up I heard when I became conscious was about 1,070 but we were about in eight rooms. There are about seven rooms or eight.

MR. NAGENDA: Were they all around 10 ft to 12 ft?

KISITU: I can only recall the room I used to stay in; possibly they could be of the same size.

COUNSEL: So you were about 100 in your room?

KISITU: We were about 100 in the room I used to stay. I could not even straighten the legs, you could just squat.

COUNSEL: Now, when you gained consciousness and found that Lule was unconscious, did you may be learn from your friend Kiguli what had made Lule unconscious?

KISITU: I was told by the inmates that Lule was arrested on Gayaza Road where there is a well and that he was seriously beaten and because he appeared in a way that he was so well off, he was treated like a great bandit.

COUNSEL: Now, when he died what followed? Did you take him out?

KISITU: After his death we removed his dead body to another place. Whoever died in Makindye his body could be taken in the go-down and that was the only chance somebody to get outside and on your way to the cell possible you could get a way of getting some water to drink.

COUNSEL: For how long did you stay in Makindye?

KISITU: I was taken to Makindye either on 2nd February 1982 then I left Makindye on 18th March, 1982.

COUNSEL: You said you were taken when? Could you repeat the dates because you were arrested on the 2nd of February.

KISITU: I was taken to Makindye on 3rd February, 1982.

COUNSEL: So during your time in Makindye could you describe the conditions in the cells in which you were?

KISITU: The life I experienced in Makindye cell was death; at any time you could expect death. Because they used to collect people at night and go and cut them. As we were overcrowded in the cell we could sweat and water could even possible move even on the floor. And at times, during night times, possible as the soldiers could get drunk they could come and beat whoever they could meet. Another dangerous thing was that urine plus faeces - another dangerous thing which I experienced was that urine plus faeces was just there on the floor where we were.

COUNSEL: Were you given food?

KISITU: We could at times get food after two days.

COUNSEL: Were you given water to drink?

KISITU: During that time we could get water from the soldiers but through a secret way, we could not get water officially.

COUNSEL: This Commission has received evidence from other witnesses that there was a lot of torturing in this Makindye cells. Did you witness any forms of torture and if you could you narrate them to the Commission?

KISITU: I can only explain the way how I was tortured because we had taken in

turns.

COUNSEL: Yes, please do so.

KISITU: At times you could be picked and taken somewhere and beaten seriously in order to tell where Museveni was. At times they could take you in the go-down where we put Lule possibly to show you that you could realise the result: if you could fail to reveal. I wonder whether the Commission had ever had a chance of visiting the area. In that place in the go-down there were some axles of the motor vehicles and some springs which they used to beat us with. And in that place also there were some plastic - there were some rubbers which they used to tie us with on our testicles and they could possibly tell you to go back, they could press you and go back.

MR. KAWANGA: Why do you not ask this witness to tell us what happened to him?

COUNSEL: He is telling us what happened to him.

KISITU: They tied me with a rubber sort of thing and beat me and pushed me behind.

DR. MAKUBUYA: Castrating obviously, that is what the witness is saying. It must be fixed somewhere on the wall and then they fix it on to you and they push you, it is stretching, that is the idea.

KISITU: They tied me, they tied my testicles with a rubber thing and then they had tied it on another sort of thing and then they pushed me behind and I fell down.

COUNSEL: Okay, apart from that were they taking roll calls? Would they count you or take a roll call, the number of inmates you were?

KISITU: Yes, they used to do so.

COUNSEL: And would they do this peacefully?

KISITU: Not in a peaceful way. At times they could come with iron bars, they could beat you and you could bleed. At times they could come and we used to face somewhere, some other soldiers used to stand in some other sides, they could get some pieces of bricks and then they could hit us.

COUNSEL: Okay, let us go to another area. Specific dates. Now, on the 23rd of February, 1982, you were still in Makindye. Did anything occur on that date that you may still recall?

KISITU: On that 23rd day of February 1982 it was when the palace was hit by Kayiira.

COUNSEL: You were in Makindye and you could not know this but tell us what happened.

KISITU: We knew, we were told by soldiers and we used to hear gun shots and some could land even in Makindye.

COUNSEL: What happened on Makindye on that day?

KISITU: On that day at around 10.00 to 11.00 the whole hill was just quiet, we could not hear any voice even those who were guarding us you could not even tell where they were. We also thought that we were all going to be killed.

COUNSEL: Did you remain peaceful in your cells on that day?

KISITU: Besides being worried, only hoping that we were going to be killed but we were not affected during that night.

COUNSEL: Did you come out may be after some time?

KISITU: By then the number had lessened but on the 16th March on that day they suggested that we had over stayed in the area then one of the soldiers told us that they are taking us in Luzira. But by bad luck we were taken to Katabi which is on Entebbe side.

COUNSEL: You and who?

KISITU: By that time we had again received some other prisoners; we were with Kiguli, Kyeyune, Kiwanuka and so many others, we were taken to Katabi. From Makindye to Katabi we were about 300 in number who were taken to Katabi.

COUNSEL: Where exactly in Katabi were you taken?

KISITU: There was a military Barracks at Katabi where we were taken, behind the gombolola of Entebbe.

COUNSEL: And were you put in a cell or were you put where?

KISITU: We were put in a cell at Katabi.

COUNSEL: And in this Katabi cells, how was life, was it the same as in Makindye?

KISITU: There was no difference between Makindye and Katabi. On the day we were taken to Katabi, we were about 300 in number, but the way how they used to count us, they could count being hit with fire woods on heads. There on the next day when we reached Katabi, we took out about 20 dead bodies including our friend of Nakaseke, Mr. Sebowa.

COUNSEL: Were these people buried?

KISITU: On 14th day of February, 1982 so many people were arrested in Makindye, Kibuye and some other neighbouring areas and among them there were some young children; then they were told to lie down and struck with tyre livers on their heads and so many died. And whoever

was arrested on that day, nobody survived.

CHAIRMAN: Was still this at Makindye or in Katabi? We are back to Makindye.

KISITU: That was still at Makindye.

COUNSEL: Let us get those facts clear. On the 23rd February, 1982, you said there was an attack to Lubiri and you did not come out of your cells. So on the 24th you were brought out.

KISITU: We were taken out at around 5.00 p.m.

COUNSEL: How did you know that it was 5.00 p.m?

KISITU: It was around 5.00 p.m.

COUNSEL: And you saw several dead bodies?

KISITU: I saw so many dead bodies.

COUNSEL: Now those bodies which you saw, were they all elders or they were even youth?

MR. KAWANGA: Look gentlemen, in fact, Mr. Witness, you appear to know some English.

KISITU: Yes.

MR. KAWANGA: I am so sorry, so much of your evidence is being missed, because it is not being translated. I would request you kindly for us and for you if you could speak it directly in English so that we get you direct. Otherwise, for example, you told us that three Tata lorries of bodies were killed; but he has not got it anywhere on our microphone. So if really you can speak in English it will help us a great deal.

COUNSEL: Now those bodies which you saw, were they of only elders or -

CHAIRMAN: Commissioner has made a suggestion which has not yet been replied, he may wish or he may not. Let us have your answer first, Mr. Kisitu, on that one.

KISITU: So now where could I start from?

COUNSEL: From finding people outside who were lying down, who had been collected from all over Kibuye, -

CHAIRMAN: Let us start with Tata lorries which we never got into record.

KISITU: I see. On 24th February, 1982, we were taken from our cell, that was B cell on the Southern side of Makindye Military Barracks. It was around 5.00 p.m. when the soldiers came, opened the door and we were told to go out. Anyway we did not know what we were going to do on that spot. But afterwards we were lined to the scene where a lot of dead bodies were

lying. So we were told to pick up those dead bodies to be taken to our go-down. I think you can remember very well when I say "our go-down" because I have already mentioned it.

CHAIRMAN: Yes.

KISITU: So everybody was forced to carry one body - everybody. I think you can understand that. Everybody had got to take one dead body. So, by that time everybody was too weak; we could not even manage to carry a body even of a young child body. Because we had already wasted about 50 days since we were arrested and the feeding was very poor, even the condition. So, everybody was very weak he could not carry any body; so we were forced to do it and the consequence of that, some tried to pull dead bodes because we could not afford to lift it up so we tried that exercise and collected the all bodies to or go-down. By doing that everybody - I mean, each prisoner was forced to carry about three to four bodies; you go in the go-down and come back and take another one. But there were some healthy people, very big ones whom we prisoners could not manage to carry that body because it was too much for us so it was forced to be taken by three or four people. Then after that exercise we were taken back to our cell and locked up.

COUNSEL: So you previously estimated the number of these prisoners to be around 1,070.

KISITU: No, I think you are wrong by that. I mentioned that that was a number of prisoners not dead bodies.

COUNSEL: No, in the whole cell prisoners.

KISITU: Yes,

COUNSEL: Were all those brought out and each one carried a body?

KISITU: No. That was our first days. But this one was from 2nd to 24th; I think you can estimate how long it was. It was about two weeks or so.

COUNSEL: Yes. Could you now estimate the number of bodies directly? How many bodies do you think they were that you carried?

KISITU: Bodies?

COUNSEL: I think I heard you say - you loaded three Tata lorries.

KISITU: First of all we carried them to go-down and that was the next day. We removed them from our go-down to Tata again. That I think it was 25th of February.

COUNSEL: But can you estimate the number of these bodies in your own estimation to say, they were about 100, 200, 300?

KISITU: Anyway, it is impossible, but as far as I am concerned, I can remember -

we loaded these three Tatas through the back door - three Tata lorries full; I do not know how much it was.

COUNSEL: And you said, some of them were school children. How did you identify that some of them were school children?

KISITU: It was obvious because my eyes were quite open.

DR. MAKUBUYA: Were they in uniform?

KISITU: They were in uniform carrying books. I recognise, they were about four; they were about 15 years of age.

COUNSEL: I see. Now - so you were taken to Katabi.

KISITU: On the 25th -

DR. MAKUBUYA: Excuse, Sir. Can you tell what you observed on those bodies, did you form an impression of how they had come to their death and so on to avoid coming back to this incident because if we leave that we will definitely come back to this.

KISITU: Yes. I recognise that when - sooner after we were taken to that place, we recognised the death of those people because we found - first of all we saw those hack-saws lying down; we saw these fire woods lying; we saw these pangas lying down, each and everything it was there. So we recognised because we know and we knew from our experience. And even before we knew that before we were tortured with those things.

DR. MAKUBUYA: Yes. Did the bodies carry any wounds?

KISITU: Yes, their heads were beaten totally broken.

DR. MAKUBUYA: Thanks.

CHAIRMAN: Were the bodies wearing cloth and so on?

KISITU: Yes, some had, some did not have and others were in underwears and others like.

COUNSEL: Now in Katabi where you mentioned that you were taken -

KISITU: Before that on 25th, that was a very interesting day also after two or three days, after the death of those people. We were also taken away from our cells during - it around about 10.00 night time - it about 10 or 11.00 like. So we were taken also from our cells to our go-down again to carry out those bodies out of the go-down and put them on the lorry. So the first day we carried them straight from the scene to the go-down and from the go-down to Tatas. You see the difference. So during that night most of the people were very much afraid because they thought that they were doing also to be killed right away at that time because it was very night and it was too dark. They came with big torches, big lamps and forced us

to go out. Anyway we did not know first of all where we were going. So we were taken to go-down and carried out those bodies to Tata - A Tata after a Tata. It was taken round to - if at all you know the place - you go back again to the Main Gate then you turn other way round, there at the back you can find that trench where they dumped the dead bodies.

COUNSEL: Were they covered to site.

KISITU: For us we did not go there but the Tatas went there and we saw them going.

COUNSEL: I see. Maybe before we leave Makindye - while you were there were you visited by any of your relatives?

KISITU: It was very impossible my friend; even they could not allow your wife to bring you water.

COUNSEL: I see. So you were taken to Katabi?

KISITU: Yes, on 18th.

COUNSEL: For how long did you stay in Katabi?

KISITU: We arrived there on 18th and that was -

CHAIRMAN: How did you go? On trucks, lorries?

KISITU: Trucks, buses - there were three U.T.C. buses and about five or six Coffee trucks - those covered ones. The whole cell was taken and nobody was left behind unless he was dead on that day.

COUNSEL: Yes. And I still repeat that question. For how long did you stay in Katabi?

KISITU: We arrived there on 18th and we departed from Katabi to Kigo, that was on 8th of April, 1982, we were taken to Kigo. And we understood that on that day when we were to Katabi one of our soldiers told us that, "today I am going to teach you tonight." Because they were going to dump us to the Lake Victoria.

COUNSEL: I see. While in Katabi, apart from the beatings, was there any peculiar punishment that was done to you that may be was not in Makindye?

KISITU: Not particularly punishment but they simply came any time they want and start beating you; no question, nothing, they could simply beat, they simply enjoyed because it was enjoyment time for them.

COUNSEL: There is a lot of water in Entebbe - were you given water to bath and water to drink?

KISITU: At Katabi there was a chance of getting water because whenever you go

to parade - to roll call you could escape from there and get water because water is around in the yard, in the court yard.

COUNSEL: I see. So after that you were taken to Kigo?

KISITU: From Katabi we were now remaining only 300 - no, not 300 - it was only 170 remaining. And we were taken to Kigo; we stayed in Kigo more than two weeks. From Kigo we were taken to -

COUNSEL: In Kigo were you mixed with other prisoners?

KISITU: No, we stayed in our own wards.

COUNSEL: And were you still treated in a different way?

KISITU: That was quite different because in Kigo we were receiving water and also we had a chance to wash our bodies even our cloth.

COUNSEL: Were the soldiers still looking after you or it was now prison warders?

KISITU: We were under prison warders by that time.

COUNSEL: Were you taken to court?

KISITU: Not at all.

COUNSEL: So after Kigo -

KISITU: After Kigo we were taken to Luzira Marchison Bay.

COUNSEL: Yes!

KISITU: Then we spent about two weeks.

MR. NAGENDA: Before we leave - I heard you - you said, you had water to drink and also to bathe. I would like you to tell us in what other ways your conditions improved before you moved out from there.

KISITU: We had a chance to get food and warm water and also we were treated by doctors like that.

COUNSEL: So after your two weeks you were taken to Luzira. For how long did you stay there?

KISITU: It was two months.

COUNSEL: Had your number reduced from 170 when you left Kigo?

KISITU: Yes, definitely, because most of our friends died at Kigo because of getting warm food and what not.

COUNSEL: I see. Because of getting food they died.

KISITU: Yes, they died.

COUNSEL: So to Marchison Bay, about how many of you went there?

KISITU: The number was reduced I think to 100 something -to 130. Because we arrived in Upper Prison - 117. That was I think in June or by the end of May from February, 1982. The number was reduced completely.

COUNSEL: And in Marchison Bay, the conditions were they the same as in Kigo?

KISITU: They were the same.

COUNSEL: I see. So you stayed in Marchison Bay for how long?

KISITU: I have already said about two months.

COUNSEL: About two months and then you were taken to Upper Prison.

KISITU: Yes.

COUNSEL: And you stayed there for how long?

KISITU: For me I stayed there from may be by the end of May to early June, 1982 to 1985, 27th July. About three years.

COUNSEL: For three years - roughly about three years. How were the conditions in Upper Luzira Prison?

KISITU: The conditions were almost the same as in Kigo and Marchison Bay as well.

COUNSEL: And I suppose this time were you still staying with your friends or you had now separated?

KISITU: We were still staying with my son and my friends; say, Kiguli, we stayed with him for so long and Masembe as well; and Kiwanuka and others met us there. You knew, it was a collecting centre.

COUNSEL: I see. Now how did you come to be released?

KISITU: Well, it was God's wish to be released because we did not think that we could be released at all because we were recognised as Bayekera from Luwero Triangle.

COUNSEL: So what happened; how did it occur?

KISITU: It was an order from - I do not know - from where; then they came and started sorting us out.

COUNSEL: Was it after the overthrow of government by Lutwa?

KISITU: No, 27th it was - Obote was still around. Because I was released on 27th July, 1983.

COMMISSIONER: That was Lutwa's time.

KISITU: I see.

COUNSEL: And where you given any document when you were being removed?

KISITU: I was given; and also I received one from the United Nations, I have got their card; and I received one also "Leaving Document" from Luzira Upper Prison. But unfortunately I did not think that you will like to have a look on them. I have got them at home.

COUNSEL: Now tell us - where were you actually released? Was it at Upper Luzira Prison or you were taken to some place and then you were released from there?

KISITU: We were released at the City Square.

COUNSEL: I see. This was on the general amnesty given by Lutwa. And after that I suppose you went back to your home - you came back to your home at Nakaseke.

KISITU: It was impossible on that day; I was very much in fear of that. Because the area even was too congested with soldiers. I stayed in Kampala up to 3rd February, 1986 because I arrived in Nakaseke on 4th February, 1986.

COUNSEL: And when you came back did you find your house as you left it?

KISITU: It was destroyed.

COUNSEL: It was destroyed.

KISITU: It was destroyed badly.

COUNSEL: And your property?

KISITU: It was also looted.

COUNSEL: I see.

KISITU: My herd was also eaten. And my brother, his wife, our children and my two herdsmen were killed.

COUNSEL: What type of house did you have?

KISITU: The best house in Luwero District I had. (Laughter).

COUNSEL: Was it all destroyed to the ground?

KISITU: Not at that stage.

COUNSEL: They just destroyed part of the house.

KISITU: They took the windows, doors and everything in the house.

COUNSEL: How many cows did you have? You said your herd was eaten. How many were they?

KISITU: I had - milking cows were 80 - exotic ones; and small kids, I cannot remember from that time - more than 80 also; goats, chickens, sheep; everything -everything was up to date.

COUNSEL: All of it was taken?

KISITU: Oh, yes. Lorries, my tractor, Benz - I had one car Benz - it was also taken.

COUNSEL: How many lorries?

KISITU: Two lorries - Austin D.M.C.

COUNSEL: How many tractors?

KISITU: One tractor.

COUNSEL: Have you managed to pick up right now?

KISITU: Anyway, I am trying now to rehabilitate myself.

COUNSEL: I see. Now with all these problems you underwent, you had been taken to Uganda House, UPC offices, Nile Mansions, Makindye, then to Lubiri and so on and then your property being destroyed - would you like to say anything to this Commission - something which you think?

KISITU: On my side - if at all government can be sympathetic enough, should compensate some of our properties. But unfortunately at the moment, as coffee processors told you before, we are foreign exchange makers in the area, the government should use that foreign exchange to order the cows from Germany, exotic ones. Whereas I used to keep some in this area. When these cows were brought in the country, the cost of these cows was too much for us. At the same time soldiers were the people who ate our cows. So from that juncture that is why I appeal to the government if possible these cows from outside could be released or should be subsidized to us simply because we know how we could treat them and we have everything required for these exotic cows, say, on my side I have got a dip-tank I have got a cold tank for milk, I have got 300 acres fenced with strong poles from the U.E.B.; and also I have got one mile running water - pipes, engines; everything was up-to-date. So now when the government brought up the cows they were given to different people who had no experience for them. And as far as I know the government itself it will meet a loss because exotic cows they cannot exist when they

are in the hands of these people who cannot look after them. So in mentioning this the thing that I would request government or the Commission, if possible, the government could subsidize our farms and try to rehabilitate our families as well as the Nation.

COUNSEL: Now what about the treatment that you were given in Makindye and Katabi by soldiers of the government of that time? What would you say about that? What is your opinion about soldiers treating people in military cells as you were treated?

KISITU: You know our intention was to sue government because of loss of our lives -I lost my two teeth - I mean one tooth - of my side and could be compensated by government. No before making our law suit to the court, they passed a law that nobody is going to charge the government whereas it was liable, and we should like it.

COUNSEL: And you were unable to do this because of that law?

KISITU: Yes.

COUNSEL: Maybe, one last question. What would you say about soldiers treating civilians badly in military camps? What is your opinion?

KISITU: Well, they thought - my opinion -

CHAIRMAN: Well, they should not be there in the first place.

COUNSEL: Well, what is your opinion about that - civilians being taken to military camps or barracks and then the way they were treated there.

KISITU: We were mistreated because we should not be taken to military camps; if at all we had any case to answer we should be taken to right prisons. So in my opinion I thought that those people thought that, if they take us there could, I think, be pressuring down bandits. Do you get me?

COUNSEL: You saying that it is a method of suppression?

KISITU: Yes. I think, that they thought that they could suppress the bandits down. That is my opinion.

COUNSEL: My Lord Chairman, that is all I have for this witness.

CHAIRMAN: I will ask you a few questions to clarify. I am interested in knowing why they moved you from place to place. From -

KISITU: Uganda House, to Nile Mansions.

CHAIRMAN: Yes. You are one of the very few witnesses we have come across who has been to so many - who was detained in so many - places. First for this Uganda House, what kind of an office was it - did it appear - police, soldiers or what?

KISITU: They were soldiers.

CHAIRMAN: There were soldiers?

KISITU: I said it before, he was a soldier. He was in military uniform. I recognised him as a soldier.

CHAIRMAN: Even those who were asking, did they ask you questions there? Were they in uniform?

KISITU: Those soldiers?

CHAIRMAN: Yes.

KISITU: They did not say anything. They simply took me to that office. I said before.

CHAIRMAN: Then from Uganda House to Nile Mansions?

KISITU: Yes.

CHAIRMAN: Then from Nile Mansions to Makindye. Now, from Makindye, you were taken to Katabi -

KISITU: Yes, Katabi.

CHAIRMAN: Where they said they will make fish meals of you.

KISITU: Yes, Katabi.

CHAIRMAN: Meal for fish.

KISITU: Yes.

CHAIRMAN: Which meant you would be thrown into - that is what the soldier told you.

KISITU: Yes.

CHAIRMAN: You would be thrown into the lake. Do you know of any other reason - I mean why Makindye and then Kigo and Entebbe - sorry, Katabi?

KISITU: From Katabi to Kigo.

CHAIRMAN: No from Makindye to -

KISITU: Katabi.

CHAIRMAN: Yes.

KISITU: I would -

CHAIRMAN: That was unusual.

KISITU: It is unusual but I think on my - we thought on our - side because as a human being we thought you know their intention to take us to military barracks was meant to as I said was to suppress or to kill most of the bandits. So in case any person visited did not meet death during that period he was making them to remove them from one place to another, the reason being to be killed there again.

CHAIRMAN: Well, your statement again -

KISITU: I do not know whether I am understood there; I think, I could put that one in my Luganda.

CHAIRMAN: Yes.

KISITU: They used to arrest people and then taken to military camps in order to be killed there; but, by good luck, you could escape death; they could again take you to another place to see the consequences. To meet your death there then they take you to another place until they found that God refused us to die..

CHAIRMAN: Some of you.

KISITU: Some of us.

CHAIRMAN: Were your statements ever received from you?

KISITU: During what period?

CHAIRMAN: In any of those places.

KISITU: No even we were not taken to court at all; so I appealed to my lawyer to open these - what is it called - to

COMMISSIONER: Habeas corpus.

KISITU: Habeas corpus but it did not go through. They refused. They simply gave us detention today, detention tomorrow, detention - detention, about ten detention orders.

CHAIRMAN: Yes.

KISITU: Which is very useless.

COUNSEL: But were you given Detention Order?

KISITU: Oh, yes. I have got. I received them.

CHAIRMAN: You were served with a Detention Order.

KISITU: Yes.

CHAIRMAN: When, you -.

KISITU: When I was taken to the Upper Prison.

CHAIRMAN: I see - Luzira.

KISITU: Yes.

CHAIRMAN: Who had signed it? Signed by who?

KISITU: I think it may be -

CHAIRMAN: Internal Affairs.

KISITU: It may be - let me go back to my recollection. The first one was signed by Mr. Byabazaire. He was the Commissioner of Prisons. The second was signed by - well after taking my habeas corpus to my lawyer, the second one was signed by - David Kanywamusaayi. The third one was - I received about three detention orders.

CHAIRMAN: Okay.

KISITU: But I cannot remember the third one.

COUNSEL: Do you have copies of these?

KISITU: No we left them behind; nobody is allowed to leave Luzira with all those documents.

CHAIRMAN: Any more questions from Commissioners for this witness?

KISITU: My lawyer by then was Ssebalu, the late Ssebalu.

DR. LUYOMBYA: Mr. Kisitu I thank God very much that you survived to be able to tell this story.

KISITU: Thank you very much.

DR. LUYOMBYA: Can you explain something about banditry?

KISITU: Pardon!

DR. LUYOMBYA: Where did this banditry come from in your view? Were there bandits in this area?

KISITU: As far as I told you that I was - before banditry arrived in this area, I was -threatened that I am needed by the President.

DR. LUYOMBYA: Yes.

KISITU: So I cannot mention really where they came from because by that time,

when they came in, I was out.

DR. LUYOMBYA: You had left?

KISITU: Yes.

DR. LUYOMBYA: It is interesting, you said you were informed that you were wanted in the President's Office; and that is one of the reasons why you ran away.

KISITU: Yes.

DR. LUYOMBYA: And what was wrong with being called to President's Office? I do not yet understand it. This is a national office which is supposed to cater for everybody.

KISITU: I see.

DR. LUYOMBYA: The President swears before he becomes a President to do right to all manner of people and they are summoning you to His Office. "Why do you not have confidence to go there and say: "Look. I am wanted here. Here I am"?

KISITU: By that time it was far different from that period as far as I am concerned; because most of them who went there were killed and they disappeared until now.

DR. LUYOMBYA: Did some people report to President's Office?

KISITU: There were some who were taken by force but it was not really President's Office or himself but it was some other offices.

DR. LUYOMBYA: I see. In other words, the President's name was being misused.

KISITU: It was being misused by many, may be.

DR. LUYOMBYA: Yes but we have -

KISITU: Whenever you heard that you were called in the President's Office it means something else. It means something like death or something like to disappear or something of the sort. It is not clear to human beings.

DR. LUYOMBYA: I see. Then you said that UPC Youth Wingers told you that whatever had been in this area had been given to them.

KISITU: Yes.

DR. LUYOMBYA: How did you understand this?

KISITU: Before that statement was known I head it and I read it somewhere that any Youth Winger has got to take anything he wanted in this country because they fought hard to bring Obote back. So the reward that was given to them was to take everything they wanted - even a wife, even

anything. Everything.

DR. LUYOMBYA: Yes, but were there no laws governing property for instance?

KISITU: Oh, no by that time, I think, the law was diluted somehow.

DR. LUYOMBYA: I see. Now we come to the day of your arrest from Kampala Road. Which Bus Stage were you taken from?

KISITU: After Uganda Commercial Bank - Main - there is a Bus Stop on that side.

DR. LUYOMBYA: About there.

KISITU: A little bit after.

DR. LUYOMBYA: Okay, in front of Uganda House.

KISITU: Yes.

DR. LUYOMBYA: And so they just dragged you across the road?

KISITU: Yes into the Uganda House.

DR. LUYOMBYA: Weren't you surprised that you were being taken into Uganda House? Was there a police station in Uganda House?

KISITU: I was too much surprised because a part of President's Office was there by that time. So I know that I was in the right position of being called to the President's Office.

DR. LUYOMBYA: I see. Apparently Mr. Ssebirumbi said you were not one of the bandits; you had even helped them to get an office in Nakaseke. What did she say, Mukyala Zena or Zena Mukasa - Namukasa?

KISITU: She said the same that she knew me only.

DR. LUYOMBYA: I see. What has happened to this Zena or Vena-Namukasa? Ssebirumbi is in prison. That one I know but what about this Zena Namukasa? Where is she?

KISITU: At the moment she is at, as far as I understand -she is at Wobulenzi. She seems to be free.

DR. LUYOMBYA: So there is no problem?

KISITU: Maybe.

DR. LUYOMBYA: Right.

KISITU: I cannot say any more than that.

DR. LUYOMBYA: Now you were taken from Uganda House to Nile Mansions; and while you were there at 9.00 p.m. soldiers came in with knives. I do not know; about how many people were in the room?

KISITU: I have said more than 100.

DR. LUYOMBYA: How were these seven picked out?

KISITU: No they did not pick out; they simply slashed them out. The first chance was given to the first man.

DR. LUYOMBYA: If you were unlucky to be near enough.

KISITU: That is it.

DR. LUYOMBYA: Yes, the last thing is; of course, you have said you do not like to be detained in military barracks and so on and that also you want government to assist with subsidizing in the rearing of cattle and so on. But what do we do to rehabilitate ourselves politically because these things came upon us? You were a prosperous person, best house and based in Luwero District; everything destroyed. What do we do to put our politics right in this country?

KISITU: Well.

DR. LUYOMBYA: Yes, it is a hard question but we need to think about it and you can advise.

KISITU: I think we would go on with the right politics, not based on these religions or nationalities and also our Forces should not be based one man's interest. And, I think, we should agree all our Presidents or coming Presidents should agree to have free elections to the country; and, I think, we should also allow people - different people, different organisations, what I mean to say different party organisations - to participate in free elections. And it should not be too much work for this nation of Uganda to have one party system. I think, we should have different parties to participate freely and our coming Presidents should allow - what I could say -

CHAIRMAN: You can say it in Luganda.

KISITU: And our coming Presidents should allow - our coming Presidents should say in the Constitution that whoever comes in power and stay for about five or six years then after which he would allow a general election - a free general election and should follow a multi-party system other than a single party one.

DR. LUYOMBYA: Yes, but Mr. Kisitu for all the time those things were happening to you there were four Political Parties in the country: Uganda People's Congress, Uganda Democratic Party, Uganda Patriotic Movement and Conservative Party,

KISITU: Yes, that was happening.

DR. LUYOMBYA: Did they stop these atrocities happening to you?

KISITU: Yes that was an accident because as I have said before the Army itself was in the hands of Obote - Obote's hands; secondly all these security forces were under him; and it was not a free election in that period.

DR. LUYOMBYA: Yeah, what happened in 1980?

KISITU: It was not a free elections. They say such things in this area. They were not allowed to announce the results of the elections.

DR. LUYOMBYA: But who was the M.P. for the area - for the time you were in prison?

KISITU: He was a Mr. Ssenteza Kajubi.

DR. LUYOMBYA: A member of what -

KISITU: A member of DP but we were forced not to announce these results. So it was not free because they had no way to suppress him out because the result was too big for the party.

DR. LUYOMBYA: I see. Okay, thank you very much.

MR. NAGENDA: I want to start with your statement wherein we have been told that the President's Office and where you said that this was never the President.

KISITU: Yes.

MR. NAGENDA: And you felt that the President's name had been misused. Did the President say that his name was being misused?

KISITU: What?

MR. NAGENDA: Did the President say that his name was being misused?

KISITU: I do not have that announcement over the radio or in the papers. I did not hear it.

MR. NAGENDA: He never said it.

KISITU: No.

MR. NAGENDA: Then why did you think that it was being misused - that his name was being misused?

KISITU: By these Youth Wingers they misused it because whenever they went they used to mention the President's name. So we deduced that the name was being misused.

MR. NAGENDA: But if you now went somewhere and said that President Museveni was

sending for you, would you not say that he was not sending for you?

KISITU: May be if in this case, if at all I am in that position to do so; and I understand that it is Mr. Museveni who sent me to do that one; that is not the case. But that one was a misuse because they used Obote's name whereas he was not the man who sent them to do so.

MR. NAGENDA: You talked to Mr. Obote. Have you?

KISITU: Myself?

MR. NAGENDA: Yes.

KISITU: No.

MR. NAGENDA: Then how do you know he had sent for you?

KISITU: Not saying that Mr. Obote sent them to me but they misused his name.

MR. NAGENDA: You felt.

KISITU: Yes, I felt.

MR. NAGENDA: You mentioned a trench at Makindye where all these people who were being killed were thrown. Would you remember where it was? Would you take us to this place?

KISITU: Myself I did not reach the place but I knew where I stayed or where we used to stay; I can even imagine. It is on the right hand. I mean it is on my back side from where I was staying. So you mean this way - that one - but I did not reach the place; but I know. I can take you there.

COMMISSIONER: Thank God.

KISITU: Pardon!

COUNSEL: Thank God for your listening.

KISITU: Yes.

MR. NAGENDA: But would you point in the right direction in Makindye if you went with us?

KISITU: Yes, I can do it.

MR. NAGENDA: You said that people were not being interned in military camps. Surely this was during a time of war - Civil War - you can call it that. Are there may be certain occasions when internment in military camps had taken place?

KISITU: I beg your pardon? I cannot understand that?

MR. NAGENDA: If there is a war, don't you think, in that case to intern prisoners within a military camp?

KISITU: No, it should not be; they should be taken to a local government prisons.

MR. NAGENDA: But you told us that law-and-order had broken down.

KISITU: Which one?

MR. NAGENDA: You said that law-and-order had broken down.

KISITU: Yes.

MR. NAGENDA: What good would it be putting somebody in a local government prison when -institution - when he was not going to be secure?

KISITU: That would be better for human beings: They have enough food, enough water or being treated properly; other than being put in a military camp where there is no food; they cannot afford to water. They cannot do anything. They cannot even have medicine.

MR. NAGENDA: You mentioned these cows - exotic cattle.

KISITU: Yes.

MR. NAGENDA: And I was very saddened to hear that you had lost 80 heads of cattle - and I myself I am into exotic animals; at the same time you said, perhaps, they should be subsidized - the price. I think, it is true that, if you are lucky enough to have cows, you can make investment back within one year by selling milk. Don't you agree?

KISITU: For that heifer?

MR. NAGENDA: No, if you were to buy one of these exotic cattle, by selling milk you can make money back -

KISITU: How many cows should I have?

MR. NAGENDA: No, we will come to your cows but I am just talking about one cow.

KISITU: I see.

MR. NAGENDA: You can make the money back in one year?

KISITU: No, it cannot be.

MR. NAGENDA: Why not?

KISITU: As far as I understand, you are much familiar with this business.

MR. NAGENDA: Yes.

KISITU: You know, for one cow, maybe, one day it could take off - a day.

MR. NAGENDA: Yes. Yeah.

KISITU: You agree with me.

MR. NAGENDA: Yes, but I said if it suddenly doesn't die.

KISITU: I see.

MR. NAGENDA: Yes.

KISITU: And secondly you may have a less productive cow -supposing you have got one cow and you can get about 10 litres of milk, the cost of milk now I think it is fifty - that is five hundred -

MR. NAGENDA: Five hundred.

KISITU: It could take us a lot of time to cover up the debt.

COMMISSIONER: Two hundred days.

MR. NAGENDA: It would take about 200 days.

KISITU: To make what - revenue?

MR. NAGENDA: Yes. That is without what you put in feeding. Anyway, the point is you can actually get - we know that, if you have the cow and you are lucky enough, you can - well, I suspect, you can - make the money back in one year. However, what I was going to suggest was this, it is entirely possible that because of the suffering of the people in this and in the other areas, that you do not have the money at that time to buy the cow. So would it not make more sense for the government especially when you have a dip, 300 acres and so on, would it not make more sense for the government if it were to give you a loan to buy these animals, and for you to pay off as any loan as people do? Would that not make more sense?

KISITU: It could make sense but it take for me to cover the cost of one cow a year; if at all you take your calculation - you sit down and you take your calculations for say one hundred and ten thousand for one head, it is too much and it could take about three years to cover up one. If at all you take twenty, it will take three years to cover up twenty cows ...

MR. NAGENDA: Well, the fact of the matter is -

KISITU: The cost of milk is low and feeding is very costly.

MR. NAGENDA: The fact of the matter is that the people who are selling their own exotic cattle -

KISITU: Yes.

MR. NAGENDA: The Guernsey Friesians or whatever locally we have, are selling them for a much higher price than the hundred and ten thousand; they are selling them for a hundred and fifty thousand and up.

KISITU: Yes.

MR. NAGENDA: And you know I suspect that a better way of going about these cattle is to say: "I have not got the money at the moment; but there is my estate. I know about these cows. I want a full loan to get them". It may be three years if you like. But I think you have more chances that way than by subsidizing. So that I think that you will find that price of ten thousand is realistic.

KISITU: I can get a loan but it is too much, at the moment. Now I think you can recognize that I m too old now - over 50 years, 56 years. I do not want too much debts on my head because I am due to leave. So even my children I would not like to give them a bad name just like that; whereas when I bought that in Kenya it was only thirteen thousand.

MR. NAGENDA: Thirteen thousand Kenyan Shillings.

KISITU: Ugandan by then.

MR. NAGENDA: Now that you feel quite old at 56 but let me tell you, you do not look old at all and I congratulate you on how well you came out of your suffering.

KISITU: Thank you very much.

MR. NAGENDA: My fellow Commissioner was asking you how to improve our country. Would you say that the RC's are doing something in that direction?

KISITU: Well.

MR. NAGENDA: The Resistance Committees - are they doing anything to improve this country in your opinion?

KISITU: For the moment they are doing well but you do not know what will happen tomorrow. At the moment, they are improving because they can recognize each and every person in the area and could have some other businesses they serve to the people properly. I think, also you have heard already from the newspapers that some RC's in some and different areas are not working properly. That is why I am saying - anyway, today, in our area -RC's are working properly but I do not know what will happen tomorrow.

MR. NAGENDA: Okay but tomorrow follows today. Are you yourself on any of these RC's?

KISITU: Yes, please.

MR. NAGENDA: On what - 2, 3, 4, 5?

KISITU: I am not participating but I am R.C. 1 - Nakaseke Town.

MR. NAGENDA: As what?

KISITU: I was not elected because by the time of election I was not here.

MR. NAGENDA: But would you participate now that you are back?

KISITU: I would like to participate but there is no chance to do it because R.C. is working properly; there is nobody to be removed without - out.

MR. NAGENDA: You are in a very bad position.

KISITU: I am unlucky for that.

MR. NAGENDA: Thank you very much, indeed.

KISITU: Yes.

CHAIRMAN: Kizito - sorry, Commissioner.

MR. KAWANGA: Actually Mr. Kisitu I always ask people questions but I find I have no questions to ask you. I will congratulate you to have survived.

KISITU: Thank you very much.

MR. KAWANGA: And to have kept your equanimity and sense of humanity in spite of these problems.

KISITU: Well, thank you very much.

CHAIRMAN: Just a last word, Mr. Kisitu. I think, we are grateful that you were able to survive and we would like to thank you for the - I think, not the end or evidence but the - words of wisdom which you have given to this Commission. Thank you very much.

KISITU: Okay. Thank you very much.

CHAIRMAN: At this stage, we shall have a break of a quarter of an hour before the next witness. We shall resume at a quarter to two this afternoon.

COUNSEL: Mr. Chairman, the next witnesses is Rusiya Balamaga, commonly known in this area Zenusi - Rusiya Balamaga Munnamawuulire.

WITNESS NO.279: MRS. RUSIYA BALAMAGA MUNNAMAWUULIRE - SWORN IN

COUNSEL: Are you Rusiya Munnamawulire?

RUSIYA Yes, Sir.

COUNSEL: And you are 51 - of Nakaseke Trading Centre?

RUSIYA Yes I am 51 and I was born on Nakaseke Village.

COUNSEL: And you are a wife of Joseph Kalanzi of Kikamulo?

RUSIYA Correct.

COUNSEL: At the moment you are a residing at Nakaseke. Why?

RUSIYA Because of the problems which befell me.

COUNSEL: Is your husband at Kikamulo?

RUSIYA Yes he is there.

COUNSEL: And when did you leave your husband?

RUSIYA In 1984.

COUNSEL: Where?

RUSIYA No, he left Kikamulo and fled to Ssingo. It is from where we separated.

COUNSEL: So your matrimonial home was in Kikamulo?

RUSIYA Yes, Kikamulo sub-county.

COUNSEL: Why did you have to leave Kikamulo in 1983?

RUSIYA Because of the problems pertaining at that time.

COUNSEL: Yeah, now - this Commission would like to know these problems that caused you to leave Kikamulo.

RUSIYA It was because of the constant gunshot and killing of people that we decided to go to Ssingo.

COUNSEL: Now, when you say you left Kikamulo because people were being killed. Who was killing these people?

RUSIYA The then government troops.

COUNSEL: For how long had government troops been in Kikamulo?

RUSIYA They started in 1981 on their way to Ngoma. They used to go to Ngoma. That is when they started looting, arresting people and then taking them.

COUNSEL: Well, you now say they started in 1981; and is it true that you got married to your husband in 1972?

RUSIYA It is correct.

COUNSEL: Now, before 1981, was there any - were they coming to your area; and, if they were not coming, why do you think they were coming in 1981?

RUSIYA I do not know because myself I used to be in my home; then the soldiers could come and attack us. I do not know why they were coming.

COUNSEL: Okay, now you said that you left Kikamulo because of the behaviour - conduct - of the government troops. We are interested in finding out the kind of activities these government troops were doing. Would you tell us in details, please?

RUSIYA Well.

COUNSEL: And, when you tell us what they were doing, please give us instances; you say 'So-and-so had did this. So-and-so was doing this'.

RUSIYA Because of my age and the disturbances which have been going on, I cannot quote specific dates or years; but I can say that it happened in such a year and at such a time. But I cannot be specific.

COUNSEL: Can you tell us the instances, please?

RUSIYA In that area, especially Kyampisi, soldiers started killing people and burning houses.

COUNSEL: Now you see, as I asked you, when you say "They were burning houses", you should tell us, they burnt so-and-so's house. They murdered so-and-so. They raped so-and-so. This is what I am trying to ask you.

RUSIYA The only thing that I can say is that after the survival of Ssingo, I have nothing very much to say because they used to surround us. Then you could tell people next to run away. Then afterwards you come back. The only people I can quote are these from my village.

COUNSEL: Well, now we want these people from your village who were raped and so on and so forth.

RUSIYA Among those killed, there is one Tereza, Katuma -- Katumwa.

MR. NAGENDA: Is that one person - Tereeza Katumwa?

RUSIYA They are two different names.

COUNSEL: Yes.

RUSIYA Kajubi. Bweete and Kasumba and the entire family of his.

COUNSEL: Yes.

RUSIYA If I mention these names in details, they can fill the whole page of the paper.

COUNSEL: We have more papers than we need.

RUSIYA Mukasa, Ssengendo, Kabanda and his entire family members. Now I can mention people of - after these people were killed, we decided to go to Kijjebejyo. And the situation became worse because of the same problems other than murders.

COUNSEL: Other than murders, what did you witness at Kijjebejyo?

RUSIYA Raping, killings and other un-natural things; and, on top of that, the constant gunshots.

COUNSEL: Now when you say 'rape', do you have evidence about 'raping'? These are people who were raped?

RUSIYA The victims have not come before this Commission because of the short notice, but they are very many and some of them were taken to Kampala for treatment.

COUNSEL: Now who are those who were arrested and raped you know of?

RUSIYA Where we were staying we were in a gathering from different villages; we could witness when soldiers were raping women; but we could not know their names because we were coming from different areas.

COUNSEL: You mean to say that you were in a camp at Kijjebejyo?

RUSIYA No we were hiding in our own area but it was not an organised camp.

COUNSEL: How many cases of rape did you witness at Kijjebejyo?

RUSIYA So many and in fact we could get stories; people could narrate such activities. They could tell us. We could hear men talking that their women had been raped in their presence, even daughters. My brother's daughter was raped and taken and she has never been seen again.

COUNSEL: What is her name and who is your brother?

RUSIYA My brother is Ssebowa Katumba - Joyce Nakigudde is his daughter.

COUNSEL: How old was she?

RUSIYA She was 12 years old.

COUNSEL: Was she at school by the time she was raped and taken?

RUSIYA Yes, she was in school in Busiro, Kabale, near Rwamata.

COUNSEL: Now, after witnessing this at Kijjobejyo, what did you do?

RUSIYA We fled to Ssingo.

COUNSEL: Where in Ssingo did you go?

RUSIYA We went to Muyenjo and stayed in Kinamala for two weeks.

COUNSEL: Yes.

RUSIYA Where we stayed a week, it was like staying there a year.

COUNSEL: Why?

RUSIYA Because of the behaviour of the soldiers; the soldiers were terrorising us.

COUNSEL: No, why were the soldiers terrorising you? Were you fighting them? Why? What were you doing?

RUSIYA We were not armed. Had we been armed, we would not have gone there.

COUNSEL: Were you supporting people who were fighting government then?

RUSIYA We were not supporting them because we were not giving them food. We had no food even ourselves. We could go without food.

COUNSEL: Now is there anything which happened to you physically?

RUSIYA Yes, as I am sitting now, I have problems because I want to stand up. I was shot on the thigh.

COUNSEL: Where did it happen?

RUSIYA In Ssingo, that is where I - they - broke my back.

COUNSEL: How did it happen?

RUSIYA We were hiding in our usual way that is where a bullet found me and hit me.

COUNSEL: Now what did you do after that? Did you get any treatment?

RUSIYA The treatment I got was a bit traditional because they used a razor blade to get the bullet out of my body.

COUNSEL: I see. Anything else you want to report - what happened in Ssingo?

RUSIYA It was the same experience we had left in our areas because even in Ssingo they were killing people, looting property and other things which we had, in fact, escaped.

COUNSEL: I see. Now when did you leave Ssingo for Nakaseke?

RUSIYA In March, 1986.

COUNSEL: With your husband?

RUSIYA There was nowhere to trace him. We were separated by the gun.

COUNSEL: When were you separated with a gun - by the gun -and where?

RUSIYA In 1983 in Ssingo.

COUNSEL: I see. Now in 1986, why did you decide to return to Nakaseke and not to Kikamulo?

RUSIYA Because of the problems I have, I know that I could not get the money to transport me from Kikamulo to the hospital. So I decided to remain here -around - so that I can go to the hospital and get treatment.

MR. NAGENDA: I did not understand it when you said that the gun had separated you from your husband in 1983. How did the gun separate you?

RUSIYA When the soldiers came, as we were tying our properties to go away, that is when we separated: He went with another group and I went with another group. Ssingo was a very large area. We were not familiar with that place. So, when we reached there, I could not trace him and may be he could not trace me. That is how we separated.

COUNSEL: So you came to Nakaseke because that is where the hospital is at Nakaseke and that is where your father is?

RUSIYA My father died but, as a tradition, I am staying there and I take care of his grave.

COUNSEL: I see. How far is Kikamulo from Nakaseke?

RUSIYA It is about 2 to 3 miles.

COUNSEL: Now you came in 1986 and you have had treatment; why do you not go back to your husband?

RUSIYA I cannot manage the home duties.

COUNSEL: When you say you cannot afford the home duties, what do you exactly mean?

RUSIYA Because of the recommendation from the doctor who was treating me, I was advised that I cannot manage home duties. I have been unfortunate because I forgot the letters from the doctor; I would have shown them to you so that you could read them and be satisfied with what I am talking.

COUNSEL: My Lord Chairman, I think, you do not require more elaboration of that.

CHAIRMAN: We understand it.

COUNSEL: Yes. Now, when you came to Nakaseke in March, 1986, what was your observation of Nakaseke?

RUSIYA It is painful - it was a shock.

COUNSEL: Why?

RUSIYA I was badly affected when I tried to recall how Nakaseke was before the war - the people who were there, especially these who were born in this area, when I could not see and I could not trace. So, when I compare the then present situation and how Nakaseke was, my heart sank deeply.

COUNSEL: Are you trying to suggest that Nakaseke had been deserted?

RUSIYA At that time, people were coming back. We were coming one by one.

COUNSEL: Did you find any evidence of murder - massacring at Nakaseke?

RUSIYA Yes.

COUNSEL: What kind of evidence did you find?

RUSIYA In Nakaseke we have a road which is called Matembe Road; when we came back, we found lines of corpses; we counted 16 and in another particular area we found a heap. It was evident that the bodies had been burnt and there were other bodies scattered all over the place. Some we could see the tools used and it was clear that these people had been smashed. Their heads had been smashed with these tools like groundnuts. We also found bodies in different houses even in latrines - toilets - and in the pit around the area. There was a particular one where many people were dumped and we failed to get their remains out. I can even take the Commission there and see for themselves.

COUNSEL: Can she name - mention the name of - somebody smashed there?

RUSIYA One Kalema who was arrested and detained here; he told them that - when they came back that - he was detained here for six months.

COUNSEL: Where?

RUSIYA At Nakaseke. He told them when they came back that the soldiers were using those toilets and other pits to dump there people.

COUNSEL: Did Kalema tell you where he was detained by the Army?

RUSIYA Kalema was detained here in Nakaseke for six months. Recently when he came he told me about what I have told you; that he managed to escape during the night when he was still a prisoner. Even here we - where we are sitting - even around this place where we are - when one is digging, he will find bones all over the place, and one used to gather stones when one is digging, but these days, if you are digging, you have

to gather these small bones.

COUNSEL: Yes. Now were you able to tell whether the dead bodies were those of soldiers or civilians?

RUSIYA They were civilians.

COUNSEL: Why do you say so?

RUSIYA When we went to Ssingo, those people who decided to come back on their arrival they were arrested by the soldiers, detained here and then they could select 10, 12 and then get another group; even the bodies which they have collected they do not show the actual picture of these people who were killed. Many people died.

COUNSEL: No, I am asking you from your own observations, why do you say the bodies found here were of those civilians rather than of soldiers?

RUSIYA Basing on the clothes.

COUNSEL: What type of clothes did you see?

RUSIYA As we are here in this room - as we are dressed -because the soldiers used to undress some people but eventually they gave up. They could leave them with their clothes. So you could judge basing on them that these were civilians, not soldiers.

COUNSEL: So your conclusion is that very, very many civilians were killed in this area?

RUSIYA Yes.

COUNSEL: Now how about property - how did you find the property at Nakaseke?

RUSIYA Where?

COUNSEL: At Nakaseke.

RUSIYA There is nothing of such here.

COUNSEL: What did you see?

RUSIYA The only thing we found here is the half-destroyed houses and the completely destroyed houses and the remains of human beings. If one went with a map to Ssingo that is the one which one is using; nothing was recovered.

COUNSEL: You mean iron sheets had been removed from the buildings; the windows had been taken.

RUSIYA Yes, if you can go to Nakaseke Trading Centre, you can see what I am saying; everything was destroyed, even this building in which we are

sitting.

COUNSEL: Do you know whether there were military battles at Nakaseke or not?

RUSIYA I heard about it.

COUNSEL: But could it be possible that this destruction was as a result of this fighting?

RUSIYA No, it cannot be.

COUNSEL: Why not?

RUSIYA Everything was organised: The government troops were divided into groups. There was a group which was for actual fighting and another one for looting. So that is where I get my - base my - argument that these things were not destroyed in fighting.

COUNSEL: Is it possible - could it be possible - that even rebels stole some of the property and iron sheets and windows?

RUSIYA The rebels could not. They had no homes. They had no houses.

COUNSEL: Could it be that the civilians who were being harassed by the soldiers removed these iron sheets and windows?

RUSIYA Some of them are around, for instance, my uncle is there. He has no house.

COUNSEL: Where did they store these things which they looted from you? - If they looted you? So shall I take that it is your conclusion that the murders, raping and looting were done by government troops?

RUSIYA Yes.

COUNSEL: Now what is your comment about what happened - what was done by these troops - on raping, murdering? Do you have any statement to make - you want to make? I am asking you this question because this Commission is supposed to recommend to government on measures that would prevent recurrence of such things?

RUSIYA One of the measures which can prevent re-currence of these things is that the government should train and politicize the soldiers - our children, the soldiers. Government should try to get people who are well experienced in administration to teach these RC's how they can administer - how they can carry on their duties, sharing experience from these people I have mentioned - the people who are well experienced in administration.

COUNSEL: Yes.

BALAMAGI: Because some of our children whom we have elected to some of these RC's, they do not know how to begin the - how they can handle the -

responsibilities. For instance, this young man who is educated he does not know how to approach an elder. So, I think, that these people should also be taught how to approach people.

COUNSEL: That is all.

RUSIYA And government should institute a Commission to advise these young men who have been given positions of responsibility because, in the past, people -administrators - behaved well: They knew how to approach people; they knew how matters of administration were conducted. We think that, if our children are well advised, they can chair these courts of administration. But these days, these young men do not listen to elders, for orders. They do not listen to somebody who is giving them advice.

COUNSEL: You see you have talked of experienced people assisting RC's but the question is what actually happened? Do you know? Experienced administrators were here. Why did you have the suffering - 1981, 1982, 1983 up to 1986?

RUSIYA These things happened because these governments which have been in the middle - the government which have gone - they did not listen to people giving them advice. These experienced administrators were there but they could not advise the people in government because they could not listen.

COUNSEL: To your knowledge, did the experienced ones, did they try to advise these governments?

RUSIYA They had nowhere to begin because for instance Amin could not listen; Obote could not listen. So even if they wanted to advise those people, those Presidents could not listen.

COUNSEL: Well, you see, this is what you are saying happened in Obote's time and Obote was in an elected government. Why could not an elected government be advised?

RUSIYA Which one was elected?

COUNSEL: Obote's government.

RUSIYA I do not know who elected him.

COUNSEL: So you are doubting about the government of Obote having been elected?

RUSIYA Myself, from 1966, I do not say that Uganda has ever had an elected government.

COUNSEL: Would you think an elected government would act differently?

RUSIYA Before 1966, a President could go to a particular area - he is passing

through a particular area, he could come out and shake hands with the people - the peasants. But from 1966, these Presidents have been guarded - these people who are being guarded with guns, cannot be good administrators. It is in this government that what happened you find that in 1966 is happening: A president comes even his peasants can come and shake hands with the government.

MR. NAGENDA: Why in 1966 - why that year?

RUSIYA That was the beginning of problems and since then the country has never seen peace.

COUNSEL: So you are suggesting that a President who moves with the people would not encourage the atrocities by his Army?

RUSIYA Yes because if a President comes to the people and the people can approach him easily, that is when the people can raise these problems; if he does not know what is happening; that is when the people can get an opportunity to talk to him; that this is what is happening.

DR. MAKUBUYA: The President has agents in the local areas - D.C.'s D.A.'s people, why cannot you approach these? Does he have to be there physically to be approached?

RUSIYA For instance now I am talking directly to the President because he has sent this Commission to come to us.

COUNSEL: Any other suggestions you want to make?

RUSIYA I have a lot to say but my fear is that, maybe, you do not have enough time. I do not want to consume a lot of your time.

COUNSEL: No, no you go on.

RUSIYA It is in my opinion that I should stop here because my friends are here waiting and the time is going. So I suggest that I should stop here and give other people a chance to come and testify.

CHAIRMAN: That was very considerate of you; but, before you finish, we have some questions to ask you.

COUNSEL: Should we extend that way? Now, Chairman, Commissioners, Learned Counsels, I think, we cannot go on any more. The rain is not stopping. We cannot hear each other and principally we have to adjourn the Inquiry until tomorrow when we resume at Kapeeka at 9.30 a.m. We are sorry we have to do this. We have to apologise to our witness here and the people of Nakaseke.

CHAIRMAN: Commissioners and Learned Counsel, Ladies and Gentlemen, I would like to say a few words because this is the first time we are holding hearing session of the Commission at Kapeeka. I will say a few words

to inform the people f Kapeeka, generally what is the Commission about. You may have heard - the citizens of Kapeeka might have heard already that a Commission of Inquiry into Violation of Human Rights was appointed by the NRM government in May 1986. The purpose of the Commission is to inquire into all aspects of violation of human rights in this country by government agents or security forces between the period 1962 to January 1986. Such violations include killings either individual cases or mass murders, rape, torture, destruction of property and so on. According to the order which the government has given us we have to make enquiries in such events and then report to the government with recommendations as to how such things should be prevented in the future. For our task to be possible we depend a lot of course to the citizens of this country who must, we hope and being encouraged to come forward and tell us what happened to them, either as personal experience or against their relatives or friends, secondly, even more importantly to give us advice as to how such things should be prevented in future. This Commission has been doing that since its appointment and when it started hearing evidence in December, 1986. We have to inquire, make inquiries throughout the country in Uganda. We have been to various places but for the last, specifically, several weeks we have been in Luwero sitting at Wobulenzi at Katikamu county headquarters. We also sat at Wabusaana *Gombolola* headquarters and we have also sat at Kapeeka. Now, today is the turn of Kapeeka. So we are very happy that you people have turned up to hear evidence which will be given before this Commission today. We have come here so that we come close to the people where events took place so that we can see it with our own eyes and we can also see the people and more people can come and hear what is being said. Incidentally this is not our first visit to Kapeeka, we were here in 1986, in fact, in this very place; we saw the church, we saw the trading centre, we saw the destruction which had taken place, if some of you may remember. Now, to brief you more about what we have done in Luwero, the programme - Luwero for obvious reason has been given more time than any other district of area; Hearing for Luwero commenced on 23rd March, 1988 and is scheduled to end tomorrow at Masuulita. There was a break only of the Easter holidays. Investigations have been done and we have heard cases from Luwero Central, from Kasaana, Bweyeyo, Tebalyala, Butuntumula including Kaya's farm. Luwero West we heard cases and cases have been investigated from Makulubita, Kalasa, Ndejje, Katiti, Nakaseke yesterday; today Kapeeka and tomorrow Semuto which will also cover Masuulita. And Luwero east we have heard cases from Kikyusa, Wabusaana, Kankoole, Seryono and Zirobwe. Now, some areas from which cases have not yet been heard are in Luwero north, including Ngoma, Nakasongola and most of Buluri. And also from Luwero south. This is mainly because there has not been much response from people in those areas although the team of investigators have visited the areas. With those few remarks I will proceed to introduce members of the Commission. As of now there are only two of us here. I am the Chairman and my name is Oder a Judge of the High Court. Sitting with me here is Mr. John Nagenda from Namutamba. He is a tea farmer, he is also a journalist he is also a captain of Uganda Cricket Team and he is also a writer, he has written books. Other members whom we are

expecting to come also a little later, they are Associate Professor, Dr. Kiddu Makubuya, who come from Kalasa. He is Associate Professor of Law at Makerere University. He is also the Secretary of R.C.5 of Luwero District. He is coming to arrive a little later today because they are holding R.C.5 Council meeting in Luwero today. Another member not yet here today is Dr. Jack Luyombya who is a medical doctor and member of National Resistance Council. Another is Mr. John Kawanga, a practising lawyer of long experience who is practising in Kampala and Masaka. He is a former Member of Parliament up to July, 1986. Then the only lady member is Mrs Joan Kakwenzire who is a lecturer in the Department of History at Makerere University. Now, with those introductory remarks, I will ask Commissioner John Nagenda to also say a few words in Luganda.

MR. NAGENDA: (Not translated)

CHAIRMAN: Sorry, the Legal Counsel will have to excuse me; inadvertently when I was making the introduction I forgot to mention that we have a chief legal advisor to this Commission. Although some members are lawyers we need a specialist to advise us and he is Mr. Edward Sekandi who is with us right here. Mr. Sekandi is a lawyer of very long experience and ability and we have Assistant Legal Counsel, Mr. Cheborion Barishaki. There is another Assistant to Mr. Sekandi who is not here, Mr. Tabu Jogo, he will come later. Then we have a Secretary to the Commission who is busy in the office, today she did not come, she is Miss Nancy Kalanzi. She has assistants also who are unfortunately are not here but one is here but I think he has left for Masuulita. Then we have a very important team without whom the Commission and the Legal Counsel would do very little, this the investigation team of senior and experienced police officers. This team includes not only police officers but also army officers. The team is led by Superintendent of police Mr. Matiya Ntambi. There are other officers, they are always busy somewhere else, they do not always sit here then we have Lt. Dick form the NRA and we have also a team of camera crew, the television headed by a very hard working gentleman, Patrick Kisuule. The gentlemen there always with us is the one recording what is being said. Also we have with us journalists representing other news papers like Munno, New Vision, Taifa Empya, Ngabo and the lot. The one gentleman translating in Luganda right now is Mr. Tamale of Munno. He assists us when our interpreter does not arrive in time. Now, I think, with those opening remarks we shall start with serious business. The last witness we had yesterday was No. 278, so the next will be No. 279 of 1988.

COUNSEL: Mr. Chairman, Legal Notice No. 5 of 1986 sets out the categories of violation that you may have to inquire into and one of those 1(d) reads: "The subjection of any person to torture, cruel, inhuman and degrading treatment. The evidence of Witness No. 82 of 1988, Expedito Kaddugala, will support that this kind of violation might have been committed. So my next witness my Lord Chairman is Expedito Kaddugala

WITNESS NO.280: MR. EXPEDITO KADDUGALA - SWORN IN

COUNSEL: You are Expedito Kaddugala, a Murundi, of 30 years?

KADDUGALA: Yes.

COUNSEL: And you were born in Luwero District, at a village called Bendegere, Gombolola Kapeeka in Nakaseke county in Luwero District?

KADDUGALA: Yes, Sir.

COUNSEL: Now, do you remember October 1983?

KADDUGALA: Yes, I do.

COUNSEL: Why do you remember October 1983?

KADDUGALA: I remember that date because it is when I got those problems which have brought me here.

COUNSEL: Where were you in October 1983?

KADDUGALA: I was arrested, we had fled to Ssingo but when I was coming back I was arrested and that is when these injuries were inflicted on me.

COUNSEL: Where were you arrested and who arrested you?

KADDUGALA: I was arrested at Katooke. I was arrested by the soldiers and a youth winger. It was this youth winger who told the soldiers that he saw me at Lugogo, that I was a bandit and he saw me with a gun and three magazines and that if they do not arrest me, his life was in danger.

COUNSEL: Where was this youth winger?

KADDUGALA: One was called Sendiro, another one Kyaddondo.

COUNSEL: When you say "Youth Winger", what do you exactly mean?

KADDUGALA: These Youth Wingers were people selected by the army to assist them in finding out who were behind this banditry activity.

MR. NAGENDA: Perhaps, before you go on, he has mentioned two Youth Wingers, Sendiro and Kyaddondo but which one was the one who pointed him out?

KADDUGALA: It was Sendiro who pointed me out and the soldiers did not trust him. So he went and collected Kyaddondo to confirm what he had said.

COUNSEL: You mentioned this village Katooke. Was Katooke in Ssingo?

KADDUGALA: It is in Wakyato not in Ssingo.

COUNSEL: So had you returned from Ssingo or were you coming from Ssingo to Bulemezi?

KADDUGALA: We were coming from Ssingo and we were arrested in areas near Katooke.

COUNSEL: Now, when you say you were arrested, were you alone or you had other people with whom you were moving?

KADDUGALA: There were others but they were killed and we remained two, with my friend.

CHAIRMAN: How many who were killed?

KADDUGALA: Three were killed.

COUNSEL: Who was the other friend you said you remained with?

KADDUGALA: Frederick Luzze, and he is present here.

COUNSEL: Was he also arrested?

KADDUGALA: Yes, we were arrested together. We were arrested and taken to the detachment where we found soldiers. We were put in these military trenches which was 10 feet deep and thereafter a vehicle came.

COUNSEL: Now, you were taken to this trench, was it at Katooke or somewhere else?

KADDUGALA: It was at Katooke?

COUNSEL: Yes.

KADDUGALA: We remained in this trench for thirty minutes and thereafter a vehicle came and there were soldiers on it. When they came off they asked whether there were no bandits. When these soldiers asked whether there were no bandits, the soldiers told us to come out of the trench and they told us to stand facing each other. It was the soldiers who directed the directions we should face.

CHAIRMAN: Were the soldiers who had just arrived in the trucks or the ones who were there when you arrived?

KADDUGALA: Those who came in the vehicle.

COUNSEL: Was Sendiro and Kyaddondo still present?

KADDUGALA: They were present and they were insisting that we were bandits. They

even demanded us to sing the songs we were singing in the bush.

COUNSEL: Now, what happened when you were told to face each other?

KADDUGALA: This friend of mine was told to bite my nose and after which he faced the soldiers and they told him to chew then swallow.

MR. NAGENDA: I would like just to make one small question. Could the witness tell us exactly who said they should do it because I have a feeling that he did not actually mention or asked them to do this chewing business.

KADDUGALA: The soldiers ordered.

COUNSEL: So Luzze is the one who started biting you?

KADDUGALA: Yes, as I was facing him. And then when he faced the soldiers, he chewed and swallowed then after making sure that he had swallowed it they told us to change places and I faced Luzze. I also was ordered to bite him and I did and faced the soldiers. I chewed and swallowed in their presence.

CHAIRMAN: Luzze's nose?

KADDUGALA: Yes.

COUNSEL: Was it easy for you to do this exercise?

KADDUGALA: It was not easy and in fact it took me time to bite off. I struggled.

MR. NAGENDA: Can I ask whether you knew each other well, were you friends?

KADDUGALA: We were from the same village and we met on the way when we were coming from Ssingo and we thought that since we had come from the same village on our way we would be one.

COUNSEL: Now, after you had managed to bite off Luzze's nose and swallowed it, what happened?

KADDUGALA: They ordered him to bite my ear, he did, he swallowed in their presence.

CHAIRMAN: Both or on one side?

KADDUGALA: One side.

COUNSEL: He started with one side?

KADDUGALA: He started with one side, after which I was told also to bite his side; the other one remained for that time being.

COUNSEL: Did you comply? Did you also do the same thing?

KADDUGALA: I accepted and I did it.

COUNSEL: Yes, what happened then?

KADDUGALA: Then we changed sides and I was ordered to bite his ear which I did and I faced the soldiers and they confirmed that I had swallowed it.

COUNSEL: Had you eaten human flesh before?

KADDUGALA: No.

COUNSEL: Yes. What followed?

KADDUGALA: After biting each other they asked us whether we had eaten food. We kept quiet. They brought a tin full of soil and a tin of cow dung, they ordered us to mix them and eat. We did reluctantly but the soldiers were hitting us.

MR. NAGENDA: Did he say or I wonder whether they were eating with one hand from one tin and another from the other?

KADDUGALA: Yes, one hand from the cow dung and the other one from the soil and to make sure that you fill the mouth. After that exercise we were taken back to the trench and it was covered with pieces of iron sheets and then after some time they came and told us to go and off load a lorry which had brought sacks of maize flour and beans. When we were off loading, they gave us a warning that if any drop of blood drops on these sacks the punishment was to shoot us straight away.

CHAIRMAN: If any blood from their nose?

KADDUGALA: Yes. We off loaded these bags and they were about 60 and we put them in the store.

COUNSEL: Only two of you or there were others?

KADDUGALA: Only two of us. After off loading, they took us to a certain officer who was a second lieutenant he looked at us and ordered that we should be taken back. After which we were taken back to the trench, it was covered because the time was about 5.00 p.m. When we were there in the trench I advised my friend that the only alternative we can do was to hang ourselves because I told him that if these people, the soldiers, came back they could kill us in a very painful way.

COUNSEL: And what was the response?

KADDUGALA: My friend replied that we should not hang ourselves, we should remain there and be firm and wait for whatever will come. I told him that there was nothing we could do because any time we could die, they had told us to bite each other.

MR. NAGENDA: Perhaps before you go on I should ask, I did not quite get it about the ears. You said you just chewed one ear each but then you chewed the

other ear as well?

KADDUGALA: Yes. We changed positions and ....

COUNSEL: Yes?

KADDUGALA: As we were in this trench we tried to pray in our own ways and then as it was becoming dark the soldiers who were guarding this trench started telling each other you keep them and I go somewhere. This exercise of leaving one keeping us and going took some time and may be they were going for drinking. So when it was about 8.00 p.m. the soldiers started snoring. When we confirmed that the soldiers were asleep my friend got an idea that we shall try to escape. He suggested that I should push him up, not through the gap which was like a door. When I pushed him his head hit a log which had covered these iron sheets and a lot of noise was made. We feared that these soldiers may wake up and then kill us. We waited but there was no response from the soldiers, we repeated the exercise, he managed to come out and he changed the direction, he came - he fell on the ground, he held my hand and started pulling me out. When I came out we remembered the advice which Mzee gave us in one week, so we started crawling and we left the trenches which were behind us.

CHAIRMAN: Which *Mzee* that gave you the advice?

KADDUGALA: His Excellency the President.

CHAIRMAN: At that time? When did he give you the training?

KADDUGALA: He gave us this training in 1982 at Kabuggo but I cannot recall the month.

MR. NAGENDA: Did you say that he trained you for one week?

KADDUGALA: Yes.

CHAIRMAN: In 1982?

KADDUGALA: Yes, in 1982 but I cannot recall the month.

CHAIRMAN: Was it at the beginning, the middle or what?

KADDUGALA: On their arrival in my village, when they came in these areas it was the practice that they could select some boys who could participate in the guarding of these areas.

COUNSEL: The militia?

KADDUGALA: Yes, we were in the same way as militia.

COUNSEL: So after your escape where did you go?

KADDUGALA: After escaping we went slowly to the gombolola chief but I think I gave this story, I started it in the middle ...

COUNSEL: May be to assist you, when you were arrested at Katooke, were you taken to the gombolola chief before you were taken to the detach?

KADDUGALA: Yes, we were taken to the gombolola chief.

COUNSEL: Did you find the gombolola chief there?

KADDUGALA: Yes.

CHAIRMAN: Was this after your escape?

KADDUGALA: Before. We found him there and he wrote a letter in Luganda. We did not know the content of the letter because it was sent to the Second Lieutenant. And after receiving this letter the Second Lieutenant ordered that we should be taken into this trench.

COUNSEL: So when you escaped you went to the gombolola chief?

KADDUGALA: Yes. We went back and when we saw us he cried saying that he would not like us to be treated in that way.

COUNSEL: So what did he do?

KADDUGALA: He called a Youth.

COUNSEL: I see. So when you escaped you went to the *Gombolola* chief?

KADDUGALA: Yes, we went back and when he saw us he cried, saying that he would not like such an exercise to be - he would not like us to be treated in that way.

COUNSEL: So, what did he do?

KADDUGALA: He called a youth leader who was an Alur, and he told him that he should take us, keep us and he would come the following day to see us.

MR. NAGENDA: What was the name of the *Gombolola* chief of Katooke?

KADDUGALA: I cannot recall his name, but eventually he was also killed because he did not want the mistreating of people.

COUNSEL: Now, what did the Alur do to you?

KADDUGALA: He took us and put us into a cell and closed the door. Soldiers tried that night to come and collect us, but every time this youth winger was insisting that we were - that the *Gombolola* Chief was responsible for us; so he refused them to take us.

COUNSEL: What happened then?

KADDUGALA: The following morning, the *Gombolola* chief came very early and he opened the door and we came out, and he asked us what we could do to save our lives.

COUNSEL: Yes.

KADDUGALA: He advised us that we should escape at 3.00 a.m. and try to go back to our village but we had received reports that the Youth Wingers were guarding all the roads throughout the night.

COUNSEL: But before you go on; you mean the chief did not give you any kind of first aid treatment, to stop bleeding and so forth?

KADDUGALA: He did not.

COUNSEL: Yes.

KADDUGALA: He said that he was going to see the Second Lieutenant whom he had sent a letter, and that we should either construct a hut for ourselves or try to hide somewhere by our own means. I had a sister who had been grabbed by certain soldier that place, Katooke, so that man helped us a lot because he had taken my sister. Soldiers used to come and tried to disturb us as we were constructing this hut, but every time the *Gombolola* chief and this soldier who had grabbed my sister, I even know his names, tried to intervene.

COUNSEL: What was his name?

KADDUGALA: He was called Robert.

COUNSEL: Robert what?

KADDUGALA: I do not know his second name.

COMMISSIONER: Do you know what tribe he was?

KADDUGALA: Yes, he was an Ateso.

COUNSEL: Yes, proceed.

KADDUGALA: After the completion of the hut, my friend had a habit of staying in this hut, but myself I could sneak and go and hide myself in a bush. So every time these Youth Wingers came for people to go and collect soldier's food, they always missed me because I used to sleep outside in the bush.

CHAINMAN: Sorry, was this at the *Gombolola* Headquarters?

KADDUGALA: Yes, there were so many other huts.

CHAIRMAN: Was it a camp?

KADDUGALA: Yes, it was a sort of camp.

COUNSEL: Yes.

KADDUGALA: During the night we used not to sleep in our hut, we normally slept in other huts which belonged to other people we had been with in Ssingo. So, whenever soldiers came to collect us they could not find us there. Then after three days there was an announcement that everybody should bo back to where he came from.

CHAIRMAN: Yes, you went?

KADDUGALA: We left this place at around 10.00 a.m. and we went back home. But after when they had sent a message to Kapeeka that there are two bandits whose noses and ears had been cut off, and that the people of Kapeeka should be aware. Then when we reached a place called Kito we found somebody who alerted us what the people of Kapeeka had been informed about the cutting off of our ears and noses, and they were looking for us. Then I separated from my friend who insisted that he was going to Ssingo, but for me I feared and decided to go to another place.

COUNSEL: Yes.

KADDUGALA: When he arrived at Bendegere he hid himself for about one week until he managed to make his way to Ssingo. For me, from Kito I went to a village called Buwanuka; I was trying to go to the home of my brother-in-law called Midalidi, but when I reached there I found that there were UPC Chairmen, because on that day my brother-in-law had brewed some beer and those UPC Chairmen were very much interested in drinking.

COUNSEL: So, what did you do?

KADDUGALA: I tried to hide in the bush and I managed to get cassava; but I failed to eat it because it was not cooked and I got some water which I drunk.

COUNSEL: Did you eventually manage to see your brother in law?

KADDUGALA: I managed to see him at around 8.00 p.m. and he sympathised with me but he said that it was risky to stay there, and what he could only do for me was to escort me to my village.

COUNSEL: I see, where did you eventually go?

KADDUGALA: I went back to my village.

COUNSEL: Did anybody trouble you?

KADDUGALA: None.

COUNSEL: Until today?

KADDUGALA: No, after reaching home, my relatives were giving report that they were looking for me.

COUNSEL: Now, what did you decide to do and what did you do?

KADDUGALA: I removed my bedding from my home and I decided to go and stay in the bush, and I used to go back very rarely.

COUNSEL: For how long did you continue to do this?

KADDUGALA: I did it until the fall of Obote.

COUNSEL: Yes, after the fall of Obote, what happened?

KADDUGALA: I came out of the bush and stayed in my home permanently.

COUNSEL: I see. Now, is Luzze here, is he around?

KADDUGALA: He is present.

COUNSEL: Can you call him?

KADDUGALA: Yes, I can call him.

COUNSEL: But I think some other person could go for him.

MR. NAGENDA: But perhaps before he comes can I ask you. You said you went back to your home at the fall of Obote; did you have any problems after you had gone home after the fall of Obote?

KADDUGALA: No.

COUNSEL: Is that the Luzze whose nose you bit off?

KADDUGALA: Yes.

COUNSEL: And is he the one who also did the same thing to you?

KADDUGALA: Yes.

COUNSEL: Do you have a grudge against him?

KADDUGALA: No.

COUNSEL: Do you know whether he has any grudge against you?

KADDUGALA: I do not think.

COUNSEL: My Lord, I was only trying to identify him, but I will be calling him as an independent witness. Now, when did you know this Ssembiro and Kyaddondo?

KADDUGALA: On that very day I saw them first, because we had taken some time since we were in Ngoma where I used to see them.

COUNSEL: What were you doing in Ngoma when you saw these two people?

KADDUGALA: We went there to work.

COUNSEL: Now, are these Ssembiro and Kyaddondo around?

KADDUGALA: Kyaddondo is there but Sembiro was killed after one week.

COUNSEL: After one week of what?

KADDUGALA: After this exercise of biting each other's ears and noses.

CHAIRMAN: Killed by who?

KADDUGALA: The soldiers.

COUNSEL: And where is Kyaddondo?

KADDUGALA: Kyaddondo is at Katooke on a village called Bweyeeyo.

COUNSEL: You mean Bweyeeyo near Luwero?

KADDUGALA: No, Sir, but Bweyeeyo near Wakyato.

COUNSEL: Now what do you say about these people who committed these atrocities on you?

KADDUGALA: The only thing I can do is to appeal to the government to punish these people who committed these atrocities, because if it does not do it they will get another chance and repeat what they did, and this time they will finish us completely.

COUNSEL: But do you know why these people did what they did?

KADDUGALA: I do not know.

CHAIRMAN: Did they not do it because they claimed you were bandits?

KADDUGALA: Yes.

COUNSEL: And you were a bandit, were you?

KADDUGALA: Yes, Sir.

COUNSEL: Now, should you have been treated in that way?

KADDUGALA: No, Sir.

COUNSEL: What should have been done?

KADDUGALA: They would have left me to do what I was doing because I was fighting so that the country is having total peace.

COUNSEL: Yes, but you know you were fighting a government which was in control! Now, arresting a person who fights a government, how should he be treated?

KADDUGALA: It should pardon him because he night not know what he is doing.

CHAIRMAN: So, are you saying that is somebody is fighting against a government he should be left to carry on?

KADDUGALA: No, but this is a different government, and it is not similar to that government we were fighting!

COUNSEL: Assuming it was a similar government as you were fighting, what would you expect the government to do to such a person?

KADDUGALA: We should kill this person straight away because he wants us to go back.

MR. NAGENDA: Although the government that you were fighting you thought it was a bad government, the people who served it obviously did not think it was a bad government, therefore, they would say as you have just said that if they get hold of you they should kill you!

KADDUGALA: But this Obote government was very unique, we have never had a government of that type in this country.

COUNSEL: Okay, do you not think it would have been better if you were arrested as a bandit to be taken to court and then tried other than ordering your friend Luzze to bite off your nose?

KADDUGALA: Yes.

COUNSEL: So, that is what you would have expected to be done?

KADDUGALA: Yes.

MR. NAGENDA: Therefore, are you saying that if this government was to get hold of somebody who was fighting it -you said he should be killed - are you now saying that he should also be taken to court and tried?

KADDUGALA: Yes, I would support the last one.

CHAIRMAN: Well, we will ask you a few questions to clarify certain things.

KADDUGALA: But I have a suggestion which I want to give.

CHAIRMAN: Okay, let us have your suggestions first.

KADDUGALA: I would request the government to assist me because of what I experienced, there are times when I go to areas where they do not know me, and when the people see they just laugh at me and I feel humiliated and there are times when I want to fight them, and weep. So I think that because of what I experienced, the government should assist me.

CHAIRMAN: In what way?

KADDUGALA: Myself I am a farmer, I think that if the government contributes 50 per cent of my requirements, I can expand what I am doing and to assist neighbouring areas; and my priority would be a tractor.

CHAIRMAN: So, you like a tractor for yourself with which you assist others?

KADDUGALA: The government can give it together with my friend, because we suffered the same experience and I do not think that at any one time we shall separate from each other. We can use it for ourselves and then assist the nearby people.

COUNSEL: Yes, but how do you propose to end this issue of laughing at you which causes you to cry and you want to fight?

KADDUGALA: When I am well off I do not care about laughing at me, that will no longer be a problem.

COUNSEL: Anything else?

KADDUGALA: I also request this Commission to convey my request to His Excellency the President that I would like to see him face to face, and this can only be possible if he comes to Kapeeka. So, I request him to come to Kapeeka so that I can see him and he can see me face to face.

COUNSEL: You are suggesting that he has never come to Kapeeka?

KADDUGALA: He comes but we have never had a chance of seeing him for at least two minutes, whenever he comes he just passes to Ngoma. The last chance to see him properly and to be near him for enough time, it was when he was officiating at a pass out parade, and I remember sitting near him on one of the logs we had made as chairs. So, I would like to get another chance of seeing him.

CHAIRMAN: You want to talk to him personally or to see him?

KADDUGALA: I want to talk to him personally.

CHAIRMAN: Did you try last time when you sat near him - or that was a passing out in 1982 during the training?

KADDUGALA: Yes, it was in 1982.

CHAIRMAN: Now, we shall ask you a few questions to clarify certain aspects of your evidence. You said you had run away from your home to Ssingo, the

first time, why did you do this?

KADDUGALA: We were trying to save our lives because at Ssingo our government was in control and it could protect us; if we did not go to Ssingo you would not have been able to see me here. I would have been killed.

CHAIRMAN: You mean the NRA was in Ssingo and you went there to take refuge?

KADDUGALA: Yes.

CHAIRMAN: What is it which had happened that you were running away from?

KADDUGALA: It was because of the constant killings by Obote's government troops; they could come and eat our chicken, eat our cows, loot our property and we decided to go to Ssingo to save our lives.

CHAIRMAN: When did government troops first come to your area at that time?

KADDUGALA: They first came on 11th January, 1982 and they camped at a village called Namusaale;

CHAIRMAN: How far is that from Kapeeka?

KADDUGALA: Six miles.

CHAIRMAN: Which direction?

KADDUGALA: As you are going to Nakaseke.

CHAIRMAN: Do you know why they were brought?

KADDUGALA: Those soldiers came on a mission, purposely to kill; and on that very day they killed Lakabia Kawesa, and that is when we decided to leave and go to Ssingo.

CHAIRMAN: When they came, had insecurity started in the area?

KADDUGALA: Yes.

CHAIRMAN: Was there any fighting between the government soldiers and the NRA soldiers?

KADDUGALA: Yes.

CHAIRMAN: When?

KADDUGALA: I cannot recall the specific date, but it was after that then bandits had or were trying to arrest the UPC Chairmen and the UPC Chairmen run away and reported this to the government and in response soldiers were deployed in these areas.

CHAIRMAN: Did the UPC Chairmen come back?

KADDUGALA: The bandits were arresting these UPC Chairmen but later to be released and after their release they could go and report to the government and it deploys the soldiers.

CHAIRMAN: I see; that is all for the time being, thank you. And we still have to say something about the request you have made.

MR. NAGENDA: First I say that your story has made us very sad. You said you were a guerilla, what did you do as a guerilla?

KADDUGALA: The purpose of training us was to guard the people in our specific areas, and what I did I used to make surveillance on the movement of the government troops, and inform the people, in advance so that they could leave the affected places before the soldiers could arrive; and maintaining security in my area.

MR. NAGENDA: That was a very good thing to do I must say; did you also take any part in the fighting?

KADDUGALA: I did.

MR. NAGENDA: Using a gun or spear or what?

KADDUGALA: I had grenades.

MR. NAGENDA: Did you ever use them in action during the fighting?

KADDUGALA: The grenade was for defensive; if I see that the soldiers have surrounded me, I can throw it to them and afterwards I run and inform the people that the soldiers are coming.

MR. NAGENDA: About how many times did you have to use your grenades?

KADDUGALA: I used it once and I went back in the camp and I was given another one.

MR. NAGENDA: So, you were actually making trips to the camps of the guerillas?

KADDUGALA: Yes.

MR. NAGENDA: Did you report on people in your villages who were serving the government?

KADDUGALA: Yes, I did.

MR. NAGENDA: What happened to them?

KADDUGALA: When the people who were supporting the government realised that in these areas there were some people who were taking information in the camps of the bandits that they were supporting the government, in many cases they would run away so that when the bandits came they find that these people who were taking information about their movement to

Luwero had already gone away.

MR. NAGENDA: You see, the reason why I am going to ask you few more questions on this one is because we have not got anybody accepting that they were active guerilla people. So, I just want to find out how the guerillas, to your knowledge were carrying out the fighting; you see, most of the guerillas we met up to now, helped in "supplying food" capacity and that kind of thing. So, to your knowledge, when the guerillas came into an area, did they kill people who were government supporters?

KADDUGALA: No, they did not kill them.

MR. NAGENDA: What did they do to them?

KADDUGALA: They were arresting them, taking them to their camps, and they released them afterwards but after their release they were not staying in these areas, a day from the camp they could run away.

MR. NAGENDA: Do you know if these people when they were arrested they were given food and water?

KADDUGALA: Yes, they were given food and water.

MR. NAGENDA: Could you say that this was very different from what the government side did when they got prisoners?

KADDUGALA: Yes, it was different.

MR. NAGENDA: Did you ever hear of an occasion when any of the prisoners taken by the guerillas had to bite off each other's noses?

KADDUGALA: I have never heard of it.

MR. NAGENDA: Is this-, perhaps these are the reasons why you said that Obote's government was especially violent and wicked one?

KADDUGALA: Yes.

MR. NAGENDA: By the way, how did you recover from this bite; did you get any treatment?

KADDUGALA: I did not get treatment; the only treatment I got was from my mother. During the night I used to go back home, she used to get a piece of handkerchief and tried to treat the wounds.

MR. NAGENDA: Do you still get pains in the area of your nose and your ears?

KADDUGALA: No.

MR. NAGENDA: Do you ever get nightmares of these times of what happened, - you know - bad dreams?

KADDUGALA: Yes, at times even I feel frightened and it is affecting me.

MR. NAGENDA: Have you seen Kyaddondo again since the end of fighting?

KADDUGALA: Yes, not only once but several times.

MR. NAGENDA: What does he say about the incident of your torture?

KADDUGALA: Because he knows that Ssembiro is dead, he is saying that he was forced by Ssembiro to come and point me out, but I am insisting that I would not accuse you when there are thousands and thousands of people I know.

MR. NAGENDA: Well, to your knowledge, was this the only time Kyaddondo reported people to the government forces?

KADDUGALA: That is the only incident I know myself.

MR. NAGENDA: You told us where he is to be found and I am sure he will be found, do you know what he is doing?

KADDUGALA: He is cultivating.

MR. NAGENDA: Now, this government, which you think was a very bad government, did you know who represented it in this district: who was its Chief officer in this district? The D.C. or example?

KADDUGALA: I only know my parish chief.

MR. NAGENDA: Did he behave well towards people, this parish chief?

KADDUGALA: He killed so many people.

MR. NAGENDA: What is his name?

KADDUGALA: He is Ssemakula.

MR. NAGENDA: Where is Ssemakula?

KADDUGALA: He is in Luzira prison.

MR. NAGENDA: How do you know he killed people?

KADDUGALA: Ssemakula used to come in the huts of people, they were around here but maybe those present can assist me; he used to come and select people, take them away and kill them.

CHAIRMAN: If you did not see it yourself but talking of what people told you, it is not permissible. The Counsel, has told us that there is a witness coming in respect of that gentleman.

MR. NAGENDA: Apart from Mr. Ssemakula, do you have any other names of people who

ill-treated people in your area?

KADDUGALA: Yes.

MR. NAGENDA: Let us have them please and what they did.

COUNSEL: My Lord Chairman, the fear I have is that we are going to stretch this witness if we really ask him many other names. I think we restrict him to this incident, otherwise he is going to stretch himself very much.

MR. NAGENDA: No, but we will ask him how he knows, in our opening we said that we would like to know the names of people, who - are you going to come back especially to find out people who were ill-treating people in the area? Or are we just here to hear one particular case? I mean if he actually saw it or knew about it, I think it is a good chance to find out!

KADDUGALA: I also heard people saying.

CHAIRMAN: If you are making allegations against anybody, it should not be a hearsay, because he is entitled to come and cross examine you.

MR. NAGENDA: With that properly understood, have you got some names for us please and what they did?

KADDUGALA: The only person is Mr. Kanyike who is now residing in Namusale; he killed Lakabia Kawesa in our village.

MR. NAGENDA: How do you know?

KADDUGALA: I witnessed myself because at that time we were doubting whether soldiers could kill people!

MR. NAGENDA: How did he kill Lakabia Kawesa?

KADDUGALA: Lakabia Kawesa was sitting in his home, this Kanyike came and called him and took him to the road where soldiers shot him dead.

CHAIRMAN: During the day, and at what time?

KADDUGALA: It was during day time at around 3.00 p.m.

CHAIRMAN: Where were you at that time?

KADDUGALA: I was very near the main road because we had taken a long period without seeing a vehicle, so, when I was at home we heard a vehicle coming and so we went to see which vehicle was that, and that is when the incident occurred.

CHAIRMAN: How far were you from Kawesa?

KADDUGALA: In about ten metres.

MR. NAGENDA: And where did you say, Mr. Kanyike is?

KADDUGALA: He used to stay at Namusale but now I do not know where he is .

MR. NAGENDA: Did he have any particular job, you know, we would like to find him.

KADDUGALA: He was a UPC Chairman.

MR. NAGENDA: Have you got any other specific incidents which you would like to tell us?

KADDUGALA: No.

MR. NAGENDA: Since this government took over, have yourself been helped in any way by it or by any of its agencies?

KADDUGALA: No.

MR. NAGENDA: You mean you have not got any beans, maize, flour, oil and any of the things that were given to people after the war?

KADDUGALA: I received those things.

MR. NAGENDA: Well, in that case you were helped by government!

KADDUGALA: I accept that it was a mistake.

MR. NAGENDA: I am glad you say so we were going to become very angry with government. What about your area, has your area been very well looked after in rehabilitation field?

KADDUGALA: Yes, at the satisfying extent, except the graduated tax rates -

COUNSEL: Mr. Chairman, at this juncture, I want to make him know that he should not make a praise which he should not make if he thinks that it is not true. If you know that the government has done nothing in the area, it has not rehabilitated it, please do not fear to say so simply because you are supporting your government.

KADDUGALA: As far as I am concerned, I received the beans, the blankets and other things which were supplied - I do not know, maybe, for them they have other requirements.

MR. NAGENDA: That is fair enough; still, let me ask you this. What do you think government can do and, of course, we must all remember that many areas suffered and millions of people suffered. What specifically do you think government could do to improve on the lot of the people around you?

KADDUGALA: That is a very difficult question and I cannot make any attempt to answer it.

MR. NAGENDA: Okay, thank you very much for what you have told us; it has been really a shocking story, but I would like to commend you on the way you have done it and on the fact that you have not given up hope, and that you have been a very strong and clear witness. Thank you very much, let me wish you better luck in the future.

CHAIRMAN: Well, I refer to your requests, the first one I think is that you want a tractor to help you and Luzze and your neighbourhood; but do you have the money to buy a tractor? Or you want it free of charge?

KADDUGALA: I have no money, but my request at is that; the government can give us that tractor on a loan and give us a specific period when we should pay the money.

CHAIRMAN: Well, the Commission cannot give you a tractor, but what has been said by government and I think it is public knowledge, this has been said by the President so many times, that a scheme is being worked out in which RC IIIs will be made a legal entities, they will be able to borrow money to buy tractors and lorries for use of the people in the Gombolola as a whole. I cannot see the government having enough resources to give tractors to every two people who suffered in various way or another the government does not have inexhaustible resources. So, I advise that you want for the proposed scheme from which you and other people will benefit. As to a request to have a word with the President, I suggest that the best channel through which you can channel that request is the D.A., because the D.A. is the immediate representative to the President in this district. Have you tried to do that?

KADDUGALA: I tried.

CHAIRMAN: You have tried?

KADDUGALA: Yes.

CHAIRMAN: Is it in Luwero, to Entebbe or where?

KADDUGALA: Luwero District Headquarters.

CHAIRMAN: What success or failure?

KADDUGALA: He told me that it is very difficult to see the President and he promised me that I should go back to the village, give him time to make arrangements and that they will inform me if such a chance comes.

CHAIRMAN: Yes, that was a good idea. I do not think he would just come immediately because he wants to see you, he is busy, there must be time when he will come to Luwero then he will be informed by the D.A.

MR. NAGENDA: But I think I want to add to what the Chairman said that personally I feel confident that through proceedings of this Commission and what you have told us and through some of our friends in the press, that the President will know directly about your request.

CHAIRMAN: I was coming to that exactly. Thank you for your evidence, you may go now.

WITNESS NO.281: MR. FREDERICK LUZZE - SWORN IN

COUNSEL: You are Frederick Luzze?

LUZZE: Yes.

COUNSEL: A Muganda of Bendegere aged 27 years?

LUZZE: Yes.

COUNSEL: In Kapeeka?

LUZZE: Yes.

COUNSEL: Do you remember October or November 1983?

LUZZE: I do.

COUNSEL: What do you remember about that period?

LUZZE: I was arrested by Obote's men.

CHAIRMAN: Soldiers?

LUZZE: They were soldiers.

COUNSEL: Yes, where did they arrest you?

LUZZE: Katooke village.

COUNSEL: How did they come to arrest you?

LUZZE: We were trying to get food, I was together with my relatives.

COUNSEL: How many people were arrested by the soldiers?

LUZZE: We were about 9 people.

COUNSEL: So they arrested 9 people?

LUZZE: Around that figure because the majority were Obote's soldiers.

COUNSEL: Did they tell you why they arrested you?

LUZZE: They did.

COUNSEL: What did they say?

LUZZE: They arrested us and said that we were bandits and they asked us where we were going.

COUNSEL: Who said that you were bandits?

LUZZE: The soldiers.

COUNSEL: Were there some civilians?

LUZZE: Yes, there were youth wingers.

COUNSEL: How many youth wingers were there and did you know any of them?

LUZZE: I could not count them on that particular time, and I did not know any of them.

COUNSEL: What happened?

LUZZE: We were taken to a deserted house at Katooke village. They put us there and closed the door. The following morning the soldiers wanted to go and collect food and they wanted us to go and carry it. As we were going after a mile we found the youth wingers. One of them knew us.

COUNSEL: Who knew you?

LUZZE: Sendiro - he was called Sendiro.

COUNSEL: Yes.

LUZZE: At that juncture Sendiro with other youth wingers went somewhere and they had private talks. Afterwards they came and told us to go.

COUNSEL: When you say "they told us to go", can you name other people with whom you were? Did you know any of them, were you with Kaddugala?

LUZZE: In the group I knew only Kaddugala. As we were in this line going, we were lined, we heard somebody saying that Luzze and Kaddugala sit down. I had a hoe with which I was going to use to dig out cassava and it was taken from me. They removed our shirts and tied us*Kandooya* style. After which they took us to a chief, probably he was a UPC Chairman. Sendiro had - before that Sendiro had ran away and collected another youth winger called Kyaddondo. That man where were taken asked them as to why they had taken us before him. They replied that we were bandits. The man asked us whether it was true that we were bandits. Because we wanted to save our lives we did not accept, we denied.

COUNSEL: Was that true?

LUZZE: Yes, because we had undergone a military training conducted by the rebels for one week.

CHAIRMAN: So you denied to save your lives?

LUZZE: Yes. As we tried to deny Sendiro and Kyaddondo insisted that we were bandits and they had seen us guarding at Lugogo River with another man called Kaggwa.

COUNSEL: Who was Kaggwa?

LUZZE: He was the commanding officer of Lugogo.

MR. NAGENDA: Commanding officer of the guerillas?

LUZZE: Yes.

COUNSEL: Now, what did the chief do?

LUZZE: The man said that he had no other alternative except to send us to the gombolola chief and he wrote a letter and gave it to the youth wingers. As we were leaving the compound of this man four soldiers arrived with a group of people who had gone to collect food, they asked what was the problem because they had tied us *kandooya*. Then Sendiro and Kyaddondo replied that these were bandits, and these are the people camping at Lugogo terrorising them. The soldiers called some people who were carrying food and they told us to carry it ourselves. All the way they were constantly asking us whether we were bandits but we denied the allegation. We reached the *Gombolola* Headquarters, we were ordered to sit down. Sendiro who was a youth winger gave the letter which the other man had given him to the *Gombolola* Chief. He asked us whether we were true bandits. We denied that Sendiro - he insisted that he had seen us guarding at Lugogo. The *Gombolola* Chief asked us where we were staying. We told him that the sub-county of our area was Kapeeka. The *gombolola* chief suggested to Sendiro that since these people have come from Kapeeka we should send them back so that they can be tried there. Sendiro refused and said that we should be sent to the detach nearby. The *gombolola* chief gave him a letter and he handed it to Sendiro and he was given other soldiers to escort us to their detachment.

COUNSEL: So what happened when you reached their detachment?

LUZZE: When we reached there Sendiro handed the letter to the Commanding officer of that detachment.

COUNSEL: As a result of that what happened?

LUZZE: The Commanding Officer read the letter and asked us whether we were really bandits.

COUNSEL: You denied?

LUZZE: We denied.

COUNSEL: Then what happened?

LUZZE: As we were denying a certain vehicle came and there were soldiers on. When these soldiers who had come saw us sitting down they asked their friends, the other soldiers, why we were sitting down. The other soldiers replied that we were bandits. The soldiers started beating us as one would beat a criminal. As they were beating us the Commander came back, it seems he had analyzed the letter properly.

COUNSEL: What was done to you? What happened to you?

LUZZE: The commander asked the soldiers to take us in the trench which was about ten feet. He ordered the soldiers to give us posho. The soldiers ordered us to eat soil.

COUNSEL: Where was the soil?

LUZZE: The soil was in that trench.

COUNSEL: Did you eat?

LUZZE: We ate it because we were prisoners. After eating the soil they told us to bite one another's ear. (Interruption)

CHAIRMAN: Commissioners and Learned Counsel, ladies and gentlemen the generator is now working. We are in a position to proceed. I want to say a few words before we resume with the last witness, I would like to put on record our gratitude to the Chairman of RC3 of Kapeeka *Gombolola* and all his associate colleagues and his council as a whole for refreshments which he has served us during the break this afternoon. This was done by them entirely on their own volition without any prompting suggestion from the Commission or any of its staff. It is also the first time such treatment has been given to the Commission during the course of its itinerary. Thank you very much. We shall proceed with the evidence of the witness who was testifying before we had the break.

COUNSEL: Now, Mr. Luzze, will you tell us how the biting of noses started?

LUZZE: After the soil the soldiers ordered my friend to bite my ear.

COUNSEL: Was it only eating soil or even some other things?

LUZZE: They even ordered us to eat cow dung. After which they ordered my friend to bite my second ear and I was ordered to bite another ear of his. They ordered him to bite my nose and I did the same to fulfil the order.

COUNSEL: Were you just biting or you were chewing and swallowing it?

LUZZE: We were swallowing.

COUNSEL: Was it easy to bite somebody's nose?

LUZZE: It was easy because we were at gun point, there was no alternative.

COUNSEL: I see! How did you feel about the experience? Had you eaten human flesh before?

LUZZE: That was the first time and I think it would be the last one.

COUNSEL: Now, after which what happened?

LUZZE: They left us in the trench. At around 6.30 p.m. some soldiers went to drink in a nearby trading centre. At around 8.00 p.m. some of the soldiers returned and another group went. When these people came and the other who were guarding us went, we heard them snoring. We decided to climb up this trench which was about ten feet and we managed to get out. We left the soldiers sleeping and we went away - the bloody soldiers were sleeping.

COUNSEL: Now, where did you go?

LUZZE: We went back to the *gombolola* chief because earlier he had suggested that he was going to give us a letter to take it to Kapeeka, our home area.

COUNSEL: Did you see him?

LUZZE: Yes, we saw him.

COUNSEL: He called another youth winger who was the leader of them and we were taken to another house where we were kept. The following morning the gombolola chief called us to his house and he told us to find a place, to construct a hut for ourselves. After four days they removed road blocks which were manned by youth wingers and we were told to go back to our respective areas.

COUNSEL: Did you go back?

LUZZE: Yes, we went back.

COUNSEL: And comfortably sat in your homes?

LUZZE: When I arrived at home I realised that everybody was not accepting to stay with me even my mother and my aunt so I decided to find another place and I went to Ssingo, I did not know where my friend went.

COUNSEL: Why is this hatred, why did they not like to stay with you?

LUZZE: Because of what had been done to us. They had sent a message to Kapeeka that two bandits whose noses and ears had been cut off so it was easy to trace us.

COUNSEL: In other words you had become a security risk to stay with?

LUZZE: Yes.

COUNSEL: Now, when you went to Ssingo where did you go?

LUZZE: I stayed with my grand mother, she was staying near a swamp and that is why she was hiding me.

COUNSEL: So you were not mixing with people?

LUZZE: I could not mix with them.

COUNSEL: Now, when did you come back from Ssingo?

LUZZE: It is now about two weeks; I was collected by my friend.

COUNSEL: Who?

LUZZE: Kaddugala.

COUNSEL: Eh! You do not hate him, the man who bit off your ear and nose?

LUZZE: I do not hate him because he did not do it on his own, he was forced by the Obote's men.

COUNSEL: Now, anything you want to say?

LUZZE: Yes, I have. I request the Commission to assist us in our conditions - present conditions - where possible or if it is possible that we can go back to our normal life if they can restore our ears and noses it would be better.

CHAIRMAN: I have only a few questions to ask you. How do you think that your ears can be restored.

LUZZE: Yes, I saw somebody, he had been nick-named Bunyindo, they restored his nose.

CHAIRMAN: Did he tell you how it was done?

LUZZE: He did not tell me.

MR. NAGENDA: In fact, had you been a guerilla yourself? Did you take any part in actual fighting?

LUZZE: I did not participate in actual fighting but I was trained for one week and my responsibilities were to guard the village, to warn the people in advance when government troops were approaching the village.

MR. NAGENDA: This is just a small point. But let me ask it of you. Which one of you bit the other's nose first?

LUZZE: It was Kaddugala who did it first.

MR. NAGENDA: I think you might like to know that Kaddugala said you are the one.

LUZZE: It is not true, it was Kaddugala.

MR. NAGENDA: Are the two of you sharing a house at this moment?

LUZZE: Each has his own home.

NAGENDA: But you would like to work together to improve your lot?

LUZZE: We are ready to work together and we are like people who are blood bothers.

MR. NAGENDA: What would you like to happen to Kyaddondo?

LUZZE: I left him to God.

MR. NAGENDA: What do you mean by that?

LUZZE: God will punish him.

MR. NAGENDA: Well, we could keep asking questions but I do not think we ought - you know - we ought to do something else but as we said to your brother Kaddugala, we really wish you good luck in the future and we are very sorry about what we have heard. Perhaps before we -

CHAIRMAN: Well, perhaps before we let you go, I would like to say a word about your request for restoration of your ears and nose. We have received and we will continue to receive requests from very many people for assistance of various kids, different kinds of assistance and of course, we shall make appropriate recommendation to the Minister who appointed us and to the government. Now, we have written to the Minister of Justice, the appointing authority to this Commission, to give us a guideline as to what to do with such request. So we take note of your request and it will be received and it will be forwarded to the government. I do not say at the outset that we will not write any immediate letters to give you because such letter may not even achieve very much in individual cases. Perhaps I may sound a word of caution that because there are so many, there are actually literally millions of people in this country now who need assistance due to the suffering they have gone through; there are so many that the government itself does not have enough resources to meet all the required so the best perhaps is not to expect too much. Thank you, you may go now.

WITNESS NO.292: MR. LIVINGSTONE SEBUWUFU - SWORN IN

COUNSEL: You are Livingstone Sebuwufu of Bukulu Village?

SEBUWUFU: I am Livingstone Sebuwufu of Bukulu village.

COUNSEL: Of Namusaale parish, Kapeeka sub-county?

SEBUWUFU: Yes.

COUNSEL: And you are aged forty?

SEBUWUFU: Yes.

COUNSEL: Do you know John Sebuwufu?

SEBUWUFU: I know him.

COUNSEL: A Murundi?

SEBUWUFU: Yes.

COUNSEL: Of Madde Village?

SEBUWUFU: Yes.

COUNSEL: And you also know Mugabe?

SEBUWUFU: He is Yokana Mugabe.

COUNSEL: Of which village?

SEBUWUFU: Sumbwe village.

COUNSEL: Both are here?

SEBUWUFU: Yes.

COUNSEL: When did you get to know them?

SEBUWUFU: Right from their birth.

COUNSEL: Now, do you remember 4th May 1985?

SEBUWUFU: I remember.

COUNSEL: What do you remember about it?

SEBUWUFU: At around 7.00 p.m. I heard gun shots when I was in my home. Later Yokana Mugabe informed me that the gun shots I had heard were in their home. In that home the government soldiers led by Rubyogo killed our commander, Commander Kajina, he was an NRA Commander.

MR. NAGENDA: And what was the name of the Commander who was in charge of the government soldiers?

SEBUWUFU: Rubyogo, now he calls himself James Rwahinda. He changed the names.

CHAIRMAN: What was the name of the Commander?

SEBUWUFU: The Commander is Kajina.

COUNSEL: Yes, continue.

SEBUWUFU: After a period of two hours and a half, the soldiers came in my house led by Rubyogo. They arrived in a group 22 people including one prisoner.

COUNSEL: Who was the prisoner and how did you know he was a prisoner?

SEBUWUFU: The prisoner was Yokana Mugabe and I knew that he was the prisoner because he had been tied. After surrounding my house Rubyogo called me. I came out of the house and I was ordered to sit down. The soldiers had surrounded me. After that they asked me the bandits I was hiding and the gun I was having in my house. I told them that I was having none of those things they were demanding. At that time some of the soldiers had already entered my house and they were torturing my wife and looting my property.

MR. NAGENDA: How were they torturing your wife?

SEBUWUFU: They raped her as it was their daily conduct. She was pregnant. My wife, after a short period, died.

MR. NAGENDA: How short a period.

SEBUWUFU: About two months. It was a result from stomach pains because many soldiers raped her and I could not provide her with treatment because I was in prison. At around 10.00 a.m.

COUNSEL: You mean you were arrested?

SEBUWUFU: Yes, I was a prisoner. From my home we went to John Sebuwufu's home and it was Rubyogo leading a group - directing the group. When we arrived at Sebugwawo's home Rubyogo ordered the soldiers to stop there for sometime. He ordered Sebugwawo to come out of his house. When he came out he was arrested and added to me and we were ordered to sit down. Now we were three prisoners. They entered Sebugwawo's house and found his wife inside. They raped her as they had done to my wife. We were ordered to take the route which goes to Lugogo - to walk

towards Lugogo. At around mid-might we arrived at Lule Village. There we found a group of prisoners who had been put in a deserted house. We, the three, were put in another house. We spent the night there until the following day. The following day which was the 5th, the Operations Commander of the government troops ordered the soldiers to get us out of the house where we spent the night. They first removed those we found in other house. Because it was day time we were able to see those people who brought the soldiers - who were leading the soldiers. These were Youth Wingers and one of them was Rubyogo; another one is Emmanuel Ddiba; the third one is Kazwamba; I did not the know the name of the fourth one. When the Operations Commander came to our group, Rubyogo insisted that we should not be released and he put more emphasis on Sebuwufu.

MR. NAGENDA: Which Sebuwufu? You?

SEBUWUFU: That I was assisting the bandits. That I was giving them food and other necessities and that I was one of the people who sat in their courts while trying the cases of the people the bandits used to arrest. We were ordered to take the route towards Semuto where there was a prison and before we left, Rubyogo had beaten me with a heavy - a big stick on my back. We walked for about 45 metres, Rubyogo requested the soldiers that we should be killed not to be taken to Semuto. And the Operations Commander refused. We were taken to Semuto and put into the prison, three of us.

MR. NAGENDA: Excuse me, if Rubyogo did not want you to go to Semuto, did he say what he wanted done instead?

SEBUWUFU: Oh, yes. He suggested that we should be killed.

MR. NAGENDA: I am sorry, I did not hear that.

SEBUWUFU: When they put us in the prison, they asked us where we had left our fellow bandits. The questions were put to us there. We refused to reveal anything because we wanted to protect the bandits.

MR. NAGENDA: Do you mean to say that you knew where they were?

SEBUWUFU: Yes we knew.

MR. NAGENDA: Yes.

SEBUWUFU: After that - after our denial Luyombyo suggested that excessive force should be applied so that we could reveal where the bandits were. He brought two ropes. There were very many soldiers in our room.

COMMISSIONER: Soldiers who were prisoners or soldiers who were free?

SEBUWUFU: No they were not prisoners. We were tied in three different types: The first one were tied when we were naked and they violated our human rights.

CHAIRMAN: No can you speak - for the time being speak - for yourself what was done to you personally.

SEBUWUFU: They tied my private parts - they used two ropes and the penis and the other one was tied around the testicles. The one which they used to tie my testicles was also tied to my friend - John Ssebusa. We were made to sit facing different directions: Ssebusa was facing the other way and I was facing another direction. They started beating us, forcing me to move in different direction. Instead of revealing where the bandits were we resorted to crying.

CHAIRMAN: Yes, carry on.

SEBUWUFU: Then when they failed to get information from us, they took me to another cell whereby this rope which they had tied around my penis was thrown over the wall and on the other side. They started pulling. And as they were pulling I was following this rope. As the other man was pulling this rope which had been tied on my testicles and tried to pull it down while the other one was trying to pull it up. Again I survived that exercise without revealing anything but only crying.

MR. NAGENDA: At this time, Rubyogo was still in the room?

SEBUWUFU: He was there and even participating and helping soldiers to pull these ropes. As they were pulling these ropes others were beating me and my hand was cut. They were beating and cutting and at the same time pulling the ropes. The following day the sixth I was put in another cell with the same ropes. They did the same exercise but the difference was that, this time, I was tied and they made it as if to fall down; but, as I was falling down, one of my testicles burst out and fell down - the left one, fell down. I was very angry with Rubyogo to finish my manly life in a casual way like that one. As we were still prison -

COUNSEL: No before you go on, was this type of torture also applied to the other two people with whom you were arrested?

SEBUWUFU: Yes.

COUNSEL: When you were looking?

SEBUWUFU: Yes, when I was looking.

CHAIRMAN: Did they also lose their testicles?

SEBUWUFU: Ssebusawe lost his left testicle.

COUNSEL: Yes. You can sit down.

CHAIRMAN: What about the third one?

SEBUWUFU: No, the third one survived because he was tortured for a short period.

COUNSEL: Yes.

SEBUWUFU: When they saw that our testicles had burst out, they were very happy and they said in Swahili that we are very happy this is the work of a soldier. Do not mind. A few days later Rubyogo came in the prison where we had been kept, he said that, to save our lives, we had to cough two hundred thousand shillings; that he had negotiated the deal with the soldiers.

COUNSEL: Altogether or it was individually?

SEBUWUFU: Three of us because my friends had no money, and it was me who paid this money.

COUNSEL: Yes.

SEBUWUFU: I accepted - I agreed - and I approached one of the soldiers who were guarding the prisons to allow me to go back and that day was a Market day. We left this guard who closed the prison. We went together with other three escorts or guards and we went to the market place to find somebody whom I knew to give me money. Good enough I found my concubine.

COMMISSIONER: Woman friend.

MR. NAGENDA: Concubine.

COMMISSIONER: Yes but "Concubine" is a different thing.

MR. NAGENDA: Yes, let us establish, when you say *"Muganziwo,"* what do you mean?

SEBUWUFU: She was my lover. I found my lover - Kasifa Namusisi, M.

MR. NAGENDA: Sorry - what is the name?

SEBUWUFU: Kasifa Namusisi - N - and that whenever the name is mentioned the 'N' must be there.

COUNSEL: I see. What does this 'N' stand for?

SEBUWUFU: Nadina.

COUNSEL: Yes.

SEBUWUFU: She had come to that market place to try to get information concerning me -what had happened to me.

COUNSEL: Did she get the money?

SEBUWUFU: She raised the money from her friends.

COUNSEL: Was it paid to Rubyogo?

SEBUWUFU: We paid it to - we gave it to Rubyogo and he gave it to Arulasi - Mudaasi. He was the Commander - detach Commander.

COUNSEL: You mean two hundred thousand.

SEBUWUFU: Two hundred and ten thousand. When they received the money, we were released on the 13th and he ordered the medical doctor to treat us because we had rotten and we were smelling.

MR. NAGENDA: Do you mean to say that the doctor was at the detach?

SEBUWUFU: Yes and they used to walk with him.

MR. NAGENDA: But they did not let him work on you until you had paid the money?

SEBUWUFU: Yes it was after we had paid the money.

CHAIRMAN: Was the Medical Assistant also a soldier or a civilian?

SEBUWUFU: He was a soldier.

MR. NAGENDA: Was he a medical assistant or a doctor?

COUNSEL: Where did you go?

SEBUWUFU: When we were released, we went back to our respective homes. The then bandits had received information that we had been released and, on my arrival at home, I found several of them waiting for me.

COUNSEL: Yes what did they do for you?

SEBUWUFU: They took me in their camp and they told me to trace my friends. Their camp was on Bukusu village. We found there a doctor called Musoke. This Dr. Musoke treated us.

MR. NAGENDA: He had found you with your two friends?

SEBUWUFU: Yes.

MR. NAGENDA: What was the name of the camp? Where was the camp?

SEBUWUFU: Bukusu Village.

COUNSEL: Yes.

SEBUWUFU: The wounds healed but I became impotent. My penis cannot erect for three minutes; and, as a result, I do not have a wife.

COUNSEL: What happened to Namusisi Kasifa - N?

SEBUWUFU: Namusisi went with another man because I could not satisfy her human requirements and I do not know where she is now.

MR. NAGENDA: Have you tried to get medical help for this condition, at all?

SEBUWUFU: I tried but, so far, I have failed.

COUNSEL: Now you seem to be pointing at Rubyogo, is Rubyogo around - even you say he has changed the name, do you know where he is?

SEBUWUFU: Yes, I know where he is.

COUNSEL: Where?

SEBUWUFU: He is in NRA.

COUNSEL: Do you know where he operates?

SEBUWUFU: At one time, we arrested him and took him to Luwero but he said that time he had come from Kabongo.

COUNSEL: Whom did you hand him to in Luwero?

SEBUWUFU: The first one to arrest him was the Chairman R.C.3 - Nakaseke. The following day following his arrest, he was taken to Luwero Police Station. That is where we left him.

COUNSEL: Is he still there?

SEBUWUFU: He is out because I never received any correspondence from them.

COUNSEL: When was he arrested?

SEBUWUFU: I have forgotten.

COUNSEL: Last year?

SEBUWUFU: Yes.

COUNSEL: 1987?

SEBUWUFU: Yes.

COUNSEL: Now when did you know that he had changed the name to another one?

SEBUWUFU: On that very day when we took him to the police station, he made a statement and, when I read through the statement, I found that he was using other names and I crammed them.

COUNSEL: I see. Do you know whether the other two friends of yours did not become impotent, they are functioning properly?

SEBUWUFU: I know it for sure that one of them - John Sebuwawo he is having the same problem and his wife deserted him. The other one was a young boy. I do not know whether he is now involved in women affairs - whether he has lovers. I do not know.

CHAIRMAN: What was the name of the this one?

SEBUWUFU: Yokaana Mugaabi.

COUNSEL: Now what do you say about the experience you had from Lubyoogo and the soldiers?

SEBUWUFU: These were very unique and I will never forget them. They will always remain in my mind until my death.

COUNSEL: What do you suggest should be done if these people are traced?

SEBUWUFU: The decision will depend on the powers of the Uganda Judiciary - the courts; for me I can do nothing - I can say nothing.

COUNSEL: That is all, my Lord.

CHAIRMAN: Any questions from the Commissioners.

MR. NAGENDA: You said yourself you were a guerrilla.

SEBUWUFU: No, I said I was a supporter - one of those who were collecting food for the bandits; but I was not involved in the actual fighting.

MR. NAGENDA: Have you had any help from the NRC since the Government came to power?

SEBUWUFU: I got what was received by the other people like the blankets, beans and other small items but I never received any official items from the Government.

MR. NAGENDA: Perhaps, this may well be because of lack of funds and because quite a lot of people fought. Apart from this man, Lubyoogo, were there any other local people involved when you were picked up who are still around?

SEBUWUFU: Apart from the Youth Wingers I mentioned, there was no other person I knew.

MR. NAGENDA: Have you as for yourself tried to find out where Lubyogo was and failed or did you just give up the search?

SEBUWUFU: It was because of my effort that Lubyoogo was arrested because I was making constant requests to the authorities to arrest him.

MR. NAGENDA: Your stories have made us extremely sad for you and my own hope is that our Armed Forces will find these persons and charge them

accordingly.

DR. MAKUBUYA: Well.

SEBUWUFU: Depending on God's wish, I thank you for that.

DR. MAKUBUYA: Mr. Sebuwufu, I note that you are a very intelligent man and you are articulate in your evidence and it is in that light that I would like you to still clarify one or two things.

SEBUWUFU: I will answer you.

DR. MAKUBUYA: Yes, you have said that you supported the bandits. Did you understand the cause of the bandits?

SEBUWUFU: We knew because before we joined the rebels they briefed us; they told us that their cardinal objective was to restore peace - to liberate us we people who were suffering; and I had become fed up with the behaviour of the Government troops.

DR. MAKUBUYA: When did the Government first come to Bukusu?

INTERPRETER: Sorry - I did not get the question.

DR. MAKUBUYA: Counsel wants to take over or what?

COUNSEL: No.

DR. MAKUBUYA: When did the Government troops first come to Bukusu?

SEBUWUFU: From 1981.

DR. MAKUBUYA: Do you know why they came?

SEBUWUFU: The Government had received information that in these areas there were training camps for the bandits and the soldiers were deployed to flush them out.

DR. MAKUBUYA: Yes but you know originally where did this banditry come from? Why did it become necessary to set up Training Camps?

SEBUWUFU: It was because of the dictatorial regime of Obote.

DR. MAKUBUYA: Yes, but this regime you are talking about had come in power by elections in 1980.

SEBUWUFU: It had been elected - maybe, people had trust in it; but, when it came to power, it is when things became bad and went out of hand.

DR. MAKUBUYA: And you were sure that the bandits would provide a better alternative to this Government.

SEBUWUFU: I had trust - confidence - in them according to their promises.

DR. MAKUBUYA: Now, I have some problem understanding this character - Lubyoogo; was he a local person in Bukusu?

SEBUWUFU: He was born in Nakaseke Sub-County which is bordering with Kapeeka.

DR. MAKUBUYA: Did you know him before the 4th of May, 1985?

SEBUWUFU: I knew him right from his birth.

DR. MAKUBUYA: Yes. You knew his parents.

SEBUWUFU: I knew them very well.

DR. MAKUBUYA: What tribe was he?

SEBUWUFU: He was a Munyarwanda.

DR. MAKUBUYA: Did you go school together?

SEBUWUFU: He did not go to school.

DR. MAKUBUYA: I see. Was he a party activist in the area?

SEBUWUFU: He was a U.P.C diehard.

COUNSEL: And you had never quarrelled with him before.

SEBUWUFU: No.

DR. MAKUBUYA: You had never done any business with him before?

SEBUWUFU: No, it had never happened.

DR. MAKUBUYA: Were you surprised that he led these soldiers to your house on that day?

SEBUWUFU: It did very much. I was very much surprised.

CHAIRMAN: Sorry Commissioner. The story in which he had alleged that he had seen you sitting together in Lugogo in the bandits courts, was this also against you?

SEBUWUFU: These were not true. He just created these crimes so that we could be arrested.

DR. MAKUBUYA: Well, you see it is a very serious matter that you were practically castrated by these people; and, I think, we would like to avoid such things in future. Can you advise us where we can put our policies right so that people cannot be castrated in future?

SEBUWUFU: Except maybe it will be God's miracle that the morals of the people are

normalised in the sense that such atrocities cannot be repeated and that the Government puts more emphasis on politicising the people so that they can change their morals but I think it will be very difficult to avoid the recurrence.

DR. MAKUBUYA: Yeah, but you said that you understood the objectives of the bandits and you too wanted to fight dictatorship and so, how do we avoid dictatorship?

SEBUWUFU: That question is very difficult especially to us civilians or peasants to influence the Government; but as I suggested it will be God's miracle and the people themselves sit together and try to correct their morals but otherwise it will be very difficult.

DR. MAKUBUYA: My friend thank you very much and may God Bless You.

SEBUWUFU: And you too.

MR. NAGENDA: In fact, you mentioned two other names which I did not see in my notes again - one of them was Emmanuel Ddiba and the other one is Kazwamba. Where are these people?

SEBUWUFU: We were getting reports that they joined the NRA but we do not know where they are - what stations or in which unit, they are.

MR. NAGENDA: Since you said that you are hoping for and you believed in the intentions of the then bandits, no doubt you would probably say that if the NRA should get rid of people like these they are found in case they drag the standards down.

SEBUWUFU: Such characters who tortured people deliberately, we know very well that, if they join NRA, they will go back with their bad behaviour which they inherited from the other army. So they should not be allowed to join and stay in the NRA.

CHAIRMAN: Well, Mr. Ssebuwufu, that is all from us. Thank you for your evidence. You can go now.

COUNSEL: My Lord Chairman and Gentlemen Commissioners, I think, that is what I can present today. There were two other witnesses who were in this incident and there is another independent case which I had suggested to the investigators that we shall arrange to have these witnesses in Kampala at an appropriate time.

CHAIRMAN: Thank you Counsel. That would end the hearing of the evidence for today. The Session - the Inquiry is adjourned to resume tomorrow at 2.00 -at 9.30 in the morning.

CHAIRMAN: I will just say a few words to the people of Semuto about this Commission. This is a Commission of Inquiry into violation of human rights which was appointed by NRM Government in May 1986. It was appointed to inquire into the circumstances surrounding the violation of

human rights, all various aspects of violation of human rights which occurred in this country between 1962 to January 1986. Such violations include; killings, torture, imprisonments without trial, destruction of property and so on. The Commission has been hearing evidence since December 11th 1986. This is the first day we are coming to Semuto for that purpose but we have been here before on a visit sometime in 1986. Some of you who saw us may remember. We stayed here, we looked around we also visited this hospital.

Now, I will introduce to you the Members of the Commission and our subordinate staff. Sitting with me here is Associate Professor Dr. Khiddu Makubuya, Faculty of Law, Makerere University. He is actually from Makulubita near Kalasa. He is also a Secretary for R.C 5 of Luwero District. Now, I am Justice Oder, a Judge of the High Court and Chairman of this Commission. There are four other Members who are not yet with us now. We are expecting some to arrive but some may not come due to being perhaps sick and engaged in other business. There is Dr. Jack Luyombya who is a medical doctor and a Member of National Resistance Council and Mr. John Nagenda, a tea farmer in Namutamba, Mityana. Then Mr. John Kawanga who is a Lawyer in Kampala and Masaka and a former Member of Parliament before July 1985 and there is the only one Lady member, Mrs. Joan Kakwenzire who is a Lecturer in History in Makerere University. We have a Legal Counsel, Mr. Edward Sekandi who is a practising lawyer in Kampala, always he is with us also but today he is just late, he will be coming. With us here we have Assistant Legal Counsel, Mr. Cheborion Barishaki, he is seated here. Another team we have, is a team of Investigators and this consists of Senior Police Officers who go round taking statements and interviewing those people who have suffered violations of human rights. After they have identified such people, some of those people are called to give evidence before the Commission. The team is led by Mr. Ntambi, Superintendent of Police, who is not here. He was with us yesterday in Kapeeka but he will be coming late. His second in Command is Mrs.Mawa, Assistant Superintendent of Police. She is in charge of the Team right now, here in Semuto. Then next to her is the Inspector of Police, Mr. Kotootyo. Then we have our Technicians who are very skilfull in those machines, they are the ones who record the evidence which is being given before the Commission. Well, those Kampala Group who have not come, will be coming later. With those opening remarks, we shall commence to hear evidence from the first witness of the day.

COUNSEL: My Lord Chairman, Gentleman Commissioner today here in Semuto, we shall be hearing evidence regarding items; and of our terms of reference. That is arbitrary deprivation of human life and subjection of people to torture, cruel and inhuman treatment and our first witness, who is Witness No.85 of 1988 is Lucy Nabaterega.

WITNESS NO.283: MISS LUCY NABATEREGA - SWORN IN

COUNSEL: You are Lucy Nabaterega?

NABATEREGA: Yes.

COUNSEL: An adult Muganda?

NABATEREGA: Yes.

COUNSEL: Cultivator of Semuto Village which is in Nakaseke, Luwero District?

NABATEREGA: Yes.

COUNSEL: Where were you born?

NABATEREGA: I was born at Gayaza. My father is there; it is my mother who is in this village.

COUNSEL: Are you married?

NABATEREGA: No.

COUNSEL: Now, in 1982, maybe, before you came this way - do you have children?

NABATEREGA: Five of them were killed, I remained with three.

COUNSEL: Before we come to what happened to the five children of yours that were killed, were you married, maybe, before you had these children?

NABATEREGA: Yes, I was married.

COUNSEL: To who?

NABATEREGA: He was called Anthony Nsereko.

COUNSEL: Anthony who?

NABATEREGA: Hannington Nsereko but he was also killed.

COUNSEL: Of where?

NABATEREGA. He was staying in Masaka.

COUNSEL: So where was your matrimonial home?

NABATEREGA: It was in Masaka.

COUNSEL: And is that where you were staying with your children?

NABATEREGA: Yes, he was killed during the liberation war of 1979.

COUNSEL: Now, when your husband died during the liberation war of 1979; did you remain in Masaka?

NABATEREGA: The house was completely destroyed and I had no assistance, I decided to leave.

COUNSEL: Where did you go to?

NABATEREGA: I went to my mother's home.

COUNSEL: Where was that?

NABATEREGA: Semuto.

COUNSEL: Who is your mother, if she is there?

NABATEREGA: Katarina Namusoke and she is also dead.

COUNSEL: And your father?

NABATEREGA: My father also died but he was staying at Gayaza.

COUNSEL: What was his name?

NABATEREGA: He was called Yozefu Katerega.

COUNSEL: Now, in which year did you come to Semuto?

NABATEREGA: I came in 1979.

COUNSEL: And in 1982 were you in Semuto?

NABATEREGA: Yes.

COUNSEL: With your children?

NABATEREGA: Yes.

COUNSEL: Would you give us the names of these children of yours?

NABATEREGA: Yes, Miriam Nakiyemba -

COUNSEL: Start with the eldest.

NABATEREGA: Edward Musisi.

COUNSEL: How old was he?

NABATEREGA: About 20 years of age.

COUNSEL: Next?

NABATEREGA: Kigozi.

COUNSEL: How old was he?

NABATEREGA: Eighteen years of age.

COUNSEL: Yes, next.

NABATEREGA: Rebecca Nakamusa, she is dead and she was 12 years of age. Another one was Bogere Robert and he was aged 8 years and he is dead. I lost five children. Miriam Birabwa and she was 10 years of age. Those are the ones I had because the three are alive, the five are dead.

COUNSEL: Sorry, let us go back again. Is Miriam Nakiyemba alive?

NABATEREGA: Miriam Nakiyemba is alive.

COUNSEL: Kigozi?

NABATEREGA: He is also alive.

COUNSEL: Edward Musisi?

NABATEREGA: He is alive.

COUNSEL: So it is from Rebecca Namukasa?

NABATEREGA: Rebecca Namukasa is dead and Birabwa Miriam is also dead.

COUNSEL: That is four. Who is the fifth?

NABATEREGA: James Nalumoso.

COUNSEL: Yes, those are four.

NABATEREGA: Elizabeth Nalule and she was aged 10 years.

COUNSEL: Now, you have mentioned that Elizabeth Nalule and Miriam Birabwa were aged 10 years, were they twins?

NABATEREGA: Yes.

COUNSEL: And did anything occur in that month that you may recall?

NABATEREGA: The only incident I remember is that when I was at home I saw people running away, they told us that they were escaping from the soldiers who had been deployed somewhere. So we moved from home to a village called Mabindi.

COUNSEL: What time was it?

NABATEREGA: It was around 10.00 a.m.

COUNSEL: And they told you what type of the soldiers; were they of Government or what?

NABATEREGA: They were Acholi because the people who alerted us said that, the Acholi are coming. After those people had warned us we had a bank somewhere.

COUNSEL: So when you ran to Mabindi whom did you ran with?

NABATEREGA: I left with my entire family those I have mentioned above and other people I did not know. We stayed in Mabindi for two days.

COUNSEL: At whose place?

NABATEREGA: We were staying near a market but we were not staying in anybody's house.

COUNSEL: And what were you eating?

NABATEREGA: We used to go to collect food anywhere we could get it but we were very conscious about security.

COUNSEL: You said there was no house, did you not have small children may be babies?

NABATEREGA: I had but when we went there, we found all the houses were already occupied. Those who were able to construct themselves huts, did it.

COUNSEL: And did you construct one?

NABATEREGA: As we were preparing to do it, we received the information that the soldiers were coming and we left that area for Kapeeka. After we stayed in Kapeeka for two days we received an order that we should cross to Singo.

MR. NAGENDA: You received an order from where?

NABATEREGA: I did not know who gave the order but I saw people moving to Singo and there was fierce fighting, we heard gun shots.

COUNSEL: Did you reach Singo?

NABATEREGA: That very day we did not reach Singo but we stayed at a village called Kikarara.

COUNSEL: And did anything happen at Kikarara?

NABATEREGA: At Kikarara there was no incident. We stayed there for sometime and we used to go to collect food but in some cases, some of our friends were arrested and others were killed and we decided to go to Kigwanya village.

COUNSEL: At that time were you still with the whole of your family?

NABATEREGA: I had only the three but the five were killed around this place. That is where I sustained these injuries and this small girl who is the daughter of James Nalumoso, we sustained injuries when we were still in Semuto but I managed to get away.

COUNSEL: When you were running from your home, you were not carrying your grandchild? That is the daughter of Nalumoso?

NABATEREGA: Yes, but she was still very young.

COUNSEL: How old was she?

NABATEREGA: Four months.

COUNSEL: What is the name of the child?

NABATEREGA: She is Susan Tebukaza.

COUNSEL: And where was the mother of Susan?

NABATEREGA: She was grabbed from her home at Kalasa.

COUNSEL: Was she married to your son?

NABATEREGA: Yes.

COUNSEL: Could you explain to the Commission how your five children were killed?

NABATEREGA: Yes.

COUNSEL: Please do so from the time these people came and what they did.

NABATEREGA: One day we were at home. At that time we used to move to a different place after day time. But while we were there some Acholi came, they were walking on foot and they came to our place.

MR. NAGENDA: Do you know the month? When you say, the Acholi, do you mean soldiers; because some Acholi are not soldiers.

NABATEREGA: They were soldiers in uniform.

COUNSEL: So when they came?

NABATEREGA: One of the children who were playing around saw these people and tried

to run away but as he was doing so, the soldiers said that; "Do not run, do not run" and then they surrounded us and asked us "You bandits, what are you doing here?"

COUNSEL: How many were they?

NABATEREGA: I did not know their number.

COUNSEL: Were they armed?

NABATEREGA: Yes, they were armed.

COUNSEL: Did they have bayonets?

NABATEREGA: Yes.

COUNSEL: Guns? And what language did they talk to you?

NABATEREGA: I did not know the language they were speaking.

DR. MAKUBUYA: But you heard them saying, *apana kimbia* (don't run)?

NABATEREGA: I only heard few words like, "beat this one; here is a bandit".

COUNSEL: Do you mean they were talking in Swahili?

NABATEREGA: I think so.

COUNSEL: And did you understand what they were saying?

NABATEREGA: Except hearing them saying that, '*piga wuo*' I did not get another word. I did not understand what they were talking about and as they were saying that, *piga wuo*, one of them shot my child.

COUNSEL: Which one?

NABATEREGA: James Nalumoso. And the second to be shot was Rebecca and the rest died in the same manner as I will give the names.

COUNSEL: Were they shot by one soldier?

NABATEREGA: I did not know because some of the soldier had bayonets.

COUNSEL: When they were shooting your children, where were you exactly?

NABATEREGA: When I saw that they had killed the other four I begged them to kill me before killing the other one and in response, they stabbed this child on the cheek.

COUNSEL: You mean your grandchild Susan who was four months?

NABATEREGA: Yes, this one.

COUNSEL: Was she seated somewhere or you were carrying it?

NABATEREGA: She was on my lap.

COUNSEL: Could you show the Commission?

NABATEREGA: Yes. And even the legs.

COUNSEL: When they stabbed your granddaughter who was on your lap, did you drop the child or what happened?

NABATEREGA: Before removing her from my lap another soldier stabbed me on the hand and he even went further and stabbed me in the chest.

COUNSEL: Using a bayonet?

NABATEREGA: Yes.

COUNSEL: Could you show the Commission the injuries you sustained?

NABATEREGA: Yes, and there are others but I can show those which can be seen.

COUNSEL: You said that after they had killed four of your children, you asked them that they better kill you other than killing the rest and by that time they had killed four of them, now after stabbing you, did they continue to kill your children?

NABATEREGA: She was also killed and after killing him we heard gun shots and the soldiers ran away but I was unconscious.

COUNSEL: For how long did you remain unconscious?

NABATEREGA: I was removed by some people and I recovered when I was somewhere these people had taken me but later I tried to ask the whereabouts of my children and these people told me that they had gone to fetch water until when I realised that they were dead.

COUNSEL: Which people are these who used to tell you that your children had gone to fetch water?

NABATEREGA: I do not know them.

COUNSEL: Were they also soldiers?

NABATEREGA: They were in civilian clothes but it seems they were the then bandits.

COUNSEL: And did you get any treatment?

NABATEREGA: Yes

COUNSEL: Who treated you?

NABATEREGA: The boy who treated me was a Medical Doctor formerly working in Nakaseke Hospital but he later died of natural death.

COUNSEL: Where was he buried?

NABATEREGA: He was buried at his home at Kitebere.

COUNSEL: And your wounds healed now properly?

NABATEREGA: Except the hand which was paralysed.

COUNSEL: Do you mean you cannot use that hand now?

NABATEREGA: It cannot touch but I force it and sometimes the ear of my grand-daughter sometimes pus comes out, and I cannot carry anything.

COUNSEL: Now, you said that your mother Catalina Namusoke is also dead.

NABATEREGA: Yes. She died a natural death.

COUNSEL: And your father?

NABATEREGA: He also died a natural death.

COUNSEL: Now, how are you able to look after your grandchild, are you the one who is looking after her or somebody else?

NABATEREGA: I am the one looking after her.

COUNSEL: I supposed you have a lot of difficulty since you cannot cultivate properly with your hand which is paralysed?

NABATEREGA: The worst problem is to educate her.

COUNSEL: I also feel that, you must have felt a lot touched when your children were killed in front of you, is that true?

NABATEREGA: Yes.

COUNSEL: Do you have anything to say, maybe, about your experience in life, seeing your children being killed in front of you?

NABATEREGA: Yes, I have something to say. I do not have a house, my house was destroyed and currently I am renting.

COUNSEL: Do you know who destroyed your house?

NABATEREGA: I do not know them.

COUNSEL: Can't your remaining sons assist you?

NABATEREGA: Some of them are still in school.

COUNSEL: And the eldest?

NABATEREGA: The elder one is in Mbale. He is in Mbale Medical College.

COUNSEL: Is he also a student?

NABATEREGA: Yes, he is a student.

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

CHAIRMAN: I just want to clarify this. These children were killed before you ran away, is that true? Before you ran away to Nabindi?

NABATEREGA: When we were still at Mabindi after leaving this place on our way to Singo.

CHAIRMAN: I thought you said, they came home and found you - she was not clear.

NABATEREGA: That is when we were forced to go and this was the second time when we were on the way to Singo.

MR. NAGENDA: The children were killed on your way to Singo?

NABATEREGA: Yes.

CHAIRMAN: Were there other people, this was the time when your children were killed?

NABATEREGA: There were many and even other people were killed not only my children and other people's children also died. But because of the war some of the survivors have died. There are very few people remaining who witnessed this incident.

CHAIRMAN: Was it during the day or at night?

NABATEREGA: It was around 11:00 a.m on the 9th, the day was Tuesday.

CHAIRMAN: They found you where you were staying, you were all together then they just started shooting?

NABATEREGA: We were hiding because we had been surrounded and we could not cross our way.

CHAIRMAN: Hiding in the house or in the bush or in huts?

NABATEREGA: As you would leave your house after somębody informing you that the soldiers are coming and you go and hide yourself in the bush, we were in the bush.

CHAIRMAN: Do you know why the soldiers came in this area? First at your home in

Semuto and then they followed you at Mabindi?

NABATEREGA: I did not know because we had not committed a crime.

CHAIRMAN: When did the soldier first appear in this area?

NABATEREGA: I cannot recall.

CHAIRMAN: Had they always been there since 1979 when you came from Masaka or you just found them there when you came from Masaka?

NABATEREGA: I did not find them when I went there in 1979.

CHAIRMAN: There were no soldiers at that time?

NABATEREGA: There were no soldiers.

CHAIRMAN: They must have come sometime later?

NABATEREGA: They started coming in vehicles with their looted property and on arrival they could come and kill, rape and then go but eventually they were deployed permanently in these areas.

CHAIRMAN: Do you know why? Why were they deployed there?

NABATEREGA: I do not know.

CHAIRMAN: They came without a reason?

NABATEREGA: It is very difficult to reason on something whose background you do not know.

CHAIRMAN: Okay, I hand you over to the Commissioners here who would like to ask some questions.

DR. MAKUBUYA: I am sorry Lucy Nabaterega that you had to witness the cold blooded murder of your five children and that you also were actually hurt in the incident and you had also to see your four months grandchild being stabbed. We are here to inquire into such things and possibly to make recommendations to ensure that they do not occur again. I want to begin with Masaka, I think you mentioned that, your husband was from Masaka that he was killed in 1979. How did this happen? Were you there?

NABATEREGA: I did not know how he died because I was in hiding. When I came back I was informed by the villagers that my husband had been killed and it was the villagers who organized and buried his body. After that I came to Semuto.

DR. MAKUBUYA: What was his occupation?

NABATEREGA: He was a Bus-driver.

Semuto and then they followed you at Mabindi?

NABATEREGA: I did not know because we had not committed a crime.

CHAIRMAN: When did the soldier first appear in this area?

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NABATEREGA: I did not know how he died because I was in hiding. When I came back I was informed by the villagers that my husband had been killed and it was the villagers who organized and buried his body. After that I came to Semuto.

DR. MAKUBUYA: What was his occupation?

NABATEREGA: He was a Bus-driver.

DR. MAKUBUYA: Now, of course we come to this other third incident, you mentioned that soldiers used to come. Where did they come from?

NABATEREGA: I do not know because on arrival we could get information that they have come and we could run away.

DR. MAKUBUYA: You never found out whether they were coming from Kapeeka or from Kyamutakasa or whatever?

NABATEREGA: I did not know. I was just hearing gun shots and seeing people running away.

DR. MAKUBUYA: At the first time the soldiers came to near home, did they come alone or they were assisted by civilians?

NABATEREGA: It was difficult to know but we could see people in civilian clothes walking with the soldiers.

DR. MAKUBUYA: Now, of course, you said that, the soldiers came and said, you bandits what are you doing here, did you understand this?

NABATEREGA: I did not know what they meant.

DR. MAKUBUYA: The Commissioners received your request for assistance with housing and education of Susan Tebukalaza and the only thing we can say here is that, we shall forward the request to the appropriate authorities.

CHAIRMAN: Well, that is all, thank you very much for the evidence you have given and I also thank God that you survived to tell us what happened.

WITNESS NO.284: CHARLES MUBIRU - SWORN IN

CHAIRMAN: You are Charles Mubiru, unemployed Uganda, aged 23 years of Macoke village in Luwero District? Your father's name is Yafesi Sematimba, your mother is Getrude Nabuka, both of them are of Macoke Village?

MUBIRU: Yes, correct.

CHAIRMAN: Now, Mr. Charles Mubiru, I see you walking on crutches, were you born lame or this happened unnaturally?

MUBIRU: I was injured, I was not born lame.

CHAIRMAN: When did this happen?

MUBIRU: It was in June 1984.

CHAIRMAN: At which place?

MUBIRU: Najoje.

CHAIRMAN: Now, on the 6th of that month you have mentioned, June 1984, where exactly were you?

MUBIRU: I was at home.

CHAIRMAN: What happened on that day to you?

MUBIRU: Soldiers came to my home.

CHAIRMAN: At what time?

MUBIRU: At around 2.00 p.m.

CHAIRMAN: Were you with anybody at home?

MUBIRU: My entire family were present.

CHAIRMAN: Do you mean your father and mother?

MUBIRU: Yes.

CHAIRMAN: And your, maybe, brothers and sisters? Were you married by then?

MUBIRU: No, by then I was not married.

CHAIRMAN: What were you doing exactly?

MUBIRU: I was cultivating.

CHAIRMAN: Do you mean, you are earning your living by cultivating?

MUBIRU: Yes.

CHAIRMAN: So at that time tell us the story how, you said soldiers came; which soldiers and what did they do?

MUBIRU: When the soldiers arrived at our home they found us preparing beans for cooking. So they kicked them.

CHAIRMAN: Were you inside the house or outside?

MUBIRU: We were outside.

CHAIRMAN: How many soldiers?

MUBIRU: They were two soldiers.

CHAIRMAN: How were they dressed?

MUBIRU: They were in Military Uniforms.

CHAIRMAN: Were they armed?

MUBIRU: Yes, they were armed.

CHAIRMAN: With gun or what?

MUBIRU: They were armed with guns.

CHAIRMAN: Only guns?

MUBIRU: Yes.

CHAIRMAN: Yes, you said, when they reached your home, you were outside preparing beans and they kicked them; did they not talk to you or they just kicked and threw the beans without saying a word?

MUBIRU: The soldiers forced my father to remain inside.

CHAIRMAN: And then what did they say?

MUBIRU: They forced my father inside and demanded money.

CHAIRMAN: He asked your father to enter?

MUBIRU: Yes.

CHAIRMAN: In what language?

MUBIRU: He spoke in Swahili.

CHAIRMAN: Did you understand what he said?

MUBIRU: Yes.

CHAIRMAN: Can you repeat what he said?

MUBIRU: He demanded money.

CHAIRMAN: Yes, did your father give him money?

MUBIRU: Yes, he gave him 20 Shillings.

CHAIRMAN: Yes, did the soldier take the money?

MUBIRU: Yes, he took it.

CHAIRMAN: Did he say why he wanted that money?

MUBIRU: He did not give us the reason.

CHAIRMAN: After giving him the 20 Shillings what followed?

MUBIRU: After giving him the 20 Shillings he advised my father to get out of the house by using the door behind, saying that the other soldiers were bad and will kill him.

CHAIRMAN: You mean the other soldier since they were only two?

MUBIRU: Yes.

CHAIRMAN: Were you listening to this since you said you were outside, had you followed your father inside the house?

MUBIRU: He was talking loudly that was how we heard.

CHAIRMAN: And was he speaking in Swahili?

MUBIRU: He was speaking in Luganda

CHAIRMAN: So what followed when he had advised your father that he runs away? What followed?

MUBIRU: He ran away.

CHAIRMAN: How about you?

MUBIRU: The soldier who was remaining outside demanded Graduated Tax Ticket from me.

CHAIRMAN: In what language?

MUBIRU: He used Luganda.

CHAIRMAN: And you understood him?

MUBIRU: Yes.

COUNSEL: Did you show him?

MUBIRU: I entered the house where I had kept it and brought it to him. He told me to go to the kitchen.

COUNSEL: Did you go to the kitchen?

MUBIRU: Yes, I did.

COUNSEL: Then what followed?

MUBIRU: He demanded money from me.

COUNSEL: For what?

MUBIRU: He only demanded money.

COUNSEL: Did you give him the money?

MUBIRU: I did not have any money.

COUNSEL: So what happened?

MUBIRU: He told me to sit down. He started beating me with a gun barrel.

COUNSEL: Where did he beat you?

MUBIRU: He beat me in the chest and ribs. Another one came and also beat me.

COUNSEL: Did he use a gun?

MUBIRU: Yes.

COUNSEL: So what followed?

MUBIRU: One of them stabbed me on the face with the mouth of the gun. I cried.

COUNSEL: Did anybody come to your rescue maybe your fellows whom you were detained with?

MUBIRU: Two soldiers came.

COUNSEL: So when they came?

MUBIRU: They also participated in beating me.

COUNSEL: You mean they did not come to your rescue, instead they came to add on?

MUBIRU: Yes.

COUNSEL: For how long did this beating take?

MUBIRU: For about twenty minutes.

COUNSEL: After the beating, what happened?

MUBIRU: They kicked me and I fell where there was fire.

COUNSEL: And did you get burnt?

MUBIRU: Yes, I was burnt on the hands.

COUNSEL: Do you have scars as a result of this burning?

MUBIRU: Yes.

COUNSEL: Can you show the Commissioners where the scars are?

MUBIRU: Yes.

COUNSEL: You observe from your seats because the witness is lame. He was cut on the forehead, there is a scar and a scar of the burns on the left hand. So what followed?

MUBIRU: They left me when I was unconscious and went away.

COUNSEL: So when you gained consciousness, where did you find yourself?

MUBIRU: I found myself where I fell.

COUNSEL: Did anybody come to your rescue?

MUBIRU: My grandmother came called Alisi.

COUNSEL: What did she do when she found you?

MUBIRU: They came and lifted me out.

COUNSEL: And took you where?

MUBIRU: They put me in my home.

COUNSEL: Did you get any treatment?

MUBIRU: One of the Commanders who was staying in Semuto came to my home and brought some medicine.

COUNSEL: Did you know this Commander?

MUBIRU: I knew only one name Mulisi.

COUNSEL: Was he an officer?

MUBIRU: Yes.

COUNSEL: Of what rank?

MUBIRU: He was a Lieutenant.

COUNSEL: Was he a Government soldier?

MUBIRU: Yes.

COUNSEL: How had you known this soldier who came to assist you?

MUBIRU: He had married my sister.

COUNSEL: Officially?

MUBIRU: He had grabbed her.

COUNSEL: He had grabbed your sister by force?

MUBIRU: Yes.

COUNSEL: And what was the name of this sister of yours who was grabbed?

MUBIRU: She is Catherine Namubiru.

COUNSEL: And were they staying together with Mulisi?

MUBIRU: Yes.

COUNSEL: Did they bear children?

MUBIRU: She gave birth to a baby when the soldier had left, but it was the soldier's baby.

COUNSEL: Do you have the details how he assisted you and how you became to be treated and healed.

MUBIRU: I stayed at home for four days and my relatives were looking for a wheel barrow so that they could use it to take me to Nakaseke. They managed to get a bicycle from a village chief and I was taken to Nakaseke.

COUNSEL: For how long did you stay in Nakaseke?

MUBIRU: Three months.

COUNSEL: And from Nakaseke where did you go?

MUBIRU: I was taken to Mulago Hospital.

COUNSEL: Who took you to Mulago Hospital?

MUBIRU: The Head of the Hospital called Babra.

COUNSEL: Was she an African?

MUBIRU: She was a European.

COUNSEL: In Mulago you stayed for how long?

MUBIRU: I stayed there for two days and I was discharged.

COUNSEL: And at the time of your discharge because of these beatings; you now realised that you were lame?

MUBIRU: By the time I was discharged I could not even walk with those walking sticks.

COUNSEL: So it was the beatings by these soldiers that caused you to be lame?

MUBIRU: Yes.

COUNSEL: Did you know those two soldiers who beat you maybe by face?

MUBIRU: I do not know them.

COUNSEL: Didn't you know their names?

MUBIRU: I do not know even their names.

COUNSEL: Why did you not ask your brother-in-law, Lt. Mulisi to assist you to trace these soldiers?

MUBIRU: Those soldiers seemed to have come from another place; they were not under this Lieutenant, my brother-in-law.

COUNSEL: And you know where your brother-in-law, Lieutenant Mulisi, is?

MUBIRU: I do not know.

COUNSEL: How are you able to look after yourself? How do you earn your living?

MUBIRU: I am being looked after by my father.

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

DR. MAKUBUYA: Was there a state of insecurity in the area at the time these soldiers came?

MUBIRU: Yes.

DR. MAKUBUYA: What type of problem was there?

MUBIRU: This insecurity was caused by soldiers.

DR. MAKUBUYA: Which soldiers, those two you have just said were from another place?

MUBIRU: The soldiers who were coming to Semuto.

DR. MAKUBUYA: The same ones of whom Commander Mulisi was part?

MUBIRU: Yes; some of them were bad elements.

DR. MAKUBUYA: Why did these soldiers come to Semuto?

MUBIRU: They came to look for bandits.

DR. MAKUBUYA: Were there bandits?

MUBIRU: Yes, there were bandits.

DR. MAKUBUYA: How did this Lt. Mulisi know about your injuries?

MUBIRU: He used to visit my home.

DR. MAKUBUYA: And yet you said he had just grabbed your sister?

MUBIRU: Yes.

DR. MAKUBUYA: What was he coming to do?

MUBIRU: He used to come to collect food.

DR. MAKUBUYA: I do not understand you, Sir, from the same place where he grabbed a woman and he comes back to collect food from you?

MUBIRU: Yes, the reasoning of these people was very low.

DR. MAKUBUYA: What has happened to your sister now?

MUBIRU: She is in Bugerere.

DR. MAKUBUYA: Does he help you?

MUBIRU: No.

DR. MAKUBUYA: Is she still with Mulisi?

MUBIRU: No.

DR. MAKUBUYA: I am sorry that you suffered those injuries, but we are here to inquire into such things to see if we can stop in future.

COUNSEL: Mr. Charles Mubiru, one last question. Are you married now?

MUBIRU: No.

COUNSEL: Do you have maybe a girl friend?

MUBIRU: No.

COUNSEL: Why don't you? Did this beating you sustained from the soldiers affect your manhood?

MUBIRU: Yes, I was affected.

COUNSEL: That is all, my Lord.

DR. LUYOMBYA: Let me clear this little thing for further clarification. About the food Mulisi used to get from your home, was he grabbing this food by force as well or you gave it voluntarily or your sister used to come for that food?

MUBIRU: Our sister used to collect it.

COUNSEL: I thank you for the evidence which was given to this Commission.

WITNESS NO.285: MARIA GORRETI NAMUSISI - SWORN IN

COUNSEL: You are Maria Gorreti Namusisi?

NAMUSISI: Yes.

COUNSEL: Aged 30, self-employed and Muganda?

NAMUSISI: Yes.

COUNSEL: Ugandan of Burundi origin, resident at Kangavve Village in Makulubita, Luwero District?

NAMUSISI: Yes.

COUNSEL: When you say you are a Burundi origin, did you come from Burundi?

NAMUSISI: No, my parents came from Burundi.

COUNSEL: Both of them?

NAMUSISI: Yes.

COUNSEL: Are you married?

NAMUSISI: My husband died.

COUNSEL: When?

NAMUSISI: He was killed in 1984.

COUNSEL: What was his name?

NAMUSISI: He was called Simon Lukwago Maligonya.

COUNSEL: You said he was killed in which year?

NAMUSISI: He was arrested in 1985 when he was in Mityana. We do not know where he was taken.

COUNSEL: You mean you have never seen him since that time?

NAMUSISI: No.

COUNSEL: And you presumed he is dead?

NAMUSISI: Yes.

COUNSEL: Have you ever held his funeral rites?

NAMUSISI: Yes.

COUNSEL: Did you have children with him?

NAMUSISI: Yes.

COUNSEL: How many?

NAMUSISI: Four children.

COUNSEL: How old is the youngest now?

NAMUSISI: He is ten years.

COUNSEL: And the oldest?

NAMUSISI: The oldest is 16 years.

COUNSEL: Is he a boy or a girl?

NAMUSISI: A girl.

COUNSEL: Is she married?

NAMUSISI: No, she is at school.

COUNSEL: In 1984 where exactly were you?

NAMUSISI: We were in Semuto, but in 1984 we fled to Singo.

COUNSEL: Do you remember the month you fled to Singo?

NAMUSISI: It was in March.

COUNSEL: And did you eventually come back?

NAMUSISI: We did in the same year.

COUNSEL: Which month?

NAMUSISI: We returned in May.

COUNSEL: I see your cheek is swollen. Were you born like that or this occurred unnaturally?

NAMUSISI: I was shot at.

COUNSEL:. When were you shot at?

NAMUSISI: In June, 1984.

COUNSEL: Do you remember the date?

NAMUSISI: It was a Sunday.

COUNSEL: On that particular Sunday, where were you when you were shot?

NAMUSISI: I was in my house.

COUNSEL: With whom?

NAMUSISI: I was with my brother-in-law and a child.

COUNSEL: This was at Kangavve?

NAMUSISI: When we came from Singo, I fled to Kampala where I was shot at.

COUNSEL: Are you saying you had another home in Kampala?

NAMUSISI: No, we were just running away.

COUNSEL: So, at which place exactly were you in Kampala?

NAMUSISI: Near Nabagereka Primary School.

COUNSEL: And you said you had a home there?

NAMUSISI: I was renting a house.

COUNSEL: On this particular Sunday you said soldiers came; At what time did they come?

NAMUSISI: At 8.00 p.m.

COUNSEL: And when they reached inside the house, was the door open or it was locked?

NAMUSISI: It was closed but not bolted.

COUNSEL: How did these soldiers enter, did they knock or they just came in by force?

NAMUSISI: They just entered.

COUNSEL: What sort of light did you have, was it a lamp or electricity?

NAMUSISI: It was electricity.

COUNSEL: So you saw them clearly?

NAMUSISI: Immediately they entered my house they ordered me to lie down and as I did, I covered my face with my hand. So I was not able to see them properly.

COUNSEL: Did you see them or you did not see them?

NAMUSISI: I saw people dressed in military uniform; but I did not see their faces.

COUNSEL: How many were they?

NAMUSISI: I saw four of rthem.

COUNSEL: Were they armed?

NAMUSISI: Yes.

COUNSEL: When they entered and told you to lie down, what followed?

NAMUSISI: They shot me.

COUNSEL: Did they not talk any other words apart from that?

NAMUSISI: They did not say anything else. All the people who were renting the same house were also shot at.

COUNSEL: How many of them?

NAMUSISI: I did not know because after shooting me, I was rushed to the hospital. But I was later informed that four people died.

COUNSEL: Did you know their names?

NAMUSISI: I did not know their names.

COUNSEL: After those soldiers shooting you, what did they do?

NAMUSISI: They looted.

COUNSEL: Did they loot anything from you?

NAMUSISI: Yes.

COUNSEL: What did they take?

NAMUSISI: They took my stove and the curtains.

COUNSEL: After that, did you go to hospital for treatment or what followed?

NAMUSISI: I went to Nsambya Hospital.

COUNSEL: And were you treated?

NAMUSISI: Yes.

COUNSEL: What did the doctor find out, was your jaw broken or were your teeth affected?

NAMUSISI: The jaw was broken and some of my teeth were removed.

COUNSEL: How many teeth?

NAMUSISI: Three.

COUNSEL: For how long did you stay in the hospital?

NAMUSISI: I stayed there for one and a half months.

COUNSEL: And after being discharged, where did you go?

NAMUSISI: When I was discharged, I went and stayed in Katwe.

COUNSEL: And by that time your husband was not dead I suppose?

NAMUSISI: No.

COUNSEL: So you stayed with him peacefully?

NAMUSISI: Yes. When I reached here, my husband and children went to Mityana. He was in Mityana and I stayed in Kampala.

COUNSEL: Was he working there?

NAMUSISI: When he went to Mityana, I was informed that he bought ekibanja there and he engaged in coffee buying. I was also informed that the day he was arrested he was going to collect money and that his name was listed among other people.

COUNSEL: While you were in Kampala, were you working?

NAMUSISI: Yes.

COUNSEL: What sort of work?

NAMUSISI: I was selling beer.

COUNSEL: After learning that your husband had disappeared, and maybe presumed him dead, have you got married now?

NAMUSISI: I did not.

COUNSEL: Is it because you have chosen to remain here?

NAMUSISI: Yes, but I do not have where I can take my children because the house was damaged - the doors were removed.

COUNSEL: How are you able to raise fees for these children, you say the eldest is at school?

NAMUSISI: I have been getting assistance from the relatives of my late husband. But this year they informed me that they are no longer having money.

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

CHAIRMAN: We would like to take you back. We have not quite understood how you ran away from your home of Semuto in the first place. Why did you have to go away, your husband to Mityana with the children and you to Kampala? What was wrong in your area?

NAMUSISI: It was because of the war, because my husband was fighting in this area and that is why he fled to Mityana.

CHAIRMAN: What kind of fighter?

NAMUSISI: He was a bandit - he was Museveni's man.

CHAIRMAN: Why did he go with the children if he was a fighter? It is you who should have gone with the children and he should have gone to fight?

NAMUSISI: He decided to take the children because he first went to Singo and it was from there that he went to Mityana. He did not come back to our home.

CHAIRMAN: Where did you depart, at Singo or where?

NAMUSISI: We separated in Singo.

CHAIRMAN: First you all went to Singo?

NAMUSISI: Yes, we went together to Singo.

CHAIRMAN: Where did you go to Singo in particular?

NAMUSISI: We were at Kigwanya Village.

CHAIRMAN: Why there?

NAMUSISI: Because of the constant harassment by some people. Some used to come from Nakaseke and others from other areas and we decided to go to Singo.

CHAIRMAN: Why didn't you go to somewhere else or to Wobulenzi?

NAMUSISI: It is because of the route which I took, because from there I proceeded to Kampala, I could not come back and then go to Wobulenzi and I did not

know where Wobulenzi was.

CHAIRMAN: You tell us why you chose to go to Singo? Did you know anybody there?

NAMUSISI: Because we were forced to go to Singo, we were advised to go to Singo.

CHAIRMAN: Who advised you?

NAMUSISI: Some tall men used to come and tell us that we should go to Singo and they even directed us the way.

CHAIRMAN: They were tall men?

NAMUSISI: Yes. They told us that we should go to Singo and when we reached there, they said that those who could manage the conditions should remain there and those who could not bear the conditions should go back.

CHAIRMAN: Was your husband also a Murundi?

NAMUSISI: No, he was a Munyarwanda.

DR. MAKUBUYA: Where are you staying now?

NAMUSISI: At Semuto.

DR. MAKUBUYA: What has happened to your place in Kangave?

NAMUSISI: The iron sheets were removed and no motor cycles.

DR. MAKUBUYA: But the "*kibanja*" is still there?

NAMUSISI: Yes, it is there.

DR. MAKUBUYA: Are you cultivating it?

NAMUSISI: Yes.

DR. MAKUBUYA: Why did you trust those tall men?

NAMUSISI: I was not alone, we were too many people.

DR. MAKUBUYA: You trusted a collective judgement of your neighbours and other people?

NAMUSISI: Yes.

DR. MAKUBUYA: Were you also running away from other tall men?

NAMUSISI: Those who were harassing us were black and these tall men who used to take us were brown.

DR. MAKUBUYA: Were the black ones short?

NAMUSISI: They were also tall.

DR. MAKUBUYA: You also mentioned something about conditions that those tall men said those who could bear the conditions in Singo could stay, those who could not bear could go away. What were the conditions?

NAMUSISI: Those who could bear the condition, should remain there; those who couldn't were free to come back; and most of the people came back.

DR. LUYOMBYA: Was there food in Ssingo?

NAMUSISI: We used to collect it from the mountains.

DR. LUYOMBYA: Did you have houses?

NAMUSISI: We were constructing huts.

DR. LUYOMBYA: Now, those tall, brown men, what were they doing in Ssingo themselves?

NAMUSISI: They had guns but they were dressed in civilian clothes.

DR. LUYOMBYA: Did you ever visit your husband when he was in Mityana?

NAMUSISI: I did.

DR. LUYOMBYA: When was the last time you saw him alive?

NAMUSISI: In October - I last saw him in October, and he was arrested in November.

DR. LUYOMBYA: Did you go to look for him after his arrest?

NAMUSISI: I was informed that, when he was arrested, he was put on a helicopter, brought to Katikamu; and, when I tried to trace him in Katikamu, they told me that he had been taken to Bombo. So, from Bombo, his whereabouts are not known.

DR. LUYOMBYA: Yes, but you have said that he was a fighter on Museveni's side, have you tried to trace him through the NRA?

NAMUSISI: Well, I do not know.

DR. LUYOMBYA: But whom have you contacted and what has been the result? You see, you cannot stand on the road and wait for every vehicle that passes to wait. So whom have you contacted?

NAMUSISI: I have not contacted any person in the NRA. It is because I asked myself, since the war ended, if he was alive, why is he not coming? That is why I did not go to the top people to ask.

DR. LUYOMBYA: About this injury which you sustained - of course, I am just sorry that, you were shot in the cheek, but may we know more about it; e.g., what was the problem around Nabagereka Primary School which brought these soldiers there?

NAMUSISI: It was because of this war.

DR. LUYOMBYA: Which war - June 1984, in Kampala!

NAMUSISI: Why I say that it was because of the war is because I myself was forced to leave my home because of the war; and, when I went to Kampala, people - we - were shot at. That is why I say that it was because of the war situation.

CHAIRMAN: I think that is not the point; I think, what was happening particularly at that place around Nabagereka Primary School? Were the soldiers carrying out - was there - an operation or what or were they just thieves?

NAMUSISI: There were soldiers.

CHAIRMAN: Oh yes. Did you know why they had to come there? Why they came.

NAMUSISI: I do not know why they came.

DR. MAKUBUYA: Did they ask you for money?

NAMUSISI: They did.

DR. MAKUBUYA: Pardon!

NAMUSISI: They asked for money.

DR. MAKUBUYA: Did you give them the money?

NAMUSISI: I had no money and I told them that I had no money. I told them straight away.

DR. MAKUBUYA: Is this why you were shot?

NAMUSISI: May be but again even the others who were staying in the same house were shot at and harassed.

CHAIRMAN: Did they ask for identity and *"bitambulizo"*?

NAMUSISI: They did.

CHAIRMAN: Did you produce *"ebitambulizo"*?

NAMUSISI: They did. We did.

CHAIRMAN: And even after producing those they hit you.

NAMUSISI: Yes, Sir.

COMMISSIONER: Thank you.

DR. LUYOMBYA: There are still facts which are not clear in my mind. Let us start with Ssemuto. You said that your husband was a fighter. Was he a fighter when you were in Ssemuto?

NAMUSISI: We were staying in Kangavve but he was fighting from where there was an NRA Camp.

CHAIRMAN: Where?

NAMUSISI: He was staying in Kangavve but the NRA Camp from which he operated was at Kitemu.

CHAIRMAN: How far away from there?

NAMUSISI: It is very near - the village is called Kitema. It is very near.

DR. LUYOMBYA: Was he coming from home every day to Kitemu to fight or was he staying in Kitema Camp.

NAMUSISI: He was reporting to his camp every day, from Kangavve.

DR. LUYOMBYA: I see. When you were advised by tall men to leave your area, was your husband at home?

NAMUSISI: Yes.

DR. LUYOMBYA: And you went with the whole family - the whole family went - to Ssingo.

NAMUSISI: Yes.

DR. LUYOMBYA: Now you told us that, after two months, you returned.

NAMUSISI: Yes, I came back and I passed through Kapeeka and in Kalege; and in the area there were soldiers in these areas; and I went to Kampala, through Busunju.

DR. LUYOMBYA: Was there disagreement between you and the rest of the family.

NAMUSISI: The only disagreement was that my husband said that he was not going to return where he had come from. So he decided to proceed to Mityana, and he said that I should take the children.

DR. LUYOMBYA: Was it the bad conditions in Ssingo that forced you to abandon the rest of your family and go to Kampala?

NAMUSISI: Yes, because I had stomach pains and I had to go for treatment and in Ssingo there was no medicine; and he accepted. He told me that I should

go to hospital if I managed to reach Kampala.

DR. LUYOMBYA: Now you told us you used to visit your husband when he was in Mityana. How did you come to know the exact place? You were just erecting huts. How did you come to know the exact place when you had left?

NAMUSISI: I was informed by the people from Mityana and I decided to go and see him.

DR. LUYOMBYA: In what exact place, was it in the plot he had bought or -

NAMUSISI: When he went to Mityana, he was sharing a house with somebody.

DR. LUYOMBYA: Mityana is in Ssingo. Isn't it?

NAMUSISI: I think so.

DR. LUYOMBYA: Was it near the place where you had constructed huts before?

NAMUSISI: No. The plot was near Mityana Town. It was about two miles from the town.

DR. LUYOMBYA: Now, since your husband had bought a plot and he was engaged in buying coffee, why did you still opt to remain in Kampala rather than remain with your family in Mityana?

NAMUSISI: I was preparing to go and we suggested together that, before I take there my property, that he should construct a house where we are going to stay; and it was after its completion that he was arrested and later killed. This house was thatched with grass.

DR. LUYOMBYA: Where was he staying - well - wasn't he staying in any sort of a house in that place?

NAMUSISI: He was sharing it with many people, including the owners, and he was looking after so many people including my father-in-law.

DR. LUYOMBYA: Who told you about your husband's arrest?

NAMUSISI: His sister. She came and informed me that my husband had been arrested.

DR. LUYOMBYA: While in Mityana, had he given up fighting?

NAMUSISI: He was still participating.

DR. LUYOMBYA: You mean he was fighting, at the same time, buying coffee.

NAMUSISI: He used to go to the camps sometimes.

DR. LUYOMBYA: I see. When did you unite with your children again?

NAMUSISI: After the war, I came back with my children and I am staying with them.

DR. LUYOMBYA: Oh, no, no, no. The children were in Mityana with their father; you were in Kampala.

NAMUSISI: I removed them from Mityana after the arrest of my husband and I removed the children from Mityana; stayed with them in town; and then, when I was coming, I came with them.

DR. LUYOMBYA: How did you - you said you were selling beer in Kampala.

NAMUSISI: Yes.

DR. LUYOMBYA: Did soldiers use to come to your bar to take beer?

NAMUSISI: No.

DR. LUYOMBYA: Were there soldiers around the place where you were selling beer?

NAMUSISI: No.

DR. LUYOMBYA: Exactly where is Nabagereka Primary School?

NAMUSISI: In Kisenyi, after Blue Room.

DR. LUYOMBYA: Is it near Lubiri Barracks?

NAMUSISI: I do not know.

DR. LUYOMBYA: Did you know the area around where you were staying?

NAMUSISI: Yes, because I heard there were people I knew and, in fact, it was because of them that I went in that particular place.

DR. LUYOMBYA: Which people?

NAMUSISI: There was my brother-in-law.

DR. LUYOMBYA: I see. Okay. All right. Thank you.

CHAIRMAN: Your husband's brother. Was he?

NAMUSISI: Yes, and he was also killed.

CHAIRMAN: When?

NAMUSISI: He was killed in 1985.

CHAIRMAN: Where?

NAMUSISI: In Kisenyi near Nabagereka Primary School.

CHAIRMAN: By who - in the same incident when you were shot at?

NAMUSISI: I was shot at in 1984.

CHAIRMAN: Yes.

NAMUSISI: And he was shot in 1985, before my husband was arrested.

CHAIRMAN: I see. He was shot by soldiers?

NAMUSISI: Yes.

CHAIRMAN: In what circumstances?

NAMUSISI: I did not know.

CHAIRMAN: Were you not staying close together?

NAMUSISI: We were near. The houses were opposite each other.

CHAIRMAN: Was he also shot at night?

NAMUSISI: Yes, he was shot dead at night but on another occasion.

CHAIRMAN: Yes, okay, in his house - in the house.

NAMUSISI: It was because, when the soldiers tried to take his blanket, he resisted and they shot him dead in front of his house.

CHAIRMAN: I see. Okay. Well, Maria, I think, that is all now. Thank you for what you have told us. We are sorry that you have to be reminded about these matters. But, without people telling us, we cannot do what we have been assigned to do. So thank you.

NAMUSISI: And you too.

CHAIRMAN: Yes, I think, at this time, we shall have a break.

INTERPRETER: She has something to say.

CHAIRMAN: Sorry - sorry Maria Goretti; sorry - to interrupt. Well tell us that is if you have something to say.

NAMUSISI: My children have no assistance.

CHAIRMAN: They have nothing?

NAMUSISI: They do not have assistance, because the relatives of my husband have informed me in advance that they have no money and even myself I have no money.

CHAIRMAN: So!

NAMUSISI: You could advise me how I can educate my children.

CHAIRMAN: That is a very difficult task for the moment which I do not know whether we are competent to do. But I would imagine what she is really asking us whether we can give her some assistance to help her to educate them. I think, that is what you are asking.

NAMUSISI: Yes.

CHAIRMAN: But you seem to be - you are - an enterprising lady or were at that time. Aren't you doing any work now - any business - or anything that would assist you? Selling beer.

NAMUSISI: I cannot. This time I cannot manage selling beer.

CHAIRMAN: Why? Why not? Well, not beer but anything else that you can. Well, anyway, your request is taken note of - your request for - the assistance of your children. We shall forward it to higher authority - to Government. Thank you.

NAMUSISI: Thank you very much.

CHAIRMAN: I think at this stage, we shall have a break of 30 minutes and we resume at 20 past 2.00 p.m this afternoon.

CHAIRMAN: Counsel, we are ready to resume now. You call the next witness, please.

COUNSEL: The next witness who is going to be Witness Number 286, is Johnson Male Nsereko.

WITNESS NO.286: JOHNSON MALE NSEREKO SSALONGO - SWORN IN

COUNSEL: Could you state your names in full please?

NSEREKO: Johnston Male Nsereko Ssalongo.

COUNSEL: You are aged 48 years.

NSEREKO: Yes.

COUNSEL: Yes, you are a farmer and a member of R.C 5 in Luweero District.

NSEREKO: Yes.

COUNSEL: Ugandan resident of Kikooko Village, this is in Makulubita in Wobuleenzi village.

NSEREKO: Correct.

COUNSEL: Are you married?

NSEREKO: Yes.

COUNSEL: Do you have children?

NSEREKO: Yes.

COUNSEL: How many?

NSEREKO: 18 children.

COUNSEL: Have you ever attended school?

NSEREKO: Yes.

COUNSEL: Give us your educational background.

NSEREKO: When I stopped.

COUNSEL: Yes, from the start.

NSEREKO: I started schooling in 1949 at Kalasa Primary School. I went to Ndejje.

COUNSEL: Continue, please.

NSEREKO: After Ndejje, I went to Lubiri Secondary School.

CHAIRMAN: To which school?

NSEREKO: After Ndejje, I went to Lubiri Secondary School. I stopped in 1958.

COUNSEL: And did you start working?

NSEREKO: I started working in the same year.

COUNSEL: Where and as what?

NSEREKO: I was working as a Cashier at Makulubita Sub-county Headquarters.

COUNSEL: Up to when?

NSEREKO: Up to 1980.

COUNSEL: Yes. Then what did you do?

NSEREKO: Well.

COUNSEL: Did you stop working - you said you stopped working in 1980; maybe, why did you stop working in 1980?

NSEREKO: It was after the rigging of the 1980 Elections, although I was a civil servant, because of the insecurity that came up after the rigging of the election, I had no peace. That is why I decided to join the bandits.

COUNSEL: You have mentioned the important things; you said; "rigging of election", and "insecurity as a result of that rigging of elections". Maybe, can we first start about the rigging of elections? During the elections which I suppose you are talking of the 1980 Elections, were you in your area?

NSEREKO: I was in my area.

COUNSEL: And did you participate in the elections?

NSEREKO: I did and I was one of the presiding officers.

COUNSEL: Of which polling post?

NSEREKO: At the Sub-county Headquarters- Makulubita.

COUNSEL: Now you said, elections were rigged. Did this happen at *Gombolola* Makulubita?

NSEREKO: I have no complaint about the elections - the voting - of Makulubita; the rigging did not take place at the Sub-county Headquarters where I was the presiding officer. The ballot boxes were collected and taken; but the manner in which the elections were announced, left much to be desired; and it was evident that the elections had been rigged.

COUNSEL: Maybe, in a brief detail, could you explain to this Commission why you became convinced that the elections had had been rigged?

NSEREKO: Those who had radios at that time heard news from the foreign radios saying that the D.P had won the elections.

COMMISSIONER: Yes, Mr. Male, did you have a radio at the time and did you listen to such information from the radio - from your radio?

NSEREKO: I had a radio.

COMMISSIONER: From what station?

NSEREKO: It was on B.B.C.

COUNSEL: And, when you heard this on B.B.C, were you convinced?

NSEREKO: Yes, because all the people celebrated over the victory.

COMMISSIONER: All the people - where?

NSEREKO: Because I come from Makulubita, I am speaking on behalf of the people

of Makulubita; but, I think, the celebrations were held throughout the country.

CHAIRMAN: No, he did not know, if he only thinks, that is not admissible - not what you think but what you know. What you think may be wrong.

NSEREKO: When I am speaking about celebrating, I mean the people of Makulubita; but later we received information that even in other places, similar celebrations were held. So, the -

DR. MAKUBUYA: Did you receive the information yourself from other places?

NSEREKO: And to make my point clear we had a UPC Chairman in Luweero Central; after these celebrations, he came and he said that we were celebrating because we heard that the D.P. had won the elections.

DR. MAKUBUYA: What we want, Mr. Nsereko Male, we want things which you received yourself, not what you heard from people saying.

NSEREKO: What I mean is that this Kasirivu visited all the - he visited all the parishes in his area, trying to assure his supporters that although it had already been announced that the D.P. had won the elections, it was not true.

COUNSEL: So in your area where you were you said that people celebrated because they had won the elections?

NSEREKO: Yes, and as a result some of them were arrested for celebrating - because of celebrating. Yes, they were arrested and detained.

COUNSEL: Could you give some names of some people who were arrested?

NSEREKO: Ssebasitiyano Kabongo -

COUNSEL: Well.

NSEREKO: Parasiko Zziwa. They were taken to Bombo Barracks.

COUNSEL: And were these belonging to any party?

NSEREKO: Yes.

COUNSEL: Which party?

NSEREKO: They were supporters of the Democratic Party.

COUNSEL: When were they arrested?

NSEREKO: A week after the declaring that the D.P. had won the elections.

COUNSEL: Now, in your constituency which was - I suppose was - Luweero Central

- am I right -

NSEREKO: Correct.

COUNSEL: Which candidate did you return - D.P. Candidate or a U.P.C. Candidate?

NSEREKO: We returned a D.P. Candidate.

COUNSEL: And, at the announcement of the result, did they announce that the D.P. Candidate had won?

NSEREKO: He was not mentioned.

COUNSEL: Did they announce any other party candidate?

NSEREKO: As I said that the manner in which the elections - the results of the election -were announced was not proper, it took some time before our candidate was announced as having won the elections in this particular constituency.

COUNSEL: Now, when you mentioned something about insecurity coming in, did they come in before or after the announcement of the candidates in your area? Let us stick to your areas first.

NSEREKO: Before I proceed, I would like to say that, when I was making my statement, I wanted to give evidence from 1966, but, when I came here the evidence which I am giving starts from 1980.

COUNSEL: You mean you have something relating to violation of human rights that may be you witnessed from 1966?

NSEREKO: Yes.

COUNSEL: Please do so.

NSEREKO: Well.

COUNSEL: Narrate to this Commission violations of human rights you witnessed let us say okay the period you have chosen from 1966.

NSEREKO: It was in May, 1966, when Obote attacked the Kabaka's Palace at Mengo. It is known that the Kabaka fled. Some of his aides who were killed in this attack in the place - one of them was Riyazzali Mpugu. He had once been a *Gombolola* Chief of Makulubita, and he was promoted to go and work in the Kabaka's Palace.

COUNSEL: Okay, maybe, before you tell us about this 1966 incident, where were you? What were you doing? Were you connected? How did you get this information?

NSEREKO: It is because I worked in the Kabaka's Government and the information I am giving .you I received it while working with the Kabaka's

Government.

COUNSEL: And, when the Lubiri was attacked, were you- where were you exactly, were you staying in Lubiri?

NSEREKO: I was not working in the Palace but I was working at Makulubita *Gombolola* Headquarters.

COUNSEL: Were you present at that time in Kampala when this incident occurred?

NSEREKO: I was not in Kampala.

COUNSEL: Now what you are telling us, were you told or you saw?

NSEREKO: I was informed.

COUNSEL: Maybe, that is why I decided to leave that part of the evidence out because you were not present; you heard this from people and, maybe, you could only tell us the people who told you this story; and we shall be able to trace them ourselves. Who told you what happened?

NSEREKO: As most of us had radios at that time, I think, we were able to get what was going on.

COUNSEL: Are you telling us that you heard over the radio?

NSEREKO: Yes, because I cannot quote a specific person that this is the one who informed me about what went on in the palace. If this matter is consuming our time, I can leave it and proceed with what happened after 1980.

COUNSEL: That is right.

NSEREKO: After the removal of the Kabaka's Government, the governing of this country fell in the hands of the army. All our fundamental rights were removed from us and we were put on the mercy of the soldiers; a soldier could do anything to you.

COUNSEL: Which period is this you are talking about? Is it 1967 - 68 - 69?

NSEREKO: From the removal of the Kabaka's Government as I mentioned earlier on that it was in May, 1966; that is when all our rights were removed from us and we were left at the mercy of the soldiers.

COUNSEL: Yes.

NSEREKO: After that period, I remember a certain gentleman called Dinsani Matovu, this man started taking - stealing people's plots by force.

COUNSEL: Who was he? Did he have any post?

NSEREKO: He had no post in Government but he was a rich man and he could

influence the people in Government.

COUNSEL: Where was he from - a resident of where?

NSEREKO: He was from Kabira Village, Makulubita Sub-county.

COUNSEL: Can you give some examples of some plots of some people he took?

NSEREKO: Yes.

COUNSEL: Please -

NSEREKO: He took that of Augustine Bugumya.

COUNSEL: And more!

NSEREKO: Ndawula.

COUNSEL: Yes.

NSEREKO: Ndawula.

CHAIRMAN: Sorry! If you can, say, mention the plot and - of the owner and - the date when it was taken away from him. Can you do that? Generally, after that, which means after May 1966.

NSEREKO: It was in 1968 when this man took these plots.

COUNSEL: Do you know the months?

NSEREKO: Especially at Kabira Village.

COUNSEL: I am talking of the month.

NSEREKO: I only remember the year, 1968.

CHAIRMAN: Okay, let us go on. Ndawula. Who is the next one? Ndawula who?

NSEREKO: I should like to be specific on Kabira Village because it was on this village that many people were affected.

CHAIRMAN: Yes - Ndawula. Who is the next?

COUNSEL: My Lord, he has mentioned generally - this occurred in Kabira Village.

CHAIRMAN: No, I thought he was still giving us names of those affected.

COUNSEL: No, he says, not to waste time, he is saying that the most affected area was Kabira Village.

CHAIRMAN: Yes. How many people altogether? How many people were affected? You mentioned two so far.

NSEREKO: Now, I cannot give a specific figure but it can be better if you go there yourself - yourselves -and see because -

CHAIRMAN: No, you are the one who knows, this is factual, as a matter of fact. We depend on you. Okay let us go on.

COUNSEL: Mr. Male, did you know the reason why this gentleman, Dinsani Matovu decided to take people's land?

NSEREKO: The only reason that I can give is that because, during that period, the people could not oppose anything. This Matovu, using his money he influenced some people in Government and applied for a lease to use that area which was occupied by these people, when it was illegal.

COUNSEL: Can you give a reason - maybe, an example, of a person in Government who was influenced?

NSEREKO: I cannot mention anybody because during that time those people who served in Obote's Government, I cannot -

COUNSEL: Okay, how did you know that this man using somebody in Government if you do not know the name of the person who was being used?

NSEREKO: At that time, there was a District Commissioner, he was called Jubilee; he used to visit those areas.

COUNSEL: Jubilee who?

NSEREKO: I know only one name "Jubilee".

COUNSEL: And what did he do that was out of his ordinary duty?

NSEREKO: I do not know but I think he came in his capacity as a District Commissioner.

COUNSEL: Okay. I think, Mr. Male, let us - apart from this man who was interrupted by Kabira who was using force, maybe, I will ask you one question. Couldn't these people - two of them - you have mentioned - did they try may be seek any assistance or redress from court or using police?

NSEREKO: They did.

COUNSEL: And were they helped?

NSEREKO: They did not get assistance during that period but; after the NRM take over, Augustine Lugumya took the matter to R.C 1. He won the case. He went to R.C 2. He again won it; but, as the matter reached the D.A's office, the D.A suspended the proceedings of that case.

DR.MAKUBUYA: Mr. Male, to your knowledge, do you know whether these people took

that matter to court or police?

NSEREKO: In which year?

DR. MAKUBUYA: During those days of 1966.

NSEREKO: I know. And the Chairman of R.C Mukulubita and the D.C -

(NOT PROPERLY RECORDED - OLD TAPE)

where he was informed that since he was not a U.P.C he was wasting his time and he gave up.

CHAIRMAN: Well, I do not know. I would not like to commit myself. It is an opinion but I would think that would be most unlikely in the normal courts which have been district courts.

DR. MAKUBUYA: Is Mr. Lugumira still there? Do you know?

NSEREKO: Yes.

DR. MAKUBUYA: Can he be easily traced?

NSEREKO: Yes.

DR. MAKUBUYA: And Mr. Ndawula?

NSEREKO: Ndawula died.

DR. MAKUBUYA: Mr. Lugumira is still there. He would be able to tell us.

NSEREKO: Do you need him?

COUNSEL: Yes, we shall investigate the matter.

CHAIRMAN: He shall tell us, I think, more direct and better what you said and so on, if he is there, it is better to hear from him.

DR. MAKUBUYA: At least, he knows that - Mr. Male, at least, you insist that you know Mr. Dowson Matovu grabbed Mr.Lugumira's *kibanja.*

NSEREKO: Yes and even the villagers can confirm this.

DR. MAKUBUYA: And he used his connections with Government people of the day.

NSEREKO: Yes.

DR. MAKUBUYA: Mr. Chairman, I consider that this is a kind of thing we can verify from thereon.

CHAIRMAN: Yes, yes.

COUNSEL: Now, apart from that incident where Johnson Matovu grabbed people's land mainly in Kabira Village, can you give us, maybe, another incident of Violation of Human Rights which you witnessed around that time you are talking about - that is after 1966?

NSEREKO: In 1971, after the removal of Obote by Amin, the human rights issue deteriorated so much.

COUNSEL: Yes.

NSEREKO: The soldiers became more indisciplined and they went on raping, looting and committing other atrocities.

COUNSEL: Around that time - 1971 and thereafter - where were you residing?

NSEREKO: I was in Makulubita.

COUNSEL: Was any resident of Makulubita affected by any of those violations which you witnessed - or in any other area which you witnessed yourself?

NSEREKO: If I tell you what I witnessed now, you can doubt my information but, as I said that I was working at the Sub-county Headquarters,

COMMISSIONER: No, no, no.

NSEREKO: I used to get reports from the affected people.

CHAIRMAN: No, no, Mr. Male, if you tell us, then we will have all the more reason to believe you, not to doubt you.

DR. MAKUBUYA: Well, he being doubted already. So -

CHAIRMAN: No, if you witnessed, tell us what you witnessed. What you saw or what you heard.

NSEREKO: Okay, let us put raping of women aside but Amin removed the ownership of land from all Ugandans, and a certain gentleman - Haji Ibrahim Sseguya - of Bugayo Village in the same way chased people out of their plots in that village.

DR. MAKUBUYA: Do you mean he also leased land in that village and he chased people away.

NSEREKO: Yes, because be bought this land from somebody and his intention was to chase away people so that he can utilise it for his own benefit.

COUNSEL: Yes.

NSEREKO: Many people were affected and some of them died as a result and he arrested some of the people and one of them died in prison.

COUNSEL: Who was that?

COMMISSIONER: Haji Sseguya.

CHAIRMAN: Who arrested - Haji Sseguya?

NSEREKO: Ibrahim Sseguya.

CHAIRMAN: Was he a Government Official?

NSEREKO: No, he was a businessman.

COUNSEL: Where did he get his powers to arrest people?

NSEREKO: From the then Government.

COUNSEL: Could you explain more how this Haji Sseguya got his powers? Was he - I mean, what position it is not any ordinary citizen who can get powers in any Government? Did he have any special position?

NSEREKO: I wanted to avoid your constant question you have been putting to me whether I witnessed these incidents; but what I know is that Sseguya had the powers from the Government because Amin had removed the ownership of land.

COUNSEL: How had Amin removed ownership of land?

NSEREKO: Through the 1975 Land Decree, that is how he removed the ownership of land.

COUNSEL: And are you implying that Haji Sseguya used the coming in of the 1975 Reformed - Land Reform Decree - to get leases?

NSEREKO: Yes and that is why he managed to chase those people away.

COUNSEL: I see. Now who is this - what was the name of this person whom he put in jail and you mentioned another one who died? Could you give us their names?

NSEREKO: Kulanima Ssempagala died in detention.

COUNSEL: Where was he detained?

NSEREKO: In Bombo Barracks.

COUNSEL: Yes.

NSEREKO: Yekeyada Bukulu.

COUNSEL: What happened to him?

NSEREKO: Bukulu had been bailed but later he was killed by Obote's soldiers in 1981.

COUNSEL: Now, apart from grabbing of land by Haji Sseguya, is there any other Violation of Human Rights which you witnessed yourself in Amin's period?

NSEREKO: That is what I have about what happened during Amin's time; now I want to proceed with the 1980.

COUNSEL: Yes.

COMMISSIONER: Probably before you leave do you remember anything else - any other - atrocities committed say in your village on to you personally?

NSEREKO: Concerning what happened to me and others during that period, I will stop there because I want to avoid the constant question that is asking me whether I witnessed. So that is why I have decided to proceed with 1980.

COUNSEL: So, in 1971, up to 1980, nothing happened to you as an individual. Okay, let us go to 1980. What happened after 1980 and so on, after the elections - after the people had known that -

NSEREKO: After the rigging of the elections in 1980 at my village called Kikoko where I have my residence, on the 28th of November, and the then Government troops attacked our village.

COMMISSIONER: 1980 - November 28th.

NSEREKO: In 1981.

COUNSEL: Yes.

NSEREKO: And they killed the following people.

COUNSEL: Were you in the village at that time?

NSEREKO: I spent that fateful night in my village; but, as I said that I was working at the Sub-county Headquarters, I was picked the following morning because there were emergency duties which required presence and I went for duty.

COUNSEL: Yes and you want - I see you have a paper you want to give us, maybe some information on this from it.

NSEREKO: This paper contains a list of people killed at that time on that day.

COUNSEL: Now, before you give ;, maybe, the names which are on that list, did you know the people or some of them who were killed?

NSEREKO: I know them and they include my father and my young brothers, my in-

laws and friends.

COUNSEL: I see. So how did you get that list which you have written down?

NSEREKO: Well.

COUNSEL: Did you write it yourself?

NSEREKO: Yes, I was not informed. I saw and counted the corpses and I even participated in the removing of them.

COUNSEL: That is very good. Now you can tell us the story how those people came, what time and when you saw the corpses and you may use that paper to assist you to remember the names.

NSEREKO: On the 27th, it was a Friday.

COUNSEL: I suppose November, 1981.

NSEREKO: Yes. A certain lady called Nzerena Nakandi - a U.P.C diehard, she was proceeding to a village where her husband had been killed; but I do not know whether she was going to attend the burial.

CHAIRMAN: Killed by who? Do you know?

NSEREKO: I do not know.

COUNSEL: Continue please.

NSEREKO: When she arrived at Nakikonge Village, we were informed that her car was hit by bullets - that is what we were informed.

COUNSEL: Yes, tell us the story until you reach -

NSEREKO: I heard that, after that incident, the Government troops which killed those people came that night. They stayed at the boundary of our village.

COUNSEL: Continue.

NSEREKO: Until the following morning. The following day, as it was a Saturday, we heard somewhere where we were going to conduct the last funeral rites of somebody; this place was in the direction where the soldiers had camped and whoever passed there was arrested, taken to a place which these soldiers had turned into a slaughtering house, on accusation that such a person was going to the camps of the bandits. Those people who were arrested were later slaughtered by those soldiers.

COUNSEL: Yes.

NSEREKO: As I told you earlier that very early in the morning, I was picked from my home to go and do certain duties at the Gombolola Headquarters, I

came back at around 2.00 p.m; and, because of the heavy gun shots, I decided to hide somewhere.

COUNSEL: Continue, continue, please.

NSEREKO: When I was in hiding place, my worker - one of my workers - who was working on my shamba - he was a Munyankole by tribe, a young boy, came to me.

COUNSEL: Please mention names where you can.

NSEREKO: I knew him as Paul. I did not know his second name.

COUNSEL: So what followed - what happened?

NSEREKO: He informed me that his fellow workers who were working at my shamba had been killed; after slaughtering those people I mentioned earlier, those soldiers proceeded towards our village, shelling houses and looting whatever came to their sight.

COUNSEL: Were you still hidden in the bush - what happened?

NSEREKO: Yes, but I was not far from the main road.

COUNSEL: So you could see.

NSEREKO: Yes.

COUNSEL: And you saw these soldiers.

NSEREKO: Yes, I saw them but I could not say that this is - I could not know their names.

COUNSEL: Were they dressed in military uniform or how were they dressed?

NSEREKO: Some were in military uniforms but others were in civilian clothes.

COUNSEL: Yes, continue.

NSEREKO: I remained there where I was until all those - all the entire group went away.

COUNSEL: Then what did you do?

NSEREKO: Now, when I went back home, I found a survivor of those people who had been arrested and slaughtered.

COUNSEL: Called who?

NSEREKO: His neck was deeply cut -

COUNSEL: Called who?

NSEREKO: He was called Ddamulira.

COUNSEL: Yes, what did you do when you met this fellow?

NSEREKO: He requested me to give him water.

COUNSEL: Yes.

NSEREKO: I gave him.

COUNSEL: Yes.

NSEREKO: He told me that so many people had been killed at the boundary of our village.

COUNSEL: Yes.

NSEREKO: When it was becoming dark, I went with Paul - my worker I mentioned - and we went to the scene to see the bodies.

COUNSEL: Yes.

NSEREKO: When we arrived at the scene, we were gripped with fear; and blood was coming out of the corpses like running water.

COUNSEL: Yes.

NSEREKO: Later, I got a wheelbarrow from a neighbouring home near the scene and myself and Paul we started removing those bodies of the people whom we had identified to their respective homes.

COUNSEL: Maybe, before you started taking these people to their homes, could you still give us the composition and number of these dead bodies? Were they children, were they old women, were they old men or it was a category young men?

NSEREKO: People of different grades as you have mentioned.

COUNSEL: Were they babies?

NSEREKO: There was no babies.

COUNSEL: Were they children?

NSEREKO: Yes, in the range of - from - eight (8) years.

COUNSEL: Were they old people?

NSEREKO: Yes.

COUNSEL: And I suppose both sexes were there - is that correct?

NSEREKO: Yes, it is true.

COUNSEL: Did you count these bodies?

NSEREKO: I did.

COUNSEL: How many were they?

NSEREKO: They were 46.

COUNSEL: And did you identify some of them to be so-and-so; and, if you did, could you give us their names?

NSEREKO: I have the names here.

COUNSEL: Please, give us -

NSEREKO: Ezekeri Kazibwe.

COUNSEL: Of which village?

NSEREKO: Kikoko village.

COUNSEL: Yes.

NSEREKO: Yozefu Nsubuga.

COUNSEL: The same village?

NSEREKO: Yes.

COUNSEL: Yes.

NSEREKO: Another youth called Nsubuga.

COUNSEL: Give the village also, if you know it.

NSEREKO: They were from the same village - Kikoko.

COUNSEL: So read the names then.

NSEREKO: Yowaana Kabugo, Ntengo - the son of Kabugo, Yowaana Nsubuga, Kitaka and his second name is Nsubuga - so Kitaka-Nsubuga, Lwasa,

COUNSEL: Please, be faster.

NSEREKO: Lwasa, Kyanzi, Yekoyadi Bukulu, Yozefu Kirabira, Dodoviko Lwamukuba, Drake Byaruhanga, Robinson Ssebuliba, Edward Kazibwe, Sam Nsereko, Ntengoji - son of Joseph Ssebowa, Mary Kyabangi, Aloziyo Kayondo, Namwandu Ziriyana, Maliko Wamala, Nafuta, Rwojozi Tezibulamukwate, Lubujje, Lukabwe, Lawubeni Namukangula,

Zurajeza, Nakamwe, Jofule Kyewaalabye, Paul Kaweesa, Kiwoomutemero, Antoniyo Ssemambo, Nambalirwa, Nassimbwa, Nsobya, Paturisi Kato, Musisi, Ginatiyo Kibirango, Amosi Rwegye, Kasoro, Polinaali Baggwa, Mugyisa, Yosamu Nsereko, Fulasiko Zziwa, *"ne"* (and) Fundakunda.

COUNSEL: You have read the 46 names. Is that correct?

NSEREKO: Yes.

COUNSEL: And are there any people among the corpses whom you did not recognize and you did not know and whose names you did not know and whom you did not include in your list?

NSEREKO: I identified all the corpses and all of them are on this list.

COUNSEL: Now, you said one of them was your relative - I mean some were your relatives - and one was your father. Is that correct?

NSEREKO: Yes.

COUNSEL: On looking, who was your father among these?

NSEREKO: He was Yosamu Nsereko.

COUNSEL: And, when you looked at these corpses generally, did they have wounds?

NSEREKO: There were wounds and it was evident that they had been stabbed.

COUNSEL: And on inspecting the body of your father, when you looked at it, what injuries had caused his death?

NSEREKO: As I said they had stabbed them, he had wounds and, I think, he was also kicked as he was an old man. That was the cause of his death.

COUNSEL: So what did you do after taking these dead bodies to the - on the wheel-barrow, taking these bodies to their - respective homes? Did you take all of them?

NSEREKO: I did not process and collect these bodies in one day but even the following day, I did the same and we mobilized the villagers to bury these bodies.

COUNSEL: I see.

NSEREKO: But we were in constant fear.

COUNSEL: Now, you did not mention the person whom the last funeral rites were being held for. Whose rites were these where these people were?

NSEREKO: He was called Yoweeri Ssozi a resident of Kasozi.

COUNSEL: I see. And did these soldiers whom you saw or these armed people some in uniform and some in civilian whom you saw when you were hiding - going away - did they come back to your village?

NSEREKO: Yes. And, as I mentioned that it was after that these people had gone away that I managed to go to my home to see what had happened.

COUNSEL: Were they in company of any person maybe whom you recognized?

NSEREKO: No, I did not recognize anybody.

COUNSEL: And did you mention that these were Government soldiers?

NSEREKO: Yes, it is correct. They were Government soldiers.

COUNSEL: How did you come to know that?

NSEREKO: As I said early that morning I was picked from my house to go for duty and on my way I met two soldiers. They were dressed in civilian clothes but I could recognize that they were soldiers. Those people were holding these mat baskets. During that period, it was very difficult and risky for a civilian to be on the main road during day time, armed with guns.

COUNSEL: I see. Now, did you know one preacher in your area called Sepirose?

NSEREKO: Yes, he is called Ssembiro.

COUNSEL: At Kalasa Church of Uganda -

NSEREKO: Yes, he is called Ssembiro.

COUNSEL: Yes, is he still there?

NSEREKO: He was killed in 1982. He was found with other people praying in the church and I have the names of those people with whom he was killed.

COUNSEL: Who were those?

DR. LUYOMBYA: I think, Legal Counsel, the witness was still narrating the circumstances around this incident of the 46!

DR. MAKUBUYA: Yes, I think, Legal Counsel is saying he has extracted enough.

COUNSEL: My Lord, it is now half past four and, I think having got the information that this man saw those dead bodies -

DR. LUYOMBYA: Yes.

COUNSEL: And he saw people - the soldiers - parking it, I think, to go into details about what happened later, may take us quite a very long time. It is

better we get other incidents also.

DR. LUYOMBYA: No other instructions?

COUNSEL: It is already half past four.

COMMISSIONER: We go to another topic.

DR. LUYOMBYA: Okay.

COUNSEL: Now you mentioned that this same fellow - preacher Ssembiro, the Preacher of the Church of Uganda was killed with others. Could you give us the names of the others whom he was killed with?

NSEREKO: Samuel Kasule, Ssemanda Edimando and Ssekito.

COUNSEL: Did you know these people personally?

NSEREKO: Yes, I knew them very well.

COUNSEL: Did you see their bodies?

NSEREKO: No, I didn't see them. I was in the bush.

COUNSEL: How did you know that they had been killed?

NSEREKO: The Parish Priest of the Church of Uganda of that area, visited our homes, called Sseruwagi, visited churches to see - to tell us what had happened and how these people had been killed and informed us.

COUNSEL: Okay. And, I suppose, since that time, you had not seen those people whose names you have mentioned.

NSEREKO: They are dead.

CHAIRMAN: When was it? Sorry, I missed a bit.

COUNSEL: It was in 1982, my Lord.

CHAIRMAN: You know the month?

NSEREKO: No, I cannot recall the month.

COUNSEL: Now you have just mentioned that you did not see the bodies because you were in the bush. Could you now tell us what had made you go to the bush, and to which bush you went to?

COMMISSIONER: And whose bush?

NSEREKO: If I say that I went to the bush, it could mean that I was hiding - I was just -at the end of my plot - the forest.

COMMISSIONER: Yes, of course, it could mean that - in this particular case, what does it mean?

CHAIRMAN: Yes, it does not mean the end of your plot. Tell us what it was.

COUNSEL: Tell us exactly what you did. Where you went to, with who and when and the reasons why you went.

NSEREKO: Because I disagreed with the then Government, I realized that it was risky to face those people -to be working with these people. So I decided to join the Leader - the then Leader - of the Liberation Movement, His Excellency the President, to join him and fight this Government - the then Government.

COUNSEL: Can I say that it was because of these killings which you have just mentioned - did they influence you in any way to make a decision of going to the bush?

NSEREKO: It is one of the reasons; but the most important is that we had been - our rights had been - our liberty had been removed from us.

COUNSEL: Now you have used that word 'liberty', were you restricted in doing certain things?

NSEREKO: Well.

COUNSEL: Were you restricted in movement - let us say, from your village to another; were you restricted in association; were you restricted in any way?

NSEREKO: Every time we were in constant fear of death because of the Mobile Unit and the then Government activists in the area.

COUNSEL: Now, when you decided to go to the bush, where exactly did you go to?

NSEREKO: I started from my village Kikoko.

COUNSEL: Yes, and there you were with who?

NSEREKO: I was with my people.

COUNSEL: Were you their leader?

NSEREKO: Yes, I was the Top Commander but in-charge of my family people.

COUNSEL: I see. And then, from there, you went to where?

NSEREKO: We entered the forest of Mugogo Village.

COUNSEL: Were you still the Commander.

NSEREKO: Again I was the Commander of my family and I was the Chairman of the

bandits.

COUNSEL: Now, maybe, one more question which I will ask you. How were you able to feed yourselves in the bush?

NSEREKO: We depended on our intelligence because, at night, we could go and collect food somewhere.

COUNSEL: And, I am sure there were people apart from soldiers who were not in support of your activities in the bush. Is that correct?

NSEREKO: Yes, there were so many of them and more so the youth wingers who were collaborating with Kasirye.

COUNSEL: And, while in the bush, what did you do with them?

NSEREKO: Well.

COUNSEL: While you were in the bush, what did you do to these youths?

NSEREKO: In our struggle - the NRA Struggle - we put God in the fore-front and it can be the reason why those people - the UPC Youth Wingers - failed to commit atrocities upon us or to arrest us and we knew that they had no support among the people. It was because of the fear of the guns they were having that they managed to live.

COUNSEL: You have not answered my question. Did you arrest them for them to continue to harass the people you had left behind?

NSEREKO: We were not a Government. We had no prisons to detain these youth wingers.

COUNSEL: Now, when did you come out of the bush?

NSEREKO: After the defeat of Obote.

COUNSEL: And are you now in NRA as a fighter?

NSEREKO: As I said earlier, right from the beginning of the war, I have been a Chairman. It was until 25th April, this year that I was elected to RC 5.

DR. LUYOMBYA: He was in the Political Wing, not in the Military Wing.

NSEREKO: In the -

DR. LUYOMBYA: He is not a combatant.

NSEREKO: In structure of NRA, we - even we - chairmen, we are trained soldiers.

COUNSEL: But were you an active fighter?

NSEREKO: We used to do it and in such cases where the NRA was launching an

attack, we were the people leading.

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

CHAIRMAN: Are there any questions from the Commissioners for this witness?

NSEREKO: I have something which I would like to say to add on.

CHAIRMAN: We shall defer questions. You will say what you have first.

NSEREKO: What I want to say is that, when we were still in the struggle, we were promised that the people will be given a chance to elect their own leaders.

CHAIRMAN: Yes, that is the reason why you went to the bush.

NSEREKO: Why I say so is that, currently there are Government officers who are brought in areas without the consent of the people there.

CHAIRMAN: What kind of Government officers do you have in mind? Give us examples.

NSEREKO: Like *Gombolola* Chiefs and Sub-county Chiefs.

CHAIRMAN: Yes.

NSEREKO: And another point is that we have realized that we are still having problems with the security organs - the Army and the Police. This is because, when the NRA came to power, it inherited some of these policemen and the soldiers who were working under the previous governments: For instance, in Luweero and Wobulenzi, if we arrest criminals, they are released because the same people, these people - the criminals have connections with these policemen because they were around and some of them participated in- because they were dealing with them in the past.

CHAIRMAN: Yes.

NSEREKO: For example, I would like to cite the case of the former*Gombolola* Chief of Makulubita - Haji Karuna Kibuuka. This man killed two people in this area, one is Emmanuel Kamunvi of Namayamba and Musisi of Mawu. We arrested this man. Took him to the police. Charged. Later transferred to Luzira but he was released. We just saw him. He was released without our consent.

CHAIRMAN: Now, when was he released? Sorry, when was he arrested and taken to Luzira?

NSEREKO: He was arrested in 1986.

CHAIRMAN: Which month?

NSEREKO: I do not remember the month, but Karuna is very well known.

CHAIRMAN: No, that is not the point. There is a reason I am asking this. Do you remember the month? If you do not remember, say so.

NSEREKO: I do not remember the month.

CHAIRMAN: Then you say he was taken to Luzira.

NSEREKO: Yes, he was taken to Luzira.

CHAIRMAN: Was he taken to court and also charged?

NSEREKO: We do not know. Because we were not summoned to give evidence against him.

CHAIRMAN: When was he released?

NSEREKO: He was released after a year. He was released in 1987.

CHAIRMAN: Nineteen eighty seven.

NSEREKO: Yes.

CHAIRMAN: Where is he now?

NSEREKO: He is now living in Nyiibwa Sub-county and in Katikamu County.

CHAIRMAN: Did he tell people why he was released? Does anybody know?

NSEREKO: We do not know. We were not informed.

CHAIRMAN: Yeah. Okay. This will be investigated. But it could well be that he may have been released on bail. Now, I am not saying he was but it can be checked. Let me tell you, last week, in my capacity as a Judge of the High Court, there were ten - I had to deal with ten - Bail Applications of people who had been charged in court and remanded in Luzira. Most of them were people who had been remanded in 1985 or 1986 and charges ranged from murder, kidnapping with intent to murder, robbery and so on, including soldiers - NRA Soldiers and it was these people. Now, in many cases, they had been remanded for over two years - up to two years and investigations had not been done; D.P.P. had no choice but to say; 'Look, these people should be released on bail'. The law says that in such cases, if a person is remanded and - is charged and remanded say in prison and his case is not investigated and he is not committed to trial within fifteen months, that is a year and three months, he may be released on bail. So the problem may not be that. That may be a kind of an example - the police in Luweero collaborating with these people, it may be the court which released him. In many cases, I think, last week, - there are many such cases, not all but some of them. This is just to educate you - to educate you for information. But, this particular case, it

will be investicular case can be investigated and we can find out why he was released. But, if a person is released on bail, that is the end of the matter. He is only released on bail to wait for trial until the police have finished their investigations and he is committed. He may be re-arrested again and tried. And there are strict conditions attached to bail.

NSEREKO: Can I ask you a question?

CHAIRMAN: Yes.

NSEREKO: In this case, which I have cited, there were three witnesses who were willing to give evidence against him and they had made their statements. It was on this ground that the police arrested him and charged him - and he was charged.

CHAIRMAN: Yes.

NSEREKO: So I fail to understand what type of evidence is required, if we people who have got evidence are not consulted when releasing this man; and we were told that he was released - he might have been released - because of lack of evidence.

CHAIRMAN: I do not know that particular case. I will have to get what really happened. I am only telling you of cases I dealt with, which were from different parts of the country. Continue.

NSEREKO: That is what I had to inform the Commission. Now, I am ready for the questions.

CHAIRMAN: Is that all? You must have had some more! Now have you finished?

NSEREKO: Yes.

CHAIRMAN: Now, I will start the ball rolling from this side. You have given us good evidence. You are an intelligent person with strong views about how a society should be run. Now one of the responsibilities we are charged with in this Inquiry well, amongst many: One - to find out how things happened - the way they did. How and why? Well, the 'how', is usually fairly simple; but the ' why' may not be so easy to find out. ' So we depend on people and everybody people like you and everybody else who can come forward to tell us why things happened - why there were such violations. Do they know or in their opinion why they happened. Then what should be done to prevent such occurrence in the future. Can you tell us why those things happened in your opinion or as you know them? Then we shall move to your prescriptions for the future.

NSEREKO: We should try to avoid just wanting power to fulfil our objectives just to come to power, to fulfil our own objectives. If we solve that problem, then, I think, it will be possible to avoid. Another important -

CHAIRMAN: Sorry, before you say more, could you elaborate on that one please? That is rather general. What do you mean? We should try to avoid

getting power to fulfil our own objectives.

NSEREKO: We should not take Government posts as one's business or as a person who creates his own business, which is his own property. We should not take Government posts as a business of an individual. I suggest that, we should go back to the type of Governments which were in this country during the colonial days in such a way that every area is allowed to conduct its affairs and in the same way similar to this NRC structure of RC's.

CHAIRMAN: Otherwise, we have already gone back?

NSEREKO: You wanted to get my suggestions and that is what I have suggested.

CHAIRMAN: Yes.

NSEREKO: We should have a Central Government as it was during the colonial days but as well, we should have this other local governments managing their own affairs independently as it was in the colonial days under the Governor.

CHAIRMAN: Can you be perhaps, more specific, are you talking of kingdoms - kingdoms should come back because that is what happened in the colonial times?

NSEREKO: I am saying, I am supporting the Federal State of Government.

CHAIRMAN: But, I do not know whether it was there during the colonial government. Maybe, it was but - (Interruption).

DR. MAKUBUYA: Actually, he is talking about devolution of powers which empowers the local authorities enough.

CHAIRMAN: Yes, that is what the Commissioner has said, that we have already got that!

NSEREKO: I thought the question was, that what suggestion do I have on the type of government this country should have.

CHAIRMAN: Yes, this was just a clarification that, is this the devolution, the kind of what we have now or should it be something different?

NSEREKO: Yes, but they promised us that this will be in the Constitution which the people of Uganda have contributed too and supported; but it has not been done in these two years. But, we know this will be done in the remaining two years.

CHAIRMAN: Yes, carry on.

NSEREKO: No, I have only that.

CHAIRMAN: Any more suggestions or causes?

NSEREKO: I said this that, the cause is the greed for power that whoever comes to power, gives a specific period that I am going to be in power for a certain period. When this period, if is is over he extends the period to another period which he wants without consulting the people. For instance, Amin promised that he was going to remain in government for only two years and go back to the barracks but he ruled for eight years!

CHAIRMAN: Yes, any more suggestions?

NSEREKO: My last suggestion is that, we should use the system of electing our leaders in the required period. The people should be allowed to vote, but we should avoid rigging elections.

DR. LUYOMBYA: Probably, let me also start by commenting on the suggestions you brought or the complaint you brought about the leaders. Like *Gombolola* Chiefs in your areas that are not elected by the people. I think, these *Gombolola* Chiefs are more or less civil servants. They are civil servants and like any other civil servant they have to serve the country and maybe transferred from one area to another and they just fulfil the policy of that particular area. Now going back to your evidence when this Nzerena Nakandi was shot at, did she survive or die?

NSEREKO: Yes, she survived that incident.

CHAIRMAN: But not another one?

NSEREKO: I do not know what happened during another incident.

DR. LUYOMBYA: Is she alive?

NSEREKO: I do not know.

DR. LUYOMBYA: I see. The way you presented your evidence, it seems the invasion of your village immediately followed the attack on Nakandi?

NSEREKO: Yes, because I mentioned that the attack was on Friday and they came that night. That very night, that is when the soldiers came.

CHAIRMAN: When was the husband killed, how many days?

NSEREKO: It was about two or three days.

DR. LUYOMBYA: Was the husband a UPC supporter as well?

NSEREKO: I do not know.

DR. LUYOMBYA: But for the lady you know?

NSEREKO: Yes, I knew.

DR. LUYOMBYA: I see, and when Sebastian Kalongo and Falasiko Zziwa - DP supporters -

were arrested and detained for jubilation, who arrested them?

NSEREKO: They were arrested by Kasirivu.

DR. LUYOMBYA: You know, the Commission finds it difficult and I think the Legal Counsel also has found it difficult, was Kasirivu a civilian or a policeman?

NSEREKO: He was the UPC Chairman Luwero Central.

DR. LUYOMBYA: Only that, he was just a Chairman of a political party?

NSEREKO: That is what I knew.

DR. LUYOMBYA: Did he come with policemen to arrest these people or do you know their nature of these people.

NSEREKO: He came with the soldiers, Bombo barracks was his.

DR. LUYOMBYA: So he used the army to arrest civilians?

NSEREKO: Yes. Before you proceed you have hinted on these *Gombolola* Chiefs that they are civil servants and as such, they have to be transferred to different areas but there are certain areas where the people themselves elected their *Gombolola* Chiefs, I want to know what is the difference. What is unique with those Sub-counties?

DR. LUYOMBYA: Well, I do not know of those *Gombololas* which elected their *Gombolola* Chiefs, but *Gombolola* Chiefs are employees of government and being an employee of government, not an employee of the local area, you are liable to transfer anywhere.

NSEREKO: People, especially in Sub-county Makulubita, even myself, we have no quarrel about transferring *Gombolola* Chiefs but our problem is that these people are not elected by the people. There is no problem if this man is elected by the people, for instance, of Nakaseke because of his qualities, he is transferred to Kapeeka and that of Kapeeka who was elected by the people there because of his good qualities, he is transferred to Makulubita. This man is not going to misbehave to shame the people of his own area who elected him.

DR. LUYOMBYA: I do not think there is any guarantee that that man you elected in Makulubita and behaved well amongst his people in Makulubita could not misbehave somewhere else. But what I am saying is that, Government employees - it is difficult to elect Government employees. For example doctors; it will be difficult to say that, you elect doctors for certain areas, teachers for certain areas.

NSEREKO: For us, we do not care about the doctors and the teachers, for us, we are concerned with the administrators. We do not care about the doctors and the teachers.

DR. LUYOMBYA: Well, in hospitals, the Hospital Superintendents are administrators, but since you said there is a Constitutional Commission which is going to be elected if you feel strongly that, implementors of government in government policy should be elected up to a certain level, I think you can bring it up in that form.

NSEREKO: Okay.

DR. MAKUBUYA: Mr. Male, I know that you have been here for a long time but there are somethings that you can help us to clarify still. One, you had worked at a Sub-county from 1958 to 1966 and I would like you to explain whether in those eight years you used to see Government soldiers regularly at the Sub-county Headquarters?

NSEREKO: During that time it was very rare to see a soldier in these areas. Myself, I first saw soldiers out of their barracks in 1966 but before that I used to hear of them in Jinja where they had barracks.

DR. MAKUBUYA: Yes, after 1966 to 1980 what was your experience in respect of the coming of soldiers?

NSEREKO: During that period what I experienced in Makulubita, is very difficult to explain. When I was trying to say, for instance, they were raping women, they were behaving badly; you were asking me whether I witnessed these atrocities but I have realised that it is very difficult for soldiers to live among civilians. These two groups cannot live with one another peacefully. It is very difficult, the soldiers have a different life from the life of the civilians.

DR. MAKUBUYA: I am not quite satisfied, perhaps with that question. I thought the question was, between 1966 to 1980 were there soldiers in Makulubita?

NSEREKO: They were very many.

DR. MAKUBUYA: And what were they doing normally?

NSEREKO: They were harassing the people - civilians.

DR. MAKUBUYA: Before 1966 was it easy to just walk into somebody's land and take it?

NSEREKO: It was very difficult.

DR. MAKUBUYA: Then after 1966?

NSEREKO: Things went out of control. If one finds a plot which is not utilized could take it.

DR. MAKUBUYA: Yes, why did this become possible after 1966?

NSEREKO: Our liberty was stamped upon.

DR. MAKUBUYA: I see. Who stamped upon it?

NSEREKO: Those Governments which removed the Government of the people.

DR. MAKUBUYA: Now, how far is Bugaayo from Kikoko?

NSEREKO: Less than a mile.

DR. MAKUBUYA: Do you then say that they are neighbouring villages?

NSEREKO: Yes.

DR. MAKUBUYA: You said that you live at Kikoko?

NSEREKO: Yes.

DR. MAKUBUYA: Which means that you were able to follow what was happening in Bugayo quite easily?

NSEREKO: Every ten minutes I could get the important matters from that village.

DR. MAKUBUYA: Yes. Was this Ibrahim Seguya a local person in Buyago?

NSEREKO: He came in the village after buying this land. We do not know him.

DR. MAKUBUYA: Was he from one of the neighbouring villages?

NSEREKO: He is a Kampala businessman.

DR. MAKUBUYA: I see. What was Bugayo Village like before Mr.Seguya interfered with it?

NSEREKO: It was a peaceful village, well cultivated and the people were very prosperous.

DR. MAKUBUYA: I see. Have you been to Buyago recently?

NSEREKO: I go there frequently.

DR. MAKUBUYA: How does it look like today?

NSEREKO: It is bushy.

DR. MAKUBUYA: I see. What happened to the houses and the homes which were there which you talked about earlier?

NSEREKO: And the owners of those houses which were thatched with iron sheets, those who were able to get transport used to take the iron sheets but with those houses which were thatched with grass, it was impossible and they could leave them there.

DR. MAKUBUYA: Did you know some of the people who were affected by Seguya's operation?

NSEREKO: I know some of them.

DR. MAKUBUYA: Tell us some of them.

NSEREKO: Christopher Mukasa, he is now in Kampala near Kasubi. Augusty Seggujja, he died, Kawalya, Mponye, Mukasa Yokana, Senabulya, Sali, Lwanga, Yokana Bagenda, Yekoyada Bukulu.

DR. MAKUBUYA: Okay, that will do. Would you please tell us one Bandari in this list -

NSEREKO: He is Yokana Mukasa.

DR. MAKUBUYA: Is that Yokana Mukasa Bandaari? Very good. Now did you know one Kawago?

NSEREKO: I mentioned him in my statement because I said that when he was arrested and taken to Bombo Seguya ordered his death.

DRr. MAKUBUYA: What did Mr. Seguya use the land for when he had evicted these people?

NSEREKO: He planted there pineapples, cassava, potatoes and tomatoes; and he was rearing cattle and goats.

DR. MAKUBUYA: Is he still using the land for these purposes?

NSEREKO: The goats were looted after the fall of -

DR. MAKUBUYA: Soon after the fall of Amin, perhaps?

NSEREKO: Yes, it was between 1978 and 1979, but currently, there are people trying to establish there a farm and we are getting reports that they are from Veterinary Department.

DR. MAKUBUYA: Do you know whether Seguya compensated these people whom he evicted?

NSEREKO: The compensation was not fair because the people were threatened. For instance, if he gave you Shs.300. for your plot you could not refuse it because he could order the soldiers to kill you.

DR. MAKUBUYA: Did you ever hear that Mr. Ibrahim Seguya was a member of the State Research Bureau?

NSEREKO: I do not know but maybe, it is possible.

DR. MAKUBUYA: How did he have this influence over the army then?

NSEREKO: He got advantage of the 1975 Land Decree as it was the Government which had done it. It is how he managed to get influence from the soldiers.

DR. MAKUBUYA: But Land Decree does not talk about people using soldiers to send away their friends? Anyway where is Mr.Ibrahim Seguya today?

NSEREKO: I think, since his release he is staying in Kampala.

DR. MAKUBUYA: Do you mean he was charged with something and imprisoned?

NSEREKO: Yes, he was charged with the murder of Kawago and he has been in prison, but he was also released mysteriously.

DR. MAKUBUYA: I see. Then of course, this Anzarena Nakandi, may I know how far Nakikonge is from Kikoko?

NSEREKO: It is a mile.

DR. MAKUBUYA: And what was Miss Nakandi before she was shot at?

NSEREKO: I knew her as a supporter of UPC but I do not know the post she held in the party.

DR. MAKUBUYA: Where was her home?

NSEREKO: Her home was in Mawale and she was staying with her husband and she had fled her area and most of the time she was staying in Bombo Barracks.

DR. MAKUBUYA: And you suspect that was where she was coming from on the day she was shot at?

NSEREKO: Yes, she was coming from Bombo, after receiving the information that her husband had died.

DR. MAKUBUYA: Why was she living in the barracks? Why did she have to flee from her village and go to the barracks?

NSEREKO: I think it was because she had most of the support in the barracks than in the village.

DR. MAKUBUYA: Was she a friendly person to the local people?

NSEREKO: I do not know whether she was a friendly person because of the long distance between my home and hers.

DR. MAKUBUYA: Okay, did she contribute positively to the development of the area?

NSEREKO: As a Sub-county?

DR. MAKUBUYA: Yes. Did she spearhead development projects and so on, roads, schools?

NSEREKO: She was interested in eating; she was amassing wealth for herself.

DR. MAKUBUYA: Would you then say that this Kikoko was attacked because of revenging

the shooting on her car or something?

NSEREKO: I do, yes.

DR. MAKUBUYA: Then you mentioned Muhamed Kasirivu.

NSEREKO: Muhamed Kasirivu and Nakandi they were sharing the same bedding; they were very close.

DR. MAKUBUYA: Yes, did he contribute to the development of the area?

NSEREKO: He did not contribute to the development projects in the area. The only fight he had given us were, he gave an order to the soldiers that as soon as you reach Makulubita Sub-county whatever comes in your way whether a human being, a pig or anything you kill it straight away.

DR. MAKUBUYA: Assuming the killers of 28th November, 1981 were Government soldiers, where did they come from?

NSEREKO: They came from Bombo.

DR. MAKUBUYA: Did you report this matter to the Police?

NSEREKO: We could not, there was no way we could report this to the police because it meant death.

DR. MAKUBUYA: Did you know the M.P of your area at that time?

NSEREKO: We did not have.

DR. MAKUBUYA: By the way, do you know that the MP of Luweero Central was supposed to be Dr. Semambo?

NSEREKO: We knew because this is the man we had voted but as the elections were rigged things were very different.

DR. MAKUBUYA: Yes, but do you know that, Dr. Semambo sat in Parliament for five years?

NSEREKO: He sat but we sympathised with him because he could not visit us in our areas to get our suggestions. He was handicapped, he could not come to the area.

DR. MAKUBUYA: Well, I could go on for a long time but thank you very much Mr. Male.

CHAIRMAN: Mr. Male, I think, we would like not to repeat what the Commissioners have already said, we have heard from you, I think, it is enough for the time being. Thank you for your evidence. Well, Counsels, it is now a quarter to six, I think, it is getting dark. I think, we should adjourn now. We shall resume the inquiry in Kampala, I think we are still at the Senior Police Officers' Mess, at 9.30 a.m next Wednesday.

WITNESS NO.287: NELSON OTORE - SWORN IN

(FIRST PART OF TAPE NOT PROPERLY RECORDED)

COUNSEL: When were you born?

OTORE: I was born in 1945.

COUNSEL: Could you give us your educational background and work experience?

ANSWER: I was educated - and then after leaving school, I worked in Uganda Rayon Textiles from 1974 to 1975 as an Assistant Purchasing Officer, I was in Senior Four but then I did the London Chamber of Commerce. Lastly I worked in the Uganda Commercial Bank - Savings Bank that was in 1977 up to 1979.

QUESTION: (Inaudible)

ANSWER: In Kampala Nkurumah Road then in 1980 -

QUESTION: (Inaudible)

QUESTION: Only Acholi?

ANSWER: No there were other tribes but the majority were Acholi.

QUESTION: (Inaudible)

ANSWER: So I was one of these who came for the meeting. In their meeting, they did not talk much but they thanked the people who came for the meeting and then told us to go back and tell people not to hide in the bushes but to be at their homes.

QUESTION: (Inaudible)

ANSWER: Now in my particular village I was living behind my mother's house, then my elder brother Mr. Eriya Opilli - who was a Pharmacist he had just arrived in his house and then these people followed him. They ordered him to sit down in front of his door and then they were attracted by the things in his house. Before asking him they started - each one picking whatever he could take for himself. Then orders were given to my brother to start running and then I escaped with him in the bush. Then from that time they had taken all the clothes. Then they went and dropped my identity card on the way because they found that it was useless for them. On that very day they had killed somebody, he was working with Insurance. He was also in Arua Branch here. His name was Joseph-David. You see as he was convinced of the story of these people so when the three were coming to his home, he did not like to run. Then the two went to the house and then started talking to his brother's wife that you are a wife of an army. But the woman said: 'Oh,

no, no I am not a wife', "Then why did the man say rough words"? Then he started running and then he was answered with a bullet.

QUESTION: (Inaudible)

ANSWER: I witnessed. I was even one of those who buried him. I even tied the head with a - with what - with a - towel. On the 16th, seeing that we could not tolerate staying there we took refuge to Sudan in Nimule on foot, without carrying any thing. Now all on foot, following the bush route.

QUESTION: How many were you?

ANSWER: Ugh' I cannot tell how many people but everybody went - people from Kagerinya, Mukoronyoro and Ariya where they had started. All these people escaped.

QUESTION: (Inaudible)

ANSWER: Nimule from my area maybe could be about 24 miles.

QUESTION: (Inaudible)

ANSWER: Yeah - everybody I saw there, could only take your child by lifting her because there, was no food and legislation that people should be sent to the various camps it was difficult; no means of transport people were just put there in Nimule in Police barracks, there. Then we started coming back in the search of - And then that continued until when killing my brother -that continued until when killing my brother - on the 24th of November, 1980 my elder brother -Mr.Eriyo Odiri who was a Pharmacist. We came - in search of - to collect food and then at about 4.00 p.m. We had instructed him to wait for us when we went to collect the cassava for us to carry. Then he decided to leave without us.

Then on reaching where these people were of course staying he met two of them. They saw him coming. They told him something. Then they hid themselves under thick trees which were near the path. Then when this man arrived they ordered him not to stop. But this man seeing that those were the soldiers, started running. But it was too late. They got him. Instead of killing him with a gun he was having an axe. So they started cutting him. They ordered him to sit down and then they started cutting him with an axe. They cut the head, then they threw it somewhere - the head - until the whole body was in pieces. That Tuesday, 24th November, 1980. To come and collect - food for our sisters who were to help the young children suffering. Then we started our journey on Wednesday; to Nimule, I started asking my wife whether this man had arrived because he left during the day. So, on hearing that he did not arrive then we stayed there for Thursday, Friday and Saturday and we started coming in search of him at night. Until we reached at the place where we only got the smell and then the dry cassava was there poured on the way, his body was just there - body naked.

QUESTION: (Inaudible)

ANSWER: No he started running.

QUESTION: (Inaudible)

ANSWER: Ho, he started cutting him. They told him - as far these young people the Langi got him - then they ordered him to sit down and so they started cutting him.

QUESTION: (Inaudible)

ANSWER: Yes, I was not there but there was a woman in my own area who was new in the barracks. So she narrated to us the whole story.

QUESTION: (Inaudible)

ANSWER: The name was Sarah.

QUESTION: (Inaudible)

ANSWER: Yeah, one of the soldiers, and was carrying water, coming in front of those -from behind those - who killed him - the brother.

QUESTION: Yes.

ANSWER: Yes, because that was in the place where these people you could not manage to carry the body for burial as we had already left our home. We could not know where to take him. We just left him to rot on the road there with the animals.

QUESTION: (Inaudible)

ANSWER: Up to now I cannot remember their names.

QUESTION: (Inaudible)

ANSWER: Yes, in fact, you had mentioned two commanders. Do you know whether these two Commanders whether they were Acholi?

QUESTION: (Inaudible)

ANSWER: These two Commanders were Acholi, Sarah may tell us the names. Up to now I cannot remember their names.

QUESTION Yes, in fact you have mentioned two Commanders. Do you know whether the two Commanders were Acholi?

ANSWER: These two Commanders they were Acholi - one if I can remember he was Olanya - Olanya-he was a Captain.

QUESTION: (Inaudible)

ANSWER: Yes, I have forgotten these two, I did not write them down. Then we stayed there until in April in 1981 when the Acholi were doing wrong things. They were told to leave our area.

QUESTION: (Inaudible)

ANSWER: This man has left a widow with five children.

QUESTION: (Inaudible)

ANSWER: Now, another event happened with my younger brother who was working - who had worked in the army as intelligence officer when they opened the other Fort Portal force Branch. He worked there until that time of taking over of Amin's Regime. So this man I was standing with him - we were following them - on the 15th March, 1981, from Nimule. We were four of them in a single file line. He was the first and I was the second; then there was somebody - our brother-in-law - was behind and then there was another brother who was called David Kalunga he was the fourth. Then the brother, because he was in the army but he felt that we were going to get ambushed. It was about 11.00 p.m and then there was a bit of grass near the road, like from here to there. Then this brother was going almost parallel to the last station and then I was just to the second station, the brother-in-law of mine was just opposite direct to that post, then the other man gave an order that; sumama, sumama. Then from there - because we knew that all the life we were finished; then I do not know what had come to my mind. I had to pray unknowingly that: "God. Help us. We are all dead". I shouted like that. Then this brother of mine who was there first, when we started to run he was, he was shot at the back. Then he fell there. That man who was facing me was a very tall man, then he stopped and when he saw me he started to run, he shot a bullet over me. Then I ran this way as far as that flower, I looked behind to see what position he was taking. Then I saw there he opened a whole - what -

QUESTION: Magazine?

ANSWER: Yeah, magazine. Then I saw a whole line in front of me full of fire, seeing that fire entering the grass, the ground. Then from there he stood, putting his gun up, saying Ugh. Then the other man behind me - the brother in law was also killed. We managed to escape - two of us; that is Kalunga who was the fourth man and me the second man.

QUESTION: Who were the two - your brother and you?

ANSWER: Ugh.

QUESTION: What are the names of the two who were killed?

ANSWER: This was Ivan Magama - my real brother - and then that in-law was - I do not remember his name. So me and Kalunga had to run back to Nimule. Then staying there only three days. I started convincing some friends

who could help me to come and bury this brother because he was in the bush at the border of Nimule near Nivura at the Aringa Ferry. I wanted some of the friends to come and help me; ..... but, reaching there I came with about four or five groups so when we looked at them one of them started saying that not they wait for people here even at night. So it was hard for us to bury them - the dead bodies. So I had to cover that of my brother which was just beside the road with thatch and then I had to follow them back to Nimule, up to the Nile. Up to now even the skeletons have not been collected. So I even managed to go up to Lowa as the missionary because I understand that these came in lorries. They were not attacked by - I even went up to there. When I reached there the answer I got from one of them. They asked me, now people are not used - you cannot expect to bury everyone whoever has died as such because some of them get drowned in water. How can you look for the bodies to be buried? Somebody can die in the grass; somebody can die in the war like that as your brother has died. Now, how can you expect to bury everybody who had died? The only advice I could give you was to go in the water - to go - and settle. So from there we had to go with my family and then the family of the younger brother in the camp.

QUESTION: Continue.

ANSWER: In my area, the total number of people they buried during that time were about 24 including the two brothers. Including the relatives around -

QUESTION: (Inaudible)

ANSWER: The total number there.

QUESTION: Now when you returned in April?

ANSWER: When we arrived - we came back - we came back to Uganda our place - because I came in July in 1985 - no 1986 July, with our group as it was another regime.

QUESTION: Tito Okello?

ANSWER: No, Tito Okello was changing while we were still in Sudan.

QUESTION: (Inaudible)

ANSWER: We came when the power was in the hands of the present Government.

QUESTION: (Inaudible)

ANSWER: After I had reached, I was involved in the distribution of food the people who received part of it, were in the barracks and it was in August, 1982. When the Acholi attacked the barracks I also escaped very narrowly. Then from there, of course, they were, of course defeated and some of them escaped in our areas. I remember about five were caught.

QUESTION: Continue.

ANSWER: And then again last year about four of them staying in my own area. They came in my own area they had looted one village which is just nearby. They had looted that one and they never killed anybody. It was one man only who was stabbed them about four, with spears and arrows. So they managed to take some clothes and they went. But unfortunately - to say 'fortunately' one of the hunters in our area had discovered a place where they were settling. So he came and reported to the army - to the NRA - who were at Pagerinya. Fourteen people were taken and they found they were having shot guns. On that day they had killed three of them in that place and they captured two who were brought to the authority. This was in Uganda - in my own place. This was just last year.

QUESTION: (Inaudible)

ANSWER: So from that the people in that place were under threat because of these few people or small group which come during the day or at night in search of people's food - properties, I would say.

QUESTION: (Inaudible)

ANSWER: These people were Acholi from Apec side. They were the rebels. Even other people in my area they knew them by name.

QUESTION: (Inaudible)

ANSWER: You see, I did not go back because you see the other brother leaving five children and then the other one leaving four. I have got six. Now my father is dead. So I decided to go there. Perhaps they would give me two thousand shillings and staying far away in Kampala as it is today. It will be very far to run, otherwise there would even be no home for the relatives to visit there.

QUESTION: How about being posted in Moyo? Would you like to be posted in Moyo?

ANSWER: If they could post me to Moyo, perhaps, it is better. There I would be safe. But I have not yet tried.

QUESTION: So you do not fear losing your job or being away? So you do not have any complaint against your employer?

ANSWER: With my employer, I do not have any complaint.

QUESTION: (Inaudible)

ANSWER: There is one-you know what happened during Amin's time. They thought these Amin's what - brothers -or during Amin's time the majority of the people were from our area with their relatives, although they bring a soldier from our area. You remember the other Lieutenant Colonel Toloko is a real man from our area. And, of course, when those people

came the security and others they were found in what -

QUESTION: Who was Toroko?

ANSWER: It was Lieutenant Colonel Toroko who was given a chance to open the Fort Portal branch and then he went to Tororo.

QUESTION: What time?

ANSWER: He worked at Fort Portal and he opened that place as the Commander there.

QUESTION: Was he notorious?

ANSWER: He was notorious and this man was taken during the day. Yeah of course, I remember those were killed during Amin's time; perhaps, they took it as a revenge when they came and returned back to Obote. They had the power. They revenged on the people.

QUESTION: What were the reasons for killing them? Was there any fighting with any group?

ANSWER: No, there was no fighting.

QUESTION: (Inaudible)

ANSWER: The whole area was peaceful as I told you the former soldiers had surrendered their guns. All people were disarmed by the Tanzanians.

QUESTION: (Inaudible)

ANSWER: You know people suffered starvation in Nimule because the real office helped those who had been picked and taken to the camp and their relief aid was given to them. But otherwise these people who went there they suffered a lot from diarrhoea. People lost their lives. They almost killed all old men when they came to our area and I would be one of the oldest; otherwise people lost their lives there.

QUESTION: So they found them in camps?

ANSWER: Yes, operating from there as there was not enough land, I had to go to the camp which was opened in 1984. I had to go there and then I had to become one of the teachers in the camp.

QUESTION: (Inaudible)

ANSWER: There was leave and then people after three years you had your own food.

QUESTION: Were the children able to go to school and pursue their education?

ANSWER: Most of the children, because you know their standard of education there

was not good. So you do not come like that. The children were not up-to-date.

QUESTION: (Inaudible)

ANSWER: Now, when we went back we found all and everything was taken. Now the villagers are organizing in their individual areas, at least, to do voluntary service to resume all these things. But, if they are not up to date, there are a lot of things lacking; people there do not have money. It is terrible. Those people offered their services, the stationery and it is difficult to start off schools under such conditions.

QUESTION: (Inaudible)

ANSWER: I could say in Pari, there was Opari one, Opari two. There was Byokwe. There was Murungwe and Ogwene and then Opari was divided into two Luwe and Ari and then there was a place where those who had got cattle, I should say if there was - there was about eleven camps.

QUESTION: About how many people who were taken there altogether?

ANSWER: About two thousand approximately - about 11 camps which were called East and West; but I do not know how many people were and I do not know how many camps were. I only passed there when they were repatriating them. So these were mostly from Moyo area or the rest of West Moyo. The people in the camps. Yes. Refugees. Refugees in Western Bank were mostly people in East Moyo but you see there are other people also West Madi in Arua who were taken there.

QUESTION (MR. NAGENDA): You said that - in April, 1981, when the Acholi had been removed from your area you were able to return; Is that so?

ANSWER: During that time those people had problems, like mine - the skeleton of my brother was not buried. So that was my only purpose to come otherwise officially other people were buried in the camps.

QUESTION: No- but you were able to return?

ANSWER: Yes, I was able to return.

QUESTION: Then why did you go back?

ANSWER: You see I came in a stealthily way; even during that time all the power was in their hands. You could not stay there. Nobody was sure of his life. All the power was in their hands. All the power was still in their hands.

QUESTION: (Inaudible)

ANSWER: Yes, the Acholi were present during Milton Obote's time.

QUESTION: But Obote is not an Acholi.

ANSWER: He is not an Acholi.

QUESTION: Are you saying that, in your view, and in the view of the people like yourself who had gone to Nimule, that it was the policy of Obote's Government to persecute people from the district?

ANSWER: That one I cannot tell his aim. I do not know why he was doing that.

QUESTION: No, but did you think it was his policy? It does not matter what reasons were. But would you say it was his policy to persecute people from this area?

ANSWER: Yes, that was his policy

QUESTION: Okay if you think that he was doing revenge, are you saying that people in this area had done things to Obote and to his friends for which revenge was necessary?

ANSWER: You see that I do not know what these people did to the Acholi and the Langi. You see during Amin's time -

QUESTION: Okay in your view were they - during Amin's time?

ANSWER: Perhaps when taking over the chair from him but most of them were Anyanya perhaps that is what they thought was the reason.

QUESTION: Why were these people - Lieutenant Colonel Toroko - notorious? Was it because -

ANSWER: No, that one I cannot tell. It is his own individual behaviour.

QUESTION: Okay, how did he behave?

ANSWER: That they said I had not experienced it myself but to me he was behaving normally; to the other people they said that he was harassing people, killing people. Those are the reports I was hearing. But to me particularly he never behaved badly.

QUESTION: Okay, when you said that - I will come back to that point later but let me say that, when you came in 1981 with your brother, went back and all that, was anything done to you while you were back there or your friends so that you felt that your life was in danger when you returned in April, 1981?

ANSWER: We came only to make that statement and then we saw that the massages were for us to return; while we were in the area during Obote's time anything could happen, something could happen because, when we buried them on the following day somebody who was on our side whose brother was a former chief sided with Acholi that man was still there, so the man had to run. To our surprise the man was strangled by those who

had returned there. So each of us had to take his private way at night and went back.

QUESTION: (Inaudible)

ANSWER: This man I understand was killed by unknown people. That is how he was killed. So the brother on finding how his brother was killed he had to escape.

QUESTION: Invariably, during Obote's time in 1981 you told us that they were carrying out revenge. It is also the reason why you did come back when Obote's government fell and was taken over by Okello?

ANSWER: You see when you take refugee in another country it is the authority of that Government to ask you whether they would like you to come back or not. They have to negotiate. But as that thing had never been done, we had no power to return on our own.

QUESTION: I was also in exile. The government has never negotiated for me to come back. I just came back. Why? That is a fact. Why did you have to wait for the Government to do that and why?

QUESTION: Because we felt the change is in our area.

ANSWER: Yes, but also the change was in my area; but what I am saying is that I also came back.

QUESTION: Why didn't you come back?

ANSWER: We did not come back because this is the fellow who had killed my other brothers. Now when he is in power and now we do not know whether he will come and revenge or he would do the same thing which he had done to my brother?

QUESTION: Okay so Obote was taking revenge and Okello was also taking revenge.

ANSWER: Oh, not Okello because when this man Okello took over he was the man who asked the other army man not everybody who were in the former army to come back.

QUESTION: Could you have come back yourself at that time in 1985 July.

ANSWER: I was not asked. So I could not come.

QUESTION: So for you to come back, you have to be asked first?

ANSWER: Yes.

QUESTION: Okay. Now is it normal for people to take revenge when nothing has been done to them?

ANSWER: It is not normal.

QUESTION: Are you saying that Obote and Okello and those people were abnormal people?

ANSWER: I cannot tell.

QUESTION: But -

ANSWER: They were acting like animals. I do not know whether they were normal or abnormal.

QUESTION: (Inaudible)

ANSWER: Actually animals do not revenge without anything.

QUESTION: Is it possible in your view and also from what you heard that during Amin's time people were harassed - indeed that people were killed - tortured and killed. Could therefore this be the reason - I am not advocating revenge?

ANSWER: You see, during Amin's time, I have never experienced soldiers going for innocent people at home; but what I had experienced was that somebody, this usually happened with some big people; that somebody, so-and-so, yesterday as they used to go to the President's Office, there is a meeting. So-and-so was missing. I have never experienced people coming from village to village even harassing people - wrong people.

QUESTION: So you are saying that, during Amin's time, big people disappeared.

ANSWER: Yes.

QUESTION: (Inaudible)

ANSWER: Yes.

QUESTION: But there is a difference between then and during Obote's time that even ordinary peasants in the villages were killed. Is that what you are saying?

ANSWER: Yes.

QUESTION: What do you think about these people - like people going to villages and killing people is a terrible thing. I agree. But what do you think about these people disappearing for example from banks?

ANSWER: It is also bad.

QUESTION: I see. Okay. You were purchasing officer in Kilembe about eighteen and nineteen.

ANSWER: No more than 30.

QUESTION: But it was your first choice?

ANSWER: Yes.

QUESTION: How many assistant purchasing officers were there in Kilembe?

ANSWER: There were three purchasing officers; one with foreign ....

QUESTION: Have you ever purchased things apart from your household goods?

ANSWER: You see I was not employed as Assistant purchasing Officer; I was taken as a purchasing clerk dealing with the records - books. So that is when they promoted me to that rank after I got experience, in the office.

QUESTION: After how many months of being a clerk?

ANSWER: That was 6 months I was on probation and then after probation I served 4 months.

QUESTION: So after 10 months you were on that job?

ANSWER: Yes.

QUESTION: And when you left there you were senior supervisor in the Commercial Bank in 1974?

ANSWER: Oh. Yes, yes.

QUESTION: Who was your boss at Foods and Beverages by then?

ANSWER: Mr. Omara.

QUESTION: From where?

ANSWER: He is from West.

QUESTION: Who was your boss at the Uganda Commercial Bank?

ANSWER: In the Uganda Commercial Bank - my immediate Manager.

QUESTION: Who gave you the job at the UCB?

ANSWER: He was the Personal Secretary or the Chief Clerk. He is the one who gave me the job.

QUESTION: Why did you leave Foods and Beverages?

ANSWER: I left Foods and Beverages; the job they had interviewed me for was as Assistant Purchasing Officer. I was going to deal with clearing but there was a representative who was not giving enough posts according to their gains. So before I could start the job they had employed me for -

QUESTION: When was that time you thought Uganda had a good leader?

ANSWER: When we had independence, of course, good things were done and there was no discrimination. Then I thought it was good until about 8 years when the take over happened. Then things started happening with mixing people with groups.

QUESTION: Amin had to take over in 1971.

ANSWER: Yes, in 1971.

QUESTION: Then that is when you thought government started - okay, when you were in Kampala and you were working in Kampala were you yourself in the company of soldiers?

ANSWER: I had friends with the soldiers because some of my brothers were there in the Army and even when I was in the UCB I helped a lot of them when they came to the Bank. One day when I was there I was dealing with what was called PBD.

QUESTION: Was there at time to your knowledge a system of filling jobs specifically in certain areas, would you perhaps have been given this promotion because you were from a particular area?

ANSWER: You see I had experience, even the board of inquiries were taken there because the first Managing Director and then the Personnel Manager they were the first people after the Indians from the East. So you see during that time there were a lot of people - So during that time things had turned to the Kumamu side. I am a Kumamu. So there was Mr. Mukasa who took over and Mr. Mukasa also started practising the same thing. This was the main reason why I did not stay long although I was enjoying the job, going all over Uganda. So Mr. Mukasa they had a meeting, telling those people that I was blaming people. Then they had to suspend me. They suspended me. I stayed for two days, I heard from the Purchasing Officer that I was dismissed. So I had to collect all these and I went for my temporary thing to be terminated. So I had come to get the letter. So I took it to the Managing Director there I asked for a recommendation from him. So I got a suspension letter.

QUESTION: From Mr. Nyanzi?

ANSWER: Yes. Semei Nyanzi was the Chairman. So I went there with his economic man - his assistant. They followed my letters. They said how can this be so? And they listened to the matter. So they went and reinstated me but I was now uncomfortable. So I had to cook my ways to leave the place. Actually I was not scared. That was not very important. Then it was Mr.Mukasa, then another one and someone who was from the West. So here I am. So whoever got it had to let us go because we were mistreated.

QUESTION: You went in 1974 - 1975?

ANSWER: Yes.

QUESTION: Am I right?

ANSWER: Yes. So when you wanted to check with your account in Arua you could arrange to confirm what the amount is there; and if I believe you were my real brother I could help like a friend I could support - and give him money in such a way I also experienced when I had no money. With the bank I could tell the amount of money -

QUESTION: With these soldiers - you see a lot of people alive at that time and in these places they felt they knew - that there is going to be very hard times from these soldiers for the ordinary people. Would you agree with that?

ANSWER: I would agree with that when you think of the way they speak when you start doing a good thing or something an army man thinks that you are inferior to him. You have no power to talk to somebody who is in a uniform. So they turn your good advice as if you are trying to despise them.

QUESTION: For example, did you hear of people being for the first time being put in boots of motor cars?

ANSWER: I never felt it myself but the stories were circulated when we were around.

QUESTION: Yes but did you ever hear - I understand there they heard - of many being put in boots and had never been seen again. So you must have also heard it.

ANSWER: Yes, I heard that many times.

QUESTION: Do you think that might be one of the reason why people try to revenge; not that I am agreeing that revenge is a good thing; but don't you think that might be one of the reasons?

ANSWER: I do not know because that means that if your brother is against me and is against somebody else's brother, that means it will continue - the whole thing will continue.

QUESTION: (Inaudible)

ANSWER: Yes.

QUESTION: You said that you had to leave because they were giving you Shs.2,000. which cannot help you to look after your brother's family. Are you able to manage the affairs of your brother's family and your own family?

ANSWER: I cannot because -

QUESTION: But how do you manage - what do you do - for more than eleven (11) people?

ANSWER: (Inaudible)

QUESTION: So you are growing?

ANSWER: Yes.

QUESTION: Is there anything - I mean, our Commission is supposed to recommend for help; we do not directly have help; but we can recommend, is there - any recommendation you want us to act upon?

ANSWER: Yes, I would appeal to you if you could agree to support or give me some relief or aid to bring up these children; otherwise, if they are left like that to stay like that without help. With me also it is very difficult for me to bring them up.

QUESTION: What about your area - district? Is there something that you would ask for in particular?

ANSWER: You see, up to now, people lack food, they lack agricultural food, means of transport and it is very difficult for people to move quickly; and the cost of living is very expensive.

QUESTION: Would you say finally if there are no schools and water problem, were there schools before?

ANSWER: They were schools which were put up by the former regime up to the foundation level. Now, it is not finished.

QUESTION: Finally, from your own point of view or somebody who has studied, do you have faith from what you have seen in the present Government, in trying to do anything about it?

ANSWER: Yes, they have my support because even now I am one of the resistance Council officials; so you see you talk to these people freely when they come back. They do not loot. They can get something for your. You talk to them frankly.

QUESTION: (Inaudible)

ANSWER: Everybody.

QUESTION: Nobody remained.

ANSWER: Nobody remained.

QUESTION: And as such?

ANSWER: Except there were unable people to move, these old men. Those were the people from where we got the movement of them when they came,

what they do at home and they come and collect the remaining property and others. So we got all those reports from those very old people who were just left there.

QUESTION: Those were not killed?

ANSWER: Those were not killed because they were almost useless.

QUESTION: Okay. Were these people army people or what - the ones who come there?

ANSWER: Those people were in army uniform. Yes.

QUESTION: So they were really soldiers?

ANSWER: Yes.

QUESTION: And when you escaped you went away; and, when you came back, all your property had been taken?

ANSWER: All had gone.

QUESTION: You just got stranded there. But then you said that when these people were moving away - this is a question which you have been asked - you were moved away in 1981. It means that these people were not there from 1981 onwards?

ANSWER: No, they were moved a few days in March - almost at the end of March - then it was on the 1st of April, that is when the other army whose daughter was married to Acholi who was fighting the group then he went back and reported to those people.

QUESTION: So, all that period they remained in your area, although there was nobody?

ANSWER: Yes, although there was nobody, they remained there, only pushing off the roofed and then the beds. They could go and erect a small hut and so on.

QUESTION: Okay. Now Toroko, was he your uncle?

ANSWER: That was my tribesman - not a -

QUESTION: I see. Besides Toroko, were there any other soldiers in the army?

ANSWER: Yes, my own brother. They had killed him - Captain Nasur - who was also one of the few instructors.

QUESTION: He disappeared during Amin's time?

QUESTION: And other persons.

ANSWER: There are others - soldiers - of the lower rank.

QUESTION: I see. And these also escaped too with you to the Sudan?

ANSWER: Yes, we escaped with them to the Sudan, now some of them have decided not to go back to the army -some of them have returned. They are now with the cousins in the army.

QUESTION: Yeah. You were in Kampala in 1974/75?

ANSWER: Yes.

QUESTION: Now I want to know whether you recall it as a fact - to your knowledge were the Acholi and the Langi being killed during the Amin's period?

ANSWER: With me I have never seen them practically being killed but rumours were saying some who were in the army not the civilians; but the people in the army they were being killed. Yes.

QUESTION: And that that is the reason why these people turned on your district because they thought it was your district which killed them?

ANSWER: Yes, maybe they thought that this man perhaps was from here.

QUESTION: You are saying that man, I want you to look at this question of revenge - about one tribe because this appears to be the thing; the Acholi were overthrown and then the people from West Nile they were said to have gone and killed them. Now the Acholi come back; they came to West Nile and then they kill the people of West Nile. What do you think could stop this type of thing happening again?

ANSWER: What would stop it is to convince them to be together - friends.

QUESTION: Ugh. I see. How?

COUNSEL: My Lord Chairman, Gentlemen Commissioner, the next witness also from Arua District is Emmanuel Eluwaga.

WITNESS NO.288: MR. EMMANUEL ELUWAGA - SWORN IN

COUNSEL: You are Emmanual Eluwaga, 37 years, a Madi by tribe ofLajoki village in Adoki Sub-county, East Madi?

ELUWAGA: Yes.

COUNSEL: And you were born in this area?

ELUWAGA: Yes.

COUNSEL: You have never left it at any given time?

ELUWAGA: No.

COUNSEL: You are a cultivator?

ELUWAGA: Yes, I am a cultivator.

COUNSEL: I see. In 1979, were you in your area?

ELUWAGA: Yes.

COUNSEL: Now, in June, 1979, were there some strange people who came to your area?

ELUWAGA: Yes, Sir.

COUNSEL: Did you know why they came?

ELUWAGA: They came to liberate us.

COUNSEL: Liberate you from what? When you say - they came to liberate us - what do you mean?

ELUWAGA: They came to give us peace.

COUNSEL: I see. These - were they Ugandans or some foreign troops?

ELUWAGA: They were Ugandans - Ugandan troops.

COUNSEL: Yes, what happened when they came?

ELUWAGA: When they came they advised us not to go away, we should stay around.

COUNSEL: Were these Ugandans or Tanzanians troops? Because in 1979 there were other troops which came outside Uganda?

ELUWAGA: These were Tanzanian troops.

COUNSEL: I see, these were Tanzanian troops. So you had a good relationship with the Tanzanian troops when they came?

ELUWAGA: Yes.

COUNSEL: I see. Did they stay there all along or they left some time?

ELUWAGA: They left some time.

COUNSEL: When was that?

ELUWAGA: That was in 1984.

COUNSEL: Yes! When they left were they replaced by other people?

ELUWAGA: Yes.

COUNSEL: Who replaced them?

ELUWAGA: These Acholi people.

COUNSEL: These Acholi people?

ELUWAGA: Yes.

COUNSEL: What do you mean - they were replaced by the Acholi people - how did you know that people who replaced them were Acholi?

ELUWAGA: These people you can see their faces and you really recognise that they are the people.

COUNSEL: Did you - they were Acholi by language; by -

ELUWAGA: By language.

COUNSEL: By language?

ELUWAGA: They used their language - *Chacha - chacha ivi*.

COUNSEL: I see. Well, but there are many people speaking same language as the Acholi?

ELUWAGA: No; the language was the Acholi.

COUNSEL: I see; the language was the Acholi. Incidentally, we have had evidence from one witness from Tekere - he said, these people arrived in his area in October, 1979. How far is Tekere from your place?

ELUWAGA: It is about 6 kms away; if not 6 km it is 10 km.

COUNSEL: So, Tekere is a different county from your county?

ELUWAGA: Yes.

COUNSEL: I see. Had you heard whether these people had arrived in Tekere first before they came to your place.

ELUWAGA: Yes, they arrived in Tekere first.

COUNSEL: Give us the details and if you know some people who were killed - list their names.

ELUWAGA: So many people ran away to different places. But in our particular place there, we had gathered at a mission and we stayed there three months.

COUNSEL: So you are suggesting that on the arrival of the Acholi in your area; some people ran to Sudan and others went in a camp at the mission?

ELUWAGA: Yes.

COUNSEL: How many people do you think ran to Sudan as a result of these Acholi coming to your area?

ELUWAGA: So many. Those who remained there were about 300 people, but the rest went to Sudan.

COUNSEL: I see. So you mean 300 are the ones who went to Adjumani Mission or 300 are the ones who went to Sudan?

ELUWAGA: I beg your pardon.

COUNSEL: I was asking you - about how many people left your area to Sudan as a result of the arrival of the Acholi soldiers?

ELUWAGA: Around 200 people.

COUNSEL: They went to Sudan?

ELUWAGA: Yes.

COUNSEL: So your story is that - the Tanzanian troops left your areas and were replaced by the Acholi; this was in 1982. Is that correct?

ELUWAGA: That is correct.

COUNSEL: Now when they came, what happened?

ELUWAGA: When they came they started looting properties from people.

COUNSEL: Do you know why this happened? Is it that you did not welcome them?

ELUWAGA: The reason I did not know.

COUNSEL: Are you suggesting that immediately they came then they started the atrocities?

ELUWAGA: As soon as they arrived they started shooting; they started as I said earlier on, rampant killings, beatings and so on.

COUNSEL: Before they arrived in the area, were there any anti-government activities that they came to put down?

ELUWAGA: They were not there.

COUNSEL: I mean - were the people happy about the changes that had taken place in 1979 when the liberators overthrew the government of Idi Amin?

ELUWAGA: They were not happy because having been chased away, they felt there must have been something - bad cooking.

COUNSEL: You mean - they were not happy or they were happy?

ELUWAGA: They were not happy.

COUNSEL: Why?

ELUWAGA: That the government in which most people were, was overthrown, and most people who were there were also chased from their jobs.

COUNSEL: I see. So when these Acholi came, did they come to put down resistance to a new Government or there was no such a resistance?

ELUWAGA: I do not know because we arrived when they had already arrived.

COUNSEL: Now, when they arrived, did you put resistance; did you fight them; did you see some acts of insecurity?

ELUWAGA: Initially there was no resistance, they were welcome, but what was their intention was not known.

COUNSEL: So, earlier you mentioned that they started killing people, even killing children and so forth, can you tell this Commission some names of people who were killed by these Acholi troops?

ELUWAGA: Yes, that I can tell. One was actually my father. When they arrived as I said earlier on, all of us including my father and my mother, to say the whole family including others went to the Mission. After staying there for two days, my father strictly came to collect some food stuff from home. Before he could take the food, he was sighted by about three or four soldiers. My father had cattle; so when they sighted him, they requested him to give them milk to drink. He gave them the milk. Then they asked for a chicken which my father gave and they ate it. Then they said, they could not leave my father. The Uncle happened to be at a distance, so he saw my father being shot dead.

COUNSEL: Who was your Uncle; was he just at a distance?

ELUWAGA: Festo Avuja.

COUNSEL: You did not give us the name of your father; what was his name?

ELUWAGA: Mr. Likaroro Loguna.

COUNSEL: Yes.

ELUWAGA: After killing him; they left, then the Uncle brought us the message that my father had been killed. We came and took the body to the Mission where we buried him. Two weeks after that my brother came also to collect clothing from home, on the way he was also shot dead.

COUNSEL: What was his name?

ELUWAGA: His name was Alex Druga.

COUNSEL: What happened to his body?

ELUWAGA: We also took the body and buried him in the Mission cemetery.

COUNSEL: Yes.

ELUWAGA: Three weeks staying in the Mission, I personally also fell a victim when I also came out for a short call and when I was going back, they shot me in the leg.

COUNSEL: Yes.

ELUWAGA: Even at night I was assisted by the Priests and Nuns who were there at the Mission. I got healed after about two weeks. As we were staying there after such incidents happened usually during the day there was a father Kulumanyi who used to go out during the day in his vehicle; whenever he could sight dead bodies; he, with assistance of others, would collect the bodies and bring them for burial.

COUNSEL: I see. Were there many bodies collected by this Rev. Father in this way?

ELUWAGA: It is difficult to know; but from the reports which arrived in the Mission, those who were not near the Mission they would take them to other areas and those who were there were, taken to be buried around the Mission.

COUNSEL: No, I am asking those bodies that were brought to the Mission; were they many? Can you state any four, twenty?

ELUWAGA: They were about 30 - they were even buried at the cemetery.

COUNSEL: Yes. You mentioned that even these soldiers, the Acholi used to kill children; do you have some names of children killed by these soldiers?

ELUWAGA: In particular, from the family, there were two children killed, they were removed from their parents and then beaten, banged against walls or trees, their names - one was Karode, another one was James.

COUNSEL: How old were they?

ELUWAGA: Karode was 6 months; James was 4 months.

COUNSEL: Did you find out why these Acholi behaved in this way?

ELUWAGA: According to what I know, they were doing this out of anger, saying that Amin was somebody from this area.

COUNSEL: Amin was from Madi?

ELUWAGA: That even if he was not a Madi by tribe, but the area of Arua, Moyo and the rest will be taken as one 'West Nile.'

COUNSEL: What was wrong of Amin being from West Nile?

ELUWAGA: During his regime, the top army officials and other government officials were from the same area.

COUNSEL: I see. Did you have some top army officials from your area? From Lajogi?

ELUWAGA: We did not have many there, but there was only one who was actually prominent enough, high enough he was Moses Ali; the rest were just low cadres.

COUNSEL: What was wrong with Amin's top army officers in your view?

ELUWAGA: In my view they were not bad.

COUNSEL: To your knowledge did Amin's soldiers or top officers participate in the killings of people, mistreating them during Amin's time? Do you know or you don't know?

ELUWAGA: I do not know.

COUNSEL: Were you satisfied with Amin's regime?

ELUWAGA: He was good because he was not killing.

COUNSEL: I see. Did you hear of any killings during Amin's time attributed to him or to the government.

ELUWAGA: That was in here.

COUNSEL: I see. Now apart from killings by these soldiers Acholi, did they do any other things to local people?

ELUWAGA: They killed, they burned houses, they beat people, they looted animals and so on.

COUNSEL: Now what did you do?

ELUWAGA: Me, together with others, as I told you earlier, we ran to the Mission and when the time - when things cooled down we came back to our homes; and our homes had been burnt down.

COUNSEL: For how long did you stay at the Mission?

ELUWAGA: Three months at the Mission.

COUNSEL: I see. From which month to which month?

ELUWAGA: From August to November.

COUNSEL: From November, 1982?

ELUWAGA: Yes.

COUNSEL: I see. Now what caused you to move back to your home?

ELUWAGA: After they had left.

COUNSEL: Do you know the circumstances under which these Acholi left your area to enable you to go back?

ELUWAGA: During that time the Minister Apiliga who used to come there because he won an M.P. there, used to come and encourage us that we should go back and settle; because the soldiers were not there.

COUNSEL: Yes. But do you know when the government heard about that was the government aware that the Acholi were committing these atrocities for the three months you were away from your home?

ELUWAGA: They were not aware.

COUNSEL: The government was not aware?

ELUWAGA: Yes.

COUNSEL: I see. Did these Acholi have a commander or something in command of them?

ELUWAGA: They had commanders.

COUNSEL: Do you know any of them?

ELUWAGA: One of them was a commander called Ojulu.

COUNSEL: Did you know his rank?

ELUWAGA: I cannot recall.

COUNSEL: Now could you tell us as to how you think the government came to know about these atrocities that were being committed by these Acholi troops?

ELUWAGA: The government came to learn it from the Honourable Minister Apiliga; because when he was visiting us we could give our complaints through him to the government.

COUNSEL: Were journalists - people of newspapers - visiting your area that you could not complain to them so that they can let government know?

ELUWAGA: They did not come.

COUNSEL: Did you know the wife of Major Oyite Ojok?

COMMISSIONER: Was he brigadier - General?

COUNSEL: Yes, he was Major-General.

ELUWAGA: I do not know.

COUNSEL: And did you know a person called Ben Bella?

ELUWAGA: I can slightly recall.

COUNSEL: What do you slightly recall about him?

ELUWAGA: He was also a terrible man like Ojulu.

COUNSEL: What was he?

ELUWAGA: Was he an army man ----or-------

COUNSEL: No, Ben Bella was a newspaper man; he was a journalist. Do you remember him having visited your area?

ELUWAGA: I cannot recall.

COUNSEL: I see. So after three months these Acholi were removed; were they replaced by other people?

ELUWAGA: After the Acholi left, the NRA were the ones who were left there.

COUNSEL: NRA?

ELUWAGA: The current army.

COUNSEL: You mean the Acholi left them when the army came to your area? This must have been in 1986.

ELUWAGA: Well, when the Acholi left, actually the current army were the ones who came there.

COUNSEL: Is that when you returned to your home? Because you said, three months? This was in 1982, because you say, you stayed in the Mission for three months. But when it is three months, then it means it must have been in 1982 or 1983. But the NRA definitely came in your area - it must have been in 1986.

ELUWAGA: Actually it was the UNLA who came there before the present army came there.

COUNSEL: Well, you mean the Acholi who came and terrorised you were not UNLA? We did not know at the particular time when they were Acholi - How did you know these were Acholi and not another tribe?

ELUWAGA: I knew it from the language.

COUNSEL: Is there a difference between people from Lango and Acholi, are they speaking the same language or different languages?

ELUWAGA: You cannot distinguish between the two.

COUNSEL: But are you now saying that the Acholi and Lango are the same people? Do you make a difference?

ELUWAGA: They have got a difference but from the language and from appearance is difficult to distinguish.

COUNSEL: Yes, that is why I am asking you - why do you try to put the atrocities on the tribe called Acholi?

ELUWAGA: It is because the commander I mentioned earlier, Ojulu was there and they were themselves saying, they were Acholi.

COUNSEL: Traditionally, were Acholi enemies of people of East Madi?

ELUWAGA: They have not had - they were not enemies.

COUNSEL: Yes, but I am asking you now, can you explain how comes that these people came and did the things when you were not enemies?

ELUWAGA: It is that; the soldiers of Amin came and did havoc and killed their people, the Acholi.

COUNSEL: So is it true to your knowledge that Amin's soldiers killed the Acholi?

ELUWAGA: I think so; because if that thing did not happen, the Acholi would not have come and killed people there.

COUNSEL: Now, when you left the Mission to your home did you send for your people who had gone to Sudan to come back because peace was prevailing in the area?

ELUWAGA: The then Minister Apiliga would send a message to the Sudan and at times he was going there himself to ask those people to come back that things were okay.

COUNSEL: But did you persuade your people to return?

ELUWAGA: About half of those that had gone came back but those who were deep inside Sudan did not come back.

COUNSEL: Now is the other half returned and the other half remained in Sudan?

ELUWAGA: All did not come back, there are still some in Sudan. The majority have come back.

COUNSEL: I see. Now do you have any fear that what was done in 1982 by the Acholi may be repeated?

ELUWAGA: According to me, it is caused by misunderstanding but if these people can come together to an understanding it would not be repeated.

COUNSEL: Would you tell us what is the cause of this misunderstanding?

ELUWAGA: The cause of this misunderstanding according to me is that whenever somebody is in power,he tends to get his own people so that he has their support and when things go bad they can support him.

COUNSEL: I see. Now what would you suggest that would prevent this happening?

ELUWAGA: That is - if he could not only pick people of his own choice, he just get people on merit.

COUNSEL: In other words you are suggesting that this problem was caused in the past that was the case. Amin selected his own people; Obote selected his own people. Is that what you are trying to say?

ELUWAGA: That is right.

COUNSEL: My Lord that is all for this witness.

CHAIRMAN: Mr. Eluwaga, we still have some questions to ask you to clarify certain aspects of your evidence; you could please answer them.

MR. NAGENDA: You said that people in this region were not happy about the fall of the Amin's government. Why were they not happy?

ELUWAGA: It was because they lost their powers.

MR. NAGENDA: Yes, we know this, it is a matter of historical fact. You mean Amin was in power, the people in this region had power. Is that what you are saying?

ELUWAGA: Yes.

MR. NAGENDA: I see. You have also just said that the problem with this country has been that whoever is in power brings in his own people; and you have agreed that Amin did this. Did it make a good government in your view?

ELUWAGA: Not a good government.

MR. NAGENDA: Why was it a bad government?

ELUWAGA: It created differences.

MR. NAGENDA: How did it create these differences? Please tell me more.

ELUWAGA: The fighting went on.

MR. NAGENDA: Have you yourself ever lived anywhere but in your own region - have you ever lived outside your region?

ELUWAGA: I have not.

MR. NAGENDA: Then how do you know what was being done by the Amin government was actually different outside it?

ELUWAGA: I just heard it.

MR. NAGENDA: Have you ever had Acholi friends?

ELUWAGA: I had none.

MR. NAGENDA: Do you think that it is a terrible thing that rulers create problems for people who are obviously very far from the central powers as you yourself are?

ELUWAGA: I do not know myself.

MR. NAGENDA: Thank you.

MR. KAWANGA: How far is your home from this Adjumani Mission?

ELUWAGA: It is half a mile.

MR. KAWANGA: Just half a mile?

ELUWAGA: Yes.

MR. KAWANGA: And after the troubles had ended you went back home. Did you stay there without any further problems?

ELUWAGA: We did not get any more problems.

MR. KAWANGA: I see. So from 1982 onwards there were no more raids in your area?

ELUWAGA: It was not there.

MR. KAWANGA: So cultivation and development went on alright thereafter?

ELUWAGA: Everything was o'k.

MR. KAWANGA: So in your area unlike in Pekere, the problem just took three months and ended?

ELUWAGA: Yes.

MR. KAWANGA: Now why do you think in Pekere it went on until 1986? Which is only 6 miles away from your home area?

ELUWAGA: It is because they were nearer to the Acholi.

CHAIRMAN: I want to know more about yourself. You started giving evidence by speaking English; and you must have gone to school. What standard of education did you reach?

ELUWAGA: From Primary one to Primary seven. I completed Pimary seven in 1979.

CHAIRMAN: Then therefore after you did -

ELUWAGA: I have been digging.

CHAIRMAN: Okay, well thank you for giving us evidence on certain matters. You may go now, thank you. At this stage we shall have a break for lunch. I think the time now being about 2.30 pm.; we shall resume here at 3.15 p.m. this afternoon.

MR. NAGENDA: This is a resumption of the hearing of the 31st after break for lunch - John Nagenda standing in for the Chairman who is unfortunately not in this hall. Legal Counsel, are you ready to start?

COUNSEL: Yes.

MR. NAGENDA: We will be starting with a witness No.289

WITNESS NO.289: MR. MASIMO OLUKWA KENYI - SWORN IN

COUNSEL: You are Masimo Olukwa Kenyi, 88, Madi, Moyo Town.

KENYI: Yes.

COUNSEL: In 1962 you were a clerk in Local Administration employee?

KENYI: In 1968.

COUNSEL: After 1968, what did you do?

KENYI: I retired and went home; I have been digging.

COUNSEL: Now, what are you doing at the moment?

KENYI: Now I do not have much strength, I do a bit of digging.

COUNSEL: You do some digging?

KENYI: Yes.

COUNSEL: Now do you remember, 9th October, 1980?

KENYI: Yes.

COUNSEL: What do you remember about this date?

KENYI: What I remember on that day, the bandits from the bush came to Moyo Town.

COUNSEL: And when they came what happened?

KENYI: If the Acholi were coming the people of Madi could run away.

COUNSEL: Yes.

KENYI: They came on Thursday, on Friday they were there; on Saturday they heard heavy guns from down the Nile, then they escaped and ran away.

COUNSEL: Now, while they were in Moyo, what did they do?

KENYI: When they arrived in Moyo, they surrounded us, three groups surrounded us.

COUNSEL: Yes.

KENYI: Me, in particular I decided to stay, my son and my wife escaped.

COUNSEL: So they left you at home?

KENYI: Yes, they left me at home. Then thereafter, they put my house on fire by shooting.

MISSING TEXT

COUNSEL: He was returned where?

KENYI: Where he was taken I do not know. But he was taken away from Moyo.

COUNSEL: Was he replaced?

KENYI: He was replaced by commander Peter Obura and he was a person from Lango.

COUNSEL: Now what happened when Nicholas was replaced by Peter Obura?

KENYI: Thereafter they stopped killing the Madi they were were actually coming now - they were advancing those Aringa in fighting - I think they lost about 10 people 10 soldiers; some were buried in Moyo and others were taken towards Gulu.

COUNSEL: Yes.

KENYI: Actually if I may say directly to the nation - what happened was that the bandits at that time when they came and they were advancing the Acholi - now after capturing from Moyo and settling and after replacing Nicholas with Obura, they were now advancing from Moyo to recapture these other areas.

COMMISSIONER: From the bandits?

KENYI: From the bandits, Yes.

COUNSEL: Yes.

KENYI: And these when they met us they advanced towards Aringa, they managed to shoot a lot of the Acholi army. Again after that there was another causality which they met from the bandits, they lost six soldiers. These were the bandits from the Aringa side who killed them. Then thereafter the fighting came to standstill. And after that when they felt that now they had rescued all the areas under their command, they retreated - they decided to go back to Gulu.

COUNSEL: Yes; what happened when they were retreating?

KENYI: Thereafter they were actually running after hearing that Obote's government was overthrown -that Tito Okello had taken over -

COUNSEL: Yes.

COUNSEL: You mean the rebels or the bandits?

KENYI: Those who set my house on fire were the Acholi and their commanders one was called Nicholas. The person actually I am referring to as a bandit - these were the people who were wearing torn clothes from the bush - they were not the Acholi but these were the people initially indigenous Madi and Lugbara.

COUNSEL: I see. You mean when the bandits, the natives left, the Acholi came?

KENYI: Yes.

COUNSEL: I see. When they came what happened?

KENYI: When they arrived, they got my son, two daughters and then my wife and they took them to the barracks.

COUNSEL: Yes.

KENYI: Then after a short while they returned my wife, my sister in-law and my brother.

COUNSEL: Yes.

KENYI: So they returned my other brother but they kept the son.

COUNSEL: Yes.

KENYI: At about 5.30 p.m. they actually led my son back home. Around this time they sent two soldiers; they came and threw my son near the tree near the hospital, in between and the hospital.

COUNSEL: Yes.

KENYI: Now when this happened, my wife came and tried to assist me so that we were escaping to the bush.

COUNSEL: Yes.

KENYI: From that time we stayed about one week in the bush. Following this, information was sent that we should go back; we should not stay in the bush; we should come back to the town.

COUNSEL: Yes.

KENYI: With the assistance of my wife I managed to come out together with her and straight we went to the Moyo mission. We stayed there for about two weeks and the commander Nicholas was returned. After Tito Okello took over, he came to Moyo and told the people of Moyo that let people have peace, that there will be no trouble, but he was not happy that he was left by Obote in chair.

COUNSEL: Yes.

KENYI: Then Tito Okello must have sent the same message to Felix Onama who also came; he was staying in Sudan. By the time Onama arrived here, there was already a change in government - that was not Okello's government.

COUNSEL: Yes.

KENYI: There was another change following that of Tito Okello, that is now a new government when he was coming although there appeared to be some resistance, me I am one of the leaders, I told our sons to stop fighting that they should come out so that we welcome the new government. This one I am referring to - these ones were the former bandits; when we told them this, they also accepted our words and then they came out. We then asked the new government to send us now the new army, so that we can come and talk to them and try to agree to make some agreement with them. Then their leader sent information to Kitgum asking them to come and assist the people of Madi as they were now entering Madi District. These people came and we received them well; we stayed with them well for about three weeks. Now after settling in the district of Madi, some were sent to Aringa with their commanders ahead. Actually it is good that we stayed with them well - and as I said earlier on, also the bandits at that time, those were indigenous Madi and Lugbara and they came out; they were told; those who want can join and those who do not want can remain. So they stayed with them well.

COUNSEL: Yes; but could you tell us -

KENYI: As I mentioned earlier, in fact as we heard the information that the NRA were coming now about to enter the Madi, we actually sent the message to the President, we told him, that now in the district we are not going to fight, and on the other hand we also asked that - fighting group from our area for

these were indigenous sons; not to fight NRA instead they should come out and join them.

COUNSEL: Yes. But in the first place, what caused this banditry in your area that caused Acholi to come and cause problems?

KENYI: I think, to me, the causes are from Amin and Obote.

COUNSEL: How?

KENYI: They had some disagreement between themselves, then Amin had to chase Obote away.

COUNSEL: Yes. Then when Amin chased Obote away what happened to Madi people?

KENYI: These people also knew that Amin was a notorious person; he killed a lot of people.

COUNSEL: Are you saying that Amin killed many people?

KENYI: Yes, he killed a lot.

COMMISSIONER: How do you know?

KENYI: Why don't I know, I have been in Kampala. Even one of my sons was actually arrested in front of me. My son's name is Elijewo.

COUNSEL: Yes; but if Amin killed many people; why should the Acholi attack you people who were not Amin?

KENYI: Now this is, to me, this is something arising from Obote's own making. After he chased away Amin, he was the one whose command - these people came and disturbed us.

COUNSEL: Yes. The question is - why should he harass people in Moyo? Were you regarded Amin supporters?

KENYI: I think Obote got annoyed because it was Onama who took part in planning of the overthrowing Obote. That is why I think he came and tried to revenge on us.

COUNSEL: So the revenge was because of Onama?

KENYI: Yes. Because Onama at that time during the Obote's regime was the Minister of Defence.

COUNSEL: I see. So you do not know why Onama planned to overthrow Obote?

KENYI: For him he was in his office in Kampala. I could not know.

COUNSEL: So you are suggesting you were victimised for nothing by the Acholi?

KENYI: Yes, they killed us for nothing because we did not have any tribal differences with them.

COUNSEL: Did you have any high ranking army officers during Amin's time from your area Madi?

KENYI: Those ones I knew, one was Toloko and another one was Onzi.

COUNSEL: Were they well behaved army officers?

KENYI: If I think they did not carry out their duties effectively because they were fearing their Head.

COUNSEL: As a result of fearing their Head, did they kill the Acholi and Langi?

KENYI: They might have killed but this one I am not sure. I do not want to commit myself for nothing.

COUNSEL: We understand Lieutenant. Colonel Toloko was killed. Do you know why? Did you try to find out why?

KENYI: What I know is that one time my own son died. He was an engineer with the Air Force. Amin was requested to come and perform the official burial as a Head of State, but he refused to do so; Toloko was sent at that time. They disagreed because Toloko questioned why whenever a moslem soldier died, Amin would go; and when other religious denomination solider dies, he would not go.

COUNSEL: Is that the reason why he was killed?

KENYI: I think it is so because after this disagreement, he was actually dismissed from the army and then he was followed after having been sent away. Actually after he had been sent home, he one time went to Kampala and I heard of his arrest was made by a certain notorious army officer called Malera. He sent his soldiers to arrest Toloko.

COUNSEL: Where did they take him?

KENYI: He was taken to Makindye.

COUNSEL: And that is where he was killed?

KENYI: Yes, he was killed there.

COUNSEL: Now you mentioned one Onzi; what was Onzi doing in the army? Was Onzi in State Research?

KENYI: Onzi was a Secretary of Amin.

COUNSEL: I have asked you, was he a man of State Research?

KENYI: I do not know. What I know he was a big man with Amin. I could not know

what specific position he was in.

COUNSEL: In your life, did you hear about the State Research?

KENYI: I have not heard of it.

COUNSEL: I see. Now apart from your son who was killed by shooting, are there any other people who were killed by the Acholi who you remember?

KENYI: There are there; very many people were killed.

COUNSEL: About how many people were killed by the Acholi?

KENYI: I could not count, but they were very many. But the one I know is called Colonel Atoni. He was killed there at his place in Moyo.

COUNSEL: As a result of these killings, did many people leave your area to go into exile in the Sudan?

KENYI: Almost every body went except me. Those who were left were very few and we were also collected to the mission.

COUNSEL: Now what do you suggest that should be done to prevent what happened to be repeated again?

KENYI: For us the people of Madi. We have actually nothing to do, except we urge the present government to assist so that there is peace within the hands to work with them.

COUNSEL: Now what will bring peace in your area: What will bring this peace you are talking about in your area?

KENYI: For us what we need is to stay in harmony with the soldiers specially; so that we understand them and they also understand us. And if there are any people they know - say, who are still having guns, we can assist them to ask them to bring them forward. What we want is just peace and understanding.

COUNSEL: I see. That is all my Lord.

AG. CHAIRMAN (MR. NAGENDA): We are going to ask a few questions. Let me start off with my colleague, Mrs. Joan Kakwenzire.

KAKWENZIRE: There is something I want you to clarify for me, did you lose one or two sons? How many sons did you lose?

KENYI: I lost three sons.

KAKWENZIRE: When?

KENYI: At the time the Acholi were entering the district.

KAKWENZIRE: You mentioned one who died during Amin's time, was he also killed or he died of natural death?

KENYI: That one died of motor accident?

KAKWENZIRE: What was he doing and why was getting - was he an engineer in Air Force?

KENYI: Yes.

KAKWENZIRE: I see. You said that Toloko quarrelled with Amin because Amin didn't come personally. How have you come across such information?

KENYI: As I told you, my son who was killed was actually with the Uganda Railways Corporation - he was in good position to get this correct information.

KAKWENZIRE: Yes. I am asking - were you noticing some differences between moslems and christian soldiers during Idi Amin?

KENYI: This one, what I came to learn is that the Moslems wanted to bury their own religious people and then the catholics were also left to their own.

KAKWENZIRE: But the fact is that Toloko was picked because he had complained - it would suggest to me that there was some kind of differences - preferential treatment. Did he notice also or hear from other soldiers, christian soldiers in Idi Amin's army that they were being mistreated or they were not getting as much favours from Idi Amin as in moslem soldiers?

KENYI: That was a rumour - that I have come to learn because after having stayed initially well, even at times I accompanied him and so on, later on he Amin, turned to dislike them so he came likely to know that he was different.

KAKWENZIRE: My other question is - before Idi Amin became President, were the Acholi and the people in this area on good terms?

KENYI: Before that there was actually nothing of such. There was nothing wrong between the people of Madi and Acholi before Idi Amin came into power. I am an elder, I know.

KAKWENZIRE: And now after what has happened, how do you assess the situation? Are the Acholi and people of this area likely to remain enemies or there is a chance that you are going to think that there is differences?

KENYI: Even now the Acholi are actually the current bandits; they are staying in the bush.

KAKWENZIRE: So you think there is still evidence of disharmony

KENYI Something fell, happened, because even recently, they came and attacked the district, the army barracks.

KAKWENZIRE: But in so attacking the barracks, would they also attack the ordinary people?

KENYI: I think, even the people at home don't want to meet them.

KAKWENZIRE: Lastly, what word of wisdom could you give to the commission as to bring to the end this enmity?

KENYI: To me I think the only way is that - if the Acholi who are in the bush can come out and reconcile with the government, I think, there is still hope; but as long as they are in the bush, I think there will continue to be troubles.

AG. CHAIRMAN: Commissioner J. Kawanga, would you like to ask some questions?

MR. KAWANGA: You talked of bandits coming to attack and then the Acholi coming to fight them. Why had your children become bandits?

KENYI: Well, these people went to the bush a long time ago; and by the time the new government came in, we asked them to come out, but I think they had not got the will.

MR. KAWANGA: I see. Earlier on you talked of these Acholi and -

KENYI: They went to the bush because of the Acholi.

MR. KAWANGA: I see. When was this, in which year?

KENYI: When Obote came back: in 1979.

MR. KAWANGA: I see. So when Obote came some of your children went to the bush to fight the Acholi?

KENYI: Yes.

MR. KAWANGA: So these Acholi came to fight your children?

KENYI: Yes, they came to fight them but actually these others were also now combined together with the children who were in the bush.

MR. KAWANGA: I see. And was your son killed because he was working with these bandits?

KENYI: No; he was not working for the bandits; in fact after serving the Railways, he had retired, in fact he was at home.

MR. KAWANGA: I see. How old was he by the time he was killed?

KENYI: He was born in 1924 and he was killed in 1980. He was 56.

MR. KAWANGA: Okay.

AG. CHAIRMAN: When the bandits - your bandits went into the bush to fight the Acholi, did you support them?

KENYI: We did not support them.

AG. CHAINMAN: Would you say, these Acholi, as you call them, who are still in the bush as guerillas, would you say to your people of West Nile that they should fight them?

KENYI: If these people were near, I think these people from here would still fight them. They say, they should always remain into power themselves.

AG. CHAIRMAN: Did Amin kill any people from the West Nile?

KENYI: Actually, initially, he did not kill, but later on he killed. There was one of his officers whom I had mentioned earlier, Malera, arrested some four men; then when Malera, he was also arrested. And then he asked, unless these people are returned, Amin himself will come and get Malera himself. Then the army also actually disagreed with Amin - they said, unless Malera was dismissed they would not compose Amin themselves. Then Amin himself seeing the situation, he accepted then dismissed him and sent him back to Sudan.

AG. CHAIRMAN: Have you yourself got any friend from other tribes?

KENYI: I don't have friends outside this district.

AG. CHAIRMAN: But if you don't have friends from other tribes, how do you think Ugandans are going to live happily together?

KENYI: My question here is, if somebody thinks he is always taking a lion's share, don't you think there is always trouble?

AG. CHAIRMAN: No. But are you saying that - Okay, let me ask my question again. Do you have friends from other tribes?

KENYI: The ones I have are from West Nile because I worked here and I also married their daughter.

AG. CHAIRMAN: But have you never travelled outside West Nile?

KENYI: I have not travelled outside my working place here. I used to go to Kampala and so on, and that is a brief safari.

AG. CHAIRMAN: But do you think if you live somewhere outside West Nile, do you think there is any difficulty for your being a friend, for example, with the Acholi?

KENYI: I cannot get because right now we are not liked by the Acholi.

AG. CHAIRMAN: Would you have friends, for example, if you work in Busoga?

KENYI: Maybe, if I worked in Busoga or some other places it is easier to get by characteristics, the people of Acholi are not friends. (Laughter).

AG. CHAIRMAN: What about people from Lango?

KENYI: Well, Lango are like good baits - they are like throwing baits to the fish and hook them. That is how they behave.

AG. CHAIRMAN: Do you mean you want to use Lango people as baits to bring out the Acholi, for example?

KENYI: Now, they are not on good terms with the Acholi. Even now the Acholi are fighting the Langi arising from their earlier grudges, burning their houses and so on.

AG. CHAIRMAN: Would you be friendly with people from Buganda, for example?

KENYI: Ever since the Baganda were calling us Banyarwanda.

AG. CHAIRMAN: So you would not be friendly with them?

KENYI: How do you judge to be a friend, if somebody despises you? (Laughter).

AG. CHAIRMAN: Okay. Old gentleman, you have, maybe the Basoga may be alright; certainly the Balango are a bait, whatever that means; the Acholi are no good; therefore do you think, each section of Uganda should stay by itself, where they work and not mingle with other people?

KENYI: No, not like that. The Acholi even now they call the Langi '*Amiro*'. That is different people actually, that is also despising and so on; it is an insult. And that can result in fighting. To me, people should actually come together, work together, but what is causing this problem has been the differences and has resulted in fighting.

AG. CHAIRMAN: If you say that, then it must mean that you have to become friendly to these people, otherwise how can you live together?

KENYI: As you are saying, the problem is, there are still bandits there; there are disagreement there and so on, the thing that makings it difficult.

AG. CHAIRMAN: Okay. Well, this was a normal question from the Commission, let me thank you very much, Mzee Kenyi, aged 88, for coming to talk to us. I am very sorry that you have suffered so much with your family and with your area; and I pray and trust and so do my fellow Commissioners that before you go to a better place, you be friendly with everybody even with the Acholi.

KENYI: Thank you too.

AG. CHAIRMAN: You can go now. Thank you. Legal Counsel, perhaps we have a two minutes break while the tape is changed; and then for witness number 290.

WITNESS NO.290: MR. YAKOBO KUJO - SWORN IN

MR. NAGENDA: Ladies and Gentlemen, let us start today's session.

COUNSEL: You are Yakobo Kujo?

KUJO: Yes.

COUNSEL: 59 Years?

KUJO: Yes, Sir.

COUNSEL: Madi, from Lugoba village, Vura Parish in Moyo Sub-county, West Madi?

KUJO: Yes.

COUNSEL: You are a Sub-Parish Chief?

KUJO: Yes, Sir.

COUNSEL: What was your educational background?

KUJO: Primary Six.

COUNSEL: Then you joined the Police?

KUJO: Yes, Sir.

COUNSEL: You served there for how many years?

KUJO: For three years and eight months.

COUNSEL: When was that?

KUJO: That was in 1949 to 1952.

COUNSEL: And when you left the Police, where did you go?

KUJO: When I left the Police I came and joined the Local Administration in 1953.

COUNSEL: For how long did you work there?

KUJO: I worked for 5 years and 4 months.

COUNSEL: And then what happened?

KUJO: There was some misappropriation of public property and I was sentenced for 18 months.

COUNSEL: After your sentence where did you go?

KUJO: After my sentence I was released from prison. I came and joined the District Administration as a Maintenance Supervisor in the Municipal Council.

COUNSEL: Then you have continued to work for the Local Administration since then?

KUJO: I was there for seven years when I was working as a supervisor after that I

was appointed to the post of a Sub-Parish Chief where I am working now since 1974.

COUNSEL: From 1974 you have been a Sub-Parish Chief?

KUJO: Yes.

COUNSEL: On 10th October 1980 where were you?

KUJO: I was in Moyo District.

COUNSEL: Where exactly?

KUJO: I was at my residence at Alegura.

COUNSEL: Do you remember any incident which happened on that day?

KUJO: Yes, I do remember very well.

COUNSEL: What do you remember?

KUJO: I remember when UNLA came, I remember very well that in 1979 the Tanzania troops came here to liberate our District. After their arrival on 3rd June the District was peaceful and all our District was well settled. They themselves had a very high discipline, I worked with them from end to end. When they were supposed to go back to their country sometime in March they said that they expect some other troops to come. When they were leaving they said that they were not going back to their own country, they expected the Uganda troops to come. As soon as they took their way in March .....

COUNSEL: March, which year?

KUJO: In 1980. When they went back, we saw our troops of UNLA arrive. They arrived here on 10th October 1980. Immediately after their arrival they started to fight against civilians and killing them everywhere in the corners of the District. They started burning houses and took people away. This was terrible on 11th October, 1980. Some people were killed as I did mention in my recorded statement there. Then so many people ran away in exile to the Sudan for security.

COUNSEL: May be before you go further, you said many people were killed and you mentioned them in your statement. Could you mention the names to the Commissioners please?

KUJO: About 35 people who were killed in one village in my statement.

COUNSEL: These 35 people were they killed in one village or one town?

KUJO: No, in different places; sometimes killed during the night, sometimes during the day time and sometimes they arrested people and killed them in the barracks.

COUNSEL: Now, would you mention their names please?

KUJO: The following are the people who were killed: Makrata Amandela wife of Abelitisia of Vurra, Birimo, killed by gun in her home that was in 1982; Yowana Abuga and his brother Reste Weri; Augustine Michael who was a teacher of a primary school of Logoba; Francisko Okudi who was formerly a butcher in Moyo town he was killed in my presence; Alex Pilise and his brother Valeriano Oyo killed in 1982 and Etiro Kapala, he was killed by Oyoro people and Etekera wife of Salvio Bandu killed by bandits; Goli son of Biriko Ele was killed by Bandits; Davda Bawa from Okiro Pachui near Moyo Senior Secondary School was killed by the bandits in 1982; Maritina Martin son of Savilio Bangu who was a medical dresser was killed in 1982 by bandits because he failed to give them some medical drugs which they wanted to help them when they were in the bush. Ariko Alimansi of Aluru Malinsi killed by UNLA askaris and Filipiano Ovura who was my son was killed at Nebbi by UNLA askari, he was picked up from the Mission when he had run there to the Mission, they went and picked him from there and killed him in the barracks. Dominic Nyangana was killed by bandits; Turi son of Dari of Pachara was arrested in town and taken to the barracks and killed there by UNLA askaris. Oslipi Viryo of Aliru, Terego was killed by UNLA askaris in 1982. Nathan Origa the father of my father-in-law was killed on 11.10.80 at his home. Peter Drani of Labirino was killed by bandits together with the District Education Officer Mr. Phili Vura Oluture and some other groups of about 20 people including even the cashier.

COUNSEL: I was asking you the people who were killed by UNLA - you see, it was mixed up with the list of those killed by bandits and later I will ask him how many were killed by government troops. Well, it is necessary if he has a memory to tell us the names of people killed.

KUJO: Yes, I know them. Yes, probably I know the year mostly, those killed in 1980.

COMMISSIONER (Inaudible).

COUNSEL: Yes, continue please.

KUJO: Severino Osokoro was killed by UNLA askaris at his home; Madelina Viya was killed together with the Education Officer when they were carrying the salary of teachers form East Moyo to West Moyo. Akweru Makino Duka was killed by bandits; Kaliti Muro was killed by bandits; there were 35 people whom I knew when I was a chief around the place and I did give a report on this very issue because many of our chiefs had been even killed by the UNLA soldiers.

COUNSEL: You see you are mentioning names of people killed by bandits and names of people killed by UNLA. Does this suggest that there were bandits in the area when UNLA came to your area?

KUJO: No, Sir, they themselves came from exile just at night sometimes during the day time they came to attack civilians at home together with those people

who were in the barracks.

COUNSEL: So shall I say there was fighting between the bandits and the UNLA?

KUJO: Yes, Sir.

COUNSEL: As a result of these killings you said you ran to Sudan?

KUJO: Yes, I ran to Sudan in October 1980 and I remained there for two months, October and December and I came back in January 1981 after that I did not go back to exile.

COUNSEL: Yes, what happened?

KUJO: Then we remained here with them, they sometimes arrested people and took them in their barracks and killed them there so there I did not go to see what was happening there, people were fearing terribly.

COUNSEL: You mean people who were arrested by UNLA were taken to barracks and they never came back?

KUJO: Yes, Sir.

COUNSEL: And that suggests to you that they had been killed there?

KUJO: Some of them had been seen at a time when they were killed around there, because they just took them in groups.

COUNSEL: Okay now tell us more.

KUJO: So after that when our new government was about to come many people started willingly waiting for them to come to their rescue, and we elders sat together with other members and wrote a memorandum which we sent to the President, Yoweri Museveni, and in good way because if we could be find out we could really be in trouble; then we ordered our ex-soldiers not to come and attack this government because we were tired of war; they listened to us all over our District and then they returned their guns until a new government arrived and we welcomed them here. We waited for them at our borders with the Acholi.

COUNSEL: Now, did you try to find out about the bandits who killed people of your local areas in which they were operating?

KUJO: Yes, they did - they sometime came to rob their cattle and sometimes they came to kill villagers at home saying that why they did stay here with soldiers of Obote, they did not like people to remain here their parents they took them and myself I was arrested and charged for seven cases; I was given a death sentence and I was only saved by just the will of God.

COUNSEL: This UNLA which was operating in your area, was it of mixed tribes or it was of one tribe?

KUJO: Mainly it was mixed, there were some from Ankole but the majority were Acholi and Lango but the Lango were very few indeed and the Acholi were many including the militia.

COUNSEL: Are you suggesting that the militia were operating in your area and if so how did you know they were militia?

KUJO: I did not know them because even at times they did not know how to make a parade and some of them did not know how to use guns, they were trained there immediately after they were brought here.

COUNSEL: You say most of them were Acholi, was there any tribal conflict between the Acholi and Madi people?

KUJO: Probably there was no conflict but these terrible officers when they arrived here they treated us very badly; they killed very many people in the District particularly this Mr. Nicholas who was the first Commander here and Mr. Odong who was a Captain; they burnt even our Senior Secondary School; every town had been destroyed by them.

COUNSEL: Nicholas and Odong?

KUJO: Nicholas and Ojol. Both of them are Acholi, they robbed cattle of many people.

COUNSEL: So when NRA came you had peace in your area?

KUJO: Yes, after their arrival here we welcomed them at the border where we meet with the Acholi border, they came peacefully and they did not even shoot us.

COUNSEL: And after their arrival did you call your sons to come back? Those who had fled to Sudan to come back?

KUJO: Many of them when they heard that a new government had entered the District started slowly to come and now there are many camps for resettlement around the villages; even about 5,000 people are now around there.

COUNSEL: How many people left the area for Sudan before NRA came to the District?

KUJO: Let us say all over the District, especially this side of West Moyo because they could not be there at that time particularly in October, 1980.

COUNSEL: About how many people left the area to go in exile as refugees?

KUJO: Probably there were about 1,000 people including children.

COUNSEL: One thousand?

KUJO: Yes, in Central Moyo.

COUNSEL: You are talking just about your sub-county?

KUJO: In my local area there were about 600 people including children. So many of them have not returned.

COUNSEL: What do you think was the cause of this hatred, which I would call hatred by the Acholi people against the Madi?

KUJO: This was due to war victims probably that they suspected that Madi people were belonging to Amin that is why they took us a foreigners to them.

COUNSEL: Did the Madi people belong to Amin?

KUJO: No, because we are in West Nile and Amin was from West Nile that is why they took us that all West Nilers are related to Amin.

COUNSEL: What was the connection between being a West Niler and Amin?

KUJO: Amin is a Kakwa by tribe and Kakwa is included in West Nile here near the border down in Uganda and we Madi we are neighbours to Lugbara, we are joined together even in language.

COUNSEL: You mean it was suggested that people from West Nile played a big part during Amin's time?

KUJO: Yes, they did because they are more than us, Madi is a very small group.

COUNSEL: But I am asking people from West Nile; did they play a prominent part during Amin's time?

KUJO: I am sure, I am not a soldier but I heard that many of them joined.

COUNSEL: And did they commit many atrocities during Amin's time?

KUJO: Sometimes I used to hear that many big officers had been killed particularly in Kampala; Benedict Kiwanuka was killed by Amin and even other big people and that is why people were saying that Amin's government was bad and Ministers were being killed including his soldiers and civilians who were in high jobs..

COUNSEL: So the fault of yours was to belong to West Nile?

KUJO: Yes.

COUNSEL: Now, this may happen you see you do not know; what would you suggest to be a solution to prevent people revenging on the tribe as such if there is a change of government?

KUJO: This needs the high authority to make high co-operation between each other.

COUNSEL: How?

KUJO: That may be sometime by educating them to be together or by having them

to serve in different departments together.

COUNSEL: No, the question is, for instance, I am a Muganda. What is wrong for me being a President of this country?

KUJO: If the majority fall behind you definitely there is no reason why you cannot be a President; even a Madi can be elected to be a President.

COUNSEL: No, the question is, you see, I may be a President today, a Muganda, and I am overthrown and all Baganda are punished for that. How do you prevent that?

KUJO: This is a general behaviour of African custom.

COUNSEL: What is African custom?

KUJO: Because if I am a big man, once upon time I am overthrown my people become hated by other people.

COUNSEL: Are you suggesting that Africans do take their tribes in the government when they assume powers of government?

KUJO: Yes, they feel that they have to remain ever and ever in power unless they are removed.

COUNSEL: And they do this by using their tribes to support them?

KUJO: Yes.

COUNSEL: Now, how do we prevent such because we do not want to see this suffering as you suffered simply because you belong to West Nile. What do we do?

KUJO: This needs to leave tribalism in our hearts.

COUNSEL: You think tribalism causes the problems?

KUJO: Yes, Sir.

COUNSEL: That is all, My Lord Chairman.

MR. NAGENDA: Mr. Kujo, Commissioner Kawanga would like to ask you one or two questions.

MR. KAWANGA: Mr. Kujo, the Amin government was overthrown in 1979 and you talk of bandits attacking your place in 1982. When did these people decide to become bandits?

KUJO: These people decided to become bandits after the overthrow of the government of Amin.

MR. KAWANGA: Yes, but they did not attack between 1980 and 1982. Why did they start in 1982?

KUJO: No, they did. As soon as Amin was overthrown they became angry, they ran over here with their guns because they were ordered to come with guns; if you did not come with a gun they would not pass through to come to their own home. After arriving at their own homes after the overthrow of the government they started this terrible trouble in every place at home here. And they were chased away without any payment or anything so they came with guns to frighten people and do something that they liked.

MR. KAWANGA: I see, so they had become some sort of outlaws?

KUJO: Yes.

MR. KAWANGA: Coming to rob and they would not care about their fathers and mothers?

KUJO: No, many of them killed their own fathers.

KAWANGA: That is a very serious matter. Have they now stopped this kind of behaviour, you are sure they cannot do it again?

KUJO: By now as a chief in the area, after the new government, they were called to come back here, many of them have come and have joined peacefully this present government, they are doing their business and they are doing what they like to do.

MR. KAWANGA: Have they surrendered their guns?

KUJO: Many of them have surrendered their guns already.

MR. KAWANGA: And others are keeping them?

KUJO: I do not know that but many of them are peacefully living at home here, their families are enjoying the privileges of the new government.

MR. NAGENDA: All together how long were you in Sudan? First of all you went for two months and you came back. Did you go back to Sudan?

KUJO: No.

MR. NAGENDA: Just two months?

KUJO: Yes, after two months I returned here and joined my work. At that time they were looking for us to be killed and I had to hide myself in that place until I took my family, my family came even last month from Yei; they are now with me.

MR. NAGENDA: So your family stayed behind?

KUJO: Yes, they were in a camp.

MR. NAGENDA: If you were sick and you came back, was it in 1983?

KUJO: I came back in 1981, January.

MR. NAGENDA: But then why did your family come back only recently?

KUJO: I probably did not go to the camp and I informed them that if you do not go to the camp, be near the border here, so I sent them a message and they came.

MR. NAGENDA: During the time when you came back which is now nearly seven and half years since you came back; did you not undergo any problems?

KUJO: When I arrived here probably with my people there is nothing even with the government there is nothing but when the UNLA was here that is when they said as I have already told you, they came to look for me and three guns were fired on us and then they did not get me.

MR. NAGENDA: When Museveni's government arrived you said that they were welcomed by your people and you told your boys to stop fighting. Am I right in thinking that one group agreed to stop fighting but the others did not. In other words were there some people who continued with fighting?

KUJO: No, Sir. On our side it was completely stopped but may be on the Acholi side.

MR. NAGENDA: We have been told in evidence by a gentleman who came here before you that the Acholi were thieves and he could not really be friendly with them. What is your feeling on this matter?

KUJO: I, myself, people have got different behaviour, it is better for us who are now in power including the government to try to convince these people to be friendly as brothers and sisters.

MR. NAGENDA: So you yourself have no problems of being friendly with the other tribes including the Acholi?

KUJO: Probably they were frightened together with the Langi.

MR. NAGENDA: I agree with you. Before I end this session I am going to ask Mrs. Kakwenzire who would like to ask you some questions.

KAKWENZIRE: I was just reserving my question perhaps if you are not in a position to do so, if you are not, then you just leave it. You have told us many people who were killed in this area; you have also told us of the elders efforts to urge their sons to vie for peace. Do you know - I mean considering that people have talked about Acholi by killing them - do you know the reason that made the fighters join with Okello's forces, the people who were for instance killing you and suddenly you sort of agreed to fight together? I know you are not part of the fighting forces but do you know the reason?

KUJO: After they were called, after Tito had overthrown Obote.....

MR. NAGENDA: I think what Commissioner Kakwenzire was asking is that after you had been fighting against the Acholi for so long because of what we have been told

time and again there have been killings of people then when Okello started his government he asked your sons to come again and fight side by side and she says how do you explain this when you were such bad enemies for those number of years?

KUJO: This was probably about two years - this was probably because they agreed either to return from exile and join together but since Okello was fighting Museveni, they joined together in order to come to fight Museveni's government but after they came they found that Museveni's government was much better than Okello's they resigned from Okello's forces and joined Museveni's army which is the NRA.

MR. NAGENDA: But they did not leave Okello's side until Okello had been vanquished. They were fighting side by side with Okello until Okello was thrown out.

KUJO: That had been done but finally they came to understand that Museveni's government was good so they joined the new government.

MR. NAGENDA: Although it is just your idea, we are asking your opinion, but still you, an elder obviously you have been a parish chief since 1974 and you joined the police nearly 40 years ago and you look to us somebody who seems to be fair about these matters and you can explain to us what has been happening in your area, this is why in fact your opinion to us is valuable. I agree entirely with Mrs. Kakwenzire, it seems to me amazing that people who have been like cats and dogs but even worse because cats and dogs do not always fight each other, all of a sudden because Okello comes and says let us fight against Museveni that those who have been butchering each other are now fighting side by side, it seems strange. Are you able to explain the working together?

KUJO: Their aim to come and join Okello's forces was to go over Okello's government then to come to join this new government and join in nation building. This is my idea.

MR. NAGENDA: You mean they were joining Okello so that they could overthrow him while fighting side by side with them?

KUJO: Yes, that is what they remind me.

MR. NAGENDA: Well, perhaps that is what it means, again this is a supposition but are you saying that they joined Okello so that they could fight him from inside, was this another way of fighting the Acholi or not?

KUJO: Particularly, they themselves in the event I am sure that they had done something very clear here. Those people had the intention of going there and destroy those districts particularly Lango and Acholi because of what they had done here in 1980.

MR. NAGENDA: Now, when we started this morning we pointed out that the people of the area, for the betterment of Uganda, should come forward and tell this Commission about the atrocities that happened and the people who carried them out. And I said at that moment that there were people where we have been holding our Commission, for example, in Ankole, who came forward

and gave the names of people who had mistreated them, the Ankole people themselves and in Buganda where we have spent most of the time people have also done the same; they did not find it in any way odd to tell the names of their own tribes people and tribesmen who committed atrocities. With that in mind, have you perhaps any people from this area that you know who committed atrocities against their own people and if so are you in a position to give us your first hand information on this?

KUJO: Yes, I have given information in detail and it is on the statement I made.

MR. NAGENDA: Were there questions in the statement which you made which you feel should have been asked so that you can furnish us with the information which you were not asked?

KUJO: No,.....(Inaudible)

MR. NAGENDA: Possibly that is in the hands of the Legal Counsel; I am sure he will take appropriate action with whatever information he has got in here. Commissioner Kakwenzire has got one more question for you.

KAKWENZIRE: I just want to know when you refer to so and so being killed by bandits do you mean the people of this area - which bandits do you have in mind when you talk of bandits?

KUJO: These are in our own area - these are our own brothers who ran outside.

KAKWENZIRE: I see, so you would know them at least the people who were victimising you, you would know them?

KUJO: Oh yes, I would know them.

KAKWENZIRE: I probably mixed it but you said bandits whereas with the UNLA you were able to say at least two commanders. Do you know some of the notorious bandits who were killing people?

KUJO: I reported on several occasions.

KAKWENZIRE: You can communicate it to Legal Counsel.

MR. NAGENDA: Counsel I would like to have some information on this, the witness says that he does know some people from this area who were bandits who killed their fellow West Nilers and the feeling is that initially he would like to say it in privacy which is of course allowed. Are you going to make some moves so that he can give his very valuable information, I suppose before he goes back to Moyo tomorrow?

COUNSEL: Mr. Chairman, there are two matters that have come here. One is we heard killings by UNLA soldiers; it is very relevant to this Commission. As far as killings by rebels or bandits are concerned that is not violation of human rights to our Commission, it is a crime which should be taken up by the police in a normal way. Now that he mentions that there are some rebels who killed people and he knows them I think he reports to the investigators

in their capacity as police officers. Because we are inquiring into violation of human rights by government and its agencies; Mr. Chairman, the relevant section is that whereas for a period of nearly two decades the people of Uganda have experienced diverse forms of violations of human rights breaches of rules of law, excessive abuse of power, in contravention of the provisions of the Constitution of Uganda and Universal declaration of human rights to which Uganda is a party and whereas in the interest of good government, public security, welfare constitutional supremacy it is deemed expedient that the cause of the circumstances surrounding and possible ways of preventing the reoccurrence of the matters aforesaid being inquired into, this Commission inquires into all aspects of violation of human rights, breaches of rule of law and excessive abuse of power committed against persons in Uganda by regimes in government, their servants, agents or agencies of whatever cause during the period as is in the act. So commissions or killings by other people other than the government is not violation in as far as we are concerned.

MR. NAGENDA: Yes, Legal Counsel I agree but what it does say is that committed against persons in Uganda by regimes in government, their servants, agents or agencies whatsoever cause. Unless the bandits he is talking about were in no way connected with the government whatsoever, let us say they were Mayumba Kumi or sub-Parish Chiefs or whatever, we have every right to listen into the atrocities. Therefore I am saying Legal Counsel, could you please arrange for your investigators to find out for us before this gentleman goes home whether any of the people he mentioned were in any way connected with the government as it says in the Act. Could that be alright?

COUNSEL: Yes, Mr. Chairman.

MR. NAGENDA: Very good. It only remains for me to thank you very much, Mr. Kujo.

KUJO: I would like to say more that I ask you kindly if you can have time to go to Moyo and sit this Commission of Inquiry because Moyo is a full District, we have got East Moyo, and West Moyo because Arua is a district and Moyo is a District so I would request if you can come and then we shall inform those people who were around who can give more evidence to make our government run smoothly.

MR. NAGENDA: Yes, if we can. The problem has always been one I am afraid of time and expense but it will be our duty to pass on your recommendation to the right authorities and if we can come to Moyo we would be so delighted to do so, if we cannot we will find ways in which your evidence can reach us. It only remains for me to thank your very much for your evidence and I would like personally to say and I am sure my colleagues will agree that for somebody who went up to P.6 the way in which you delivered your evidence in has been excellent English and what is more excellent chronological order and it would be right for this to be noted.

KUJO: You know our teacher was formerly Gaspare Oda who was killed here in Arua. That man knew English, he taught us very well, in English in 1948 and you can imagine 1948 is not nearby. He was our M.P.

MR. NAGENDA: Very good, I would like to note his name in our records. Thank you very much and we now close this session and we shall resume here in this very room tomorrow morning at 8.30 a.m.

COMMISSIONER: Learned Counsel, shall we have the next witness please?

COUNSEL (MR. SEKANDI): The next witness, who is No.291 is Mr. John Yumaa.

WITNESS NO. 291 : MR. JOHN YUMAA - SWORN IN

COUNSEL: Mr. John Yumaa, will you give us your particulars? Age and what you do so far.

MR. YUMAA: I am about now 51 years of age; I come from Maracha county, I was a teacher for so many years.

COUNSEL: Tell us the village.

YUMAA: Puranga village.

COUNSEL: Sub county?

YUMAA: Oreba.

COUNSEL: What is your work?

YUMAA: At the moment I am just doing cultivation.

COUNSEL: And you are a former Member of Parliament?

YUMAA: Yes.

COUNSEL: Between which year and which year?

YUMAA: Between 1980 up to 1985 July.

CHAIRMAN: Which constituency?

YUMAA: Arua west Constituency.

COUNSEL: Would you tell us your educational background?

YUMAA: I hold a diploma in Education of Makerere University.

COUNSEL: When did you get it?

YUMAA: At Makerere I got it in 1958 and I had various training overseas, in Britain. When I came back after three years training I was a tutor in Arua TTC., a tutor at Lodonga T.T.C., a headmaster of Arua Secondary Public School, West Nile and then later Arua Public Secondary School and then I became a

Member of Parliament.

COUNSEL: Did you know one Colonel Michael Ondoga?

YUMAA: Yes, I did.

COUNSEL: How do you know him?

YUMAA: He was my cousin brother.

COUNSEL: Now, what happened to him, is he around?

YUMAA: He died in 1974 about March.

COUNSEL: Do you know the circumstances under which he died?

YUMAA: It was generally believed that he was assassinated.

COUNSEL: What is the basis of that belief?

YUMAA: He was - when he took his child to Nakasero Primary School and he was forced into a vehicle by some people I am told and taken to a destination which we never established even up to now. After some time a lot of noise was made by the people about his disappearance and the government got concerned and then got to answer about the noise people were making of his disappearance. The first statement made by the government was that he was kidnapped by enemies of the country and that they were going to do everything possible to locate those evil doers and punish them; that was the first statement which was made.

CHAIRMAN: A statement made by who?

YUMAA: I think by the then President who made it. After sometime it was also stated that the body of the late Odonga was discovered and that it will be brought for burial later on. After some time, about four days, I was approached by a Cabinet Minister, a Minister in the Office of the President by the name of Raphael Nshekanabo, he went to my house on a Sunday and asked me to go to receive the body of my brother.

COUNSEL: Where were you when you were approached by Raphael Nshekanabo?

YUMAA: I was living on Plot No.4 Kyaddondo Road, Kampala.

COUNSEL: Did you go?

YUMAA: I hesitated, I feared going and I went back because I resisted going but then he was ordered to come back to take me to receive the body but then I told him to give me time so that I should go to consult my brothers and friends around there. So he allowed me to do that and I went to the National Teachers Training College Kyambogo to ask for late Burua's assistance but then he was alone at the campus because most of his teachers had gone on teaching supervision; and he directed me to his Bursar by the name Semei

Aswa who was not again in his house, he had gone to see his brother Tom Buruku at Tank Hill. I was directed there and I got both Tom and his brother Semei at Tank Hill. I told them of the news and asked them if they could escort me to go and see Mr. Nshekanabo in his office, they accepted so we went together to see him at Parliament Buildings.

COUNSEL: When you saw Raphael Nshekanabo, what happened?

YUMAA: He told me that a body was discovered and that I should go and collect it. I told him that I would not go there to collect the body, I wanted them to bring the body to my house because I feared to go out. He communicated this to the President and the President told him that the body was in Jinja and if I wanted to see the body Nshekanabo should make arrangements to transport me to Jinja and see the body.

COUNSEL: You mean it is Nshekanabo who told you President Amin told him, the body was in Jinja?

YUMAA: Yes.

COUNSEL: What happened after this information?

YUMAA: We accepted to go to see the body in Jinja. We were given a vehicle and we were taken to Jinja,, to the mortuary of the hospital.

COUNSEL: Did you see the body?

YUMAA: Well, I saw a body yes, in a coffin and when it was opened it was full of maggots and the skin was not on and actually it was decomposed and to know whether that was my brother I had actually to open the mouth to see the cultural teeth.

COUNSEL: Were you alone or you were with Mr. Nshekanabo?

YUMAA: No, Nshekanabo did not go with us, it was Tom Buruku, Semei Aswa, and a young brother of the late Ondoga and the Inspector General at that time Luke Ofungi, these were the people who went with me.

COUNSEL: Did you open the mouth to see the teeth?

YUMAA: I did.

COUNSEL: Were you satisfied that that was the body of your cousin brother?

YUMAA: I was not satisfied. After examining the body we went into the office of the doctor and I had to put some questions to him to see if that was the body of my brother. I asked him how he knew that that was my brother and he told me that he was told that that was my brother.

COUNSEL: Who was the doctor and who told him that that was your brother?

YUMAA: I do not know the doctor's name but he was a Briton.

COUNSEL: Yes, but you were with a senior police officer, Mr. Luke Ofungi, did he suggest ways of identifying whether this was the person?

YUMAA: Yes, he did. After I had put questions which the doctor could not answer, it was then the Inspector General who said that we should return to Kampala to establish whether this was the body of my late brother or not. The finger prints of the dead were taken to be compared with the one which were taken at the time he joined the army.

COUNSEL: Now, what happened?

YUMAA: When we came to Kampala, we were not allowed to go together to find out the truth but Nshekanabo went and communicated the message to the President and I do not know whether they actually examined those things but what we were told later was that the file was not there, it was missing and that the body was that of my brother and I should take it whether I wanted or not.

COUNSEL: So are you suggesting that you took the body over which you were not satisfied whether that was that of your brother?

YUMAA: That was my intention.

COUNSEL: So what happened?

YUMAA: So out of fear I had to accept to make arrangements for bringing the body and a helicopter was provided and the body was flown this way, I was given transport to bring myself and my family and some few belongings for the burial here. So the body was brought home.

COUNSEL: Now, before you were called by Raphael Nshekanabo to go and collect the body of your brother did you make any efforts to find out what had happened to your brother that is before they said the body had been found?

YUMAA: I did; actually on the day of disappearance a lot of rumours went round that my brother was kidnapped and so on and I had to move round. I went all over Kampala and to all corners I could possibly reach and then I communicated to Kay Amin who was also my cousin sister and she told me that .....

COUNSEL: You mean Kay Amin, the wife of the President?

YUMAA: Yes. I told her of what had happened and she said she had heard of it and she tried to plead to her husband to say if Ondoga could be spared and she received a lot of resistance, a lot of quarrels and nothing happened.

COUNSEL: Now, would you please try to clarify this. What did Kay Amin say? What did she do? And what was the response of the President.

YUMAA: She wanted Ondoga to be released and the President did not, he refused.

COUNSEL: Are you suggesting that Kay Amin suggested that the Present knew or was he the one who had ordered for the arrest?

YUMAA: That is what I gathered, that was my intention. So when I told her that I had been going round looking for the body she said that I should not bother I should go back, lock myself in and cry. So I went home.

COUNSEL: So shall we say that Michael Ondoga was a sort of a brother of President Amin?

YUMAA: Yes.

COUNSEL: What was he at the time he was kidnapped?

YUMAA: Well, when he was kidnapped he was living in a house without work because after he was recalled from Russia having been an Ambassador there, he was given two jobs; to begin with, one was Minister of Foreign Affairs and the other was of Information. That of Information was stripped off and he was left with that of Foreign Affairs and after some time there was an occasion at Makerere University, I think it was a graduation ceremony where Ondoga was stripped off his ministerial job of Foreign Affairs and this was given to Miss Bagaya. So Ondoga was left without a job.

COUNSEL: For how long had Michael Ondoga stayed without a job?

YUMAA: Roughly a fort-night.

COUNSEL: Did you get to know why he was removed as Minister of Foreign Affairs?

YUMAA: Actually I did not know, it all surprised us why he was removed from a ministerial post.

COUNSEL: Did the President say anything?

YUMAA: He did not, he said he was going to assign him another job.

COUNSEL: Did you know whether there was any rift between him and the President.

YUMAA: No visible rift which I actually noticed. There was no sign of any quarrels or anything like that which I knew.

COUNSEL: You have talked about this Burua who was the Director, National Teachers College, Kyambogo. Where is he?

YUMAA: He also died, in about 1980.

COUNSEL: In 1980, do you know exactly when he died?

YUMAA: About October; there was some kind of invasion of the district and I think that is when he met his death.

COUNSEL: Please can you narrate what happened before his death, that is what we want

to know.

YUMAA: Burua was a former Director of the National Teachers College, Kyambogo and when Amin was removed there was an interim government and there was a kind of Parliament, the National Consultative Council and Burua was a Representative for our district and when elections were arranged, Burua wanted to stand as a candidate. He came back and asked me to assist him in campaigning. So I was his chief campaigner but when the time of registration neared, we had to go -the registration started on 5th of October and on the 10th of October that is when the invaders came in and took over Arua. The government troops came in to chase them and I think it was during that time that Burua met his death -when the invaders were being chased, a long range of artillery was being sent to his place and some infantry I think came by the road to a place called Nimoni where they met Burua and some people so all of them were collected and they were never seen again.

COMMISSIONER: (inaudible)

YUMAA: These were the former soldiers of Obote who came to power then.

COUNSEL: You cannot know the exact date when the invaders invaded Arua?

YUMAA: It was on 10th October 1980.

COUNSEL: Now, for how long did they stay in town here?

YUMAA: For about a week.

COUNSEL: They stayed for about a week and that means for up to 17th October. Now, what happened - the Government troops came about 18th October?

YUMAA: I do not know exactly but about that time.

COUNSEL: And when they came were the invaders chased out of Arua?

YUMAA: Yes, they were all chased out of Arua.

COUNSEL: And was it the day they chased out the invaders that Burua was killed?

YUMAA: Yes, I think so.

COUNSEL: You mean you just think?

YUMAA: I just think because I was not there at that time, I was also in hiding.

COMMISSIONER: In Arua?

YUMAA: I was somewhere in the bush.

COUNSEL: Why were you hiding?

YUMAA: For fear that they would come and do anything to anybody who is around.

COUNSEL: Which fighters did you fear? The rebels or of the government?

YUMAA: I feared both. Rebels or government troops when they are fighting, bullets do not know who is that or that.

COUNSEL: So you did not see the body of Burua?

YUMAA: No, I did not see it.

COUNSEL: Now, did you say this was the time when you had started registration of voters, when the invaders came.

YUMAA: When the invaders invaded Arua and other parts of Arua, what happened to the registration of voters.

YUMAA: Well, I believe most of them who came to them were taken away and possibly stollen. Personally I do not know, I have not seen, I have no evidence of where they went but that is what I assume.

COUNSEL: So would you say actually there was no registration of voters in Arua?

YUMAA: There was registration but then the records I do not know where they went.

COUNSEL: The records were taken by the invaders or they were destroyed by Government troops.

YUMAA: I do not know, I am not exactly sure.

COUNSEL: Now, you said you were a Member of Parliament for Arua West. How come that you became a Member of Parliament when there were no records for voters.

YUMAA: You see, discussions were made for a Representative of this area. Discussions took place in Kampala about Arua being represented in Parliament as well because areas other than Arua had their registrations carried out but I think it was the political party leaders who thought it fit that Arua should also be represented because if it was not represented it would miss a lot of things. So, they decided that we should also be considered.

COUNSEL: So are you suggesting that as far as the election of M.Ps Arua did not follow the actual law of elections? Was it an exception?

YUMAA: It was something which I believe was correct because we were going to stand. When these invaders came disrupting this place and decisions made by the political parties I am sure were good for our own benefit.

COUNSEL: But what I am suggesting, whatever decisions were made were contrary to the law.

YUMAA: I do not know law very much so actually I cannot tell.

COUNSEL: But are you not saying that when actually you presented yourself as a candidate there was no register for electors, of voters?

YUMAA: You see, as I told you earlier on, I do not know exactly what happened to the registration books - whether they were taken by the invaders or they were retained by those who were registering. I am not very sure. I am not telling you that these were not there - I am not telling you that the registration was not there -this is what I am saying.

MR. NAGENDA: Mr. Yumaa, what actually do you know about these elections? You do not know the law of elections, you do not know whether the books - who took the books, earlier on you said the books are not there. What was the machinery by which you were returned to Parliament? What happened on the day?

YUMAA: We were asked to come for nominations. There were two major parties contesting in this district at that time, the D.P. and UPC and both had to produce candidates to come for nomination. So we all appeared at the D.C's office for nomination and when we were at the office we were asked various questions which would either qualify or disqualify your nomination. So we fulfilled those - we answered those questions successfully and that is how we were unopposed.

MR. NAGENDA: You were nominated, that is what you want to say.

YUMAA: No, we answered the questions properly.

MR. NAGENDA: Do you mean everybody who answered the questions went to Parliament?

YUMAA: The candidates who were nominated and who had support by the people who had actually proposed them and so on fulfilled the requirement.

MR. NAGENDA: Then clearly this is what the Legal Counsel was saying that this was an exceptional piece of work. Because the question he asked is being nominated. You did not fall below the line which was set and then after you had been nominated were there any voting for you or by the fact that you have answered these very simple questions was enough for you to be elected to Parliament?

YUMAA: There could not be voting because the D.P. members who appeared on the nomination day did not fulfil all the requirements that were there.

MR. NAGENDA: Yes, but even then surely even though you had been nominated and the D.P. people and I will let my colleague ask the next question which is obvious but even the D.P. people had been sort of thrown out, surely then it was still a position where you should be voted for.

YUMAA: The thing is this, if there was a question or objection by D.P. that elections must take place then that could have been sorted out but we were declared unopposed.

MR. NAGENDA: In your view, did the D.P. people take this situation as being accurate?

YUMAA: You should ask them, I do not know. Your colleague is there.

MR. KAWANGA: The question here is very simple, Mr. Yumaa, let us just go through it. Under Uganda Laws before you can be elected there must have been people who registered themselves as voters in your constituency. Is that correct?

YUMAA: Yes.

MR. KAWANGA: After registration the names of registered voters must be displayed for a period. Is that correct?

YUMAA: That is correct.

MR. KAWANGA: So that whoever is not registered can say I was not properly registered or if there is any wrong expression the register can be corrected. Was that done in Arua?

YUMAA: You see that is what I was telling you that it was special case for us because there was a situation of war where you could not have all these things carried out.

MR. KAWANGA: Agreed, but before we do that let us see what the special circumstances were because there are certain things which must have been waived. So there was no register, there was no notification of register. Now, do you know also that to be nominated you must be proposed and seconded by twelve people, registered voters?

YUMAA: That record is there.

MR KAWANGA: But there was no register.

YUMAA: This was there. According to this special consideration those who had registered were here but the books were not; when the nomination day came it was the people who actually registered who were asked to nominate you and then line behind you; that is what happened and took place.

MR. KAWANGA: So the Returning Officer called upon people to produce their registration cards and that was all without a register.

YUMAA: Yes and then line behind you.

MR. KAWANGA: You said that they asked you some questions. What were the questions?

YUMAA: Allegiance to the nation; the problems of taxes, income tax clearance - I cannot remember all of them now.

MR. KAWANGA: I think the minimum knowledge of English- Proficiency in English.

YUMAA: In English, yes, that was there.

MR. KAWANGA: And do you think people like Mr. Tom Buruku did not have all that? He was not proficient in English?

YUMAA: He came but I do not know what happened to him. The road is rough so he arrived late, he did not arrive on time.

MR. NAGENDA: Mr. Yumaa, all this is most amusing but the point of the matter is that you have been a teacher for a long time, you have been a Member of Parliament and above all, you are under oath. Do you want to seriously waste our time by saying that all the D.P. people either could not answer the three or four simple questions put to them or either what denied them the right to register was the state of road. Is that how you want to be represented on our Commission?

YUMAA: No. You see I allowed putting this time as if I was the person responsible for all these things, I was not. I was a candidate. Anybody who actually found me to be fit he would declare me fit but then if he said this one, so and so, is not fit because of A.B.C.D., that was that person's judgement.

MR. NAGENDA: I did not say that at all. What I said was that you are here because you are presumably of some benefit to the Commission and so to the country. You have an opinion by which I think you are asked some questions. If you think that there were something in your view and in the views of other people that these elections were rigged which clearly by what you are telling us there are chances of there being rigged you should say so. You are not here to make very good capital out of anything. So we are asking you, do you think that the D.O. people who as you say were the other major party fighting these elections, do you think they got a fair deal? Were there a fair and free elections?

YUMAA: You see what happened was this, we were called in one by one by the returning Officer.

CHAIRMAN: What was the name of the Returning Officer?

YUMAA: George Madra.

CHAIRMAN: Do you know where he is now?

YUMAA: No, I do not know where he is now. So when we were called in one by one to answer questions, you do not know what happened to the other. May be the same questions were asked but I remember my questions and I answered my questions.

MR. NAGENDA: Successfully, I think!

YUMAA: I hope so and that is what took me to Parliament.

CHAIRMAN: Tom Buruku's name was mentioned. Was he standing in the same constituency as yours?

YUMAA: Yes.

COUNSEL: Now, is it true that there have been wanton killings in this district of which you know, say in Amin's time?

YUMAA: In this district I did not notice very many killings here; the killings of people from this district were done mostly in Kampala, away from this area.

COUNSEL: Then after Amin's time were there killings in your district?

CHAIRMAN: Counsel, you put a question about killings in Amin's time and then he said it happened in Kampala. Let him tell us more about that before you jump to another one.

COUNSEL: Who are the people from West Nile who were killed in Kampala to your knowledge apart from Ondoga.

YAMAA: We were only receiving dead bodies of people killed from there; I learnt of a Captain Avudria; I later learnt of Brig. Arube; and many other smaller ones.

COUNSEL: Did you try to investigate as to how they met their death:

YUMAA: Well, what was said was that they were killed by some Intelligence people in Kampala, but I did not take a chance to find out all this.

COUNSEL: Were you satisfied whether there were any proper investigations concerning their deaths?

YUMAA: Well, I was not satisfied. We all realised that there was something wrong by some people going on killing innocent people in the country, we were all afraid.

COUNSEL: Were you expecting something to be done?

YUMAA: I do not think at that time there was such a thing.

COUNSEL: What would you comment about the failure to investigate?

YUMAA: It was very bad. In fact, we did not want killings without causes and we wanted all those who kill to be found out and put before the law, to explain why they were killing.

COUNSEL: What conclusion did you make on the failure of government to investigate?

YUMAA: I think it was a great mistake and it was not proper at all, I did not like it.

COUNSEL: Now, whom do you blame for the failure to investigate?

YUMAA: I think the government.

COUNSEL: Now, were there killings after Amin of which you know?

YUMAA: After Amin, when the UNLA soldiers from 1979 entered this place there were some killings as a result of keeping away Amin's soldiers, unfortunate people were killed in exchange of fires and the like.

COUNSEL: I see! Are you suggesting that the only killings here was only that was as a result of cross fire?

YUMAA: No, it was not and some of the soldiers who came in mainly after the Tanzanians had left were going round looting, raping, killing and we had a lot of trouble, we had to fight you know as representatives in Parliament; we had a lot of problems.

COUNSEL: Would you explain the killings because during Amin's time you said there was no killings; after Amin there was killings. Would you explain why this was the state of affairs?

YUMAA: It was very difficult to know why this one was done but I think some soldiers did not have prroper control. Soldiers when not well controlled may go out and do things their own ways.

COUNSEL: Could it be that there were some kind of revenge?

YUMAA: To some of the soldiers this could not be ruled out.

COUNSEL: Why do you think there should be a revenge?

YUMAA: You know when Amin took over power some innocent civilians outside this district lost their lives and this angered so many of those who came in and were soldiers and it is possible they had this attitude of revenge for what happened.

COUNSEL: Are you suggesting that Amin used his tribesmen to kill other people who are not from West Nile?

YUMAA: Amin did not have only soldiers from this area, he had soldiers from over the country and some were Rwandese and all these went and did what Amin wanted. So they could kill, outside this district they could kill people.

COUNSEL: But do you know some military officers who were used by Amin to kill people?

YUMAA: No, I do not know of any of them.

COUNSEL: Do you think the army has been actually balanced in this country, tribally balanced? Have they been balanced in the army tribalwise?

YUMAA: I do not have the statistics but if they balance then some were given more powers than others.

COUNSEL: What do you mean some were given more powers.

YUMAA: The officers - it appeared that the regimes appointed more officers from their own areas than all over the country so this gave the impression that those were the people fighting for their own things.

COUNSEL: Do you think this has caused some problems?

YUMAA: Of course, resentment in some tribal areas was there. If you take an example, this regime had looked to one small area and made so many officers other areas would not like that. That wasn't a true representative outlook of the country.

COUNSEL: You stand to think that the root cause of what we have had was the tribal imbalance in the army?

YUMAA: Tribal imbalance of officers.

COUNSEL: You do not mind about the men, you find about the officers only? You think the balance would be of the officers than the men?

YUMAA: They should be both but as I said I do not know the statistics of all the men, I did not find out the details and the number of various tribes in the army.

COUNSEL: But when you were a Member of Parliament did you try to bother about that matter seriously? About the army.

YUMAA: We were all talking about if very seriously in fact we wanted a balanced army, you know when Amin was overthrown by UNLA I think those who came in alongside the Tanzanians came and some officers who mattered went to their areas and I think they recruited more people from their areas and I think this caused some trouble and when we were in Parliament; we were talking against it, we talked quite a lot about it.

COUNSEL: What was the response of those responsible?

YUMAA: I think they began to think about it, trying to think of recruiting all over the country.

COUNSEL: Now, for the future what are your suggestions?

YUMAA: For future? What I want actually is a balanced army of all tribes and one thing and responsible for human rights and for protection of properties of people and the country. Also a broad outlook for international law because we are not isolated.

COUNSEL: My Lord this is the witness in evidence.

CHAIRMAN: Mr. Yumaa we shall ask you some questions. I go back to the invasion which you mentioned. You said they were by former soldiers of the Uganda Army. Did you get any particular organisation at the time which carried out the invasion?

YUMAA: I think they had their own groups.

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CHAIRMAN: They had their own groups?

YUMAA: Yes.

CHAIRMAN: Where did they come from?

YUMAA: Some from Sudan and others came from Zaire.

CHAIRMAN: You said they were here for one week. Was that all and after that there was no more problem?

YUMAA: There were some problems, hit and run problems.

CHAIRMAN: Where?

YUMAA: Particularly along the border. The borders of Zaire and Sudan.

CHAIRMAN: For how long did it go on?

YUMAA: It continued I believe up to July 1985, when Obote was removed from power.

CHAIRMAN: Were there clashes between them and the Government soldiers at the time.

YUMAA: Some time they did clash and there were ambushes and all that.

CHAIRMAN: Did that cause an increase of the numbers of government soldiers in this area which was affected?

YUMAA: Certainly this was there because those who had returned wanted to see that - they cried a lot to government for assistance of some more soldiers.

CHAIRMAN: There was also a written statement that a lot of people in West Nile were displaced during this period, they went to Sudan and Zaire as refugees. You as a Member of Parliament at the time did you get to know this?

YUMAA: Yes, I did.

CHAIRMAN: What forced them to go to seek refuge in another country.

YUMAA: The first was the invasion of 1980; then the second one was that of 1981 on Ombaci incident.

CHAIRMAN: Please tell us about the Ombaci incident.

YUMAA: Some people went into Ombaci and murdered a lot of people.

CHAIRMAN: That some civilians were killed there?

YUMAA: Yes.

CHAIRMAN: Was this in 1981?

YUMAA: Yes. About 1981. So this made many people run away; as I said when there was fighting it caused panic and so many civilians run away from their houses to hide and that is why so many people went to seek refuge.

CHAIRMAN: Are most of these people back now?

YUMAA: I think many are back - most of them have come back.

KAKWENZIRE: The matter of your cousin brother Colonel Michael Ondoga, when Nshekanabo informed you that he was in Jinja hospital, did he tell you how he had come to be in Jinja hospital where he had been found and who took him there?

YUMAA: He did not tell me. Actually everybody was fearing at that time. The atmosphere was very tense and nobody actually dared to investigate much about that and how he was taken there. In fact I was very surprised to hear that the body was in Jinja. I thought the body was in Mulago mortuary but then I was very shocked to hear that the body was in Jinja.

KAKWENZIRE: It was not clear to me that the information was being channelled through Nshekanabo; what was he doing at that time?

YUMAA: He was a Minister in the President's Office, a Minister of Public Service and Cabinet Affairs in the President's office.

KAKWENZIRE: Now, did you, after you became an M.P., continue to establish what could have been the truth?

YUMAA: The only person I could ask, if Amin was here I could find out.

KAKWENZIRE: Did you try to speak to Nshekanabo again?

YUMAA: Up to now I do not know where Nshekanabo is.

KAKWENZIRE: He is in Kampala, he is now a General Manager of Uganda Transport Union.

YUMAA: Probably I could ask him and find out.

KAKWENZIRE: About these raids which came in 1980 and 1981 did you as an M.P. make efforts to investigate?

YUMAA: I did a lot of things to really see that peace was maintained in the area.

KAKWENZIRE: Could you tell the Commission, for instance, whether you tried to know who was responsible in these two instances you have told us; whether you made a firm complaint to the Government about your people?

YUMAA: Very much. I wrote a letter to the President telling him about what was happening that they should make sure that peace reigns in the area. I think some letters I wrote if they are not destroyed they should be there.

KAKWENZIRE: Do you have some copies?

YUMAA No, I do not have them.

KAKWENZIRE: Did you find anything in particular say the Ombaci case which is pending for us to inquire into? Something say you can highlight, circumstances leading to that and what happened, who did that and whether any disciplinary measures were taken?

YUMAA: No, what actually we heard later was that some of the invaders came and they were hiding at Ombaci and then the government troops came in and they were trying to look for invaders in the Mission and as a result some angry soldiers opened fire killing some people. This is what we were told.

KAKWENZIRE: Do you know who was commanding that operation?

YUMAA: I do not know. I was actually in Kampala, I did not know who was in-charge.

KAKWENZIRE: Lastly my question concerns elections, rigging elections. I would seek your honest views on this especially as the country was plunged into untold suffering as a result of those 1980 elections. In fact evidence has come to light that people went in the bush as a result of rigging of the elections. Do you have some comments to make on this with regard to your area here and Uganda generally as to how elections should be conducted and whether they are conducted fairly. Just looking back, what would you like it to be.

YUMAA: In fact, if someone in authority is very honest and would like us to do in the country then the rightful orders and laws should be followed in all the matters of elections. This is essential and of course when trust is not there certainly as it happened some people start to flee and react in the opposite direction. In the case of Arua as far as I told you myself I do not think there was any rigging but then in the other areas certainly people are not honest, Ugandans are not honest - Some people are very tricky, Ugandans if you look at them now I do not know how we can correct ourselves, we need quite a lot of political education, we are lacking so much in political outlook and so many people in Uganda think inward - everybody think if I am there - when people go to politics as a result of poverty I think that will remedy them for - I do not think it is right to resort to politics as a result of poverty. I do not really think that it is good to take the political line in order to become rich or in order to suppress others or in order to destroy the economy and what have you. So rigging in other areas could have happened because some people wanted to be somewhere in power in order to alleviate their problems. It could have happened.

KAKWENZIRE: So in case of West Nile are you saying there was no rigging?

YUMAA: There was no election but there was nomination.

KAKWENZIRE: You have touched on what I consider currently as great problems, i.e poverty and dishonesty in Uganda. Are you suggesting since we are very poor and

since we are dishonest we are not yet mature for elections?

YUMAA: We are very mature for elections but what we need is to have political freedom and political activities; then political parties must make sure that their supporters are properly educated; in their ways of outlook to the other people all over the country; the parties must educate the masses - we must have national political parties accepted by everybody and the parties must educate the masses on the political plans and outlook, the manifesto and what not so that they are aware of what is coming and how they should look at themselves and others and then how we should behave after the elections. This is very important because if say one loses and he is not happy always then we can have a recurring problem. When people are properly educated, and the party that wins is allowed to continue or to rule until a term which is accepted, in fact, nobody should hang on to power, there must be elections. Hanging on to power and no elections for so long that is what brings all the problems we must allow the one who has won to work.

KAKWENZIRE: Who is going to educate the people.

YUMAA: I said the political parties should do that and secondly as I said poverty - we should improve on our economy to get people out of poverty so that we do not go into politics in order to become rich. In fact in advanced countries people who stand are people who are rich, who have enough, and they do not need to go to grab to get this and so on but in our case we are still poor so we should work hard to see that our economy is improved so that we can improve to solve our own problems. Uganda is full of capable people.

MR. NAGENDA: My Colleague has already asked you enough about these elections but just before I leave the subject, I think at last you have agreed that there were no elections in West Nile but only nomination. That is what you have just said, is that so?

YUMAA: Yes.

MR. NAGENDA: Hence you said that there was no rigging?

YUMAA: What I told you is this and I think I am repeating myself - this is a repetition, the question is a repetition because I told you that our area was an area which was disturbed because of the war and elections could not have taken place but when we were considering law and people who mattered had decided to waive that law, I do not know what I can say.

MR. NAGENDA: Okay I will go to something else. Just before I go to my question you said that you hesitated to go when Mr. Nshekanabo came to see you but you went when he said that he had been ordered to come to you to go and take the body. Did he tell you who gave this order?

YUMAA: I said the President did, Sir.

MR. NAGENDA: I take it that you were nominated and returned as a UPC Member of Parliament. Were you very popular in this area after your so called elections?

YUMAA: I was very popular.

MR. NAGENDA: Did you find that sometime in spite of your popularity that people were bitter about which party they had chosen to follow in a certain area?

YUMAA: What I did as I said, I tried to work hard to see that killings were stopped and I dealt with the returnees and my dealing with them in trying to look after them.

MR. NAGENDA: Can I take it therefore, you have finally allowed yourself to take part in local matters up to today?

YUMAA: Well, I am assisting back door. I am not an official Chairman.

MR. NAGENDA: Why don't you try to use the front door?

YUMAA: I could in fact when Tito overthrew the government I had a lot of problems and again when the government came, some other people, I do not know that actually I was fatigued.

MR. NAGENDA: Why were they, first of all, Tito....

YUMAA: That one, the soldiers were all around the town, and we were all inside about two or three days without eating so I did not know what was happening outside. So I had to look after my life until I came back this way.

MR. NAGENDA: But when you came back here, when you were no longer being chased around by the troops, why did you not find it easy to work again on Tito's side. You said when Tito's government came again you found yourself in quite a lot of things - why was this?

YUMAA: Well, as I told you I had my things in Kampala and some of us just left Kampala during Tito's time.

CHAIRMAN: Today is the 1st of June, 1988. Commissioners, Learned Counsel, Ladies and Gentlemen, we are ready to commence the session of today at White Rhino Hotel in Arua. Learned Counsel, who is your next witness?

COUNSEL: (SEKANDI) My Lord Chairman, Lady and Gentlemen Commissioners, one of the witnesses summoned for today is General Mustafa Adrisi, a former Vice President of Uganda. I must take this opportunity, my Lord, Chairman, to welcome General Mustafa Adrisi. I am pleased that he survived the 1978 accident and he is now well settled in his home area in Arua but, before I call him to take part, I think it is proper for me to explain to him the purpose of this Commission and his rights as far as witnesses are concerned.

General Mustafa, the present Government of Uganda set up a Commission of Inquiry into Violations of Human Rights since Uganda attained

Independence on 9th October 1962 to the day NRM government assumed powers of governance, that is 26th January, 1986. You might not have had opportunity to read the Legal Notice under which this Commission was set up so I intend to read to you the Legal Notice so that you understand the purpose and the function of this Commission. The Law under which this Commission was set up is not a new law; it is a law which has been on our Statute Books for a very long time. The name of the Act is the Commission of Inquiry Act, Chapter No.56. The Notice reads as follows:

LEGAL NOTICE NO.5 of 1986 which was subsequently amended by another Notice read to the witness. Now, General Mustafa, former Vice President of Uganda, this Commission considers you as a person knowledgeable on what happened during that time. Not only when you were a Vice President but you have been a citizen of Uganda and there is no doubt that when Uganda attained its Independence that you were in Uganda. You are here as a private citizen but at the same time you are here as a person who has held a public office. We think you may have some evidence it may be that you do not have some evidence but we thought that it was appropriate that we call you mainly because, at least, during the period that you were a Vice President, during a time then you were a high ranking military officer, it is alleged that some violations of human rights occurred and as you have heard the violation of human rights we are inquiring into is that committed by the Government, its servants and its agencies and may be to mention that some evidence have actually been connecting you in some acts that had been committed. May be, before you decide whether to give evidence now or after you may require to consult some other people I do not know. General Mustafa, would you like to say something before you start giving actual evidence?

ADRISI: I did not have the knowledge that you were coming here and I only received the information yesterday. In fact I have understood the contents of the Legal Notice which was read to me. Yesterday, after having received the summons, I told the summons server that I was not prepared to give any evidence; what I would like to say is that before I give my evidence I should like to contact my lawyers first. After having consulted my lawyers or having engaged a lawyer I shall have to give my evidence, that is the short evidence I have that piece of evidence I have nothing to tell you at the moment. I intend to reserve my piece of evidence until such a time that I get a lawyer. It is true as you have stated before I was at one time a victim, I broke one of my legs. I am appealing to you honourable Chairman to allow me to reserve my evidence till such a time that I get a lawyer.

CHAIRMAN: General Adrisi, we have heard what you have said, it is really your right to consult a lawyer before giving evidence or when giving evidence. You are permitted to do that but what we would like to know is this, how soon will you consult a lawyer. Will you do so while we are still in Arua or some other time? Where is your lawyer?

ADRISI: I will have to engage a lawyer from Kampala.

CHAIRMAN: And that is likely to take some time.

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COUNSEL:

MUSTAFA: Yes, definitely because I will be looking for a lawyer, who will become my lawyer.

CHAIRMAN: Can you give us an estimate, an approximate date when you can be available to give evidence before the Commission?

ADRISI: I cannot give you a definite period before getting my lawyer because lawyers are mobile at the moment, they are not fixed.

CHAIRMAN: Once in Kampala it is easy, you may not find him in one day because of court but the next day you may find him. Because we would like to know so that we fit in our programme.

ADRISI: Honourable Chairman you approached me just abrupt time, I pray you to give me ample time. I pray that you give me time in order to get my lawyer.

CHAIRMAN: Yes, that is granted, it is your liberty to consult a lawyer. We are thinking in terms of three weeks, will that be enough?

ADRISI: Three weeks will not be enough because the only route to Kampala these days is only by air and since the place does not operate it is very difficult.

CHAIRMAN: Four weeks? We are advised that Uganda Airlines will start soon to operate on Kampala-Arua route.

ADRISI: Honourable Chairman I know that the plane operates daily to Arua but then it is a problem of money now for transport. At the moment I am not employed.

CHAIRMAN: Well, we will find out if it is possible for the Commission to get you a return ticket - from here to Kampala and back.

ADRISI: Your honour I pray that you give me a period of one and a half months. That period could give me ample time to go and consult my lawyers.

CHAIRMAN: We could make it this way, perhaps, you fly to Kampala and consult a lawyer and give evidence instead of going to first consult a lawyer, coming back and then going back to give evidence. Why should you need one and a half months? If the Commission provides you with some assistance, why do you need one and half months?

ADRISI: I requested for one and half months on the grounds that when I go to Kampala I will have to make a choice as to who I should engage as an advocate and secondly I have some work to do at home here and thirdly I am actually not yet settled, I have got some problems here.

CHAIRMAN: Very well. Counsel what do you think, should we give one and a half months?

COUNSEL: My Lord Chairman, it is not really clear whether the engagements he has here that requires one and a half months or the consulting of the advocate but since he wants to consult his lawyer, what we can do is to fix a date when he

would appear before the Commission in the first week of July so that gives him a month's time. In other words he needs not think of the evidence because he says he has the evidence so it is a question of consulting a lawyer, please you come with me before the Commission and guide me here and there.

CHAIRMAN: Let us give him one and half months he has asked for. So he will start giving evidence before the Commission in Kampala in the middle of July this year. Okay, we accept you give evidence before the Commission on the 13th of July this year in Kampala. You should also liaise with, may be arrangements will be left here with the DPC and how ticket will be sent to you and so on.

ADRISI: My Lord Chairman, I wish to inform this Commission that I have three escorts who will be accompanying me - I shall have three escorts accompanying me to Kampala.

CHAIRMAN: What kind of escorts? Body-guards?

ADRISI: Yes, Body-guards, my Lord.

CHAIRMAN: But we have to minimise costs, three seems to be too many.

ADRISI: Allow me please to have two body-guards.

CHAIRMAN: Only one, you will be safe there. We suggest you take one from here and when you reach there arrangements will be made for one or two more escorts.

ADRISI: Correct, My Lord.

CHAIRMAN: Agreed?

ADRISI: Agreed, my Lord.

CHAIRMAN: Yes, thank you.

WITNESS NO. 292 : REV. FATHER JULIANO OROCCA - SWORN IN

COUNSEL: You are Father Juliano Orocca?

ORROCCA: Yes, I am Father Orocca.

COUNSEL: You belong to the Verona Fathers?

OROCCA: Yes.

COUNSEL: And you are working in Arua Diocese?

OROCCA: Yes.

COUNSEL: And by nationality you are an Italian?

OROCCA: Yes.

COUNSEL: And currently at Ombaci Parish in Arua District?

OROCCA: Yes.

COUNSEL: Father, when did you come to Uganda?

OROCCA: I came to Uganda in December, 1954.

COUNSEL: You came to Uganda as an ordained priest?

OROCCA: Yes.

COUNSEL: Where did you start your pastoral work in Uganda?

OROCCA: In Madi District, at Pekele Parish.

COUNSEL: For how long did you stay in Pekele?

OROCCA: About six months.

COUNSEL: And thereafter?

OROCCA: I went to Moyo Mission.

COUNSEL: And how long did you stay in Moyo?

OROCCA: About 6 years.

COUNSEL: From there where did you go?

OROCCA: From there I went to Pakwach Parish.

COUNSEL: For how long did you stay in Pakwach?

OROCCA: About three years.

COUNSEL: Yes, then from there?

OROCCA: From there I went on leave to Italy for about one year.

COUNSEL: Yes; on your return?

OROCCA: When I came back I went to another parish - Pekele County -

COUNSEL: For how long did you stay there?

OROCCA: About 6 years - until 1970.

COUNSEL: Yes, from 1970?

ORRICHI: From there I went on leave again to Italy and I stayed there for about one year then I came back to Uganda.

COUNSEL: You were posted where?

OROCCA: From Orichi I was posted to Maracha.

COUNSEL: Then when did you come to Ombaci?

OROCCA: I came to Ombaci in the beginning of 1977.

COUNSEL: Until now

OROCCA Yes, until now.

COUNSEL: So, should we say, you have worked in all three Districts forming up what is known as West Nile and Madi?

OROCCA: Madi, Jonam and Lugbara, Arua District.

COUNSEL: I suppose you are conversant with all languages spoken in these Districts?

OROCCA: No, I forgot, I think, Madi because I left Madi 1960 -

COUNSEL: I see. And it appears that you have been in this country even before this Country obtained its independence?

OROCCA: Yes.

COUNSEL: Now, I will start with you on matters that have been brought before this Commission, that is, the situation in - I suppose Ombaci is just few miles from Arua Town.

OROCCA: It is about five miles I think.

COUNSEL: Yes; so I will ask you about the situation around 1979 up to 1981. But let me start with 1979. What happened in this area after the over-throw of Amin? Do you have anything to report?

OROCCA: Do you mean for Ombaci?

COUNSEL: Well, you can say Ombaci or the area surrounding Ombaci; in your parish?

OROCCA: In our Parish - in 1979, I can say nothing really was serious in Ombaci.

COUNSEL: Yes; then in 1980?

OROCCA: In 1980 I was not there; I was on leave.

COUNSEL: I see. In June, 1981, were you back at Ombaci?

OROCCA: Yes, I was back in January, 1981.

COUNSEL: Now would you like to tell us the situation before early June, 1981 as you witnessed it?

OROCCA: What I can say is that, I have submitted papers I wrote . People around Ombaci started to fear and a number - quite a number of people, gathered in the compound of the College and also in our Health Mission.

COUNSEL: About how many people did come to your place?

OROCCA: I think all together were about 10,000 people.

COUNSEL: Did you try to find out why they had come - what caused them fear - what caused them to leave their homes and come to the Mission?

OROCCA: They said those people did some bad things to them.

COUNSEL: Which people?

OROCCA: Those who were coming from other towns here - I do not know where they were coming from?

COUNSEL: Were they government troops or they were people who were resisting the government?

OROCCA: They were staying in the buildings of the school, college dormitory, classes and in all other buildings.

COUNSEL: Were there any international organisations also at your place?

OROCCA: Yes. The International Red Cross.

COUNSEL: What was it doing there; why did it come and -

OROCCA: Actually now I can't tell you; I do not remember when it came there.

COUNSEL: Did they come after these 10,000 people had come or they came because there were a sort of refugees in the Mission so they came to assist them?

OROCCA: I think they came to assist them.

COUNSEL: In your opinion, were the local people happy with the Red Cross?

OROCCA: Yes, they were pleased that there was the Red Cross.

COUNSEL: So now what can you exactly - you see we are still talking about 24th June - may be it is because it is a particular day. What is particular about this day?

OROCCA: (Inaudible).

MISSING TEXT

CHAIRMAN: 2nd of June, 1988, in Arua. Learned Counsel and Commissioners, we are ready to commence the session of today. You call the witness.

WITNESS NO.293: NAFTALI FALSEA - SWORN IN

COUNSEL: This witness, My Lord, is No.99; his name is Falsea Naftali. You are 58?

FALSEA: I am 62.

COUNSEL: A Lugbara?

FALSEA: Yes.

COUNSEL: Of Aloi Division?

FALSEA: I am from Aloi Division.

COUNSEL: In Arua District?

FALSEA: Yes.

COUNSEL: When did you leave K.A.R.?

FALSEA: In 1946.

COUNSEL: After that what did you do?

FALSEA: After that I became an Inspector of Sleeping Sickness and as well as the Registration Clerk in D.C.'s office.

COUNSEL: Now in 1980, what were you?

FALSEA: In 1980 I was an A.D.C.

COUNSEL: Where?

FALSEA: I worked in Koboko, the then North Nile District, in-charge of Yumbe sub-district. Then at the end of the war of 1979, I moved to Arua.

COUNSEL: Do you remember 23rd, 24th June, 1980? And if you do, what do you remember about it?

FALSEA: What I can remember is what took place on the 23rd and 24th of June, 1981 at Ombaci.

COUNSEL: I see. So in June, 1981 you were still in Arua, you had not gone back to Yumbe?

FALSEA: By then I was in Arua.

COUNSEL: Now what do you remember happened on 23rd June, 1981?

FALSEA: In that month I can remember the guerrillas came to Ombaci and then exchanged fire with the government troops.

COUNSEL: Where were the government troops and where were the bandits or rebels?

FALSEA: The government troops were stationed at Arua; a few of them were taken to guard Ombaci; and then there were a few of them who were taken at the road block. And those ones at the road block as well as those who were guarding Ombaci withdrew to Arua after the guerrillas had stolen their guns at Ombaci Football ground. And their guns were taken towards Arua.

COUNSEL: Yes.

FALSEA: In fact these things happened after I was taken by the Red Cross to Vurra County Headquarters.

COUNSEL: I see. So at this material time you were at Vurra having been taken there by the Red Cross. I see. How far is Vurra from Ombaci.

FALSEA: It is a distance of 10 miles.

COUNSEL: So, shall I take it that actually you were hearing what was happening at Ombaci?

FALSEA: Yes; after having been informed by the Red Cross Europeans that the government troops intended to kill because I had temporarily closed the office here and then I moved to Vurra. All these happened when I was at Vurra; but I could hear the sound of gun shots from Vurra.

COUNSEL: So what you only heard was the gun shots, the sound of the guns. That is only what you heard?

FALSEA: Yes, My Lord.

COUNSEL: Why had you closed the office earlier?

FLASEA: The reason why I closed the office was because after the government troops from the North had come to Arua, they made road blocks at Mvara, behind Arua Hill and Ediofe.

COUNSEL: So you mean, the existence of the road blocks caused you to close the offices?

FALSEA: In fact when the government troops withdrew from Yumbe and made road blocks around Arua, they started robbing bicycles from citizens and as well as money and even killing people.

COUNSEL: Now, when you say "government troops" killing people - do you have any person you know that was killed by government troops at that material time?

FALSEA: I cannot remember the names of those particular people who were killed, but I remember having seen a bus conductor being killed and a turnboy near Arua Bus Syndicate Company.

COUNSEL: So when you witnessed this, you decided to close the offices?

FALSEA: Yes. Because that had happened in the morning when people were reporting on their duties.

COUNSEL: I see. So while at Vurra and hearing these exchanges of fire between government troops and rebels, did you make further investigations and what did you find out as a result of the investigations?

FALSEA: In fact when the government troops were withdrawing from Yumbe side and reached Maracha, I informed the government at the headquarters about their withdrawals and I sent even a copy of my letter to Gulu Brigade Headquarters. In fact these letters were delivered by hand.

COUNSEL: Yes.

FALSEA: Then later on Oyite Ojok was sent from the President's Office to Arua to stop the happenings in Arua.

COUNSEL: Yes. When did Oyite Ojok come?

FALSEA: When Oyite Ojok arrived, he stopped the troops who were fleeing; he stopped them at Pakwach, Nebbi and Bondo. And later on he sent for me at Vurra to come and show to him the places where the gun sounds were coming from and also to show to him the graves of those people who were killed.

COUNSEL: Yes.

FALSEA: While at the Mission, the staff at the Mission showed to us the graves of the 47 bodies who were buried there; and they also told us or informed us of the number of casualties who were taken to Angal Hospital and Wali Dispensary for treatment,

COUNSEL: Yes.

FALSEA: While at Ombaci, Oyite Ojok addressed the remaining people there and advised them not to run away. In fact by then most of the soldiers had run away, but then there were a few officers who had remained in Arua.

COUNSEL: Do you want this to be tendered in evidence, My Lord?

CHAIRMAN: Yes, I have got another copy here with me.

COUNSEL: My Lord, this is accepted as an exhibit No.94. Would you explain - do you

have any reason you can give why all these happened?

FALSEA: In fact the government troops killed the civilians because of the disturbances caused by the guerrillas - invasions. And I would also say that, during the period when Amin was in power it gave a lot of problems to our own people.

COUNSEL: When you say 'it gave problems to your own people' are you suggesting that the government troops did not include people from this area?

FALSEA: In fact during that period especially when the Tanzanians were here with us, they did not recruit children from this area. And if at all they are there, they might have remained in Kampala.

COUNSEL: Any other reasons?

FALSEA: What I noticed during that period was that the UNLA army recruited only children from Acholi, Lango and Ankole.

COUNSEL: Yes.

FALSEA: What I noticed was that - in fact during that period, most of the people from this area had fled to the neighbouring country, Zaire. And people could come in search of food; some could come to collect food from across and when they could meet with these soldiers, the soldiers killed them thinking that they were collecting food and taking it to guerrillas and as well as thinking that they were spying for the guerrillas.

COUNSEL: So you are suggesting, innocent people who were coming here to look for food were killed?

FALSEA: Yes.

COUNSEL: Anything else you want to say?

FALSEA: The other thing is that when those people who were coming to collect food would see government soldiers, they would start running and by so doing, the soldiers just fired at them and killed them.

COUNSEL: I see. That is all, My Lord.

CHAIRMAN: Mr. Falsea, I am curious to know about yourself. Now you were a Registration Clerk in the D.C.'s office, instantly you became an A.D.C. How did you come to be appointed?

FALSEA: As I had worked for many years, I was at one time called to attend a course at the I.P.A. That was after I had worked as a County Chief for a period of 10 years.

CHAIRMAN: Were you appointed by the Public Service Commission?

FALSEA: Yes, My Lord.

CHAIRMAN: I see. And where were you posted first? Was it in Yumbe?

FALSEA: Yes, My Lord.

CHAIRMAN: And how long were you there?

FALSEA: After I was appointed in 1976, then immediately it was followed by the 1979 war; then I moved to Arua.

CHAIRMAN: You kept on saying that I wrote to the headquarters, and sometimes, it appeared, headquarters in D.C.'s office'. Is that so? When you were in Arua, you said 'you kept writing to the headquarters". What was your headquarters?

FALSEA: In fact during that period, the D.C. who was Opika Opokawas by then in Kampala and I wrote the letter to the Permanent Secretary, Office of the President.

CHAIRMAN: I see. You were then in charge of the D.C.'s office?

FALSEA: Yes.

CHAIRMAN: You were an Acting D.C.?

FALSEA: Yes.

CHAIRMAN: How many A.D.Cs were there?

FALSEA: During that period, especially in 1981, we were about four A.D.Cs and the rest three went to Kampala.

CHAIRMAN: And you remained alone?

FALSEA: By the time the D.C. was going to Kampala, I was alone in the office - I was left alone in the office.

CHAIRMAN: You were not the A.D.C., in-charge of intelligence?

FALSEA: No. I was not among the 38 A.D.Cs who were appointed by Amin; I was not in that political sector.

CHAIRMAN: How did you get the information? You said some of them were from the chiefs?

FALSEA: In fact they brought the list to me in my office; whatever bad thing happened in their area they could report to my office - D.C.'s office. And those people who were injured during that period within Arua, they used to take them to our office whereby we gave them a letter to go and receive treatment.

CHAIRMAN: I see. Did the report also include the circumstances in which people were treated with injuries - at night or robbery or any other circumstances?

FALSEA: Yes; those people who were particularly injured by the soldiers, usually the county chiefs used to bring the report to us so that we later on informed their commanders about the incidents.

CHAIRMAN: Yes. Were you also informed about the names of the soldiers who either injured or killed people?

FALSEA: Yes. They sometimes gave us the names of the soldiers who killed or injured the victims; especially, I remember of an incident which took place in Madi where they gave us the names of those who killed or injured people.

CHAIRMAN: Yes. You will help us where you know the names of the soldiers who killed?

FALSEA: That list does not include those soldiers who killed or -

CHAIRMAN: That is what I am saying; but where you know, can you put them?

FALSEA: I remember one Second Lieutenant called Mukili, this officer killed over 100 people.

CHAIRMAN: When?

FALSEA: That was in 1981. I cannot remember the month.

CHAIRMAN: How did it happen? Were you there?

FALSEA: I was not there, but his name was brought to the D.C's office and later on as a result he was transferred to move to Terego County Headquarters from Rhino Camp.

CHAIRMAN: Any other names which you know? We do not want them now, but at one time when you can remember the names.

FALSEA: I really cannot remember; I cannot pin-point particular soldiers who killed such and such person. Even one of my children was killed by the soldiers but I cannot remember them.

CHAIRMAN: The records were burnt - the records got lost or burnt - can't you find it out from your record?

FALSEA: Yes, but this list is different from the other list of people which got burnt in my office.

CHAIRMAN: When did you compile it?

FALSEA: I came to compile this list after an officer who came from Kampala told me to make a list of people who were killed.

CHAIRMAN: When?

FALSEA: That was the day when they came for my statement.

CHAIRMAN: I see. Our Investigators?

FALSEA: That is right. That was last year.

CHAIRMAN: Okay. Thank you.

KAKWENZIRE: You mentioned that Oyite Ojok came to Ombaci; was it a special request from the people of this area?

FALSEA: Yes, after me having written to the Headquarters complaining about the malpractices by the government soldiers, and as a result, most of the people had to run away; then relying on that information, Oyite Ojok came to Arua.

KAKWENZIRE: In your view, did he do what you expected of him to do?

FALSEA: He came as a result of my writing to the headquarters because of the complaints being raised by the public here in Arua.

KAKWENZIRE: You see, normally, when people are killed, one expects some kind of action to be taken - disciplinary action. Did he do that?

FALSEA: Yes, as a result, some of the soldiers were arrested and were taken to the Military Barracks.

KAKWENZIRE: Do you know what happened to them? Were they charged and sent to prison for some time or they were released?

FALSEA: Such soldiers when arrested and taken to the barracks, they are left unpunished or sometimes their officers what they do, they transfer them to other places -different places. There was one incident that some of those soldiers who were arrested and taken for custody in prison, escaped and went back to the barracks at Bondo where later on the O.C. Prisons demanded them to be returned to prison but nothing was done to them.

KAKWENZIRE: In your view as an administrator with long experience, what should be done to such people?

FALSEA: Now regarding soldiers, say, when a soldier does something wrong, he is supposed to be arrested and taken to a military court or a military tribunal but not to be released unnecessarily.

KAKWENZIRE: Since you were there can you recall some of these soldiers who took part in that massacre? You told us that you went with Oyite Ojok from Ombaci.

FALSEA: Yes.

KAKWENZIRE: Can you recall some of the names which were given to Oyite Ojok - some of these soldiers who were arrested?

FALSEAS: Yes, while at Ombaci when I accompanied Oyite Ojok, the public at Ombaci gave the name of a certain officer called Langoya, one of those who took part in killing citizens.

DR. MAKUBUYA: What rank?

FALSEA: I am not certain, but may be, he was either a Sergeant or a Sergeant Major; because he did not display his rank.

KAKWENZIRE: You mentioned another incident of mass killing at Rhino Camp. Could you tell us more about this Rhino Camp massacre where you say over 100 people were killed?

FALSEA: During that period we received reports to the effect that a 2nd Lt. Mukili was a terrible officer. He killed a lot of people from there and the public from Rhino Camp complained that he should be removed from Rhino Camp; and even many people ran away from Rhino Camp as a result of that bad act which took place there. As a result of that complaint he was then transferred away from Rhino Camp. Then he was replaced by Tom Kiyonga; Tom Kiyonga also did the same. This Tom Kiyonga was later on transferred to Arua and even he was promoted to the rank of "Major." During the period of Lutwa's regime, he was a Major here in Arua. Then from Arua later on he was transferred to the Army Headquarters in Kampala. Now at the moment I do not know where he is.

KAKWENZIRE: At Rhino Camp, was there a soldiers camp or a camp of the displaced people? I did not understand.

FALSEA: In fact the intention of keeping the soldiers there was to keep peace and to fight the guerrillas in case the guerrillas invaded or came to fight them.

KAKWENZIRE: I see. Now do you know the whereabouts of Lieutenant Mukili and Langoya?

FALSEA: I do not know where they are at the moment.

KAKWENZIRE: Lastly - how serious were the guerrilla activities and for how long did they go on?

FALSEA: Are you talking of the Rhino Camp or?

KAKWENZIRE: I am talking of guerrilla raids in this area.

FALSEA: During that period when the guerrillas entered the District, what they did, they killed people, robbed them and even raped girls and sometimes they took them away.

KAKWENZIRE: They did not come to fight the UNLA soldiers; they came to fight the civilians?

FALSEA: In most cases when they entered, they took things like goats, cows - robbery actually - they did not fight the soldiers - they just came for robbery. Now when they entered a certain area, they did such things like robbing and so on and when information was passed to government soldiers, the government

soldiers could go and repulse them and they ran away.

KAKWENZIRE: What you are telling the Commission is that the people of Arua were being killed by both guerrillas and government soldiers?

FALSEA: It is correct.

KAKWENZIRE: Now what would it be like - now it would seem, you were unsafe to run, for the people to run to Sudan because as I assume the guerrillas would also switch to Sudan. Would the people be killed also as they ran?

FALSEA: Yes. The rebels who were in Sudan would kill the civilians who ran there.

KAKWENZIRE: Am I to understand that there was no sympathy - no local sympathy for guerrillas?

FALSEA: Some of these guerrillas actually had an intention of returning to their homeland; and others just entered with an aim of robbing people.

KAKWENZIRE: But did they try to work with the local people and, for instance, recruit them in their land and get sympathy from them - food - which would have annoyed the government soldiers to start killing the civilians? Was there co-operation between guerrillas and the civilians? Was there co-operation between guerrillas and the civilians?

FALSEA: What I noticed was that when the rebels entered in a particular area, government troops would think that maybe the civilians there were collaborating with the rebels. As a result they killed the civilians. What I have noticed now is that with the present government, when guerrillas enter a particular place and the government troops receive information and they go to that particular place, they don't harass people unlike the past. But in the past government soldiers could go to such places and could harass the civilians thinking that the civilians were conspiring with the rebels.

CHAIRMAN: Well, Mr. Falsea, that is all we have for, you by way of questions for clarification. Thank you for the evidence you have given.

COUNSEL: My Lord, next witness is Reverend Father Reuben Avujo.

WITNESS NO.294: REVEREND FATHER REUBEN AVUJO - SWORN IN

COUNSEL: You are Rev. Reuben Avujo. Aged 45. A Lugbara by tribe, a resident of Liki village, this is in Oluko Sub-county in Arua District?

REV. AVUJO: Yes. Liki parish.

COUNSEL: Liki?

AVUJO: Yes.

COUNSEL: Liki village, Oluko sub-county?

AVUJO: Yes. Ayivu County.

COUNSEL: Ayivu County, Arua District?

AVUJO: Yes.

COUNSEL: This is a protestant church?

AVUJO: Yes.

COMMISSIONER: Church of Uganda, Yes.

COUNSEL: Reverend, where were you trained?

AVUJO: At Lingiri Theological College.

COUNSEL: And when was this? When did you join Lingiri Theological College?

AVUJO: In 1980.

COUNSEL: In which month?

AVUJO: February, 1980.

COUNSEL: Who was your principal?

AVUJO: Rev. Sositeni Enyabo.

COUNSEL: How many were you training to be Reverends at that time?

AVUJO: Seven were Deacons and two were Pastors.

COMMISSIONER: Enyabo?

AVUJO: Yes.

COUNSEL: Were you all from one area or you were from various places of Uganda - the students who were training?

AVUJO: Some were from around here; others were from Nebbi District.

COUNSEL: I see. Now, Reverend I will take you to the specific date of 15th October, 1980. Were you at the Training Centre?

AVUJO: I was there.

COUNSEL: Did you carry out your studies or your duties normally on that date?

AVUJO: No.

COUNSEL: Why?

AVUJO: Because of war.

COUNSEL: Which war? Would you explain what happened specifically in that year (1980)

AVUJO: The government passed a law for registration. After that those people who were - the rebels - came out and then captured Arua. They said that they have captured the whole Uganda. So they went from Arua here - they went as far as Bondo. Some of them went to our centre; they were searching for the rebels - let me say, the government soldiers. There they couldn't get them. So they passed right to Bondo. So on 14th they met with the government soldiers, the government soldiers were moving towards them; then they were moving backwards. So on 15th very early in the morning we went for the prayers. While we were praying, we heard bullets, the mortar was operated and five bullet fell on our campus. After the prayers we got out then we found that soldiers were coming. So all of us from the centre we went to the Principal's house; we stayed there for some few hours then some of us came back to the centre; some of us remained in the principal's house. So at 12.00 noon those people came -

COMMISSIONER: Where did you yourself go?

AVUJO: I remained there in the principal's house.

COUNSEL: Yes, continue.

AVUJO: So those soldiers came; they found two people, Reverend Steven Agardo and a teacher called Steven Agoye. So the soldiers began to pick those people.

COUNSEL: Were these people with you at the principal's house?

AVUJO: No; they were at the centre.

COUNSEL: But you could see them being beaten?

AVUJO: I was told.

COUNSEL: I see. Now what happened to you where you were at the principal's house - did the soldiers reach there?

AVUJO: Yes, they went there.

COUNSEL: And did they find you there?

AVUJO: Yes, they found us there.

COUNSEL: What happened when they found you there?

AVUJO: They said that all of us should come out. Then we came out. So he said that

he was going to shoot all of us. He said that we should raise up our hands; then we raised our hands up. So he was driving us -

COUNSEL: Was it only one soldier?

AVUJO: No they were two. One was disturbing Mr. Musipa. So we were driven like cattle -

COUNSEL: How many students - your colleagues who were in the principal's house who were driven out with you?

AVUJO: We were three.

COUNSEL: I see. And how many of your tutors, Reverends?

AVUJO: They were two; the principal and Reverend Chende.

COUNSEL: So, where did they drive you to?

AVUJO: They drove us right to the primary school - Lingi P.7 School.

COUNSEL: Yes. Continue - What happened there?

AVUJO: So we went there; we found that some of our students and pastors were already laid down. So when we reached that place - he separated us into two groups he said that - those people from Lugbara should go on one side; and those people from Alur should also go on the other side. So he also ordered us to remove our shirts, then we laid down on our backs; we were lying on line, let me say, on a curve line. So they said that they were going to shoot us - all of us. Before they started we sang, after singing we prayed shortly, they began to shoot at us.

COUNSEL: Now, how many of you lay down?

AVUJO: First of all we were 18. So two were picked up -this Principal and Reverend brought were picked up, so they were going to pray for those who were going to die.

COUNSEL: So you remained 16?

AVUJO: We remained 16, yes.

COUNSEL: Yes, what followed; what happened?

AVUJO: There was a soldier who had a machine gun and other two of them, let me say, they squatted down, so one said that they should start - then they started to shoot at us. Then 10 of us died; so we remained 6 those who survived from that; one was untouched by the bullets; so we, five, were injured.

COUNSEL: Do you know the names of these 10 who died, starting from the Clergy? It is true that Alex Atibuni was among those who died?

AVUJO: Alex Atibuni yes, he was among those who died.

COUNSEL: And Seli Chandaya, Reverend Agadru, A. Ruben Guvaya, Ibrahim and Butere, Deputy Head Master of Lingi P.7 School, even Abonyi, Banyo and Elaja?

AVUJO: Yes.

COUNSEL: I see. And the survivors who survived were Reverend Reuben Avujo and Onesmus, Yona Ozitamani and Joseph Buga and yourself definitely, the name has been read.

AVUJO: Yes.

COUNSEL: Now after this shooting, may be, while you were there, did these soldiers tell you why they were doing this before they started shooting or after?

AVUJO: No; they did not tell us.

COUNSEL: So you didn't know why they were shooting you?

AVUJO: I didn't know because they came there abruptly.

COUNSEL: I see. Now after the shooting what followed? What happened after the soldiers had shot you and you had survived?

AVUJO: There; two students stood up and started to repent their sins. So some soldiers came and said that they thought that those people had died and yet they were still alive; so they wanted to shoot us again. But one said, no, they should move ahead. Then they left us. After that each one of us wanted to go away. So I crawled right to the centre; I got the principal with the whole family there; so when my family saw me they began to cry. I said, they should not cry; I am still alive. So the principal prayed; then he told me to go away because there will be some soldiers who would come in and finish us. Then I went right to the principal's house. So there were some of the students who went there also; then God arranged a way through our brother Pored, who is an engineer; so he collected us into his car and when he brought us to the Kuluva Hospital. When we arrived there, we were admitted in the ward. -

COUNSEL: How many of you, all of you five?

AVUJO: Yes, five.

COUNSEL: Yes.

AVUJO: When we were admitted, even those one of the soldiers who had got injuries were also brought there. So they were afraid; they said that they should not be admitted there because those Lugbara sometimes they would -

COUNSEL: Revenge or do something?

AVUJO: Yes. So they said that they should be transferred to Nebbi Hospital, that is ....or to Acholi in that way. So some of the soldiers who were injured were transferred there. So we were left there; and when the night came, we slept alright; but in the morning -

COUNSEL: That was the 16th?

AVUJO: On the 16th, Yes.

COUNSEL: What happened on the 16th?

AVUJO: On the 16th, the commander who was at Ochoke C.C. came, with the soldiers, a bus-full.

COUNSEL: Did you know his name - the name of this commander?

AVUJO: I didn't know it; because at that time I was in the ward.

COUNSEL: I see. What did he do when he came to the ward?

AVUJO: When they came, he said, Oh, they were so still so many Lugbara here? I wish they could be cleared away. So again he asked that - those Lugbara again on one side; and those from Alur on the other side. But luckily enough there was a police man who was a Lango by tribe.

COUNSEL: Did you know his name?

AVUJO: I did not know him. So he ran to that commander and said that, that commander allow him to speak few words to him. So he spoke to him saying that -

COUNSEL: In what language did this police man speak to the commander?

AVUJO: He was using Swahili.

COUNSEL: Did you understand Swahili?

AVUJO: I was told because I was not outside.

COUNSEL: I see.

AVUJO: So the man spoke to the commander that there were no guerrillas there, he could not be alive with his family. Because when Arua was captured, some of the policemen were killed. So he went for security there at Kuluva Hospital. When he spoke to the commander, the commander really listened. So he did not do anything at all.

COUNSEL: I see. Now was any security provided for you against these soldiers who were coming to disturb you?

AVUJO: Yes; there was -

COUNSEL: Who came to look after you?

AVUJO: The officer-in-charge of the hospital reported to the commander; so that the commander reported to the members of the Red Cross; they brought us four soldiers, so one was a Ugandan - so that in-charge of that hospital said that -

COUNSEL: And the rest were what?

AVUJO: He said that he wanted only Tanzanian soldiers so three soldiers were left there.

COUNSEL: So, you say, Tanzanians were brought to look after you?

AVUJO: Yes.

COUNSEL: I see. Who was the officer-in-charge of the hospital. Did you know his name? The one who requisitioned for the soldiers?

AVUJO: Yes. Slivan.

COUNSEL: Was he a Ugandan?

AVUJO: No. Slivan was a Lugbara.

COUNSEL: I see. For how long did you stay in the hospital?

AVUJO: I stayed there for 6 months

COUNSEL: I see. And how substantive were the injuries you sustained? Were they major and which parts of the body?

AVUJO: I received two bullets; and one knocked me here but it did not hurt me.

COUNSEL: Where were you hurt mainly?

AVUJO: I was hurt here - this muscle was torn; and another one was here.

COUNSEL: Now, after the time in the hospital where did you go to?

AVUJO: I went back to the college.

COUNSEL: And then you reached the college, had the studies resumed - the life came back to normal?

AVUJO: No; there were still disturbances; because some of the soldiers who were at the Adarayadi used to go and disturb people there.

COUNSEL: To your knowledge, did you principal or any other person make a report of this incident to may be Archbishop of the Church of Uganda or any other authority in government?

AVUJO: It seemed he made it.

COUNSEL: How do you come to know about that? Did you know may be what was sent to them?

AVUJO: Because at that time we were called for the memorial service; so that it appeared to me that the thing was made known to the government. And some of the Europeans came there to find out what the matter was - so the principal told everything which happened on the day to those people.

COUNSEL: You see, one witness who has been here before you said that two Ministers, Hon. Butele and Dr. Apiliga came to see you who had been injured. Did you witness this?

AVUJO: Yes.

COUNSEL: After how long did they come?

AVUJO: This is what I would not tell; they came to see us in the hospital.

COUNSEL: I see. And that did they tell you? Did they talk to your and if so, what did they tell you?

AVUJO: They did not tell us anything.

COUNSEL: I see. I will take you back to the time before this incident occurred. You mentioned that there were guerrillas. Were you people in Lingiri Church, in any way assisted these guerrillas at your training centre? May be did you give them assistance of food or medicine if you had any?

AVUJO: No. Those people were fond of looting and they were also disturbing us; some of our people did say that they were their children yet they were disturbing them; we didn't assist them by giving them food.

COUNSEL: Now why did these soldiers to your knowledge come and carry out these shootings at your training centre, most when you were religious people . Do you know any reason?

AVUJO: I didn't know; except what I have thought is that, when Amin was ruling, among these tribes there was a hatred between them. This is what I thought on that day. Because those soldiers who were from Arua sometimes they did greater havoc on that side. This is what I am thinking.

COUNSEL: Which side did they do havoc?

AVUJO: I mean those soldiers who were from here. When they were working in that area they could do something bad to those people and that is why those people came with terrible speed.

COUNSEL: Which are those people and where did they do this havoc? You said, they went and did havoc there, those people came in terrible speed Where did they do the havoc and which people came here to do that havoc? Be specific. You shouldn't fear Reverend. Tell us exactly which people and where was

the havoc done?

AVUJO: You mean these people who did havoc at Lingiri?

COUNSEL: Yes; where were they from?

AVUJO: These were government soldiers.

COUNSEL: Is that what you are saying that Amin's groups had behaved badly who were from these areas, like Lingiri, had behaved badly in other parts of Uganda and that is why they came to act as they did here?

AVUJO: Yes.

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

MR. NAGENDA: Reverend, all we are interested in is to understand what you are saying over them. So I just want to clarify what you have just told us. Are you saying that because Idi Amin's soldiers had behaved badly in other parts of Uganda, so when the UNLA soldiers came here, they came to revenge?

AVUJO: You know, the groups of those soldiers, I do not know them properly. What I have known is that Ugandans, let me say, those guerrillas - so after we had been admitted in the hospital - so when that commander came and then went back to his station and said that he did not get any guerrillas there, because a report had been taken to him that those who survived or those who were injured were guerrillas. He said, okay, as he went there he did not find any guerillas there, he only got there those students who were training as deacons. So he sent some soldiers bringing food to those people who were there in Guluba hospital.

COMMISSIONER: Bringing food?

AVUJO: Yes. So the next day, that was on the 17th, some soldiers came again and found us in the ward where we were admitted; they were asking each of us what had happened to each one of us. So we kept quiet, we did not speak any word to them. So again they went away. The following day they came back again -

CHAIRMAN: The same soldiers?

AVUJO: Different soldiers. So they came there, they went again to where we were admitted and they asked, each of us we kept quiet, the next day they came back again; so they got some of the people and they narrated to him that there were no guerrillas there; we were the students from the theological college. So those people left us. So when those three soldiers from Tanzania were brought there because - at first they were four so one was a Ugandan - the in-charge refused -so three were left there. So there was no other disturbances. After we had recovered, I went back to the College and some of the students went back to the college. I think that is what I have to tell.

CHAIRMAN: Reverend, I just want to get a clarification, from about this time when you ran away from when you had prayers in principal's house, two soldiers brought you out, you had the light out, did you tell these soldiers who you were? Did you leave them in any doubt? You and other people who were there. Did soldiers get to know who you were, some of you were students, some were teachers, children of teachers and so on?

AVUJO: They didn't know. Because at that time when we were brought to those people, I told them that I was working as a Church teacher, but they refused; they said that these church teachers here, all pastors - they said all those people who are serving church here were receiving guerrillas. This is what those soldiers said to us. They said, we should only lie down.

CHAIRMAN: They refused to accept your explanation?

AVUJO: No; they did not accept.

CHAIRMAN: Did they ask for identity cards?

AVUJO: They did not ask for identity cards. Even some of us were trying to show them the identity cards; but they refused.

CHAIRMAN: I see. Did you think they had a leader or a commander?

AVUJO: You mean the soldiers?

CHAIRMAN: Yes.

AVUJO: Yes.

CHAIRMAN: There was a commander?

AVUJO: There was a commander, yes.

CHAIRMAN: Did he appear to be in-charge or the station was out of control?

AVUJO: He did not control at that very time.

CHAIRMAN: Were you able to tell of what rank he was?

AVUJO: This is what I would not tell.

CHAIRMAN: What language were they speaking to you - Swahili?

AVUJO: Yes.

CHAIRMAN: Did they speak English?

AVUJO: Me?

CHAIRMAN: No, the soldiers?

AVUJO: No, they were speaking Swahili.

CHAIRMAN: I see. Thank you.

MR. NAGENDA: Reverend Avujo, when you were brought out of the principal's home and taken to the place where you found the others; they were already lying down.

AVUJO: Yes.

MR. NAGENDA: So then you were told, Lugbara to one side; Alur to the other side. So you presumably joined the Lugbara side.

AVUJO: They said, Alur should go away.

MR. NAGENDA: I see - Alur left?

AVUJO: Yes.

CHAIRMAN: How many were they?

AVUJO: Alur?

CHAIRMAN: Yes.

AVUJO: They were many because some of them were teachers, others were those students from the theological college.

CHAIRMAN: If any Lugbara also left as an Alur, would they have discovered or found out supposing you also went as an Alur?

AVUJO: You see, when they were asking Alur to go on one side, some were speaking Alur who we were at Kuluva Hospital; some of the Lugbaras spoke Alur. '*Anyar Alur*', but they were left. But those did not speak went there because he was asking Lugbara to go on one side; so the Lugbara went on one side.

CHAIRMAN: No, I mean, this is at the Theological Centre - Training Centre - when Alur were told to go did they tell them in Alur language just to find out whether they were genuine Alur?

AVUJO: Yes.

CHAIRMAN: How?

AVUJO: When some of them went there, they were asked there was a headmaster from Jonam - we, when those soldiers came, they asked him where was he? Some of them said that he was there for registration at Junambette.

CHAIRMAN: They asked for the headmaster specifically?

AVUJO: Yes.

CHAIRMAN: I think they knew him.

AVUJO: Yes.

CHAIRMAN: I see. Okay, but I am not satisfied with the answer to my question. Whether if a Lugbara who went with the Alur - whether he could not have been discovered?

AVUJO: You know, that one happened at Kuluva Hospital; but when we were at Lingiri Primary School, there it seemed that those people knew those from Alur. Because when they began to separate us; even some of Alur said that they were Lugbara, then some of them were beaten also. So they began to speak the language; then they were left.

CHAIRMAN: To speak Alur?

AVUJO: Yes.

CHAIRMAN: Okay.

MR. NAGENDA: Let me just ask the question I was going to put. To your knowledge did some Lugbara people escape into the Alur crowd, not at the hospital but at the school? Okay, it was a difficult time for you to be looking up to see whether people were Lugbara or were Alur, but do you remember any Lugbara who could speak Alur being able to go into the bigger group and being dismissed?

AVUJO: This one I was also told by those people there -

MR. NAGENDA: That some Lugbara escaped by being able to talk Alur?

AVUJO: Yes.

MR. NAGENDA: I see. So what you are saying - by referring to the biggest group there, they were actually told to go away just leaving 16 of you. Yes?

AVUJO: Yes.

MR. NAGENDA: I see. Now you said that after you had been shot, you were able to crawl to where thePrincipal was. About how long a distance was this?

AVUJO: That was - let me say - 400 metres there.

MR. NAGENDA: About 400 metres?

AVUJO: Yes.

MR. NAGENDA: When you say, crawling, do you mean to say that you were actually moving yourself along the ground?

AVUJO: Yes.

MR. NAGENDA: Did all the other people who were shot at and escaped, the five, you were all crawling in the same direction?

AVUJO: One was walking; others were crawling the same.

MR. NAGENDA: I see. Now when the principal said, I think you better crawl on, because you will be finished off. Did he and his family and other people remain there and only you who were injured crawl along - sort of - towards this house?

AVUJO: I went there alone; these people remained there.

MR. NAGENDA: I see. I take it that you were at this time in a very great pain.

AVUJO: Yes, very much.

CHAIRMAN: Commissioners, Learned Counsels, Ladies and Gentlemen, today at this time, we are commencing the session of 3rd June, 1988, sitting in Arua. Who is the next witness, Please?

COUNSEL: My Lord Chairman, Gentlemen Commissioners, this morning we shall be opening a new case regarding the murder of ten people at a Protestant Theological College at Ringili Theological College, Arua, and the wounding of several others by the then UNLA soldiers. This incident occurred around October, 1980. Now our first witness this morning is Witness No. 295. He is Mr. Manase Nguozia.

WITNESS NO.295: MANASE NGUOZIA - SWORN IN

COUNSEL: Now could you state your names again in full, please?

NGUOZIA: Manase Nguozia.

COUNSEL: Hold old are you?

NGUOZIA: Thirty years old.

COUNSEL: What do you do?

NGUOZIA: Currently I am a headmaster in a primary school.

COUNSEL: Which primary school?

NGUOZIA: Riki Primary School.

COUNSEL: What tribe are you?

NGUOZIA: Lugbara.

COUNSEL: And where do you reside?

NGUOZIA: I reside at Riki.

COUNSEL: This is in which county and which District?

NGUOZIA: It is Ayivu county, Arua District.

COUNSEL: Pardon!

NGUOZIA: 'R-I-K-I'.

COUNSEL: Now you say you are currently acting headmaster? Are you trained for this job? If so, could you give us your educational background?

NGUOZIA: After completing my primary education, I joined Arua Teachers Training College.

COMMISSIONER: Pardon.

NGUOZIA: Arua Teachers' Teaching College P.7.

COUNSEL: Yes.

NGUOZIA: After completing P.7, I went to Arua Teachers' Training College; that was in 1977. I was supposed to have qualified in the year 1980; but because of guerrilla war disturbances I was forced to qualify in the year 1982.

COUNSEL: Yes.

NGUOZIA: And then I started working as a full time school teacher in the year 1983.

COUNSEL: Now who was paying for your school fees or were your parents paying your school fees or were you being assisted by anybody?

NGUOZIA: It was my guardian paying my school fees, because I lost both parents, when I was 25 years old.

COUNSEL: What was the cause of their death - was it natural?

NGUOZIA: It was natural death.

COUNSEL: And who was this guardian who was paying your school fees?

NGUOZIA: Reverend Simeyi Grate.

COUNSEL: Where was he staying?

NGUOZIA: Moyo. He was staying - his residence was actually - in Vura but, because of work, he kept on moving from one place to another; and the year 1980 got him in Madi and West Nile Diocese and Training Centre in Vura county.

COUNSEL: I see. Sometimes, let us say, when you were on holiday, would you visit him?

NGUOZIA: Yes. When he started caring for me, I think I was in P.4; I continued staying with him; even up to now when I go on holiday I normally visit him. Currently he is the Reverend of Shamba Sub-Parish in Lugazi.

COUNSEL: Pardon!

NGUOZIA: Lugazi Parish. Yes. That is in Busoga - not Buganda.

COUNSEL: Now in October, 1980., did you visit Ogadiya?

NGUOZIA: Yes.

COUNSEL: And specifically on the 15th of 1980, were you at his place?

NGUOZIA: Yes.

COUNSEL: Now was he at home at that particular day? Were you with him?

NGUOZIA: He was in the college, except I was at home myself that I was left alone.

COUNSEL: This college was called what? What was the name of this college? Was it a theological training centre?

NGUOZIA: Yes.

COUNSEL: And what was going on in this college? Would you briefly describe who were in this place and so on and so forth and what was going on?

NGUOZIA: This place is meant for pastors who normally go out as reverends to preach the word of God; and during that time these people were for the training and for me I was at Riki Teachers' College. We were sent home to go and register for the general elections that was supposed to have taken place in the year 1980.

We were given a period of two weeks. And, when I was at Mvara in our real it wise after Arua Town was captured on 9th October, that very year to home, I was left alone because the whole family was at Ringili. I thought go and join them. It was on Monday that I went to Mvara.

COUNSEL: Could you spell 'R-I-N-G-I-R-I'?

NGUOZIA: 'R I N G I L I'.

COUNSEL: So what you said this was a place for training pastors would you explain the number of people that were in this training - the pastors on training. Were they about ten or fifty from your mere observation?

NGUOZIA: The Pastors were roughly - around - ten.

COUNSEL: And other people.

NGUOZIA: Including their family members they were more than sixty.

COUNSEL: Who was the Principal then or the Head of this Theological College?

NGUOZIA: By name Pastor Enyabo.

COUNSEL: Now you said you were sent home to go and register as a voter for two weeks. Did you do this exercise? Did you register?

NGUOZIA: Yes.

COUNSEL: And while you were there in Ringili, did anything of interest that you may wish to speak about to this Commission happen?

NGUOZIA: Yes.

COUNSEL: What happened?

NGUOZIA: Yes, from Mvara I went to Ringili. Ringili is 7½ miles away from here; Arua - Pakwach 3, pass the eastern side.

COUNSEL: I will remind you again of the dates - 16th October, 1980, you said you were at Ringili, Theological Training Centre. On that particular day, did anything of interest occur that you may recall?

NGUOZIA: Yes, Sir.

COUNSEL: What happened?

NGUOZIA: That day a terrible accident happened.

COUNSEL: Could you narrate to the Commission what time it started and what happened?You mean there was a war in that particular area. Could you please narrate

NGUOZIA: It was around midnight that we heard big gun shots, that was Tuesday night, and the following morning - that was Wednesday, 15th October, 1980, first of all Reverends - those who were there for the training - went for the morning prayers. For those of us who were not theological students we remained outside within the campus. And, when they were inside for prayers, bullets of big guns landed.

COUNSEL: You say shells or you say bullets of big guns.

MANASE: Shells.

COUNSEL: Yes. Continue.

NGUOZIA: We were scared and those of us who were outside kept on lying down until those who were for prayers inside came out. But because we kept on hearing a lot of gun shots from Bondo direction, the Reverends thought it wise to take refuge in the Principal's home. So we all went there, including the primary teachers and their families; these primary teachers

who were teaching in a nearby primary school called Ringili P.7 School. We went together in the Principal's home.

COUNSEL: What was the name of this Principal then?

NGUOZIA: He is called Soustitani Enyabo.

COUNSEL: Yes, continue.

NGUOZIA: When we were in the house, we continued staying there; we had no way to go away. It was raining heavily as the soldiers kept on advancing in our direction. And, as soon as rain had stopped pouring, a group of us thought it wise to come back to the Theological Training Centre for the simple reason that all our properties were left behind; and since some of the villagers.....

COUNSEL: My Lord Chairman, Gentlemen Commissioners, this witness No.296, Mr. Osua Totia, will give evidence pertaining to the murder of 12 of his members of family out of 14. This occurred in Mbario Ochoko in Arua District. This case comes in because the murder took place at around the same time when the killings in Ringili took place. It was in the same period.

WITNESS NO.296: MR. OSUA TOTIA - SWORN IN

COUNSEL: You are Mr. Osua Totia?

OSUA: Yes.

COUNSEL: You are aged 65 years, a Lugbara by tribe?

OSUA: Yes.

COUNSEL: Where do you stay?

OSUA: (Inaudible)

COUNSEL: Which County is this?

OSUA: This is in Arua District.

COUNSEL: I see. Is this where you have lived ever since you were born?

OSUA: Yes.

COUNSEL: Now at the time when Amin was being chased away from Uganda, where were you staying?

OSUA: (Inaudible)

COUNSEL: Was that where your home was and were you staying with your family?

OSUA: (Inaudible)

COUNSEL: Did you have a family? And if so how big was it?

OSUA: (Inaudible)

COUNSEL: I see. You are talking of your wife and children?

OSUA: (Inaudible)

COUNSEL: What was the name of your wife?

OSUA: (Inaudible)

COUNSEL: And you had how many children with her?

OSUA: (Inaudible)

COUNSEL: Let me put my question differently, may be it is difficult for him to recall. Now, could you give us the names of your children if you had any? Starting from the eldest, whether they are alive or dead?

OSUA: (Inaudible)

COUNSEL: I see. What of these who are dead?

OSUA: (Inaudible)

COUNSEL: Okay, I will put this question differently. How many of your children are alive?

OSUA: (Inaudible)

COUNSEL: Okay, leave it that way. Now Mr. Osua, after the chasing away of Amin, did anything happen to you or to your family that you may still wish to tell this Commission?

OSUA: (Inaudible)

COUNSEL: Yes. You have said that some of your children are dead, how did they meet their death?

OSUA: (Inaudible)

COUNSEL: Could you tell the Commission how this occurred?

OSUA: (Inaudible)

COUNSEL: Who collected them?

OSUA: (Inaudible)

COUNSEL: I see. Were you also taken with them? Or were you at home on that day?

OSUA: (Inaudible)

COUNSEL: Yes; continue.

OSUA: (Inaudible)

COUNSEL: Of which mission?

OSUA: (Inaudible)

COUNSEL: And the rest?

OSUA: (Inaudible)

COUNSEL: Now, what was the name of this daughter who was buried by the missionaries?

OSUA: (Inaudible)

COUNSEL: How old was she? Was she a small girl or?

OSUA: (Inaudible)

COUNSEL: Did she have children?

OSUA: (Inaudible)

COUNSEL: Did you have other daughters?

OSUA: (Inaudible)

COUNSEL: I see. Now what about your wife? Are you still with her?

OSUA: (Inaudible)

COUNSEL: I see. By the same soldiers?

OSUA: (Inaudible)

COUNSEL: Now you said that you told your children - "let us run away" and they said "no, they should not run away". Why had you told them that they should run away?

OSUA: (Inaudible)

COUNSEL: So they did not have where to go, that is why they stayed.

OSUA: (Inaudible)

COUNSEL: Yes; continue.

OSUA: (Inaudible).

COUNSEL: Were you hiding alone in that pipe or you were hiding with may be with your wife or one of your children?

OSUA: (Inaudible)

COUNSEL: You were hiding alone?

OSUA: (Inaudible)

COUNSEL: I see. So after the hiding when you came out you found the body of your wife?

OSUA: (Inaudible)

COUNSEL: Yes.

OSUA: (Inaudible)

COUNSEL: I see. Now where is your son Guma?

OSUA: (Inaudible).

COUNSEL: What of Kiryako?

OSUA: (Inaudible)

COUNSEL: So Kiryako, Guma are at home?

OSUA: (Inaudible)

COUNSEL: Gita is also at Home?

OSUA: (Inaudible)

COUNSEL: And Paparo?

OSUA: (Inaudible)

COUNSEL: I see. And you do not remember the names of the others of your children who were shot?

OSUA: (Inaudible)

COUNSEL: Now, how are you able to look after yourself? Your wife was killed; your children were killed; who is looking after you; cooking for your food and may be providing you - washing things for you?

OSUA: (Inaudible)

COUNSEL: I see. I do not know whether you may be able to assist. Do you remember in any way that these soldiers told you when they came and took members of your family to go and kill them. Did they say anything which you may still recall?

OSUA: (Inaudible)

COUNSEL: Do you know the reason why they killed them?

OSUA: (Inaudible)

COUNSEL: I see. My Lord Chairman, I do not have much from this Witness; I just wanted him to give us his experience that 12 of his members of his family were killed by soldiers - out of 14 and because of this sad memory he does not have much to think about them. Now may be, Mr. Osua, the Commissioners want to know whether you saw the bodies let us say, of your wife and of your children who were killed?

OSUA: (Inaudible)

CHAIRMAN: Mr. Totia, is there anything else you want to add to what you have said?

OSUA: (Inaudible)

CHAIRMAN: Well, we are very sorry that you have to be asked about the loss of your family; this is necessary to the inquiry that we have to make. We would like to thank you for having come to give the evidence. You may return home now if you wish.

OSUA: (Inaudible)

CHAIRMAN: Yes. Something which you have in mind?

OSUA: (Inaudible)

CHAIRMAN: Oh, I see. When were you told of this?

OSUA: (Inaudible)

CHAIRMAN: I see. Well, I see what you mean. In other words you are putting up a request for assistance in time. Well, the Commission as such, we do not have any money or any material assistance which we can give you. We are sorry about this. We have so many people in your position who ask for assistance from the Government. We shall make the necessary recommendations to the government and we hope that assistance will be given to such cases like yourself. But you should bear in mind that even government does have limited amount of assistance. And that a number of people who are requesting the type of request of such assistance are very many all over Uganda. We shall carry forward your request. Well, we shall write a letter to either the D.A or any other relief agencies who

may be here and request whether they can assist you. And if you can - is there anybody you can send to collect a letter or you can wait for yourself?

OSUA: (Inaudible)

CHAIRMAN: You have a vehicle?

OSUA: (Inaudible)

CHAIRMAN: I see. Today. You wait here before you go.

COUNSEL: My Lord Chairman, I think we shall have to start another case. I do not know whether it is an appropriate time you want to adjourn the Commission so that we start with the other witness after lunch time.

CHAIRMAN: We shall resume at 2.15 p.m this afternoon.

CHAIRMAN: Learned Counsel, Commissioners, Ladies and Gentlemen, we are ready to resume the session of this afternoon.

COUNSEL: My Lord, when we were in Luwero last month, there were complaints of abduction by Government soldiers sometime in 1985. I have here two witnesses who I want to call to testify on their experience. The first one is Yudesi Mibulo; one is Namuddu who testified but this Yudesi Mibulo was the lady with whom Namuddu was at the time she was abducted by Francis Ojok.

QUESTION (CHAIRMAN): (Inaudible)

COUNSEL: Yes, it is intended for him to hear the evidence as it is given and at the same time when he appeared before us he indicated his desire - after he had given evidence he indicated his desire to cross examine one Namuddu allegedly abducted by him.

QUESTION (CHAIRMAN): (Inaudible)

COUNSEL: I do not know. I have a problem here, My Lord, I see a problem of calling these people again and it may not be possible.

CHAIRMAN: (Inaudible)

COUNSEL: I have got my Assistant, Suzan, has gone to get my list for numbering of witnesses.

CHAIRMAN: (Inaudible)

COUNSEL: We have a problem of Arua Witnesses. Then this one will be No. 297.

WITNESS NO.297: YUDESI MIBULO - SWORN IN

COUNSEL: You are Yudesi Mibulo?

MIBULO: Yes.

COUNSEL: Of Bweyeyo Village in Luwero Sub-county? For how long have you been in Bweyeyo?

MIBULO: For a long time. I came to Bweyeyo in 1962.

COUNSEL: From where did you come from?

MIBULO: I came from Tanzania.

COUNSEL: Now, do you know one Namuddu?

MIBULO: Yes.

COUNSEL: You are a cultivator?

MIBULO: I am a cultivator.

COUNSEL: Do you know a girl by name Namuddu?

MIBULO: I know her

CHAIRMAN: How do you know her?

MIBULO: She resides in our village

COUNSEL Is she here?

MIBULO: Yes, she is here.

CHAIRMAN: Can you show her to us?

MIBULO: She has been seated behind, she has a young baby.

COUNSEL: Is she your daughter or a daughter of somebody else?

MIBULO: She is a daughter of somebody else.

COUNSEL: Who is the parent?

MIBULO: Nalongo Nabukeera Janet is the mother of Namuddu. Livingstone Lukwago is the father.

COUNSEL: Now, you said Namuddu has got a daughter, do you know the father of her daughter?

MIBULO: I am just seeing a person seated here.

COUNSEL: Is he here, the father is he here?

MIBULO: Yes, he is here.

COUNSEL: Did you know him before?

MIBULO: They came to my place where I was residing and they took the girl away.

COUNSEL: May be how do you come to say this person is the father of Namuddu's daughter?

MIBULO: I saw him coming to my home to take Namuddu away.

COUNSEL: You mean he came to your home to marry her? Why did he come to your home, as a friend or what?

MIBULO: They came to loot and abduct women.

CHAIRMAN: You tell us what happened?

COUNSEL: Shall we take it that some time in 1985 Namuddu was with you in your home?

MIBULO: Namuddu and her mother came to my home to seek refuge.

COUNSEL: Did you allow them to be in your home?

MIBULO: I gave them refuge.

CHAIRMAN: Why?

MIBULO: We were fearing gun men. There used to be soldiers in uniform of the former regime.

COUNSEL: You mean there were soldiers mistreating the local people?

MIBULO: The soldiers were mistreating the residents.

COUNSEL: For how long had Namuddu and her mother been in your home before Ojok came?

MIBULO: May be three or four days.

COUNSEL: Now, tell us how they came and what happened?

MIBULO: I saw a girl called Nabulime, she brought two soldiers.

COUNSEL: Were they armed?

MIBULO: They had guns. Both of them had guns.

COUNSEL: When you say Nabulime brought two soldiers, how did she bring them - she came with them or she brought them?

MIBULO: The soldiers had earlier on taken this girl Nabulime, so she brought them to my home.

COUNSEL: I see.

MIBULO: The soldiers had earlier taken Nabulime away. Nabulime told these soldiers about Namuddu who was brought here by her mother. She said that if Namuddu is not produced the soldiers will kill you. Immediately one soldier moved into the house and got hold of Namuddu and pulled her out.

COUNSEL: Did you recognise the soldier who pulled out Namuddu from the house?

MIBULO: I did not recognise him.

COUNSEL: What did you do?

MIBULO: I had a young girl called Regina whom I sent to call the mother of Namuddu to inform her that Namuddu had been taken.

COUNSEL: Did the little girl report back to you?

MIBULO: The little girl Regina ...

COUNSEL: Yes, I asked her whether the little girl reported back and I think she is giving an account of what she told her. What report did she give?

MIBULO: Regina said she had been .....

COUNSEL: What did you do?

MIBULO: (Inaudible)

COUNSEL: Did she follow them?

MIBULO: I told her not to follow them.

COUNSEL: Why?

MIBULO: (Inaudible)

COUNSEL: Yes, what happened the following day?

MIBULO: (Inaudible)

COUNSEL: May be after Namuddu had been taken; did you see her again?

MIBULO: I did not see Namuddu again.

COUNSEL: And you have never seen her again until today?

MIBULO: (Inaudible)

COUNSEL: It is after a long time that you saw her?

MIBULO: (Inaudible)

COUNSEL: What was Namuddu doing before she was taken by the soldiers?

MIBULO: She was schooling.

COUNSEL: Do you know in which form she was?

MIBULO: (Inaudible)

COUNSEL: You are a person who was in charge of Namuddu at the time she was taken; did you not make any attempt to find out her whereabouts?

MIBULO: I did not make any attempt to find out her whereabouts.

COUNSEL: Were you happy with the way she was taken from your home by the soldiers?

MIBULO: I was not happy.

COUNSEL: Why?

MIBULO: (Inaudible)

COUNSEL: Were you not happy that a girl had got a man?

MIBULO: (Inaudible)

COUNSEL: Thank you very much.

CHAIRMAN: Tell her that we shall ask her a few questions to clarify the evidence she has given. One, from me, are you related in any way to Namuddu and her mother?

MIBULO: (Inaudible)

CHAIRMAN: You are in-law to Namuddu's mother. When these soldiers arrived, did they tell you - first of all, what language did they speak? Did they ever speak to you?

MIBULO: (Inaudible)

CHAIRMAN: Was it only Nabulime who spoke to you?

MIBULO: (Inaudible)

CHAIRMAN: Did she tell you why the soldiers wanted Namuddu?

MIBULO: (Inaudible)

CHAIRMAN: Yes, my question is very simple. Did the other girl say the reason why the soldiers wanted Namuddu to go with them?

MIBULO: (Inaudible)

CHAIRMAN: That is your conclusion but did Nabulime tell you the reasons the soldiers wanted to go with Namuddu?

MIBULO: (Inaudible)

CHAIRMAN: How did Namuddu leave your compound, was she handcuffed, tied up or how did she move away, how was she taken? Was she taken as a prisoner or what?

MIBULO: (Inaudible)

CHAIRMAN: Was she put in front of them or in between or what?

MIBULO: (Inaudible)

CHAIRMAN: We have had evidence also about this incident that one of the reasons the soldiers went to this village, to your village, was to collect some food. Did they collect any food when they left your home, did they collect any food from your home or from anywhere else - were they carrying any kind of foodstuffs?

MIBULO: (Inaudible)

CHAIRMAN: Soldiers or what? What kind of cloth?

MIBULO: (Inaudible)

CHAIRMAN: From where? Was it hanging on a line or it was inside the house?

MIBULO: (Inaudible)

CHAIRMAN: Which of them picked?

MIBULO: (Inaudible)

CHAIRMAN: I was talking about this particular incident when Namuddu was taken. After all this did you remain at your home?

MIBULO: (Inaudible)

CHAIRMAN: That is all from me.

MR. NAGENDA: You see we have it in evidence that this man here said that Namuddu fell in love with him and that is why they went together. To your knowledge had Namuddu fallen in love with this gentleman?

MIBULO: (Inaudible)

MR. NAGENDA: Did Namuddu say anything when she was dragged out of the house and taken away, did she say anything?

MIBULO: (Inaudible)

MR. NAGENDA: Then how do you know she did not want to go with the people who took her?

MIBULO: (Inaudible)

MR. NAGENDA: So she spoke? She said something?

MIBULO: (Inaudible)

MR. NAGENDA: Now, you said earlier that these soldiers were in the habit of coming and taking away girls by force, did you?

MIBULO: (Inaudible)

MR. NAGENDA: To your knowledge; how many women did they abduct in this manner and before you answer me I would like to tell you that it is a very serious charge to abduct people especially young people. So we are very much interested in this Commission to know whether these people were in the habit of abducting girls. So please tell us the truth. About how many people did they take in this manner - the soldiers?

MIBULO: (Inaudible)

MR. NAGENDA: Did all these people come back? Were they as lucky as Namuddu, here, to return?

MIBULO: (Inaudible)

MR. NAGENDA: You mean Mrs. Masiko she was taken away from her husband?

MIBULO: (Inaudible)

MR. NAGENDA: With her husband's approval?

MIBULO: (Inaudible)

MR. NAGENDA: Do you have any other name?

MIBULO: (Inaudible)

MR. NAGENDA: I would like you to give us some advice on what should happen to people who behaves in this manner.

MIBULO: (Inaudible)

MR. NAGENDA: What kind of punishment?

MIBULO: (Inaudible)

MR. NAGENDA: I agree thank you.

MR. KAWANGA: What time did these two soldiers and Nabulime arrive at your home?

MIBULO: (Inaudible)

MR. KAWANGA: And they never talked to you at all?

MIBULO: (Inaudible)

MR. KAWANGA: And you said Nabulime is the one who talked to you. Was Nabulime acting unwillingly or did it appear to you that Nabulime willingly brought these soldiers to your home?

MIBULO: (Inaudible)

MR. KAWANGA: For how long had Nabulime been taken?

MIBULO: (Inaudible)

MR. KAWANGA: I see. Perhaps one other question, why didn't these soldiers take you? Why do you think these soldiers did not take you?

MIBULO: (Inaudible)

MR. KAWANGA: I see. How old are you?

MIBULO: (Inaudible)

CHAIRMAN: You do not look old.

MR. KAWANGA: She is not very old. Okay, were these soldiers taking only young ladies and leaving the old ones?

MIBULO: (Inaudible)

DR. MAKUBUYA: How old was Namuddu at the time she was taken?

MIBULO: (Inaudible)

DR. MAKUBUYA: Yes, was she about 20 years?

MIBULO: (Inaudible)

DR. MAKUBUYA: Did she look to you like a big girl or a small girl or what?

MIBULO: (Inaudible)

DR. MAKUBUYA: Okay she had breasts, she was mature enough to have a man. Was she in the habit of associating with men to your knowledge?

MIBULO: (Inaudible)

DR. MAKUBUYA: Was she a well behaved girl, was she loose or what?

MIBULO: (Inaudible)

DR. MAKUBUYA: I see. She was a well behaved girl.

MIBULO: (Inaudible)

DR. MAKUBUYA: Now, how did the soldiers behave when they got there, were they friendly, were they hostile, were they what?

MIBULO: (Inaudible)

DR. MAKUBUYA: I see, how?

MIBULO: (Inaudible)

DR. MAKUBUYA: Just girls?

MIBULO: (Inaudible)

DR. MAKUBUYA: Did they ever turn the girls on you or what?

MIBULO: (Inaudible)

DR. MAKUBUYA: On an earlier occasion somebody stole your Gomesi, were you there when it was taken?

MIBULO: (Inaudible)

DR. MAKUBUYA: You said it was inside the house, was it?

MIBULO: (Inaudible)

DR. MAKUBUYA: How did they get it out?

MIBULO: (Inaudible)

DR. MAKUBUYA: Quietly without doing anything to you, without threatening you or anything?

MIBULO: (Inaudible)

DR. MAKUBUYA: And were you surprised by this?

MIBULO: (Inaudible)

DR. MAKUBUYA: Are soldiers free to walk into your house, to pick up Gomesi's and go? Are they free?

MIBULO: (Inaudible)

DR. MAKUBUYA: Thank you.

CHAIRMAN: I am sorry we have kept you a little longer, you appear to be tired now. Did you know why the soldiers were in that area? The particular reasons why? Have they ever been there for time immemorial?

MIBULO: (Inaudible)

CHAIRMAN: Is that all?

MIBULO: (Inaudible)

CHAIRMAN: When did soldiers first come to your area? Have they always been there? You settled in this place in 1962, were they there when you arrived?

MIBULO: (Inaudible)

CHAIRMAN: And you say according to you they only came for girls and property?

MIBULO: (Inaudible)

CHAIRMAN: To kill who?

MIBULO: (Inaudible)

CHAIRMAN: I think we cannot get on very far on that point. Okay, thank you very much for your evidence. You can go. I see, sorry, just hold on Mr.Ojok there are some questions for you because you made allegations against him.

OJOK: By the time we left your home with Namuddu you alleged that I took her by force, how come that she passed by her mother's home?

MIBULO: (Inaudible)

OJOK: Are you not aware that from your home Namuddu had agreed to go with us?

MIBULO: (Inaudible)

OJOK: Do you not remember you were present when we negotiated with Namuddu to go with us?

MIBULO: (Inaudible)

OJOK: The reason why I went with Namuddu, we negotiated and she agreed to go with us and that is why she passed at her mother's home.

MR. NAGENDA: Mr. Ojok, you keep using this word "negotiating", what exactly do you mean, were you giving cows to the mother, was it what - please give an explanation to us.

OJOK: This negotiation I am talking about is between me and the girl and that is why we went to her home so that she could collect her few dresses to come with me.

CHAIRMAN: If I may perhaps explain on the translation, he is saying that they reached an understanding with the girl, that the girl agreed willingly.

MR. NAGENDA: Well, Mr. Ojok, you may think that that understanding is between you and the girl but you are much mistaken because this Commission wants to find out what this understanding was. We are talking about a girl who says she does not even want to look at you, to see you, and now you are telling us you reached an understanding. You must tell us in detail what that understanding was. Please give your conversation as it went, what you said to her, what she said to you, tell us whether any money passed hands and tell us whether this is the time you gave the Gomesi. You tell us everything that happened, we will then make up our own mind whether there was an understanding between you and Namuddu. Tell us in details.

OJOK: We came to this understanding and I was speaking in Swahili, I explained to her that I wanted her and she agreed saying that since the security situation was not very good in her village she also accepted to come with me if I could keep her.

COUNSEL: My Lord, I do not know, you see this kind of question if that is a question, it is not a question to be put to this witness. I think Mr. Ojok should be informed that Namuddu is here to be cross-examined. Whatever negotiations, agreements, I think let him direct those questions to Namuddu who is here.

OJOK: I had talked to this lady in Swahili, she was not understanding me so I had asked the girl to explain to her that I would like to take this girl. So since she was not understanding me I left it to the girl to explain it to her so that she understood.

COUNSEL: Now, do you not know that I talked to you in Swahili you did not seem to understand then I asked the girl to explain to you that I wanted to take her?

MIBULO: (Inaudible)

OJOK: Have you forgotten?

MIBULO: You are lying.

MR. NAGENDA: Mr. Ojok, you for your part you wanted Namuddu. You made that point very clear and you said that she decided to come with you because the area was not safe. Why was the area not safe? This witness tells us that it was because of people like yourself who went into it to abduct, rape, rob and shoot. Was it true the area was not safe?

OJOK: The security situation was not good in the area because the NRA's were fighting against us. So for that reason we moved to the villages armed, we could not move when we are not armed, we moved with arms; that is why the security situation was not good.

COUNSEL: The witness has said to us that the reasons these soldiers went into the area was to rob, abduct, shoot people. Is this what you were doing in the area?

OJOK: I cannot answer the question generally but I stayed there for a period of three months. During the three months when I was there, whenever we moved to villages most people had run away because they would fear gun men. Even us soldiers when they saw us they feared and when they saw NRA's they feared because there was a struggle but as to the stealing, people were complaining that the soldiers go and rob them but as for me I cannot answer the question for others.

CHAIRMAN: But he himself did not steal anybody's property?

OJOK: (Inaudible)

MR. NAGENDA: Have you forgotten the Gomesi which you gave to Namuddu, which you told us about; had you not stolen that Gomesi which you gave to Namuddu? Was this the only thing you had stolen?

OJOK: (Inaudible)

MR. NAGENDA: Clearly you could not wear it yourself I agree. Just to make a small comment, it is as bad enough if indeed you took this girl away by force, it is really bad enough and we shall find out anyway. If you are trying to cover it up in such a manner it is extremely annoying.

OJOK: (Inaudible)

DR. MAKUBUYA: Mr. Ojok, did you know Namuddu before the day you went to negotiate with her?

OJOK: (Inaudible)

DR. MAKUBUYA: How did you identify her as a candidate?

OJOK: (Inaudible)

DR. MAKUBUYA: How did you come to be in that home that day?

OJOK: (Inaudible)

DR. MAKUBUYA: To look specifically for Namuddu; did you go specifically to look for Namuddu?

OJOK: (Inaudible)

DR. MAKUBUYA: I see, thanks.

CHAIRMAN: Mr. Ojok, any more questions for this witness you want to ask?

OJOK: (Inaudible).

CHAIRMAN: Okay, that is enough. Next witness please.

WITNESS NO.222: MISS CHRISTINE NAMUDDU (REAPPEARS TO BE CROSS-EXAMINED BY PTE OJOK OF NRA)

COUNSEL: (Inaudible)

NAMUDDU: I am Christine Namuddu.

COUNSEL: (Inaudible)

NAMUDDU: I am 19 years old.

COUNSEL: (Inaudible)

NAMUDDU: One and half years now.

COUNSEL: (Inaudible)

NAMUDDU: No, you did not ask me. May be you asked me but I did not understand what you asked me.

COUNSEL: (Inaudible)

NAMUDDU: He told me to stand up and go along with him and because I feared them I could not say anything. I had to go with them. He was speaking in Swahili and I could understand just a few things, very little Swahili.

OJOK: (Inaudible)

NAMUDDU: You had taken me by force.

OJOK: (Inaudible)

NAMUDDU: You did not tell me anything.

OJOK: (Inaudible)

NAMUDDU: When you got pass leave to go home you told me that I have got a pass leave and we must go together.

OJOK: (Inaudible)

NAMUDDU: You did not give me a choice whether to go or stay.

OJOK: (Inaudible)

NAMUDDU: I do not remember.

OJOK: (Inaudible)

NAMUDDU: He has never told me this.

MR. NAGENDA: Namuddu, what you are saying about this thing, has very great consequences because abduction is a very serious crime. Now, it may be that at the time because you were afraid to go home or for any other reasons it may be that what Ojok is saying is true. It may well be that because now times are better and you do not need protection that you do not want to see him but if what he is saying for that time was true, you must not mind that your friends will laugh at you or anything you must accept the truth and say so, you are under oath. So when he says that you cried when he asked you to accompany him, you must try to remember very well what happened but what you must do for the sake of truth and for the sake of this man if what he is saying is the truth, please tell the truth. Do you understand?

NAMUDDU: Yes.

CHAIRMAN: You should not deny for the sake of denying.

NAMUDDU: He has never told me anything.

CHAIRMAN: ..... That your marriage was temporary ..... Question is this, okay you wanted her to stay behind to look after your property did she look after your property, at her home rather than your house?

OJOK: (Inaudible)

NAMUDDU: First of all, the authorities did not know the language I was speaking. At the same time it would have created problem for me if I went and reported to the authorities because they would think that I brought soldiers to Ojok so that he could be arrested.

OJOK: (Inaudible)

NAMUDDU: You took me as a wife but I had nothing to do because I had no choice so I had to accept, I had no power.

OJOK: (Inaudible)

NAMUDDU: You did not harass me in any way, you treated me like a proper wife.

COUNSEL: (Inaudible)

NAMUDDU: If you can assist the child I like some assistance. You can assist the baby if you want as I feed the baby, you can give him assistance.

CHAIRMAN: (Inaudible)

NAMUDDU: If he comes in a good way he is free to come and bring the assistance if he does not come in a bad way that I have accused him or I am denying what he is saying, it is okay.

OJOK: (Inaudible)

NAMUDDU: The name Peter was given to the child by my mother, not me myself.

CHAIRMAN: (Inaudible)

NAMUDDU: Since Ojok did not mistreat me although he had abducted me and he treated me in a humane manner I think he should be forgiven.

QUESTION: (Inaudible)

NAMUDDU: Yes, I have forgiven him.

CHAIRMAN: (Inaudible)

WITNESS NO.298: JANET NABUKEERA NALONGO - SWORN IN)

COUNSEL: You are Janet Nabukeera Nalongo?

NABUKEERA: Yes, I am Janet Nabukeera Nalongo.

COUNSEL: Of Bweyeyo Village?

NABUKEERA: Yes.

COUNSEL: The widow of Livingstone Lukwago?

NABUKEERA: Yes.

COUNSEL: Is Christine Namuddu your daughter?

NABUKEERA: Yes.

COUNSEL: (Inaudible)

NABUKEERA: Yes, I know the circumstances.

COUNSEL: (Inaudible)

NABUKEERA: Soldiers came and took her away. They found Namuddu living with Yudesi Mibulo.

COUNSEL: (Inaudible)

NABUKEERA: When we were cultivating once we heard that soldiers were coming to the village so we went home hurriedly, got a few things from the house and went and spent a night in the nearby bush.

COUNSEL: (Inaudible)

NABUKEERA: Yudesi Mibulo's home was near the bush so I decided that we should not go back home because soldiers can easily come to our home and I decided that we should go to Yudesi Mibulo's home.

COUNSEL: (Inaudible)

NABUKEERA: I was not there.

COUNSEL: (Inaudible)

NABUKEERA: I knew that very day she was taken away from Mibulo's home.

COUNSEL: (Inaudible)

NABUKEERA: The soldiers together with Namuddu and another girl came to my home after they had moved away from Yudesi's home. They passed via my home. They came to my home as they passed by.

COUNSEL: (Inaudible)

NABUKEERA: I knew the reason. Namuddu wanted to inform me that they had taken her. She told them that she wanted to collect her clothes from my home, because the dress she had was torn.

COUNSEL: (Inaudible)

NABUKEERA: I quarrelled with Nabulime because I thought that since she had earlier been taken by the soldiers she was the one who took the soldiers to where Namuddu was.

COUNSEL: (Inaudible)

NABUKEERA: I never allowed the soldiers to take my daughter.

COUNSEL: (Inaudible)

NABUKEERA: They did not ask for permission to take my daughter away.

COUNSEL: (Inaudible)

NABUKEERA: No, I did not tell soldiers to take my daughter to Luwero.

COUNSEL: (Inaudible)

NABUKEERA: No, they did not promise to bring her back.

COUNSEL: (Inaudible)

NABUKEERA: I tried to follow them up but the colleague of Ojok told me that "old woman if you insist on following your daughter you will see what will happen". So when I saw that the soldier was serious I decided to go back home.

COUNSEL: (Inaudible)

NABUKEERA: It was not recorded.

COUNSEL: (Inaudible)

NABUKEERA: They did not give me any assistance at the Police.

COUNSEL: (Inaudible)

NABUKEERA: The policeman asked me how old my daughter was and I told them that she was 16 years so they told me that they would not be able to recover the girl from the soldiers because the soldiers had also turned them like women, the police could not manage the soldiers. So they did not give me any assistance. They advised me that if I had known where they had taken the girl - my daughter I would have gone and seen their Commander and reported to him about the affair.

QUESTION: Did you follow their advice?

NABUKEERA: Yes, I followed their advice.

QUESTION: (Inaudible)

NABUKEERA: I asked for a recommendation from the police in the case I am disturbed I could show them the recommendation that I am from the police so that they could give me help but the police said that it could not help me and they only told me to proceed to where the girl was.

QUESTION: (Inaudible)

NABUKEERA: So when the soldiers saw, the soldiers who had taken my daughter saw me and before I had identified to them, they welcomed me and told me to enter. For me I did not know that they were the ones who had taken my daughter and they kept on welcoming me and telling me to enter saying come in Madam, come in. So when they saw that I was not responding, they went and told my daughter that your mother is here and she came

near where I could see her and when I saw her I also entered. I had at first refused to enter but my daughter advised me that the soldiers could do something bad if I refused so I entered and sat down and they started talking in their own language as I sat there.

QUESTION: (Inaudible)

NABUKEERA: There was one person who was interpreting what the soldiers were saying. They said according to the interpreter that they were planning to come to my home to show me my daughter - the interpreter was talking in Luganda. And they showed me some things they said they were coming with, they were going to come with them. The things were 2 kilos of salt; a piece of soap and a Gomesi. I refused to take the things and they asked me what I wanted. When I refused the things they wanted to give me they became serious and I started talking to them in Swahili, the interpreter left when he found out that I could talk Swahili. I told them that my daughter was young and I wanted to take her back so that she could go to school. They asked me in which school I was going to take her since all the schools had been closed down. Ojok was not talking but his colleagues were talking. I tried to ask them whether they could let the girl come with me and I told them that okay you leave the girl so that she can help me bring my luggage to town so that I can also stay here in town. They said that if you want her to come and assist you to bring your luggage down we shall go together. They said that if they left my daughter with me without them coming with us other soldiers would take her away and where will I get her again and return her to them? So they told me that it appeared I wanted my daughter and they said okay you can take your daughter away you must know that you will not be with your daughter here in Uganda unless you go to Britain or to Rwanda, but you will not be with your daughter here in Uganda. So I thought I had nothing to do. I put Shs.5,000. in the pocket of Namuddu thinking that in case she gets a chance to escape she will use that money to travel to any parish where she can get to the catholic teachers for assistance. While there; one of Ojok's friends said that the way she was annoyed was the very way she was annoyed when soldiers went to get Namuddu away from her home. The soldiers became very serious and ordered me to go away to Britain or Rwanda. I had travelled with my other children so I decided that let me go with my children, if I am killed they will kill me with my children. So my daughter advised me to go away as the soldiers could kill me if I refused so I also decided to go home. So Ojok got hold of the Gomesi and told Namuddu that they should escort me with my children. As they were escorting me we saw a group of other soldiers coming in front of us from the other direction coming towards us and Ojok said that they were stopping and leaving us to go on our own and while I feared that the other soldiers could kill me, I told them that they should escort us beyond the soldiers who were coming towards us. Ojok went back to get his gun because when he was escorting us he had no gun and when he was still away having gone to fetch his gun the soldiers came across us and one of them pulled my ear and he asked me and others said that I was helping my daughter to escape because no girl of her age was still free without any man in that area. So the soldiers took Namuddu and my two children away and warned me to be very careful

and they left me there. Shortly after Ojok came with Namuddu and my two children. So they escorted me to the village and before reaching my home I told Ojok to stay behind so that I can go back and collect the luggage so that they can help me carry them. Then Ojok refused to stay behind, he insisted on going with us, I told him to stay behind with my two children as I went with Namuddu to fetch the luggage and I had already made an appointment with somebody else and with whom I wanted to go to Wobulenzi; so we went with Namuddu and collected the luggage and moved it to my neighbour with whom I had made an appointment to go with to Wobulenzi. So after Namuddu helped me to carry my luggage to my neighbour's home she returned to Ojok and they went back to Luwero. I and my two children went to Katikamu.

QUESTION: (Inaudible)

NABUKEERA: So one time when we went to collect food from the villages we asked the people in the area and they said that the soldiers were no longer going there, they said that they were living very happily now so we decided to spend a night and take more luggage. While there we saw one girl who used to move with the soldiers, and she was acting as their interpreter, the interpreter of the soldiers. The girl asked me whether I was not the lady whose daughter had ben taken away. I said I was the one. She told me that Namuddu was staying in Luweero and she asked me whether I was to stay a night there so that she could bring Namuddu the following day. I asked her whether she could bring Namuddu alone without the soldiers and she said the soldiers will not accept to leave them to come to the village unescorted. I told the girl to go and tell Namuddu - I gave her a day on which she can quietly sneak from Luwero to the village to meet me, when I went to the village Namuddu did not come. I saw another old woman who was residing in Luwero town who had gone to collect food and when I asked here she said she had not seen Namuddu in Luwero. I did not see Namuddu again from that day. I saw Namuddu in June after the take over in 1986. She came back with Otim.

QUESTION: (Inaudible)

NABUKEERA: I changed the name to Shida because we had suffered so much that time, we were staying in the bush, Namuddu had been taken without her choice and she came back with a kid so I decided to name the kid Shida.

QUESTION: (Inaudible)

NABUKEERA: No, I was born in Tanzania.

QUESTION: (Inaudible)

NABUKEERA: At first we were in Kiwoko. We were two wives at our home and we were not in good terms with my co-wife, so my husband said that instead of separating he decided to take me to his friend in Bweyeyo so that he could buy another Kibanja somewhere I could stay.

QUESTION: (Inaudible)

NABUKEERA: I had been in Bweyeyo for one year.

QUESTION: (Inaudible)

NABUKEERA: I was still a young girl.

QUESTION: (Inaudible)

NABUKEERA: Ojok is here. He is seated there.

QUESTION: (Inaudible)

NABUKEERA: I first saw Ojok in 1986.

QUESTION: (Inaudible)

NABUKEERA: At the time when the Anyanyas came in 1985.

QUESTION: (Inaudible)

NABUKEERA: It was September, 1985.

QUESTION: (Inaudible)

NABUKEERA: When he was taking away my daughter that is when I first saw him.

QUESTION: (Inaudible)

NABUKEERA: We did not negotiate with them.

QUESTION: (Inaudible)

NABUKEERA: When the soldiers came to my home all they cared for was to take the girl away and they did not say anything to me and for me I wanted to quarrel with the girl whom I suspected had led the soldiers to where Namuddu was.

QUESTION: (Inaudible)

NABUKEERA: I thought that Nabulime might have taken the soldiers voluntarily to where Namuddu was because the soldiers had not known that Namuddu was staying at Yudesi's place.

QUESTION: (Inaudible)

NABUKEERA: Yes, I can speak some little Swahili.

DR. MAKUBUYA: (Inaudible)

NABUKEERA: I feared the soldiers.

QUESTION: (Inaudible)

NABUKEERA: I did not know the Commander of the soldiers so they asked me what I wanted and why I wanted to see their Commander and they told me that the Commander was not around, he had gone to Kanyonyi. I did not know whether he was present or he was not present.

QUESTION: (Inaudible)

NABUKEERA: I asked randomly.

QUESTION: (Inaudible)

NABUKEERA: I remember.

QUESTION: (Inaudible)

NABUKEERA: Yes.

QUESTION: (Inaudible)

NABUKEERA: Whoever girl was unlucky to be found by the soldiers was taken. Only those who were lucky to have left the place earlier escaped not to be taken by the soldiers.

QUESTION: (Inaudible)

NABUKEERA: The youth many of them had fled from the village except for the very young boys who were in the villages and they were not being taken away by the soldiers.

QUESTION: (Inaudible)

NABUKEERA: By the time the war started I had been in Bweyeyo for one year.

QUESTION: Which war?

NABUKEERA: The war which forced people to run to Singo, by the time it started I had been in Bweyeyo for one year. I cannot remember who and who were involved in the war.

QUESTION: (Inaudible)

NABUKEERA: They came saying that they were looking for guerrillas.

QUESTION: (Inaudible)

NABUKEERA: When the soldiers first came to our area right away they started looting the property and there were some children who were trying to peep through to see them coming, one of the children was killed by the soldiers.

QUESTION: (Inaudible)

NABUKEERA: There was another girl who could speak their language and was also present on the day they came for Namuddu.

QUESTION: (Inaudible)

NABUKEERA: I had not seen that girl before in that area and I did not know her.

QUESTION: (Inaudible)

NABUKEERA: I have never seen her again.

QUESTION: (Inaudible)

NABUKEERA: I did not find out her names.

DR. MAKUBUYA: Thank you very much.

OJOK: (Inaudible)

NABUKEERA: Namuddu did not cry; she did not cry but I myself wept bitterly.

OJOK: (Inaudible)

NABUKEERA: I did not give him the chicken and the winnower. The chicken belonged to Namuddu and she reasoned that in any case if it stays behind it will be eaten by some other people why should she not take it away, so she decided to take it.

OJOK: (Inaudible)

NABUKEERA: When you came to my place I was not at home; by the time I came you were about to go. So when I came home my daughter said that you had come and I asked her what you were telling her and Namuddu said that you were asking for me. We had already earlier in the morning agreed with my daughter that we should eat our chicken and by the time I came back my daughter had already prepared the food and the chicken.

CHAIRMAN: (Inaudible)

NABUKEERA: (Inaudible)

CHAIRMAN: You can go now, thank you very much.

WITNESS NO.299: MR. KENNETH BATEYO - SWORN IN

COUNSEL: Would you tell the Commission your names?

BATEYO: My names are Kenneth Bateyo.

COUNSEL: How old are you?

BATEYO: I am thirty years old.

COUNSEL: Where do you reside?

BATEYO: I reside in Bugolobi, Kampala.

COUNSEL: What do you do?

BATEYO: I am a civil servant, employed in the President's office.

COUNSEL: Where were you born?

BATEYO: I was born in Rukungiri.

QUESTION: (Inaudible)

BATEYO: Yes, that is right.

QUESTION: What is your education background?

BATEYO: I do not know whether you want details; but I am a Graduate in Law - I graduated in law -from Makerere in March, 1981.

QUESTION: (Inaudible)

BATEYO: That is right.

QUESTION: (Inaudible)

BATEYO: I worked with Hunter and Greig Advocates from March up to May - mid-May. Then I got a job through the assistance of the late Grace Katurayo - I got a job with the Standard Bank and that is where I was working up to the 11th of September, 1981.

COUNSEL: As what?

BATEYO: I was employed as a Legal Assistant in the Security Department of the Bank.

COUNSEL: What was your work?

BATEYO: My work entailed looking at documents in respect of properties given as securities for a Bank loan and assisting the drafting of matters related to that.

QUESTION: (Inaudible)

BATEYO: Yes.

QUESTION: (Inaudible)

BATEYO: I was arrested on the 11th of September, 1981, about ten o'clock from the Bank. I was on duty at that time.

QUESTION: (Inaudible)

BATEYO: Yes, unfortunately, I do not have the proper identity of the officers who arrested me; but I was arrested from the Bank at around ten o'clock. That morning, I remember that when I came to work at 8.00 a.m., I started work until 9.30 a.m. when the Administrative Officer at the Bank - Mr. Kakaire - called me to his office and asked me where I had been because he was getting reports that I had been absenting myself from duty. So I told him: "Look, I have always been around; if you want you can ask my immediate Boss - Mr. Bamugye. He will tell you that I have been here everyday except Saturdays and Sundays when I am not supposed to be here." So he told me to go back to my office and work. Thirty minutes later, two gentlemen came into the office. They asked me: "Where is Kenneth?" I said, "I am here". I thought they were customers of the Bank.

QUESTION: (Inaudible)

BATEYO: Yes, they were in plain clothes. So I thought they were customers of the Bank. I said, "I am the one. So you can have a seat". Now the gentlemen were not keen at taking the seats. They said, "You had better come with us. We want you." So I said, "Where are you taking me?" They said, "You do not mind, just come and we go." I said, "Who are you?" They insisted that we go. Then my Boss intervened - Mr. Bamugye. He said -

QUESTION: (Inaudible)

BATEYO: Mr. Edward Bamugye.

QUESTION: (Inaudible)

BATEYO: He was in-charge of the Security Department.

QUESTION: (Inaudible)

BATEYO: Yes, we shared the same office. So Mr. Bamugye demanded that these people should identify themselves and tell him why they wanted me because I was on duty. So one of the two gentlemen who was the younger of the two and quite rude, the other one said, "We are from the President's Office and we are security officers." So Mr. Bamugye asked him that, "Has this man committed any offence?" He said, "No, he hasn't. We have arrested someone who has mentioned his name and he feels that he could assist him." So Bamugye said, "That being the case, it is better that he reports to the Manager first because he was assigned some duties by the Manager and the Manager needs to know that he has gone away". So we went to the Manager with these two gentlemen and they identified themselves to the Manager and told him that they were

taking me to the Central Police to identify a suspect.

QUESTION: (Inaudible)

BATEYO: The Manager was - I do not remember his name very well; but I believe he could have been - Mr. Wilson. I do not remember his name because he was a new man in the place; and, because I left very soon after he had arrived. So I do not remember him.

QUESTION: (Inaudible)

BATEYO: Yes, they said I should go with them to C.P.S. this time - as they told the Manager - that I was to go to C.P.S. - to assist in identifying a suspect - somebody they had arrested.

QUESTION: (Inaudible)

BATEYO: No we didn't. So the Manager said that we should go to the Accountant - we should go to the Bank Accountant - so that he noted down the time I had left and when I might come back; so that in case I stayed away for long, then they could know how to compute my wages. So, from the Accountant's office we went outside the Bank. But immediately we got out of the Bank, those two gentlemen pulled outpistols and I found the Bank surrounded by the soldiers; and those fellows started saying a lot of things, - that I was a guerilla - I was a Commander.

QUESTION: (Inaudible)

BATEYO: Yes the soldiers. Yes, they were. So they directed me to go to a car parked about - above -Imperial Hotel where they had a small Datsun Sunny car waiting. I remember its number plates registration - being UWQ 490.

COUNSEL: What colour was it?

BATEYO: It was beige in colour. And later on I came to learn that this car was actually - it had earlier on - been removed from a prisoner whom I found in Kireka called Ziwa.

QUESTION: (Inaudible)

BATEYO: Well in the car it was not comfortable at all because two pistols were at my ribs either side and I was taken toNile Mansions. I did not enter the Nile Mansions myself and I never left the vehicle; but, when we reached Nile Mansions, one of them, we were now five people in the vehicle: myself, two people behind with me and the driver and a passenger in front. So the passenger in front went to the hotel and came back about ten minutes later with some officer whose names I didn't know; but, maybe, if I saw him, I would recall his face. So he just peeped in front. He said: "Is that the fellow?" in Swahili. He said *"Ndiyo huyo."* The other one said "Yes." He said, "Take him." He did not mention any place. So these people drove out of Nile Mansions, through - what do you call it, is it -

Nile Avenue or Speke, this Road which leads up to Kitante Road? So we got to Kitante Road, into Jinja Road, through Nakawa. When we reached Kyambogo - around there - these people told me to remove my watch, my spectacles, shoes, socks, my belt, my identity cards, everything I had in my pocket and I did not know where we were heading.

QUESTION: (Inaudible)

BATEYO: No, no en-route and it was not the usual speed - break-neck speed. So we went up to Banda. At Banda - I did not know at that time that - I did not know where we were going. I only suspected Namanve because I knew people those days used to be killed either there or dumped there, after being killed very cruelly. So, when we reached Kireka Town there is a turning on the right to the barracks. We took that. So, when we reached the Quarter Guard at the barracks, they ordered me out of the car; put me at gun-point; ordered me to keep my hands up; and announced that I was a guerilla and a brother to Museveni.

QUESTION: (Inaudible)

BATEYO: They were talking in Swahili.

QUESTION: (Inaudible)

BATEYO: Yes, yes, yes. So, I believe, because of that allegation, soldiers who were around took me by surprise and beat me up very badly - they beat me so badly - as you might see from the recent submission which I have passed onto your Lordship. I do not know whether you would want me to go through the -

QUESTION: (Inaudible)

BATEYO: Yes, the details are that things moved so fast; some of them might have escaped my memory and I was first kicked on the legs and I overturned. Therefore it was a surprise and I fell down. Somebody kicked me on the head and somebody else stepped on my - the side of my - ears and I started bleeding through the ears, nose and mouth and they continued beating me, using gun butts and so on and they ordered me to enter a small uniport. I wonder whether you Commissioners have been to Kireka Barracks. Yeah, I would suggest that you - that is right -

QUESTION: (Inaudible)

BATEYO: Because, Your Lordship, I believe that, if the Commissioners visited this place, some of the points I talk about, matters of evidence might be simplified. Yes. So I was beaten up so much in that uniport and then meanwhile somebody was - took my identity card and he was - writing in a book. For him it could have been a register as a new-comer. So the beating lasted for about ten to fifteen minutes. It was at first here because my memory at one time seems to have gone off; I couldn't remember what was going on. After that I was taken or rather ordered to go to another place - there is a cell - about 60 metres away; but I couldn't respond to the

orders so promptly because I was weak. I had been weakened.

QUESTION: (Inaudible)

BATEYO: It could have been between six to ten.

QUESTION: (Inaudible)

BATEYO: Yes this was not a cell now where I was; it was a sort of uniport. But from there that is when I was taken to the cell.

QUESTION: (Inaudible)

BATEYO: Yes I was able to walk to the cell. But that is because one old soldier - one old man - I am saying this because he did not beat me - so I was given some two soldiers to escort me back to that place, to that cell. So the cell was not - it is not designed to be a cell but it is something like store and I was dumped there.

QUESTION: (Inaudible)

BATEYO: Yes there were many inmates inside there, at least about 20.

QUESTION: (Inaudible)

BATEYO: No, in the cell - the store that served as a cell and I just collapsed there; and the prisoners advised me to take off my clothes and lie on the cement because they said the cement was good at easing the pain and healing the wounds - the pains and the bleeding, and the beatings.

QUESTION: (Inaudible)

BATEYO: This store is about 9' x 4'. It is a small place.

QUESTION: (Inaudible)

BATEYO: Yeah, about that.

QUESTION: (Inaudible)

BATEYO: Well it did not have ventilation but it used to have windows. I believe, previously, through these windows and the iron bars; and the windows were removed, leaving only the iron bars. So it was open. The windows were open. It was only the iron bars.

QUESTION: (Inaudible)

BATEYO: Yes it was very difficult because it was congested and at a later time when inmates increased to 28 most people used to stay on their legs, standing or squatting and I remember at one time there is one technician from Kabanyolo called Rosa. She had problems because all her feet and legs were swollen because of standing all the time. So the conditions

really were not healthy and, on top of that, the sanitary conditions: like no toilet facilities, we had a tin and a helmet. Those are the ones people used to ease themselves in during the night. Then, in the morning one or two inmates were allowed to go and empty them and return them.

QUESTION: (Inaudible)

BATEYO: About two months because I stayed in this cell until the 8th of November, 1981.

QUESTION: (Inaudible)

BATEYO: Yeah, in this cell, apparently they normally used to torturepeople as they come in or before they come in and occasionally they would pick say, individuals to be tortured and then returned, but otherwise they take them from day to day like the one they wanted to study except that soldiers used to come with whips and if you happened to be near the window they would give you a few whips and walk away. They used to do it casually. They would casually come with a whip, whip all the people and then the whip will get finished and they would throw it and go away. Otherwise anyway, I believe, there was no official requirement for inmates to be tortured in that cell.

QUESTION: (Inaudible)

BATEYO: Yes I came to know some of the inmates there; in fact, several of them. I would request that, my Lord, before I give the names, I could go back a little bit and say how some of the inmates I knew came to be there. One of the inmates there whom I knew and who might be my nephew is called Chris Kalekyezi and the other one whom I knew for a short time was my sister - Dr. Kikumisha.

QUESTION: (Inaudible)

BATEYO: Well, that one died in the cell. Yes, when I was put in that cell at about twelve, I was again removed in the afternoon and taken to a centre which was adjacent. We used to call it the 'court'. Yes like the court -court house.

QUESTION: (Inaudible)

BATEYO: Yes both the soldiers and the inmates were inside the court. So I believe it was that. So I was taken there and tortured by one gentleman called Sadrach Okello and another one called Alemo; I believe they would have been from the Nile Mansion at that time. I do not remember his other name: Charles Alemo. I was tortured very badly. I was beaten and burnt really for reasons I did not know because I was burnt with firewood - charcoal. Now they were asking me where Museveni was and what relationship he had with my sister and where my sister lived and so on and so forth. My Lord, we do not have any relationship. I told them I did not know anything about what they were asking me.

QUESTION: (Inaudible)

BATEYO: Yes, that is right. So after the torture, Mr. Alemo said that I should take and show them where my sister lived. So we went to - they put me in a Land Rover and we came to - Wandegeya Police Station. Alemo got policemen who boarded a van and then the van followed after the Land Rover into Makerere University. My sister was a lecturer at Makerere and she was staying at Lincolns flats.

QUESTION: (Inaudible)

BATEYO: Yes I did tell them that she is at Makerere but I did not know any relationship she had with Museveni. So, when we reached there, Alemo ordered two policemen to take position around the flat and ensure that nobody left the place. So we went to the flat. I was in a terrible state at that time because I remember when my children saw me they were so frightened and they started crying.

COUNSEL: Why?

BATEYO: I then wanted to see my sister but she was not around at the time. She used to go to play at the Senior Staff Club in the evening. So the children told him where she had gone and he said they could go and call her because he wanted to see her. In the meantime, there was a lady whom my sister was actually sponsoring out, a lady called Hellen Bahemuka. She used to call herself Hellen Bate. This lady was - we are actually related because she is a cousin of mine.

COUNSEL: Who?

BATEYO: Hellen Bahemuka, alias Hellen Bate. This lady was operated at the time and I strongly believe that we could have been arrested because of false reports she gave to the security organs at the time. Yes I just believe but in case you want some evidence most of the evidence might have been filed, I believe, in the Office of the President, and I had informed the Lieutenant to that effect and there must be a file on his findings on these false reports of that organ of Government.

QUESTION: (Inaudible)

BATEYO: Apparently there could be no logic for this because the only conflict that I knew that would be there between any of us in that family would only be between my mother and her mother and not between us at all. So I do not think that there is any special reason with her and our mother.

QUESTION: (Inaudible)

BATEYO: Yes, yes, you are right and she escorted one of the late's children to collect her from her class. Out of her own volition. Yes.

QUESTION: (Inaudible)

BATEYO: Yes, Alemo said that he wanted to search the house - to search the bedroom in which I used to live - with my late brother and he only took a notebook - a diary - belonging to my brother and one novel which my brother used to read. Then he searched the bedroom of my children. He found there was nothing. He searched the bedroom and he came out with nothing. So, when we came to the sitting room, he said that he was taking me back that he was going with Beatrice and me to Wandegeya Police Station in connection with certain matters which Hellen knew about. So they went together - we went in the same Land Rover actually. I said that that was my niece.

QUESTION: (Inaudible)

BATEYO: Yes when they got the information that soldiers had come and they had badly beaten us, then out of threat they thought so. So they drove us in the Land Rover and we reached Wandegeya Police Station around 5.30 p.m. Then Alemo went inside there and talked to three ladies and then after staying there for about a few minutes he came back with only Beatrice and Hellen. So we drove up to the Central Police Station. Here and he booked in Beatrice and Bate at the Central Police Station. When he came back to the Land Rover, he came with another gentleman called Sadrach Okello.

QUESTION: (Inaudible)

BATEYO: I had not known him but I came to know him when I was here. So he drove me back to Kireka. We arrived late about eight and when we reached they ordered me to go out, and, immediately I got out of the Land Rover, Alemo got a stick from the neighbourhood and he started beating me, saying that I had been soft that he would see me. But I said; "So what, I told you everything that I know." So he beat me, I think, until he was tired.

QUESTION: (Inaudible)

BATEYO: That is all that he said at the time that I will talk at the place if I am unlucky not to die in the night; he would make me talk. I went back to the cell. And the next day at about two o'clock when I was lying down - I was tired - I heard Alemo threatening some two ladies and they were taking them to the court.

QUESTION: (Inaudible)

BATEYO: Yes in Kireka Barracks - the cell in Kireka Barracks - so I could hear people being tortured but I did not know who they were, until around two o'clock on 12th December 1981 when they brought them in. They opened the van and they dumped them there because they were semi-conscious. They dumped them there. The same day apparently those days there was a lady with whom we used to share the same cell. Yes there were two ladies. I found two ladies in the cells. This time I realised that actually they were my relatives. They had been tortured very badly.

QUESTION: (Inaudible)

BATEYO: Yes, they were dressed but they were injured and most of the injuries might have been internal but even externally they had been injured, burned and fractured by hitting. That could be natural but in addition, they were too weak and they were smelling of alcohol. So even the inmates said later the soldiers also were saying it in the open. They were saying that people of Makerere used to boast that they cannot drink crude waragi now these ladies have finished two (2) minis. "Mini" means a half litre of waragi.

QUESTION: (Inaudible)

BATEYO: The what?

QUESTION: (Inaudible)

BATEYO: Yes I did because I was lying very close to them. At that time really very helpless much as they were and there was one soldier - a guard - who was outside there, he noticed that they were badly beaten. But after being dropped into there, I think, there is a Lieutenant Omoya who was the intelligence in-charge of Kireka he ordered that somebody should rush to Nile Mansions and bring food for them.

QUESTION: (Inaudible)

BATEYO: A Lieutenant Omoya - in less than an hour - in 15 minutes' time somebody rushed for food from the Nile Mansion, which they failed to eat and they were being given extra beating so they could not eat the food.

QUESTION: (Inaudible)

BATEYO: In the cell - inside the cell.

QUESTION: (Inaudible)

BATEYO: Yes I did. It was a delicious meal; matooke and so on.

QUESTION: (Inaudible)

BATEYO: I believe they did not refuse but they failed to eat because they were physically weak. I do not think they could have refused the food. So the food was withdrawn and the door was closed. These fellows hung around. When they left, one soldier who was guarding the cell at that time thought that these ladies were badly off. They got some cold water to drink to assist them. So they brought some cold water to drink. They tried to force Beatrice to drink the water but she couldn't. She drank very little and she could not take any more. It was getting late at that time, it became dark. We stayed there.

QUESTION: (Inaudible)

BATEYO: No she never said a thing. Since she came out of court, she never said a thing. But during the night - I think, it was around 3.30 - because some few inmates and myself had been trying to change her pants and so on. At 3.30 a.m. she died that same day during the night.

QUESTION: (Inaudible)

BATEYO: You know, I think, it was really a question of inmates being so considerate because they parked themselves on one side and left some space for those who were badly off. Yeah, so, in the morning, when the guard opened to let someone go and empty our containers, we announced - reported or rather - that somebody had died. So the soldier went to report. And at about nine o'clock, Lieutenant Omoya came with one Staff Sergeant - I have come to learn that the name of that Staff Sergeant was James Okoth and he is in the army - NRA Band. We used to know him as Staff Sergeant. James Okoth. But I now learn that he s no longer Staff Sergeant; somebody told me recently that he is a Second Lieutenant in the force.

QUESTION: (Inaudible)

BATEYO: Yes in the NRA Band. I do not know whether he is here inMbuya or at Jinja. So they came and checked who had died and they saw it was one of these ladies; someone said this one of Makerere. And there was an old canvas. They brought it and put it inside and they called me and we had an inmate called Sergeant Mazinga. He was in ULA but he was also an inmate and some other fellow - three of us. We were told to tie her body in that canvas, that we did; then we took it to an army Land Rover, parked a few metres away and they took the body. I do not know where. We stayed in that place for - after taking the body, of course, we went back to our cell; and we stayed in that same cell until the 14th of November; that is when we were transferred to the other cell, the inmates of whom had been killed the previous day.

QUESTION: (Inaudible)

BATEYO: Yes. Well, there were two cells. There was one cell which they used to call the Quarter Guard at the entrance to the barracks and then there was this other cell which we used to occupy. Now there were inmates in that Quarter Guard Cell and three of them were transferred to where we were. So on the 7th of November this Staff Sergeant Okoth came to our cell at about - no before that he had come and told these people - the three - that they were very lucky and that they should go and eat their cattle if they get back.

QUESTION: (Inaudible)

BATEYO: No, the three people who had been transferred from the Quarter Guard Cell to our cell. Subsequently on the 17th November, 1981, Staff Sergeant Okoth came. He had a rifle and a torch and he came to our cell. It appeared he had drunk - he looked excited or drunk - so he said that he

was going to kill the people at the Quarter Guard. We didn't know why, why he was going to kill prisoners that night. So he went and I think it was less than 15 metres between the two cells and ours was on an elevated position. As I told you that those two windows were always empty. There was nothing to close the window with only bars. So one could see very clearly what was going on at the Quarter Guard. So this gentleman went and you could see very faint torch light, then gun fire started and I was trying to get shelter from the wall; and after some time the shooting started. You know this man used to put on spectacles.

QUESTION: (Inaudible)

BATEYO: Yes, Staff Sergeant at that time. So I peeped through the iron bars and saw the torch light, dressed in spectacles and he was standing on something like a stool or something like that. Now this Quarter Guard had ventilators. So he pushed a light through them and you could see him shooting into the cell. Now this cell at that time had about 50 inmates because these three told us that, when they were transferred they had been 55 inside there; but we later on learnt that two people had died inside there on their own. So there were about 55 people inside there and those were the people this Staff Sergeant was shooting at. Now very late in the night or rather very early in the morning the next we could hear - there was - an army truck which came there and the bodies of these inmates were loaded on that truck and taken away. So in the morning at about 9.00 a.m., we were asked to go and get water from the valley and we were told that we were about to leave. So we were told by the assistant to the intelligence officer that was called Merten - his name was Martin, his first name; I did not know his other name. So some of us were given slashers to slash outside and the others were given jerry cans to go and collect water. So we went and collected water and we had - some people still had - the slashers. But when we arrived with water they were told to leave the slashers and put them aside because we were going to wash up. So we had to carry the water near the Quarter Guard there. So after placing the water there we were ordered at gun-point to enter the Quarter Guard. Now this Quarter Guard was very nasty place because these are people who had been locked inside there; they had no toilet facilities. They had nothing. On top of that, those who were still alive were shot there inside when it was still at night and we were being harboured into the same place. So we entered there knowing that we were going to be killed too. Later on we were ordered - given the water and ordered - to wash up the place. So after cleaning the place we were told to go back.

QUESTION: (Inaudible)

BATEYO: Yes, there was human excreta and the walls had blood stains I think this could have been somebody who had been injured and he was trying to escape - being shot. So, after cleaning up the place, we stayed outside there until late in the evening around six o'clock when we were ordered to go into the cell. Now, but this time, we had been separated. So the ladies stayed not exactly in the cell where we were but in a room behind it. The ladies were, I think, about nine at that time.

QUESTION: (Inaudible)

BATEYO: At that time, we were twenty-eight. I cannot recollect properly.

QUESTION: (Inaudible)

BATEYO: Yes. So we entered the Quarter Guard Cell and from that day on that was our cell; and so we continued getting food from the soldiers. At least, they allowed somebody to give us a tin of posho and beans.

QUESTION: (Inaudible)

BATEYO: Apparently the quality of the food itself was not very bad; it was only the manner in which it was handled which made it bad; because, whenever soldiers ate and whatever remained at the base of the saucepan they would put that in a tin and then give it to us. But the problem was that the tin never used to be washed and they had no proper place where to be kept. That is why the food used to be bad; otherwise we were more or less sharing the same food with the soldiers.

QUESTION: (Inaudible)

BATEYO: So inside the cell there was no more harassment or torture and we were occasionally being allowed to go out and slash. And no the 12th November, the Commander of Kireka, by that time it was Captain Otto, came with -

QUESTION: (Inaudible)

BATEYO: Some people called him Otto, others called him Ottom, but I think, there is no "m" after "o." He is just Otto. I am being corrected. So he came with Lieutenant Omoya and they opened the cell and addressed us. Captain Otto told us not to fear anything. He said, as far as they were concerned, we were good people, it is only the enemies who had been in the cells that had to be got rid of. But otherwise he said that the Nile Mansions was reviewing our cases and very soon we were to be released. So -

QUESTION: (Inaudible)

BATEYO: No, it was on the 12th of November.

QUESTION: (Inaudible)

BATEYO: No it was the 8th.

QUESTION: (Inaudible)

BATEYO: Apparently, I think, the correct word I should have used is "eliminated" because these are the people that had been killed in the cells before we entered it.

QUESTION: What word did he use?

BATEYO: The word - he said that these were bad people; apparently, he was speaking Swahili. He said : "Awo madyi tunatowa hapa. Awo alikuwa hapa alikuwa maduyi." "That these people who were here were enemies and had been removed." So he told us not to worry and our cases would be finalised soon so that we are released. Now among the inmates whom we had we had a group of eight people who had been arrested here in an operation around Bweyogerere. These were people who were arrested from their homes and brought to the cells, and then we had one Joseph Katumba. This one I have read in the newspaper in a case involving Paulo Muwanga. He was a taxi driver.

QUESTION: (Inaudible)

BATEYO: Joseph Katumba. There was another one called Kakumba Joseph. He is a businessman in town here.

QUESTION: (Inaudible)

BATEYO: Yes, Katumba - Kakumba - not Joseph, Francis Kakumba. There was also Mr. Makumbi who was our inmate for a short time. Makumbi was from an insurance firm.

QUESTION: (Inaudible)

BATEYO: Yes Patrick Makumbi. And there was Jackson Rwakisheta of Shell and B.P. He was also there for a very short time, and released.

QUESTION: (Inaudible)

BATEYO: Jackson Rwakisheta that one was released shortly before independence. He does not have a lot of experience.

QUESTION: (Inaudible)

BATEYO: Yes one of them called Disoza Dregrye. Then I am told he is in Kabanyolo. There was a man called Muwanga Maraki. He was one of the people who were transferred from the group that was eliminated. And there was another one called Ziwa. There is another man they used to call - his name was - Juma. We had nicknamed him Sport because he was arrested in a Vaxual. Apparently, I understand, that man was also killed. They took him and they said they had released him. I think, he has never been seen.

QUESTION: (Inaudible)

BATEYO: I do not know because I have not met his relatives of late. Those are the rumours I have heard. There was one called Azizi. This one, I think, his sister used to run a Pub in Kiswa. There was one called Mukasa. This one was also from Bweyogerere and several others. I cannot remember their names.

BATEYO: The lady there were Florence Kimayo. She works with the UNDP now - Florence Kimayo. Then there was Hope - a lady called Hope. This one used to be a girlfriend of Francis Kakumba. They were arrested together.

QUESTION: (Inaudible)

BATEYO: I do not know her other name. Then ,of course, there was this niece of mine and there were other ladies. They had come in. They were new and by that time we had been transferred. That same day Captain Otto said that the people who had been arrested in that operation in Bweyogerere were free and they should be released immediately. But, then before they left, they should be whipped because they allowed bad people to stay in their area without giving information about their presence.

QUESTION: (Inaudible)

BATEYO: Yes - sorry, without informing the authorities.

QUESTION: (Inaudible)

BATEYO: Not a meeting - he addressed us when we were in the cell. He was actually standing in the cell door way and these people were whipped outside at the small uniport I talked about. As they were being called, each one would be whipped and then ordered to run home.

QUESTION: (Inaudible)

BATEYO: Well, yes we saw them. It couldn't have been quite near because from Kireka to Bweyogerere -

QUESTION: (Inaudible)

BATEYO: A minimum of six or eight.

QUESTION: (Inaudible)

BATEYO: No he had come with a cane - Captain Otto but he was not the one that did the whipping but some soldiers were doing that. So after that they closed the door again and on the 14th we heard vehicles approaching in a convoy, although we could not clearly see; one would only look outside by climbing on something and peeping through the ventilator above the door. So we peeped and we saw several Benzes. You know there were these chocolate Benzes with a white top and two of the Benzes and Land Rovers and a 504 estate pick-up. So they went up to the Commander's Office. Now we were very anxious. We didn't know what was going on, who was inside and so on and so forth. So, after a bit of time, we heard soldiers cock their guns as they used to do before opening the door and they opened. Then Martin, who was the assistant intelligence officer came and said, "Now whoever hears his name should pack his things and come out." So he called out five names and mine happened to be among them. So he said, "You follow me and enter that car."

QUESTION: (Inaudible)

BATEYO: Nothing. We had nothing to pack. We had nothing. So we went to the waiting 504 pick-up. We were ordered to enter.

QUESTION: (Inaudible)

BATEYO: No, no I cannot remember because that one, I think, I was growing too stupid to understand things. Before we entered, we found a lady - some ladies were there. There were three ladies already. So those were taken to Luzira. So we thought that we were being released. Only that the convoy took off and we went behind it with the Land Rover - military Land Rover - behind us.

QUESTION: (Inaudible)

BATEYO: We did not know at first but we ended up - we first stopped at Luzira Women Prison where these ladies were taken and then, after leaving these ladies there,

QUESTION: (Inaudible)

BATEYO: Yes, these three. One is Florence Kimayo, one is Betty Kalekyezi, the other one is Hope. I just know Hope.

QUESTION: (Inaudible)

BATEYO: Yes. So they were left at the Women Prison and then we were taken to Maximum - Upper -Prison. Now, when we reached there, we were given Detention Orders. When we left the pick-up, immediately, we were told to squat at the entrance of the Prison. So Omoya and Kanywamusayi, the Director of C.I.D. at that time, went and came with the O.C. who was Olupot at that time. I think, he is still there in Luzira. So they came and Omoya was explaining to Olupot thus, "You see, these five gentlemen have been at the Central Police Station but now the Minister of Internal Affairs has decided that we give them - that we serve them - with Detention Orders".

QUESTION: (Inaudible)

BATEYO: Yes the Minister of Internal Affairs was Luwuliza Kirunda.

QUESTION: (Inaudible)

BATEYO: Yes they did. Apparently I had kept my own copy with me until some prison warders decided to tear it.

QUESTION: (Inaudible)

BATEYO: Yes I did.

COUNSEL: Who was this?

BATEYO: It was signed by Luwuliza Kirunda, Minister of Internal Affairs.

QUESTION: (Inaudible)

BATEYO: The reason stated was that I was conducting myself in a manner dangerous to the security of the State or I was about to conduct myself in such a manner as to prejudice the security of the State and I was being detained.

QUESTION: (Inaudible)

BATEYO: Yes, that is right. Yes.

QUESTION: (Inaudible)

BATEYO: Yes, that is right.

QUESTION: (Inaudible)

BATEYO: Yes.

QUESTION: (Inaudible)

BATEYO: From 14th November to 25th February, 1982.

QUESTION: (Inaudible)

BATEYO: 25th February, 1982, that is when I was released.

QUESTION: (Inaudible)

BATEYO: On, yes, may be, because of the sharp contrast but at Luzira it was as if we were home because the clothes that we had been arrested in were torn, and, when we reached Luzira, immediately, they gave us a uniform - a prison uniform. They shaved our hair because we had scratched our hair, because there were a lot of lice. They shaved our hair. There was water. We had not washed. We washed only once in those months - were they two - two months; taking one shower in two months. So there was water. There were bathrooms. We could wash any time we wanted at Luzira and there was food - breakfast, lunch and supper.

QUESTION: (Inaudible)

BATEYO: Yes, in fact, when we left Kireka I was very sickly but in Luzira I was attending a clinic every week; every Wednesday, I was allowed to go to the Prison Hospital.

QUESTION: (Inaudible)

BATEYO: In Kireka medical facilities were provided at a later time. At a later time,

we were allowed initially to be visited by a - what do you call them - nurses or medical assistants of whatever grade of the unit. He would visit us and bring us drugs. But most of the cases, of course, we general; I think, he knew that most of the people were suffering from injuries. So he would come with either pain killer or something like that. But later on we could - some of us who were in a very bad shape, we could - go to the clinic and get better treatment like injections and examinations.

QUESTION: (Inaudible)

BATEYO: No, no we were not allowed to have visitors. Yes.

QUESTION: (Inaudible)

BATEYO: At Luzira everything happened. We came to get a rumour that some authorities somewhere had wanted the group which had come to Luzira from Kireka because they had told the Bazungu of the Red Cross that people had been killed at Kireka. So, after that, the prison authorities, transferred us from the normal prisons to the condemned section where these people are - the people who are condemned to death. So that is where I stayed until we were released. But one day I remember that Kanywamusayi and the Commissioner of Prisons and several people from the Ministry of Internal Affairs came and they called us out, those who had Detention Orders and they were asking us - with the Inspector General of Police, I recall, he was also there; they were asking us why we had been detained, or where we were arrested from, what are the reasons and they asked me why I was arrested. I told them I did not know. So, I believe, maybe I could have been released because of that interview.

QUESTION: (Inaudible)

BATEYO: Yes, on that day, on the 25th, the O.C. sent some warders - he came out - with a list. We were arrested - oh, we were released - 14 people on that day. He came with a list and he read out: "Those who hear their names, go and assemble in" a pitch - there is a football ground - inside." He said, "You go and assemble there." So I heard my name and as I was getting out, I was told to pack up my things because some of these prisoners had things there, had acquired things: blankets, and these other things and so on. So you pack your things and go with them and leave them - what belongs to the prisons - at the Reception and what is yours go with it. No blankets were supplied officially at Luzira. The blankets were given out together with uniforms and soap. We used to get soap also in the prison.

QUESTION: (Inaudible)

BATEYO: In Kireka - yes - in Kireka we never even got the water to wash or bathe.

QUESTION: (Inaudible)

BATEYO: No I didn't. It was virtually impossible because the only way one could send a message was through the International Committee of the Red Cross at the time and the International Committee said that they were

always taking these message forms to the police to read through before they delivered them to wherever they were going. So, I believed, it wouldn't be worthy to give a message - to attempt something that you know will not succeed. Because I know, if I had tried that, may be I would still be there or -

QUESTION: (Inaudible)

BATEYO: No I didn't.

QUESTION: (Inaudible)

BATEYO: Yes.

QUESTION: (Inaudible)

BATEYO: This lady apparently she is also - she is - in the army now. She is. I discovered her recently. She is in Military Police, Makindye.

QUESTION: (Inaudible)

BATEYO: She is in NRA Military Police.

QUESTION: (Inaudible)

BATEYO: I do not know as yet.

QUESTION: (Inaudible)

BATEYO: She is in Military Police, Makindye.

QUESTION: (Inaudible)

BATEYO: Yes.

QUESTION: (Inaudible)

BATEYO: Yes I do not have concrete evidence about his participation in the torture of my late sister but the inmates who were able to look there said that he was represent at the time of the torture. I do not know whether he did participate or not; but all I know is that I saw Okoth shooting into a house which had human beings.

QUESTION: (Inaudible)

BATEYO: Yes there is one person who was brought to the cell but because he had been beaten up and he was and it was true he could not go up the steps, coming into the cell, and Lieutenant Omoya said that they could take him to the Quarter Guard if he had refused to come to these cells. And we were told the next day that the fellow had died, that night.

QUESTION: (Inaudible)

BATEYO: Oh, I didn't know his name. We didn't see him. We only cleaned the blood that had been spattered on the floor.

QUESTION: (Inaudible)

BATEYO: Yes, I got this information when I was released and I got this information from my boss - Mr. Bamugye. He told me that this Mr. Kakaire was very close to Luwuliza Kirunda and he believed that he was in one of the security organs at the time and that he might have known about my being arrested - before I was arrested.

QUESTION: (Inaudible)

BATEYO: (Inaudible)

COUNSEL: My Lord, I advise that, I think, this one is irrelevant to what we are inquiring to - being a friend to Luwuliza Kirunda. It has nothing to do with our business.

QUESTION: (Inaudible)

BATEYO: I used to get the names of these people from the inmates. The inmates are those who - those who- had been there longer, knew the names of these people.

QUESTION: (Inaudible)

BATEYO: Yes.

QUESTION: (Inaudible)

BATEYO: Yes.

QUESTION: (Inaudible)

BATEYO: As I had said - as I had mentioned - earlier, my Lord, I strongly believe that the allegations that led to my personal experience were a result of one thing, and that was police on the part of this Lady Hellen and her malice was - or rather her action - her malicious actions were facilitated by my having participated actively in the political campaigns in 1980 when I was a student at Makerere. I was on the UPM Task Force - Students' Task Force - that was campaigning from place to place and making that sort of mobilization.

QUESTION: (Inaudible)

BATEYO: In Kampala and Rukungiri District because I campaigned here in Kampala; I campaigned in Rukungiri and even in Kasese. So she could have fabricated allegations, knowing that people who knew me to have been an active UPM member could very easily agree with her; otherwise, I do not see any other reason.

QUESTION: (Inaudible)

BATEYO: Yes she is my step-sister. Yes. And may be she was unhappy about a few things domestically, which I do not know about.

QUESTION: (Inaudible)

BATEYO: Yes.

QUESTION: (Inaudible)

BATEYO: Yes apparently, My Lord, relations between our mothers had never been good and this could have may be prompted her to do that as doing that as being indifferent; this woman's children are progressing while these ones are not. That is the only logic I can check out; otherwise there was entirely no discrimination against her. She was allowed to come and stay with the family, contributing nothing. Really I do not know because she was also a UPC fanatic and I gather she was - she delivered a child whom she claims is Masete Kuya's child. But I do not think that would have been a reason because - I think, it also depends on the level of reasoning because me I would have thought that whereas I might be UPC and you are UPM and we are staying in the same house, we can continue to sit there; but maybe she didn't look at it that way. One other thing is that she had no house and in her ignorance - apparently her educational background she stopped at primary level in education. Maybe, with the politics of the day she could have believed that now that I have no house and this lady has a big house like this and I am UPC; if she disappeared, I could take the house; not knowing that the house belonged to Makerere University and not to me. Those are the only things I could -

QUESTION: (Inaudible)

BATEYO: My Lord, I do not understand the question.

QUESTION: (Inaudible)

BATEYO: Yes.

QUESTION: (Inaudible)

BATEYO: Oh I see. Apparently I do not think it was very strange to find people against whom allegations of being involved in guerilla activities were made to be taken to such places; and it would appear from the questions that were passed to me that the allegations leading to my arrest had been in connection with Museveni and guerilla activities at the time. So that is why I believe I was taken to be a bad person.

QUESTION: (Inaudible)

BATEYO: Thank you my Lord. I would prescribe that, first of all, Government Security Organs should have the ability to investigate matters before

carrying out arrests and where people are being arrested on allegations - where these allegations cannot be substantiated by the person making these allegations. I am hereby, my Lord, suggesting that our Penal Code should be amended because now, my Lord, I do not know whether you can now bring any - I mean sustain any charges against this Lady Hellen who could have given false information that led to the arrest and detention of three people and the death of one person. And -

QUESTION: (Inaudible)

BATEYO: That is right and -

QUESTION: (Inaudible)

BATEYO: Apparently, my Lord, I think, torture should only be used at a particular point or age: say if you have information that so and so did this and you go and carry out independent investigations and you have a lot of indications that somebody must have done that; but he is refusing to reveal whatever went on, you can use some degree of force at that stage.

QUESTION: (Inaudible)

BATEYO: Apparently the sort of force - when we talk of 'force', I do not mean only physical force, there could be also psychological force like say, detention. You should detain someone psychologically and you keep on asking him from time to time. He might break down and give you the information you want. But depending on the urgency of the matter, which, in my view, should be in extreme cases. Then physical force can be used; but also to a reasonable extent, for example, if you torture someone, he should be able to walk from here to, for example, to his house after that; not that he should fail to walk to the next room.

QUESTION: (Inaudible)

BATEYO: Well, my Lord, I think that is beyond my ability to determine unless I have given more thought to the situation.

QUESTION: (Inaudible)

BATEYO: I am not, my Lord, I am not satisfied with the statement I wrote and, I think, it was unfortunate that Government can do that for several reasons, One - this treatment I got was based on wrong information. Two - the Government -

QUESTION: (Inaudible)

BATEYO: According to me - too - the government seems not to have taken any steps at the time to cross-check this information and see its admissibility or not; instead, it proceeded to arrest, torture and detain and kill. My Lord, I believe that the gravity of the methods used at the time were so harsh and clearly contravened not only the rights of myself as an individual but the country as a whole was going through a bad situation; because of that

inability - lack of ability - for Government to choose the organs to investigate. My Lord, if I came and I said: "I saw Nagenda last night at Imperial Hotel with a gun." Whether Nagenda was in Mbale at that time, the same treatment would have occurred to him.

QUESTION: (Inaudible)

BATEYO: Yes Mr. Chairman, my Lord, I am not implying that Government did not trust servants but the point I was making is that, whether the Government servants or not - security officers or not - information incriminating a person should - Government should have facilities or ability to assess and analyze such reports before action is taken. Those are the recommendations I would make.

QUESTION: (Inaudible)

BATEYO: My Lord, that is why I said earlier on that I would need to study the situations of this nature deeper to be able to come out with a more worthwhile suggestion. But, in my view, whether information available can sustain a charge, such people should be charged in court, properly detained in police stations or prisons.

QUESTION: (Inaudible)

BATEYO: Yes, yes. That is it.

QUESTION: (Inaudible)

BATEYO: My Lord, you will recollect, my Lord, that I said I could not reply appropriately at this time as to what extent pressure could be applied and I wasn't. I was trying to avoid a situation where Dr. Khiddu Makubuya refers to a situation as torture. I would suggest that ourConstitution be amended to allow torture and that is why I believe that more time and more serious thought has to be given to a situation.

QUESTION: (Inaudible)

BATEYO: Not immediately, my Lord.

QUESTION: (Inaudible)

BATEYO: Yes, yes, to a large extent and it became much worse when the president of the UPM declared war against the Government of Uganda at the time; it became the time it became really very dangerous to be known to have been associated with the UPM.

QUESTION: (Inaudible)

BATEYO: No the Government didn't have that duty really. Much as it could have had the duty, it appears to me it failed to identify the duty, because here is a Government that had come to power through a multi-party election; and, immediately it is in power, it is suspecting members of all other

parties besides its own to be its enemies. I do not know whether that government would have liked being in the position of these other parties. But it also failed to identify the difference between UPM and the Guerilla Organisation at the time, which was very different from UPM, very different - very different. So the Government of the day, in my view would be cheap or would be referred to as an ignorant Government, because it failed to identify who its enemy was.

QUESTION: (Inaudible)

BATEYO: Yeah, if they can identify guerillas supporters.

QUESTION: (Inaudible)

BATEYO: Everything.

QUESTION: (Inaudible)

BATEYO: Yeah.

QUESTION: (Inaudible)

BATEYO: Yes, yes.

QUESTION: Who?

BATEYO: That is a very difficult question, my Lord, as an individual. I think, I better get permission from my Lordship, to answer this question in a broader aspect and not on a personal basis. My Lord, each individual under the laws of this land in the same article which Dr. Khiddu Makubuya referred to in the Constitution, has a right - individual right - as a human being and conduct by Government in a manner that they acted in my case and many others - known ones - and they are clearly in contravention of the Provisions of the Constitution and other written laws. it is, therefore, my recommendation that Government should always act within the limits of the law - GOVERNMENT SHOULD ALWAYS ACT WITHIN THE LIMITS OF THE LAWS. Why these articles were put there, I believe, was not to protect anybody because he would be annoyed if he is arrested or he would fall sick if he doesn't bathe, but because, as a civilised community, each and every individual requires some basic things and his rights are really basic for every civilized community; unless we are going to suggest that we do not want civilization. But I recommend that Government should always act in accordance with the laws.

QUESTION: (Inaudible)

BATEYO: Apparently when I left prison, I was trying to go to my work here at the bank but, on second thought - as you said before - there was that sort of feeling that here is a government which is fighting guerillas and the guerillas are within us. Now, since I felt that I had failed to convince the Government that I was not a guerilla and I know that it had not renounced

that opinion, I thought I had better get to where I am not a guerilla and where I am not an enemy at the same time to Government. So I ran to Kenya. I have been in Kenya since that time until 1984.

QUESTION: (Inaudible)

BATEYO: Yes.

QUESTION: Is it relevant to matters of this Commission?

BATEYO: My Lord, I have no reasons for not wanting to tell you what I do in the President's Office and I will proceed to tell you that I work in the President's Office as a research officer attached to the Constitutional Affairs. Apparently I believe I should prescribe myself more in the Ministry of Constitutional Affairs than to the President's Office.

QUESTION: (Inaudible)

BATEYO: I am a Muhororo by tribe.

QUESTION: (Inaudible)

BATEYO: Yes, yes.

QUESTION: (Inaudible)

BATEYO: Now he was apparently with the sister, my Lord, he was also arrested and brought to Kireka; he was one of the sixty or so people who were also killed at the Quarter Guard. Yes.

QUESTION: (Inaudible)

BATEYO: Yes.

QUESTION: (Inaudible)

BATEYO: He was Anthony Abamukiriza.

QUESTION: (Inaudible)

BATEYO: Apparently, he was picked up when we were already picked up ourselves. So I do not know the exact date. The date here is hearsay because I got it from Mr. Ziwa: one of the prisoners that was transferred from the Quarter Guard to the cell. But he said that he was arrested on the 19th of November.

QUESTION: (Inaudible)

BATEYO: I do not think they were.

QUESTION: (Inaudible)

BATEYO: Yes.

QUESTION: (Inaudible)

BATEYO: Yes he was.

QUESTION: (Inaudible)

BATEYO: No, Otto was not there.

QUESTION: (Inaudible)

BATEYO: I really don't know because the first time I met him was that time when he addressed us in the cell and he did not appear to me to be a reasonable fellow at all because you are saying somebody is innocent, why whip him? You are saying, these men are good people, and then you say, before they go, let us whip them.

QUESTION: (Inaudible)

BATEYO: Yes.

QUESTION: (Inaudible)

BATEYO: No, apparently I didn't say that at that time we were being released. No. We didn't know what was going on, what was going to happen next. It is only when Martin had said that whoever hears his name should go out that we thought that we were being released and because, when we got out, we were being told to go into one of the vehicles. Then we thought -

QUESTION: (Inaudible)

BATEYO: Khahenduka, I think "K - K."

QUESTION: (Inaudible)

BATEYO: Kwahenduka.

QUESTION: (Inaudible)

BATEYO: Yes it would be very naive for example to stop her and knowing Amoti doing whatever she did.

QUESTION: (Inaudible)

BATEYO: Yes, yes.

QUESTION: (Inaudible)

BATEYO: Yes, they did. Francis Kakumba he is a man Joseph Katumba this is a man; I believe Gregory Bagonza also did bleed because this is the fellow I told you was thick legged because of standing. Could have - Another

person would be Balaki Muwanga. I understand he works at Makerere now, but at the time he seemed to be in bad mental state. I do not know whether he has improved now.

QUESTION: (Inaudible)

BATEYO: Yes the contacts of these - yes.

QUESTION: (Inaudible)

BATEYO: Yes, Mr. Francis Kakumba is a businessman now he has offices in Airlines House - 4th Floor. He works - he sits in the same office with Mr. Gerosom Kanyaruke.

QUESTION: (Inaudible)

BATEYO: Yes.

QUESTION: (Inaudible)

BATEYO: Only one girl.

QUESTION: (Inaudible)

BATEYO: Yes we would have heard.

QUESTION: (Inaudible)

BATEYO: Yes we would.

QUESTION: (Inaudible)

BATEYO: The last time I heard of him he was in Mbuya Army Band but I am not sure whether he is still there or whether he moved to Jinja because the band was in three it appears - between Jazz and -

QUESTION: (Inaudible)

BATEYO: He is a musician.

QUESTION: (Inaudible)

BATEYO: I do not know Mr. Omoya's whereabouts.

QUESTION: (Inaudible)

BATEYO: I do not know his present whereabouts but I heard a rumour that somebody met him in Nairobi some time back. I do not know whether he is still there.

QUESTION: (Inaudible)

BATEYO: Well, apparently I know many but I do not know their names, with whom I used to be.

WITNESS NO.300: MR. ROTINO WILSON ANYAYO - SWORN IN

COUNSEL: Would you please give us your particulars, names and other particulars as required?

ANYAYO: My name is Rotino -

COUNSEL: Sorry, My Lord Chairman, this is witness No. 300.

ANYAYO: Ny name is Rotino Wilson Anyayo. I am now about 55.

COUNSEL: Yes, proceed.

ANYAYO: Police Officer, rank - Detective Superintendent of Police.

COUNSEL: Stationed where?

ANYAYO: I have been stationed at Arua Police Station since 1980, May.

COUNSEL: Now posted where?

ANYAYO: At present on leave at home.

COUNSEL: Where did you join the Police Force please?

ANYAYO: My home is at Mvara and I am living in my shamba somewhere about 25 miles. But I can be located from Mvara, where my actual home is.

COUNSEL: Yes. When did you join the Police Force please?

ANYAYO: I joined the Police Force on the 1st May, 1954.

COUNSEL: And would you tell us where you have worked perhaps if you can remember.

ANYAYO: I worked in various Police Stations. First, after coming out of Police Training School, I was posted at Nsambya. There I stayed for four months and I was transferred to Jinja Road Police Station, Kampala that was in 1955. In 1957, I was sent to Police College for a Corporal course, after which in November, I went to Soroti - I was transferred to Soroti in November 16th, 1957.

COUNSEL: Yes!

ANYAYO: At Soroti I stayed for two years. In 1960, 21st I went to the college for Sergeant course. In October 28th, 1960, to Entebbe.

COUNSEL: Yes!

ANYAYO: In 1961, April, back to College for a fortnight course of Station Sergeant. Then back to Entebbe in 1962, April, I took my Advanced course by then called "Sub-Inspector" now Assistant Inspector. In July, first I was sent to Mpigi - 1962.

COUNSEL: As what?

ANYAYO: As Sub-Inspector.

COUNSEL: Yes!

ANYAYO: I stayed there up to 1964, November 28th I was transferred to Gulu.

COUNSEL: Yes!

ANYAYO: In 1966, November 1st, I was promoted to Inspector, In 1966, November I was transferred to Kitgum as O/C C.I.D. there. From there in 1968, February I was transferred to Jinja.

COUNSEL: Yes!

ANYAYO: In 1975 in June, I was promoted to A.S.P. Assistant superintendent of Police, transferred to Lira as O/C C.I.D.

COUNSEL: Yes!

ANYAYO: Then in 1977, October 28th, I was back to Jinja as Staff Officer in Provincial.

COUNSEL: Yes, proceed.

ANYAYO: That is when the Liberation War got me there in 1979, April. As Kampala was falling I was advised to take my children home. Coming on the way at Atutur, near Atutur Hospital we overturned.

COUNSEL: You mean you were passing through Soroti to come to Arua?

ANYAYO: I was coming through Soroti via Mbale.

COUNSEL: You mean you were advised to bring your family home?

ANYAYO: Yes. I was advised by the Provincial Commissioner of Police to take my children home. I was bringing them home.

COUNSEL: Yes. At Atutur.

ANYAYO: At Atutur we overturned; I lost a child; all things in my possession; I was badly injured, taken back to Mbale Hospital, there I stayed for 6 months.

COUNSEL: Yes!

ANYAYO: I had people who looked after my family, the remaining family, children, and my wife with me, the lost child died in Mbale Hospital.

COUNSEL: And was buried there!

ANYAYO: Yes, buried there by a Priest at Gangama College.

COUNSEL: Yes!

ANYAYO: In September, 1979.

COUNSEL: I see. You stayed in hospital for 6 months.

ANYAYO: Two months; and then I was very weak for a lot of bones got broken, I could not move; then they kept me at the Officers Mess.

COUNSEL: In September?

ANYAYO: No; from 29th May up to 7th September I was taken. I was there in the Officers Mess in Mbale, being looked after by our Police Officers.

COUNSEL: I see. Then when did you come to Arua?

ANYAYO: The Assistant Commissioner arranged for my leave, as I was very weak I could not continue to work. I was brought home in September, arriving there it was in September, 9th, 1979.

COUNSEL: In 1979 you arrived in Arua?

ANYAYO: Yes, in Arua in September 9th., 1979.

COUNSEL: Does it mean that you are from Arua?

ANYAYO: I am born in Arua.

COUNSEL: Which area?

ANYAYO: It is just Mvara here.

COUNSEL: I see.

ANYAYO: The Village by name Ombakoro. I think Mvara is better because it is very wide, it covers the area.

COUNSEL: I see. So how long was your leave?

ANYAYO: That was 8 months.

COUNSEL: From September to -

ANYAYO: To something like May.

COUNSEL: To May?

ANYAYO: Yes.

COUNSEL: I see. 1980?

ANYAYO: Yes, 1980.

COUNSEL: Yes! On the expiry of the leave, were you posted?

ANYAYO: I was transferred to Jinja Road Police Station again, but before I moved away my father passed away. I asked for another 14 days leave.

COUNSEL: Yes!

ANYAYO: And immediately after that there was an order from the Police Headquarters that no Police Officer should move. So I was posted here to Arua.

COUNSEL: I see. So as far as from June, you were actually in Arua.

ANYAYO: Since June, 1980 up to now I am still here.

COUNSEL: Shall we say that most of your time in the Police Force you have been C.I.D. or you are in uniform?

ANYAYO: I am in C.I.D.

COUNSEL: For how long have you worked in C.I.D.?

ANYAYO: Since 1963; it was only interrupted for about two years when I was taken as O/C from Lira to Jinja as Staff Officer.

COUNSEL: I see. Have you been happy in Police Force, I mean, have you had any problem, discrimination in anything; do you want to say anything about your experience in the Police Force?

ANYAYO: In the Police Force, we were very happy with everybody, every side and so on.

COUNSEL: I see. You mean, has this been since you joined the Police Force up to now you have been happy in the Police?

ANYAYO: Yes, up to now I am still happy.

COUNSEL: I see.

COMMISSIONER: (Inaudible)

ANYAYO: This I have asked for leave pending retirement.

COUNSEL: Because we also suppose to inquire into kind of discrimination , this and so forth. Have you experienced any discrimination within the Police force when you joined it at any given time?

ANYAYO: Well, on my own side I have never seen it.

COUNSEL: So you have no complaint.

ANYAYO: I have no complaint. I was with every tribe in the Force. I have been very happy.

COUNSEL: Now can I be enlightened on why you were advised in 1979, May, by your Provincial Police commander to transfer your family?

ANYAYO: It was because Kampala was falling; because the Liberation Army had already taken over Kampala. There is no way out, you take away your children, keep them out. He gave me a lorry which overturned. After dropping the children I would have gone back,

COUNSEL: No, I am asking, was he worried that people in Jinja would be affected by the war and in particular you?

ANYAYO: I think that was an order from - it was Presidential Order. He was following that one.

COUNSEL: Which President? President Amin?

ANYAYO: Yes, President Amin.

COUNSEL: I see. Now you were here in October, 1980?

ANYAYO: I was here.

COUNSEL: Do you have anything to report? In fact you were there now working as Police Officer in Arua. Do you have anything to report?

ANYAYO: I was attached to C.I.D. to help them read files from court and so on. When I was there, it happened that it was on the 8th of October, the mood of people in the town changed; people ran away, moving very fast in the morning hours; though they came but they could not sit all along, they could move away. Around 11 o'clock people had already gone. And soldiers were moving around the offices while armed - the Liberation Army soldiers. I said, what is happening? Let me go to the Mission. I went to the Mission, the Catholic Centre.

COUNSEL: You moved to which Mission? There are two.

ANYAYO: Christ the King, the Catholic Centre.

COUNSEL: It is a Catholic Centre?

ANYAYO: Yes, it is a Catholic Centre. The priest there told me, "you come here", he called me, "come here", and I went. He continued, "A certain lady has been reporting to me that there is a change already, have you known this as Police Officer?" I said, "no".

COUNSEL: A change?

ANYAYO: Yes. There is a change in the town; there is something very queer that is happening, the situation is likely to change. I said no. I said, no; it is okay. The lady said, there were so many strangers around. I did not know and went back to the Police Station.

COUNSEL: Yes.

ANYAYO: And I stayed there up to 1.00 o'clock. Immediately there was gun fire down there - gun shots. I think that is why people said that there is a change. Okay, let me go away slowly because me I was a bit limping, okay; let me go home may be it is becoming serious, it may not get me here. Walking to my home is three miles; my wife is there. That was on the 8th.

COUNSEL: Yes, proceed.

ANYAYO: And then on the 9th morning - I did not take it seriously that there was going to be war. Then I put on my dress coming for Independence Day.

COUNSEL: You mean ceremonial dress?

ANYAYO: No, no, that was - I am C.I.D.

COUNSEL: You are C.I.D. sorry.

ANYAYO: My civilian dress. I walked only about 200 yards, then I heard echoes of guns. The two guns were making echoes differently. I said, ah, there is war. This one is Amin's gun; the other one is from Tanzania. I cannot go to the town, let me sit down, I sat. I sat and around 10.00 a.m, I came and stood on the road; there were some people driving very fast, they had a pick-up, then there was another one, then the other one said, you stop; the driver stopped, *Mzee toka hapa, wenzi yetu wakiwona wewe na yiyi otakufa sasa"*. Oh, I went back and removed the belt. That means, our friends who are coming behind will see you with this belt of your Police you are going to die now.

COMMISSIONER: Who were those telling you?

ANYAYO: Those were some people who appeared to be Amin's soldiers.

COMMISSIONER: Armed?

ANYAYO: Armed. Now the shooting here went on, on, time to time up to 4.00 o'clock. It was about 1.00 o'clock some young men hid their heads with trees, reached me, *"Mzee wewe bado funga yako"* -old man have you not

tied your head? I said, why? They said, oh, if you are found by our people without tying your head, they will kill you, they will say, you are supporting Obote. I said, but I am a Police man, I cannot tie my head. Okay, they went away.

COUNSEL: Yes.

ANYAYO: On the 10th the shooting was moving towards that way, here it was a bit quiet which means they were chasing the government troops away from here. That one went, the 10th went. On the 11th It was reported, most of your Police men have been killed, so and so have already been killed, do not go to town.

COUNSEL: Was it true that policemen were killed?

ANYAYO: Yes, it was true they were killed.

COUNSEL: How many were they?

ANYAYO: The first number given to me was 8, that 8Policemen have already been killed.

COUNSEL: I see. Did you find out the actual number of Policemen killed?

ANYAYO: That was later on.

COUNSEL: Yes.

ANYAYO: That was when we opened the Police Station, we found that about 31 policemen were killed and one clerk - all together were 32.

COMMISSIONER: Killed by who?

ANYAYO: By the rebels, invaders.

COUNSEL: How many were they?

ANYAYO: 31 Policemen and 1 clerk; all together there were 32.

COMMISSIONER: How were they killed?

ANYAYO: They were shot. Some were shot, some were stabbed, after stabbing them, killed. The first Officer who was named was Olupot who was the O/C C.I.D. and he was my colleague.

COUNSEL: Olupot?

ANYAYO: Yes, Olupot.

COUNSEL: What was his other name?

ANYAYO: Mr. Olupot, I cannot remember his other name, he was A.S.P. O/C C.I.D.

COUNSEL: Yes.

ANYAYO: Then Constable Dramani; Sergeant Andima; Corporal Diya and so on. They were Lugbara here; they were all found there. It was parade time; policemen were preparing for parade. So they were enclosed there before lining up.

COMMISSIONER: (Inaudible)

ANYAYO: They were Lugbara here.

COUNSEL: Yes.

ANYAYO: They were not after tribes, they were only after Policemen, whoever was Policemen should die.

COUNSEL: Yes.

ANYAYO: So the day went on up to the 16th October as those people disappeared that way - the rebels followed the Government troops that way.

COUNSEL: So you mean the rebels were in town up to 15th.

ANYAYO: Yes, this was occupied by rebels up to 15th, and they were only lifting everything from Arua here to the other place where they went.

COUNSEL: Yes.

ANYAYO: Then on the 15th October that is when we lost a lot of Government troops who had died with long range distance. That was around 7.30. At round 10 o'clock the rebels who went far there, started running back towards North, faster on foot, others without even shoes.

COUNSEL: Yes.

ANYAYO: I remained at my home there; and some people had already gone, most of our villagers had already gone away taking the direction to Zaire, some to this way. So I remained there at 7 and other people came to me and said, Mr. Anyayo, do not stay here, you go far a bit, hide yourself at least for two days then come back, because the cardinal of those people is due to provocation, our people came and disturbed them, they had already gone that way; they are coming now to revenge; you run away. At 7 I put off, I went about 5 miles, I stayed there in a village called Lubu in this Sub-county. I stayed there even soldiers who, government soldiers were there found me there and I explained myself to them some were rough but some said, this is a policeman, leave him, and they started cooperating with me. Then I realised I think the situation is good, let me come back. On the 15th November, I came back to my home. It was only myself with my brother, cousin brother and we stayed there. November went, December went.

COUNSEL: You mean when the Government troops arrived there were no residents?

ANYAYO: They were here trying to see where guerillas were, they worked that the whole November and the whole December and 2nd January I appeared here to the police station, I reported myself to the D.C. and he said, you open the Police Station. He was by then Mr. Opika Opoka, the D.C. I opened the Police Station with about five policemen. Only one was in uniform alone and about two, three, four were in civilian, they had no dress. So we stayed there up to March when most of our policemen came back.

COUNSEL: Yes.

ANYAYO: Now here I was appointed as Acting D.P.C.

COUNSEL: Well, are you trying to suggest that as from October 15th you ran away to January when you came back, there were no right laws.

ANYAYO: No, I went away in October, 15th I came back to my house here on 15th November, only one month out.

COUNSEL: I see. Generally, what was the life in your area at that material time - what did you find? Were the people around or they had run away?

ANYAYO: People had already run away; very few people who were around were appearing very early in the morning but in day lights you could not see anybody. Most of people ran that way in the jungle, and those people of Western area heavily went to Zaire; and few people in the lower part this Arua remained there. They were always hiding in the jungle. But in the home where I was told them not to go anywhere, I was with them until I came back to report.

COUNSEL: Yes.

ANYAYO: It was in May.

COUNSEL: 1981?

ANYAYO: Well, I could say something very little here. When I was at Lubu, that was 15th/16th - about 16th or 17th they reported this to me there - I am tackling this because of Bulwa. That Bulwa with others were praying in the Chapel there at night, when the Government troops arrived, at the time of arrival, passed near the Church and they saw the light, very small light inside the Church; then they thought that those were some rebels who were still hiding. So they collected them and took them up toBunya there, killed them and burnt them down. This was reported to me when I was five miles away. I got that report on 17th of October.

COUNSEL: By what troops?

ANYAYO: They said that it was by Government troops who were searching for as they were entering, coming to Arua because it was a bit night, when they were coming there were also taking cover. So when those people who were in the Church praying with small lamp, they came across them. Now It come to June, May when as I was D.P.C. an informer - it was I think on 27th or I cannot remember the date because my documents were looted, came to me and said, Mr. Anyayo, I am coming to inform you. There is going to be war again. That the people who are in Zaire - that is the soldiers who are in Zaire and Sudan have been making constant meetings and they have collected a lot of money Uganda money, Zaire money and Sudan money enough to keep them here for about one month; they are coming. And they said their coming would be either from the beginning of June or the end of June. I took the report, and I summoned the D.C. Mr. Opika Opoka, fortunately, enough by then the Deputy Minister of Industry; Mr. Badhanyanya was around, I called him, there was C.O. the Captain, he was summoned by D.C. We sat and I handed the report to them, I said, this is the report now, something is going to happen again. The D.C. took the copy of my report and Mr. Badhanyanya also took and said he was going to consult the Inspector General in Kampala. Off he went. The time went on, there was no sign of war. On the 16th June, the report reached me again, informers came. He said, now the Government troops have vacated their positions, they are moving away from Yumbe, Lodonga and Koboko. This thing is going to create havoc, their complaint is that they do not have food, enough food, they do not have dress and they do not have transport (fuel) and they are starving; so they get annoyed, they are now moving on foot. What are you going to say? I drafted message immediately and sent it to the Police Headquarters. On 22nd they arrived, everywhere was flooded with Government Troops; seizing bicycles from people, jumping on motor cycles, anything that they could get; they did not kill; only they were looking for something that can carry them to Pakwach. They were looting only money, bicycles and motor cycles those who could ride, there no killings. They started off moving away. And then in the evening around, that was 22nd - around 6.30 p.m. I moved a little bit about 300 yards from my home to the main road. I saw women from Mvara running away with goats, chickens, and so on, I said, what is happening again you people, where are you going? They said, oh, oh, people are firing guns from Mvara side, they are dropping anywhere on the North side of Mvara. I moved up to Mvara, the thing was there. It went on for only 30 minutes and stopped.

Then on 23rd morning around 7.30 the shelling so -called anti aircraft missile, the thing went on and on at around 10.00 it landed somewhere at Mvara. It hit with a tree and then hit the wall of the house where the Reverend was the Reverend and his colleagues were taking tea and injured them. This was Reverend Hezekia Jule with the wife of Reverend Simon Boti and the others. But this shelling, from there went on; when it reached mid-day it started going three miles round the town. I said to my family, you go away this thing may even land here. So I escorted them three miles ahead to the small shamba there. At 5.00 I came back. And the thing went on, at 6.00 another one went down there in the water, found students were taking bath almost injuring them, but because it

landed into the water, that was I think good chance for them. I said, this thing is too much, let me also go away until - I went to the shamba there. At 11.00 p.m. I came back to my house; I left the family there.

COMMISSIONER: Do you know who were shelling?

ANYAYO: This was rebels again from North side - Northern side. I did not know who was - but they said, rebels again have arrived. That was on 23rd. 24th morning - the whole 23rd went; and then 24th morning around 6.30 a.m I heard echoes of gun shots coming from Ombachi from 6.30 to 7.30 that was remaining very heavily non-stop. I said there is serious fighting that way, these people have already collided. That was my thinking. And around mid day again I went to fetch my people, I said, ah, those people are now being driven you come home, I do not want you to starve here in the jungle.

COMMISSIONER: On the 24th?

ANYAYO: Yes, on the 24th they came home. Then on the 25th there was isolated shootings. Then on the 26th that is when Government troops were entering villages, checking, finding where rebels were hiding. They said we are looking for rebels, but still others said, let us search his house. they searched and picked small, small things and then they said, you go.

COUNSEL: Did they take your property?

ANYAYO: They took my property, small bed and mattress, bicycle tyre.

COUNSEL: Did it give you an impression that even in other homes they looted property?

ANYAYO: That immediate time I could not know. Because everybody was instructed to stay within his place; and others were not there even, they had already taken off. On 27th I stayed at home. On 28th, it was Monday, I do not know which day was that, I was having a Madi who was in-charge of construction Unit for the Police who speaks Acholi language fluently. I said now you go to the town as you speak this language fluently, although I know, but my accent is not correct; you go and talk to them well, that the D.P.C. is here, if they want me. They came and I talked to them. It was Tuesday, I went back with him, I went right to the barracks. In the barracks I met an Officer.

COUNSEL: That is twenty eighth.

ANYAYO: That could be I sent him on 27th or 28th, I cannot remember very well. It was Monday when I sent him, Tuesday I came, I went straight soldiers took me straight to Ojuku Langoya - he introduced himself to me as Langoya, the former little brother or Lodonga after which he came here to the Seminary at Pokea and then during the commotion, Aminism, he was not happy to stay around, he went to Tanzania and joined this force of UNLA. He received me well, he gave me tea, we chatted there for some time. Then I asked him if there were any police men around. He said,

"Yes, I have your five men here. He called for these boys. No. 10336 P.C. Okwi; No. 11790 P.C. Okwir; No. 11787 Okori; No. 11791 P.C. Ogwar; and Detective Hassan - Special Branch. I found them in combat, in army uniform - because they could not get food, they could not go anywhere at all, so they had to be adopted to army to work for them so that they could also live".

COMMISSIONER: What rank was he?

ANYAYO: Ojuku - I found him in combat, there was no rank showing what sort of rank he was - may be Second Lt. - I do not know or staff Sergeant.

COMMISSIONER: I see.

ANYAYO: Then he said, okay, D.P.C. we were there, rebels attacked us seriously, we managed them tactically and some were hiding in Ombaci, we went there and civilians were mixed up with them; so we could not identify who is who, we fired at them and killed 50 people.

COMMISSIONER: Who told you that?

ANYAYO: Ojuku himself - Ojuku Langoya - we killed 50 people and about 50 people were injured at Ombaci Mission. I said,yes, that could be true because war is war. Then he advised me to be coming to him daily in the morning hours, but not to delay because after mid day when soldiers get drunk they may even involve me. That was his advice to me. You can come to me daily in the morning, we see how the situation will look like. I would not advise you to stay here longer up to 1 or 2 o'clock - at this time you find that soldiers are drunk, they may involve you too.

COUNSEL: Yes.

ANYAYO: I continued to come, I could come and report to him myself. And then I said, let me open my office; he said, you open your office, you can report the situation to the Headquarters - Police Headquarters. I opened and stayed there for two weeks then something happened which I did not know who did, they came at night and all the place was filled up with pieces of papers all destroyed, all records lying outside. I said, my things will also be burnt, let me stay outside, I could come and stay outside up to July. Immediately some time second week or the third week the Hon. Minister Butele came there, called on me and we moved around. From there we went to Ombaci, we met Father Mich who showed us the graves of those who were killed and said he buried 47 people. Then we went up to Wandi and he addressed the soldiers there and their mood was good.

COMMISSIONER: You went to where?

ANYAYO: We went to Wandi. It is a barracks - by then it was a barracks for soldiers. From Wandi we came to Ondopereke where he addressed the soldiers there.

COUNSEL: When you went to Father Mich, did you try to find out from him how the

47 people had been killed?

ANYAYO: Father Mich told us briefly that some people took refuge there and also there was Red Cross Headquarters fixed there. As such certain guerillas by then so called guerillas, a rebel was injured and he was taken immediately inside the enclosure - because they had a small dispensary there to cater for students and that man was taken there for dressing his wounds, and that one arose suspicion that guerillas were hiding within the Mission area. So when troops went in they fired at anybody whom they found there. That is what the Father told us.

COUNSEL: Apart from this injured bandit or rebel, did he say whether there were other rebels who were not injured but were hiding in this Mission?

ANYAYO: Only what he told us is that the rebels erected there an anti aircraft missile outside the school area and they were firing this way. So that was another suspicion. He did not tell us more about any other rebels hiding there.

COUNSEL: Yes.

ANYAYO: Then after we visited Ondoparaka we came to Mvara, we got only one person with two children; the children belonged to a certain Permanent secretary, he was telling us. And Mvara Mission was abandoned. After which he went back to Kampala the next day and I remained here, I continued to stay with soldiers up to October, when Mr. Opika Opoka came from Kampala. Before that the Deputy Minister, Mr. Badhanyanya came immediately after Mr. Butoro. Mr. Badhanyanya went around convincing people and I was sending messages to Chiefs where they were hiding to advise people to come back home. so within July and August people came back home.

COMMISSIONER: Came back from where?

ANYAYO: They came from where they were; some from jungle, that side, but those ones of Zaire could come very few - those who were really interested in staying in Uganda only came back. And then we went on campaigning, the small markets were opened in the villages, not here in the towns, the towns were left alone; and the grasses were high, very high; nobody could walk here. And then in October, Mr. Opika Opoka, D.C. came, then we called on chiefs to come and make people do to assemble here and that was carried out.

COUNSEL: So what you know that happened at Ombaci was related to you by Reverend Father Mich and Ojuku Langoya?

ANYAYO: Those two people told me.

COUNSEL: And you confirmed that people actually died by looking at the graves?

ANYAYO: Yes, that is what I did, on my own.

COUNSEL: Did you try to find out what had happened to the injured?

ANYAYO: The injured man, the rebel - he said he was taken -

COUNSEL: No, no, The escaped injured - because Ojuku told you that they had killed 50 and 50 injured.

ANYAYO: This 50 when I was there they said some had already been transferred to Angal and those who were able to walk moved away.

COUNSEL: I see.

COMMISSIONER: Transferred by who?

ANYAYO: By them immediately after dressing him the Red Cross officials handed him back to them and they went away.

COUNSEL: The 50 ran away I think.

ANYAYO: The 50 who were injured there were Ugandans here, there were civilians not rebels.

COUNSEL: What was the significance with the presence of Red Cross at Ombaci? What was the significance of this?

ANYAYO: These people came only to help people. First they were here in Arua, I do not know what friction was there between them and Government or Government officials here. So they decided to move to Ombaci suddenly. Only what I know is that they had gone to Ombaci because, politically we perceived that there was kind of - why should I stay with a man who is black, let me go to my friend who is white.

COUNSEL: I see. But they came to help the black?

ANYAYO: Well.

COUNSEL: Why you told us about October 10th, 11th and so forth - we suspect this was the time when the registration of voters, arrangements for the elections 1980 was taking place. What happened to the arrangements in your area here in Arua? with those invasions and moving in of the troops, what happened to the arrangements, do you know?

ANYAYO: The arrangements were trying to go on - registration. I think it started by August that is when we were prevented, senior officers were prevented from moving there and there. As they started making arrangements during this registration, this thing leaked there; these people's purpose for coming was to interrupt the registration and elections. And then to disturb Independence.

COUNSEL: What I am asking you, because those disturbances, actually, process did not take place - registration of voters, people were on the run, they did not register themselves?

ANYAYO: I think they had already started registering. Me I did not know much because I was not in the administrative side, I was only a weak person, coming only to read the files from court and go back home. I did not pay much attention to that.

COUNSEL: What I am asking is that, because of the people running away, there were no people to register?

ANYAYO: That was after October, but in August, if the registration took place in august, it would have happened. Immediately after October there were no people for registration.

COUNSEL: I see. Now apart from the people who were killed at Ombachi during these disturbances in October and June, 1981, were there other people who were killed in the exercise to your knowledge?

ANYAYO: There might be some people - unless they reported this to me; but only what I know during the killing of these Lulwas and so on, I heard that people were killed here in the morning, those who did not run away.

COUNSEL: And you do not know whether these were killed by rebels or were killed by Government troops.

ANYAYO: Those were killed by government troops because the rebels had already gone their way. Some of the people here were killed after two, three days when rebels had already been driven away.

COUNSEL: I see.

ANYAYO: Yes. One by one not in a massive way but one by one.

COUNSEL: I see.

ANYAYO: Some ladies were killed because they did not allow themselves to be raped.

COUNSEL: I see. That is all my Lord.

CHAIRMAN: Mr. Anyayo we shall ask you some few questions to get some clarifications on certain aspects of this evidence.

MR. NAGENDA: We have already been told by evidence we have received here that there was a very bad feeling between the local people here and the Acholi who presumably came in as Government troops for the majority of the Government troops were said, to have been Acholi. Did you yourself notice this very bad feeling between these two people?

ANYAYO: My Lord Chairman, this answer is a bit long. With me I have been with the Acholi for a long time before I joined the Police I was in Kampala for almost three years; there I was staying with Acholi they loved us, they were calling us "Aruas". But something that created ill-feelings between the Acholi and Lugbara is a very deep thing which I cannot even

elaborate on it. Somebody - it could be when he was there in army but I can say very few. That thing arose there because of promotion in army. Lugbara say that they were victimized when Acholi and Lango were being promoted to high ranks. Eventually when Amin became a high ranking officer there again Acholi became annoyed. What I am telling you is what I perceived when I was in Jinja in 1969. By then Tito Okello was O/C at Magamaga. Acholi did not like Lugbara or people from West Nile or any other tribe, let us say, any other tribe to be above them because they said they were the majority in army or in Police. Although Langi were supplemented to be part of these people, still there was also need, friction of saying, no, no, this person should not be above me. So when in 1971 of overthrowing government by Amin then, the Acholi thought that they will be very much victimized and they went on rejecting that position by Amin, they did not like him. For that reason a certain Acholi officer or a certain Lango officer or a certain any high ranking officer who felt like disassociating himself with Amin's government could be victimized. Eventually some soldiers were killed.

MR. NAGENDA: Some soldiers from where?

ANYAYO: Particularly in Mbale 14 soldiers were killed and dropped in Soroti Police Station - All Acholi young men, 14 of them.

MR. NAGENDA: Killed by who?

ANYAYO: Killed by other soldiers there in Mbale.

MR. NAGENDA: Other soldiers of what tribe?

ANYAYO: Other soldiers of Lugbara or Kakwa - I do not know. But all dead bodies were brought to us and dropped at the Police Station. The Police men were taking dead bodies. So much things went on, now so and so is killing us; let me run away. Then it started dragging us in Police, started picking the Police Officers - Acholi and Langi. My two Inspectors were killed and one was taken away - Okello and Adoko.

CHAIRMAN: In Mbale?

ANYAYO: In Soroti. First they were taken and I said you return my people - the people who came. He feared, he took them to the Police and handed them back to me. After a few days at dawn they were taken away without my knowledge. So when thing was seen, they said, okay, it is now Government of Amin, Lugbara are killing us. And in turn they were victimising, they said they did not want Amin in Government. Because Obote was President and he was Langi and there his support was very much with him and to topple him was also a very big blow. So this thing went on until Liberation War came. When the Liberation War was coming people here feared that they were going to die because of their misdeeds. And I have made it crearly that we had done bad although I am a man of this place.

MR. NAGENDA: How did you survive this?

ANYAYO: God saved me. So when the Liberation war came, those people the Tanzanians were very very tough they did not allow any Acholi, Langi or Nyankole and so on to revenge. Now to make it worse, when these people were driven away - when our soldiers were being driven away from the so called The Uganda Army, they were being driven away from Masaka, where, Mbarara and so on they went on killing children and other people whom they found on the way. So this fear came to us, "Now we are also passing, we shall kill your people". So this fear was here, our people when they were running away they did have there; may be when these people reach here they will also slaughter us. This is why people feared and ran away; that I committed an offence there, now I am coming to you to pay for it. Slowly by slowly we got a lot of happiness and we are here now. An like this one of 1980 October war - Tanzanians were here and the so called Acholi, Nyankole and Baganda who were here were already becoming friendly to each other. But in October 9th a lot of problems and that was provocation. By the time they were arriving to chase away the rebels it was provocation, whoever was found there could have been killed. Because it was provoked, and some soldiers were found lying dead on the road side by them when they were coming. It was a very big provocation. And this one of the 1981 I found it also to be of provocation, because these people were constantly coming to kill us; they did not recognize our government. Although they pretended to say that there was no petrol for them, food and so on, but that was their tactics they wanted to make these people to come near so that they could meet them properly, outside there it would be very difficult for them because of no petrol, no what, petrol could not reach them easily , they did not push this way to make these people come here, and knock each other.

MR. NAGENDA: But in that very interesting summary by the way which you explained a lot and for which I am grateful, but do you think and in your view and you were a senior police officer who I would like to say comes through as somebody fair minded, do you think that Amin's soldiers for whatever reasons killed a lot of Acholi and Langi in the army when they were in power?

ANYAYO: It might have been so. Because from different station, I could only see where I was.

CHAIRMAN: When was that when the two officers were killed?

ANYAYO: That was in 1972. That was after the Mbarara invasion.

MR. NAGENDA: Now again from your own knowledge, from what you were told by reliable sources known to you, did Amin's forces go into Langi and Acholi and other places and indiscriminately the kill ordinary civilians or not?

ANYAYO: Definitely no. What I can only tell here is that when our government troops were here, the bad thing which I noticed from them is, after all, they have already killed their relatives and so on, those people who had already gone away and they are no longer here, but still they could go as

friendly to you whom they leave they could even kill. Such killings were due to girls and overdrinking for those who brew some waragi and so on, they could come to you and say, do you have waragi? I say, you come and sit. They drink, when they see a young girl there around, they say, now we want this one. When the girl tries to resist and you as a father says no, "do not do that, you talk slowly". There they are already in anger, they could kill either the father or a daughter, they could do that.

MR. NAGENDA: You are talking about the UNLA.

ANYAYO: The UNLA troops.

MR. NAGENDA: I see.

ANYAYO: But during that time of Aminism going to Acholi and Lango into the village to kill, I did not see it. Anyway I was in Lira in 1977 which were hot when they were picking many people -

MR. NAGENDA: They were picking prominent officers?

ANYAYO: They were picking prominent officers, they would come with a list and say, we have a list of those people who had made a meeting; who sat in a meeting somewhere else now we want them. They could go and pick them.

MR. NAGENDA: When you were in Lira in 1977.

ANYAYO: Yes, when I was in Lira in 1977.

MR. NAGENDA: I see. And the people who were picked up were Langi and Acholi?

ANYAYO: Acholi and Langi. They were only following the list of those who attended the meetings.

CHAIRMAN: And they were never seen again, those who were picked?

ANYAYO: Up to now I do not see any of them. Some were my friends, but I do not see them may be they have come I do not know.

MR. NAGENDA: Are you therefore, saying that the difference as you just described it between the Amin troops on the one hand and the Lango/Acholi troops on the other was that the Amin troops were working on a list and carry away prominent people but the other troops whom you have mentioned, the Langi/Acholi were actually killing indiscriminately in your view in killing people in villages when they went there?

ANYAYO: That was true; although those people who were Amin's army men were just only picking, but this one of here, may be because they had already been allowed to stay uncontrolled here, say, you stay here and prevent the guerillas to come in. Because also guerillas were hitting our residents little by little. They say, now you go and negotiate with people to find out where the guerillas could penetrate. May be that one gave them a

chance of going to discriminate. I can give you an example of about few people. There was a Chapel Preacher here at Guluba, his daughter was a girl friend to a soldier here in the town. That was in 1981 in July something like that. The girl took this friend to her home, then when they reached there they made a meal for them, they were welcomed, they ate, they drank although the Preacher does not like the beer to enter there but because of their force the thing entered and they drank. At night at around 9.00 p.m. when they were leaving, may be they demanded money from the preacher there, you give us money, you are collecting money from the Church all the time. So this preacher was killed together with his wife. His name is Enderedi. And Lulwa again - a young man who was a good hawker received some tobacco from them - cigarettes - for sale. He sold it but he could not bring money quickly. So they went there, they pulled two goats around 8.00 p.m. When this man was demanding his goats they killed him. You see, such things went on.

MR. NAGENDA: What again also is of interest to us is that there has been the impression given us that the Acholi were special in their badness to the people here. It is because the Acholi were the majority of the people in the army or did they in fact behave worse than the other people for example the Langi and the Teso and whoever was there in the army?

ANYAYO: It was because of their habits. They were showing rougher than others. Even they could utter words. So that is why people kept words and revenged.

MR. NAGENDA: Since the end of this last war which brought this government to power, have you had occasion to land into any Acholi troops in the NRA army in these areas or not?

ANYAYO: No, I have not had

MR. NAGENDA: I see. There I was going to ask you whether their behaviour has been improved.

ANYAYO: In this government I think they are bringing everything to an end.

MR. NAGENDA: You said that earlier even before you joined the Police Force you stayed for three - two to three years with the Acholi people and there were no problem at all.

ANYAYO: No, they loved us much.

MR. NAGENDA: They loved you and called you "Aruas"?

ANYAYO: Aruas, yes.

MR. NAGENDA: Do you think this can happen again after what has happened?

ANYAYO: It would happen again. It would happen again if the elders, we elders now who know much about the background of our people could have constant meetings, say, for instance, the Langi or the Acholi elders,

prominent elders are gathered there and people from West Nile gathered and special meetings are held for them and they go on talking, talking, they would come. Because I think they have got their tradition there where they can say, no, this is now a bridge, do not cross again.

MR. NAGENDA: I see. It is very encouraging here I must say. Now you were working in other parts of Uganda during some of the Amin years, did you ever get the chance to hear of people who were specially notorious from this area when they went down to other places - you know -notorious killers all that kind of thing - do you think those people existed?

ANYAYO: No. I do not think it did happen. I could only hear saying, oh, so and so is more powerful; like Goli, Kolokolo, Maliyamungu, Lumago, Farouk Minawa, Ali, I could only be told, this so and so is more powerful, if he gives the order nobody challenges him. That is what I could only hear.

MR. NAGENDA: I see. Okay. You see, it has already come to us through evidence and also I might have heard through personal experiences that people like Toloko, Maliyamungu, Taban, Farouk Minawa and others were very notorious killers.

ANYAYO: Maybe, but no I do not know them even.

MR. NAGENDA: Okay. Do you believe and does your area believe that in fact when people, start for example, from the South, some time from the East and some time from the North, that when they mention special names of notorious people, do you believe that this could have happened? I ask you this question because I suspect that the people who were badly defeated are not yet satisfied until elders like yourself have come to accept that may be those terrible things happened and therefore, have educated their young in better ways of living. So my question is this, do you believe when you are told that those names were of notorious killers and others that judging from what you saw during that time, you think this could be so?

ANYAYO: It may be so. For me I should say that such people as they were leaders of their units and so on like that, could have done so. But me I did not hear much that so and so has become a notorious killer and so on. But by that time we could only know, oh, GS has come and collected so and so something like that. GS cars. And we also policemen we were fearing of GS and there was somebody who was chief of GS in our Police, we were also fearing him.

MR. NAGENDA: GS is called GSU.

ANYAYO: General Service Unit.

MR. NAGENDA: Yes, GSU. Who was this particular person in the GSU that you in the Police feared?

ANYAYO: This was Towili.

MR. NAGENDA: Towili?

ANYAYO: Yes.

MR. NAGENDA: I see.

ANYAYO: He was there as cross-bar, he was in PSU and State Research.

MR. NAGENDA: PSU/State Research.

ANYAYO: He was a cross-bar.

MR. NAGENDA: Why did you in the Police fear, for example, Towili?

ANYAYO: Well, for him he was very much after policemen who did not take his orders.

MR. NAGENDA: I see. To your knowledge, did he kill people?

ANYAYO: I was very far from him; I was in Soroti and he was in Kampala. But according to what I heard there is that there was an order, he was giving orders to his inferiors to go and arrest so and so. And when I was in Soroti, I think according to, because of his orders three people were arrested the lawyer Okurut, the General Manager for Teso Cooperative Union, Captain - that Captain who was more powerful and very rich - Captain Owusi. These were arrested by his men.

MR. NAGENDA: From where? In Soroti?

ANYAYO: In Soroti and they were taken to PSU.

MR. NAGENDA: What happened to them, do you know?

ANYAYO: I do not see them again.

MR. NAGENDA: I see. So you think that some of these notorious people after they had run away, say, to Sudan, were among the people who came in 1980 and therefore, as you said, provoked the terrible things that happened in this area?

ANYAYO: Yes, some of them might have been there. I think Malyamungu was here and who else - they stayed here and then disappeared. Lumago came here and stayed here for a while and then disappeared. I do not see him again.

MR. NAGENDA: You said, - did you know that actually when these bandits came into their own areas, they also harassed their own people?

ANYAYO: Very true. When they came they entered the village, they harassed people in order to get food, because they do not have food in the place when they were staying in the jungle; they would come and rely on people who are digging, and then they made them to join them by force.

MR. NAGENDA: Do you think since things have now changed so much in this area through, for example, the new government, do you think when these people turn up, they will actually be handed over to the authorities - Malyamungu and the rest?

ANYAYO: Yes, if they come, they will be handed over to authorities if government gives orders.

MR. NAGENDA: Yes. it might be good for the area in which case the area wants peace.

ANYAYO: Yes.

MR. NAGENDA: Well, Mr. Anyayo, thank you very much for your evidence which I for one have found say, logical and honest. It is just a pity that this does not always happen with other people we take evidence from.

ANYAYO: Thank you, sir.

MR. KAWANGA: I think most questions have been asked, I am only now interested about the destruction that was done to Arua Town. When was it done?

ANYAYO: The destruction - the 1979 war did not cause any - I mean Liberation War did not cause any damage. But that one of 1980 October, those rebels when they came only looted; after looting they took off. But then the Government troops came they were very annoyed - I do not know how - may be bullets which they were firing on the houses and so on like that one of the Post Office, Catholic Centre the shell fell over, and this one of Town council was also damaged by the shelling. But other buildings I do not know whether they were also damaged by the shells.

MR. KAWANGA: By the time you came back you found the town was destroyed?

ANYAYO: Yes, the town was already destroyed. I could even see smoke when I was about 45 miles I could see smoke here in the town.

MR. KAWANGA: I see. That is all.

CHAIRMAN: Mr. Anyayo, I do not have any more question to put to you because most of the questions have been asked by my colleagues here, I just like to thank you again for the evidence you have given to this Commission; you have been frank and honest which is rare to get of evidence of that nature. I wish to say thank you.

ANYAYO: I thank you, Mr. Chairman.

CHAIRMAN: I think at this time we should adjourn for lunch, it is about I think 2.00 p.m. We shall now adjourn and resume at 3.00 p.m. this afternoon.

CHAIRMAN: Today 23rd of June, 1988, Commissioners, Learned Counsel, Ladies and Gentlemen. We are commencing today's inquiry rather late at 1.20 p.m. twenty past one p.m. This is because since 9.30 a.m. this morning the

Commissioners have been meeting on administrative matters which we contributed a lot 30 minutes ago. Let us now proceed with the inquiry.

COUNSEL: My Lord Chairman, the witness we have today is Mr. Batulumayo Basimolo.

WITNESS NO. 301: MR. BATULUMAYO BASIMOLO - SWORN IN

COUNSEL: Batulumayo Basimolo, how old are you?

BASIMOLO: I am 50 years old.

COUNSEL; You are from a village called Banse.

BASIMOLO: It is Bange.

COUNSEL: Bange?

BASIMOLO: Yes. The Parish is Namusaale.

COUNSEL: Is this in Nakaseke county, in Luwero District?

BASIMOLO: It is correct.

COUNSEL: That is where you were born?

BASIMOLO: No. I was born in Burundi.

COUNSEL: So your parents are in Burundi?

BASIMOLO: Yes.

COUNSEL: When did you come to Uganda?

BASIMOLO: I came in 1955.

COUNSEL: I see. Now when you came to Uganda where did you settle?

BASIMOLO: In that same village, Bange, in that same Gombolola.

COUNSEL: Did you come married or?

BASIMOLO: I married when I arrived here.

CHAIRMAN: Did you marry a Ugandan or from Burundi?

BASIMOLO: She is also a Murundi.

COUNSEL: And could you tell us her name?

BASIMOLO: Yes.

COUNSEL: Yes, what are her names?

BASIMOLO: Anna Maria Nagawa.

COUNSEL: Do you have children with her?

BASIMOLO: Yes.

COUNSEL: How many?

BASIMOLO: Those who are alive are seven.

COUNSEL: How many died?

BASIMOLO: Four died.

COUNSEL: Now in 1983 were you at Bange Village?

BASIMOLO: Yes.

COUNSEL: And on 16th March, 1983, - do you recall that day?

BASIMOLO: Yes, I remember it.

COUNSEL: Why do you remember about that day?

BASIMOLO: That is when we started running from our homes because of the war - that is when we started getting problems because of the war situation.

COUNSEL: So can you enlighten the Commission what problems you got?

BASIMOLO: Yes.

COUNSEL: Okay, tell us.

BASIMOLO: We left our village because of the constant gun shots by the Government troops and we decided to leave for Singo.

COUNSEL: When you say - we decided to leave - do you mean you and your family or even other people?

BASIMOLO: I mean my fellow villagers and my family.

COUNSEL: I see. So did you reach Singo?

BASIMOLO: Yes.

COUNSEL: And did you get any problem on your way while you were going there?

BASIMOLO: We found problems when we were coming back.

COUNSEL: How long did you stay in Singo?

BASIMOLO: We stayed there for two months.

COUNSEL: So when you say you found problems when you were coming back - what problems did you find?

BASIMOLO: On our arrival from Singo we were taken to Kapeka Detach.

COUNSEL: By who?

BASIMOLO: The then Parish Chief who was called Semakula.

COUNSEL: Did he tell you why he was taking you to the Detach?

BASIMOLO: Yes, he did. He said that he was going to protect us from there until the area returned to normal but eventually when we arrived there he imprisoned us. I was detained for one month.

COUNSEL: When you say - when you arrived there you were imprisoned. How were you imprisoned.

BASIMOLO: When we arrived there we were told to construct huts; after that we were put in prison; we were 40 people.

COUNSEL: You said, imprisoned in Kapeka Detach?

BASIMOLO: Yes.

DR. MAKUBUYA: Do you mean these 40 people were told to construct huts or they were the ones imprisoned?

BASIMOLO: Those who were detained were 40.

COUNSEL: Okay. How you had gone to Singo with your family, your wife and may be other members of other families. When you came back, was it only you who was taken with your family to Kapeka Detach or were there also other families taken?

BASIMOLO: This Parish Chief when we arrived there he mobilized the whole village and told us to go the Detach where he told us he will provide security. But when we reached there we were imprisoned and most of the people were killed except myself, I am the only survivor.

COUNSEL: You said that 40 of you or more were put in cell. Now all of your families were there also in the cell or they were in the huts which you had constructed?

BASIMOLO: The children and the women were put in the huts.

COUNSEL: So you are saying that it was only men who were put in prison?

BASIMOLO: Yes and they were eventually killed.

COUNSEL: Can you tell the Commission for how long you stayed in the cell and how they were killed?

BASIMOLO: Yes. Because out of these people I am the only survivor. I was saved by God.

COUNSEL: Can you tell us how your fellow villagers were killed? How many of you were in the cell, at that time they were removed and killed?

BASIMOLO: When we were detained, they decided to kill us. so on that day when they were going to kill us, they separated 30 of us and we left about 5 people in the prison and we were taken. That is after we had been in prison for one month.

COUNSEL: Who were these who decided to kill you?

BASIMOLO: The soldiers.

COUNSEL: Let us also have the number clear. How many of you were in the cell? Because earlier on you mentioned that 40 people were put in the prison; and later on you said that 30 of you were separated and five remained in the cell.

BASIMOLO: Some of these people had come from Kasiribati but this village was in the same sub-county.

COUNSEL: What was the total number of all the people who were in the cell?

BASIMOLO: They were 40 people.

COUNSEL: And on the particular day, say, what happened and what time did these soldiers come and take you?

BASIMOLO: On that particular day an Intelligence officer came along with the soldiers, they put our names down, at about 5.00 p.m. the Intelligence officer came and told us to pray.

COUNSEL: Yes. What followed?

BASIMOLO: At about 8.30 p.m. this same intelligence officer came and collected us.

CHAIRMAN: Did he collect all of you or he took only 30?

BASIMOLO: He collected 35 I mentioned earlier, but they were tied in twos, myself I was tied alone otherwise I would not have been alive. They shot at my hand and the bullet passed through.

COUNSEL: Okay. How tell us, after tying you, you were tied alone, Where did you

go; where were you taken?

BASIMOLO: They used a string *(akagogwa)* to tie us.

COUNSEL: So after tying you what happened?

BASIMOLO: They took us before the Commander.

COUNSEL: Did you know the Commander?

BASIMOLO: He was called Masaana

COUNSEL: Did he have any rank?

BASIMOLO: Yes, he did.

COUNSEL: What rank?

BASIMOLO: I was told that he was a Commander.

COUNSEL: So when you reached at the Commander, what followed?

BASIMOLO: They told him that these are the bandits from Namusaale and we have brought them before you so that they could be killed.

COUNSEL: Who was telling him?

BASIMOLO: The soldiers.

COUNSEL: And what language were they talking?

BASIMOLO: They were speaking in Swahili.

COUNSEL: Do you understand Swahili?

BASIMOLO: I could pick something.

COUNSEL: So after reporting you to the Commander, what did the Commander do?

BASIMOLO: He said, take them and kill them.

COUNSEL: How many soldiers had taken you?

BASIMOLO: They were about 40 soldiers because they were walking in two lines and we were between these two lines.

COUNSEL: And did they take you to a place where you could be killed?

BASIMOLO: Yes, they took us to an open area where they were going to kill us.

COUNSEL: Yes. Continue. You mean this is where they used to kill people?

BASIMOLO: Yes.

COUNSEL: You mean previous to this day there had been some other people who had been killed there before.

BASIMOLO: Yes. They had earlier taken people there and killed them there.

COUNSEL: Did you know any of the people who had earlier on been killed there at that place?

BASIMOLO: Yes, I know.

COUNSEL: Can you mention the names of those who were killed there?

BASIMOLO: One is called Kisito.

COUNSEL: From where?

BASIMOLO: He was from Banga village, a son of Kigongo.

COUNSEL: I see. Any more?

BASIMOLO: Another one was Mariseri.

COUNSEL: You mean those people were killed before you were taken there?

BASIMOLO: Yes.

COUNSEL: Yes, continue.

BASIMOLO: Others had come from Kisimula area. I did not know their names.

COUNSEL: And had you known whether these people who had been killed there previously were buried?

BASIMOLO: They were not buried.

COUNSEL: Did you see the bodies?

BASIMOLO: Later I saw the skeletons after the people had collected them.

COUNSEL: Now on that particular day when you say you were taken to this killing ground, what followed, did you reach that place and what followed?

BASIMOLO: Yes we reached the place.

COUNSEL: Yes, continue. What happened when you reached there?

BASIMOLO: When we reached at that place the soldiers separated from us and we remained between each line on the other side and they started shooting.

COUNSEL: And was your group divided?

BASIMOLO: When we reached the killing ground we were divided into two lines and soldiers made two lines, one was on the upper side and the other one was on the other side. So the soldiers started shooting.

COUNSEL: Now before you were taken to this killing ground did they say anything?

BASIMOLO: No.

COUNSEL: Did they say why they were killing you?

BASIMOLO: When we were still in prison they told us that we were bandits because at one time we had manned roadblocks.

COUNSEL: So when you reached the killing ground all of a sudden those soldiers started shooting at you?

BASIMOLO: Yes.

COUNSEL: Did they have any Commander at that killing ground?

BASIMOLO: Yes, he was there.

COUNSEL: Did you know him?

BASIMOLO: No, I did not.

COUNSEL: Now you mentioned that they started shooting at you and you say you are the only survivor, how did you come to survive?

BASIMOLO: As I said earlier, my friends were tied into twos; but I was tied alone; so when we reached the killing ground the soldiers shot at us and as the bullets just hit my hand and just passed through my hand and back, I fell down and when I heard that the soldiers had gone back I crawled to a safer place.

COUNSEL: In other words, you are saying that because you were not tied to any other person you were able to take cover?

BASIMOLO: When I was shot at, I knelt and a soldier told me that stand up - the soldier told me *"simama"* in Swahili which he meant to stand up and also to stop. I knelt. So it took some time until I became fed up and decided that, okay, if he wants he should kill me. But as he started shooting and I was kneeling, the bullet just passed through my hand and the back and my chest was saved.

COUNSEL: How far was the soldier from you?

BASIMOLO: The one who shot me?

COUNSEL: Yes.

BASIMOLO: It was just as behind you.

COUNSEL: About three meters?

BASIMOLO: Yes.

COUNSEL: So how many bullets got you?

BASIMOLO: For me I only got two. But it was possible one of the soldiers could shoot about 10 at a person.

COUNSEL: Now you wanted to show to the Commission the scars. Can you now be able to show them?

BASIMOLO: Yes.

COUNSEL: Okay, you can do so please.

BASIMOLO: The bullet just passed through and it took six months to recover. This one took a short time because it just passed on the skin.

COUNSEL: What about this one?

BASIMOLO: This was a knife wound when the soldiers were beating us while in prison.

COUNSEL: So you said after the bullets had got you, you continued kneeling down. Now eventually when the shooting stopped, what did you see?

BASIMOLO: I tried to stand up and run into the bush to find my way; but I only saw the dead bodies

COUNSEL: Now did you know by name any of your friends who were shot at this incident?

BASIMOLO: Yes.

COUNSEL: Can you please mention them to this Commission.

BASIMOLO: Sabasitiyano Balanyika who was my brother; and Matiya Nyandwi, Mariko Thomasi Ntahansigaya, another one is Kiwanuka, the second name I have forgotten.

COUNSEL: Yes.

BASIMOLO: Another one was Yowana Kisitu, another one was called Kawesa, I have forgotten the Christian name. Another one was called Nzoya.

DR. MAKUBUYA: He was called who?

BASIMOLO: Nzoya.

COUNSEL: Yes.

BASIMOLO: Another one was Bweete, another one was Kiryowa.

COUNSEL: Do you recall all the names?

BASIMOLO: Some of them.

COUNSEL: Okay tell us the names.

BASIMOLO: Another one was Vinsensiyo Bafirawala. Others I have forgotten.

COUNSEL: Okay. Now when you say that you are the only survivor, how do you come to know that you are the only survivor?

BASIMOLO: It is because I was the only one person who left that area alive; the others died there.

COUNSEL: So you mean you believed that they had all died?

BASIMOLO: Yes.

COUNSEL: And since that day you have never seen any of them again?

BASIMOLO: No, I have never seen them.

COUNSEL: Did you see their bodies after that day?

BASIMOLO: I did not see their bodies later, they were from my village; their relatives are there and some of them were my neighbours.

COUNSEL: Now after that you said you went into the bush and you went to some village. Where did you end up?

BASIMOLO: I went to Kisimula and from there I started sleeping in the bush, but taking the direction of my home. There I found a certain boy who untied me and advised me never to walk during day time.

COUNSEL: For how long did you stay in the bush?

BASIMOLO: I stayed in the bush for four days.

COUNSEL: And what were you eating?

BASIMOLO: I was eating these small mangoes.

COUNSEL: I am sure you found it very difficult to pick them with wounds in your hands?

BASIMOLO: Yes, and even the wounds were rotting.

COUNSEL: I see. Now eventually when you reached your home did you get

treatment from hospital or any other treatment?

BASIMOLO: I did not get treatment but I used to send my son to the market place to buy certain tablets.

COUNSEL: Now what about - you have mentioned your son - I suppose you must have left your family at the army detach when you were imprisoned. Is that correct?

BASIMOLO: This was a young boy.

COUNSEL: Were they released from that army detach and came back home?

BASIMOLO: When my wife heard we had been taken and killed she escaped and went to Nakaseke; at Nakaseke people were free, they were not taken to the detach. So they stayed there.

COUNSEL: Yes. And eventually did she come back home?

BASIMOLO: Yes, she came back with the children after the then District Commissioner had given an order that all the people should go back to their homes.

COUNSEL: Do you know the name of that District Commissioner?

BASIMOLO: I do not know it, I do not remember his name.

COUNSEL: Now did you stay with your wife peacefully or did anything happen to her? Is there anything that happened to your wife?

BASIMOLO: Yes; soldiers used to come and harass her, and at one time they raped her.

COUNSEL: At your home?

BASIMOLO: Yes.

COUNSEL: After your release or before?

BASIMOLO: It was after.

COUNSEL: I see. Can you tell this Commission how this happened and was she affected by this in any way?

BASIMOLO: Yes. My wife was infected with gonorrhoea and I did my best to take her to the hospital for treatment.

COUNSEL: And did she stop from suffering?

BASIMOLO: Yes.

COUNSEL: Are you still with her?

BASIMOLO: Yes, we are staying together.

COUNSEL: Now Mr. Basimolo, did you have two wives?

BASIMOLO: No.

COUNSEL: Is the wife who was raped by soldiers - is she still with you as your wife?

BASIMOLO: Yes. She is there and we married properly in the Church.

COUNSEL: I see. Now you earlier on mentioned that seven of your children are alive and four are dead. Am I correct?

BASIMOLO: Yes, correct, seven are alive.

COUNSEL: Now can you tell this Commission how these four children died. Did they die of natural death or they were killed?

BASIMOLO: They died natural death because of disease and it was before the war.

COUNSEL: Okay. Now this Ssemakula, the *Muluka* Chief, do you know his address, do you know where he is?

BASIMOLO: I was told recently that this Ssemakula was arrested and I was informed that he was taken to Luzira.

COUNSEL: Did you know why he was arrested? Could it be because you and those other people whom he killed?

BASIMOLO: Yes.

COUNSEL: Do you have anything more to mention to this Commission?

BASIMOLO: No.

COUNSEL: Okay. The Commissioners will have some questions to ask you to clarify some of the evidence you have given.

CHAIRMAN: You said that when they arrested you and took you to the army detach - soldiers and Ssemakula are the ones who arrested you. Is it correct?

BASIMOLO: Yes.

CHAIRMAN: And then you said that an Intelligence Officer came and wrote down your names. How many names did he write down?

BASIMOLO: The names included those who died and some survivors, and I know the names.

CHAIRMAN: Did he come to write down your names after you had already been in prison?

BASIMOLO: Yes, we were already in prison.

CHAIRMAN: Was there anybody who told you why you were arrested and imprisoned?

BASIMOLO: It was the same reason that we were accused of being bandits and that we had guns and we had attacked them.

CHAIRMAN: Who and where were you attacking them from?

BASIMOLO: The soldiers.

CHAIRMAN: Is it true that you were bandits and you had done it?

BASIMOLO: No, we were civilians.

CHAIRMAN: Even bandits are civilians, ordinary people.

BASIMOLO: But we were not bandits.

CHAIRMAN: Did you have guns?

BASIMOLO: No, we had no guns.

CHAIRMAN: How was this prison looking like? The building in which you were imprisoned. Was it somebody's house, a residential house or it was built purposely for prison?

BASIMOLO: It was a residential house of one Setimba of Kapeka.

CHAIRMAN: Was he still staying in that house?

BASIMOLO: No, they had earlier killed him.

CHAIRMAN: How far was the detach away from where you were being imprisoned at that one Setimba's house?

BASIMOLO: About 200 feet.

CHAIRMAN: How big was that detach?

BASIMOLO: It was accommodating more than 100 soldiers.

CHAIRMAN: What kind of activities were you doing when you were in the cell? What was the situation in the cell?

BASIMOLO: We were doing nothing but to be kept inside; and we were almost suffocating.

CHAIRMAN: How big was that room of cell?

BASIMOLO: As from that wall up to this. And because it was thatched with iron sheets it was very hot inside.

CHAIRMAN: How did you live? Were you being given food at all?

BASIMOLO: We spent a week without food, and later we begged, in fact, cried to one of our friends who had money which he gave to the soldiers and later they started giving us posho.

CHAIRMAN: The soldiers?

BASIMOLO: Yes. The soldiers gave us posho after one week and later they told our relatives to bring us food.

CHAIRMAN: Your wives and relatives?

BASIMOLO: Yes.

CHAIRMAN: Everyday?

BASIMOLO: Yes. We used to get food once a day and that was at around 4.00 p.m.

CHAIRMAN: What about water?

BASIMOLO: Yes. There was a small jerrycan but it was not enough.

CHAIRMAN: Who was bringing water for you?

BASIMOLO: Our relatives.

CHAIRMAN: What about going to the toilet?

BASIMOLO: This was done again once in a day at around 4.00 p.m. that is when we were taken out and those who wanted to go for toilet facilities that is when they could go outside. And during the night the tin was there; we had a tin in the room.

CHAIRMAN: How were you sleeping - were your relatives told to bring you some blankets?

BASIMOLO: They could not allow us even a mat.

CHAIRMAN: Did you have your own clothes or you had the ones for prisoners?

BASIMOLO: The clothes we had when we were arrested those were the ones we remained with, and those were used as blankets during the night.

CHAIRMAN: You said that when you were taken to be killed, they took 30 and 10 remained there. What method did they use to select those to be killed and those to remain?

BASIMOLO: We were in two groups. We found five people by the time we were taken into this prison, we found there five people and these were old people. Those are the people I said, the five who remained.

CHAIRMAN: Are you suggesting that these five were left because they were old?

BASIMOLO: They were the five we found in the prison and they were the five who came from my village and they are there, they survived. That is what makes it 10.

CHAIRMAN: It is confusing a bit here. Before you said that they were 40 and five remained there, and they took 30 to be killed and that is where you survived. Then how does these five from your village come in?

BASIMOLO: There were five people from Kasiribiti and they were the five old men from my area. Those were the ones who remained in the cell and we were taken 35.

CHAIRMAN: How far was it from the place where they killed your friends to the prison?

BASIMOLO: It was about a mile.

CHAIRMAN: Now most of the names you have given to the Commission they sound as if they were not Ugandans except some few of Baganda.

BASIMOLO: Most of them were Barundi - those names you find difficult like Nyandwi and Bafirawala.

CHAIRMAN: But Bafirawala sounds like Baganda.

BASIMOLO: Yes, it is Kiganda name but he was not a Muganda.

CHAIRMAN: So the list of the names you have given us most of them are Barundi?

BASIMOLO: Yes.

CHAIRMAN: So because most of the people who were killed were Barundi, does it imply to you the reason why these people were killed?

BASIMOLO: Yes.

CHAIRMAN: Yes, what was the reason?

BASIMOLO: They used to point out that they were the supporters of Museveni.

CHAIRMAN: But is it true that in that area the bandits were there?

BASIMOLO: Yes, they were there.

CHAIRMAN: Was there any fighting between the bandits and Government soldiers?

BASIMOLO: Yes, they had been fighting.

CHAIRMAN: Now let me take you back to the journey towards Singo. You said that

you were forced to abandon your homes and you went with your family and other people of your village, why did you choose to go to Singo only not any other place else?

BASIMOLO: It was near our village; it was just crossing over the river and you reach Singo.

CHAIRMAN: Was there no any other places near your village where you could have gone instead of going to Singo?

BASIMOLO: There was none. In Singo we had found out that it was easy to hide.

CHAIRMAN: Why was it easy to hide?

BASIMOLO: There are many bushes it is easy to hide.

CHAIRMAN: Was there any problem you got when you were still at Singo for the period of the two months you were there?

BASIMOLO: Yes. On hearing that the soldiers - the government troops were coming, we could throw away our valuable properties and even food and we ran away.

CHAIRMAN: Did this happen to you yourself?

BASIMOLO: Yes.

CHAIRMAN: Why did you prefer to come back to your home?

BASIMOLO: I was sick and I realised that my children were going to die as a result of starvation.

CHAIRMAN: At Singo?

BASIMOLO: Yes. And my wife was pregnant. She could not go to collect food, she could not dig to get food.

CHAIRMAN: Do you suggest that food in Singo was so scarce, you had to go and look for food from other places?

BASIMOLO: Yes. Without money, one could easily die of starvation.

CHAIRMAN: Thank you very much.

DR. MAKUBUYA: You said that you had injury on your arm and you said that you got it while in the prison, they cut you. How did it come to cut you?

BASIMOLO: He wanted to kill me in the prison.

DR. MAKUBUYA: Who wanted to kill you?

BASIMOLO: He was a soldier; I did not know his names. But the boss, the one who

was guarding the prison managed to over power him and he removed him from the cell.

DR. MAKUBUYA: He just came to the cell and decided to cut you and kill you from the cell without any reason or cause?

BASIMOLO: Yes; at that time I was very weak I could not move out; my friends had been taken outside. They used to take us outside to sweep and in the exercise they were kicking us and mistreating us. So I stayed in the cell when this soldier came and found me there and he started kicking me.

DR. MAKUBUYA: I see. Now when you were taken to be killed and after you he had realised that the bullets had not killed you and you tried to stand up and run away, did you get chance to look around and see what happened to your friends?

BASIMOLO: It was dark I could not see very well.

DR. MAKUBUYA: You just ran?

BASIMOLO: Yes; I just ran away.

DR. MAKUBUYA: Thank God to have allowed you to survive.

BASIMOLO: I always do it.

DR. MAKUBUYA: Okay, thank you.

MR. NAGENDA: Mr. Basimolo, the most difficult thing in this Commission is that every time we get evidence which is similar to this one, for example, you - you are the only one who survived among 40 people who were taken and killed. The evidence like this gives us also the similar shock. But what is surprising to us is that we are now getting at the beginning. But in other countries things like what you have told this Commission could shock people, and indeed it does shock people. Now what did you do to help yourself get some money?

BASIMOLO: I am a cultivator but because of the injuries I sustained my work is affected. I am only now - I have managed to clear just a small portion of my coffee shamba, but the rest is in bush because I cannot do much because of the injuries I got.

MR. NAGENDA: But I hope your seven children who are still alive do assist you to do some work?

BASIMOLO: They do but most of them are still young.

MR. NAGENDA: There were some things like blankets, beans and other things which were distributed to your District. Did you manage to get some of these?

BASIMOLO: Yes, I got.

MR. NAGENDA: Do you hold any position in your RC's?

BASIMOLO: No. It was because I devote all my efforts to Church activities, the Catholic Church, so they decided to leave me not to involve me in the RC's.

MR. NAGENDA: But do you agree with the function of the RC's?

BASIMOLO: Yes. They are even planning to elect me but I have not got the chance.

MR. NAGENDA: Now you told us that when you went back you used to send your son to the market to buy you some medicine. Did he remain at home or he came back with his mother when she came back from where she had run to at Nakaseke?

BASIMOLO: He was with his mother.

MR. NAGENDA: I see. Now you said about the muluka chief, Mr. Ssemakula, who took you to be killed. Later on you said that he was arrested and eventually taken to Luzira. When he was not yet arrested, was he staying at your village?

BASIMOLO: No, he had run away he was arrested at Kawanda where he was in hiding.

MR. NAGENDA: You said that Ssemakula killed the first group, the people who were killed before your group. What do you mean by this.

BASIMOLO: He was a notorious man and he killed a number of people.

MR. NAGENDA: I see. Now when you say he was notorious and he killed a lot of people, do you know he was killing them?

BASIMOLO: Ssemakula was the person behind our arrest, and in fact he did the same to my brothers, all his efforts was to arrest, not to help people to come out of prison.

MR. NAGENDA: Are you suggesting that Ssemakula would arrest people, imprison them and eventually take and killed?

BASIMOLO: Yes.

MR. NAGENDA: Did you see him killing some of these people?

BASIMOLO: I did not see him because I was in prison. But when they were going to kill, Ssemakula used to come to the prison and inspect with the soldiers.

MR. NAGENDA: Now you said that most of those who were killed were Barundi, is it correct?

BASIMOLO: Yes it is correct.

MR. NAGENDA: I see. Now most of these who were killed were Barundi, but those who

were killing them - what were they? Did you know their tribes?

BASIMOLO: It was Ssemakula and the soldiers. And Ssemakula knew very well the Baganda and the Barundi.

MR. NAGENDA: Did you get a chance to know the tribe of most of the soldiers - where they came from?

BASIMOLO: I did not know.

MR. NAGENDA: Would you say they were Banyankole?

BASIMOLO: Yes. There were some Banyankole. Iteso and Lugbaras and others. But for me I could not know that this was from this tribe. All of them were there.

MR. NAGENDA: Okay, finally, I would like to say that you are the second person who had survived death who came to this Commission because you had not also tied been to another person. You see these letters, two, four, six - these letters are lucky ones they are unlike three, five and so on.

BASIMOLO: Yes.

MR. NAGENDA: Okay. Thank you very much.

COUNSEL: Mr. Basimolo, do you know the exact date - could you remember the exact date when you were taken out for this killing because it did come clearly?

BASIMOLO: No. I have forgotten the exact date but I remember the month.

COUNSEL: Which month was that?

BASIMOLO: It was in July, 1983.

COUNSEL: I see. May be the last question, what was the name, the exact name at this spot where these people were killed - does it have any particular name?

BASIMOLO: It is called Kapeka.

MR. NAGENDA: Even at that spot where people were killed they call it Kapeka.

BASIMOLO: It is called Kapeka.

MR. NAGENDA: Even at that spot where people were killed they call it Kapeka?

BASIMOLO: Yes, it is also called Kapeka.

MR. NAGENDA: Okay. Thank you.

CHAIRMAN: Mr. Basimolo, I also wish to join my fellow Commissioners who have just spoken and I wish to convey my sincere thanks to God to have saved

you from being killed. And I also thank you for the evidence you have given before this Commission. You are now free you can go home. And you are free to go and continue with the Church activities.

BASIMOLO: Okay, I also thank you very much sir.

CHAIRMAN: Counsel, any more witnesses?

COUNSEL: My Lord Chairman, we had only one witness for today. That is the only one we have.

BASIMOLO: I have a problem here, I have been brought here by some people; I do not know Kampala and I do not know how I can go back home.

CHAIRMAN: The Commission has its arrangements to take you back home. So don't worry.

BASIMOLO: Okay, thank you very much.

MR. KAWANGA: Ladies and Gentlemen, we are commencing the hearing of today 29th June, 1988. We are starting a little bit late due to various constraints. Can we start? Should we record him as a witness or not?

COUNSEL: Not yet. Gentlemen Commissioners, as you remember when we were in Mbarara some time last year in October, evidence was detailed on much explanation on Rwandese origin and other citizens of Ugandans, and on of the names that featured as architect on this explanation was Doctor Rubaihayo who had been Minister for State of Agriculture in the Government of Uganda. I do not know whether Dr. Rubaihayo heard what was said. But from what was said, it appeared this Commission realised Dr. Rubaihayo has some knowledge or some facts which may assist this Commission on this issue and many other issues especially as he was a Minister in Government of Uganda.

So today, Dr. Rubaihayo was summoned to be informed of this desire that the Commission considers him a good witness and to inform him that a number of witnesses have somehow tended to implicate him as a person who instigated this explanation of Banyarwanda, this looting of property and killings and burning of houses. So the question I want to put to Dr. Rubaihayo - whether he intends to come to make a statement some time before this Commission?

RUBAIHAYO: Mr. Chairman, I have some scanty information certainly involving my name in the press and on the radio and your programme on the T.V. I didn't think that it necessitated my reacting but it is the Commissioners when they question to us in spite that he was given notice. I was given summons just yesterday. I will answer the question which is put to me because me -I have nothing to say. I have no statement to make and I shall not oppose for taking up your time because somebody alleged anything about me. Because I have been a public servant and people have got different opinions about what happened and what I am supposed to have done and what I am supposed not to have done. So I do not really

know - I mean I am here. I am in your hands. If you have any questions you ask me. I will do my best to help you to clear may be some of the unclear issues as far as I know I have nothing to prepare.

COUNSEL: Mr. Chairman, I am glad that Mr Rubaihayo is prepared to assist this Commission. At this juncture, I would suggest, Mr. Chairman, that he may come to this Commission next Wednesday - that is next week.

MR. KAWANGA: Do you think that Dr. Rubaihayo may benefit from knowing what was said?

COUNSEL: No, I have told him that, and he said he has heard he does not want to bother with that. He will only answer questions. And he does not intend to cross examine those who implicated him as a person who instigated what happened. That is what I see - I mean. Because I would like it to be explained to you that since you are implicated, you are free to get a summary of what people said about you. If you want them you can examine, but it appears your bother is not that, what I understand from you.

RUBAIHAYO: Well, what you understand from me is definitely as I said. I heard a sketch picture of what they were talking about. Now if you expect me to give you any information on the basis of those allegations, definitely it will be a good idea if I read through. Not only that, I cross-examine the individuals who have already put down their views. Then I will know because it may need recalling incidents you need this. If I have those sort of papers I have gone through them I will be able to help better because even if you ask and I do not understand, I mean, I will say I do not understand and that does not mean that it is not a productive answer.

MR. KAWANGA: I see. Now then in your view do you think you will be able to get these people to Mr. Rubaihayo or a summary of it between now and next Wednesday?

COUNSEL: Since now it indicates that he wants to read through to understand what was said then next week may not be appropriate then because we have a number of witnesses you mentioned his name. I have to get a summary of their evidence and pass it to him or avail him an opportunity to read through and then make up his mind. In that case I think I have to prepare that evidence for him and then give him another date. Wednesday will not be an appropriate day for him then in that circumstances. But otherwise if he thinks he knows something then he can let us know then. Then Wednesday I will be ready for him. But as he has indicated he is willing to come.

DR. LUYOMBYA: He is willing. What I am not quite sure is whether he has quite appreciated the mode in which he has to come. I do not know whether Doctor Rubaihayo knows about the purpose of this Commission and what we are trying to do. I am not quite sure whether he has appreciated the value of cross-examining somebody who has brought strong allegations against you because to him he is just taking it as something light but it is in our terms - what we are talking about is in our terms of reference. And

I think he should be informed that if he does not quite understand, I think he is free to have a lawyer with him and he helps him to understand.

RUBAIHAYO: Thank you Sir. Actually as I said I was only summoned yesterday. The summon said that come with documents. I asked the Lt. who summoned me - who got me the papers. What papers or documents the Commission wants - expects me to have. He said he didn't know. I didn't pass time as I am here. Me, I thought I would be asked some questions. I didn't even know which subject to discuss. The issue of the explanation of people from Ankole has just come to me now and I don't know your terms of reference because I have never read them. So I assume that you are interested in asking me now on that particular topic of what I know. Maybe on other topics I don't know which topics. But if there are specific issues that you want to know more from me of course of the issues raised by other participants in this Commission then I should know what they talked about me because as I said, I didn't attend any of those meetings. I only saw what was written on the papers and not at all everything because I don't read papers everyday. These days it is very expensive to buy papers daily, you know. If I find a friend and he buys it then that is it, then I don't have to buy another one. But if there is anything in details that you want, I would like to know what it is. I don't know.

COUNSEL: Mr. Chairman, I think to assist him I send him a person - one of the investigators to take a detailed statement from him and then I think that will assist him to know exactly what we want from him.

MR. KAWANGA: Yes, But I think - for him- if you can also give him a summary of the evidence and also something about our terms of reference because we shall ask him a lot more than what they actually require. I mean what was said about him a man in his position can help in so many other respects. If you can assist him with our instrument of appointment. Okay I think you can make him go.

COUNSEL: Next witness is Hellen Bateyo.

WITNESS NO.302: HELLEN BATEYO - SWORN IN

COUNSEL: Would you please state all your names?

BATEYO: My name is - I am called Hellen Quaituko Bateyo - No. RA 71895

COUNSEL: How old are you?

BATEYO: I am 26.

COUNSEL: Where do you live?

BATEYO: I live at Bombo women's wing

COUNSEL: Where do you originally come from?

BATEYO: Rukungiri

COUNSEL: Which village?

BATEYO: Wakalengo.

COUNSEL: I see. Who is your father?

BATEYO: My father is Bateyo.

COUNSEL: Mother?

BATEYO: Rwinchwairo Edrin.

COUNSEL: You went to school up to S.4?

BATEYO: Yes sir.

COUNSEL: Which school?

BATEYO: Mbale High School.

COUNSEL" Mbale?

BATEYO; Yes sir.

COUNSEL: That is in Bugisu?

BATEYO: It is in Bugisu.

COUNSEL: When did you complete senior 4?

BATEYO: 1979.

COUNSEL: Now after completion of senior 4 where did you go?

BATEYO: I went to Modern Commercial School then I joined the Transocean as a Typist.

COUNSEL: With Modern Commercial School in Mbale also?

BATEYO: Yes sir.

COUNSEL: When did you stop schooling in that school?

BATEYO: It was in June 4th - that is when I ended my Certificates in typing and book-keeping.

COUNSEL: Which year was that?

BATEYO: 1980.

COUNSEL: I see. Then after completion, where did you go?

BATEYO: Transocean.

COUNSEL: When did you join Transocean?

BATEYO: In June 12th - that is when I was appointed as a Copy Typist and a Book-keeper.

COUNSEL: I see. Where in Transocean did you go?

BATEYO: In Mbale branch.

COUNSEL: Yes. Did you leave Mbale to somewhere else?

BATEYO: Yes, I left Mbale in 81 for Kampala.

COUNSEL: When in 81?

BATEYO: It was early 81 around July or March.

COUNSEL: I see. Now on transfer?

BATEYO: No.

COUNSEL: Yes.

BATEYO: I was. - my services were terminated.

COUNSEL: Now in March 81 when you left Mbale, where did you go?

BATEYO: I was in Kampala where I was campaigning.

COUNSEL: Campaigning what?

BATEYO: From Mbale I came campaigning in 80 as I was a UPC member.

COUNSEL: I see. So actually you left Mbale in 80?

BATEYO: In 80.

COUNSEL: I see. When we had elections you were here, campaigning for UPC?

BATEYO: Yes sir.

COUNSEL: I see. So when you were here in Kampala, did you have a home?

BATEYO: Yes.

COUNSEL: Where?

BATEYO: We were staying in Apollo Hotel.

COUNSEL: Who was paying for you in Apollo Hotel. You see it is a very expensive hotel?

BATEYO: Masette Kuuya.

COUNSEL: How long did you stay in Apollo Hotel?

BATEYO: For more than 8 months.

COUNSEL: When did you leave Apollo Hotel?

BATEYO: When they were chasing people out that they wanted to renovate it. That is when I left it.

COUNSEL: I see. And where did you go?

BATEYO: I went to stay with my step sister at Makerere.

COUNSEL: Who is your step sister at Makerere?

BATEYO: She is called Kamugisha Beatrice.

COUNSEL: This is a daughter of your father?

BATEYO: Yes sir.

COUNSEL: But separate mothers?

BATEYO: Yes sir.

COUNSEL: Now what kind of campaign were you doing that justified you to be in Apollo Hotel?

BATEYO: Anyway, we were staying with a group of 5 girls in that room. One was a girl friend of Obote called Betty Kazeirwe. She was a Mutoro and I was staying there, then there was another girl who was for a certain Captain called Captain Upor with another one. So we had a suit there. So we were staying in that suit.

COUNSEL: I see. So were you really working as an Intelligence?

BATEYO: At that time they appointed me as a Typist in President's office again.

COUNSEL: I see. In civil service or just working for the party?

BATEYO: For the party.

COUNSEL: I see. Now this Betty Kamugisha, did she have a house at Makerere?

BATEYO: Betty Kamugisha?

COUNSEL: Yes.

BATEYO: Yes. She was a lecturer there.

COUNSEL: Oh - I see. She was a lecturer - lecturing what?

BATEYO: She was lecturing Psychology I think or Education.

COUNSEL: I see. What was her house?

BATEYO: Lincoln Flats.

COUNSEL: Flat Number what?

BATEYO: I don't remember but it is a flat between all sides.

COUNSEL: Were you really two people in that flat or there were other people?

BATEYO: They had other people.

COUNSEL: Which were other people?

BATEYO: We had my brother - a step brother called Anthony Rwamuchilizi working with President's Office too.

COUNSEL: As what?

BATEYO: He trained in Cuba. He was an Intelligence.

COUNSEL: I see. Who else?

BATEYO: Kenneth Kweshiga - Kenny.

COUNSEL: Is that your brother - a step brother?

BATEYO: Step.

COUNSEL: What was he doing?

BATEYO: He was a student at Makerere.

COUNSEL: Studying what?

BATEYO: Law.

COUNSEL: Any other person?

BATEYO: With the children of the late Beatrice.

COUNSEL: I see. You mean this Beatrice is dead. Because you say these children of

the late Beatrice?

BATEYO: Yes. Since then we don't know where she is. She must be dead.

COUNSEL: How many children did she have?

BATEYO: By that time they were in holidays and we had only one girl - called Annet who was staying there.

COUNSEL: Annet?

BATEYO: Yes.

COUNSEL: Yes, any other person staying with you?

BATEYO: There was a house girl too.

COUNSEL: Now you see when you say Beatrice died, what do you exactly mean. When did you last see her?

BATEYO: I last saw her in August when we were all picked. Kenneth was picked from the - where he was working. He was working here in the Bank - it was 81 I think. Then a certain boy came - interruption.

COUNSEL: Are you sure that it was August or September?

BATEYO: I don't remember well but it was around those two months.

COUNSEL: I see. You were picked up from where?

BATEYO: First Kenneth was picked from town. Then a certain boy came and informed us that Kenneth was picked and taken to where he did not know. Then when we were organising to go and look for him where he was taken, we were also just thinking that we go to Nile Mansion or where. We saw a convoy bringing Kenneth when he was badly tortured. They came they entered the house. They first surrounded the whole flat.

COUNSEL: I see. Yes -

BATEYO: Then they took cover, surrounded the whole flat. They entered the house, they searched the house then after searching the house, they said all of you, you are under arrest. They said where is the owner of this house? She had gone to CCE. We said she is not around. They said you bring her, they first told the house girl - she had my kid. Then we went there together - we went 4 of us. We went there, we found her. They said you - all of you are under arrest. They said you get out and we go. They even searched the room in the CCE which one was - where she had visited. Then we went they took us to Wandegeya Police Station.

COUNSEL: How many were taken to Wandegeya Police Station?

BATEYO: Me, Beatrice and Peace Kaliekezi.

COUNSEL: Who is this Peace Kaliekezi?

BATEYO: She is a daughter of my step sister.

COUNSEL: No. May be at this material time you were still working with Masette Kuuya?

BATEYO: Yes.

COUNSEL: As a Typist?

BATEYO: I was on leave because I delivered a kid who had asthma. So the kid was suffering every now and then. But I was still employed.

COUNSEL: Yes, but you were still employed?

BATEYO: I was still employed.

COUNSEL: Incidentally, where was your office?

BATEYO: It was in Parliamentary Building. I was working for the Party not for Masette Kuuya.

COUNSEL: I see.

BATEYO: I was working in room J.18

COUNSEL: So where were you taken?

BATEYO: Wandegeya Police Station.

COUNSEL: I see. Then what happened at Wandegeya Police Station?

BATEYO: Wandegeya Police Station, they searched us, they didn't beat us. They interrogated us, they made us sit there then they took us to CPS. whereby they picked us by around 3 a.m. to Nile Mansion. They said that the Vice President wanted to see us. Then we were taken to the Vice President in Nile Mansion.

COUNSEL: Vice President who?

BATEYO: Paulo Muwanga. Then we were taken there. I was arrested with Police post down with a kid. Then the kid started suffering with the - her asthma. Then I was released on bail to go and look after that kid. But to be reporting daily to Nile Mansion.

COUNSEL: But you did see the Vice President as they said? Did you see the Vice President?

BATEYO: The Vice President, we didn't see him but we saw his boss.

COUNSEL: I see, so you were reporting daily to who?

BATEYO: I was reporting daily to that room 223 Nile Mansion.

COUNSEL: To whom were you reporting?

BATEYO: There was a certain man called Captain Ogwang.

COUNSEL: Now when you were reporting there, what were you reporting?

BATEYO: I could go there, they just see me. They say you sign here - I sign. Then they handed me to the police down. It is down in Nile Mansion - there is a police post they handed me to the police. The police gave me a police movement order and a police release bond, to take the kid to the village.

COUNSEL: I see. But did they tell you why you were supposed to be reporting to them?

BATEYO: Yes. They said that we were spies for those who are in the bush.

COUNSEL: Yes, but were you spies?

BATEYO: We were not spies.

COUNSEL: Were you spying for those who were in the bush?

BATEYO: Even I don't know where they were.

COUNSEL: Were you spying for Government?

BATEYO: No, for me I was a mere Copy Typist.

COUNSEL: Now what happened to the others - Peace and Beatrice and Kenneth?

BATEYO: The others Kenneth was in Nile Mansion, Peace and Beatrice I couldn't see where they were. Since they were putting us in different rooms not to communicate. So I didn't know where they were.

COUNSEL: I see. So from that time you never saw Beatrice again.

BATEYO: I was also arrested since that time October up to 84 October that is when I was released again in October, 84.

COUNSEL: You mean you were arrested also?

BATEYO: Since that time up to 84.

COUNSEL: You mean you were reporting to the police or you were actually -

BATEYO: I reported then after reporting when I was taking the kid home, Masette met me there. He said this spy who allowed you here to come in our

district? They put me in. My kid died when I was in the prison then they gave me escort. I went and buried my kid. They brought me back.

COUNSEL: Where were you arrested?

BATEYO: I was first arrested in Kabale Central Station, then Tumburwa from Tumburwa to Luzira.

COUNSEL: I see. Did they tell you the reason why they arrested you?

BATEYO: It is the same they said that I was a spy for the bush.

COUNSEL: Now when the convoy came to bring Kenneth to Makerere, were you surprised?

BATEYO: I was very much surprised because I didn't know what was taking place. Only to see that they were taking us and he was badly beaten - tortured.

COUNSEL: Did you know why Beatrice and Kalyekezi were arrested?

BATEYO: I think it was the same case.

COUNSEL: Now, well we have heard from Kenneth. But he has been also a witness and he has been telling us about his arrest and his sisters but the impression was that may be he was suspecting you. Do you have any reason why you should be suspected?

BATEYO: I should not be suspected since even his sister - if he suspects me that I was a girl friend of Masette Kuuya, even his sister was a girl friend of Oyite Ojok. Now even himself Kenneth he was a Chairman of UPM at the Campus. Now I do not know where such things were coming from because we were all loving all these men.

COUNSEL: I see. Your big man was Masette Kuuya?

BATEYO: Yes.

COUNSEL: I see. And Beatrice was Oyite Ojok's?

BATEYO: Yes.

COUNSEL: I see. And Beatrice by politics, what was she? Was she UPC, - UPM?

BATEYO: She was UPM.

COUNSEL: Do you think Oyite Ojok disliked you? Do you know or you don't know

BATEYO: I don't know.

COUNSEL: Now so you think suspecting you is baseless?

BATEYO: It is baseless - Anyway s. rry to say that but from home we were not co-

operating.

COUNSEL: I see. Why?

BATEYO: It is a family grudge that my father had two women. Even my mother is not in that family now. She is away but this one comes straight from home. And you will be surprised to get that there is nobody outside our home - family who gives witness here.

COUNSEL: I see. You mean Beatrice also had this grudge against you?

BATEYO: For us children we had - we were taking things easy but that spirit was there.

COUNSEL: I see. Now we were told that actually from Makerere you were taken to Wandegeya Police Station. Is that correct?

BATEYO: Yes Sir. But for Kenneth I don't know where he was taken.

COUNSEL: But you see Madam, I think because of what this kind of statement from Kenneth is saying, you have been suspected. There are a few questions I intend to cross examine you actually on this matter. On what you stated. Now do you know whether you made any statement at Wandegeya Police Station regarding the movement of Beatrice - your late sister?

BATEYO: At Wandegeya?

COUNSEL: Yes.

BATEYO: No, to come across it?

COUNSEL: You made a statement? At some time at Wandegeya Police Station?

BATEYO: No, even they didn't tell us to make any statement at all.

COUNSEL: Would you like to look at this please? Do you agree those particulars are correct? Would you read them up to this stage please?

BATEYO: It is not correct. I wouldn't make any such statement there.

COUNSEL: Now would you like to read the particulars - just the particulars.

BATEYO: Yes sir.

MR. KAWANGA: You read them aloud.

BATEYO: I am of the above - Misterian Bateyo, Security Personnel, female, place - flats, door - Lincoln Makerere University. C/O President's Office, P.O. Box 7162, Kampala.

STATES: I am of the above address. I have been staying with Beatrice Kemugisha, a lecturer in Education Makerere University, Kampala, for

the last 3 weeks. She is my real sister. During my stay with her, I have noted the following: allegations; On the 9th September 1981 at about 2100 hours, I was in the house with Beatrice Kamugisha, she, Annet, Sarah, Meboh, Samwiri and Robert. I saw one called Kenneth Kwesiga came in a motor vehicle Reg. No. CD12 D2 27U make - Volvo, blue in colour, Kwesiga entered the same house of Beatrice Kemugisha, left the room then went down, entered the said vehicle and drove away. The car was escorted by some people in army uniform travelling in black M/B which I didn't notice the Reg. number. I saw also one person whom I know called Kalisose who was also a passenger in the volvo car. Later on Beatrice returned to her house with one man and whom I didn't know. He was in uniform alike that one worn by Uganda Government Army. The man was dressed in full rank of a Lt. at that time on the road side opposite that house of Beatrice. I saw Yoweri Museveni standing with the two other people - dressed in full U.G. army uniforms. Yoweri Museveni was standing between two armed uniformed soldiers. He was wearing a black shirt and a green trouser. I could see Yoweri Museveni very clearly with the help of security light which was also very bright. The black M/B was parked where they were standing. It was bearing Reg. No. U8 - in green colour but very unfortunately I could not see clearly those figures and the number plates. So after Beatrice Kemugisha and said Lt. left the room and joined the group of the Yoweri Museveni and never came back that night. I also saw a person who I know very well called Ushikire - formerly a candidate for UPM in Rukungiri Constituency. He was among the group who travelled in the black benz. This man is now in exile - Eva - Nairobi. On the 10th September, 81 at about 1000 hours Beatrice Kemugisha, Kenneth Kwesiga and Kalesisi returned to the University to the house of Beatrice at last door No. 1. They all came on foot. Eventually they all went to rest - sleep. On the same day I saw one named Justine driving the same said above volvo car and entered the campus. At that juncture, I went and reported the matter at the higher authority at Nile Mansion for action. On the same day after a full rest, Betty Kemugisha told me that she was invited for a party. At Kasidarufa situated at Rurukuja - Mengo. On our arrival at the party, we found seven white men including Yoweri Museveni who was dressed in army uniforms and armed with guns.

COUNSEL: Do you remember making that statement?

BATEYO: This statement I have never made any statement. Even they took us, we never made anything like this statement.

COUNSEL: At Wandegeya you didn't make a statement?

BATEYO: No sir.

COUNSEL: This statement is supposed to have been made on the 11th September, 1981, at Wandegeya Police Station. You say you didn't make any statement?

BATEYO: No.

COUNSEL: And you never signed any statement?

BATEYO: I didn't.

COUNSEL: And why? - no- something produced and do you know Margaret who was staying at Bukoto Flat No. D.20?

BATEYO: Margaret?

COUNSEL: Yes.

BATEYO: No.

COUNSEL: I see, and so this is very strange to you?

BATEYO: It is very strange to me. It is very knew to me sir.

COUNSEL: You say somebody must have concocted it?

BATEYO: This is a forgery sir. I have never made any statement at Wandegeya.

COUNSEL: Or at the Nile Mansions?

BATEYO: Or at the Nile Mansion or anywhere.

COUNSEL: I see.

BATEYO: They were just detaining me.

COUNSEL: I see. Suppose you it is assumed you signed the actual original statement, would you be able to recognize your signature?

BATEYO: Yes sir. Because as I am still using the same.

COUNSEL: I see. Okay, at this juncture that is where I stop with this witness.

MR. KAWANGA: I see. I think we have some questions.

COUNSEL: But I will need her again.

MR. KAWANGA: Mr. Sekandi, apparently you will need this witness again?

COUNSEL: Yes.

MR. KAWANGA: But I think it does no harm if we ask some questions from what she has said. So Hellen we shall ask you a few questions.

BATEYO: Yes Sir.

MR. KAWAMGA: Apparently you went to Mbale. You finished Mbale. Is it Mbale Senior Secondary School?

BATEYO: Yes sir. High School.

MR. KAWANGA: High School in 1979. And according to you, you -interruption

BATEYO: But it must - maybe I have forgotten or I am shaking but - interruption.

MR. KAWANGA: Don't, don't shake. There is no problem. (Laughter)

BATEYO: But it was 78 because I started with this party campaigns. I first started earlier.

MR. KAWANGA: I see. You finished with your schooling in 1978?

BATEYO: Yes Sir.

MR. KAWANGA: And you joined UPC then?

BATEYO: I worked with the Transocean the whole of 78 and when this campaigns came, I started campaigning straight away in 1980.

MR. KAWANGA: Well, you could have started in 1979.

BATEYO: I started in 80.

MR. KAWANGA: Now what relationship did you have with Masette Kuuya?

BATEYO: Boyfriend.

MR. KAWANGA: When did he become your man-friend?

BATEYO: He became one in 1980

MR. KAWANGA: 80. You remember the month?

BATEYO: No. But I met him in Mbale.

MR. KAWANGA: In Mbale. And then when you were working at Transocean?

BATEYO: Yes.

MR. KAWANGA: And I hope you met him when you joined the campaigns - UPC?

BATEYO: Yes sir.

MR. KAWANGA: Where in Mbale? Where were you staying, with them?

BATEYO: Mbale by that time I was staying with my brother-in-law. He had a driving school there. So he had married my real sister. I was staying with that family.

MR. KAWANGA: I see. Then when you came to Kampala you went to Apollo Hotel?

BATEYO: Yes sir.

MR. KAWANGA: According to you, you were staying with the 4 other girls?

BATEYO: Yes sir.

MR. KAWANGA: You said one of them was the girlfriend of Dr. Obote?

BATEYO: Yes sir.

MR. KAWANGA: What was her name?

BATEYO: Betty Kazirwe.

MR. KAWANGA: Okay. The other one was a girlfriend of Captain Upor John?

BATEYO: Yes sir.

MR. KAWANGA: What was her name?

BATEYO: Her name was Aidah. I don't still remember her other name.

MR. KAWANGA: Okay. Then you were the girlfriend of Masette Kuuya?

BATEYO: Yes.

MR. KAWANGA: What about the other two?

BATEYO: There was another girl called Flavia. She was also a girlfriend of a certain Lieutenant called Ali.

MR. KAWANGA: And what about the 5th. Those are four girls.

BATEYO: We were four.

MR. KAWANGA: So you were four?

BATEYO: Yes Sir.

MR. KAWANGA: I see. So all the four of you were girl friends of the big men - were you staying in one room?

BATEYO: Yes Sir.

MR. KAWANGA: How then were you involved - what other things were you doing besides being girlfriends of big men?

BATEYO: Those girls - those two girls called Flavia and Aidah were school girls.

MR. KAWANGA: I see where?

BATEYO: In Gregg - this senior secondary school there.

MR. KAWANGA: Gregg?

BATEYO: Yes.

MR. KAWANGA: I see. So the other two were just school girls and you were working somewhere?

BATEYO: Yes sir.

MR. KAWANGA: Now what were you doing?

BATEYO: Me and Betty, Betty was a typist in President's Office by then. Then I was also a Typist in the typing pool.

MR. KAWANGA: In the President's Office?

BATEYO: Yes sir.

MR. KAWANGA: I see. By then according to what you said, you were working for the Party and not for the Government at that time?

BATEYO: Yes sir. I was working for the Party.

MR. KAWANGA: But in Parliamentary Buildings?

BATEYO: Yes sir.

MR. KAWANGA: In 1980?

BATEYO: In 1980 we were working in Uganda House.

MR. KAWANGA: I see. In 1980 you were working in Uganda House?

BATEYO: Yes sir.

MR. KAWANGA: In 1981 you moved to Parliamentary Buildings?

BATEYO: Yes sir.

MR. KAWANGA: Did you have a child with Masette Kuuya?

BATEYO: I had one.

MR. KAWANGA: Is that the one who died?

BATEYO: Yes sir.

MR. KAWANGA: I see. Now when you got arrested, did you see Doctor Mateke?

BATEYO: I saw him.

MR. KAWANGA: Is it Masette who caused your arrest in Rukungiri?

BATEYO: Yes sir.

MR. KAWANGA: Didn't Masette Kuuya know that you were arrested?

BATEYO: He knew but he said that we were fighting to remove them. We were also not co-operating. He had given me up.

MR. KAWANGA: I see. He had also given you up. As you were belonging to the bandits. He didn't care as to what was happening to you?

BATEYO: He didn't, sir. He didn't care at all.

MR. KAWANGA: Where did you bury the child?

BATEYO: I buried the child at my sister's.

MR. KAWANGA: In Rukungiri?

BATEYO: Yes.

MR. KAWANGA: What was the name of the child?

BATEYO: She was called Babirye Shira.

MR. KAWANGA: Shira Babirye?

BATEYO: Yes.

MR. KAWANGA: But Babirye is a Kiganda name not Mugishu name.

BATEYO: He has got a sister who is called Babirye. Then he called her according to the aunt.

MR. KAWANGA: Who called?

BATEYO: It is Masette Kuuya who called her.

MR. KAWANGA: I see. Called her Babirye.

BATEYO: Yes.

MR. KAWANGA: Then you said after your arrest you were taken to Nile Mansion, when were you arrested with your sister Kemugisha you were taken eventually to Nile Mansion?

BATEYO: Yes sir.

MR. KAWANGA: This was long before all these problems? Didn't Masette Kuuya get to know that you were arrested?

BATEYO: He knew.

MR. KAWANGA: Did he assist you to get released?

BATEYO: He didn't. The only person who helped me was a Police Commander I didn't know his name. Because the child was dying when he came there he said this is against the law. Keeping the child just dying, were, you hand this lady to police. Then we shall be looking after the kid. Taking the kid to the hospital because the child was dying. She was born with Asthma.

MR. KAWANGA: I see. Now you said you reported to Nile Mansion. Is it for two or one month - or?

BATEYO: About two weeks.

MR. KAWANGA: Two weeks. And you were reporting to one Ogwang, Captain or something?

BATEYO: Yes.

MR. KAWANGA: And he was just coding you present and let you go just?

BATEYO: Yes sir.

MR. KAWANGA: He never asked you anything?

BATEYO: He used to ask me that do you know where Museveni is? Then they just - I sign then he signs that I have reported. Off I go.

MR. KAWANGA: Okay. During this time did you continue working in Parliamentary Buildings?

BATEYO: You know I was on Police bond. And they gave me a police movement order to take the kid to the village and come back. When I reached there, Masette also detained me also in that end. But I managed to take the kid home because I send a message then my sister came and collected the kid together with the house-girl who was looking after the kid. She took them at home there, that is where the kid died. Then they escorted me from prison. I buried my kid, I came back in prison.

MR. KAWANGA: I see. So your misfortune according to you - started with your arrest, of your sister and Kenneth and it would have appeared that Masette Kuuya suspected you of being involved in the overthrow of their government?

BATEYO: Yes sir.

MR. KAWANGA: But you were a very strong UPC supporter?

BATEYO: I was very strong one but the party itself changed against me.

MR. KAWANGA: I see. Okay.

DR. LUYOMBYA: Hellen, I will ask you just a few questions for clarity. When you were staying in Apollo Hotel with these other girls, did you and your girlfriends of the big men as you said, did you have an opportunity of seeing these other men while you stayed there? For example, Obote himself. Did he ever come to your suit when you were there?

BATEYO: No, they used to send escorts. We were not even sleeping there. They used to send their escorts to take us.

DR. LUYOMBYA: Where?

BATEYO: Some of those to the - that girl used to go to State House - this Betty. Then for me I used to go to Nile Mansion even plus others, where they had other rooms.

DR. LUYOMBYA: And Beatrice, you said was also a friend of Oyite Ojok?

BATEYO: Yes.

DR. LUYOMBYA: Yes.

BATEYO: That Beatrice - even if we had family grudges and what - those got finished at home. She was my best friend. She couldn't hide from me her boyfriend or I to hide my friends. We used even to go together. She used even to visit us in Apollo Hotel. Even when I delivered she is the one who looked after me.

DR. LUYOMBYA: No, I am not refuting that. I just wanted to know whether you knew Oyite Ojok personally. When you were arrested with Beatrice, did you approach Oyite Ojok to help you out?

BATEYO: They didn't even want to see our faces from that time.

DR. LUYOMBYA: But did you make even an attempt or you just assumed that they would not receive you?

BATEYO: I assumed that he will know since we were taken to Nile Mansion and he was staying there.

DR. LUYOMBYA: Oyite Ojok was staying in Nile Hotel at that time?

BATEYO: Yes.

DR. LUYOMBYA: But my question - did you make an effort to see Oyite Ojok to help you out with this problem or help his girl friend?

BATEYO: We had no way out of looking to see him.

DR. LUYOMBYA: Did you hope that he didn't receive you because an allegation had been made against you and that allegation was against his interests, of the Government and the party?

BATEYO: Out still we had no way of seeing him. Since we were arrested we could not talk to the escorts that you go and tell him but he knew that we were arrested.

DR. LUYOMBYA: How did you know that he knew that you were arrested?

BATEYO: He passed when we were there.

DR. LUYOMBYA: Who? Oyite?

BATEYO: Yes. He passed when he was going to his suite.

DR. LUYOMBYA: As prisoners or detainees?

BATEYO: Detainees.

DR. LUYOMBYA: Yes. I see. Now it is a bit strange that you were a staunch UPC supporter and you were in company of big men and here is an allegation which is brought against you that you are trying to overthrow the government you support and yet it seems you didn't bother to clear yourself. What do you say about that?

BATEYO: In which way sir? Of clearing myself? To the Party?

DR. LUYOMBYA: To the party and to these big men?

BATEYO: When they suspected my sister and my brother - my brother was working in President's Office. Then they thought that he was taking the secrets from their offices to the guerrillas by that time they were calling them guerillas. So they suspected me, they didn't help me even if you know that I am against you. You cannot now allow me to come near you again because you know that I can do some harm to you. So they thought that may be I will be taking secrets from our office to guerillas for overthrowing their government.

DR. LUYOMBYA: Did you know any secrets from that office?

BATEYO: No. We used to type different - they had you see everybody had his personal secretary. So we couldn't type, those only what typing pool was different from secrets, let me say.

DR. LUYOMBYA: So you were not a personal secretary of anybody - you were just in the pool?

BATEYO: I was a copy typist.

DR. LUYOMBYA: Yes, but in your own mind and let's be sincere about this. Did you snatch or take any secrets to the guerillas then?

BATEYO: I didn't. I couldn't even know any guerillas. I was just blind about that. If I did know one by the time they released me on the bond, I would have joined the guerillas but I didn't know where they were, where they were

staying or what is guerilla. I used to know only that road-blocks, what - only that. If I had an idea of where they were when they released me I would have joined the guerillas.

DR. LUYOMBYA: Did you try to find out who led you into this problem?

BATEYO: I tried but when you try and you are in prison you cannot get anything.

DR. LUYOMBYA: No, you were not in prison. You were on police bond and you were free to move about.

BATEYO: Police bond I didn't even use it for long. I used it only for a few days - then that is when I took the kid then again they arrested me there in Kabale, when taking my kid home.

DR. LUYOMBYA: And perhaps to add here - did this staunch UPM lady Beatrice - was she involved in the banditry activities against UPC government?

BATEYO: No, she was not against UPC government.

COUNSEL: Did you discuss party politics with Beatrice when you were with her?

BATEYO: Anyway, we were not discussing party problems. We used not to converse about parties.

COUNSEL: Why?

BATEYO: For example, she said that when you pass - the tree, where it falls that is where she goes, she was in the UPC by then since it won.

COUNSEL: To your knowledge, did the party to which you were supporting have any intelligence organ?

BATEYO: It had.

COUNSEL: And did it have, to your knowledge, any secretaries who were also in this intelligence organ?

BATEYO: I don't know.

COUNSEL: In the room where you were working, were you alone?

BATEYO: J.18, I was not alone.

COUNSEL: Yes, J.18. Did you know may be any other duties of other people with whom you were?

BATEYO: Yes.

COUNSEL: What were they doing apart from being secretaries?

BATEYO: Some in J.18 were Intelligent Officers. And our photographs were

hanging there on the wall.

COUNSEL: I see. Now I will take you back to Mbale. You said you joined politics in Mbale. Am I correct?

BATEYO: Yes sir.

COUNSEL: Was there any women's organization in Mbale that was supporting UPC which you knew of?

BATEYO: It was there.

COUNSEL: What was its name?

BATEYO: It was called ...

COUNSEL: It was called what?

BATEYO: I think it was called Night Red Guards of.....

COUNSEL: Okay, fine. Were you a member of this Red Guards?

BATEYO: No sir. I wasn't a member. I was not among them.

COUNSEL: But you were .....?

BATEYO: They were these women that started the UPC early in 62. That was the group of the Red Guards.

COUNSEL: I see. But they were supported by Masette Kuuya?

BATEYO: Yeah.

COUNSEL: And financed by them?

BATEYO: And financed by the President.

COUNSEL: I see. Through Masette Kuuya?

BATEYO: They had their Chairman.

COUNSEL: I see. Now you have mentioned that in your family - you had family problems and conflicts, that is why Annet reported you. Is that correct?

BATEYO: It is correct.

COUNSEL: When did this family problem start?

BATEYO: They started even when I think I was not yet born. Because I found this grudge there.,

COUNSEL: And I am sure your parents did advise you that those people were not

good people. Am I right?

BATEYO: The parents did advise us. The mother of Kenneth did advise them that my mother is not good and our mother did advise us also that the mother of Kenneth is not good to us.

COUNSEL: I see. So you said that Kenneth reported you here because of those problems. Am I correct?

BATEYO: Yes.

COUNSEL: Now, don't you think that you also were trying to hit these people by writing a statement to implicate them in the Police Station since you said that your parents were also teaching you to hate those people? Didn't you think that you made that statement by way of trying to revenge or do something to at least attack them?

BATEYO: I was not since themselves they were even accusing first of all, he was the Chairman of UPM, at the Campus - Kenneth. Then that one was also a girl friend of a big army commander. So I think by arresting us may be they based on him being the Chairman of the Campus suspecting Museveni to be there. May be they suspected that he is the one who recommended him as the Chairman of UPM.

COUNSEL: But had Museveni been there?

BATEYO: I don't know.

COUNSEL: And you mentioned another name called Peace who was also arrested. Did she have any position?

BATEYO: I don't know whether she had. She was a student there in CCE.

CHAIRMAN: We want to go through your ordeal. You said you were arrested. In is it Ndorwa?

BATEYO: Yes.

CHAIRMAN: And taken to Kabale Police Station?

BATEYO: First in Kabale Police Station. From Kabale Police Station they took me as lodger in Ndorwa.

CHAIRMAN: How many days did you spend at Kabale?

BATEYO: I spent there nine months as a lodger in prison.

CHAIRMAN: In Ndorwa?

BATEYO: Yes sir.

CHAIRMAN: And Kabale Police Station how many days did you spend there?

BATEYO: I spent there only one night then they took me there because they had no cells for women.

CHAIRMAN: I see. And from Ndorwa you were moved to Luzira?

BATEYO: There was a certain car which came written UC land rover which took me from there to Luzira.

CHAIRMAN: Alone?

BATEYO: Yes.

CHAIRMAN: How long did you stay in Luzira?

BATEYO: I spent there ------ (Interruption)`

CHAIRMAN: To begin with when were you taken to Luzira?

BATEYO: I was taken there in December. It was March 13.

CHAIRMAN: I see. And you stayed there until when?

BATEYO: 84. I was released in October 84.

CHAIRMAN: 84. How did you come to be released.

BATEYO: They called me, I went to the office. In the office I found they had arranged everything, the transport was 20,000/= and the chit that I had been detained for two years and eight months in cell and I was released. Then I went to the bus park and I got a vehicle up to Kabale at my sister's.

CHAIRMAN: Were you still having the detention order during your stay in Luzira?

BATEYO: Yes sir.

CHAIRMAN: You were served with a detention order?

BATEYO: I was served - I was not served.

CHAIRMAN: Were you given a document detaining you at Luzira, or you were just put in and forgotten?

BATEYO: I was put in prison and forgotten.

CHAIRMAN: You never saw any detention order?

BATEYO: No. They took me - they told them that I was a detainee.

CHAIRMAN: I see.

BATEYO: Then they signed me in the book I don't know who signed me.

CHAIRMAN: Yes, during your stay at Luzira, did you meet Peace?

BATEYO: No, I didn't.

CHAIRMAN: But do you know that she had been detained at Luzira?

BATEYO: I didn't know anything.

CHAIRMAN: So you didn't know where Kenneth was, you didn't know where Peace was?

BATEYO: I didn't know where Beatrice was.

CHAIRMAN: Even up to now:

BATEYO: Yeah.

CHAIRMAN: Okay. You were released. What did you do in 1984?

BATEYO: When I was released, I went back to my sister's home at Kabale. I stayed there then I had a man friend there. I delivered a baby boy in early 85. Then the father took the kid in 85 in December. Then 1986 I joined the army.

CHAIRMAN: NRA?

BATEYO: Yes sir.

CHAIRMAN: Where, in Rukungiri?

BATEYO: I joined it in Mbarara.

CHAIRMAN: I see. And since then you have been with NRA?

BATEYO: Yes sir.

CHAIRMAN: Up to now?

BATEYO: Yes sir.

CHAIRMAN: What about your man friend?

BATEYO: He is a civilian. He is at home.

CHAIRMAN: Do you have another man friend now?

BATEYO: Yes.

CHAIRMAN: I see.

LUYOMBYA: Let me come back about these friends of yours with whom you stayed in

Apollo Hotel. How old was Aidah?

BATEYO: Aidah was about 18.

DR. LUYOMBYA: 18, and Flavia?

BATEYO: She was younger then. I think she was between 15 and 16.

DR. LUYOMBYA: You could have been younger.

BATEYO: Yes.

DR. LUYOMBYA: How old were you yourself?

BATEYO: 14.

DR. LUYOMBYA: Now Aidah and Flavia were not working they were just school girls?

BATEYO: They were not working.

DR. LUYOMBYA: From which area of the country did they originate, Rukungiri as well?

BATEYO: They were from Lyantonde.

DR. LUYOMBYA: Lyantonde?

BATEYO: Yes.

DR. LUYOMBYA: Did you know them before?

BATEYO: No. I just knew them when their boyfriends brought them to us.

DR. LUYOMBYA: I see. You never knew how these boyfriends were acquired even?

BATEYO: What?

DR. LUYOMBYA: Do you have any knowledge as to how Captain Upor and Lieutenant Ali acquired Aidah and Flavia?

BATEYO: I do not how - because we met in the banquet, In Apollo Hotel. That's where we met. Then they said you go up with these two girls. We shall find them there. Then when we asked the girls how they came they said that they had been friends that they were staying with their aunts in Kibuli and they came to know those Lieutenant and Captain and they popped in.

LUYOMBYA; You yourself, you had a child with Masette Kuuya?

BATEYO: Yes.

DR. LUYOMBYA: In a way you were a woman?

BATEYO: Yes.

DR. LUYOMBYA: And what do you think you yourself about these girlfriends running these men and your sharing the room?

BATEYO: But they used to - The men used not to come there. They used only to send escorts to pick them up.

DR. LUYOMBYA: I know you used to stay with the girls.

BATEYO: Yes, I used to stay with the girls.

LUYOMBYA: So you knew they were going to attend school from Apollo Hotel?

BATEYO: Yes, they used to go from there.

DR. LUYOMBYA: And they would come back?

BATEYO: Yes sir.

DR. LUYOMBYA: Did you have any feelings about these school girls coming to stay in the hotel with you and running with these men?

BATEYO: I didn't care about them at all. (Laughter).

DR. LUYOMBYA: Okay.

COUNSEL: Do you know where Flavia and Aïdah are now?

BATEYO: Aidah joined NRA and is now on Cadet course.

COUNSEL: Where?

BATEYO: I heard she went to T-Z.

COUNSEL: What is TZ?

BATEYO: Tanzania.

COUNSEL: And Flavia?

BATEYO: Flavia is also in the army but in Kitgum.

COUNSEL: What about Hope?

BATEYO: That one I don't know. I don't have any idea where she is.

COUNSEL: How old is she?

BATEYO: No. She is a Mutoro.

CHAIRMAN: But how old is she?

BATEYO: She was about 28.

COUNSEL: Now Chairman, as I indicated, I intend to call this lady in two days time. I think Friday - I want to let her know. But at the same time I want her to know that her brother - step brother, is there. In case you want to set them some questions. In fact he says he suspects her of having caused them problems. If she wants at this stage to cross-examine him, he is available.

CHAIRMAN: Do you want to ask your step-brother any questions about what he said about you?

BATEYO: Yes sir.

CHAIRMAN: He is there. Are you ready?

BATEYO: I am ready to ask.

CHAIRMAN: Do you know what he said to begin with?

BATEYO: No. But what I am asked shows me what he said.

CHAIRMAN: I see. Okay. I think you can summon this girl and summon Mr. Kenneth Bateyo.

DR. LUYOMBYA: Or before you ask, do you like to have a summary of being told or a summary of what he said so that you are clear when you are checking.

BATEYO: Yes sir.

COUNSEL: Hellen, you have a step brother, Kenneth Bateyo who appeared before this Commission. Yesterday stated that you on Friday, he said that you were staying with his late sister whom you call the late Betty Peace at Lincoln Flats in Makerere and that at that time you were working with NASA which was an intelligence organ in the then Obote Government. Because of malice you reported to your intelligence organ to which you were working that he Kenneth with his sister were assisting the then bandits or guerillas and that you directed these intelligence people - soldiers to the flats - that is the flat which you were staying so that they could come and arrest his sister - the late sister Betty. That on that day when these people came to surround the flats his sister Betty was out and you were the one who showed the soldiers who had come to arrest her where the late Betty was. And later on because of your being a NASA, you pretended that you are arrested with them and so subsequently released. That is what was said by Kenneth who is now here ready to be cross-examined by you.

BATEYO: What I want to ask him first - I want him to tell me or to tell the Commission the meaning of NASA by that time.

KENNETH: Mr. Chairman, NASA at that time was commonly known as a

Government security organ.

BATEYO: And what was your brother?

KENNETH: Which brother are you referring to?

BATEYO: Anthony, what was he?

KENNETH: He was a NASA.

BATEYO: Were you staying with him?

KENNETH: Yes.

BATEYO: And how do you suspect me and not suspect the other one.

KENNETH: I am not suspecting you without reasons. I suspect you because since 1981 up to now I have reason to believe that you could have most likely made the report.

BATEYO: Such as - you can tell the Commission one of the reasons why you suspect me since 1981 up to this time, 1988.

KENNETH: I see. When I was at home in Rukungiri in 1981 I met our brother - late Herbet Harinsimwe who told me that during the time when we were arrested, he and other people had come to you and asked you to do something about our release and he told me that you had told him that in fact you are the same fellow that caused our arrest. So there would be no logic in you again going to live with us. And that in any case we are parents of Museveni and that is how Museveni's parents should be treated. That is my major source of information that led me to suspect you.

BATEYO: Excuse me, when he told you like that it was 86?

KENNETH: Yes.

BATEYO: He told you and he was still alive?

KENNETH: Yes.

BATEYO: But you waited for him to die so that you make a statement. Why didn't you make it before when he was alive and he comes to hear his evidence that he told you or he approached us?

KENNETH: Do you know when you might die?

BATEYO: But by that time you would have at least done something since 81 when NRA took in 1985 up to now you make it in 86 when NRA/NRMis in power and it had something at least to do. And he spoke a long time ago, he didn't die in a week's time or anything. He has been sick since that time. Why didn't you bring him alive so that he gives evidence?

KENNETH: Well. I didn't think it was necessary at the time because I didn't think it was really an urgent matter to bring to the authority.

BATEYO: Why was it not urgent?

KENNETH: Well, in my view.

BATEYO: So now I am asking you. You say I was in NASA. If NASA is our concern, you were trained in Cuba, your brother was one of them. Me - I have nothing that can show me - can you show the Commission any incident that shows that I was a NASA and it must be there? Enough is enough.

KENNETH: Mr. Chairman, I don't know whether being a NASA or not is a very big issue relating to matters before this Commission but in my view if you didn't agree that you were a NASA I can take what you are saying. So you tell us what you are.

BATEYO: I am not a NASA and I have not been a NASA, and I do not know how you come to call me a NASA.

KENNETH: Well, you have just stated that you used to work for the security organization. That is why I called you a NASA.

BATEYO: Me, I only used to work for UPC and not for NASA.

KENNETH: I am sorry about the confusion.

BATEYO: So the suspect - is it that because I was a NASA or I was Masette's girl friend? Is that where the suspicion come from that I am the one who killed those people?

KENNETH: No, the suspicion is that you actually did it. I was told that you did it. Not that because you are my step-sister, not that because you were Masette's girl friend, not because you are NASA, but I believe you had a bad political adviser at that time.

BATEYO: But you told - you say that you were told. Who told you?

KENNETH: Being told that what?

BATEYO: Who told you that I am the one who killed your brother and sister? Then you killed my brother-in-law. He was also shot deadin his home. Who killed him?

KENNETH: Mr. Chairman, I don't know whether you have told the witness that I reported that she killed my brother and my sister? But I am just getting it from here, may be she needs to explain.

BATEYO: So I know about their arrest. Now, if I know them being arrested, who knows about being arrested, who knows about my being arrested for such

many years?

KENNETH: Is that addressed to me Mr. Chairman?

CHAIRMAN: I don't think that question is relevant. The incidence of this evidence just I think we needed clarification all by way of cross-examination - was that he had suspected you being - because of your close relationship with Masette Kuuya and with UPC headquarters. And that he had been told that you must have been in Government security agency. That is why you were suspected that you must have given information which led to their being arrested. We have had your explanation, it is up to us to decide in one way or the other. But what is important now is that the issue of the fact that when the security men came with him, to the house, you are the one who led them to where Beatrice Kemigisha was. That is also something which has to be handled. Why - why - this happened?

BATEYO: I am the one with her daughter. They forced us to go and look for her. They escorted us up to the house. I couldn't just accept to die or to start torturing me there when I knew where she had visited. And by directing them to Beatrice - she didn't tell us that I am going to hide. So if they come asking for me so do not tell them where I am. She went as if she was visiting.

CHAIRMAN: Yes, Mr. Leading Counsel, I do not know whether you are recalling the witness we have been in relation to the statement because - then we can suspend our questions about the statement. Have you any other questions to ask?

BATEYO: I don't have sir.

CHAIRMAN: Have you any other questions to ask here also?

KENNETH: I don't have.

CHAIRMAN: Mr. Sekandi, I think that this boy will be the witness for today.

COUNSEL: Yes, yes, it is alright.

CHAIRMAN: You can both go.

Now, do we have other witnesses, Mr. Leading Counsel?

COUNSEL: Cheborion. Counsel, Chairman, Lady and Gentlemen, Commissioners, the next witness will give evidence relating to unlawful arrest and torture that occurred at Kireka Barracks in Kampala and this is Haji Ismail Kanakulya Gireriya.

WITNESS NO.303: HAJI ISMAIL KANAKULYA - AFFIRMED

COUNSEL: You are Haji Ismail Kanakulya Gireriya? Aged 41 years?

KANAKULYA: Yes sir, correct. I was born in 1946.

COUNSEL: You are self employed?

KANAKULYA: Correct.

COUNSEL: Resident of Bweyogerere Trading Centre?

KANAKULYA: Yes sir.

COUNSEL: Now when did you settle in Bweyogerere?

KANAKULYA: I came from Kyagwe and settled there in 1966 but traditionally that is where our land is.

COUNSEL: Are you married?

KANAKULYA: Yes.

COUNSEL: With how many wives?

KANAKULYA: Two wives.

COUNSEL: How many children?

KANAKULYA: 15 children.

COUNSEL: Now in 1985 January, around the beginning of January, 1985 where were you?

KANAKULYA: I was in Bweyogerere.

COUNSEL: And around what time on that day as a Moslem did you go for prayers?

KANAKULYA: As I was going for prayers, the Land Rover came and inside there were about 5 people.

COUNSEL: What sort of land rover?

KANAKULYA: It was white and it was parked at the Petrol Station.

COUNSEL: Do you know any of those gentlemen who came in that land rover?

KANAKULYA: There was a policeman who was called Osire.

COUNSEL: Do you know which station he belonged to?

KANAKULYA: Yes. He was working at the area - police station which was there at that time.

COUNSEL: Was he in-charge of that police station?

KANAKULYA: No.

COUNSEL: So when this land rover came, what followed, what happened?

KANAKULYA: So this policeman told me that I was wanted at the police headquarters. And I told him that I could not go to the Police Headquarters before reporting to our Police Station - Bweyogerere.

COUNSEL: Did he tell you the reason why you were wanted in Police Headquarters?

KANAKULYA: He told me the reason and he said that I was a bandit and that I had a gun.

COUNSEL: No, before you talk about a gun, those people who came in a land rover, were they security personnel? Had they guns as well?

KANAKULYA: They were all armed.

COUNSEL: They were in uniforms?

KANAKULYA: No.

COUNSEL: Now Osire said that you were wanted at the Police Headquarters, that you had a gun. Did you have a gun?

KANAKULYA: Yes, I had it and I had licence for it.

COUNSEL: What sort of gun?

KANAKULYA: It was a shot gun.

COUNSEL: Now what of the number.

KANAKULYA: I cannot remember the number.

COUNSEL: Could it be number YD 18849 - 12?

KANAKULYA: YD 18849 - 12 that is the one.

COUNSEL: Did you have a licence for it?

KANAKULYA: I had it.

COUNSEL: Do you have it?

KANAKULYA: They were taken.

COUNSEL: How did you get this gun?

KANAKULYA: I applied for it.

COUNSEL: From where?

KANAKULYA: From the Government and I had a letter authorising me to have the gun.

COUNSEL: Do you still have that letter?

KANAKULYA: They were arrested - the documents were taken after which they came back and arrested many people. Even they tried to arrest the Minister to implicate the minister that he was the one who gave me the gun.

COUNSEL: For how long had you owned this gun?

KANAKULYA: I got it in 1971.

COUNSEL: How many rounds did you have?

KANAKULYA: 10 of them.

COUNSEL: And what was the use of this gun - general purpose?

KANAKULYA: I applied for this gun because I was a treasurer for a certain organization. I was a prominent farmer and even to use it for hunting.

COUNSEL: I hope you were renewing the licences since 1971. Were you doing this?

KANAKULYA: Even the time when it was taken, I had a licence for 1985 but I had not yet received that one for 1986.

COUNSEL: Were you getting these licences from the police or from which department?

KANAKULYA: Yes, from room 21.

COUNSEL: Now you said this gun was taken from you, could you now give the Commission the details how the gun was taken, from the time you left the mosque?

KANAKULYA: I didn't leave the mosque but I was arrested.

COUNSEL: Yes, then you went and where did you go?

KANAKULYA: When I was arrested by this Osire and other people, I was taken to my house which was searched and eventually they started beating me though I told them that the gun had a licence. I had a licence for that gun but they started beating me.

COUNSEL: Yes continue.

KANAKULYA: I was beaten and even shot my T.V set until I told them that if I had a case, they should have come to my house straight away because they said why they came to my house was a gun and I had given them the licence.

COUNSEL: Did Osire - policeman also encourage beating you?

KANAKULYA: It was difficult to recognize anybody as I was forced to sit down they started beating me straight away so I could not recognize whether Osire was participating.

COUNSEL: What did they use for beating you?

KANAKULYA: Whatever they could get.

COUNSEL: Now after beating you, what followed?

KANAKULYA: From my house they put me into a land rover. I was forced to lie on it they stepped on me and they took me to the Police Post. The officer in charge told them that if it was because of the gun there were documents - I had documents.

COUNSEL: Which Police post? was it Bweyogerere?

KANAKULYA: Yes.

COUNSEL: Who was O/C at that time?

KANAKULYA: He was called Okello.

COUNSEL: Did he have any rank to your knowledge?

KANAKULYA: He was a Corporal.

COUNSEL: Yes, what followed when the corporal told them that you had the licence?

KANAKULYA: They put in the land rover and drove away.

COUNSEL: Apart from the 4 men who were in uniforms armed with guns, were there any other people in the land rover?

KANAKULYA: I couldn't know whether there were other people because inside the land rover, they stepped on me and I remember when they were heading for Kireka, they came out of the vehicle and shot in the air trying to arrest a person called Sanyu and another boy who was fetching water.

COUNSEL: Did they arrest him?

KANAKULYA: Yes, he was arrested.

COUNSEL: And when you were going to Kireka, did you go with Osire?

KANAKULYA: I don't know because by the time I got out of the land rover at Kireka I just saw Sanyu. But I don't know whether Osire was in the land rover.

COUNSEL: Now on your way to Kireka did you pass a place called Nwere?

KANAKULYA: That is where they shot that boy who was coming from fetching water and that is where Sanyu was arrested.

COUNSEL: Did the land rover stop at that place?

KANAKULYA: Yes.

COUNSEL: Can you explain more how this boy was shot did they shoot at him or they called him and then something happened?

KANAKULYA: I couldn't see because I was lying in the land rover.

COUNSEL: Now this man called Sanyu, how did he come to shoot the young boy? How did you come to know that the boy was shot when you were lying in the land rover?

KANAKULYA: I got it from a conversation between Sanyu and the soldiers because they asked Sanyu why they were running away. And that it was in their attempt to arrest him that they had shot that boy.

COUNSEL: I see. Now this gentleman called Sanyu, what is his other name?

KANAKULYA: He was Lukwago.

COUNSEL: And when you met him, was he walking, was he on a bicycle or motor cycle?

KANAKULYA: He was forced into the Land drover with his bicycle.

COUNSEL: So they took him with his - they arrested him with his bicycle?

KANAKULYA: Yes.

COUNSEL: Eventually did you reach Kireka Barracks?

KANAKULYA: We were not taken to Kireka Barracks, we were taken to a police - it was a place where the police had communication facilities.

COUNSEL: Yes, what happened there?

KANAKULYA: On arrival there as I was coming out of the land rover, the soldiers quickly kicked me and I was beaten they said that I was keeping bandits, that I called myself an elder.

COUNSEL: Yes, continue.

KANAKULYA: And they accused Sanyu of selling fuel to the bandits.

COUNSEL: Did Sanyu have a petrol station?

KANAKULYA: He didn't have.

COUNSEL: Yes, what followed?

KANAKULYA: They confiscated our identify cards and Graduated Tax (G.T.) tickets. At around 6 p.m. they told me that they were going to take me to Wandegeya Police Station.

COUNSEL: Yes.

KANAKULYA: We were forced into the land rover. They drove towards Wandegeya. At that time they allowed us to sit, so we were sitting between them, they were armed.

COUNSEL: Yes.

KANAKULYA: And on reaching Wandegeya, they proceeded and eventually we arrived at Katikamu.

COUNSEL: Do you know Katikamu which was known as tactical headquarters?

KANAKULYA: Yes, that is where - I mean when the Commission was in Luwero I came there is give evidence and I found that there was no power. The building which was meant to be the residence of the Magistrate, that one was then the prison.

COUNSEL: So you were imprisoned at Katikamu?

KANAKULYA: Yes.

COUNSEL: For how long did you stay there?

KANAKULYA: Three months. And I was transferred to Bombo where I spent 3 months.

COUNSEL: Now when you were at Katikamu, how many years were you there?

KANAKULYA: When on my arrival at Katikamu, I was caned 50 strokes,and I am still having the scars.

COUNSEL: Who beat you at Katikamu?

KANAKULYA: The soldiers.

COUNSEL: Did you know as you say that you stayed there for 3 months, did you know any of the soldiers you were staying at Katikamu.

KANAKULYA: Yes.

COUNSEL: Whom did you know?

KANAKULYA: I knew Kamuntu who was guarding us and Captain Kiiza.

COUNSEL: What tribe was he - Kiiza?

KANAKULYA: I think he was a Musoga but he used to speak English.

COUNSEL: Any more?

KANAKULYA: And people who used to come to visit the place.

COUNSEL: Now during your 3 months stay at Katikamu what was the average number of the people in the room where you were?

KANAKULYA: In our room, we used to be - It had a ventilator and the number could increase or decrease depending on how many people had died or they had brought.

COUNSEL: Were there other rooms?

KANAKULYA: Yes.

COUNSEL: How many were they?

KANAKULYA: The house had about 6 rooms.

COUNSEL: And each of these had an average of 60 people?

KANAKULYA: We could only know what happened in ourselves.

COUNSEL: Now you have mentioned that some people died. Do you know the number of people who died or the names among the killers?

KANAKULYA: Sanyu was killed there.

COUNSEL: Any other person whom you knew who was killed?

KANAKULYA: The others I didn't know their names. Many were killed as a result of starvation.

COUNSEL: Now did you know the names or any other detainees who were at Katikamu? When you were there?

KANAKULYA: Yes.

COUNSEL: Would you mention them now?

KANAKULYA: Bakulu Mpagi and his wife, another was Mr. Mucope who was under-secretary, Kiraba Kyamaga. Magistrate, that one was then the prison.

COUNSEL: Do you know one Senteza?

KANAKULYA: He was Eriza Senteza. I found him there.

COUNSEL: Where was he from?

KANAKULYA: Yes, he had a shop near *Shauri Yako*.

COUNSEL: Now apart from that one, any more else?

KANAKULYA: So many.

COUNSEL: My Lord Chairman, the Commission has received serious evidence regarding the treatment of Kyeyune at Katikamu - that is the Headquarters of UNLA. I don't know whether it could be necessary that we go through the conditions that Kanakulya under went at Katikamu? Could you give the Commission a brief out line of the deadly conditions at Katikamu where you were detained for three months.

KANAKULYA: Yes.

COUNSEL: Yes.

KANAKULYA: The situation was bad because we could stay for two days without eating food at around 6.p.m. the soldiers could come and put us inside. And they could pour water on us and at times soldiers could urinate on us.

COUNSEL: Were you given food?

KANAKULYA: The food was not good because we only ate the remains of the posho which was intended for the youth wingers who were stationed in the barracks. And there were no plates, cups. So the only utensils we had for eating were these tins which had been used to pack beef intended for the army and the other small tins. Those were the things we were using for eating. We had no plates.

COUNSEL: This Commission has received evidence from other witnesses that there were days when you were just given water without food. Is it true?

KANAKULYA: Yes, it is true, and Kamuntu used to do it. He used to boil water and give it to us for survival.

COUNSEL: You mean he could boil and cool it and give it to you?

KANAKULYA: We used to take these small tins when the water was still warm because that is how it could help us.

COUNSEL: Did you have any toilet facilities inside?

KANAKULYA: Yes. This depended - we had two alternatives. At times when we had good soldiers around they could take us outside because there was a

latrine for the magistrate - was reliable there. And at times when the soldiers were not good. There were pails inside and they could get full and they could pour the things on the floor where we were staying.

COUNSEL: Now during your three months' stay at Katikamu were you visited by any government official?

KANAKULYA: Yes. Mr. Otai Peter the then Minister of State for Defence.

COUNSEL: At that time I didn't know but when he arrived they told us to come out of the cell and to tell him why we were arrested.

COUNSEL: Did you do that?

KANAKULYA: Yes we did.

COUNSEL: Now what did you reply?

KANAKULYA: When no reply, he said that if one went there with jiggers, they would be removed and the issue would also go with jiggers. So after that 80 people were told to board a lorry and these were the ones who were massacred on Masaka road.

COUNSEL: I see. But you were detained still at Katikamu, you didn't see this I suppose?

KANAKULYA: About the killings, I didn't know but I just heard because I was in prison but I saw these people.

COUNSEL: Eighty?

KANAKULYA: Yes I saw them they were taken in a Tata Lorry. We were outside and it was after reading their names that they were taken.

COUNSEL: Do you know any person who was taken by name?

KANAKULYA: Lukwago, Haji Kyampeke who was resident of Wobulenzi - was also taken.

COUNSEL: And ever since your release, have you ever seen Lukwago and Haji Kyampeke?

KANAKULYA: Even recently when I went to Katikamu, I visited his home and they told me that he has never been seen again. And Sanyu was a resident of my village but since then he has never been seen.

COUNSEL: While at Katikamu did you see one Captain Mukasa?

KANAKULYA: Yes.

COUNSEL: Under what circumstances did you see him?

KANAKULYA: I remember Captain Mukasa came he was trying to get out a Captain prisoner when Obore found him there. He told - he accused him of being a bandit and that he was trying to get out a fellow bandit. He ordered his escorts to beat him up and this was done just near where our stairs - where I was.

COUNSEL: What type of beating was unleashed on him?

KANAKULYA: They used two walls with their sticks and those are the ones they used for beating. And they had an electric wire which they were using for beating us prisoners.

COUNSEL: I see. Now how was he beaten with this stick?

KANAKULYA: Yes, I will not tell you that. If I explain I will be deceiving the Commission because I was inside. We just heard them beating him. And later a soldier said that they had beaten him so much that he was not going to survive. So eventually they put him into the land rover and drove him to Luwero.

COUNSEL: I see. Now when did you leave for Bombo?

KANAKULYA: 10th March.

COUNSEL: Of 1985?

KANAKULYA: Yes.

COUNSEL: Why were you taken to Bombo? If you know?

KANAKULYA: At that time it seemed NRA was creating problems for Ogole so he decided to remove his headquarters from Katikamu to Bombo. So we prisoners were also told to go to Bombo.

COUNSEL: No explanation was given to you for taking you to Bombo?

KANAKULYA: As he was transferring his headquarters, he had to go along with his people - soldiers and the prisoners?

COUNSEL: Do you know the prisoners he went with to Bombo?

KANAKULYA: At that time Kamuntu told us that we were 300 prisoners.

COUNSEL: I see. Now you mentioned this Kamuntu. You mean you said Kamuntu was one of the soldiers was he so friendly to be able to tell all these?

KANAKULYA: He said this on the lorry which took us to Bombo that we have taken 300 bandits.

COUNSEL: Now at Bombo where you were taken you stayed for three months. How were the conditions in Bombo? Were they like those in Katikamu or

were they better?

KANAKULYA: There was no difference.

COUNSEL: Did you lose any more of your friends who were detained with you?

KANAKULYA: Yes, at Bombo so many prisoners died and I remember a certain O/C he was a Mukiga by tribe, but I have forgotten his name.

COUNSEL: Where was he working?

KANAKULYA: He was stationed at Kabale - during colonial days. He was called Zidore.

COUNSEL: Do you remember the number of people who died out of these three hundred prisoners who were taken with you?

KANAKULYA: I will be telling a lie. There was no way how I could know. But many people died and soldiers used to kill people.

COUNSEL: Now after three months where did you go?

KANAKULYA: At one time Ogole came and inspected the area and said that it was not good to keep us in the military barracks. So we were taken to Luzira and I heard that the Vice President was going to visit this area.

COUNSEL: I see. So on which date if you remember you went to Luzira?

KANAKULYA: 5th July.

COUNSEL: Do you remember how many people were taken to Luzira?

KANAKULYA: I don't know because we were not taken in the same group at once but other people remained there, those I had come with from Katikamu.

COUNSEL: Was there any reason for separation?

KANAKULYA: I don't know because myself it was after reading my name. For me I came in group B. Others came in group A. others in C.

COUNSEL: And at Luzira where exactly were you taken, were you taken to Upper Luzira, were you taken to Murchison Bay?

KANAKULYA: Upper Prison.

COUNSEL: For how long did you stay there?

KANAKULYA: I was released on the 10th August, 1985. It was a month.

COUNSEL: And at Luzira, how were the conditions compared with Bombo and Katikamu?

KANAKULYA: The conditions were better.

COUNSEL: Now at Luzira were you visited by any Government officials?

KANAKULYA: It was when they were releasing us.

COUNSEL: Who came when they were releasing you?

KANAKULYA: It was Dr. Semogerere then the Minister of Internal Affairs.

COUNSEL: This was in Tito's regime?

KANAKULYA: Yes.

COUNSEL: Did he address you?

KANAKULYA: Yes, he said - he told us that those who are detained on political reasons, they were going to release but those who had committed crimes were going to remain there.

COUNSEL: And among your friends with whom you were taken to Luzira, were there people who remained there after your release?

KANAKULYA: I can't say.

COUNSEL: So to your knowledge you don't know the people who had committed criminal offenses in your groups?

KANAKULYA: Those who were detained in these barracks were mostly because of political reasons.

COUNSEL: Were you given any letter?

KANAKULYA: Yes, they gave us.

COUNSEL: Do you have one with you?

KANAKULYA: I have not come with it but if it is necessary I can bring it.

COUNSEL: Now did your detention for about 5 months affect you or your family in any way according to the conditions you faced?

KANAKULYA: Really, I was badly affected and on my release I had a photograph now you look at me and I am a person, I am healthy. But if you looked at that photograph you can say that on my release I was in bad shape. I gave it to the member of this Commission. I was a leader in my area and I didn't want - at the state operations which were carried out by the Government and in that the Government politicians thought that I was supporting a certain organization.

COUNSEL: You stated that state got annoyed with you.

KANAKULYA: Yes, and in fact when I was arrested, and taken to Katikamu there was an

operation in the area - *panda gari*.

COUNSEL: Along the same lines you were taken to Kireka and Katikamu with Sanyu Lukwago. Eventually you were taken with other 80 people in a land rover?

KANAKULYA: When I was arrested - I was arrested from Bweyogerere, Sanyu was arrested from Kireka. So we were taken to Katikamu, then Otai came. They read out the names and Lukwago was among the people who were taken.

COUNSEL: And those taken according to Otai in fact had jiggers. Did you know of any banditry activities in your area Bweyogerere - Kireka?

KANAKULYA: I don't know.

COUNSEL: Chairman, Gentlemen Commissioners, Lady Commissioner, that is all we have for today. We expect another witness in the same case but he was not able to come. So may be in the circumstances, I would ask that we adjourn.

CHAIRMAN: Yes, I think we adjourn until tomorrow, 9.00 a.m.

CHAIRMAN: Ladies and Gentlemen, let us begin hearing the evidence of today, Mr. Leading Counsel.

COUNSEL: Our Witness today is Mr. Denis Bakulu Mpagi.

WITNESS NO.304: MR. DENIS BAKULUMPAGI - SWORN IN

COUNSEL: What are your names?

BAKULUMPAGI: My names are Denis Bakulumpagi.

COUNSEL: How old are you?

BAKULUMPAGI: I am 53 years.

COUNSEL: What is your occupation?

BAKULUMPAGI: I am a businessman.

COUNSEL: Where do you live?

BAKULUMPAGI: I am a resident at Kireka.

COUNSEL: Is that where you were born?

BAKULUMPAGI: I was in born in Masaka.

COUNSEL: What kind of job do you do?

BAKULUMPAGI: My business is on South Street in Kampala.

COUNSEL: In 1982 where were you residing?

BAKULUMPAGI: I was staying at Kireka.

COUNSEL: In that year 1982 is there anything which happened to you that you would wish to tell the Commission about?

BAKULUMPAGI: I was arrested and taken to Central Police Station by Special Branch Personnel.

COUNSEL: In what month and day?

BAKULUMPAGI: I don't remember.

COUNSEL: You can't even remember the day?

BAKULUMPAGI: I don't remember.

COUNSEL: Where did they find you to arrest you?

BAKULUMPAGI: I was found in my shop at Nakasero.

COUNSEL: At what time?

BAKULUMPAGI: It was around 2.00 p.m.

COUNSEL: Who arrested you?

BAKULUMPAGI: I was first approached by a UPC Chairman in my village who first demanded for money.

COUNSEL: What was the Chairman's name?

BAKULUMPAGI: Edward Nsimbo.

COUNSEL: Was he the Chairman of UPC in the area?

BAKULUMPAGI: Yes, Kireka area.

COUNSEL: When did he approach you to demand for money and what reason did he give?

BAKULUMPAGI: Around that period, and his reason was that because I was a DPand was also defeated and that I was feeding guerillas.

COUNSEL: Did you hold a political position in the DP?

BAKULUMPAGI: Yes. I was the Chairman of the same area. After the general elections he demanded money from me on the pretext that I was feeding guerillas, so he capitalized on that and said he would leave the matter if I gave him money. He didn't say how much.

COUNSEL: What was the relationship between you and the UPC Chairman during the general elections campaign?

BAKULUMPAGI: The relationship was good and I was surprised to see that he wanted to arrest me after the election.

COUNSEL: Did you give him the money?

BAKULUMPAGI: I refused.

COUNSEL: What followed?

BAKULUMPAGI: When I was taken to CPS I made a statement.

COUNSEL: Who arrested you?

BAKULUMPAGI: I was arrested by the Policeman led by the UPC Chairman, Edward Nsimbe, and reaching there I made a statement.

COUNSEL: You mean to say that when you refused to pay money he took steps to arrest you?

BAKULUMPAGI: Yes, and had threatened earlier to my neighbours that if I don't give money to him he would arrest me.

COUNSEL: What did they tell you at the CPS?

BAKULUMPAGI: At CPS they discovered after 2 days imprisonment that the allegations were not true.

COUNSEL: Were you asked to make a statement?

BAKULUMPAGI: Yes I did, I made a statement.

COUNSEL: What did you state in the statement?

BAKULUMPAGI: I can't remember very well but I tried to convince these people that these allegations were not true, and that I was not feeding bandits.

COUNSEL: Did the policemen explain to you the reason of your arrest?

BAKULUMPAGI: They only asked me whether I knew about the guerillas especially Kayiira and if I had any contacts. Those are the questions I was answering in my statement.

COUNSEL: You mentioned you spent two days at CPS, what followed after?

BAKULUMPAGI: I was merely released and instructed to report there once in a week.

COUNSEL: Didn't they take you to court?

BAKULUMPAGI: No.

COUNSEL: Did you continue reporting to CPS?

BAKULUMPAGI: I reported for one month and then was told to stop because they said I was innocent.

COUNSEL: At that time of your arrest, in 1982 were you a married man?

BAKULUMPAGI: Yes I was married to Judith Mpagi.

COUNSEL: Do you have children?

BAKULUMPAGI: Yes.

COUNSEL: After the arrest incident did anything else happen to you together with your family?

BAKULUMPAGI: Around that time nothing happened to me but was later arrested again.

COUNSEL: When were you arrested again?

BAKULUMPAGI: I can't remember exactly but it happened after one year from the first arrest.

COUNSEL: Was it 1983 or 1984?

BAKULUMPAGI: Yes it was 1983.

COUNSEL: What happened then?

BAKULUMPAGI: They came and arrested me at the shop and took my money, car and detained me at Nile Mansion.

COUNSEL: Did the other vehicle also have prisoners?

BAKULUMPAGI: The other vehicle also had prisoners.

COUNSEL: How many prisoners were they?

BAKULUMPAGI: They were Mr. Musoke, a businessman and Nsubuga, a mechanic from Industrial area.

COUNSEL: Were there other people you found?

BAKULUMPAGI: In the room where we were taken we found Paul Kavuma, who was Katikiro of Buganda Kingdom and many other people plus intelligence officer at work.

COUNSEL: What else happened to you while there?

BAKULUMPAGI: After about three hours a Peter Owili came and asked who brought Kavuma and nobody answered. He asked who had taken us there, nobody answered. Peter Owili ordered Kavuma to be released and others to be taken to CPS.

COUNSEL: Who took you to CPS?

BAKULUMPAGI: The Policemen. I stayed some day at CPS and was later summoned to Special Branch to make another statement.

COUNSEL: Did you make the statement?

BAKULUMPAGI: I did.

COUNSEL: What were you asked?

BAKULUMPAGI: I was asked the same questions and the same statement I made earlier is what I made.

COUNSEL: Who came to arrest you?

BAKULUMPAGI: The people were dressed in civilian clothes and armed but I did not know their names.

COUNSEL: How many were they?

BAKULUMPAGI: They were many and came in two vehicles, one in which I was carried four people registration No. UVR -- Corona Toyota, cream in colour.

COUNSEL: Did they find you alone in the shop?

BAKULUMPAGI: I was with my wife.

COUNSEL: Did they harm her?

BAKULUMPAGI: They took only money.

COUNSEL: How much money did they take?

BAKULUMPAGI: About three million shillings which was being prepared for banking.

COUNSEL: Are you just imagining the amount?

BAKULUMPAGI: Yes, because we had just sold some bags of sugar.

COUNSEL: Where did they take you after the arrest?

BAKULUMPAGI: Nile Mansion.

COUNSEL: Do you exactly remember the room number?

BAKULUMPAGI: They took us upstairs but I can't remember the room number.

COUNSEL: Did they tell you why you were arrested?

BAKULUMPAGI: They were not direct questions.

CHAIRMAN: Mr. Leading Counsel, Ladies and Gentlemen, it is now getting to a quarter to midday. Quite a number of Commissioners are out of the country. The Chairman is indisposed, following an accident. One other Commissioner is in an important meeting at Entebbe. I just want to get an idea as to how many witnesses you have, what kind of evidence you have and what kind of evidence they have so that we can take it even in the absence of other Commissioners.

COUNSEL: NOT PROPERLY RECORDED.

WITNESS NO.305: MRS. JUDITH BAKULUMPAGI - SWORN IN

COUNSEL: You are Mrs. Judith Bakulumpagi.

BAKULUMPAGI: Yes.

COUNSEL: Aged 43 years and a business woman.

BAKULUMPAGI: Yes.

COUNSEL: You are a Muganda and a Ugandan from Kamuli Village.

BAKULUMPAGI: Yes.

COUNSEL: Your address is Plot No. 6 on Market Street.

BAKULUMPAGI: It is number 7.

COUNSEL: Who is your husband?

BAKULUMPAGI: He is Dennis Mpagi - Bakulumpagi.

COUNSEL: And what does he do?

BAKULUMPAGI: He is a businessman.

COUNSEL: Do you have children and how many? When did you get married?

BAKULUMPAGI: We have five children but I forget the year when we got married.

COUNSEL: According to the fact that you have five children you just have stayed

together for a very long time. Is that correct? For about 25.

BAKULUMPAGI: It is 22.

COUNSEL: Yes, in 1978, where were you living? Or where was your home?

BAKULUMPAGI: We were staying at Bwaise.

COUNSEL: By that time, how many children did you have?

BAKULUMPAGI: We had four.

COUNSEL: In 1985, what were you doing? Had you started your business?

BAKULUMPAGI: Yes, I was doing my business.

COUNSEL: Where were you stationed?

BAKULUMPAGI: I was staying at Kamuli.

COUNSEL: In which county?

BAKULUMPAGI: It is in Mpigi, near Kireka in Mpigi District, near Kireka.

COUNSEL: And I suppose you were doing your business at Plot No. 7 - Market Street.

BAKULUMPAGI: Yes.

COUNSEL: By 1985, how many children did you have?

BAKULUMPAGI: We had five children.

COUNSEL: How old was the youngest?

BAKULUMPAGI: He was about five years.

COUNSEL: When your husband appeared before this Commission, he testified that unknown people arrested you and put you in prison. Do you remember the 10th of March, 1985?

BAKULUMPAGI: Yes I remember it.

COUNSEL: Speak up, please, so that other people can hear you.

BAKULUMPAGI: Okay.

COUNSEL: Now you said you remember that date of 10th March, 1985, why do you remember that date?

BAKULUMPAGI: That is when I was arrested.

COUNSEL: From where?

BAKULUMPAGI: From Nakasero.

COUNSEL: And so you were collected from Nakasero Street No. 7?

BAKULUMPAGI: Yes.

COUNSEL: What time was it?

BAKULUMPAGI: It was around 2.00 p.m.

COUNSEL: Who arrested you?

BAKULUMPAGI: One Kakyemba.

COUNSEL: Kakyemba who?

BAKULUMPAGI: I know only Kakyemba.

COUNSEL: How did you come to know this man?

BAKULUMPAGI: I later knew him after spending some time in Katikamu.

COUNSEL: Would you please, tell the Commission how you were arrested from the shop, with whom you were until you were taken away - in short?

BAKULUMPAGI: I was coming from a certain place where I had gone to purchase cement, and this gentleman found me with Nansimbi and Magulu. He pointed a pistol towards me and I told him that, if he wanted me, he should wait and we go.

COUNSEL: Did he say anything to you while he pointed a pistol to you?

BAKULUMPAGI: He did not say anything.

COUNSEL: Was he alone?

BAKULUMPAGI: He was alone.

COUNSEL: How was he dressed?

BAKULUMPAGI: He was dressed in civilian clothes.

COUNSEL: After pointing a pistol at you, what happened?

BAKULUMPAGI: He pulled me, holding my belt and we went.

COUNSEL: Did you try to resist his arresting you?

BAKULUMPAGI: I did not resist his arrest.

COUNSEL: Where did he take you?

BAKULUMPAGI: They had parked a vehicle near this place where they are selling mattresses.

COUNSEL: Yes, what was the type of vehicle?

BAKULUMPAGI: Commonly known as Golf.

COUNSEL: What model?

BAKULUMPAGI: It was Phillip.

COUNSEL: Do you remember the registration number?

BAKULUMPAGI: I do not remember the registration number.

COUNSEL: Before you entered this vehicle, did you ask him where he was taking you?

BAKULUMPAGI: I did not ask him at that time.

COUNSEL: Why?

BAKULUMPAGI: They were forcing me inside and I had to enter.

COUNSEL: Who forced you inside?

BAKULUMPAGI: Himself.

COUNSEL: Now when you got into the vehicle what followed?

BAKULUMPAGI: They asked me where my husband was.

COUNSEL: Was he alone? When you say 'they' was he alone or he was with other people in the vehicle.

BAKULUMPAGI: There were four people inside.

COUNSEL: There were four people inside? Did you recognize them?

BAKULUMPAGI: I did not recognize them.

COUNSEL: How were they dressed?

BAKULUMPAGI: They were dressed in civilian clothes but later I learnt that one was called Sseddumba.

COUNSEL: Were they armed?

BAKULUMPAGI: The guns were underneath, on the carpet of the car.

COUNSEL: How many were they?

BAKULUMPAGI: There were three guns and the other one was armed with a pistol.

COUNSEL: Did they ask you where your husband was while you were in the car?

BAKULUMPAGI: Yes.

COUNSEL: Who was asking you? Was it Kakyemba?

BAKULUMPAGI: Kakyemba was the one asking me.

COUNSEL: In what language?

BAKULUMPAGI: In Luganda.

COUNSEL: And what did you reply?

BAKULUMPAGI: I told him that I did not know where he was because I know that they were looking for him at that time. They used to come and arrest him.

COUNSEL: Yes.

BAKULUMPAGI: They drove me towards the High Court Buildings and as I refused to tell them where my husband was, they drove off.

COUNSEL: Where?

BAKULUMPAGI: To Katikamu.

COUNSEL: What time did you go to Katikamu?

BAKULUMPAGI: It was around 3.00 p.m.

COUNSEL: At Katikamu where did they take you?

BAKULUMPAGI: I think, it is the Ssaza Headquarters.

COUNSEL: What did you find there?

BAKULUMPAGI: I found many soldiers and prisoners.

COUNSEL: Now as you approached Katikamu, did they take you to any commander for questioning? Before you joined the other prisoners, what happened?

BAKULUMPAGI: Muntu and Kakyemba spent some time talking to each other. Later, I was taken to make a statement.

COUNSEL: Who was Muntu?

BAKULUMPAGI: He was an intelligence officer. He was a soldier but he was referred to as an intelligence officer.

COUNSEL: Had you known him before or not?

BAKULUMPAGI: No that was my first time to see him.

COUNSEL: Did you make any statement?

BAKULUMPAGI: When I went to make the statement, I talked very briefly and then Muntu stopped writing.

COUNSEL: What did you say?

BAKULUMPAGI: He asked me why I had been arrested and I told him that I did not know the reason.

COUNSEL: Yes.

BAKULUMPAGI: He said that they will re-produce witnesses to come and to confirm that I had a case to answer.

COUNSEL: Yes.

BAKULUMPAGI: He called a soldier and that soldier gave me five strokes of the canes - and he later stopped him.

COUNSEL: He did not summon the witness this time?

BAKULUMPAGI: He did not.

COUNSEL: After caning you, what followed?

BAKULUMPAGI: A Captain Kiiza came.

COUNSEL: Who was Captain Kiiza?

BAKULUMPAGI: He was a Captain?

COUNSEL: Before he came, had you known him earlier?

BAKULUMPAGI: I later knew that he was Captain Kiiza.

COUNSEL: From where?

BAKULUMPAGI: He was stationed at Katikamu.

COUNSEL: What tribe was he?

BAKULUMPAGI: He was a Westerner - either a Munyankole or a Mutoro.

COUNSEL: And what tribe was Muntu?

BAKULUMPAGI: He was a Munyankole.

COUNSEL: And when they were talking to you in what language were they doing so?

BAKULUMPAGI: They were talking in Luganda.

COUNSEL: And, when Captain Kiiza came, what did he tell you?

BAKULUMPAGI: He ordered that I should be taken to the cells.

COUNSEL: Yes.

BAKULUMPAGI: They took me there.

COUNSEL: Did he give any reason?

BAKULUMPAGI: Kiiza?

COUNSEL: Yes.

BAKULUMPAGI: He did not.

COUNSEL: So, after taking you, what followed?

BAKULUMPAGI: Later they brought some posho for me.

COUNSEL: What did you find in the cells?

BAKULUMPAGI: I found women prisoners.

COUNSEL: How many of them?

BAKULUMPAGI: Twenty eight.

COUNSEL: How big were the cells in which you were taken?

BAKULUMPAGI: The usual rooms. They were small.

COUNSEL: The Commission had a chance to visit Katikamu to see the place. In which house were you housed? The former magistrate's house which was below?

BAKULUMPAGI: That one on the upper side.

COUNSEL: Where there were offices?

BAKULUMPAGI: May be.

COUNSEL: So how big were the rooms where you were?

BAKULUMPAGI: I think 5 x 7. Some were big, others were small - I think 5 x 7.

COUNSEL: How big was this room where the 28 were? Was it big or small?

BAKULUMPAGI: We were divided into two.

COUNSEL: How many were you in your cell - about 14?

BAKULUMPAGI: We were about eight because it was the smallest.

COUNSEL: For how long did you stay there?

BAKULUMPAGI: I spent there two weeks.

COUNSEL: For those two weeks you were there, how were the conditions in the cells?

BAKULUMPAGI: We were getting one meal at 4.00 p.m. a day - everyday.

COUNSEL: Was there water to bathe?

BAKULUMPAGI: No.

COUNSEL: Did you use to get water to drink?

BAKULUMPAGI: We could only wait for food. There was no water for drinking.

COUNSEL: Did they give you water to drink?

BAKULUMPAGI: There was no water at Katikamu except at Bombo.

COUNSEL: What were you drinking when you felt thirsty?

BAKULUMPAGI: There was nothing.

COUNSEL: What sort of food were you eating?

BAKULUMPAGI: Posho with beans.

COUNSEL: Were there toilet facilities?

BAKULUMPAGI: There was one.

COUNSEL: During your stay there for two weeks, did you get any water to bathe?

BAKULUMPAGI: I did not bathe.

COUNSEL: Was there any other way in which you were tortured?

BAKULUMPAGI: No.

COUNSEL: Did they advance any reason why you were arrested, except asking you where your husband was?

BAKULUMPAGI: At Katikamu, I was not told any other reason.

COUNSEL: You said that you were at Katikamu with 28 women, did you know their names?

BAKULUMPAGI: Mrs. Buzaabo.

COUNSEL: Another one?

BAKULUMPAGI: Mrs. Kyagulanyi, Rose Munnyango, Betty Birabwa and Sarah. There was another one called Hadija Najjuma, Ketty.

COUNSEL: Did you know Rose Munnyango and the reason why she was arrested?

BAKULUMPAGI: It was alleged that her sister was supporting the bandits. Her brother John had run to Nairobi.

COUNSEL: John had done what?

BAKULUMPAGI: They alleged that they had received information that her brother John was training bandits, and as they tried to arrest him, he ran away and they arrested Rose.

COUNSEL: Now during the two weeks you were there, did Muntu come to question you?

BAKULUMPAGI: He did not come back.

COUNSEL: For the period of two weeks, at Katikamu, did you observe anything you would like to inform the Commission about?

BAKULUMPAGI: I saw a number of people dying, may be, because of starvation and suffocation because the rooms were very small and the diet was poor.

COUNSEL: Among these ladies with whom you were there, did any of them die while you were there?

BAKULUMPAGI: No.

COUNSEL: Among the men, did you know by name any one who died there?

BAKULUMPAGI: There was nobody I know. I do not know anybody - male - who died there.

COUNSEL: After two weeks, what came next?

BAKULUMPAGI: A person later I knew as Kakaire, came and ordered that we should be transferred to Bombo and we were taken to Bombo.

COUNSEL: Did you know whether Kakaire was one of the army officers?

BAKULUMPAGI: He was a Captain.

COUNSEL: Were you taken to Bombo?

BAKULUMPAGI: Yes we were taken to Bombo.

COUNSEL: With whom and how many?

BAKULUMPAGI: We were 28 but I do not know the number of men who were taken but the ladies were 28.

COUNSEL: With these 28 ladies and men were you taken to Bombo in a lorry or how were you transported?

BAKULUMPAGI: We were taken in lorries and mini buses.

COUNSEL: How many?

BAKULUMPAGI: The lorries were four and the min-buses were two

COUNSEL: Were all these vans full?

BAKULUMPAGI: The reasonable number, they were not fully packed.

COUNSEL: So on arrival at Bombo, what happened?

BAKULUMPAGI: We were taken into a two storeyed building, on the first floor that is where there were offices where we were making statements; and the second floor that is where we were supposed to stay. There were rooms and there was water inside.

COUNSEL: Did you make any statement?

BAKULUMPAGI: Yes we made statements.

COUNSEL: What did you state in your statement?

BAKULUMPAGI: They alleged that I was supporting the bandits and at one time I had given them maize flour, which I denied there and then.

COUNSEL: But was it true that you had given maize flour to bandits?

BAKULUMPAGI: It was not true.

COUNSEL: After you had made a statement, what followed?

BAKULUMPAGI: I was taken back to the room and nothing happened to me later. We used to stay there.

COUNSEL: How many were you?

BAKULUMPAGI: We were about 38 because they had brought in others.

COUNSEL: Did you know where they came from?

BAKULUMPAGI: Some were collected from Lyantonde, others from Kampala; others from Nyabushozi.

COUNSEL: Did you know their names? Who came from Lyantonde?

BAKULUMPAGI: Alice.

COUNSEL: Any other one from Lyantonde?

BAKULUMPAGI: She was called Kirabo but she died.

COUNSEL: What was the cause of her death?

BAKULUMPAGI: It may be it was because of the - it was the - result of severe beating. She was beaten 500 strokes and later she was taken to Luzira. Immediately after our release from Luzira, she died.

COUNSEL: Any other people you know there from Lyantonde?

BAKULUMPAGI: Others were Banyankole but I did not know their names.

COUNSEL: For how long did you stay in Bombo?

BAKULUMPAGI: I stayed there for three months.

COUNSEL: During these three months what were you doing daily?

BAKULUMPAGI: This Muntu was very sympathetic to us. We used to come down. Picking the remains of charcoal. Put then on a sigiri and we could boil our tea.

COUNSEL: Do you mean to say that you came with Muntu from Katikamu to Bombo?

BAKULUMPAGI: Yes.

COUNSEL: You said you used to boil tea, where did you get the sugar from?

BAKULUMPAGI: We could send these people who were collecting the alleged bandits who were termed as computers - we could send them to our houses, collect some money and buy sugar from Bombo and bring it to us.

COUNSEL: Were your relatives allowed to visit you?

BAKULUMPAGI: We were not allowed and we used to do these things stealthily. Otherwise if the soldiers know about it they could beat you.

COUNSEL: You spoke of computers, who were these and did you know their names?

BAKULUMPAGI: Some of them were Banyankole and I did not know their names. We just saw them there.

COUNSEL: What were they doing?

BAKULUMPAGI: They used to go with the soldiers on operations to identify people. They had been earlier rebels and they surrendered to the Government. So they were used by soldiers to identify those people who were supporting the bandits.

COUNSEL: Now do you mean to say the conditions in Bombo were better than those in Katikamu? Is that correct?

BAKULUMPAGI: It was not very good but it was different from that of Katikamu. The situation at Katikamu was very bad.

COUNSEL: Were there any deaths in Bombo?

BAKULUMPAGI: From the men's side we used to hear about people dying every day but I did not know them.

COUNSEL: You said that it was men dying in Katikamu and Bombo, did you know of any reasons why it was only men dying?

BAKULUMPAGI: In the rooms where the men were staying, they were fully packed. For instance, a room which could accommodate 100 people was accommodating 700 people. And another fact is that for us we used to get medicine but on the side of men this was not provided to them and the food was very little. So some of those people could eat the remains which had fallen on the dirty floor and eventually die as a result of disease.

COUNSEL: How did you come to know all these details? Were you allowed to communicate with the male side?

BAKULUMPAGI: We used to get this information from those computers because they used to bring us food. Myself I took keen interest in inquiring about the conditions there because I had my people there.

COUNSEL: What people did you have there?

BAKULUMPAGI: I had Mr. Bakulumpagi, Ssebandeke and Jane.

COUNSEL: Do you mean to say that your husband was also there during this period?

BAKULUMPAGI: Yes.

COUNSEL: Was he also transferred from Katikamu to Bombo?

BAKULUMPAGI: He was not at Katikamu.

COUNSEL: Apart from these, did you have any other relatives among the men?

BAKULUMPAGI: I just heard about them.

COUNSEL: Before you left Katikamu for Bombo, did you come to know any of the soldiers working in that camp apart from Muntu you have mentioned?

BAKULUMPAGI: And also Captain Kiiza and Sokolo. They were working there.

COUNSEL: Did Sokolo have any rank?

BAKULUMPAGI: I did not know.

BAKULUMPAGI: He was not at Katikamu.

COUNSEL: Apart from these, did you have any other relatives among the men?

BAKULUMPAGI: I just heard about them.

COUNSEL: Before you left Katikamu for Bombo, did you come to know any of the soldiers working in that camp apart from Muntu you have mentioned?

BAKULUMPAGI: And also Captain Kiiza and Sokolo. They were working there.

COUNSEL: Did Sokolo have any rank?

BAKULUMPAGI: I did not know.

COUNSEL: But you saw him?

BAKULUMPAGI: He was staying near where we were staying.

COUNSEL: Now, after that period of three months, what happened?

BAKULUMPAGI: We were just approached by the soldiers and we were told to pack up our things and go to a waiting lorry.

COUNSEL: Yes. Do you remember the date?

BAKULUMPAGI: We were taken to Luzira.

COUNSEL: On arrival, what happened?

BAKULUMPAGI: We were separated - the men went to Upper Prison and the ladies went to the other side.

COUNSEL: Now you ladies for how long did you stay there?

BAKULUMPAGI: We spent there one month.

COUNSEL: Did the prison authorities tell you why you were taken there?

BAKULUMPAGI: They told us that some of us were bandits, others were supporters of the bandits, and we had to stay there to wait for the Presidential Pardon.

COUNSEL: Were you served with any detention papers or orders?

BAKULUMPAGI: No.

COUNSEL: How were the conditions during that period of one month?

BAKULUMPAGI: It was not bad.

COUNSEL: So, after one month, how were you released from jail?

BAKULUMPAGI: It was week after the Lutwa's take-over when the Commissioner of Prisons told us that we were going to be released.

COUNSEL: Who was the Commissioner of Prisons?

BAKULUMPAGI: Byabazaire.

COUNSEL: Are you referring to this Barnabas Byabazaire?

BAKULUMPAGI: Yes.

COUNSEL: During this one month, had they taken you to any court of law?

BAKULUMPAGI: No.

COUNSEL: When he informed you that he was going to release you did you ask him why they had not taken you to any court of law?

BAKULUMPAGI: We didn't ask him.

COUNSEL: After that, what happened?

BAKULUMPAGI: We were very happy.

COUNSEL: Were you released eventually?

BAKULUMPAGI: Yes.

COUNSEL: How? Were you escorted or told to go away?

BAKULUMPAGI: No, we were given a vehicle which brought us at the City Square from where we were released.

COUNSEL: On your release, were you addressed by anybody?

BAKULUMPAGI: The lady, in-charge of the women prison, addressed us.

COUNSEL: What did she tell you?

BAKULUMPAGI: She told us not to blame or hate them because of our detention; but they were only implementing Government decisions. They were doing their job.

COUNSEL: After your release, you went home; was your husband also released on the same day?

BAKULUMPAGI: Yes.

COUNSEL: How did you find your home?

BAKULUMPAGI: We found that they had prepared something like a party to welcome us but - from the prison.

COUNSEL: Did you know who looked after your children?

BAKULUMPAGI: We were informed.

COUNSEL: I am sure your home was in a mess.

BAKULUMPAGI: We all suffered.

COUNSEL: The children had suffered and your business had come to a standstill.

BAKULUMPAGI: The business had suffered but the children were well looked after.

COUNSEL: Who do you blame for your arrest?

BAKULUMPAGI: Myself, I was arrested by Sseddumba.

COUNSEL: Do you know the cause?

BAKULUMPAGI: I did not know but he alleged that I had given him maize flour to take it to the bandits, in the bush.

COUNSEL: Had you ever met Sseddumba before your arrest?

BAKULUMPAGI: I did not know him.

COUNSEL: Do you mean to say he just implicated you?

BAKULUMPAGI: May be, he was pressurized by the other people so that he could arrest some people.

COUNSEL: What work was he doing?

BAKULUMPAGI: My fellow prisoners told me that he had been once a bandit and they had seen him in the bush.

COUNSEL: By the time of your arrest, did you know what he was doing?

BAKULUMPAGI: I did not know it.

COUNSEL: Did you come to learn of what he was doing?

BAKULUMPAGI: I later knew that he had turned into a Government spy, he was going on arresting people.

COUNSEL: Now where is he now?

BAKULUMPAGI: I do not know where is he but he was arrested by Munnyango taken to - handed over to - the police and he was later released.

COUNSEL: Did you make any statement to the police?

BAKULUMPAGI: I did.

COUNSEL: Had you ever been brought to court to give evidence?

BAKULUMPAGI: No.

COUNSEL: Do you have anything that you want to tell the Commission.

BAKULUMPAGI: What I want to inform the Commission is that, when I reached Katikamu, I had read a statement made by Sseddumba alleging that I had given him maize flour to take it to the bandits. And because I feared to be beaten severely, I accepted the allegations, to save my life.

COUNSEL: On the day you were arrested they asked you where your husband was, and you refused to tell them. Did you know where he was?

BAKULUMPAGI: He was at his shop in Kikuubo.

COUNSEL: Why did you not tell them where he was?

BAKULUMPAGI: I could not recall where he was because I know that, at that time, when a man was arrested, he stood very few chances of survival, but a woman could be arrested but there were many chances of surviving - getting her release.

COUNSEL: Well.

BAKULUMPAGI: I have more to say. What I want to say is that there is something which pains us. When Munnyango arrested Sseddumba, he was handed over to the Police. We went and made our statements but he was released. So we thought that we were wasting out time and we were trying to create enmity because, if you come out and you give some evidence against such a person and he is released, we keep ourselves in constant fear. There are many guns around. So some people kill him and people may think that we are the people causing this. Because he arrested so many people but many just kept quiet; they refused to come and give evidence against him. And there are times when I think that they are correct because we came out and we gave evidence and he was released.

COUNSEL: Is there anything else you want to say?

BAKULUMPAGI: I have nothing else to say.

CHAIRMAN: Thank you for the evidence you have given and for having made a decision to turn up.

BAKULUMPAGI: I had informed the person who took my statement that I was not prepared to give evidence in court against Sseddumba because he had earlier been released.

KAKWENZIRE: We understand your problem but we cannot assist unless we know the truth and we cannot know that unless you tell us. We have so many questions to ask and let us start with this. Who is Sseddumba?

BAKULUMPAGI: He is Frank Sseddumba.

KAKWENZIRE: When did you first know him?

BAKULUMPAGI: He was introduced to me at Katikamu by the soldiers saying that he was the one confirming that the alleged taking of meals was correct.

KAKWENZIRE: So before that you had never seen him?

BAKULUMPAGI: I had not seen him and he did not come out on that particular occasion but he made a statement.

KAKWENZIRE: Did you meet Sseddumba at Katikamu?

BAKULUMPAGI: I saw him Katikamu. He was always on the side of Captain Kiiza and the other prisoners like Rose know him and they said that he was the one responsible for the arrest of people in Masaka and other places.

KAKWENZIRE: You said that Sseddumba was in that Golf vehicle?

BAKULUMPAGI: Yes.

KAKWENZIRE: So you saw Sseddumba before you went to Katikamu.

BAKULUMPAGI: When he was introduced to me at Katikamu, I remembered that he was the one who was on my side in the vehicle when they came to arrest me; but on my arrest, he did not say anything. He was there quiet.

KAKWENZIRE: So you first saw Sseddumba while in the vehicle.

BAKULUMPAGI: Yes, but not knowing that he was Sseddumba. When we were at Katikamu I was told that Sseddumba was the one behind the arrest of people. When I was at Bombo somebody told me that - somebody pointed at him and he told me that - was Sseddumba. He has never made a statement against me face to face in my presence, but when I was at Katikamu, they told me that, if you are denying we can bring Sseddumba and confirm. So they brought a statement written on a sheet and they

told me that, if you deny, we can bring Sseddumba and confirm it.

KAKWENZIRE: To your knowledge, you do not know that Sseddumba made adverse statement against you?

BAKULUMPAGI: I did not know.

KAKWENZIRE: How do you say that Sseddumba caused your arrest?

BAKULUMPAGI: Because I was informed that he is the one who made a statement that I had given him two bags of flour.

KAKWENZIRE: Who was the one who arrested you, Kakyemba?

BAKULUMPAGI: Yes, Kakyemba.

KAKWENZIRE: Is Kakyemba different from Kakyebere?

BAKULUMPAGI: I do not know Kakyebere, I know Kakyemba.

KAKWENZIRE: Because, according to your husband he was arrested by one Kakyebere.

BAKULUMPAGI: He is the one, my husband may be, he did not get the name correctly.

KAKWENZIRE: It is the same man Kakyemba who arrested you and your husband? When did you first know Kakyemba?

BAKULUMPAGI: I knew him at Katikamu.

KAKWENZIRE: How did you come to know him?

BAKULUMPAGI: It was the prisoners we found there who had stayed there for some time who told me that the one who had taken me there was Kakyemba.

KAKWENZIRE: So you were arrested before your husband was arrested?

BAKULUMPAGI: Yes.

KAKWENZIRE: How long before?

BAKULUMPAGI: One month.

KAKWENZIRE: Did you ever get to know that your husband had been arrested?

BAKULUMPAGI: I knew it at Bombo.

KAKWENZIRE: You never knew it when you were at Katikamu?

BAKULUMPAGI: He was not at Katikamu. I had spent one month at Bombo when he was brought.

KAKWENZIRE: Do you know one called Edward Nsimbe.

BAKULUMPAGI: Yes I know him.

KAKWENZIRE: Has he got anything to do with your arrest?

BAKULUMPAGI: I had earlier thought that he was behind my arrest; but when I came to know that Sseddumba was behind it, then, may be, he was responsible for others but not in my case.

KAKWENZIRE: In other words, you are not sure who is responsible for your arrest?

BAKULUMPAGI: Except Sseddumba because they alleged that I had given him maize flour to take it to the bandits.

KAKWENZIRE: Thank you.

COMMISSIONER: In prison you were allowed to have your property?

BAKULUMPAGI: At Bombo we were not allowed to have blankets, but if one was lucky to get a gomesi she would be allowed.

COMMISSIONER: You had told us that some prisoners told you that they had seen Sseddumba in the bush, Is that true?

BAKULUMPAGI: Rose told me that Sseddumba was at one time in the bush.

COMMISSIONER: Was Rose also in the bush?

BAKULUMPAGI: No she had not been in the bush.

COMMISSIONER: How is it that the one who was not in the bush knew that Sseddumba was at one in the bush?

BAKULUMPAGI: I said earlier on that it was alleged that Rose was arrested after her brother had run away. It was alleged that her brother was training bandits, and may be it was true that her brother was the one who was training bandits and in that case, they had seen Sseddumba in the bush.

COMMISSIONER: The Commissioner had received evidence to the effect that at times officers or soldiers married women prisoners by force - this was done by prisoner warders. Did you witness such cases?

BAKULUMPAGI: Myself I did not witness it, and at one time when we were talking with our fellow prisoners we asked - because we had heard about it; but we were informed by Kyagulanyi that thing had been eliminated by the creation of NASA that the NASA fellows were now responsible for the prisoners; and, in that case, the soldiers could not marry - could not force - the women prisoners to get married to them.

COMMISSIONER: Are you referring to Mrs. Kyagulanyi?

BAKULUMPAGI: Yes.

COMMISSIONER: You were earlier on asked that, when you arrived at Luzira, you were given a Detention Order; and they also asked you that, on your release from Luzira, why did you not demand to know what caused you to be arrested without being brought to a court of law? Do you know your human rights provision in such a case?

BAKULUMPAGI: Without any reason?

COMMISSIONER: Yes.

BAKULUMPAGI: Yes, after one's release, he or she can take the matter to court - the courts - to charge the other why he had arrested you and put into prison without any charge.

COMMISSIONER: Do you know any of your rights before arrest?

BAKULUMPAGI: I do not know.

KAWANGA: You were asked about Nsimbe, Did you actually know Nsimbe?

BAKULUMPAGI: Yes I knew him.

KAWANGA: How did you know him?

BAKULUMPAGI: I knew him because I am a business woman and he was doing business, and he was our Chairman. We were staying in the same village.

KAWANGA: Is he still in your village?

BAKULUMPAGI: No he has run away.

MR. KAWANGA: Do you know where he is?

BAKULUMPAGI: That is the reason why I was reluctant to come and give evidence because he was arrested and my husband together with other people they knew where he was. They gave evidence against him in his presence. He did not deny. But when my husband came back he found that he was released.

COUNSEL: Do you mean to say that these statements were made at the police?

BAKULUMPAGI: Yes, they made these statements.

COUNSEL: Did you know the nature of the charge with which he was charged at the Mabira Police Station?

BAKULUMPAGI: I do not know.

COUNSEL: Is it true that your property - you and your husband's property was ever stolen?

BAKULUMPAGI: Yes.

COUNSEL: To your knowledge did you know who did it?

BAKULUMPAGI: We were informed that it was Nsimbe and Mwanyumba.

COUNSEL: Are you suggesting that it was proper for a Chairman - assuming it was correct, was it proper for a Chairman of UPC to steal property of a citizen?

BAKULUMPAGI: It was not.

COUNSEL: Assuming it was true - this was done - what would you think should be done by appropriate authority?

BAKULUMPAGI: Those who did it should be arrested.

COUNSEL: Now would you like to assist us - to know the whereabouts of this Nsimbe Edward?

BAKULUMPAGI: I head that he is in Mabira but for me I do not know.

COUNSEL: I am suggesting now but take your time. Would you take it upon yourself the bit of time to find out information which may lead to tracing Nsimbe.

BAKULUMPAGI: To go and arrest him, myself?

COUNSEL: You cannot arrest him, in fact. No. Can we rely on you to pass on to us this information when you get it.

BAKULUMPAGI: Yes.

COUNSEL: Thank you very much.

CHAIRMAN: This Commission does not arrest criminals unless you have evidence against them. I want just to ask you one last question about this fellow who was given 500 strokes of the cane. What did you say her name was?

BAKULUMPAGI: Kirabo

CHAIRMAN: Where was she beaten?

BAKULUMPAGI: Bombo

CHAIRMAN: By whom?

BAKULUMPAGI: I did not know.

CHAIRMAN: Were those 500 strokes administered at one go?

BAKULUMPAGI: (Inaudible)

CHAIRMAN: She was brought to your cell after being beaten. Was she ever given any medical treatment?

BAKULUMPAGI: Yes.

CHAIRMAN: Where is this Muntu? Thank you very much for having come. I think your evidence is very useful and it will become more useful if you can trace Sseddumba and Nsimbe.

COUNSEL: Commissioner Chairman, Gentlemen Commissioners, that is the close of the case relating to the unlawful arrest and detention at Katikamu and Bombo Military Detach and at Luzira, which affected the family of Mr. and Mrs. Mpagi. After that case, I would like to call witnesses to testify on the case regarding the subsequent murder of Kamugisha, but, unfortunately, the witnesses who were summoned, especially a lady Kalekezi who was present at the time of torture and even at the time this fellow died at Kireka barracks has not been able to come. Subsequently, when she comes, we shall continue with that case. But presently, we have a new case which I wish to present before the Commission, which regards the kidnapping and intent to murder of two gentlemen - one Moses Nsubuga, and Edward Ssentamu. The conflict arose as a result of business premises where one security agent used his office to evict the lawfully allocatee of the business and because of resistance he was later arrested - kidnapped by the members of the other party's family. And the first witness I have is - or rather Commissioners, this is place near the Co-operative Bank commonly known as Odokomit Bar or Restaurant Odokomit, the first witness is - Francis Kyobe. This is witness No. 306.

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FOR

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