

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

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

Your Excellency,

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

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

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

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

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

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

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

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

in camera test - ok

right to reply to accusations

Cross-examination by accused

Did this take place?

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

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

Arrens

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

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

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

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

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

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

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

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

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

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

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

Others/..... 7/.

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

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

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

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

*Writings
Your Excellency*

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

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

*Subject =
disappeared*

*Structure
of
report*

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

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

18. Subject No.1 - YOZEFU MAGEMBE.

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

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

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

The/.....10/.

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

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

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

His/.....,11/.

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

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

19. Subject No. 2 - GERESOMU WEDAKURE.

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

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

The/.....12/.

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

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

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

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

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

Mrs. Wedakure/.....13/

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

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

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

The houseboy/.....14/.

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

and/.....15/.

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

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

20. Subject No. 3 - ASADI MUWENDA.

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

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

His/.....16/.

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

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

At/.....18/.

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

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

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

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

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

with/.....19/.

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

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

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

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

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

Ntalo/....20/.

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

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

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

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

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

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

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

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

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

At the back of Ex. 22 is written:

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

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

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

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

On one side of Ex. 24 is written:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

years/.....26/.

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

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

No.297 - ASP WALENDU.

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

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

Stationed/.....27/.

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

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

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

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

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

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

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

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

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

...../.29.

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

officers recommending their dismissal from the Force:

Talking of the arrest he said:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

dit. no/.....33/.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25. Subject No. 6 - JOSEPH OUMA..

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

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

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

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

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

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

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

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

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

She then went to Jinja Road Police Station. Her son was not there either, but she was told that some Army men had been there with him. This seems to tally with the evidence of Det. Assistant Inspector, Samuel Lebo (192), who had been assigned the investigations of this case, that Sgt. Semakula called at the Police Station during the week and promised to call again for his statement, but never did.

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

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

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

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

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

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

To her the Adjutant said:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27. Subject No. 10 - KAGGWA.

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

There/.....45/.

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

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

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

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

28. Subject No. 11 - STEPHEN LUBICA.

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

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

Ref. 46/.

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

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

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

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

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

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

29. Subject No. 12 - DAHIL HASSAN.

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

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

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

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

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

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

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

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

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

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

30. Subject No.13 - ASSISTANT INSPECTOR JACKSON
BERNARD OKELLO.

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

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

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

brother/ . . . 50/

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

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

another/.....51/.

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

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

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

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

on/ . . . 5/7

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

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

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

Consolidating/.....53.

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

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

31. Subject No.14 - ODONGO.

32. Subject No.15 - ODONGO.

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

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

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

33. Subject No. 16 - EVEREST MULEKEZI.

34. Subject No. 17 - ONESIMUS NSHEKANABO.

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

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

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

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

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

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

Ojulong left at about 10.45 p.m.

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

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

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

them to "Jail No. 1".

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

35. Subject No. 18 - HENRY SSEKWE.

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

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

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

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

Byabasajja/.....62 /.

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

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

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

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

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

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

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

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

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

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

36. Subject No. 19 - VINCENT MULONDO.

37. Subject No. 20 - MICHAEL LABWOTA.

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

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

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

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

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

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

"No Parking" did as he was told. At the 10th he saw the Deputy Head of that Unit, ASP abdu Bin Sobi (W.93). Stopping her briefly, we should like to mention a contradiction in the evidence of these two witnesses. ASP Sobi said that not only did he know Lt. No Parking very well but also the latter used to approach him for assistance in getting escorts from his Unit. It is pertinent to mention also that, according to No.7417 Cpl.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

38. Subject No. 21 - SAMUEL KASADA.

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

He was a Civil Engineer and was employed by Makerere

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

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

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

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

/.....73/

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

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

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

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

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

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

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

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

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

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

39. Subject No. 22 - JUVENIAH BITAREHO.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

40. Subject No. 23 - HASSAN KABOGOZZA.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

41. Subject No. 24 - MATAYO KANDOLE.

42. Subject No. 25 - GREGGOEY KATEERA.

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

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

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

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

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

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

The subjects are clan brothers.

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

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

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

"On Leave,
29th August, 1972.

Your Excellency,

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

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

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

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

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

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

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

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

I remain to be,

Your Excellency,

Your Most Obedient Servant,

Lt. Matthew K. Kandole."

The Lt. Colonel said that he did not know how Etiang interpreted it. This, however, was denied by Etiang who was emphatic that he never intercepted any such letter, nor did he hand it over to his Commander. Lt. Mlike (4.422), who was the Officer in Charge of the Intelligence section, said that normally never an officer of his section intercepts a subversive

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

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

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

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

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

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

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

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

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

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

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

"Communication from the Chair:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

There being no other business, the meeting adjourned.

(J.K.TINDUMUZIRA)
SECRETARY

Distribution:

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

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

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

He/.....93/.

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

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

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

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

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

This also was denied by Lt. Col. Onah

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

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

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

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

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

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

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

43. Subject No. 26 - OMARI ABDULLAI.

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

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

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

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

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

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

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

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

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

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

44. Subject No. 27 - STEPHEN OBBO.

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

Stephen Obbo was aged about 28 years. He was a bachelor and was a personnel officer at Kampala International Hotel, where he had worked for about 1 1/2 months. He had started building a house in Nagongera and on 4th October, 1972 his elder brother, Cornelius Okot (W 33), came to the hotel to get some money from him for buying corrugated iron sheets.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

See 2nd Paratrooper Battalion, Fort Portal - P691.

49. Subject No. 30 - CHRISTOPHER SEWANDIGI.

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

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

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

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

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

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

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

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

90. Exhibit No. 51 - PAULSON KANYOGOTE.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

51. Subject No. 32 - CAXTON NJUKI.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

53. Subject No. 34 - BENEDICTO KIWANUKA.

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

The subject was the Chief Justice of Uganda.

He was arrested on 21st September, 1972 from his Chambers in the High Court premises, at about 8.25 a.m. After dropping him in Court his driver (W.246) went to the rear of the building and started washing the car.

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

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

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

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

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

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

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

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

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

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

According/...../115.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

When/...../117.

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

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

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

The soldier referred to is No. 111/7139 Staff Sgt. Stephen Kintu (S. 99). He said that he knew Kibedi whose birth place is near his home, their homes being about two and a

Half/...../118.

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

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

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

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

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

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

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

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

I/...../119.

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

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

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

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

Mulenga - Did you have a slight suspicion?

Kintu - I believed it.

Mulenga - And you still believe that Kibedi was responsible?

Kintu - I confirm before God."

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

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

also/...../120.

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

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

He said - (p. 989):

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

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

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

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

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

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

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

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

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

"SPOKESMAN COMMENTS ON STORY OF KIBEDI.

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

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

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

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

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

"People/...../122.

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

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

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

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

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

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

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

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

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

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

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

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

"The /..... /1974.

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

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

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

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

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

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

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

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

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

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

was asked was:

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

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

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

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

powers/...../ 126.

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

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

telling/...../127.

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

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

Volkswagen/...../128.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

But do not think that much reliance can be placed upon

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

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

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

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

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

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

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

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

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

54. Subject No. 35 - WILLIAM WILBERFORCE KALEMA.

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

The subject was a former Minister in the previous regime.

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

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

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

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

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

The matter was reported at Kisero Police Post, and Inspector Ojek (V.29) managed, with the help of a mechanic, to move both vehicles to his police post. Suspecting that they were stolen, he sent a message to all police stations, including the Central Identification Bureau, for information. The District Police Commander, Superintendent Balunda (S.66) who was stationed at Kasese, saw this message on 25th January.

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

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

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

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

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

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

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

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

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

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

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

55. Subject No. 36 - GEORGE KAMBA.

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

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

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

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

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

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

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

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

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

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

We are satisfied that Mr. George Kamba was kidnapped from the Crested Crane Hotel by five unknown people. It is to be noted, as one of the witnesses did, that they were 'kissed', for if they had known they would not have done so. The car was parked outside the hotel in Djaja 50 miles away. It is clear that Mr. Kamba was kidnapped for other reasons which we refer to in evidence and, as he has not been seen since, it is likely that he is still in the custody of the

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

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

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

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

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

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

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

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

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

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

151.

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

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

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

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

96. Appendix No. 39 - YOVAN OCHOYA.

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

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

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

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

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

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

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

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

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

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

by his kidnapers, whose identity has not been established.

50. Subject No. 40 - CHRISTOPHER MUBIRA.

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

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

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

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

on/... .. /155.

On 2nd February, 1974, Dr. Bona heard that the subject's body was lying in Nyanja river at mile 13, Mityana Road. He reported to P/O M. (1/11) (1974) of Mityana police post and the body was removed from the river and taken to the City Mortuary. The police officer forwarded the papers to Katwe for further investigation. Dr. Bona saw a bullet wound on the trunk of the body, the entry wound being on the right and the exit on the left. Dr. Kafaro performed the post mortem in the presence of Dr. Bona (who identified the body as that of his younger brother) and stated the cause of death as the gun shot wound. The body was buried at the subject's father's home.

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

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

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

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

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

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

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

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

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

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

61. Subject No. 12 - PAULO KAKOORA.

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

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

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

H / ... / 1976.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

62. Subject No. 43 - ANN. KAKHI.

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

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

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

62.

Subject No. 43 - ANNA KAMFI.

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

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

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

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

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

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

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

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

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

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

Th. re/...../164.

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

63/...../165.

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

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

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

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

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

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

..4.105.

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

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

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

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

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

investigations//167.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The doctor has not been seen or heard of since.

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

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

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

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

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

65. Subject No. 46 - CHARLES SERUKERA.

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

Charles...../172.

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

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

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

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

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

Ex. 152.

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

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

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

Under/...../174.

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

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

66. Subject No. 47 - SWAIBU KIVUMA.

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

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

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

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

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

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

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

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

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

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

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

She / . / 76.

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

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

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

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

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

Witness: 122 Station Sergeant Joseph Olupot

- Part 2, p. 1167 - 1174.

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

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

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

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

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

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

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

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

69.

Subject No. 50 - DAVID OCHAYA.

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

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

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

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

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

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

number/./180.

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

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

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

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

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

We are satisfied that David Ochaya was kidnapped on 2nd January, 1973 in the manner narrated by his wife Harriet. He has been missing since then. With regard to the evidence of Okot, we would like to say that we found him very loquacious with a very fertile imagination. He was contradicted by the two men who he alleged had witnessed the incident. We are satisfied that neither of them saw the kidnapping. There is also the contradiction regarding the registration number of the BMW, and we are satisfied that there was no possibility of Judy Atim giving it to Okot. His evidence about the threats allegedly made by Harriet on New Year day, also looks extremely suspicious when contrasted with the evidence of Judy Atim who spoke of happy relations between the two and also about the contemplated marriage between them. We are in agreement with Okoya, who has known Okot for a long time, that he is not reliable. In addition to this, we would say that there was no evidence at all to show how and from where the number HWV 520 was obtained or how it found its way to Okot. Although we have seen cases where vehicles have been displaying false number plates we are unable to say the

same about the BMW as we do not know who actually noted down its registration number. None of the witnesses who appeared before us claimed to have seen the registration number of the BMW. As such, we cannot say if at the time of the incident, the BMW was displaying such a false number.

In view of the nature of the kidrapping and the fact that Ochaya has not been seen or heard of since 2nd January, 1973, we find that the probability is that he has been disposed of unlawfully by his unknown kidnappers.

70. Subject No. 51 - WALTER KUNGU KARUMBA.

Witnesses: 117 Haji Habib Gabukoba - Part 2, p. 1298 - 1301.
137 Mrs. Susan Wamaida - Part 2, p. 1317 - 1331.
140 Jane Nambi - Part 2, p. 1443 - 1349.
143 Margaret Katende - Part 2, p. 1384 - 1396.
144 Det. AIP S. Ekeyu - Part 2, p. 1396 - 1401.
145 No.1595 Det/Cpl.G. Nyongesa
- Part 2, p. 1401 - 1407.
146 G.P. Kyambadde - Part 2, p. 1408 - 1430.
433 Dr. Wilson K. Kisubi- Part 5, p. 4576 - 4578.

The subject was a Kikuyu from Kerya. He was a trader in clothes and also a landlord.

He seems to have come to Jinja in May, 1974 and there is ample evidence, which is not denied by the witnesses concerned, that on 26th May, 1974, he went to the shop of Mrs. Katende (W.143), where another commission agent Graceford Patrick Kyambadde (W.146) of Mukono Quick Service, bought some items of clothes worth Shs.5,200/- from two Kikuyu ladies who were acting on behalf of

the old man. It is also not in dispute that Kyambadde took one order leaf No. 405 (Ex.32) from an order book belonging to Mrs. Katende which he signed in the space provided as "For M. Katende and Sons". He promised to pay the amount to the Kikuyu ladies the following day. Kyambadde said that the shop assistant, Margaret Kagoro, asked him to leave a dozen shirts worth Shs. 720/- for Mrs. Katende's shop.

The following day he returned to the shop wanting to tell the two Kikuyu ladies that he did not have the money. This time he affixed his rubber stamp on to Ex.32 and, after going back to Kawolo, managed to return with Shs. 1,000/- which he paid over and also entered it on Ex. 32. He promised to settle the balance two days later. He said that he fell sick and did not go to Jinja as he had promised. Meantime the Kikuyu ladies kept on pestering Mrs. Katende about the money and, according to Jane Nambi (W.140), a seamstress who sits in Mrs. Katende's shop, they had sent a message to Kyambadde through his brother about this matter. It seems that things dragged on till June, 1974 and on 11th June, the subject came to Jinja in his Datsun pick-up, No. KPD 304, and stayed at Munaba Lodge. According to W. 137 the subject came to Jinja for collection of his money and also to have his vehicle registered in Uganda so that he could sell it.

On 14th June, the old man saw Detective AIP Ekoyu (W.144) and asked for his assistance to recover the balance of a 4,220 due to him under Ex. 32. Ekoyu asked him to return the following day at 9 a.m.

On Saturday 15th June, the old man, his son Karanja and W. 137 went to the Police Station to see Ekoyu, who was not in. They proceeded to Mrs. Katende's shop and the old man demanded his money and also informed her that he had already reported the

matter to the police. According to W. 137, Mrs. Katende is alleged to have exclaimed, "Report me to the police" and laughed. The old man then returned to the police station leaving W. 137 in the shop. This time Cpl. Nyongesa (W.145) saw him. Ekoyu was still not in and the old man again returned to Mrs. Katende's shop. W. 137 said that during the old man's absence, Mrs. Katende rang up somebody. The man she wanted was not in and she left her number to ring her later. Mrs. Katende's evidence on this point is that she had tried to speak to someone at Jinja printery. W. 137 again tried to persuade Mrs. Katende to talk to the old man but she refused saying that she will speak only in the presence of the police.

The old man then left with his companions to buy some milk. He left the other two at the dairy and went back to the police station, about 1½ miles away. The time then was about 11.30 a.m. He never came back.

On the same day Jane Nambi got to Mrs. Katende's shop at about 12.30 p.m. She said that after lunch she received a telephone call from Kyambadde during Mrs. Katende's absence saying that he was sick at his brother's house and asked her to tell the Kikuyu to be patient, Mrs. Katende stated that she left her shop that day for lunch at a nearby hotel at about 1.00 p.m. and returned soon after lunch. She denied being told by her shop assistant about Kyambadde's telephone call.

Kyambadde said that he did not go to Jinja on Saturday. He maintained that he was in Jinja the previous day, Friday, 14th June, and said that it was on Friday that he rang up Mrs. Katende's shop from his brother's home to say that he was sick and could not settle the balance with the Kikuyus that day. He was confronted with his statement dated 21st

June, 1974, in which he is recorded as having said that on 15th June, 1974, he arrived in Jinja at about 1.00 p.m. with half the balance. He admitted saying this but explained that he did not then know whether Friday was the 15th or another date. He maintained that he made that statement not at the police station as is indicated on it, but at Gadaffi Barracks, Jinja where Nyongesa had recorded it, after he had been tortured by the soldiers. He said that he was then taken to Naguru and on 3rd July, he made an additional statement at Impala house correcting the date when he had gone to Jinja. He was subsequently released on 11th July, and told to try to get some useful information about the missing Kikuyu.

Mrs. Katende said that she was also taken to the police station on 28th June and that was the first time for her to see the Ex. 32. This was contrary to what Kyambadde said that when he returned to her shop on 27th May, he had informed her about Ex. 32.

One last piece of evidence worth mentioning is that Kyambadde stated that on 14th June, when he was suffering from ear trouble, he was treated by a Jinja doctor called Kisubi (W.433). According to him the doctor recorded his name on a piece of paper. Dr. Kisubi denied this evidence and said that having looked at his record of patients for the whole of June 1974 he had failed to find the name of Grace Kyambadde.

On or about 24th and 25th June, Haji Gebukoba (W.117) lent his car to the station master, Buikwe, to search for a missing person in Najjembe forest. (Also mentioned in the case of Anna Kampi, subject No.43 - p.161) Cpl. Nyongesa was informed by the husband of W. 137 about a rumour that the old man's vehicle was seen being driven in Buikwe direction and he followed it to

Near the forest, he found two or three shirt wrappers and, in the forest, he came across six or seven human skeletons. He said that he had not been able to search through the whole forest as he was afraid of wild animals. His investigations proved fruitless.

There can be no doubt that the old man was pressing Mrs. Katende for settlement of his outstanding money and it is also clear that this matter was dragging on. His recourse to the police for assistance did not seem to improve matters. From the evidence of Kyambadde himself, it is manifest that at no time did he have enough money to settle the outstanding debt. The telephone, which Mrs. Katende made on 15th June, in the presence of W. 137, appears to have no connection with this matter and we accept her explanation about it. It seems to us that Kyambadde was untruthful about the date he visited Jinja. According to his first statement he was in Jinja on the day that the old man disappeared. That is also the same day on which Jane Nambi received his telephone about his being ill from his brother's home. He admits making such a telephone call but maintained that it was on the 14th. We do not believe him on this point. Another factor which exposes him as untruthful is the doctor's evidence denying having any record of treating him on any day in the whole month of June. It is possible for us to accept him as a witness of substantial truth even if in some parts of his evidence he has been untruthful. He admitted the transaction with the Kikuyu ladies. He admitted that he was having difficulty in finding the balance as his other customers were not paying him. He admitted using a leaf from Mrs. Katende's order-book and gave an explanation for doing so, which we think is reasonable.

We have considered the reason for his telling a lie with regard to the date. It seems to us that the only reason could be to avoid any suspicion attaching to him about the disappearance of the old man. The old man left the dairy at about 11.30 a.m. when, according to Kyambadde, he had not arrived in Jinja. In his first statement he said that he arrived in Jinja at about 1 p.m. This is in some way corroborated by Jane Nambi who received the telephone from him after lunch. We are satisfied that when the old man left the dairy at 11.30 a.m. Kyambadde was not in Jinja. Nobody knows where the old man went from the dairy, nor is there any evidence of what might have befallen him. We appreciate the fact that Kyambadde still owed him Shs. 4,227/- and that the old man's car also has not been seen since. The debt could possibly raise suspicion against Kyambadde but if he was not in Jinja between 11.30 a.m. and 1.00 p.m., we find that this factor by itself is very much weakened and we are reluctant to say that Kyambadde is implicated in the old man's disappearance. The evidence of the search in Najjembe forest is not helpful either. The shirt wrappers could have come from anywhere; they were not identified as being those of the old man. No fresh body was found in the forest, and, according to Nyongesa (W.145), those skeletons were some years old. None of the villagers, who are alleged to have seen a Datsun vehicle being driven towards the forest, was located. For these reasons, we feel that even the circumstantial evidence is totally lacking and unconvincing.

We find that Walter Kungu Karumba disappeared on 15th June, 1974, after leaving the dairy in Jinja and has been missing since. We accept the evidence of his relative Mrs. Wamaida (W.137) that her enquiries in Nairobi and at Malaba Border indicated that the old man had not returned to Kenya. The probability clearly is that he might have been kidnapped by robbers because of his vehicle which too has disappeared.

71. Subject No. 52 - ERIDADI WILLIAM WALUGEMBE NAKIBINGE.

72. 53 - JOSEPH NDYAHIKAKI.

73. 54 - HASSAN SIMBWA.

Witnesses: 141 Mohamed S.A. Mulendwe - Part 2, p. 1350 - 1374.

188 Jenaro Charles Olok - Part 2, p. 1874 - 1881.

370 SP Constant Ojulong - Part 3, p. 2996 - 3010.

508 Ali Toweli - Part 6, p. 6068 - 6122.

Messrs. Nakibinge and Ndyahikaki were employed by the Uganda Sugar Factory Ltd, Lugazi; the former as the personnel manager and the latter as the senior purchasing officer. Simbwa was the manager of a sister company, UGMA - Usuma Steel and Engineering Company Ltd.

There was evidence from the secretary of the company, Mr. Mulendwe (W.141), and the Government Agent at the factory of the time, Olok (W.188), that on 10th July, 1973 five workers including subject 52-53 and W.141 were arrested by the PSU and taken to Naguru on the allegations of misuse of the company's property. It seems that the allegation mainly was against Simbwa concerning the theft of some steel. According to W.141 when he heard of Simbwa's arrest at UGMA, he went there to enquire and found some police officers in uniform addressing the workers. He said that it was Mr. Ali Toweli who was addressing the people and, after telling the crowd that he had removed bad people asked the people if they had any other complaints. One voice from the crowd, mentioning the names of W.141 and subject 52, said that if they were removed there would be no more trouble at the factory. Mulendwe said that he was then caught and thrown into a car. They went around the garages looking for subject No.52 and he too was arrested from his office. He did not know how the fifth man Kamulia was arrested.

In/...../189.....

In the end, all five of them were taken to Naguru where they were put in a cell, which already had three or five other people in it in connection with a robbery at the Uganda Commercial Bank. Mulendwe said that he, Kamulia and Gabriel were released on 13th July, 1973 after enquiries had indicated that they had nothing to answer. Subject 52 and 54 were released on 17th July, and the PSU wrote to W.188. The letter which is dated 17th July, 1973 reads as follows: (Ex.34):

"Messrs. Simbwa and E.W. Nakibinge released
Lugazi CRB 611/73

C, With reference to the people mentioned above, I had to inform you that your employees have been released to resume their duties as soon as possible. I hope you will solve their misunderstandings with the workers of UGMA and Uganda Sugar Factory, and the workers should not misbehave to them or else disciplinary action should be taken to any worker who misbehaves. I shall call them wherever they are needed."

This letter is signed by one called B.K. Farjala.

Mr. Olok spoke of the misunderstandings as follows - (p. 1880):

"The gentlemen (that is Nakibinge and Simbwa) were arrested by the PSU and after a thorough investigation they found that the alleged misuse of the property was not correct and the conclusion was that this was a result of misunderstanding between these gentlemen and the workers which led some workers to giving information to the police that they were misusing company's property and this led to their arrest. That is why it is stated that we should try to solve the misunderstanding between the workers and those officers."

Mr. Mulendwe ascribed these arrests "to typical African Fitina" and said (p.1371):

"That is why I said, Sir, it is African Fitina because it has got many things. It could be by virtue of your qualification, by virtue of your office you are holding, by virtue of your progress, it could be anything."

Olok/ /199

Olok explained that the Factory had been taken over after the departure of the Asians and it had become necessary not only to up-grade people to higher posts - Nakibinge was promoted to Personnel Manager - but also to recruit senior people from outside, Simbwa being one of them. He felt that the grudge could have stemmed from the aspirations of some people who had been with the company for years and were superceded.

Olok said that after the release of these people, the Minister of Commerce addressed a cross-section of the workers of the factory and expressed disappointment at the manner in which the arrests had been made without proper previous investigations. He promised that someone from the PSU would come to address workers again.

Those arrests adversely affected morale at the factory, particularly amongst the higher cadre who were prone to the threatening remarks of the workers 'you will be next'.

On 13th August, 1973 the three subjects were rearrested. At about 9.30 a.m. Mulendwe was in the office of the Government Agent, Mr. Seruwamukoko, when Nakibinge came in with a man who has been referred to as 'an officer.' This man told them that he was from Naguru and Mulendwe got the impression that he was either a policeman or an Army officer. He did not produce his identity card but stated that he wanted to take Nakibinge to complete the statement which he had earlier made at Naguru. Mulendwe accepted this as true because of Nakibinge's previous visit to Naguru. The man also said that he wanted Joseph, "the man with some marks on his face." Mulendwe said that this description was of Joseph Mnyahikaki. All of them then went to Olok.

Olok/..../191..

Olok had just arrived in his office and these people came in and Seruwamukoko told him excitedly that the strange gentleman was trying to arrest Nakibinge, purporting to have come from Naguru PSU. The man ignored what was being said and instead asked Olok if he was Joseph Ndyahikaki. Olok told him he was not and asked him why he wanted to take Nakibinge away. The reply was - (p.1875):

"He told me that that was none of my business, he was given instructions from the highest authority and all he wanted was Mr. Joseph. All this time he was speaking in Swahili."

When he told him that Joseph would be in his office the man left with the others to go to that office where Joseph Ndyahikaki too was arrested. Meanwhile Olok rang the District Police Commander, Lugazi, Superintendent Ojulong and reported the matter to him and asked for assistance. Ojulong is alleged to have told him that he had no transport and Olok should ask the man to stop at the Police Station, "if indeed he was sent from Naguru PSU" as he alleged. Olok pointed out to Ojulong that the man seemed to be "uncontrollable." He explained that this observation was based on two things. First, the man did not listen to them and secondly, Olok could see a pistol from inside his jacket. Ojulong however denied this evidence and maintained that he told Olok that he was going to his office immediately but soon after Olok rang him again to say that the man had left in his car.

However, Olok narrated the subsequent event as follows - (p.1876):

"I then left my office and went out. As I left the verandah, I saw the gentleman coming back from Mr. Ndyahikaki's office preceded by Mr. Ndyahikaki himself; Mr. Nakibinge and Mulendwe. All along Mr. Mulendwe was trying to find out why he was taking the two gentlemen but he persistently refused to be disturbed. I then joined the group walking towards the car

and/...../192.

and he requested Mr. Niyahikaki to enter the car as well as Mr. Nakibinge. He also entered the car in the driver's seat, and I finally asked him why he was doing this? He said I should never get myself involved, he said, "you should not get yourself involved and don't waste my time." I also told him that the Police Commander requested him to go through the Police Station. He did not answer but drove off at a very high speed."

The car was a green BMW 1800, whose colour according to Mulendwe, was bluish and according to Olok, greenish. The witnesses said that its registration number was UYM 742. Immediately, Olok rang Superintendent Ojulong again and the Superintendent who was then looking through his window, told Olok that he had seen the car at the roundabout, opposite the Police Station, going towards Kampala direction. Mulendwe also got into his car and gave chase. There was a difference of three or four minutes but no where on the way to Naguru did he see the BMW. At Naguru Mr. Obura denied sending anybody for these people and Mulendwe was given an officer to go to the Central Registry of Motor Vehicles to check on UYM 742. It was found that this number belonged to a different car. According to Ex. 152 this number belongs to an Opel vehicle of Joseph Senoga, Box 19 Iganga. Lugazi Police organised a patrol some two hours later but, as expected found nothing.

Nobody offered any resistance to these arrests. Mulendwe said that his suspicion had been aroused because the man did not even know the full name of the person he was supposed to arrest. Olok said that they only tried to persuade him through 'talking' and did not offer any physical resistance. He said (p.1879):

"The biggest problem was that he was definitely armed and none of us was armed, secondly, when he said that he was sent from Naguru PSU I remembered that a month before when the same

people were arrested a letter was written to me by the O.C. PSU to say that the two gentlemen, Nakibinge and Simbwa, were released after investigations and they should be reinstated in their duties and that if they were required they would be recalled. So whereas I was suspicious, I still thought that may be this was following the letter which I received from the O.C. PSU."

On the same day, at about 10.30 a.m., Olok received news of Simbwa's arrest from his factory. Later in December, the bodies of these three subjects were found in Bombo area and, on 14th December, 1973, the relatives went to collect them from Bombo Police Station.

Ali Toweli remembered dealing with the case file of Nakibinge and his group after their arrest and finding no evidence against them, he ordered their release. He said that later he went to Lugazi and addressed the workers, urging them to stop their 'fitinas.' He denied telling the people that he had removed bad people and asked them if they had any more bad people. He further denied keeping these prisoners in the cells at Naguru and said that his Deputy may have given them a chit to take to their employers so that their salaries were not deducted. He denied any knowledge about the arrest of these three subjects after Nakibinge's previous release by him.

We think that there is convincing evidence of the arrest of five people, including subjects 52, 54 and W. 141, on 10th July, 1973. The reason for their arrest is disclosed by the two main witnesses to be certain allegations about the misuse of the company's property and also the alleged theft of some steel which was said to have found its way into UGMA. There is no doubt that these five were arrested by the PSU and, from the evidence of Mulendwe which we have no reason to doubt, it is abundantly clear that the head of the PSU,

Mr. Ali Toweli, addressed the workers at UGMA and, having informed them that he had removed bad people, asked if they had any more complaints. Although Ali Toweli's memory seems very hazy, Mulendwe was emphatic that he and Nakibinge were then arrested when one of the audience informed Ali Toweli that if they were removed, there would be no more trouble. We accept that Mulendwe and the two others were released three days afterwards and Simbwa and Nakibinge on 17th July when Ex.34 was also sent to the Sugar Factory.

On 13th August, 1973 when the strange person appeared at the premises of the Sugar Factory wanting to take away Nakibinge and Ndyakikaki saying that he wanted the former to complete the statement which he had previously made at the PSU, it would seem to be perfectly reasonable for Mulendwe and Olok to link his visit with the previous incident. We think that their reason and their conclusion that these people were in fact wanted, as indeed was stated in Ex.34, by the PSU was not only logical but the only conclusion at which any reasonable person would have, and the same would go for the strange man. The evidence that the number plate, which was on the BMW being driven by that man, being false is all too common; we have seen in other cases soldiers using false number plates to hide their identity. Because this pattern has been consistent, Mr. Obura readily provided Mr. Mulendwe with an escort to go to the Central Registry to check on the number, which he knew in advance would prove quite misleading. Taking the evidence as a whole we are of the opinion that the probability clearly is that these three people were re-arrested at the behest of the PSU, Napuru. We cannot say where they were detained, nor do we have evidence of the circumstances in which the bodies were found in Bombo area.

We can, however, say that the bodies of these three subjects were found and subsequently buried by their relatives. On the basis of these findings just as the probability is that they were re-arrested by the PSU, Naguru, the other probability is that the PSU is clearly responsible for their deaths as well.

74. Subject No. 55 - CAPTAIN ADONI AVUDRIA.

Witnesses: 142 Joyce Nabirye alias Cissy
- Part 2, p. 1374 - 1383.
170 Steven Isingoma - Part 2, p. 1653 - 1671.
489 WA 8179 Abdu Ismail
- Part 6, p. 5578 - 5618.
508 Ali Toweli - Part 6, p. 6068 - 6122.

The subject was a Captain in the Uganda Army.

On 9th June, 1972 he was at the Nile Hotel at night, drinking in a group including Mr. Senci Nyanzi, the Chairman of WDC, and another man called Didi.

Working in the same hotel was a bar maid, Mariamu Yebu who, according to the Chief Security Officer, Steven Isingoma (W.170), was the Captain's girl friend.

As a result of what Yebu told W.170, he went out to the car park to check on the Captain's car, a 4 door BMW. He found a Volkswagen and a Peugeot 504 parked not very far from the BMW. Two men were standing near the Volkswagen, and some other people were in the Volkswagen and Peugeot. On being questioned the two men denied trying to tamper with the BMW. W. 170 asked them to identify themselves. One of the two pulled out a card, bearing the National Coat of arms. The Security Officer did not take a proper look inside the card to ascertain what it was about. He said that he did not argue with them as they were rude to him and

this rudeness was reflected in their reply to his question as to what they were doing there when he was told curtly 'don't ask us'. W. 170 reported to the Captain who went out to see those men. On his return he said that he knew them and there was 'no problem'. He said that they were his colleagues and were from 'the Defence.'

At about 10.30 p.m. the cashier, Joyce Nabirye (W.142) took the cash to the reception and locked it. As she was leaving to wait for the hotel van, the Captain offered her a lift which she accepted. He told her that he first wanted to assist his friend whose car had broken down near the Crested Towers. This friend was WO2, UA. 8179 Abdu Ismail alias Titi (W.489), who at one time was working as Your Excellency's body guard. According to him, his Peugeot 304 car No. UUT 007 broke down near the Crested Towers and he walked to the Nile Hotel to buy a box of matches. There he was invited by Captain Bunyenyezi for drinks and about ten minutes later the subject told him that some people had surrounded his car. Captain Avudria asked him to accompany him to his car to see what the matter was. Then W.142 also arrived and got into the BMW. Ismail said that as his car had broken down and he and the Captain lived in the same direction, he asked him for a lift which the Captain agreed. The Captain stopped near Ismail's car, and both of them went to it; the girl remained in the BMW. According to the girl, Captain Avudria opened the bonnet of the other car and Ismail stayed at the steering wheel; Ismail said that he opened the boot and he was bending to look at the engine while the Captain went to the steering wheel to switch on the car's lights. Immediately, four to six cars came out of the Nile Hotel and stopped near them. The girl said that one of these cars was

Some people got out of those cars and the girl saw them fighting. She heard noise of struggling and thumping of people falling and punches. Ismail said that as he was bending down over the engine, someone pulled him from his shirt collar and he started fighting someone. The girl tried to come out of the car but was confronted by a man who threatened to shoot if she tried to run away. The man assaulted her, pulled her wig and removed her shoes. He then went back to his group and she ran back to the hotel. She found Nyanzi still there with his friends and, looking back towards the scene, she found that all the cars, including Ismail's, had disappeared from the road. She reported to Nyanzi and they rang up 999. Soon a police vehicle arrived and the girl together with Isingoma were taken to the police station. The girl maintained that they passed by the scene where nothing was found, but Isingoma said they went straight to the Central Police Station (CPS) from the opposite direction of the Standard Hotel.

Ismail said that he also managed to escape and made for the Nile Hotel. He only found a watchman there who said that the manager had gone away. He then ran towards the Parliamentary Buildings. He could not get a lift as nobody was around. He went to the Military Police Guard at the Parliamentary Buildings. He was challenged and, after he had told them who he was, he was asked to turn about and march away. He then ran towards the CPS. He met a 999 car on the way which was going towards the Crested Towers. He reported to the policeman, and went back to the scene with them. After the 999 car left he went up to the General Post Office and rang up the Commanding Officer, Military Police, Makindye. Marella asked him to wait at the scene and he started going back to the scene. Marella met him near the

Fresh Foods and drove up to the scene. He then walked home near the Golf Club, leaving his car behind. The Head of the PSU, Ali Toweli (W.508) was patrolling the city that night in a staff car. According to him he met Ismail near the roundabout opposite the Grand (now Imperial) Hotel, running towards the police station. He said that Ismail reported to him that "they" had been attacked without saying who the others were. He took Ismail to the scene but found nothing there. He then alerted the control room and drove Ismail to his home. He denied receiving any report regarding Avudria but the report of Ismail was passed on to the PSU.

Ismail, who knows Ali Toweli, maintained that he did not see him on the night of this incident. His statement which he made to the police on 19th June, 1972, (Ex.122) was read to him but he denied telling the police, as stated there, that he had met Ali Toweli that night. He said that what he had told the police was that he met a patrol car with some PSU men in it. He was emphatic that Ali Toweli did not drive him home but he walked all the way to his home.

On the following Monday, Joyce Nabirye was taken to Naguru for her statement and there was shown the shell of a burnt out BMW, which was said to be Captain Avudria's car. She said that she has not seen the Captain since then.

We find that there is clear evidence that the Captain was at the Nile Hotel on 19th June, 1972. It is also clear to us that some people, whom the Captain took as his colleagues from 'the Defence,' were seen near his car by the Security Officer. We are also satisfied that Abdu Ismail did go to the hotel that night but we are of the opinion that his presence at the hotel was not accidental. Although Ismail denied that his going to the hotel was part of a pre-conceived plan to kidnap the

Captain, the evidence of the girl, which we believe and accept as true, indicates that Ismail and those other men seen near the Captain's car were in fact after the Captain. We say this for the following reasons:

- (1) The reason given by Ismail for going to the hotel is most tenuous and unconvincing. There is evidence that there were some street lights where his car was alleged to have broken down. We do not see how the light from a match stick would have helped him in any way in repairing the car.
- (2) Amongst the cars which W. 142 saw coming out of the gate of the Nile Hotel was one Peugeot 504; a similar vehicle had been seen near the Captain's car a few minutes earlier.
- (3) The entire conduct of Ismail subsequent to the attack was most suspicious. We find it ridiculous that a man of his calibre, who was then in dire need of police assistance, could not ring the police from the hotel even if the manager was not in.
- (4) His evidence about his visit to the Military Police guards outside the Parliament Buildings also looks unconvincing, particularly when he himself is a soldier and had told those guards his name and the unit he was attached to.
- (5) He claims to have met a police patrol car on the way in which he drove back to the scene. We fail to understand why he had still to ring Marella by walking back again to the General Post Office or to have to walk all the way to his home, even after Marella arrived and could have given him a lift to his house.
- (6) There is also the contradiction between his evidence and of Ali Toweli. Ismail admitted the statement which he made on 14th June, 19... (Ex.122) to be his but denied, as is recorded, his meeting Toweli that night. That statement was made five days after the incident when everything must have been very fresh in his mind. By denying meeting Toweli after the elapse of so many months he was obviously trying to circumvent his initial report to Toweli that he had been attacked by people who he thought were murderers and that he was alone at the time of the attack.
- (7) and lastly, the girl said that when she looked back on reaching the hotel she found all the cars, including Ismail's, had left the scene. Ali Toweli says that he found the car at the scene when he went there with Ismail.

In view of the contradictions to which we have already referred we are unable to accept Towell's evidence on this point.

We find that Captain Avudria was kidnapped in accordance with a pre-conceived plan in which Abdu Ismail played a leading role by providing the bait. We accept the girl's evidence that the following Monday she was shown the Captain's burnt out car, and we have no hesitation in saying that the Captain must have been killed by his kidnapers. No. W. 8179 Abdu Ismail is, in our view, clearly implicated in the Captain's disappearance.

- 75. Subject No. 56 - NAFUTALI MADIRA.
- 76. Subject No. 57 - MOHAMMADI OGA.
- 77. Subject No. 58 - ZAVERIO OGA.

Witness: 149 Abusolom Kokwa - Part 2, p. 1458 - 1470.

Subject No. 56 was a Director of Savena Bus Company, where his brother Abusolom Kokwa was the Manager. Madira was married and has seven children.

The other two subjects were brothers and were employed in the same Company as drivers. They were both married and have families.

On 18th October, 1973, Madira went to Nairobi to fetch three newly purchased buses. Those buses were refused entry into Uganda at Malaba Customs Post as the documents were not in order. Madira came to Kampala and, on 20th October, 1973, flew back to Nairobi for the documents. The following day he rang his brother - W. 149 - asking him to meet him at Entebbe Airport the same evening.

W. 149 sent the two drivers (subjects No. 57 and 58) to

collect his brother in a white Peugeot 504, No. UUZ 037. They never returned, and all three have been missing since then. This vehicle is not included in either Ex.151 or Ex.152. No other evidence was adduced about its ownership or the change of its registration numbers.

The following morning W. 149 checked the passengers' list and found that his brother was one of the passengers in the evening plane on the previous day. He also rang the friend with whom Madira had stayed, and he confirmed that subject No. 56 had caught the plane to Entebbe. On his way back from the Airport W. 149 checked at Makindye and also reported the disappearance of these three persons at the Central Police Station and at Naguru. He did not get any information about their whereabouts.

Kokwa said that some three weeks later, he saw the same Peugeot car stopping at his garage gate at about 3 p.m. He noticed that its colour had been changed to green. Two men came out and then the vehicle drove away.

According to the witness his younger brother, Wadria (he was not called) hired a vehicle similar to the Peugeot, some three months after this incident. The vehicle was being used as a taxi; its top was painted red and it had different number plates. On recognising the vehicle Wadria immediately got out of it.

The evidence before us is very little. If W. 149 is believed then it would seem that Madira was in the evening plane from Nairobi on 21st October, 1973. W. 149 said that his enquiries at the Airport revealed that his brother had in fact been received by the two drivers. On this point also there is no direct evidence and none of those who might have seen the three together was called as a witness.

This is understandable because W. 149 was unable to mention any particular names of people he interviewed at Entebbe Airport. The fact, however, remains that all three have been missing since 21st October, 1973. We find that the probability is that they were all unlawfully disposed of by the people who made off with the Peugeot car. The same vehicle was subsequently seen by W. 149 three weeks after this incident when its colour had been changed to green. The identity of the people in the Peugeot is not known, nor the identity of the driver plying it as a taxi.

78. Subject No. 59 - JOSEPH KIZITO.

Witness: 150 Mrs. Sarah Kyambazi Kizito - Part 2, p.1470 - 1478.

The subject used to work for the Standard Bank, Kampala. He was married to witness W.150, and they have five young children.

At the time of this incident, they had separated. The subject used to live near the Military Police Headquarters, Makindye and his wife used to stay at Kibuye. According to the evidence of Mrs. Kizito it seems that just before the disappearance of her husband the staff of the bank were being taken individually by Army Intelligence Officers to Napuru for some investigations. She said that almost the entire staff was involved in these investigations. The nature of those investigations was not made known to us.

Mrs. Kizito last saw her husband on 21st September, 1973, near the Military Police premises. They discussed the children's school fees and the subject promised to give her some money on 25th September, 1973.

Her husband did not turn up as promised. Her enquiries revealed that he had been on duty at the bank the previous day and that he was last seen by some neighbours going to a bar the

same evening. She was told by some neighbours that they had heard some people calling him at about dawn on 25th September, 1973.

She reported his disappearance at Katwe Police Station and asked the Officer-in-Charge for an escort to take her to Makindye and Naguru to look for her husband. She was told that the Police were also scared to go to those places.

Mrs. Kizito said that she took over the household property but she did not know about his bank account. She said that her husband was insured.

In this case also the evidence is almost negligible and it is impossible to say what might have happened to Joseph Kizito. We can only say that he has been missing without any trace since 24th September, 1973. It is impossible for us to hazard a guess as to whether he is dead or alive, or whether he absconded due to the investigations which were then going on.

79. Subject No. 60 - JOHN K.Z. BARIJUNAKI.

Witnesses: 151 Deziderio Bwabihihi - Part 2, p.1479 - 1485.

The subject was working at the Railway Station, Kampala as the station foreman. He used to live in Nakawa with a girl friend. The only witness, Bwabihihi, is his friend and both came from Kigezi. W. 151 is the Assistant Traffic Superintendent and was transferred to Kampala from Nakuru on 10th November, 1971. He had a Benz Car, No. KHM 743.

On 13th November, 1971, W. 151 went on duty to Kasese for one day, and left his car with the subject. On his return on the following day he found his friend missing. He reported at the Central Police Station and was asked by the Police to wait for a

for / 204

few days in case he had gone home.

He saw the subject's girl friend who told him that the subject went shopping and never returned. Another friend told him that the subject and his car were kidnapped at Nakulabye by some people, and he later learnt that his car was at the Military Police, Makindye. He went to collect it and was told that the car had been involved in a robbery at Masaka and was ambushed on its way back by the Military Police at Kibuye. He was told that when the car failed to stop on being challenged the Military Police opened fire., killing three men. The bodies were taken to Mulago Hospital where the subject's brother saw them, but did not find his brother among them. The witness said that in the pockets of one of the bodies was found the subject's tax ticket.

He also reported the matter to the Railway Police but has not received any information about his friend since then.

The witness said that the subject's girl friend, with whom he used to live, was pregnant at the time of this incident and now has a baby.

Our Counsel did not call any evidence about the alleged robbery or of the shooting by the Military Police. But from the evidence of the witness we are satisfied that he collected his car, which he had left with the subject on 13th November, 1971, from the Military Police, Makindye. This fact seems to lend some support that the vehicle might have been seized by the Military Police during the ambush at Kibuye. It might well be that the subject was in fact kidnapped, as is alleged, by some men at Nakulabye as is manifest from the finding of his tax ticket on one of the bodies. On this basis we would say that the subject was kidnapped by kondonos who, having eliminated him, used the witness's car in the commission of a robbery at Masaka.

80. Subject No. 61 - MICHAEL EGARU.

Witness: 152 Christopher Odeke - Part 2, p. 1485 - 1493.

The subject was employed at the Railway Station, Kampala as the Chief Reservations Clerk. He was married and has eight children, the eldest being about 17 and is an apprentice at the Ministry of Works.

Christopher Odeke (W 152) knew the subject since 1953. He said that he was a jovial person who got on well with people. The witness described him as a man with "the heart of an African." According to W.152, he spent the entire evening of Friday, 23rd April, 1971 with the subject. He said that at about 6 p.m. he took the subject to Nakawa to see his sick brother. On the way the subject changed his mind and instead wanted to go to Kireka. The witness refused to oblige and turned back. At Jinja Road roundabout the subject asked to be driven to Kampala International Hotel to see Dr. Kabete. They found the doctor had already left and they went to the Park Hotel for some drinks. They left for home at 7.30 p.m. and the subject asked to be taken to Nsambya Market to buy some provisions. They picked up some children from the subject's home, bought some eggs and fish from the market and returned the children home. The subject was then dropped at the Railway Club and the witness went home.

At about 1 p.m. the following day the subject's two boys saw the witness and enquired about their father. He told them where he had left him and then reported to the Railway Police.

According to unconfirmed rumours which the witness heard, the subject was picked up from the Club by some Army men in a landrover at about 11 a.m.

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The subject has never been seen or heard of since.

It is clear from the evidence of the single witness that he dropped the subject at the Railway Club at about 8 p.m. on 23rd April, 1971. What happened to him thereafter is not known. Our Counsel was unable to get any witness from the Railway Club who might have witnessed any incident such as the unconfirmed rumours about the subject being taken away by some soldiers.

We think that it would be wrong for us to rely on these unconfirmed rumours to say categorically that the subject was taken by soldiers. There can be no doubt, however, that the subject has been missing since 23rd April, 1971. We think it is reasonable to say that he must have disappeared after being dropped at the Railway Club. As he has been missing now for about four years without any word, and in view of the rumours which were mentioned, we are of the opinion that there is a probability of his not being alive.

81. Subject No. 62 - DR. SSEMBEGUYA.

Witnesses: 153 Yeronimo Waswa - Part 2, p. 1493 - 1496.

176 Yekoniya Mukwaya - Part 2, p. 1732 - 1743.

247 Constant Okumu Okello
- Part 2, p. 2432 - 2437.

The subject was a medical doctor practising in Kampala. He had another surgery in Kawempe. He was a former member of Parliament and a political detainee at Luzira. He was released from custody just before the Army takeover. He was also the Managing Director of Nazigwe Farmers' Union of which W.176 is the Director.

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On or about 19th February, 1973, W. 176 went to the doctor's dispensary in Kawempe to discuss some business matters. He found some patients waiting. At about 1 p.m. the doctor rang to enquire from the nurse if there were any patients. On being told that there were two men and two women, the doctor came to attend to them. He asked W. 176 to wait for him in the patients' examination room. The doctor treated a woman. Then the witness saw two strong men entering the room. Without saying a word they caught the doctor and handcuffed him. The witness said that another old man deliberately obstructed his view by asking him if he was the doctor. The doctor was taken to a yellow vehicle which the witness said was an LUDI. W. 176 said that the nurse noted down its registration number, later handing it over to him, as UUZ 096.

According to W. 247 this registration number was of his V.W. BEETLE which had been out of order and off the road since 18th August, 1972. This corresponds with the details of ownership of this vehicle as set out in Ex.152. On the advice of the Licensing Officer, he had removed the front number plate, leaving the rear on the vehicle. He said that the vehicle was stolen from the car park where he had left it on 24th February, 1973.

However, W.176 came out of the dispensary following the kidnappers. He saw the old man waiting at the bus stop and, on seeing the witness, hurried away. The witness reported the incident at Kawempe Police Station.

About a week later, on Friday, 24th February, 1973, W. 153, a farmer of Bbya village, Kyaggwe, found a body tied to a tree near his home. As it was late in the evening he

reported to Luzizi Police Station the following morning.

The police visited the scene with W.176 who identified the body as that of Dr. Ssemberuya. The opposite limbs were tied to the neck and the body tied to a tree. His lips were cut and both eyes removed from the sockets.

From the evidence of W.176, we are satisfied that the body found in the bush was that of the subject. We also find that he was taken away from his dispensary in Kawempe on 19th February, 1973 by two unknown men. If the vehicle in which he was taken was an AUDI then it seems quite obvious that it was displaying false number plates. We have considered the discrepancy in the dates mentioned by the two witnesses. We have no reason to doubt the integrity of W.176 who was given the AUDI's number by the nurse. On this basis, it must follow that W. 247 was mistaken about the date on which his V.W. was stolen. The identity of these two men is not known and, although W.176 said that these two had paid for treatment and their names recorded by the nurse, we have not been able to get any such record. Mukwaya said that he had heard on the Radio that some "murderers" had infiltrated the country from Tanzania but there is nothing in the evidence to suggest that those two were such guerillas. The motive for the kidnapping is also not clear. Although the subject was a former member of Parliament and had served some time in Luzira, there is no evidence to suggest that after his release he indulged in any political or subversive activities against the government. The only conclusion we can reach is that the doctor was kidnapped by some unknown people who subsequently murdered him and mutilated his body.

82. Subject No. 63 - JOSEPH MUKASA.

Witnesses: 155 Haji Ali Mbazira Mwangi - Part 2,
p.1501 - 1516.

171 Irene Lubega - Part 2,
p.1672 - 1681.

The subject was a coffee processor and used to live at Kabwoyo. He was also a partner in a beer agency in Kinoni Trading Centre and one of the other partners was a man called Sendawula. He had two wives, one of whom is Irene Lubega (W.171).

From the evidence, it appears that the partnership in the beer agency was not proceeding well. There were some conflicts between the partners, particularly between the subject and Sendawula. According to Mwanza (W.155), Sendawula had once managed to get some beer from Jinja through 'improper' means. The subject confiscated the beer and later sold it. The amount involved was to the tune of some Shs. 30,000/=. The people who got that beer for Sendawula were demanding money from him and he in turn threatened to take 'drastic measures' against Mukasa if the money was not paid.

On 16th April, 1974 the subject returned home in Kabwoyo at about 8.30 p.m. Irene Lubega went to the kitchen to fetch his dinner. She found a stranger standing in the door-way and two others outside lurking in the dark. She was frightened and ran back. The narrative in her own words is as follows -
(p.1674):

"I entered the house and when I was trying to shut the door, these people pushed it and entered. One of those who entered had handcuffs and was putting on army uniform; he had a hat with white and red insignia in front. When he entered he said "Joseph toka", then he immediately handcuffed him - then he pushed Joseph outside and the other two also helped him to take him away in a hurry.

When Mukasa was being handcuffed, I cried and this man pushed me. I did not hear what he was talking because he was talking in swahili. They took him and at that time the watchman had arrived."

The watchman tried to follow them but was threatened with a gun.

She reported to Mukasa's younger brother, Steven Ddungu, who saw his cousin Muwanga, (W. 155). At about the same time a white Peugeot 404, similar to the vehicle in which the subject was alleged to have been taken, stopped outside Muwanga's home for a short time. Muwanga decided to stop it and gave chase in his Mercedes Benz car. He managed to overtake the Peugeot after about 10 miles at Matanga Trading Centre. He reversed but the Peugeot disappeared in the village. He said that during the chase, and with the help of his spotlight, he managed to see its registration number which was UBO 135. He tried to look for it in the village and, failing to find it, returned to Masaka to report to the police, leaving another man to guard the only access road to the village. He said that the only action taken by the police was to send a message to Buwama police to set up road blocks. He said that a young policeman expressed the fear that if they stayed at the police station, those who took the subject might come and take them also. He went on to say that the police were so scared that whenever they saw a car they would run away!

After reporting to the police, Muwanga returned to the village and parked near the road. At about 1.00 a.m. a man, who was subsequently identified as Sendawula, 'erupted' from a shop about 100 yards from them and stopped a bus. He told the driver not to stop on the way as those cars had been chasing him and wanted to kill him. The bus driver stopped near the witness's car and enquired what the matter was. He was told that they wanted to take the man to the police in connection with a missing person.

The bus then drove to Masaka police station and Sendawula was handed in. He was later released and he still seen driving about.

Muwanga said that Mukasa has been missing since then. He said that his family had announced an award of Shs. 50,000/- for any information about him. He mentioned some rumours about Mukasa having been found stabbed by the roadside by some M.O.W. staff who took him to Jinja Hospital. He said that his wife and two brothers went to the hospital and later said that the man was not Joseph Mukasa. Muwanga said that the relatives of Mukasa were divided into three groups. The first wanted to take possession of all his property, the second were for looking for him and the third did not want him at all.

It is clear that Joseph Mukasa was taken from his house by three men on the night of 16th April, 1974. His wife gave details of the uniform which one of them was wearing. The details seem to tally with the uniform of the Military Police. She was emphatic that she is able to differentiate between the various types of uniform. She was unable to recognise any of the kidnappers and there is no evidence before us to say whether the man wearing the uniform was in fact a regular Military Policeman. We cannot shut our eyes to the fact that cases have occurred where people have personated as army officers. Muwanga was able to see three occupants in the fleeing car and, although he did not know who they were, it seems fairly clear from what Sendawula later told the bus driver that he must have been in the car which was being chased by Muwanga. If Sendawula was not involved in anything wrong there was no need for him to flee in the car as he did, or to hide from the pursuers as he did. His conduct was thoroughly suspicious and we are inclined to believe that he was in fact

with the kidnapped subject in the same car which was being pursued. Notwithstanding the fact that we did not have evidence about the subject's business conflicts with Sendawula we find, for the reasons we have given, that there is evidence to indicate that Sendawula is implicated in the subject's disappearance. In view of the fact that the subject has been missing since 16th April, 1974, we think the probability is that he has been unlawfully disposed of by his kidnapers and as there is some evidence of Sendawula's involvement we recommend that further investigations be carried out by the CID.

83. Subject No. 64 - OBONG NAM.

Witnesses: 157 Jackson Ojik - Part 2, p. 1517 - 1520.
161 John Ondoa - Part 2, p. 1560 - 1566.
249 No. 6567 Det/Sgt. Samson Edwan
- Part 3, p. 2451 - 2469.
254 No. 1647 Det/Sgt. Asaf Bahemuka
- Part 3, p. 2560 - 2566
and 2953

The subject was employed in the Prisons Service as Inspector of Works. He was stationed at the Prisons Headquarters, Parliament Building.

There was some confusion about the exact date of the incident in which the subject was involved; but according to the entries in the Public Safety Unit Station Diary Serial No.13 and minute No.12 of 26th January, 1973 in the police file, the date was confirmed as 23rd October, 1972.

There were two versions of the incident. W.157, who is a Sergeant, said that the incident happened at 9.30 a.m. The other witness, W.161 who was then a messenger, mentioned

the time of the incident as 2 p.m. However, on that day W.161 was at the gate when three people asked him for the subject. He took them to his office and stood outside the door which was open. He denied seeing W.157 anywhere near the room. Those people asked the subject for the keys of his car and its insurance. They went away to the car where a man in army uniform saluted the inspector of police who was one of the three. W.161 said that the inspector asked the soldier why he was saluting him when he did not have a "crown" on his hat. He said that they drove away in the car.

W.157 maintained that he was present outside the office when five men, two of whom were in uniform, came and asked the subject where he had got the Volkswagen from. He said that all of them went to the car park where the subject told the others that the car had been given to him by the garage for use while his own car was being repaired. According to W.157 they took the Volkswagen away, leaving the subject behind, and they asked him to report at the Central Police Station the following day.

The subject has been missing since.

On 5th January, 1973 Detective Sergeant Edwan (W.249) was instructed to investigate this case. He has a service of about eighteen years in the police force, of which he has served twelve as a detective. He said that he recorded statements from the previous two witnesses and traced the Volkswagen to the P.S.U. Yard, Nguru. Its Registration Number was UVE 902. Sergeant Bahemuka (W.254) produced the Station Diary and read entry S.No.13 of 23rd October, 1972, which reads - (p.2560):

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"Mr. Ayub Hassan of Maliro Regiment, Intelligence Section, P.O. Box 7095, hands in one motor vehicle, registration number, UVE 902, Volkswagen, light blue in colour, which is believed to belong to Greyhound Ltd for safe custody."

Edwan admitted that he was criticised by his superior officers in a minute dated 17th March, 1973 for lack of proper investigations in the case. His only other investigation was that on 12th December, 1973 he sent a WT to Lira, enquiring if the subject's wife was still employed by the Ministry of Education. The reply was in the negative. He also checked with the Registrar of Motor Vehicles with regard to the ownership of UVE 902 and found that it belonged to someone in the Uganda Transport Company.

According to Sgt. Bahemuka all the vehicles at the FSU Yard were subsequently sent to Naguru Airstrip for auctioning. He said that this was in accordance with orders. He produced the acknowledgement receipt issued to him in respect of this particular vehicle, Ex. 64.

Notwithstanding the obvious contradictions in the evidence of the two main witnesses, it is clear that on 23rd October, 1972 some people did approach the subject with regard to the vehicle which he was then driving. The garage in which the subject is alleged to have taken his car for repairs and from where he was given the V.W. for temporary use was not mentioned. It seems to us that the investigating officer deserved all the criticism that was made by his superior officer with regard to the lack of proper investigations. With some reluctance, he admitted that there was an atmosphere of fear at the relevant time and this was not the only time that such fear in the minds of the police was expressed. It is possible that this fear was the only cause

which/...../215.

84. Subject No. 65 - STEPHEN KULU.
85. Subject No. 66 - D.S.P. ODUR.
86. Subject No. 67 - ASP OKELLO.
87. Subject No. 68 - AIP OTTO.

Witnesses: 158 Dan Kiwanuka - Part 2, p. 1520 - 1530.
159 Serina Kantono - Part 2, p. 1531 - 1542.

Subject No. 65 was the Ag. Chief Fire Officer, and was stationed at the Fire Brigade Headquarters, Kampala. He was married to two wives; Serina Kantono (W.159) and Margaret Manji (she was not called). He was a man from Kakoro in Bukedi. W.159 has seven children and the co-wife three. Kantono said that she lives with her parents and is not getting any support from her brothers-in-law. Two of her children, who used to attend school, are no longer reading due to her financial problems.

On 26th September, 1972, the subject drove in his car to Mbale Fire Station. He told the Fire Officer, Assistant Inspector Dan Kiwanuka (W.158) that he came to visit his family in Kakoro, 17 miles from Mbale. He told Kiwanuka that he had come in a hurry and 'the situation in Kampala is very dangerous,' (p.1523). He asked for a lift as he was short of petrol and Kiwanuka provided him with an official landrover and a Kenyan driver, who has since returned to his home country. The subject then changed into civilian dress and went away in the landrover, leaving his car with its keys in it at the Fire Station.

The driver returned twenty minutes later and informed Kiwanuka that he had dropped the subject at his request at Mbale Hospital. Kiwanuka has not seen the subject since that day.

/P12

On the following day Kantono delivered some keys to Kiwanuka and said that they had been left with a child to be returned to Kampala. Kiwanuka reported to the District Police Commander and Kulu's vehicle was subsequently removed to the Police Barracks.

About six months later Kiwanuka learnt that the subject had reported himself at Mbale Police Station. Kantono also learnt about this from her co-wife who told her that their husband came home after reporting to the Police and said that he had been given the option of either resuming duty or resigning. W.159 continued that during her absence when she had gone to see her sick mother, on her return her co-wife told her that their husband had been taken away in a vehicle which came to their home one day. She was told that when Manji tried to enquire what was happening she was brushed aside. And Kulu's mother told the co-wife "those people have taken your husband and sent me away."

Kiwanuka denied knowing that Kulu was in trouble in Kampala and denied that he had assisted him to escape.

He said that when he was in Kampala, he found DSP Odur (Subject 66), ASP Okello (Subject 67), AIP Otto (Subject 68) missing but did not know the circumstances of their disappearance. He mentioned another fire officer, DSP Okidi (Subject 237) as having disappeared also and he is dealt with at p.

With regard to subjects No. 66, 67 and 68 no direct evidence was adduced; no member of their families came forward to testify about their disappearance. These three were mentioned by Kiwanuka in passing and, as there is no other evidence, it is impossible for us to make any findings in their respect.

With regard to Stephen Kulu we take into account that he

left Kampala at the time of the invasion of the country by guerillas from Tanzania. It is obvious from Kiwanuka's evidence that he went into hiding for about six months. The fact that he had deserted his office is manifested by his action in sending his office keys through his son to Kiwanuka. Notwithstanding that no evidence was available from Mbale Police Station about the report which the subject is alleged to have made, we are satisfied that he did in fact return home as was reported to Kantono by her co-wife. The subject's mother, who allegedly witnessed the incident at which Kulu was taken away from his home, did not give evidence. Without trying to comment on this piece of evidence we would like to say that having stayed in hiding for the previous six months, there is a clear possibility that Kulu may have gone back into hiding or slipped outside the country. We find some support for this in Kiwanuka's testimony about the remark which Kulu made to him about the situation in Kampala being very dangerous. It seems obvious to us that Kulu was running away from that situation for reasons best known to himself. The reference to his mother's report to his wives can be interpreted to mean that he was taken by his collaborators for, had he been wanted by the police, there was nothing to stop the police from arresting him when he reported there.

- Subject No. 69 - DSP OCITI (See JOHN OKIDI - Subject No. 237, p. 440)
88. Subject No. 70 - EZERA MALOBO.
89. Subject No. 71 - AMISI SENDOZOZA.
90. Subject No. 72 - SEE p. 222.
91. Subject No. 73 - MOHAMMEDI KITAYIMBWA.
92. Subject No. 74 - NASALAMU LUBEGA.
93. Subject No. 75 - BADEU EYEYUNE.
94. Subject No. 76 - P.C. OBYO.

Witnesses: 162 Margarita Nakulugo - Part 2, p. 1567 - 1573.
163 Juma Bashir - Part 2, p. 1573 - 1585.
164 Silvester Waswa Kiyimba
- Part 2, p. 1585 - 1593.
165 Petero Mukasa - Part 2, p. 1594 - 1606.
545 No. 6260 FC Ernesti Atrobi
- Part 7, p. 6906 - 6911.

The first four subjects were Muluka Chiefs in Bugerere. They were appointed during the previous regime when all the former chiefs under the Kabaka's Administration were removed and replaced by new ones. According to Juma Bashir, (W.163), when the Military came into power, chiefs appointed during the previous regime were removed. He said that his house was burnt on 26th January, 1971, by people "of the other side" and Amisi Sendoweza was made to eat raw meat.

On 1st October, 1972, at about 9 p.m. W.164, was arrested from his home by some people travelling in a MAZDA Pick Up, on the allegations that he was a confusing agent. Also to be arrested from his home was W.165, who said that the captors were armed and in civilian clothes.

At about 10 p.m. the vehicle stopped at the home of the Muluka Chief, Juma Bashir (W.163), and he was asked to lead them to the home of Subject No.73. He did as he was asked. At Kitayimba's home, he called out for him and, when he opened the door, one of the people pointed a gun at him and ordered him on the vehicle. They went to the homes of Subject No.74 and Subject 71. Both of them were also arrested in the same manner. The house of Sendoweza was searched and certain things were taken. Then they drove on to the home of a former councillor, Ziyadi Wagubi, who was not at home.

They drove off to Nacalama Police Post where the captors said, "Give us our man." PC Obayo was handed over to them. It was there that for the first time, the captors alleged that the people they had arrested were guerillas. They were then taken to Nyenza village to the house of an Army Officer, to whom the captors reported that they had arrested guerillas who had maize mills and were sending money to Obote. They added that they had taken W. 164 and W.165 as witnesses to confirm those allegations. These two witnesses, not only confirmed those allegations, but added that on 17th September, 1972, when Uganda was attacked by guerillas, the prisoners had celebrated the Invasion by slaughtering a goat and claiming that Obote was coming back. These two witnesses, however, denied the allegation that they had reported the others. They maintained that they were arrested just like the others and their account of the incident at the Army Officer's house was a little different. According to them, the things found at the home of Sendweza were produced and these were some photographs of Obote and a book. The Army Officer was alleged to have said, "It is you the chiefs who are confusing people because, it is you who have alleged, people are guerillas and, yet Obote's photographs can be found in your homes."

W.164 and W.165 spent the night at the Army Officer's home and the prisoners were taken to the Central Police Station, pending further investigations. According to the station diary, Entry No.2 of 2nd October, 1972, (Ex.172) five men, i.e. No.72, 73, 74, 76 and witness No.163 were handed in at the Police Station, at 0455 hours, by Captain Juma of Uganda Army. The same five people are recorded in the Lock-Up Register, Entries No. 5068, Ex.173.

On 2nd October, 1972, at about 7.30 p.m. a vehicle stopped

at the home of another Muluka Chief, called Ezera Malobo (Subject No.70). Two men asked him to accompany them to the car and, on being asked where he was being taken, they told him, "You will see there." The subject tried to resist but the people fired twice. According to the evidence of his wife (W.162) the shots were fired in the air. Her husband was taken away and he is included in the Central Police Station Lock-Up Register, Entry No. 5066 of 3rd October, 1972, the second person being the Market Master, Badru Kycyune (Subject No.75), Entry No. 5065 - Ex.174.

According to the Central Police Station's Lock-Up Register, entries No. 5065 - 5068 (Ex.175) Kitayimbwa, Juma Bashir, Mesalamu Lubega and, PC Obayo were handed over to Captain Juma on 7th October, 1972, to be taken to Makindye. On the same day, Malobo was also taken by Captain Juma to Makindye - Ex.176. According to Juma Bashir, he was released on or about 11th October, 1972, and told that he would be called back later.

Our Counsel seems not to have been able to trace the soldier, Captain Juma.

According to Margarita Nakabugo (W.162) her husband Malobo was next found on 8th October, 1972, in Rubigi River with bullet wounds. He was taken to Rubaga Hospital where he stayed up to 17th November, 1972, when he died. She said that he had bullet wounds on both sides of the chest.

None of the others has been seen or heard of since. . .

There is no direct evidence about the arrest of Subject No.75 - Badru Kycyune. There is no doubt, that he was arrested and taken to the Central Police Station as is clearly shown by the police records.

We are in no doubt at all that the four Muluka Chiefs, that is, Subjects No. 70, 71, 73 and 74 were arrested on allegations of being confusing agents and being sympathizers of the former regime. We do not have enough evidence as to the reason for the arrest of the Policeman and the Market Master. The fact, however, remains that they were all handed in at the Central Police Station from where Malobo was removed on 7th October, 1972, by Captain Juma to be taken to Makindye. We accept the evidence of his wife in that he was found the next day shot in the chest, lying in Rubigi River. We are also satisfied that he succumbed to his bullet wounds on 17th November, 1972. The evidence of the Police records and the discovery of Malobo with bullet wounds the following day clearly points to the fact that he must have been shot by the people who collected him from the Central Police Station, that is, Captain Juma and his companions.

With regard to the other five people, we do not have any evidence except that they, too, were collected by Captain Juma to be taken to Makindye. As the records of Makindye Prison were not available, there is nothing before us to indicate whether they reached Makindye or not. Basing ourselves on the incident of Malobo as an example, we find that there is a strong probability that the five other subjects must have been disposed of in similar manner.

95. Subject No. 72 - DAVID LIVINGSTONE KAZIBWE.

Witness: 189. Maurice Kamukama - Part 2, p. 1832 - 1886.

He was a member of Council in Fagerera and stopped being one after the 1971 Military Takeover.

He was married to Mary Christine Kasasa (W.167) and at the material time they used to live in Kiwafu village. They have four children between the ages of 19 and 3, all of whom are schooling.

The subject Lwasa was a B. Com. student at Makerere University, and used to work part-time for the Insurance Company.

W.167 last saw her husband on Saturday, 2nd December, 1972 at 7.45 a.m. when he left for work.

He was next seen in his office the same morning by Sekawa (W.368) and Wamala (W.374). Sekawa saw him at 9 a.m. when Kasasa asked him for change for Shs. 100/-. Wamala, who had been promoted by Kasasa only the previous week as a Unit Manager, went to his office to greet and inform him that he was going to Jinja on business. Kasasa advised him not to go alone. Wamala left for Jinja with the Company's Surveyor and was to have returned to Kampala the same evening for a meeting of his unit.

At about 2.30 p.m. two men, one of whom was said to be from the insurance company, reported to Mrs. Kasasa that her husband had been arrested. She was told that, as he was driving in his green Citroen car, No. UYK 701, opposite Linda bar in Entebbe Road, another vehicle, a BMW, with two armed men in it, stopped her husband who was with Lwasa. Both subjects were bundled into the BMW and one of the kidnappers drove away Kasasa's car. These two informers told Mrs. Kasasa that they gave chase but were unsuccessful.

Wamala returned from Jinja at about 5.10 p.m. for his meeting, where he learnt of the kidnapping of both men. He then went and saw Mrs. Kasasa.

Mrs. Kasasa said that she went to the Central Police

Station. She described the BMW car which took her husband and was told by the police that it belonged to the Military Police. She went to Jinja Road Police Station and was told the same about the BMW. She said that she was afraid to go to the Military Police, Makindye, but some relatives and friends checked there, though nobody actually was allowed to see her husband. She said that there were rumours that her husband was at Makindye, and others that he had been removed to Malire. She has never seen her husband since 2nd December, 1972.

After sometime, an employee of Hunts Motors told her that her husband's Citroen had been taken to the garage for repairs to a door which was dented, and re-spraying it white. He told her also that a new number plate, UUB 359, was to be fitted to it. She said that she started seeing the white Citroen with this number on Entebbe road. She did not pass this information to the police through fear of retaliation. According to Ex.151 Kasasa's Citroen is still registered in his name and the number has not been officially changed.

Mrs. Kasasa spoke of another rumour to the effect that Wamala had reportedly said, "We shall see who has got more power over the other. You will not manage to find him because you are working under me," (p.1616). This allegation was denied by Wamala, who said that Kasasa was his intimate friend. He said that as Unit Manager he was not responsible for Kasasa's agency and, as he had only recently been promoted, he could not have aspired for a further rise so soon. He said that another man was acting as manager for Kasasa's agency. According to W.368, Kasasa was very popular amongst the agents to whom he used to give advances and dealt with them very carefully.

Mrs. Kasasa said that the flats which he was building came to a standstill after his disappearance. The house he

had built was rented but she was having difficulty with collection of the rent. She has applied to court for an order to manage the estate of her husband.

We are in no doubt that John Baptist Kasasa and the University student, Lwasa, have been missing since 2nd December, 1972. Unfortunately, Mrs. Kasasa was unable to say who those two people, who broke the news of their arrest, were. We think that it is unfortunate also that, having received the information about her husband's car, Mrs. Kasasa did not inform the police about it. It may well be that both subject were kidnaped in the manner stated by Mrs. Kasasa according to the information she had received. The fact that the Military Police had some BMW cars was not denied (see W.109). It is sad to note that the police did not take any action to follow up the report, nor did they try to assist Mrs. Kasasa in any way to trace her husband. The registration number of the BMW was not mentioned by anybody and it is impossible for us to say whether that was one of the cars belonging to the Military Police. We think that merely relying on reputation in such a matter can be dangerous and we are reluctant to say categorically that the vehicle in which the two subjects were taken away came from the Military Police. Such a finding would have been easy had there been any other satisfactory evidence of either subject having been seen at Makindye. None of Mrs. Kasasa's relatives or friends who might have visited Makindye came forward to say that he found him there. But the important fact remains that according to Mrs. Kasasa none of them actually saw her husband at Makindye. We now turn to the remark attributed to Wamala. Wamala himself denied uttering those words and we have not heard any direct evidence from any person in whose presence such words were spoken. On the other hand, Wamala had been

promoted unit manager by Kasasa only a week before his disappearance and we think that it is reasonable to say, as Wamala said, that any other rise in so far as he was concerned was out of the question. In any case, Wamala never became manager in Kasasa's agency. We are not satisfied that Wamala was in any way implicated in his disappearance.

We find that both subjects were kidnapped by two unknown men in a BMW car on 2nd December, 1972, since when they have been missing. We think the probability is that they must have been disposed of unlawfully by those kidnapers.

98. Subject No. 73 - GONZALEZ MUYONZE.

- Witnesses: 168 Mrs. A. Mukankuzi - Part 2, p.1622 - 1631.
172 J. Mudahera Mutenda - Part 2, p.1682 - 1704.
183 Mrs. Bagakunde Orahineza
- Part 2, p.1817 - 1824.
185 Christopher Kigundu
- Part 2, p.1829 - 1833.

The subject used to work for Lufthansa Airline in the Passengers Department. He was married and used to live in Bugolobi.

On 10th January, 1973, Mrs. Mukankuzi (W.168) went to the subject's home for lunch. She said that three men, including Mutenda (W.172), came to see the subject who accompanied one of them into one of the rooms. W.172 admitted going to the house accompanied by his cousin, Brother Gilbert, to give the subject an insurance brochure. He said that he was then working for the British firm, see Germany and was trying to give the subject a policy. W.172 maintained that there was no body else

in the house, Mutenda said that there were a lot of people and after taking a bottle of beer Mutenda and his cousin went away. The subject asked W.172 to see him the following afternoon.

After lunch, the subject dropped W.168 at her office and Kigundu (W.185), who was working with Lufthansa as driver/messenger, saw him going into his office at about 2.15 p.m. This witness said that fifteen minutes later, three men arrived and he saw them talking with the subject. The witness wanted to go to the German Embassy but the subject asked him to wait as he was going out with those three men. Kigundu was emphatic that Mutenda was not one of those three men. He waited for the subject until about 5.15 p.m. and then reported to his superior officers who contacted the Police. This witness saw the subject's Volkswagen car parked outside but was told next morning that it had been taken to his house.

The following day, the subject's wife rang Mrs. Mukankuzi to say that he had not returned home since leaving after lunch the previous day.

W.172 went to the subject's office as arranged at 3 p.m. and was told by the Manager, one called Mr. Burnt, that he had gone out. On this point Mutenda was certain that he went to see the subject not on the afternoon of 10th January, 1973, but the following day. He did not wait for the subject but left a message that he had called.

Some time in May, 1973, Mutenda met the subject's sister, W.183, and asked her, "Where have the people of Muyenze gone? I do not see them these days." He was told that Mrs. Muyenze had gone to Zaire but she did not know where Muyenze "has gone." Mutenda said that this reply referred to the whereabouts of Muyenze for that particular day and he maintained that he did not know that the subject had been missing since his

meeting at his home in January. This conversation was denied by W.183. Mutenda said that he also enquired about Muyenze from some one working for the Ministry of Information, who also told him that Muyenze having gone to Zaire. In about July, 1973, W.172 went overseas for about six months.

W.183 said that on 20th January, 1973, she went to the Nile Hotel to see their former King and there met a man called Kabalinda near the lift. The conversation, in her own words, was as follows (p.1819):

"He first told me something in a sort of story and the story he narrated was that a certain lady had kept her milk somewhere, a rat came and fell in the milk. After that her mother-in-law came and removed it and threw it away where it could not come back again. After that story, he pointed his fingers as if he was going to beat me at that time."

He said that the man also told her, "You will see me." She understood this story to refer to her brother who had disappeared. She denied telling the Police as is recorded in her statement that Kabalinda further commented:

"He thinks that we did not know him, he thinks that we do not know his movements."

She did not know where Kabalinda lived or worked.

It seems obvious that the subject was taken away from his office by three unknown men in the afternoon of 10th January, 1973, and has been missing since then. From the account of the incident given by W.185 it seems to us that the subject must have known the three people with whom he went out of his office. Kigundu did not know those men but was certain that Mutenda was not one of them. The story told by Kabalinda to W.183 seems to have obvious reference to her brother who was then missing. Unfortunately, the men have not been traced and we are of the opinion that in the circumstances considerable suspicion about his involvement in the subject's disappearance attaches to him.

We had evidence from W.183 that Mrs. Muyenze had been writing to her to say that her husband was not in Zaire. We are of the opinion that the probability is that the subject was unlawfully disposed of by these three unknown men.

99. Subject No. 72 - EDWARD KWOBA MASINDE.

Witnesses: 173 Faibe Nasimanyi - Part 2, p. 1704 - 1711.

174 Mike Odhiambo Masinde
- Part 2, p. 1711 - 1723.

487 Lt. Col. Ghitro Sana
- Part 5, p. 4634 - 4657.

The subject was working as a clerk in the Personnel Office of the East African Railways, Kampala. He had been in Kampala for three years. He was married to Faibe Nasimanyi and they have seventeen children between the ages of 23 and 2; the eldest being Mike Odhiambo Masinde (W.174). W.173 last saw her husband on 6th December, 1971, when he went on duty. He never came back.

She went to his office the next day to enquire about him. She alleged that the Regional Manager told her that her husband had been taken by some "Big men" from the Army to Makindye. She maintained that the name of Lt. Isa Abdalla of the Army Headquarters was mentioned as one of those soldiers, who does not seem to have been traced by our Counsel.

W.174, who was a Teacher at Iwulira Primary School in Samia Bugse, Bukedi, got news of his father's disappearance from some neighbours who returned home from Kampala on 10th December 1971. He waited for his mother and when she came, she too narrated the story to him. After about a month W.174 and his mother came to Kampala and saw the Personnel

Officer. He is alleged to have told them that three men had been taken together on the same day to Makindye and that he was in touch with the Ministry of Defence. Mike said that he took a lot of things but the tight security there scared him and he did not even try to make any enquiries there. On 7th March, 1972, he went to see the Minister of Internal Affairs, who then was Lt. Col. Obitre Gama (W.437). The details of the interview, in the words of Mike, are as follows - (p.1717):

"When we went there, he checked some of the files and told us that, well that matter, means my father's name and two others had been reported to him in writing by the Regional Manager of E.A. Railways Corporation and that he had made enquiries about this and the Ministry of Defence Headquarters had assured him that those people were at Makindye pending further interrogations on a subject he could not reveal to us for security reasons."

Mike continued to say that the Minister then sent him with a written message to Republic House where he saw a Major. The Major rang somewhere and then told him that "the person in Charge of Makindye... was out and, therefore, we could not go there, we could not be allowed to go there to see our person." The Major further told him to be patient for his father would be released after the enquiries were completed. He said that they waited for a very long time and, as they were very worried about his father's whereabouts, they wrote several letters to the Secretary for Defence, the Minister of Defence, and to Your Excellency, without getting any reply from any source.

W.437 did not recall the alleged interview with Mike but said that he used to see relatives of people who had disappeared. He said that his reaction was to tell these people that after Police investigations either the Police or he himself would let them know.

He said that in normal circumstances he used to write to the Commissioner of Police to cause enquiries to be made and, in cases where he received reports from the Police that the missing person was not traced, he used to inform the relatives concerned. He said that in cases where Army soldiers were involved, he used to contact the Minister of Defence. He thought that he did not tell Mike that his father and others were at Makindye pending enquiries. He said that he was not telling relatives about people who were in detention at Makindye but used to direct them to the Minister of Defence who would arrange for them to see the prisoner at Makindye.

There is scanty evidence concerning the disappearance of the subject. We failed to get any eye witness. We have considered the evidence which is before us and we find no reason why the mother and the son should fabricate evidence that the subject was arrested from his office with two others and taken to Makindye. They could not have dreamed the name of Lt. Isa Abdalla. We consider those two witnesses as truthful. They did see the Minister of Internal Affairs and we accept their evidence in preference to the general denial of the Lt. Col. who probably saw a lot of relatives enquiring about their missing people and was thus not able to remember their interview clearly or what he told them. The fact of the subject's detention at Makindye would have been proved or disproved by the production of the D.O.B. which, as has already been seen, was not available. However, we find that the subject was arrested and taken to Makindye and as he has disappeared only the appropriate authority can know what was done with him.

The obvious finding, of course, is that he was unlawfully disposed of while under detention at Makindye.

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100. Subject No. 80 - S.S.P. CLEMENT EBOKORAIT.

Witness: 175 Elizabeth Asiyo Ebckorait - Part 2,
p. 1723 - 1732.

He was a Senior Superintendent of Police, in charge Busoga District, and was stationed at Jinja, since October, 1972. He was married to W.175, who was living at their home in Pallisa. They have eight children between the ages of nineteen and three months; except for the two youngest, the rest are at school.

On 30th January, 1973, a police officer, called Chedikol, who was also stationed in Jinja, reported to W.175, that her husband had been arrested and taken away on 29th January, 1973. She went to Jinja and, on making enquiries at the Police Station, learnt that her husband was taken by four men, dressed in a uniform similar to the Army uniform. The details of the vehicle in which he was taken were not recorded and no body seemed to know the identity of those four men. She saw the Assistant Commissioner of Police, Mr. John Walusansa, at the Police Headquarters, after about two weeks of the arrest. He denied any knowledge about this incident and asked the woman to confirm that her husband had been arrested and the reason why he was arrested. This was after she told him that she was not sure whether he had been arrested because she was not present when he was taken. She was also not certain as to whether he had gone to Kirezi on safari as he used to. She was, however, definite that he had not run out of Uganda, or he would have written to her.

The evidence is very sketchy. We find that the subject was arrested by four men, dressed in Army uniform on 29th January, 1973, from his office at Jinja. We find it odd that no body at the police station took the trouble of asking for the identification of those four men, or of recording the registration number of their vehicle.

We are sure that he has been missing since then and we find that the probability is that he was unlawfully disposed of by those four unidentified men in Army uniform.

101. Subject No. 81 - RASHID SURURU.

- Witnesses: 177 Sulemani Naku - Part 2, p. 1743 - 1753.
186 William Wetaka - Part 2, p. 1833 - 1849.
187 Victor Owori - Part 2, p. 1850 - 1873.
250 Mwanabani Kusuf - Part 3, p. 2469 - 2482.
363 Aida Nzuki - Part 4, p. 3734 - 3739.
364 Abdala Ititia - Part 4, p. 3740 - 3745.
365 Wilson Maberu - Part 4, p. 3746 - 3761.
373 AIP J.K. Oweka - Part 4, p. 3820 - 3822.

The subject was a Muslim religious leader and a witchdoctor. He used to live in Bugema Nabwayo near Mbale, and was married.

On Friday 23rd November, 1973, he went to Mbale for Friday prayers. A newspaper vendor Sulemani Naku (W.177) was with him at the prayers, after which they returned to the Maluku bar where W.177 used to sell his papers on the pavement.

At about 2.15 p.m., two men in a green BMW car No. UUN 353 went to the subject's home and asked W.250 about the subject. They said they wanted him to do something for them. As Rashid had not returned home, they asked the porter, also called Suleman, to take them to him. As W.250 and Rashid's wife were going to town, they offered to take them to where Rashid was. They took the car to Maluku bar and Rashid talked to the people in the car. According to W.177, Rashid appeared to know those men with whom he was laughing. He sat in the car in the rear

seat and the car drove away.

That was the last that Rashid was seen or has been heard of and has been missing since then.

At the time of the disappearance but the funeral rites of his mother continued. W.250 said that they reported his disappearance to the police the same day. Some police dogs searched for him in the forest without any success.

The following day, that is, Saturday 24th November, 1973, W.177 went to the Mbale Motor Trading Company Ltd., and saw the man with whom the subject had gone in the car the previous day. This was Wilson Maberu (W.365), who used to work as an accountant. Naku said that on being told about the disappearance of Rashid, Maberu looked surprised and said that he had been dropped in the town and his friend who was working for the Uganda Commercial Bank, Soroti, had gone with the subject. He promised to contact his friend in Soroti by telephone and when W.177 saw him at 2 p.m., Maberu told him that he had been through to Soroti and had been told that his friend and the subject had gone to a place about 5 miles from the town. Maberu admitted seeing this newspaper man but said that this was on Monday, the 26th November and the enquiries were about the car in which he was travelling on Saturday. According to Maberu, that was a Peugeot 403 saloon the registration figures of which were O37. He admitted making a telephone call to Soroti on 26th November but denied that this was in connection with the subject. W.363, who was then the telephone operator, stated that after he had spoken on the phone, Maberu told her that he had wanted his brother in Soroti to get him some sacks of groundnuts. Maberu said that on Friday, 23rd November he was on duty and had his lunch at Mbale Hotel at 1 p.m. He said that he spent the whole of the afternoon at his

place/...../236.

place of work and at 5 p.m. was driven home by the workshop foreman. He denied being in the BMW car that day at 1 p.m. as alleged.

Regarding this vehicle, it was not denied that it belonged to the Mhale Motor Trading Company Ltd. Victor Owori (W.187), a brother of one of the directors called Okumu, testified that he had been authorised by his brother who had gone to Nairobi to use this vehicle on Saturday, 24th November, to go to Tororo in connection with his impending marriage. The foreman (W.364) stated that on Friday, 23rd November, he was asked by Maberu to check the car as it was to be used by Owori the following day. He said that its clutch was faulty and the engine misfiring. He repaired the car on Saturday, 24th November, and the clerk, Wetaka, handed over its keys to Owori. Owori said that he went to Tororo on Saturday and on Sunday had an accident with a Land-cruiser, allegedly belonging to Mr. Oboth Ofumbi, registration No. UYL 605 on the Tororo/Mulanda road. The offside mudguard was dented and the head lamp broken. On Monday, 26th November, Owori told the foreman that the car had broken down at his home. The foreman went and found that the gears did not engage, and he managed to drive the car to the garage for repairs. On the same day, some people, including Naku and W. 250, went to the garage where they identified the car as the one in which the subject was taken away the previous Friday, and also Wilson Maberu as one of the people in the vehicle. The police were contacted, and the car taken to the police station together with Wilson Maberu and Wetaka: this was on the 29th November. Subsequently, Wamboga who is Maberu's cousin was also fetched from Soroti. On 13th December, 1973 AIP Oweka (W.373), conducted an identification parade in respect of the car. None of the identifying witnesses, who

included/ ... /237.

included W. 177 and 250, identified him. Wilson Maberu refused to take part in the parade on the ground that the witnesses had seen him before a number of times at the police station and the witnesses identified him with the identifying witnesses one by one. All of them identified him as the person they had seen in the car in which Rashid Sururu was taken on 23rd November, 1973. Maberu said that after witnesses had made their statements, he was told by the O.C. Police that he was alleged to have kidnapped someone. He said that he was subsequently taken to court but the case was later withdrawn.

Naku and Mumbani Yusuf (W.250) saw the car in which the subject was taken away from outside Maluko bar. The time was soon after 2.15 p.m. W.250 actually travelled in that car from her home. We think that these two witnesses were not mistaken in their identification of the vehicle in which the subject was last seen. Furthermore, after the subject was reported missing, these witnesses went to Mbale Motor Trading Company where they identified the car and reported Maberu to the police the following week. On the other hand, there are the denials of the people working for Mbale Motor Trading Company that the BMW left the showroom on Friday, 23rd November, 1973. This is significant because if this were so, then quite obviously Naku and W. 250 would be grossly mistaken about the vehicle in which Rashid was taken. In considering their evidence, we should like to emphasize that Victor Owari (W.187) turned out to be a most unsatisfactory witness. In a matter of fact, he admitted that he had told deliberate lies to the police with regard to the accident he allegedly had in the BMW on Sunday, 25th November, 1973. In his statement to the police he admitted saying that the vehicle was being driven by Mrs. Okumu when the accident occurred and that she ran into a wall. He admitted that both these statements were wrong and he had deliberately lied to avoid getting into trouble.

A self-confessed liar cannot be trusted in anything and it seems to us that, realising that the vehicle belonging to the company had been sufficiently recognised as having taken the subject away and also one of the company's employees, that is, Maberu, the other employees must have tried to fabricate evidence in order that they be not implicated. We see no reason why Naku and W. 250 should tell lies either in respect of the vehicle or Maberu. We accept their evidence and find that on 23rd November, 1973, Maberu and another person took the subject away in the BMW, UUN 353. From the replies which Maberu gave to Naku on being asked about Rashid's whereabouts, we are inclined to the view that Rashid was taken to Soroti to do something for these men. It will be recalled that Maberu refused to participate in the identification parade on the ground that the identifying witnesses had seen him before. We are of the opinion that this was a deliberate move on his part to avoid being identified, but nevertheless was identified subsequently when the witnesses were called into the office where he was.

We do not know the reasons for withdrawing the police case against Maberu. We are of the opinion that there is prima facie evidence implicating Maberu to a very large extent with the disappearance of the subject, and we would certainly recommend the Director of Public Prosecutions to reconsider the police file.

As the subject has been missing since 23rd November, 1973, we find that the probability is that he was disposed of unlawfully by Maberu and his unknown companion.

102. Subject No. 82 - L.L. KISADJA.

Witnesses: 179 Ruth Bokibwona - Part 2, p. 1773 - 1781.

110 ... /230..

376 Abiyasali Edmond - Part 4, p. 3847 - 3852.

377 John Mugobere - Part 4, p. 3913 - 3925.

383 Nasani James Nabeta
- Part 4, p. 3926 - 3929.

The subject was the Personnel Manager of NYTIL, Jinja. He had worked for the company since 1955. He was married to Ruth Bokibwona (W.179) and they have ten children between the ages of 20 and 4. He had some money in the bank which his wife has not been able to operate. He had a house. His wife has not applied to court for an order to manage the estate.

W.179 last saw her husband on 22nd September, 1972 when he returned to his office after lunch in his car, UVG 583.

That morning John Mugobere (W.382) was in the company's shop which is near the offices. At about midday, he saw a black Peugeot 404 saloon entering the compound through the public gate, with three men in civilian clothes in it. He was asked if the subject was in and he told the men that he had gone out. Two of those people also saw the assistant personnel officer, Opio (W.376) and on being told that he was out, the two men said that they would return in the afternoon. According to W.382, the subject returned to the office at about 1.45 p.m. and the same three men returned in the same car at about 2 p.m. Two of them went inside the office and W.382 went and stood near the car. The two went into the subject's office and came back with him. He told his assistant, Opio, that he was being taken by security officers. On getting outside the subject was heard by W.382 asking the men if he could take his car. He was asked to get inside their car.

The subject was driven away in the black Peugeot 404, never to be seen again.

At about 2.15 p.m. the subject's brother, Nabeta (W.383) received information on the telephone from Opio about his brother's arrest. He made enquiries from people he knew at Makindye and Naguru but without success. At about 4 p.m. W.382 informed Ruth Bokibwona and later Nabeta collected his brother's car. Nabeta said that as far as he knew his brother had no connection with the Invasion of the country or the people responsible for it.

Nobody tried to take down the registration number of the Peugeot 404 in which the subject was carried away. Likewise, there is no witness who was able to identify any of those people who took him away. We find that the subject was taken away by three unknown men claiming to be security officers from his office on 22nd September, 1972, since when he has been missing. We find that the probability is that he was unlawfully disposed of by his captors.

103. Subject No. 83 - HAJI ALI BALUNYWA.

Witnesses: 180 Hezron Kakuyo - Part 2, p. 1781 - 1802.
184 Hajit Azem Kitimbo
- Part 2, p. 1824 - 1829.
518 Clement Kintu - Part 7, p. 6260 - 6266.

The subject was the Administrative Secretary of Busoga District Administration and was the District Deputy Chairman of the Uganda Muslim Supreme Council.

He had four wives and thirty-five children, twenty of whom are now at school. Two wives are employed and the other two are unemployed.

He had two houses, one of which is a semi-permanent house with twelve rooms. W. 184 is responsible for the children. The subject was insured. No application has been made to Court so far for authority to administer his estate.

On 6th October, 1972, Clement Kintu (W.518) drove the subject to the District Commissioner's office for a meeting. The subject then asked him to fetch a file which he had forgotten. The driver left in the subject's car and, when he was about to reach Bugembe, a car overtook him and stopped in front of him, forcing him to stop. When he came outside, three men in the other car caught him and asked him if he was Balunywa. When he denied, they alleged that he was lying as the car he was driving was that of Balunywa. They asked him to take them to him. Two of the men sat with him in his car and the third followed in the other car.

Meantime, the subject was with the D.C. Busoga, Kakuyo (W.180). Kakuyo said that he had called the subject to brief him about the Friday prayers and also to give him a cheque of Shs. 1,700/- to distribute amongst the Saza Chiefs for the Independence celebrations.

The driver returned to the D.C.'s office with those men. He knocked at the door, whereupon the D.C. asked him to wait. But those men then opened the door by force and burst inside. The driver identified the subject and those men who, according to Kakuyo, numbered six, grabbed the subject by the arm and asked him in Swahili 'Unakataa ku Kamatiwa', that is, do you resist being arrested? The subject replied that he was not resisting but wanted to return the cheque to the D.C. They refused his request and proceeded to handcuff him. Kakuyo said that these people looked 'terrible' and he was scared for his life. He said that the entire incident was over

with /242

within about three minutes and he described it as 'the whole thing is frightful'. Those people took the subject away to their car which was parked about two hundred yards from the offices.

Subsequently, the D.C. reported this incident to the District Police Commander, Ebokorait, Subject No.80, p 233, who himself has since disappeared and also to the Permanent Secretary, Ministry of Provincial Administrations, and the Secretary of Religious Affairs. He also saw the Adjutant of the Jinja Barracks, Captain Marjan, who said that he did not know who those people were.

Mrs. Balunywa stated that the District Commissioner told her that those men who took her husband away were in uniform. She said that the DC. told her that when he enquired at the Army Barracks he was told that if handcuffs were used in the arrest of her husband then those people were not from the Army as they did not use handcuffs.

It is clear that Haji Balunywa was arrested by unknown men from the D.C.'s office on 6th October, 1972. The driver, who was stopped on the way by those men, was unable to recognise them, nor did he take down the particulars of their car. Notwithstanding the little discrepancy in the evidence as to their dress, we are satisfied that those people were in civilian clothes as is maintained by W.180 and W.518. Even the D.C. was unable to identify any of those men. In any case, he was scared for his life and the incident was over within three minutes. In view of the nature of this kidnapping and as the subject has been missing since October, 1972, without any trace or news, we find that the probability is that he was unlawfully disposed of by his unknown kidnapers.

104/...../243.

104. Subject No. 84 - ERIYA BYARUHINGA.

Witness: 181 Samuel Mugisa - Part 2, p. 1802- 1811.

The subject was a young man aged about, nineteen. He left school in 1972 and joined the Uganda Hotels as a trainee. He was undergoing some course at the Management Training and Advisory Centre. Samuel Mugisa (W.181) is the subject's young brother and used to live with him in Rubaga Road. Living with them also was the subject's girl friend, Jalia. According to Mugisa his brother had some trouble over this girl about two weeks before his disappearance. He said that one evening two men - Ginger Wine and Lukwago - beat up his brother and snatched Jalia from him. She returned to him the following day. Two weeks later, on 1st October, 1973, the subject went to the market to buy food at 8 a.m. and never came back.

Mugisa enquired at the market and also at Old Kampala Police Station, Central Police Station, and Wandegaya Police Station but did not get any information from anywhere. He also checked at the Mulago Hospital.

This is an unfortunate case where there is no evidence at all as to what might have happened to the subject. The evidence is very scanty and it suggests some trouble over the girl, Jalia. The witness did not know about the whereabouts of the other two men who created the trouble over this girl. It is impossible to say if these two are, or either of them is, responsible for his disappearance. All that we can say is that the subject has been missing since 1st October, 1973 and, as there has been no news about him since, the probability is that he is dead.

105/...../244.

105. Subject No. 85 - PAULO KIZZA TOMUSANGE.

Witnesses: 190 Sarah Alexandria Tomusange - Part 2,
p. 1887 - 1892.

The subject was employed by the East African Railways as Industrial Relations Officer, and had a service of seventeen years with the Railways. He was married to W.190, and they have four children between the ages of nine and three. He was insured and had a bank account but his wife has not applied for a Court order to manage his estate.

W.190 last saw him on 31st January, 1973, when he left home for duty in the morning. Between 10 and 11 a.m. she was told that her husband had been arrested by two men. No body seemed to know who they were, or where they took her husband to. Her father-in-law, Bishop Tomusange, enquired from his superior officers but he did not tell her what he was told. She herself made enquiries at the Central Police Station but no body know of the whereabouts of her husband. She said that he was quite happy with his work and had never complained about any workers who might have threatened him.

There is no evidence as to how or why the subject was arrested. There must have been some eye witnesses but our Counsel was unable to trace any. The subject's father-in-law, Bishop Tomusange, did not come forward to speak about the result of his enquiries. The only finding we can make is that the subject was arrested on 31st January, 1973, from his office by two unknown men and, as he has been missing since then, the probability is that he was unlawfully disposed of by his captors.

106/...../245.

106. Subject No. 86 - SSP. JOHN ODONGO.
107. Subject No. 87 - DET/ASP GABRIEL ENGOLA.
108. Subject No. 88-UA 4069 PTE EMENYO OBONG.

- Witnesses: 191 Wilson George Cankwo - Part 2, p. 1892 - 1914.
191 Wilson Odongo Cankwo - Part 3, p. 2298 - 2302.
204 Margaret Anyinga Odongo Part 2, p. 2053 - 2057.
437 Lt. Col. Obitre Gama - Part 5, p. 4634 - 4657.
487 Capt. Michael Kakora Osele
- Part 6, p. 5508 - 5512.
497 John Malusansa - Part 6, p. 5809 - 5856.

The three subjects and the witness Cankwo (W.191) are cousins, having the same grandfather. The first two were policemen and were stationed at Jinja; the 3rd was a private in the Uganda Army and was stationed at Masindi. Odongo was married to two wives and had twelve children between the ages of 26 and 6 years: ten of whom are at school. Engola also had two wives and five children between the ages of seventeen and four years. The private used to live with a girl-friend and had no children.

According to the evidence, SSP Odongo was first arrested from his office in Jinja on 19th February, 1971 by Captain Michael of the Uganda Army, Jinja. He was detained for about five days and subsequently released. He resumed his duties and did not appear worried. His wife (W.204) then moved to their village home in Iira where they were building a house. Mrs. Odongo said that she was later handed a letter from her husband by Mrs. Angellete Ayum; it was dated February, 1971 and her husband had asked her to look after his children if he died.

Mrs. Odongo spoke to her husband on the telephone on 29th March, 1971. On 1st April, 1971, his houseboy called Casto rang her to inform that her husband had been arrested the previous day from

the police officers' mess, Jinja by four Army men. Mrs. Odongo and Gankwo went to Jinja and Casto repeated the story to them about what the bar man at the officers' mess had told him that Odongo had been taken by four men travelling in a Landrover. They saw the barman who confirmed the story. Odongo's car was seen parked outside the officers' mess and Walusansa (W.497) who was then the O.C. Police Station, subsequently had it removed to the police station. The witness then saw Walusansa at the police station and he denied knowledge about the arrest, except for saying that he too had heard from the barman, Ogutu, of the arrest. He said that neither Ogutu nor Inspector Odeke who was present at the place was able to recognise any of the four men. W.204 said that Walusansa whom she knew well, tried to shun her and said that he knew nothing. The witnesses then went to the Army barracks and saw the Adjutant who denied any knowledge about the arrest of Odongo. According to Mrs. Odongo, the Adjutant rang Mr. Walusansa and blamed him for not reporting the arrest of Odongo to him. This was denied by Walusansa who maintained that upon hearing of Odongo's arrest he had rang up the Adjutant and asked if Odongo had been taken to the barracks. He said that the Adjutant had denied this. Walusansa further said that Mrs. Odongo did not see him at all but went straight to the barracks.

The witnesses said that Walusansa referred them to Makindye on the basis that people arrested by soldiers were normally detained there. At Makindye, they were shown a list of detainees which did not include Odongo's name. They returned to Jinja and asked Walusansa for transport to take Odongo's property home. W.204 also took Odongo's car to their home in Jinja. Mrs. Odongo said that she is having financial difficulties in supporting the children.

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Her husband's property had been taken over by her father-in-law and she maintains the children by brewing enguli.

in November, 1971. He knew Odongo but denied ever arresting him. He said that he knew two other captains with the name of Michael; one being Michale Kulyesubula of Jinja School of Infantry who had been discharged from the Army.

With regard to subject 37, Engola, Cankwo said that Engola spoke to him on the telephone after the trouble in Jinja Barracks on 11 July, 1971 and said that the situation in the barracks was "terrible". Subsequently he learnt from some women returning from Jinja Barracks to their homes that his brother, Engola had been arrested and again saw Walusansa who told him that he too had heard that Engola had been arrested by some Army men at about 3.30 p.m. D/SP Ongom, who was Engola's boss, denied knowledge of the arrest but the O.C. Barracks, Okongo, told him that some Army men had gone to the barracks looking for another policeman called Olwal and had seen Engola in the Army vehicle. Cankwo said that all these officers knew everything but were afraid to tell. He said that he managed to get the number of the vehicle which took Engola away from the police station as UQV 641. Later the O.C. provided him with transport to take Engola's personal property to his home.

He took over the District five days after the disappearance of Okongo. He was the District Police Commander when Okongo disappeared. He denied seeing Cankwo about Engola and the latter telling him that he had been arrested by Army men. Okongo said that at the time of the Army takeover, when Okongo was on leave and he was the senior most officer left in the District, practically the entire police force of Jinja police station consisted of about eight officers and 30-90

constables, deserted their duties and only two to three constables were left behind. He said that most of them came back later and he re-assured them. A group of army officers also came to the police station and asked him to control his policemen. He said that as the District Police Commander, he was mostly concerned with the administrative side and the SP/CID, who then was Ougon, was responsible for investigating cases including such disappearances. Walusansa said that he left the investigation of these disappearances to the CID.

Conato took up the disappearance of Engola with the authorities. On 4th August, 1971, he wrote to the Minister of Internal Affairs - Ex.42. The Minister Internal Affairs, who was then Lt. Col. Obitre Gama (W.437) in turn wrote to the Minister of Defence on 20th August, 1971 - Ex.43 - forwarding a copy of Mr. Cankwo's letter. He asked the Minister of Defence "to direct your army headquarters to investigate the circumstances under which Mr. Engola Awani was arrested and also inform the brother whether or not this Engola is in your custody." The Minister of Defence replied by his letter dated 9th September, 1971 - Ex.44 - enclosing a copy of a letter which he had received from G2, General Headquarters ref. G2/UAI/1016/C of 7th September, 1971 and said :

"You will note from the attached letter which G2 had received from the Adjutant Burma Battalion that after thorough interrogation of the police officer he found that he had no case to answer and he was released through the Battalion gate at about 18 hours."

On 25th November, 1971, Mr. Cankwo wrote back to the Minister of Internal Affairs - Ex.45 - disputing the information that Engola had been released after interrogation. He said that he should have been taken under escort to the O.C. barracks or to the police station where he should have been released.

He received a reply dated 9th December, 1971 - Ex.46 - from the Permanent Secretary, Ministry of Defence which stated as follows:

"I am directed to acknowledge receipt of your letter P.P/WOC/ of 25th November, 1971 which you addressed to my Minister on the above matter. I am afraid I have no further comment to make to what has already been conveyed under S.554 Vol. II dated 9th September, 1971 which was addressed to my Minister and copied to the District Commissioner, Lango by the Minister of Defence. Should you, therefore, not agree with the facts contained in that letter, I would advise you to contact the Minister of Defence direct."

Regarding Obong, about a month after Engola's disappearance, Cankwo heard rumours about the arrest of Private Obong. He went to Masindi Army Barracks where he learnt that some Langi and Acholi soldiers were arrested on 11th August, 1971. He found many women weeping, also his brother's Ugandan girlfriend was crying. She told him that Obong was arrested with many others and taken to the quarter guard. She said that when she went to the quarter guard the following day she did not find anybody there but she saw blood and some soldiers cleaning the quarter guard. He was scared to make any further enquiries. The girlfriend was unwilling to accompany him to their home. He packed up Obong's property and took it to his mother.

We are satisfied that SSP John Odongo was arrested on 31st March, 1971. Unfortunately the barman, Ogutu and Inspector Odeke, who witnessed the arrest, were not traced and we are left with the evidence of W.191 and W.204 about what they were told by the barman. Although this piece of evidence was hearsay, we have the evidence of Odongo's previous arrest in February, 1971. That incident was confirmed also by Walusansa who saw him under arrest at the Army barracks. It may well be that the authorities were still not very happy with Odongo and had him re-arrested on 31st March, 1971.

Proceeding on this basis, the hearsay evidence given by the witnesses that Odongo was arrested by four Army men from the officers' mess looks credible. We, therefore, say that the probability is that SSP Odongo was arrested by Army soldiers whose identity has not been established. He has been missing since then and we find that the probability is that he was unlawfully disposed of by the soldiers who arrested him.

Regarding Engola, we are satisfied that he was arrested on 15th July, 1971 and the evidence of Cankwo about what he was told by the C.C. Barracks, Odongo, of having seen Engola in an Army vehicle was subsequently confirmed by Ex. 44, from the Ministry of Defence where it was stated that after interrogation Engola was "released through the battalion gate." It follows that after arrest he was taken to the barracks for interrogation and the Adjutant of Burma Battalion maintained that he was released at about 6 p.m. The fact, however, remains that Engola has never been seen since he was arrested and we think that had he run away from the country he would have at least contacted members of his family from wherever he was. Furthermore, we find it rather odd that whereas he was arrested from his office in the presence of other people, the Army authorities should have found it convenient to release him at their battalion gate without anybody being present to witness the release. It raises considerable doubts as indeed Cankwo stated in his letter dated 25th November, 1971, Ex. 45. We find it equally heart-breaking for the Permanent Secretary to ask Cankwo to contact the Minister of Defence direct rather than try to assist him by dealing with the matters he had raised. Where the subject concerns the life of any individual, we find that the proper official, to whom approaches are made for

information/...../251.

information, cannot be so callous and uncooperative as was this particular permanent secretary. We are of the opinion that the disappearance of Engola cannot be explained on the basis that he was released through the battalion gate. We find this naive and incredible, to say the least about it. We find that the probability is that Engola was never released and was unlawfully disposed of while in detention at the Burma Battalion.

With regard to Private Obong, there is only the evidence of Cankwo of what he was told by Obong's girlfriend. Unfortunately she was not traced, and Cankwo himself was scared to make any further investigation while in the barracks after what the girl told him. As Obong has been missing since 11th August, 1971 we think that he may have ^{died} with the other fellow tribesmen as the girl reported to Cankwo.

109. Subject No. 89 - LEVI JACKSON OMARA EBOK.

Witnesses: 192 Mika Ebek - Part 2, p. 1915 - 1927.

193 AIP Geresom Wamushii
- Part 2, p. 1928 - 1944.

436 Superintendent of Police Timothy Odyek
- Part 5, p. 4612 - 4633.

98 Detective Inspector Vicent Godfrey Odwe.
(recalled)- Part 6, p. 5859 - 5869.

The subject was a former Administrative Secretary, Lango District Administration, which post he resigned in 1952. He was a member of the U.P.C. and, at that material time, was a

shopkeeper/...../252.

shopkeeper in Alemere Trading Centre. His father, Mike Ebek, (W.192) used to help him in the shop. He was also a partner in the Lake Kioga College, which was closed down after his disappearance. He was married to two wives and has eight children.

On 20th April, 1971, the father and son were in the shop when, at about 2 p.m., three men in a white Peugeot Car No. UUI 129 stopped outside. The three men entered the shop, one of them was armed with a pistol. They searched the residential part of the building and found a shotgun No. 61942, the firearm certificate for it being No. 90234 which the subject's father produced. They arrested Omara and took him in their car to Amolatar Police Station. One of them also took with them Omara's ISUZU Car No. UQT 390.

The father went to Amolatar Police Station where he saw his son making a statement. According to A.I.P. Wamshii (W.193), the subject was brought in by three men, one of whom identified himself as No. UA 5871 Lance Corporal William Isabirye, who told him further that they were taking the subject to Kampala for interrogation. They handed in also the subject's ISUZU car and the shotgun with instructions to keep them until further notice. The A.I.P. said that later the same evening another lorry, allegedly belonging to the subject, No. UQU 756, was also brought into the Police Station. According to Mike Ebek this Bedford truck belongs to him and he produced its registration card. W,193 said that those three men later left with the subject in their Peugeot Station Wagon UUI 129. He denied that any statement was taken from Omara and produced the Station Diary in which the relevant entries had been made. Entry No.8 of 20th April, 1971 (exhibit 35) reads as follows:

"1415 hours. No. UA 5871, Isabirye William, Lance Corporal from Kampala came to arrest Omara Ebek of Alemere village, his car UQT 390, was brought to the Police Station for safe

custody and one shotgun, No.61942 and 6 keys also were handed in for safe custody - Mr. Omara taken by a car No. UUI 129 heading towards Lira under escort by the same No.Lance Corporal Isabirye to Kampala."

Entry No. 12 (exhibit 36) is in respect of the Bedford truck UQU 756 which was handed in by the driver called Okello. ~~Mr. Okello said that he was scared to ask those three men~~ for their identification papers as the one claiming to be Isabirye was armed with a pistol. He said that he was told by this man that they had been sent by the "big man" to take the subject for interrogation. The Police Officer said that the authorities were then looking for some people, mostly the supporters of the former regime, and he thought that Omara was one of such people.

The District Police Commander of the time, Superintendent Odyek (W.436), explained that at the relevant period all the security forces had powers of arrest and soldiers used to bring in civilians at the Police Stations for safe custody and collected them later whenever they wanted them. He explained that policemen were scared to ask such soldiers for their identification papers and the fear also was lest they too be arrested for doing their duty.

According to Inspector Odwe, (W.98), in April, 1971, recruitment of guerillas had started in Oyam county and also in Dokolo, Moroto, Erute and Kioga courties. He said that some people were lending their vehicles for transporting recruits and added that Omara Ebek's lorry had been used for this purpose.

On 23rd April, 1971, the two vehicles, that is, the ISUZU Car and the Bedford Truck were sent to Lira Police Station. Station Diary Entry No.14 of 23rd April, 1971 - Ex.37 refers. W.193 said that some time later the shotgun was taken by a Senior Officer from Lira Police Station and, on 12th June, 1972, Mike gave a receipt headed "Deposit of firearm"

in respect of the shotgun which was said to have been brought in by Superintendent Afidra for safe custody. According to exhibit 151 the ISUZU car is still registered in the names of Omara Ebek.

We are satisfied that Omara Ebek was arrested by the three men in the Peugeot UUI 129. We are also satisfied that one of them introduced himself to Inspector Wamushi as UA 5871, Lance Corporal William Isabirye. Although we appreciate that there were cases of personation taking place, here it would seem that the circumstances negate any such possibility. The subject was taken to a Police Station and the Lance Corporal does not seem to have made any secret of his identity. Notwithstanding the fact that Wamushi did not ask him for his identification papers, we have no doubt that at least one of the people who arrested the subject was an Army Officer, UA 5871 Lance Corporal William Isabirye. The evidence suggests that, and this we accept as a possible reason for the subject's arrest, in April, 1971 recruitment for guerillas had started in some counties of Lango and some people were assisting in transporting the recruits. Omara Ebek's father had a truck and it may well be that the son was suspected of assisting guerillas in their transport. This would strengthen our finding that the subject was in fact arrested by men from the Army. There is no evidence except for what Odyek said of where the subject was taken from Lira Police Station. If he was taken to Gulu we did not have evidence to show that he reached Gulu Airbase. The fact, however, is that he is missing since 20th April, 1971, and in view of the manner of his arrest and the reason for his arrest, we are of the opinion that he was unlawfully disposed of on the way to Gulu by the people who arrested him, including UA 5871 Lance Corporal William Isabirye who, according to our Counsel in his final address, died sometime ago in a traffic accident.

255.

110. Subject No. 90 - BENJAMIN BONEFESI KANJE ODUR.

- Witnesses: 194 Dolotia Odur - Part 2, p. 1945 - 1956.
197 George Wilson Obotol
- Part 2, p. 1967 - 1979.
Part 2, p. 1987 - 1988.
198 Placid Weri Iga
- Part 2, p. 1979 - 1987.
237 Capt. Mark Chandia
- Part 3, p. 2342 - 2364.
434 Supt.G.W. Ochepa
- Part 5, p. 4578 - 4609.
98 Insp. Vicent Godfrey Odwe
- Part 1, p. 961 - 969.
Part 6, p. 5857 - 5869.

The subject was a nephew of the former President, Milton Obote. At the time of the incident, he was the personnel manager at Lira Spinning Mill. He was married to Dolotia Odur (W.194) and they have nine children, between the ages of 25 and 2½.

According to Mrs. Odur, he was arrested once before about a year previous to the incident of 5th February, 1973. His car was taken away and he had to go to Kampala and, according to Odwe (W.98) Your Excellency had had to intervene to release his car.

On 5th February, 1973, at about 11 a.m., the senior accounts clerk of the Spinning Mill, Obotol (W.197) took some payment vouchers to Mr. Odur for signing. He met him in the courtyard and just then a V.W. Kombi, registration No. UYZ 410 came with four men in civilian clothes. According to Obotol they looked rather serious; by their tone they appeared not to be friendly and to him they looked like thugs. They asked where Mr. Odur was and when he identified himself, he was told to get into the car.

He/...../256.

He did as was told, and they drove away with him.

According to Captain Mark Chandia (W.237), who was the O.C. Military Police, Lira, the Kombi UYZ 410 was an abandoned vehicle which had been taken over by the Military Police. It was used solely for the purposes of his Unit and it was also made available to Military Police personnel, State Research Department and Intelligence Officers from outside Lira whenever their vehicles broke down.

Mrs. Odur said that at about 10.30 a.m. her husband was taken to their home by some Army people who came in two cars. They were four men in Army uniform and were armed with guns, two in Military Police uniform and four in civilian dress. They came in a light blue car and a white mini-bus. She said that Captain Mark Chandia was one of those people and was in the blue car. He simply stood-by and did not appear to take part in what was happening. They searched the house, and took away a shotgun, two children dresses with Obote's picture and three group photographs including Obote. After the search, they took her husband in the mini-bus and drove away.

Chandia said that on learning of the arrest of Mr. Odur, he went to his house, accompanied by two Army officers. He asked Mrs. Odur about him and was told that he had disappeared. She handed him some files which he kept; and later in September, 1973 handed those files and a payment voucher book to the administration manager, Mr. Iga (W.198). The voucher book - Ex.38 - was the one which W.197 had taken to the subject for signing when he was arrested.

Oboto waited for Mr. Odur till about lunch time and then

reported/...../257.

reported his arrest to Lira Police and U.D.C. Headquarters. The report was made to Superintendent Ochepa (W.434), who was the District Commander, Lango and he instructed the D.C. CID, Emergo to get all the details of the vehicle and the Army personnel from Mr. Obotol. As a result, a general enquiry file No. 12/73 - was opened and a statement recorded from Mr. Obotol. The following day Captain Chandia called at his office at his request and upon being told about the statement made by Obotol, Chandia said "yes, I took Mr. Benjamin Odur for inquiries on security matters. When the enquiries are finished, I will report to the Emergo Project, Kampala." Ochepa said that he asked to be informed about the result of Chandia's enquiries and kept a minute to that effect on to the police file - Ex.104.

Odwe, who was then the District Special Branch Officer, heard the news of the arrest from Rose Abongo who rang him. He confirmed with the D.C. Captain Henry Agech, who promised to look into it, and the same day he went to Kampala on official duty. On his return, on 8th February, 1973, he was told by Ochepa of Odur having been detained by Chandia for security matters.

No more was heard of Mr. Odur, nor did Chandia report to Mr. Ochepa about the result of his enquiries. Ochepa, who stayed on in Lira for the whole of 1972, said that he did not again ask Captain Chandia about Odur, although he did ask for his statement which he refused to make as he was going away.

Mrs. Odur did not make any enquiries for the reason that she had heard that "whenever a person is arrested, he might be taken before court and he is tried," (p.1950). On being pressed why she had been so complacent, she repeated that she was under the impression that he was perhaps detained somewhere pending his trial like many other people.

Upon this evidence, we are satisfied that Mr. Odur was arrested by four people in civilian dress who were in the V.W. Kombi, UYZ 410, admitted by Captain Chandia to be the property of his Unit in Lira. Mrs. Odur next saw her husband being brought home by about ten people, four of whom were in Army uniform and two in Military Police uniforms. She also mentioned a mini-bus and that Captain Chandia was present during the search of her house. Captain Chandia gave a different account of his visit to the home of Mr. Odur and we must say that we were not impressed by his explanation. Mrs. Odur spoke of the search which must have followed closely her husband's arrest at the Spinning Mill. We refuse to believe that these unknown people would have been able to use a vehicle belonging to the Military Police, Lira without Chandia's knowledge. We believe that after arresting Odur, these people must have gone to Chandia who accompanied those four with some of his own officers to Mr. Odur's house for the search. In the light of all this, we believe Superintendent Ochepe to whom Chandia admitted freely that he had detained Odur because of security reasons. There was no reason for Superintendent Ochepe to fabricate such evidence against Chandia and, for the reasons which we have endeavoured to give, we find that on 5th February, 1973, Chandia sent the Kombi UYZ 410 to Lira Spinning Mill to arrest Benjamin Odur because of some security reasons. We find that he has been missing since then. He does not appear in the DOB kept by the Military Police, Lira. Ochepe said that he thought that Odur had been taken to Kampala for interrogation. As he has not been heard of since his arrest, we find that the probability is that he was unlawfully disposed of by the Army personnel who had been detailed to escort him to Kampala from Lira, whose identity must be known to Captain Chandia.

111. Subject No. 91 - MARTIN ABANYA.

Witnesses: 195 Washington Anyek - Part 2, p. 1957 - 1961.

196 Charles V. ...

- Part 2, p. 1961 - 1967.

The subject was the sub-county chief of Minakulu, Lango District. He had been a chief for about one year. He had three wives, two of whom have since remarried according to custom. He had ten children, the eldest W.196, aged thirty-three and the youngest being nine. Six of the children are still at school being supported by W.196.

On 27th September, 1972, the subject went to the County Headquarters, Anyeke, to arrange the prize-giving function for the double production competition which his Gombolola had won. During his absence, at about 3 p.m., four men in civilian clothes and travelling in a van, similar to those used in the Governors' offices stopped at his office in Minakulu and enquired from the clerk (W.195) where the subject was. On being told that he had gone to the County Headquarters, they drove away without saying anything more. Those people later returned and called W.195. He found the subject in the van, sitting between two people. He was not handcuffed or tied but was weeping. His captors handed to the clerk the subject's bicycle, office keys and his brief case, and then drove away in the direction of Gulu. The clerk reported the incident to the D.C.

W. 196 made enquiries at the County Headquarters but did not see any person who might have witnessed the incident. He learnt from a woman called Eremu that the subject was picked

up/...../260.

up by those people from Tochi Swamp, beaten up and put in the car. The son made enquiries in Gulu without success. He also enquired at Lira Police Station and from friends at Luzira Prison. No body had any idea about the whereabouts of the subject. W.196 stated that he did not go to any Military Camp as he was scared. After the disappearance of the subject his son Charles was appointed the heir. He was insured and had money in the bank. No body has so far applied to Court for an order to manage his estate.

This is yet another case where the evidence is very scanty. We are in no doubt that the Sub-County Chief of Minakulu, Martin Abanya, was arrested by four unknown men on 27th September, 1972, and had been missing since then. The Chief's clerk said that those people talked in a "brutal" way and this probably scared him. He certainly did not take down the particulars of the van and there is nothing in the evidence before us about the identity of any of those four men. This arrest came soon after the Invasion of this country when, according to other witnesses from Lira Police Station, for example, W.98 and the D.C. Captain Agech (W.331), many people from the District were arrested on suspicion of being involved with the Invasion. It may well be that Martin Abanya was also arrested for the same reason. As we shall shortly see, in the case of the Administrative Secretary of Lango, George Olong (subject 94) at least one of the people who arrested him was identified by Captain Agech as Corporal Okello of the Intelligence Section who claimed to have been sent by Lt. Col. Marella to arrest these people. It may well be that the subject was also arrested by people who had been sent out by Marella from Kampala, but we do not have any such

direct/...../261.

direct evidence. As Abanya has been missing since 27th September, 1972, we find that the probability is that he was lawfully disposed of by the unknown people who arrested him.

112. Subject No. 92 - ABSOLOM OTIM.
113. Subject No. 93 - BEN OTIM.
114. Subject No. 94 - GEORGE OLONG.

Witnesses: 199 Irene Otim - Part 2, p. 1989 - 1998.
200 Popiya Otim - Part 2, p. 1998 - 2010.
201 Mary Auma Olong
 - Part 2, p. 2011 - 2019.
282 Lucy Akello - Part 3, p. 2794 - 2806.
295 John Ochepe Alaga
 - Part 3, p. 2905 - 2910.
331 Captain Henry Agech
 - Part 4, p. 3311 - 3345.

These three subjects were arrested and taken on the same day, that is, 23rd September, 1972.

Subject 92 - Absolom Otim - was the Gombolola Chief of Bala, Lango District. He was married to Irene Otim alias Adye, (W.199), and they have eleven children, between the ages of twenty-eight and ten. She said that only the youngest child is at school as she cannot afford the others to go to school.

Subject 93 - Ben Otim - was a former Secretary General of Lango District and since 1971 was the Chairman of the District Land Board. He was married to Popiya Otim (W.200) from whom he has six children. He had another wife called

Lucy/...../262.

Lucy Auma from whom he has four children. Each wife looks after her children. W.200 said that she has applied to Court for uthority to manage his estate.

Subject 94 - George Olong - was the Administrative Secretary of Lango District. He had three wives, that is, Mary Auma Olong (W.201), Desimenti Ataro and Lucy Akello (W.282). He had nine children with W. 201 and eight with Ataro. W. 201 has already obtained a Court Order to manage his property but she complained that she has not been able to continue the premiums on his life insurance due to lack of finances.

On 23rd September, 1972, Absolom Otim had returned home from Lira. At about 10 a.m. he was getting ready to go to his office when five people travelling in a Peugeot 504 car came to his home looking for him. They told him, "We want you at Lira". He told them that he had just returned from Lira and did not know those people. He went inside his house, whereupon two of them stood at the front door and the other two at the rear. When he came out he was ordered into the car. His wife (W.199) looked inside the car and saw a gun. She started crying and the vehicle drove away. She asked a boy to jot down the registration number of the vehicle which he gave her - Ex.39. According to it, the original registration letters were UUK but were altered to UYO 606. She did not know who had done this alteration. After their departure, W. 199 managed to go to Lira and saw the District Commissioner, Captain Agech. She showed him Ex.39 and he promised to look into the matter. She said that her husband was not against the present Government.

At about 1 p.m. the same day, the same vehicle with

five/...../263.

five men and Absolom Otim went to the home of Ben Otim in Aduku Road and asked his wife, Popiya, about him. She told them that he had gone to the home of the co-wife, Lucy, in Anguta-Angwet village. She jotted down the number of the vehicle on a piece of paper - Ex. 40, as UYO 606. At about 3 p.m. Ben Otim was drinking with his porter, John Ochepe Alaga, (W. 295) and his wife Lucy when the same car with Absolom Otim in it as a prisoner, stopped near the home. Four men got out of the car, two came from the front and the other two from the rear of the house and told Otim that they wanted to take him to the Police Station for a statement. Ben Otim dashed inside the house and locked himself in. They threatened to shoot if he did not come out. W. 295 and Lucy appealed to Ben Otim to come out as there were children in the house. He came out and they made him walk in front up to the car. W. 295 heard the Gombolola Chief tell Ben Otim not to worry and they will see what will happen. Ben Otim gave him Shs. 500/- and a bunch of keys which the witness later handed to Popiya, (W. 200). W. 200 reported to the D.C., Captain Agech, who told her that her husband had been arrested with George Olong on orders which came from Kampala. When Popiya saw the D.C. again on 25th September, 1972, she was told that her husband had been taken to Kampala. She said that at the beginning of October, 1972, some men went to her home and said that they had heard that she was crying for her husband and was disturbing the D.C. about him. They told her that they would come back later to take her to her husband. She was scared and the following day, left the home and went to live with her parents. The D.C. said that Ben Otim's wife saw him five days after his arrest and directed her to report to the Police.

Or/...../264.

On the same day in the afternoon George Olong was at the home of his wife, Lucy Akello (W.282) at Adyere Primary School. She said that the Health Inspector, Omule, (who also disappeared and is subject No. 135, p. 302) delivered a message to Olong that the D.C. Agech had suggested that Olong should move to a place with a telephone in it so that he could be contacted easily "in case something happened." Olong then went away to see the D.C. for an explanation. She accompanied him to Lira where she wanted to go to the hospital to see Olong's sister. Before reaching the hospital, they met Mrs. Absolom Otim who told her about the arrest of her husband by some people in civilian dress travelling in a Peugeot vehicle. Just then, the same vehicle stopped on the road and as Olong drove to the D.C.'s home the Peugeot followed them. At the D.C.'s home the people in the Peugeot asked Olong to get into their car. But Olong said that he had something to tell the D.C. They told him that the D.C. was not at home but when Olong knocked at the door Captain Agech came out. The D.C. spoke to them first in the garage for about ten minutes and then in the sitting room for about five more minutes. According to Mrs. Olong - (W. 201):

"Afterwards they came out. The D.C. talked to Mr. Olong that these people came from Kampala and they want you that the President wants you" (p. 2800). When he pressed him for the reason why the President wanted him he is alleged to have commented that "Many people were called for interview in connection with the incident of Mutukula." (p. 2801).

Olong drove back to the home of his wife Mary Auma (W. 201) with the Peugeot following them. Olong told her that there had been some trouble and Your Excellency wanted him. He handed her the car keys and his personal property and he was then driven away in the Peugeot, whose number W. 201 also noted as UYO 606. She said that neither Ben Otim nor Absolom Otim was in the car at that time.

W. 282 saw the D.C. again on 25th September, 1972, when she was told that the telephone lines were out of order and that he had sent Captain Chandia to Kampala to find out about her husband. She saw him again on 27th December 1972, when the D.C. told her that he had been told by Chandia that her husband was detained at Makindye. The other wife (W. 201) says that she saw the D.C. about two weeks after Olong's arrest and the D.C. told her that her husband was wanted by Your Excellency in Kampala. About a year later, the D.C. is alleged to have told W. 201 "Your husband is no longer living" (p. 2015). She said that she went to Kampala to look for her husband but did not achieve anything as she did not know Kampala well and secondly she fell sick.

Captain Agech said that on Saturday 23rd September, 1972, two men who came with Olong to his house told him that they had been sent by Lt. Col. Marella to take all the Administrative Secretaries to Kampala. The D.C. said that one of those two was Corporal Okello of the Intelligence Section of Malire and that their vehicle was a Peugeot 504, UYO 606. He tried to contact Marella on the telephone but the lines were out order. About a week later he went to Kampala and found Marella very busy and he then reported to the Permanent Secretary, Mr. Mugoya, about these arrests.

It is obvious that these three men were arrested on 23rd September, 1972, by the men who were travelling in the Peugeot 504, UYO 606. The D.C. Lango, Captain Agech, said that one of these men was Corporal Okello of the Intelligence Section of Malire who told him that they had been sent by Lt. Col. Marella, the then Commanding Officer of the Military Police Makindye, to fetch these people and other Administrative Secretaries in connection with the Invasion of the country at

Mutukula by guerillas. We have no reason to doubt this evidence and we find that all these three people must have been escorted to Makindye by Corporal Okello and his companions. As none of them has been heard of since and the records of Makindye were not available, we think that the probability is that they were unlawfully disposed of by the military authorities in whose custody they were. Corporal Okello, who was not traced, is clearly implicated in their disappearance.

While still on this subject, we should like to point out that according to the records maintained by the Central Registry of Motor Vehicles, the number plate H10 606 belongs to a SUBARU Vehicle, registered in the names of H.M. Mukwaya and Amlani Motors of Kampala - see Ex. 152. We do not know how Corporal Okello managed to put this number plate on the Peugeot 504, but this case does indicate that even members of the Intelligence Section of the Army were using false number plates obviously to camouflage their identity.

115. Subject No. 95 - M. OKUJA.

- Witnesses: 202 Mary Ekit - Part 2, p. 2027 - 2039.
203 Benjamin Ekalu Opio
- Part 2, p. 2040 - 2053.
303 No. 7584 P.C. Robert Ajenga
- Part 3, p. 2947 - 2952.
436 Sup't. Timothy Odrek
- Part 2, p. 4612 - 4633.
511 Emanuel Kasujja
- Part 6, p. 6164 - 6168.
98 Insp. Vincent Godfrey Oawe
- Part 6, p. 5857 - 5869.

The subject was aged 42. He was a shopkeeper and had

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a Mercedes Benz lorry No. UQZ 447. He was married to Mary Ekit (W. 202) and has five children between the ages of 14 and 4. They are all at school and the subject's mother supports them. No one has so far applied to court for an order to manage his estate.

On 24th April, 1971 the subject left his home in his lorry with the turnboy, Okudu, who is said to have died in an accident, to distribute cotton seed. At about 6 p.m. Okudu returned alone and reported to W. 202 that her husband had been arrested in Alito by some people who stopped them and ordered the subject to drive to Lira Police Station. W. 202 said that Okudu told her that he had left the subject and the lorry at Lira Police Station.

The subject's brother, Opio (W. 203) learnt about his brother's disappearance and sent his sister-in-law (W. 202) to the Police Station to ascertain if the report was true. He said that he was afraid to go and felt that "Women were in a better position" to make such enquiries. W. 202 went to the police station and found their lorry parked outside. She enquired from a policeman about her husband and was told to return the following day. She went to the police station the following day and was told that her husband was no longer there. The policeman told her that possibly he had been taken to Gulu. She did not see their lorry at the police station either. Opio said that he went to the police station on the 25th April, and asked a friend, who was in the Special Branch, to try to find out the reason for his brother's arrest. He did not receive any assistance and then sent W. 202 to Gulu Police Station where she was taken around the cells about his brother's lorry and was advised to 'forget' it. A week later, Opio found his brother's lorry at Gulu Bus - park

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with a tall fat man in civilian clothes in it. He did not speak to the man nor did he report to the police as he was afraid. Instead he reported to the National Insurance Corporation. He saw the lorry again at D.T. Dobbie garage in 7th Street, Kampala. He was told that it had been taken there by officers of the Uganda Army. He saw the private secretary to the Minister of Defence and with the garage manager and the secretary, one called Otto Okello, went to the garage where the secretary took down the registration number of the lorry and the business title which was written on the lorry, that is, Sundry Enterprises Ltd. He was asked by Mr. Okello to wait for his communication. He never heard from him and subsequently handed the lorry's registration card to his lawyer, Mr. Ariko.

The assistant workshop manager of D.T. Dobbie, W. 511, said that the lorry UQZ 447 was first brought into the garage for repairs by Sundry Enterprises of Lira. According to his records, it was next sent into the workshops on 22nd June, 1973 by the Ministry of Works and Housing with an order No. 270/72 - Ex.130. W. 511 said that they claimed their charges from the Ministry of Defence as stated on Ex. 130. The vehicle next came into the garage on 7th January, 1974, again sent in by the Central Workshop (see order Ex.131), but this time it was displaying a different number, i.e. No.12 UA 98. Kasujja said that having checked the engine and chassis number of the lorry - 12 UA 98 - with his records he found that both corresponded with the engine and chassis of the lorry No. UQZ 447. He produced a certificate to that effect (Ex.132) dated 29th November, 1974 which reads:

"M/Benz L.1113 Registration No. UQZ 447, engine No.352.908 - 20 - 081849 chassis No. 358.002 - 20 - 64619 was sold to M/s. Sundry Enterprises Ltd., P.O.Box 185, Lira on 2nd November, 1970. On 7th January, 1974 the same vehicle was

brought in our workshop for repairs from Ministry of Works and Housing, Central Workshop P.O. Box 7174, Kampala with Registration No. 12 UA 98 (Order No. CW/3773/74."

According to the records of Lira Police Station, which were produced by No. 7584 P.C. Ajenga (W.503), it seems that on 23rd April, 1971, Private Khamis handed in one man and a vehicle UQZ 447 for safe custody. This is according to station diary entry No. 108, Ex.60. The Lock-Up register entry No. 794/71 reads:

"John Akuja for safe custody was admitted on the same day which is 23rd April, 1971, and the prisoner's property book reference No. was 456/71. He was taken to Gulu on 23rd April, 1971 by an army officer" - (Ex.63):

There is another entry in the station diary No.112 of the same date, 23rd April, 1971, which reads:

"Lt. Nalumosu reported his departure to Gulu with two persons, (1) John Akuja, (2) Misaki Anyik with a car registered UQX 447 and a lorry UQZ 447." - (Ex.61)

Superintendent Odyek (W.436) was then the District Police Commander, Lango and Inspector Odwe (W. 98) was the District Special Branch Officer. According to Odwe, in April, 1971, people were being recruited as guerillas in some of the counties of Lango notably, Oyam, Dokolo, Moroto, Erute and Kioga. He said that some other people were providing transport for these recruits and he mentioned particularly the names of John Okuja and Omara Ebek (subject No.89, p. The District Police Commander knew of the arrest of John Okuja and, after looking at Ex. 60 and 63 admitted that he had been kept at his police station. He explained that at the material time members of the Armed Forces had powers of arrest and it was difficult for policemen to check on the identity of all such persons who were bringing in prisoners for safe keeping at various police stations.

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He said that the difficulty was that some of the soldiers were uncooperative and stubborn and refused to properly identify themselves. He said that such prisoners, who were kept at Lira Police Station, were subsequently transferred either to Kampala or Gulu.

There can be no doubt that the subject John Okuja was in fact arrested but according to the police records, he was arrested on 23rd April, 1971, and not 24th April as stated by his wife. According to Lira Police Station Diary Entry No. 108 (Ex. 60), it is obvious that private Khamis handed in one man and a vehicle No. UQZ 447 for custody. This registration number is that of the Benz lorry belonging to Okuja and it will follow therefore that the man who was handed in by Khamis must have been Okuja. A similar entry is reflected in the Lock-up register (Ex. 62) and also in the station diary entry 112 (Ex. 51) which indicates that Lt. Nalumoso escorted Okuja and another man called Onyik to Gulu with a car No. UQX 447, and lorry UQZ 447.

We are satisfied that the subject, Okuja and his lorry UQZ 447 were in fact transferred from Lira Police Station to Gulu Air Base by a soldier called Lt. Nalumoso. That this must be so is further witnessed by the fact that when the same lorry was sent to D.T. Dobbie garage on 22nd June, 1971 by the Ministry of Works and Housing, it still bore the title Sundry Enterprises Ltd. and the same registration number UQZ 447. The bill of the repair charges was paid by the Ministry of Defence. When it was sent in again on 7th January, 1974, by the Central Workshop, its registration number had been changed to 12 UA 98. We have no doubt at all that the lorry belonging to Okuja was in fact taken over by the Ministry of Defence.

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From the evidence of Inspector Odwe, it is obvious that in April, 1971 some guerillas were being recruited in various counties of Lango District and other people, including Okuja, who were sympathetically inclined to the cause of the guerillas, and provided their vehicles for their transportation. We are in no doubt in finding that Okuja was in fact arrested by the security forces in the person of Private Khamis because of such a suspicion. The records indicate that he was taken to Gulu Airbase by Lt. Nalumoso, but there is no evidence to show that he reached that destination. The fact, however, remains that he has been missing since then and we have no hesitation in saying that he must have been unlawfully killed by the people who escorted him to Gulu, including Lt. Nalumoso.

116. Subject No. 96 - CIRILO ENGANANG.

Witnesses: 205 Clement Ojok Eliak - Part 2, p. 2053 - 2057.
206 Faibi Alobe - Part 2, p. 2057 - 2064.
213 Erieza Okello Adupa - Part 3, p. 2126 - 2145.

The subject was a business man and a partner with Eliak (W. 205) in quarry at Ngeta, near Lira, called the Lango Quarry. He was also a member of the Uganda Land Commission. He had four wives including Faibi Alobe (W. 206) and a total of twenty-three children between the ages of twenty and fifteen. One of the eldest children, Opio, looks after the other children but, according to W. 206, he is now complaining about the burden on him.

On 22nd September, 1972, the subject left the home of W. 206 to go to the quarry. He spent the night there and on 23rd September, at about 5 p.m., went to the shop of his

partner/...../1972.

partner, W. 205. He sat in the verandah of the shop with Eliak and Adupa (W. 213), who is a Magistrate Grade II. Eliak said that he saw a Toyota vehicle, whose colour resembled that of an Army vehicle, parked near the shop by the Tip Top Hotel. He went inside the shop for about five minutes to ease himself and when he returned he found the subject missing. He said that Adupa informed him that some people dragged the subject up to the vehicle and took him away in it. Adupa denied this evidence and maintained that on 23rd September, 1972, he was 35 miles away in Dokolo. He produced his court diary to confirm that this was so. Adupa said that he used to buy goods from Eliak on credit and by the time of this incident, owed him about Shs. 500/-. He said that in 1974 Eliak sued him for some money which he still owed him. He could not give any reason for Eliak mentioning him as a witness to the kidnapping of Egwang.

Eliak kept the subject's bicycle in the shop till it was subsequently collected by W. 206. Faibi said that no search was made for her husband as nobody seemed to know who took him or where he was taken. She said that she was told by Eliak what Adupa had seen and, after waiting for her husband's return, she concluded that what she had been told about his arrest by Army men was probably true.

According to Eliak, the only eye witness in this case was the magistrate, Mr. Adupa, who denied being present when the subject was kidnapped. We have considered this contradiction seriously. Mr. Adupa did produce his diary according to which on 23rd September, he was in Dokolo. If Adupa had stuck to the schedule as per his diary, then it would be obvious that Eliak had told a deliberate lie about him.

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On the other hand, if Adupa had not followed his itinerary properly, then he might have been at any place except Dokolo. We can think of no reason why Eliak should mention Adupa if he was not there. We fail to see what Eliak was to gain by telling such a lie. We appreciate that Eliak was the subject's partner in the quarry, but there is no evidence to suggest that their business relationship was not friendly. Adupa mentioned his indebtedness to Eliak to the tune of Shs. 500/- in September, 1972, but he did not say that Eliak had been pressing him for payment. On his own admission, it was not till 1974 that Eliak sued him. We are of the opinion that Eliak was a truthfull witness and we accept his evidence. We find that Adupa was in fact at his shop when the subject was kidnapped and we think that Adupa denied witnessing the incident for fear of being implicated and/or of any retaliation by the people who kidnapped the subject. As Adupa chose not to speak the truth, we do not have much material upon which to make our findings but, having accepted Eliak's testimony, we are able to say that he was taken away in a Toyota vehicle, whose colour resembled that of an Army vehicle. He has been missing since 25rd September, 1972 and we are of the opinion that the probability is that he was unlawfully disposed of by the people who kidnapped him.

117. Subject No. 97 - UA 6137 ITE KOSMATINO OJOK.

See G.H.Q. Nbuya, p. 66.

118. Subject No. 98 - UA 6169 ITE STANLY OJOK.

See Border Guard Unit - ORABA

- 617.

119. Subject No. 99 - SAMSON OCHENI.

120. Subject No. 100 - LEKOBAM AJAL.

121. Subject No. 101 - CHARLES GIEP.

Witnesses: 208 Yokana Otim - Part 2, p. 2077 - 2086.

292 Geoffrey James Otim

- Part 3, p. 2884 - 2894.

293 Betty Margaret Ajal

- Part 3, p. 2896 - 2901.

These three subjects were related. Yokana Otim (W. 208), retired county chief, says that subject 99, Samson Ochen, and subject 101, Charles Olet, are his nephews and subject 100, Lekoboam Ajal, his cousin. Otim (W.292) said that subjects 99 and 100 were his stepbrothers, and Olet was his real elder brother.

Samson Ochen was the Deputy Commissioner of Prisons. He was married to Georgina Ochen who did not come forward to give evidence, and they have ten children. Both W. 208 and 292 first came to know of his disappearance when sometime in 1972, they heard an announcement on the radio that Ochen had fled the country to Tanzania. After the announcement, Georgina went to their home in Lango and told W. 208 that her husband left their home in Kampala one day in 1972 and never came back.

Lekoboam Ajal was an officer in the defunct General Service Unit. He was married to Betty Ajal (W. 293) and he had another wife also. He has five children between the ages of twenty and ten, the eldest son is a telephone operator in the Agriculture Office, Soroti and the other children are still at school. W. 293 said that she has not applied to court for an order to manage her husband's estate.

According to Betty Ajala, she took the children home to Lango at the time of the takeover of the Government by the Army. This was followed by an announcement by the Government disbanding the General Service Unit and all GSH Officers were asked to report to the nearest police station. We might say at this juncture that Charles Olet also was a General Service Unit man and was the Assistant District Commissioner, Gulu; he was trans-

ferred to Kampala in January, 1971 just before the Army takeover of the Government. According to his brother, after this unit was disbanded, Olet was sent home to Lira pending assignment of other duties and, following the government announcement, Olet reported himself at Lira police station.

When Betty Ajal returned to Kampala, she found their house locked and everything in it taken away. She learnt that when her husband went to the Permanent Secretary and asked for his pay he together with about 85 others were arrested and detained at Murchison Bay Prison, Luzira. She saw a friend, Warder Charles Bun, who confirmed that Ajal was in the prison but refused her permission to see him.

Regarding Charles Olet, and as already stated, after the disbandment of the General Service Unit, he returned home to Lira and reported himself at Lira Police station. He had a Peugeot 404 car, No. UQV 141. On 14th February, 1971, Olet was driving in his car with his family going to church for a service. He was being followed by his brother (W.292) on his scooter. Olet was stopped by two people standing by the roadside, opposite Lango D.A. workshop. When he stopped, W. 292 heard them introducing themselves to Olet "we are the people from the security." They told him that he was wanted at the Police Station and asked him to come out of the car. When he and his family came out they asked him for the key of the car and took him away in the car to the police station. W. 292 did not follow them to the police station as he was more concerned with finding transport for the rest of the family. According to him, Olet's wife Anna, who is now a mental case in Kaberamaido, saw her husband in Lira police station and later twice in Gulu at the Army barracks. Otim said that he later saw his brother's car at the Central Police Station, Kampala, but with a different registration number which

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he did not note. He identified it from a scratch on the steering wheel. Olet had six children between the ages of nineteen and five. According to Otim, all his property was stolen from his house in Kampala and no one has applied for a court order to manage his property.

Ex. 125 is a list of General Service Officers who were detained at the Uganda Government Prison, Murchison Bay. It lists 90 people, but neither Lekoborn Ajal nor Charles Olet is amongst them. We would say that No. 45 on the list is one called Robert Ajal, who must be a different person all together.

There is no direct evidence with regard to Samson Ochen except for the radio announcement which W. 208 and 292 heard. There is no evidence before us to dispute the truth of the announcement as heard by these two witnesses, and we are of the opinion that the probability certainly is that he might have fled the country.

Regarding Lekoborn Ajal and Charles Olet, we are satisfied from the evidence that both of them were men of the now defunct GSU Ex. 125 makes it abundantly clear that 90 such officers were detained at Murchison Bay Prison. Although Betty Ajal said her husband was also detained at the same prison, his name does not appear in the list - Ex. 125. Nevertheless, we are of the opinion that her evidence has a ring of truth, and we find that her husband was arrested and detained at Murchison Bay Prison.

Regarding Charles Olet, we accept the evidence of his brother, Otim and find that on 14th February, 1971 he was arrested by men claiming to be security officers and taken to Lira police station. The evidence is that he was transferred to Gulu Airbase after two days but we have not been able to see any records from either Lira Police Station

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or Gulu Airbase to confirm whether this was so. Unfortunately, Mrs. Olet is a mental case but we are inclined to believe Otim that she did see Olet at Gulu Airbase on at least two occasions.

Our finding in respect of Lekoboam Ajal and Olet is that they were in custody at Murchison Bay and Gulu Airbase respectively. Neither has returned home and both are missing since February, 1971. The authorities in whose custody they were, ought to know how they were dealt with, and we believe that the probability is that they were unlawfully disposed of while under detention.

- 122. Subject No. 102 - G.G. OGWANG OLET.
- 123. Subject No. 103 - P.Y. OKELLO OKUM.
- 124. Subject No. 104 - HENRY OKETTA.

Witnesses: 209 Eriya Olet - Part 2, p. 2089 - 2096.
346 Mrs. Joice Okumu
- Part 2, p. 3560 - 3568.
372 Miss Judy Atim
- Part 2, p. 3795 - 3820.
488 UA 12648 Cpl. A.A. Wila
- Part 6, p. 5512 - 5577.
491 UA 12686 Cpl. Onziga Safi
- Part 6, p. 5659 - 5693.
493 UA 15432 L/Cpl. Abdunuru Pasikale Bondo
- Part 6, p. 5705 - 5750.
542 Captain Bashir Juma
- Part 7, p. 6849 - 6878.

The three subjects were technical officers in the Agriculture Department, Gulu.

Mrs. Joice Okumu (W. 346) was a secretary employed by the Tobacco Cooperative Union, and working with her in the same

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office but for the Small Holders Tobacco project was Miss Judy Atim (W.372).

On 22nd September, 1972, both these ladies were in their office. At about 10.30 a.m. a V.W. Kombi stopped near the window of the office and a man jumped out of the vehicle and went into the office. W. 372 recognised this man as Onziga (W. 491) whom she knew before. Onziga asked them the whereabouts of Oketta and Ogwang, without telling them why he wanted them. The ladies told him that they would be in the Agriculture Office, whereupon Onziga asked both girls to get into the car. They found Okello Okwar and another lady called Mrs. Margeret Odwar and some others in the Kombi. They drove up to the Agriculture Office. Onziga went in and soon came back with Oketta and Ogwang Olo. Mrs. Margeret Odwar was dropped at the Middle North Tobacco Office and then they picked up the Superintendent of Works from the Ministry of Works. They drove on to the Army Barracks, Gulu Airbase. On the way Onziga told Oketta "You will see". At the barracks, they were all put together in one office.

Their personal belongings were removed from them and the two girls were asked to remove their clothes. They refused and the soldiers became nasty. The girls agreed to remove their blouses, whereupon the soldiers left them in the room and went away. Later an officer came and asked what they had done. He was told by another officer that they had been brought in by Onziga. Then a man came with a basin of paraffin and, after pouring the paraffin on the floor, told the prisoners not to move. They stayed there until lunch time and when food came they refused to eat. Soon after 2 p.m. W. 488 came and asked who had taken them there. Judy told him that he should know better but he denied any knowledge and asked her to accompany him to another office.

1279.

She insisted that her co-prisoner went with her but W. 488 agreed to let Joice accompany her to the other office where both of them were interviewed. Judy Atim refused to speak until she was told the reason for her arrest. This made the officer annoyed. Then Onziga came back and asked if they had eaten their lunch. They were taken by two Army Officers to the adjoining office where Judy saw one of her relatives, by name of Oyat and another man, sitting there. W. 488 came to that office at 7 p.m. and Judy heard an Army boy at the door shouting "towa Mulefu". Judy said that she is taller than Joice and she, Judy, was asked to go out. She refused unless she was accompanied by Joice and then both of them were taken to the Sergeants' Mess. They spent the night in the room while being guarded by a soldier and the next day Captain Bashir Juma, (W. 542) saw them at about 3 p.m. in the same bedroom. Judy asked him the reason for their arrest but the Captain shouted her down saying 'you girls must stop going to guerillas' meetings'. She tried to argue with him and told him that he had no right to question them like that. He was annoyed and told the girls not to interfere in 'men's affairs'. He said that he knew of the meetings the girls had been attending and this, the two girls denied. Mrs. Okumu said that she asked him (p. 3565):

"I asked him, him being an African like myself and he knows how a man is strict with his wife, then I said supposing he was my husband and I am his wife, a mother of a child who was three months old, could he allow me to go out at night leaving that child alone, going somewhere he did not know and for the purpose he did not know."

The Captain thought about this and then decided to release the girls after a long lecture and a warning. Later he drove them to their office.

Judy/...../280.

Judy said that she was not sure whether Oyat was subsequently released or not. But she did see the Superintendent of Works later and has not seen Ogwang Olet and the other two Agricultural Officers since then.

Ogwang Olet's father, W. 209, received information of his arrest on 29th September, 1972. He sent his sister and daughter to check on the report and when it was confirmed, he went to Gulu on 4th October, 1972, and saw the Agricultural Officer. The arrest of his son together with some others was confirmed and he then saw the D.C. who rang up the Airbase Commander while W. 209 waited outside. Later the D.C. asked him to go home and 'stay quiet' until he had finished his enquiries. He waited for three months and when he saw the D.C. again in January, 1973, he was told that there was no news about his son. He returned to Gulu in June 1973, and was asked to remove his son's property from his house. He said that Ogwang Olet was aged about 29 and single but had two illegitimate children. The father said that he has already obtained an order from the Court to manage his son's property.

The three Intelligence Officers of the Gulu Airbase, that is, W. 488, W. 491 and W. 493, all denied being involved in the arrest of these Agricultural Officers and the two girls. Ali Wila, W. 482, said that people accused of holding secret meetings or being in a possession of firearms for subversive activities were cases for Police to investigate. He denied that either he or his two colleagues, Bondo and Onziga, took any people to the Airbase for interrogation. Similarly, Onziga denied the entire evidence of the two women and maintained that he had not arrested any of the Agricultural Officers or the girls as alleged. He also denied taking them to the Airbase Barracks.

He said that a written record in the form of a report is kept whenever somebody is arrested and this is sent to the Commander of the Airbase who keeps it in a file. He did not produce any such a file. Bondo said that he was not at the Airbase on 27th September 1972, but was on stand-by duty at the Airfield. He contradicted his other two colleagues by saying that people were being taken to the Barracks for interrogation.

Notwithstanding the denials of Onziga and his other colleagues, we are satisfied from the evidence of the two girls that these three Agricultural Officers and the two girls were arrested from their offices by the Intelligence Officer, Onziga on 27th September, 1972. At least Miss Judy Atim knew Onziga before and she said that he had a reputation of arresting people in similar fashion. She also knew Ali Wila and said that he was not with Onziga that day. We accept the evidence that all of them were taken to the Airbase Barracks and the two girls were released by Captain Bashir Juma, after being detained overnight at the Barracks. It seems that they had been arrested on suspicion of attending what the Captain termed as "guerillas' meetings". If those allegations of the activities of the girls were true and the Captain also knew about those meetings, we fail to see why he released them, except for the reason which Mrs. Okumu advanced. The other three agricultural officers were last seen at the Gulu Airbase Barracks by the two girls and there is no evidence that they or any one of them ever came back. The Superintendent of Works was seen later by Miss Judy Atim but not any of the others. As they have been missing since 27th September, 1972, and were last seen at the Gulu Air Base Barracks, it would follow that the authority in whose custody they were ought to know how they were dealt with. For our part we say that the probability is that they must have been unlawfully disposed of while in custody at the Gulu Airbase.

...../282

125. Subject No. 105 - SUPT. FAUSTINO HARRY GEORGE APUNYO.

Witness: 210 Constance Neko Agulo Apunyo

- Part 2, p. 2096 - 2115.

The subject was a Superintendent of Police and was stationed at Fort Portal as in-charge of the Station since 1969. He was married to W. 210 and they have six children.

According to the evidence of Mrs. Apunyo their house was attacked by a large number of people, some in military uniform, others in commando uniforms and some in civilian dress, on 31st March, 1971, at about 1 a.m. She said that she first heard two vehicles stopping in their compound, followed by foot steps of many people going around the house. She then heard some body knocking at the door and shouting "we are police and we want you." W.210 and her husband kept quiet, and then someone from outside asked "Mukyala, Mukyala is your husband around?" She still kept quiet. These people outside started knocking at all the windows and they were saying, "Today you will see. Even if you keep quiet, we know you are inside." From here onward we would let Mrs. Apunyo narrate the gruesome incident in her own words - (p.2097):

"Some were using English and some were using Kiswahili, then a few minutes afterwards I heard a gun shot at the front door. We still kept quiet but some people then came inside the house in the sitting room. Then they went to the middle door which was only shut, not locked, and it was also broken. They entered into one of the rooms but they did not know which one we were occupying. They broke the door leading to the children's bedroom. They asked the children to tell them where we were sleeping, then the children showed them where we were. They forced us to open the door but we did not, eventually they broke the door. They then found us standing at the door. Some people caught me and the others caught my husband. Their faces looked like those of Europeans except one who looked like that of an African. The faces were painted red but their arms and legs were not painted, they

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were black. Some people were assaulting me and others tried to drag him outside. Then they brought him back in the bedroom. He was then taken from the bedroom and brought him in the sitting room. Some people caught me when I was following him. Some people were taking away the property from the house and others were assaulting me and he was then thrown outside and he was shot twice and I was in the sitting room when I saw him being shot and I heard him say "I am dead."

Some people argued that why do we leave the woman - let us kill her too and others said that let us leave her, what will she do with all these many children. Then they threw me outside, and those who were outside returned me inside. When I returned in the house then one of them ordered me to sit down. He held his gun and shot but he missed me. One of them then picked me up and took me back to the bedroom. He picked up a bottle of beer which was there and he hit me on the head with it. He then commented that you Apunyo, is it not you who were boasting and where are the girls with which you were boasting and the beer."

She said that the man who took a shot at her and made the comment about boasting was Lt. Col. Toloko, the officer commanding the Army Barracks, Fort Portal. She continued to say that Toloko was talking to himself. He referred to her as "Akokoro" and that "You used to boast saying that you are a big man in the police." Akokoro is a sub-county in Lango District and is the place from where the former President came. She said that they collected all the children when she was being beaten. Some of them suggested killing all of them to avoid any trouble subsequently, but others said, "No, let us leave them; this is a bloody woman." They took away most of the things from the house, like cutlery, record player, plates, transistor radios etc. Then Toloko asked her for the car keys. She told him that the keys were on the table which had been taken away by his men. He then left saying he would come back for her, and she should prepare him a bed. He went as far as the fence and came back, still asking for the keys. She told him to look in the property they had taken. He beat her up and kicked her all

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over the body. Then they went away taking her husband with him. She crawled up to the bush and hid there until the morning. In the morning she went to the house of the Regional Police Commander, Mr. Mutazindwa, who is now alleged to have retired from the Police Force. She was absolutely naked and the Police Commander's houseboy ran away on seeing her. His wife gave her something to cover herself and after she reported the incident to him, he simply said "It is up to him". He appeared to be so scared that he was reluctant to do anything for her. Two other Police Officers, Omaset and Malinga, decided to go to her home to see what had happened, much against the advice of Mr. Mutazindwa. Mrs. Apunyo does not seem to have got any assistance from any of the Senior Police Officers in Fort Portal. Her request for transport to take her home was refused and she decided to walk all the way to Lira.

She took her six children, and two of her brother-in-law, and started walking out of Fort Portal. She had a lot of difficulty walking because of the beating she had received and spent the night on the way within Fort Portal. After walking for about twenty miles she got a lift in a lorry which dropped her at Masindi and the driver also gave her Shs. 40/- to help her on the way. She managed to get a car and got to Atapara in Lango where she fell ill and spent about four days in the hospital. Later her brother-in-law, who was teaching at Atapara, took her home.

She paid off the balance of the loan of Shs. 1867/- left on her husband's car, which she later sold to pay off other debts. She said that her husband left a house in Dokola but his people ordered her out of it and she is being bothered a lot. She looks after her children and gets fees by brewing waragi. Regarding the administration of Apunyo's estate, she said that the authorities were insisting upon a death certificate.

before / ... 285.

before they could deal with her application. She did not know about the procedure regarding the estates of missing people.

She has not seen her husband since 31st March, 1971, after being shot and taken away from their home in Fort Portal.

From the clear and detailed account of the incident given by Mrs. Apunyo, it is manifest that the hooligans who attacked their home on 31st March, 1971 were under the command of Lt. Col. Toloko, whom she knew before. There is no question of mis-identification because, after these people had broken into the house, they switched on all the lights. Mrs. Apunyo said that when her husband was shot outside the house in the compound, she heard his cry "Oh, I am dead." Later the following day the two police officers Omaset and Malinga saw blood in the compound. The only person who was shot and fell in the compound was Apunyo. His wife said that these soldiers took her husband away in their vehicle when they left. In those circumstances we are satisfied that Mr. Apunyo was shot and hit by the bullet as is evidenced from his cry. We accept the evidence that he was carried away while injured and we are certain that either he was dead when he was taken away or he must have died after removal from the compound. In either case we find that he was mercilessly killed by some Army soldiers who were being commanded by Lt. Col. Toloko. We are not very sure about the reason for such barbaric retaliation against Apunyo except for what his wife heard Lt. Col. Toloko say about his boasting about girls and beer. We would be shocked and stunned if the price of such boasting were to be paid with one's life! Had there been any other reason for this murder, we do not know.

This is yet another case where the police was so cowed by fear of the Army that even highly placed officers, like the Regional Police Commander of the day, Mr. Mutazindwa, were

have three children and, according to W. 212, the 4th who was born after his disappearance is not his.

Cirilo Okoko (Subject 108) was formerly working for the Railways but at the material time was a business man. He was married to W. 222 and had a second wife also; each having two children from him.

Solomon Awal (Subject 109) was also a teacher at Minakulu P.VII school. He was married to W. 274 and they have eight children between the ages 18-12, of whom only four are at school.

Misaki Onyik (Subject 110) was a carpenter and was married to W. 275. They have seven children, of whom only the eldest is at school.

John Oyite (Subject 111) was the Gombolola Chief of Minakulu and was married to W. 288; he had a second wife also. He has eighteen children between the ages of nineteen and seven.

Alfred Atine (Subject 112) was the manager of Adokomit ginery. He was married to W. 289 and Martha Ayuru. He has twelve children, of whom four are from W. 289, between the ages of fourteen and three. Only four children are now at school.

On 20th April, 1971, W. 212 saw a vehicle coming from Gulu direction. It stopped near the road and three or four people in civilian dress walked up to their home. They greeted her and at their request, she called out her husband. He came out and after greeting him, they said "We are taking you to Gulu". They did not tell him why they were taking him, but they took him to the car which was white colour. She did not notice its registration number. She reported to the Headmaster of his school who, in turn, reported to the D.C. W. 212 said that she did not try to trace her husband,

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as one of his colleagues had also been taken in similar fashion and his people were looking for him. She said she would ask them if they saw her husband anywhere.

W. 212 is a teacher at Abongobera Girls School and gets a salary of Shs. 400/- p.m. She has not re-married. She was able to collect the money which was on his bank account without getting an order from the court to manage his estate and she also got some money from the Teachers' Association. She did not know if her husband was insured.

At about 8 a.m., on the same day, Cirilo Okoko and his wife W. 222, were having their breakfast when two vehicles, a blue Peugeot 404 and a white Mercedes Benz, Registration No. USW 129, came and stopped; the Peugeot stopped in front and the other at the back of the shop where they were living. She said that four people came out of the Peugeot and told her, "We have come to collect your husband." They said they had been sent from Kampala to take him for interrogation and they asked him, "Have you received letters from abroad?" Her husband denied, and they searched the house without finding anything. Then they told her husband, "Put on your shoes. Let us go. We are unfortunate." At the same time one of those said that as the subject had nothing and had committed no offence, they should leave him alone. Nevertheless, he was taken to the Peugeot and driven away. She said that the same people also collected Isaac Owiny, Solomon Awal, John Oyite and Alfred Atine. According to this witness, a Volkswagen came later the same day and took away the carpenter, Misaki Onyik, and a young girl aged fourteen, called Adong. She said that this girl came back after three weeks but refused to talk

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as she had been warned against speaking. Unfortunately, she died three days later in a traffic accident. W. 222 said that her husband never came back. She made enquiries after a few weeks at Gulu, and Army officers to whom she mentioned the registration number of the Benz car allegedly told her that the vehicle was from the Cabinet Office and that she should go to Kampala. She was also told that if she went to Kampala to the Cabinet Office, she too would be killed. While in Gulu, she saw two of those people who arrested her husband at the shops wearing plain dress. She saw the same two in Lira town on a number of occasions going about in Army vehicles. She did not report them to the Police; instead she went to Luzira from where she was directed to Makindye. She did not find her husband and she checked at Kige Prison. Failing to find him there she went to the Biri and failing again to find him there she gave up the search. W. 222 said that her husband left some money in the bank and his shop had been taken over by her father-in-law who has chased her away.

At about 8.30 a.m. the same day three vehicles, a Peugeot, a Volkswagen whose registration figures W. 274 recalls as 122, and a Benz, went to the house of Solomon Awal. Only the Volkswagen entered their compound.

Mrs. Awal was scared and started crying. A young boy aged about twelve called Ago took down the registration number of the vehicles on a piece of paper - Ex.69. The numbers so noted are UHI 122 and UHW 200. A statement dated 2nd October, 1974 in which she mentioned only two vehicles was put to her but she maintained that only the Volkswagen stopped in their compound, the other two stopped a little beyond their home. She said that two people, one with a gun, came out of the Volkswagen and told her husband, "Come here."

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We have been sent to collect you." They put her husband in the vehicle and drove away, saying that they were taking him to Gulu. According to her the other two vehicles took the other subjects on the same day.

W. 274 went to Gulu Prison after three days and did not find her husband there. She did not check with the police and on 20th April, 1971 went to the Army Barracks, Gulu. The soldier at the gate told her that they did not have any prisoner. She also went to Makindye but failed to find her husband there.

She said that all the eight children used to go to school before her husband disappeared, but now she can afford to send only four to school.

At about 10 a.m. a green Peugeot No. UUV 200 went to the house of Misaki Onyik. W. 275 said that three men in civilian clothes, one with a gun, came out and said to her husband that they wanted him. Her husband went away with them. They removed his shoes, put him in the car and drove away without saying what they were going to do with him. Like W. 222 Mrs. Onyik also mentioned Adong who was also arrested with her husband. She said she saw her being arrested from Minakulu shops. Adong came back after three days and told her that she left Onyik at Lira Prison. W. 275 went there and was told that her husband was not there. Then she went to Gulu and enquired at the police station. Nobody seemed to know about him. Then she went to Makindye after about a week but did not find him there. She had no idea of what might have happened to her husband.

W. 275 produced the station diary and lock-up register of Lira Police Station. According to Ex. 62, which is the

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lock-up register, entry number 768/71 of 23rd April, 1971, Misaki Onyik had been admitted to the police cells on 20th April, 1971 for safe custody and according to Ex. 61, which is the station diary, entry number 112 of 23rd April, 1971, Lt. Nalumoto took away John Akuja and Misaki Onyik together with car No. UGX 447 and Lorry No. UUZ 447 to Gulu.

With regard to the Gomb. Chief, John Oyite, his wife W. 288 said that on 6th April, 1971, six men dressed in army uniform went to their home at about 4 p.m. Three of them carrying guns came out and asked her where her husband was. When she told them that she did not know, they told her that the "Big man" wanted her husband because he had not detained the Army officers who were in his area. She said that they asked her to tell her husband to detain all the Army officers who were in the village and they would be collected later. She passed this message to her husband. And she said that he did not arrest any of his soldiers from the Army between 6th and 20th April, 1971 because his askaris failed to get any.

On the 20th April, 1971 at about 8 a.m. two vehicles went to the home of the gomholola chief. Both these vehicles were white Peugeot 403 saloons. She saw six people in the cars, four with guns who came outside. She said that one of the four armed men was amongst those who had called previously on 6th April. They told her husband that they had been sent by the "Big man" to collect him. They took him to the office and searched it. They took him away in the direction of Gulu. W. 288 said that she did not try to look for her husband and thought that as he was a government servant he would return. She did not report the incident to any

authority/.....292.

authority except for the county chief who came to check on the cash. She said that of the eight children, five used to go to school but she now finds it difficult to send any of them to school. She was not sure if he had any money in the bank or if he was insured. He had a car but thieves have stolen all its parts. The Lango D.A. paid her his half salary for three months. She said that she had not applied to court for an order to manage his property.

On 20th April, 1971 Alfred Atine left his home at 7.30 a.m. to take his sick child to hospital. His wife W. 289 saw him again when he was brought home together with the child in a different vehicle which was also a Peugeot but bigger than her husband's car in which he had gone earlier. She saw the gombolola chief, John Oyite in her husband's car whose registration number is UQO 983. Those people in the cars, except for Oyite, came out. One of them had a gun and he ordered Atine to take the child inside. The man with the gun ordered her husband to tell her whatever he wanted. Atine told her to look after the children properly and also to tell the co-wife because he did not know where he was being taken. W. 289 asked them where they were taking her husband. They told her they were going to the Gulu Airbase. Then both vehicles drove away. She said that the people in the cars were all dressed in civilian dress. She called the one who did the talk a soldier by the way he spoke. She described his speech as 'brutal'. She saw the vehicles taking Gulu direction.

On 23rd April, 1971 she went to Gulu Airbase and asked about her husband at the gate. She was told that people brought from Lira had been taken to Arua by plane. As a result, she went to Arua Airbase on 30th April, but the

soldier/.....293.

soldier at the gate told her that her husband was not there.

W. 289 said that she saw her husband's car being driven by a civilian in Gulu town. She claims that she still sees it but with a different number plate which she does not remember.

She said that all the twelve children used to go to school before her husband disappeared but now only four are at school. He had some money in the bank and also some land and houses. She said that she has not applied to court for an order to manage his property.

It is evident that all these six people were arrested from Minakulu by people who have been described as soldiers. To Okoko, they asked if he had received any letter from abroad. To Isaac Owiny, Awal and Oyite they said that they were taking them to Gulu Airbase. To Oyite they said that the 'big man' wanted him because he had not detained Army deserters.

When all this is considered in the light of the evidence of the District Special Branch Officer, Odwe (W. 98) who said that in April, 1971 recruitment of guerillas in certain counties of Lango had started and some people were assisting in the transport of those guerillas, it would seem obvious that the arrest of these six people from Minakulu sub-county was probably due to the guerilla activity which was prominent at that time. There is also the evidence of the District Police Commander, Odyek (W. 436) who said that people arrested by the Army sometimes passed through Lira Police Station and all such prisoners were taken either to Kampala or Gulu. In the case of these six people, there is police record at Lira Police Station only in respect of Misaki Onyik.

It/...../294.

It would seem that either no record for the other five was kept at the police station or they were taken straight to their destination. As the police lock-up register indicates that Misaki Onyik together with John Akina (subject No. 95) was taken to Gulu by an Army officer called Lt. Nalumoto, the probability is that the others were also taken to the Gulu Airbase. None of them has come back and all of them have been missing since April, 1971. We find that the probability is that all of them were unlawfully disposed of by the people in whose custody they were. With regard Misaki Onyik, we can say for sure that Lt. Nalumoto, who escorted him from Lira, must bear full responsibility for his whereabouts. And regarding the others, as we have already said, the probability is that they too were taken to Gulu Airbase. Unfortunately, the DOB of Gulu Airbase was not made available to us and we cannot say whether they did in fact reach that destination. Likewise none of the witnesses recognised any of these people who arrested them but if Onyik was arrested by Army people and taken to Lira Police Station, we think it is reasonable to say that the others must also have been arrested by soldiers of Uganda Army, as some of the witnesses say.

133. Subject No. 112 - IRUNASANI OGWANG.

Witnesses: 213 - Ericza Okello - Part 3,
p.2127 - 2145.

The subject was the county chief of Erute in Lango District. While giving evidence on subject No. 96, Mr. Adupa said that he had heard of many people who disappeared and mentioned this county chief as one of them. We did not hear any other direct

evidence/...../295 .

evidence about Mr. Ogwang, nor did any of his family come forward to depose about the circumstances which led to his alleged disappearance. In the circumstances, it is impossible for us

134. Subject No. 113 - UA 4099 - VINCENT OMARA.
See Moroto Soldiers, p. 664.
135. Subject No. 114 - Cpl. SAMUEL ODIDI.
See Mbarara Simba Battalion,
p. 618.
136. Subject No. 115 - UA 6726 PRIVATE MANASI OTIM.
See Mbarara Simba Battalion,
p. 618.
137. Subject No. 116 - UA 2950 L/Cpl. RAYMOND OGWAL.
See Mbarara Simba Battalion,
p. 618.
138. Subject No. 117 - UA 6697 PRIVATE ABUMERIKI OKABO.
See Mbarara Simba Battalion,
p. 618.
139. Subject No. 118 - UA 5289 JOHNSON OKELLO.
See Jinja Soldiers, p
p. 580.
140. Subject No. 119 - DRIVER OTIM.
See Jinja Soldiers, p. 580.
141. Subject No. 120 - UA 3083 S/SGT. MESUSERA OGWANG.
See Mbarara Simba Battalion, p. 618.
142. Subject No. 121 - ALFRED ATINE (See p, 286).
143. Subject No. 122 - UA 6092 PRIVATE MATHEW OKUNY.
See Malire Soldiers, p. 598.
144. Subject No. 123 - S/Cpl. CHRISTOPHER OKELLO.
See Jinja Soldiers, p. 580.

145/.....296.

145. Subject No. 124 - UA 6048 Cpl. PHILIP OLUONGA.
See Malire, p. 598.
146. Subject No. 125 - UO 229 Lt. WILSON GIBSON OGWAL.
See Mbuya Soldiers, p. 565.
147. Subject No. 126 - UO 139 Lt. LIYA OTIM.
See Mbuya, p. 565.
148. Subject No. 127 - UA. 4846 L/Cpl. PETER OCEN.
See Magamaga, p. 594.
149. Subject No. 128 - UA 1845 PRIVATE LEON OTIM.
See Moroto, p. 664.
150. Subject No. 129 - UA. 4973 PRIVATE ALFRED OKELLO.
151. Subject No. 130 - UA. 6127 PRIVATE LUCAS OKELLO.
152. Subject No. 131 - CPL. KONSTANTINO OGEMA.
See Mbarara Simba Battalion, p. 618.
153. Subject No. 132 - ALFRED OLWE.
Witnesses: 232 Margaret Adero - Part 3, p. 2290 - 2298.
331 Captain Henry Agech - Part 4, p. 3311 - 3345.

The subject was a Health Inspector until 1969, and started keeping a shop in 1970. He was married to Margaret Adero, W. 232, and they have three children aged fifteen to eleven months.

W. 232 said that her husband was first arrested by the O.C. CID Lira Police Station in March, 1971, and was kept in custody at the Military Police, Gulu, for two weeks. He was then transferred to Makindye where his wife saw him and was subsequently released after two weeks with a letter of his release. He did not tell his wife why he was arrested and detained.

On/...../297.

On 6th February, 1973, at about 9 a.m. the subject and his wife were in their shop in Lira town. Two men came into the shop and spent about three minutes looking at the various goods. Then they left. About 30 minutes later an Army Landrover came and stopped outside the shop. Mrs. Olwe said that she identified the vehicle from its colour. Four men came out; two in Army uniform stopped at the shop door and the other two, who were those who had been to the shop a little earlier, came inside and asked the subject if he was Alfred Olwe. The subject said he was, whereupon one of those two produced something, which to Mrs. Olwe looked like a small diary, black in colour, which he held in his hand and said that he was a soldier from Kampala and "The President wants you". Mrs. Olwe said that she looked at the card but did not read it. She noticed that it had no photograph, nor was there any writing at the back. However, they did not tell her why the President wanted him and they did not even allow the subject to talk to her. She said that she did not know if the subject was known to the President and he had never talked about meeting him. One of the men handcuffed the subject and Mrs. Olwe felt from that time that they were perhaps not taking him to the President. They told him to get into the landrover for being taken to Kampala. She did not notice the vehicle number as she was crying.

She shut the shop and saw the D.C., Captain Henry Agech, at about 2 p.m. the same day. He did not know of the incident at all, when she described the people involved in the arrest of her husband to him, he told her that those people were 'visitors'. The D.C. rang up the Police Barracks and was told that the subject was not taken there. The D.C. asked her to go home.

Captain/...../298.

Captain Henry Agech testified that when Mrs. Olwe reported to him, he asked her to report to Captain Chandia. Captain Agech agreed that he advised her so and also spoke to Captain Chandia about investigating this case. He, however, denied telling her that those people were 'visitors' from Kampala. The D.C. remembered asking Chandia about people who were arresting others and Chandia is alleged to have replied that he did not know who those people were. He went on to say that during February/March 1973, many people were arrested in his area but he said, "When these arrests happened I was not there so, when I came back, somebody told me that there were some people arresting some people here" (p.3323). He also said that Captain Chandia was a member of the District Security Committee but never briefed the Committee about such arrests.

In March 1973 Mrs. Olwe received information that her husband had been taken to Makindye and she went there to make enquiries. She was stopped at the gate and one soldier allegedly told her that the prisoners from Lango were released on Friday. Later someone higher in rank told her that nobody from Lango was being kept there.

Two of her children are at school. She has taken over the shop goods but has not been able to draw money from the Bank which insists on seeing the death certificate. She has been using their joint account since.

As this incident occurred in broad daylight, it is reasonable to say that Mrs. Olwe had good opportunity of seeing those who arrested her husband. She said that two of the men were in Army uniform and they were all in an Army landrover. Although we appreciate the fact that it may be dangerous to accept such identification which is

based/...../200.

based partly on the colour of the vehicle and partly on the so called Army uniform, we are nevertheless of the opinion that people like Mrs. Olwe could be trusted at least in their identification of the vehicle, if not the people from their dresses. Taken together with this, is the fact that the D.C. also said that around February/March, 1973, many people were being arrested by people from Kampala. We have already seen in some cases, with which we have dealt already, about certain Security Officers coming from Kampala and arresting people in Lira. We find that the circumstantial evidence points to the fact that Alfred Olwe was in fact arrested by some Security Officers who came from Kampala. We are unable to say why he was arrested. We have not heard of any crime which he might have committed or any activity in which he might have been involved which was considered by the authorities to be undesirable or subversive. We accept Mrs. Olwe's evidence that when she went to Makindye she did not see her husband there and, as a matter of fact, there is no evidence that the subject ever reached Kampala. The evidence that we have is that he has been missing since 6th February, 1973 and, for the reasons which we have endeavoured to give, we feel that the Security Officers, whose identity remains unestablished, who arrested him might have unlawfully disposed of him on the way to Kampala.

154. Subject No. 133 - MICHAEL OPETTO.

Witnesses: 233 Nora Opetto - Part 3, p. 2302 - 2310.
237 Captain Mark Chandia
- Part 3, p. 2342 - 2364.
301 Michael Oboto
- Part 3, p. 2323 - 2341.

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The subject was the Deputy Treasurer of Lango District Administration. He was married to Nora Opetto (W.233), and they have nine children, between the ages of twenty to three. Seven of the children are at school and their mother supports them from her earnings out of cultivation.

The subject had a Datsun Pick Up vehicle, No. UYZ 441. Michael Obote (W. 301), who was described by Nora as her husband's brother, a driver working for the same District Administration, occasionally drove this vehicle.

On 15th February, 1973, the subject's vehicle was with W. 301. According to him some people in civilian dress went to the District Administration Workshop in a red Fiat Car, No. UUP 937, which used to belong to Captain Chandia, and asked the witness where the owner of the Datsun was. They told him that something was wrong with it which, according to the witness, was untrue. He told them that the owner was at home. They arrested him, put him in the car and took him to the Military Police barracks where he was handcuffed. Opetto's car was also driven by one of those men to the barracks. W. 301 said that he did not see Captain Chandia at the barracks. He was then asked to take those men to Opetto's home.

About 2 p.m., Nora left her husband sleeping in the house and went to the field. Meantime, W. 301 took those people to Opetto's home. On seeing them, Opetto started running towards his wife in the field, followed by those men who were in civilian clothes. On reaching her, the subject lay down on the ground and started crying. Mrs. Opetto said that those people greeted her in Luganda and Kiswahili. They asked him to stand up and then they escorted him to the house where Nora saw the red Fiat with Michael Obote in it being guarded by an armed man.

Their/..... /301.

Their home was searched and those people took three guns - a rifle, a .22 rifle and a shotgun - and their radiogram. Nora said that the three firearms were properly licensed. These men then handcuffed the subject, tied him with a rope and put him in the boot of the car. The boot was then closed.

According to W. 301, they were driven back to the barracks and he noticed that the vehicle was not stopped at the gate of the barracks, indicating that the guards knew both the vehicle and the men in it. Those in the car told some other soldiers in uniform in the barracks, "We have brought them." The witness said that Chandia was not one of them. Michael Obote was then released but Opetto has not been seen since then, nor has his car been seen.

Captain Chandia admitted that he owned the Fiat No. UUP 937 in February, 1973, and said that he has since sold it to one called Thompson Ayen. He denied hearing of the subject and said that there was no record of his being taken to the barracks on 15th February, 1973, in his D.O.B.

There can be no doubt that the subject was arrested by some soldiers who have not been identified by anybody. It is not disputed that those soldiers were using Captain Chandia's Fiat UUP 937 and as the subject was taken in its boot to Lira Military Police Barracks, we find it incredible that the Captain's car would be used in such a manner by strangers without his knowledge. We find it apparent that Captain Chandia not only knew the identity of those men but also allowed them to use his car knowing full well the nature of their mission. This will also explain why on its journey to the barracks with W. 301 and the subject in the boot, it was not stopped at the gate of the barracks.

The/...../302.

The Barracks' D.O.B. may have no record of Opetto being taken there. We do not find it odd because our experience during this Inquiry has been that whatever few records have been produced they can in no way be described as either comprehensive or a complete record of all the prisoners. We are satisfied that the subject was in fact taken to the Military Police Barracks, Lira. As those arrests came at a time when many others were being arrested by Security Officers from Kampala, we feel that the people who arrested him were also Security Officers from Kampala. There is no evidence of what became of him after his arrival at the barracks in Lira, and if he was taken to Kampala by those Security Officers, we did not have any evidence to say that he did in fact safely reach Kampala. As he has been missing since 15th February, 1973, we find that the probability is that he was unlawfully disposed of by the unknown Security Officers who arrested him, but whose identity was known to Captain Chandia.

155. Subject No. 134 - UA 4993 PRIVATE CELESTINO OPIO.

See Jinja Soldiers, p. 580.

156. Subject No. 135 - DAVID OMULE.

Witnesses: 236 John Okila Okello - Part 3, p.2323 - 2341.
237 Captain Mark Chandia
- Part 3, p.2342 - 2364.
Part 3, p.2374 - 2386.
297 Erinayo Okulo - Part 3, p.2916 - 2920.
331 Captain Henry Agech
- Part 4, p.3311 - 3345.

David Omule was the District Health Inspector, Lango and was stationed at Lira. He used to live in Ireda village where

Erinayo/...../303.

Erinayo Okulo (W. 297), a treasurer of Lango District Administration, was his neighbour. He was aged about forty-three and was married, but his wife died in 1965, and was the sister of the subject of this incident Joyce, who was a telephone operator with the Agriculture Department, was living with him.

On Sunday 24th September, 1972, he informed his neighbour, W. 297, that he was going to his office as something was urgently required by his Ministry. He was in his car, Peugeot 504 No. UYO 528. This was followed by a message which his brother John Okila Okello (W. 231) received from the subject's son, also called Okello, that his father had been arrested at the Post Office. W. 236 went to the Police Station where he saw his brother's car parked outside and another car, also a Peugeot 504, dark blue in colour, No. UVI 296 was parked beside it. On making enquiries at the counter, he was told that his brother was with some Army officers being interrogated in the CID Office. W. 236 asked the Constable if he could see his brother. The Constable soon returned with a message that he should go away. He sat down underneath the mango tree outside the Police Station and after about 30 minutes, he saw his brother coming out with four Army Officers. He was handcuffed. Two of his escort were in uniform and the other two in civilian clothes. He sat in the front seat of UVI 296 between the driver and another man. The other two sat in his brother's car, and then both vehicles were seen driving away towards the Military Police, Lira. W. 236 then went to his brother's home in Ireda and saw Erinayo Okulo who is alleged to have confirmed his

brother/.....304.

brother's arrest upon being told so by the subject's houseboy.

Captain Chandia (V.237) was then the O.C. Military Police, Lii. He said that he did not know if the Peugeot UVI 296 belonged to his unit. But he produced his D.O.B. According to Entry No. 4 - Ex. 48 the subject, David Omulo, was taken into his barracks on 24th September, 1972, at about 1005 hours by UA 8638, Cpl. Ismail. Entry No. 5 was in respect of another man called Martin Ogenyo, about whom we did not have received any evidence. Entry No. 6 of the same date is the booking out entry, that is, Cpl. Ismail taking the two prisoners to Kampala - Ex. 49. The Captain denied knowing Cpl. Ismail and said that according to these entries he had come from Kampala. He said that Omulo was detained at his barracks and, at his intervention, Cpl. Ismail agreed that the subject's car be taken to his home together with a cheque of Shs. 100/- which Omulo wrote out for his wife. Then Captain Chandia drove the subject's car to his home and put it in the garage. He handed its keys and the cheque to Erinayo Okulo. The car was on loan and it was subsequently sold by the Lango District Administration to recover the balance of the loan which amounted to about Shs. 22,000/-.

W. 236 said that he saw the D.C. Captain Henry Agech (V. 331) at his home and reported the matter to him. He was asked to see him the following day. He tried to see him on Monday and also the following two days but without success. When he finally saw him on the 4th day, the D.C. had nothing to tell him except "Not to bother him because Omulo's arrest was not his concern and he should go away". (p.232). He also tried to see Captain Chandia at the

Barracks/...../305.

Barracks but without success. Captain Agesh, however, said that he never received a direct report about the arrest of Omule but only heard it from others in the town.

his brother's arrest but returned after about a month. On 12th March, 1973, the Lango District Administration asked them to quit the house and he transferred all the property to their village home. According to him, some two months later, Joyce went to their home with some Army officers and removed all the property belonging to Omule. He tried to stop her but the three Army officers who were armed with pistols became very 'cruel' to him. He again reported to the D.C. the following day but nothing was done about it.

At the time W. 236 made his statement to the Police and when he was looking for his brother's insurance papers, he came across the draft of a letter which his brother had written, addressed to his father-in-law, Enoka. The draft is not dated and p.2, which is relevant, reads as follows - (Ex.47):

"But as far as I know Joyce, when she has made up her mind, she does not want any advice from me, she does not recognise me as her husband, she has no respect for me at all. A lot of things she told me are very bad. When she came here on 31st March, 1972, she told me about her brother who is in the Army, she will ask him to take my head to her (Joyce) and she will be very happy indeed. My life is now threatened by her as you are aware of the present situation. I have already conveyed that information to the higher authorities for security reasons only."

Before we move on to our findings we should like to revert to Captain Chaudin. He said that such arrests which were then being made by Security Officers from Kampala were without his knowledge and he could not stop them, even if he wanted to, because :

"11/...../306.

"If they could come here and say they want to take somebody when they have got authority from higher authority, I could not refuse" - p.2385.

He went on to say that one could easily be 'deceived' by such verbal instructions. And it was not until much later that a circular was issued about the procedure for such arrests.

There can be no doubt that Omule was arrested on 24th September, 1972, by UA 8638 Cpl. Ismail and some other soldiers. He was kept at the Military Police Barracks, Lira and later taken away together with another man called Martin Ogenyo, by Cpl. Ismail. This is confirmed by the entries in the D.O.B. of the Military Police barracks, Lira. We have no evidence if Omule ever reached Kampala. Our Counsel was unable to trace this soldier who perhaps is the only person who knows what was done with Omule. We were unable to get the records from the Military Police Makindyo where such people arrested from up country were normally taken to. In the circumstances it seems obvious that, as he has been missing since 24th September, 1972, without any trace, the probability is that he must have been unlawfully disposed of by the people, including Cpl. Ismail, who were recorded in the D.B.O. of Military Police, Lira, to have escorted him and the other man to Kampala.

157. Subject No. 136 - UA 2020 Cpl. NIKANOLI OPIO.

See Masindi Soldier, p.615.

158. Subject No. 137 - PRIVATE EUSTABIO EPWO.

159. Subject No. 138 - UA. 8964 PRIVATE JOHN AWANY.
p. 580.

See Jinja Soldiers, p.580.

160. Subject No. 139 - UO 89 Lt. JOHN JAMES OKODI.

See Masindi Soldiers, p. 615.

Witness No. 242 - ALUFUNSI OKOR.

Witness: 242 Alufunsio Okor - Part 3, p. 2398 - 2402.

The subject was aged 28. After leaving the Lira Technical School about nine months before his disappearance, he took on the job of a painter at the school. He used to live at Boroboro with a girlfriend called Verina Ayo.

The witness said that on 20th October, 1972, he received a letter from this girl, as a result of which he went, to see her at Boroboro. She told him that on 18th October, 1972 at about 2.30 p.m. three people, two in civilian clothes and the third in an Army vest, picked the subject from his office. She said that she heard them telling him to sit in the car, which drove away in the direction of Lira Town. She enquired at Lira Police Station without any success.

The witness reported to the D.C. Captain Henry Agoch, who rang up the Military Police, Lira. Later the Captain told him that the name of his brother was with the Military Police but his person was not there. The DC asked him to wait till he found out why his brother was not there. He saw the DC after two weeks when the DC told him that he should not bother him as he was not the one who arrested his brother, (p. 400). He did not enquire from the Military Police but there is the evidence of Captain Chandia (W. 237), who was the in charge of the Military Police, Lira, that entry No. 1 in his DOB for 18th October, 1972 indicated that some five civilians, whose names were not given, had been detained.

It/...../308.

It may well be that the subject was one of them.

The subject had no children and left only his beddings. The witness could not say if he had money in the bank. His brother said that the girl Ayo was a loose-type of woman and was unable to say if any soldier was interested in her.

The evidence is mostly hearsay. The girl did not come forward to give evidence. There is the evidence of Captain Chandia about five civilians who were detained in his barracks but whose names were not recorded. The possibility of the subject being one of them cannot be completely over-looked. One thing we can say, and this is that the subject has been missing since 18th October, 1972. The probability is that he was unlawfully disposed of by the people who arrested him. We can only express our strong suspicion that he might have been one of those five civilians who were detained at the Military Police, Lira on 18th October, 1972, and Captain Chandia should know how the subject was dealt with.

162. Subject No. 141 - UA 4587 Sgt. RAPHAEL EDYONG.

See Mubendo Soldiers, p. 675.

163. Subject No. 142 - Lt. Col. GNDOGA.

Witnesses: 244 Supt. David C. Psomegen - Part 3,
p. 2408 - 2423.
252 George William Luzinda Mukasa
- Part 3,
p. 2493 - 2537.
253 Deputy Supt. Paul Ekocu - Part 3,
p. 2537 - 2559.
529 Dr. Lameck Mutesasira - Part 7,
p. 6573 - 6577.
531 No. 5045 P.C Wilberforce Ongyera
- Part 7,
p. 6583 - 6590.

the/...../309.

The subject was a Lt. Col. in the Uganda Armed Forces, At the time of his disappearance he was the Minister of Foreign Affairs in the Uganda Government. He was married and had two children who used to go to Nakasero Primary School, Kampala. The subject used to take them to school in the mornings.

On 6th March, 1974 at about 9 a.m., Superintendent Psoomegen (W. 244), who was then the Ag. Head of the Special Branch, received an anonymous call in the following terms: "The caller said that someone believed to be Lt. Col. Ondoza who had just dropped his children at Nakasero Primary School had been seized by about five people and forced in their car and taken away." The superintendent reported to the Commissioner of Police and the Minister of Internal Affairs. He also instructed the O.C. Special Branch, Kampala area, Richard Odongo, to go to the school and check up on the report. At the same time he passed on the report to the Director of the CID, Mukasa (W. 252), who directed the O.C. CID Central Police Station, Deputy Superintendent Ekocu (E. 253), to open a file and carry out the necessary enquiries. W. 253 duly opened a general enquiry file, No. CRB 14/74.

W. 244 said that 'at least someone' went to the school and later informed him that he had interviewed the teachers who claimed to have seen the children stampeding and when they went to see what was happening, they found the people gone. He said that the same afternoon "'someone' was sent to check at the subject's house and he was later told that the subject had not returned since taking his children to school. The Superintendent said that 'someone' went back to the subject's house the following day and found

his/...../310.

his wife not there.

Ekocu gave an account of the enquiries which he carried out. He said that he went around the city trying to get people who could assist in the enquiries. He said that from the Central Police Station he went to Nakasoro Market, Nakivubo and on to Kisenyi looking for information. He admitted that this was a route in the other direction of the school and explained that when he received the instructions from Mukasa on 8th March, the school was not mentioned as the place from where the Lt. was picked up!

On 7th March, 1974, P.C. Ongyera (W. 531) was on duty in the MCB office of Nalufenya Police Station, Jinja. At about 2.45 p.m. some firemen reported to the Station Diary constable of having received a phone call from Owen Falls Dam of a body floating in the water. The constable was ordered to accompany them to the dam, where the body was removed from the water. The body was naked, it was decomposing, its eyes had come out of the sockets and the tongue was protruding from the mouth. The body was taken to mortuary and entered in the mortuary register as No. 135. According to this entry under the column 'name', at first the word 'unknown' was inserted and it was later struck out and the full name of the subject with his rank substituted instead. The post-mortem was done by Dr. Crowden whose report - Ex. 146 - was produced by Dr. Lwiza Nutesesira (W. 529) who identified Dr. Crowden's signature. The injuries found by the doctor and the cause of death as stated by him are as follows:

External Injuries: Post-mortem abrasions of skin.

Internal Injuries: 1) fracture of ribs in mid-axillary line, right 4-9; stomach (?) present in left chest. Haematoma of left side of abdomen and also right. Skull - no injury; no haematoma.

Cause of Death: Massive injury to right chest; haemorrhage in the muscles(?)

No/..../311.

No evidence of drawing -
Death by violence accidental
or otherwise.

Dr. Mutesasira found his colleague's handwriting most difficult to decipher and we are not surprised. There is some mention on Ex.146 of the estimated time of death which just cannot be read. W. 529 said that although the body is described on the post-mortem report as 'unknown', the name of the subject is stated on the police form requesting the post-mortem and the number of the post-mortem, 69/74, is reflected in the mortuary register. Ex.145. The doctor, therefore, deduced that the post-mortem done by Dr. Crowden and his report, Ex.146, was in fact in respect of the body of Lt. Col. Ondoga.

On 9th March, 1974, the Director of CID went to Jinja to check on the body which was then lying in the mortuary. He was accompanied by Lt. Col. Maliyamungu, Major Hussein and Captain Okech. Captain Okech identified the body as of the subject. The Director of the CID, then obtained a copy of the post-mortem report from Dr. Crowden as it was required by Your Excellency. He also alerted all the staff to keep their eyes and ears open for any information.

On Saturday 9th March, 1974, the 'Voice of Uganda' carried a directive in bold print issued by Your Excellency. The heading was "OBADO ORDERED TO INVESTIGATE DISAPPEARANCE, Reasons given for Ondoga's removal."

The article reads:

"President Amin has directed the Minister of Internal Affairs Mr. Obado and the head of the State Research Centre, Lt. Col. Itabuka to make full and thorough investigation on the circumstances leading to the reported disappearance of Lt. Col. Ondoga, the former Minister of Foreign Affairs. The official

letter/...../312.

letter to this effects reads:

I have received a report from the Special Branch that Lt. Col. M. Ondoga (former Minister of Foreign Affairs) had not reported back to his home since about 8 a.m. on Wednesday when he took his children to school. I am directing you to make full and thorough investigations on the circumstance which have led to the reported disappearance of Lt. Col. Ondoga. All your intelligence should cooperate in the investigations and try to establish the whereabouts of Lt. Col. Ondoga. When I appointed Lt. Col. Ondoga as Minister of Foreign Affairs and after a few months, received numerous reports from Intelligence that there was misunderstanding and dissatisfaction among the senior staff and junior staff of the Ministry of Foreign Affairs because of his administration. I received a report that there was a major reshuffle in the Ministry involving senior staff and the Ag. Permanent Secretary was sent on forced leave.

We have officers from our embassies abroad were recalled but some of them refused to return and went into exile abroad. Two officers in Paris, a lady and a man, who were alleged to be connected with Muwanga's mis-use of public funds decided to abandon duties and refused to return to Uganda when recalled; also Major Obom the Military Attache refused to return. Another officer in Bonn also refused to return to Uganda. With all this confusion in the Ministry of Foreign Affairs, I decided to remove Lt. Col. Ondoga from the Ministry and assign him other duties in the Government which I was going to announce in the due course.

I have also been informed that Lt. Col. Ondoga has businesses in Kampala known as Anguruma Company at Kawempe which makes soap, oil and maize meal. I direct that you check all these businesses which were allocated to him and find out whether he has some partners in these businesses. It is important to find out whether

hc/.....313.

he has had any misunderstanding with anyone in these businesses who might have planned to sabotage him. I direct to take up these investigations as top priority and submit your report as soon as possible."

Meantime, the investigations continued. W. 244 said that the Special Branch were interested in motive more than perhaps what happened - p. 2411. He was not aware if his Branch tried to conduct investigations within the Army. According to Superintendent Psomegen 'perhaps this escaped our attention'. He admitted that none of the subject's children was interviewed, nor was any attempt made to trace his wife, yet he maintained that 'normal investigations' which he described as 'intensive to that extent' were mounted. Ekocu maintained that he did his best but was unable to achieve anything as he did not have any 'open lines' from the very beginning. He admitted that the part he played was to open the file, paste some newspaper clippings in it and submit the file to the Head of the CID without a single statement. He said that normally they seek directions from their superior officers but he had not sought any such directives from the Head of the CID because 'he had not reached that stage.' He said that, although he should have visited the school, he did not go there but 'time would have come when he would have gone to the school.' He continued that the main difficulty in the investigation was that he did not find any witness who could feed him with information and none came forward. Although he had the file with him for about eleven days, he did not keep notes of the investigations which had been conducted or of the telephones which were made by him during the course of these investigations. He explained the reason for this omission in that the matter was being treated as confidential.

or later involved on this matter, he said that he did not have enough time to put down any such minute. He admitted that except for going in the opposite direction, he did nothing to help the investigation and he could not do anything. He summarized his part as follows:

"Without the clue, no one could make real investigations into any case."

The Director of the CID and the Special Branch officers made a joint report (ex. 54) to the Minister of Internal Affairs on 14th March, 1974. The first paragraph deals with the information received at the Special Branch Headquarters in the form of the anonymous call about the kidnapping. The second paragraph states that when they rang the subject's home they were told that he had not returned since taking the children to school. The third paragraph deals with the interview of the teachers who spoke about the stampeding children and the physical check made at the subject's home later that evening. It also sets out the subsequent visit to the school on 15th March, 1974, when it was learnt that the subject's wife had come away without saying where she was going. The fourth paragraph deals with the sighting of the body in the Owen Falls Dam and its recovery, identification and the post-mortem. Five and six read as follows:

Ever since then till today, the enquiries by both Special Branch and CID have failed to uncover the actual kidnappers and subsequent killers. This has come about because the teachers deny having seen Ondoera being kidnapped and also because the anonymous caller refused to tell who he was. Enquiries of Cururuma Company, which Lt. Col. Ondoera owned, revealed that all the staff in managerial position are close relatives of the ex-Minister.

There is no reason known to us to show that any of these people could have been against Lt. Col. Ochoa. However, there is general dissatisfaction in the Ministry of Foreign Affairs where the ex-Minister was said to have shown open favouritism for some individuals. It is also reported that the manner the late..... of the Ministry of Information when it was under his portfolio was not fair and subsequently he offended many people there. Notwithstanding the alleged mis-handling of staff in the two Ministries, we have been unable to establish whether or not anybody there had a hand in his disappearance and the subsequent death.

6. As their former command that the Government should consider appealing to people like the anonymous caller to come forward and assist the police in these enquiries. The enquiries are continuing and anything uncovered which is relevant to the case will be reported."

In May, the Director of the CID received the police file from DSI Lkoen. It had only seven minutes in it which were as follows: The first one is dated 8th March, 1974 and is about the instructions to open a GEF re: disappearance of Lt. Col. Ochoa; the next one is a cutting from the 'Voice of Uganda'; the third minute just says: matter appeared in the press as per above, the fourth minute comprises of another cutting from 'Voice of Uganda'; the fifth minute is about the Director's order to open enquiries as reported in the press; the sixth minute is another press cutting and the seventh minute is referred to the head of the CID. -

11. The Director of the CID agreed that he did not consider the investigations as adequate and was critical of his officer for not keeping a proper record of the people they interviewed and what they said. He said that this was done only on the file to show what had been

... the fact that the body and, when questioned by ... to whether the omission did not indicate ... of interest, he said:

... on the face of it yes, but I am sure they were interested and were interested ... still interested to get any ... which will enable us to establish the ... - p.29d.

... file ... away, but investigations ... of the file ... should any ... to light.

... with the initial report by the anonymous ... at this time, it is sufficient that the ... of the Special Branch received the report very soon after the ... of the subject from ... primary ... The 'intensive investigations' mounted by his ... Branch on the ... day ... to be nil, except ... to my ... going ... and ... there. The Director of the CID instructed the ... CID, Central Police Station, on 8th March, 1974, to ... on the disappearance of the subject. Here the ... of the ... out on his inquiries on a route which took him further and further away from the scene of the ... Although he continued with the 'normal investigations' for several days before he handed over the file to the Director of the CID, it is amusing to note that the ... of the investigations consists of only seven ... of which ... outwards. The ... that, ... during the ... investigations of any kind were ... carried out by the investigative ... In Your Excellency's ... in the 'Voice of Uganda' dated ... you directed the Minister of Internal

Affairs/...../317.

affairs and the Head of the State Research Centre 'to make full and thorough investigations' on this disappearance. We know what the police investigations amounted to but not what the report which was submitted to the Minister of Internal Affairs is nothing but a repetition of what Your Excellency had suggested as a basis for the investigations and we find that there is nothing new in that report. The Director of the CID was of the opinion that the main difficulty was lack of cooperation from the public. The in-charge case said that he found no open lines from the very beginning. With respect to the Director, we find no basis for his criticism of the public. We say this for the simple reason that, although it is claimed that some police officers visited the school and interviewed the teachers, there is no where any record kept of that interview or what the teachers might have said. We do not know who went to the school and when he went there. We do not know the names of the teachers who were said to have been interviewed in this manner. What we do know is that the in-charge case started his investigations miles from the school. What we do know is that, although the school is 2½ km from the Central Police Station, DSI Ekocu had no time to visit the school as he had other pressing engagements. We would say that Your Excellency's directive was absolutely clear and emphasised the importance of the matter, yet it was completely ignored and nothing whatever was done by the police to try to solve the kidnapping of Lt. Col. Ondoga.

We are satisfied that the body which was found in the Owen Falls Dam on 7th March, 1974, was that of the missing Lt. Col. The details of the injuries are set out in the post-mortem report and it is obvious that the subject died

of/...../318.

of massive injury to the right chest, as the doctor says.

In the absence of any other evidence, we can only say that the subject was kidnapped by some unknown people on 6th March, 1974 from Nakusere Primary School where he went to drop his children and it must follow that he was murdered in cold blood by those unknown kidnappers who threw the body in the dam.

164. Subject No. 143 - WAKUMA MALINA.

165. Subject No. 144 - OYAMO.

Mentioned in passing in the case of Daniel Ojamba W. Jora, Subject No. 28 - (p. 101).

166. Subject No. 145 - LATOLO MASABA.

Witnesses: 256 Misaki Kimuli - Part 3, p.2577 - 2583.
306 Rose Mutonyi - Part 3, p.2975 - 2996.
435 Captain Hussein Adda
- Part 5, p.4609 - 4612:
544 Omar Nasser - Part 7, p.6900 - 6906.

The subject was aged 42 years and was a transporter living in Mbale. He was married to two women, one of whom is Rose Mutonyi (W. 306), who is a primary school teacher. The subject has nine children, six being looked after by their grandfather, W. 256.

The subject had three vehicles: an Isuzu tipper No. HVE 431, a Isuzu pick-up No. HYZ 554 and a V.W. Car. The Volkswagen broke down in November, 1972, and was taken to a garage for repairs. According to W. 306, the subject left the tipper at the home of the former Minister of Finance, Mr. Bahwya, and the pick-up was being driven by a man who, according to W. 306, was the cause of all that happened.

She said that the man was Mawambe who had disappeared from the area for almost a year. On his reappearance he told her husband that he had been working at Kilembe and had arranged for a new job in Kampala from the end of the year, that is, 1973. He requested the subject to engage him as his driver for transporting teachers and books of the Busisu Education Office. She said that she later learnt from people that the pick-up was found abandoned about 15 miles from Mbale in North Bugisu and the Security Forces suspected her husband of helping the guerrillas.

His father said that he last saw the subject on 23rd January, 1973, when he went to his usual work in Mbale. He said that he knew that his son went to Kampala as the Security Forces were chasing him in Mbale.

Rose Mutonyi was then undergoing some training at the Shimoni Teachers' Training College, Kampala. She said that on 23rd January, 1973, her husband called at the T.T.C. at 4 p.m. and asked her to accompany him with her radio to the Tourist Hotel. After supper they went to their room and listened to the news at 8 p.m. We will let Rose Mutonyi talk about the news broadcast in her own words - (p.2977):

"We listened to the news and it was said that he had met the President at the Parliamentary Buildings and told him that he had been told in Mbale that army men were looking for him and they were going to kill him but he did not know the reason for their chasing him, but because there had been the night before on the 22nd, I think, some of us in Mbale and they discovered guerrillas who were being trained, and they suspected him, that is why they were looking for him. So when he explained this to the President, the President told him that since this was a very serious case, he would go to Makindye, make a statement, after which they would make investigations in Mbale, if he was innocent, he would be given a card and he would go back to Mbale to continue with his business.

But/...../320.

But if they would find that he was one of those who were training guerillas after the investigations in Mbale, he would be tried by the Military Tribunal."

This news broadcast was also heard by the subject's father on the 24th January, 1973, and was printed in the local press the following day. In the 'Voice of Uganda' of 25th January, 1973 (Ex.169) produced by W. 544, appears the following:

"SUBVERTERS TO BE DISMISSED FROM SERVICE.

"ANYBODY working against the interests of the Government - be he a minister or a high ranking officer - shall be kicked out of Government service.

"This was disclosed by President Amin yesterday when he met Mr. Natolo Masata a private transporter of Mbale, Bugisu, who called on the President at the Command Post complaining that he was being looked for in connection with guerillas.

"President Amin told Mr. Natolo that he had been advised by the Defence Council to kick out of Government service anybody who works against the interest of the Government. He further told Mr. Natolo that he had a very bad record in files, especially during the Obote regime when he was being looked for in connection with his political activities and getting arms and ammunition from China.

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"But the Military Government is not like political Governments and if anybody has done nothing wrong, soldiers cannot bother him. But if anybody involved himself in subversive activities, whether he is a Minister or not, he can be arrested and put before the Military Tribunal and can be executed.

"We are responsible for the lives and property of all people in Uganda. We cannot allow anybody to bring

confusion because that would bring suffering to innocent people.

by the Military Tribunal, but that if he had done nothing wrong, nobody will follow him.

"The President further disclosed that the Defence Council had brought it to his notice that the Lugri were making propaganda and confusing people in the country. Some people were being killed because of this confusion he added.

"That he said, was confirmed in the Lango Development Plan made by Obote where it was stated that scholists would be burnt like elephant-grass.

"The former regime, said the President, was promoting tribalism but in the Military Government, there is no place for tribalism or religionism.

"The General said, 'You look at the Government Ministers, there is none from my 'tribe' and there is no modicum.'

"General Amin told Ntolo 'since my Government took over power, nobody has followed you.'

"He warned him that if he tries to involve himself in any subversive activities it is him who will suffer with innocent people. The General gave the example of the incident in Mbale where guerillas terrorized the people and said it was the soldiers who were killed. He said that if anyone brings trouble in the country, it is the soldiers who suffer in the defence of the country.

"President Amin said that he will be meeting representatives of the people of Bunisu some time in future and explain to them certain important points.

"He criticized the address by the Acting Commander of the Army, Colonel [Name] and said the people should believe it. He said he blames the Bunisu elders for what happened in [Name].

"The President added that when he met Bagisu elders recently, one of them told him that the Bagisu were hiding guerillas, and now I have come to believe that what he told me was true."

"The General pointed out that out of the ten guerillas killed in Mbale most of them were Bagisu who have been in Tanzania."

"The General told Mr. Ntoto that he will be taken to the Military Police to explain his points and if nothing wrong is found within him he will be given a letter with which to go back to Mbale without anybody disturbing him."

"Earlier, Mr. Ntoto told the President that he had walked all the way from Mbale to Kampala on foot to know why he was being looked for in connection with guerillas."

"He said he was transporting things in Mbale and he was employed as a driver. The incident which happened at Mbale when 10 guerillas were killed in a Volkswagen happened near the home of his father."

"Mr. Ntoto said that during his days during the colonial regime and said he was not killed by Obote and suffered only under Obote's regime. After the Second Republic was created, he has been progressing well in his business. He said it was Obote's agents who did not like him to come up."

"The meeting was also attended by the Minister of Finance, Mr. E. W. Kibuka, who took Ntoto to the Commission of Enquiry."

Ms. Mutonyi was crying and weeping. Her husband told her very calmly and said to her that everything would be alright. He said that all of them would go to E. Kinoy and he would explain to her that he had done nothing wrong, he would be cleared of all charges. Instead of running out of the country, he would go to report.

They//523.

They went to Makindu the following day at about 10 a.m. She went in the and some 15 minutes later she also followed and said that he was waiting for someone else who would interrogate her husband. About an hour later three Intelligence men in khaki clothes came and, after confirming that he was indeed "Muganyizi", told her, "this is the man who has been trouble-making in our country all this confusion in the country." They told him that they would "teach him a lesson." According to her, Muganyizi and other soldiers in uniform also came and were saying, "We have got food for the day" - (p. 295-296). Many soldiers gathered around the office and some asked to see whether he was carrying bullets in his pockets and they searched him. They picked his pockets and found 12 bullets. He admitted it amongst themselves. Her husband takes up the story in her own words - (p. 297-298).

"When they had finished searching him they told him to put off his shoes that he was too bold he could not even respect a man or like that to come with shoes when he was a criminal.

"He was ordered to put off his shoes and he did so. They asked me what I had in my handbag. They asked me whether I had a pistol or bullets in my handbag. I told them that I did not have those things which they were asking for and one of them checked my handbag."

During the interview they called in a boy who was then a young boy, involved in the training of guerrillas. They asked him if he had seen the subject before and he told them that he had never seen him before but he told them that it was a British Jerry which was transporting the guerrillas. The boy insisted that the man had been seen at the camp and had such a killer.

It was then getting on to 12.45 p.m. and they started closing up for lunch. Those in plain clothes declared that she was innocent and did not see why they should 'punish' her and offered to take her wherever she wanted to go.

She was then dropped at Kitante round about by those soldiers, who were driving a white Peugeot 504.

Three weeks later, after her daily visits to Makindye to see the subject had proved useless, she found a note from him on her bed in the dormitory, advising her to go to Mengo where he was going to collect beer. Staff Sgt. Ojale (W.439) corroborated this when he said that Makindye was getting its beer supply from the unit shop in Mengo. She saw Masaba from a distance. He asked her if she had been home to tell their people about his detention at Makindye. She nodded that she had. She returned to the same place the next day but did not see him. A week later she went to Makindye. While waiting at the gate, she saw a truck coming from inside and on the cases of beer she saw her husband with other prisoners. They waved to each other. A few days later she received another note from her husband. She did not know who brought these notes or how they found their way to her bed. She went to Mengo again where she saw him loading beer on the truck. She saw some scars on his head and he told her that "he had been knocked with a hammer by a military man." He told her to collect some of his outstanding from certain Departments in Mbale, which she did. She returned from Mbale after three weeks and other staff told her that some army men, who had been looking for her, had left a

letter/.....325.



... photograph in it which was ... accompanying the photo-
... The photograph was ... contents of the

... to cure for ... any other person who ... married ...

... Makindye at the ... fence almost ... very successful ... see Col. ... chased away

... saw the pick- ... at Makindye ... tipper parked inside ... later on whenever ... the tipper on ... She did ... Wakhroya's ... testified that he ... public auction ... auctioned. ... for Shs. ... transferred into

... the subject ... 1974, and explained his

... /226



difficulties to Your Excellency as is preserved for posterity in the form of the report of the interview which was published in the 'Voice of Uganda' of 25th January, 1973 after broadcast of the same on the radio the previous evening. We find that the subject followed Your Excellency's directions and went to Makindye on 24th January, 1973, to make his statement. Although we have not been able to see the D.C.Bs of Makindye and the Adjutant of the Military Police, Captain Bogere (#.169) denied keeping him, and so did Lt. Col. Albert Drajun (#.528) who went on to say that he could not explain about things which occurred during the time of Marella who used to do things himself, we are satisfied that Natolo Mumba did in fact go to Makindye, and his wife left him in custody there on 24th January, 1973. Captain Bogere said that during those days some people were going to Makindye on their own accord for their own personal safety and were allowed to go home later. But he did say that such people, who came for personal safety, were not sent out on duty or fatigue. According to the evidence of Rose Mutonyi, her husband was in fact being sent out, at least to Mengo to collect beer. When the evidence about the notes, which Rose Mutonyi was receiving from her husband, was put to Captain Bogere, he appeared to be fearful at first saying that those letters could have come from God or from Heaven! In the next breath, however, he agreed that it was possible for a friend to deliver such letters. We have no reason whatever to doubt the evidence of Rose Mutonyi. We accept every word of her evidence. Her evidence makes it clear that the Intelligence Officers, who inter-

viewed/...../327.

viewed the subject at Makindye in the presence of his wife, started from the proposition that he was guilty of training and helping guerillas and of creating confusion. What Your statement which would then be investigated. It is manifest that those investigators were totally prejudiced against him and even after the identifying witness had denied knowing the subject, those officers were not satisfied and detained him. The prejudice of the soldiers was high-lighted by their remark, "We have got food for the day." We do not know what they actually meant by this but the meaning can quite easily be read in the words. We are satisfied that during his period of detention the subject was assaulted and we accept his wife's testimony that he attributed the scars on his head to an assault with a hammer.

The subject's father said - (r.2581):

"I am sure he is there because it is the President himself who said, he should be taken to Makindye, so it will be for this Commission of Inquiry to find out whether he is there or not --- I did not try to find out since the President himself had assured him that he would be safe at Makindye, so I thought that he is in safe hands."

As we have already stated we have no doubt that the subject was detained at Makindye; likewise we have no doubt that he never returned home and has been missing from Makindye since his wife last saw him or heard from him. The Military Police authorities, in whose custody he was, ought to know how he was dealt with. The obvious probability is that he was unlawfully disposed of while in detention at Makindye Military Police Headquarters for which this institution must take full blame and responsibility.

167. Subject No. 146 - GEORGE WILLIAM WAISI.

Witness: 257 Eriya Waisi - Part 3, p. 2584 - 2593.

The subject was aged about 47. He was a businessman keeping a shop and a bar. He also had a farm. He was married to two wives, the first having seven children and the second five. The subject's father (W. 257) looks after the children, all of whom are at school. He has obtained authority to manage his estate from the Administrator General.

On 24th January, 1973, the subject went to his shop in Mbale in a friend's car. His Volkswagen was in the garage and the other red car was at home. We were not told why he took a lift from a friend to go to his shop. His father later went to town and saw him in the shop, but he never returned home that evening. His father went to his shop the following day and found it locked. He started looking for his son in all the possible places where he could have been but without success. On 25th January, 1973 he received information that there were some bodies lying in a forest. He contacted the police and went to the forest where they found the body of his son near a foot-path. It was removed to the mortuary; and the postmortem examination was done on 27th January, 1973. The doctor's report is Ex.56, according to which the deceased died of haemorrhage due to a stab wound in the chest.

The witness denied knowing one called John Wemumbo who had written to this Commission saying that the deceased was a 'mafuta mingi'. The witness denied this allegation and said that his son had got those two businesses before the Asians left.

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The witness also said that it could not have been possible for his son to be seen driving a Volkswagen in town on 26th January, 1973, as stated by Womumbo in his memorandum, dated 19th March, 1973, as the forest.

Later, on 19th March, 1973, the District Police Commissioner, Nbalu, gave a letter to W. 257, certifying that the subject 'was killed by unknown persons on 26th January, 1973,' - Ex. 57.

It is obvious that the subject was stabbed to death on or about 26th January, 1973, and the body dumped in the forest. The evidence is extremely scanty, and there is none at all about the movements of the deceased, or the persons in whose company he might have been seen before his death. Womumbo's memorandum, which was put to the subject's father, is clearly in an attempt to link the army with the death of the subject, which cannot possibly be true for the simple reason that the date mentioned in the memorandum when the subject was allegedly seen driving a Volkswagen was about a month after the deceased's body had been discovered in the forest. In the circumstances, we are bound to agree with the District Police Commissioner's conclusion, as stated in Ex. 57, that the deceased was killed by unknown persons.

RE. Subject No. 147 - DAVIES RAJIB W.M. NDU.

Reference to the Bureau of Intelligence - Part 3, p. 2593 - 2597.

The subject was about 21 and was a Cooperative Assistant

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in the Cooperative Department, Mbale. He was a bachelor but had one illegitimate child.

His brother Kuloba (W. 258) last saw the subject on the morning of 26th April, 1971 when he left home for Mbale to attend a staff meeting. He did not return home and on 28th April, 1971, the witness went to the Cooperative Office where he was told that the subject had left the offices after attending the meeting. He reported the disappearance to his cousin and they looked around for him. Subsequently, he received information that some bodies were lying about five miles from the town and, together with the Police, his brother Matela went to the scene where two bodies were found - that of an unknown person and of his brother. The witness saw the body of his brother on 29th April, 1971 when it was taken home for burial after the postmortem. He saw 3-4 gun shot wounds on the temple and in the chest.

This is another case where the evidence is totally lacking about how the deceased met his death. There is no evidence of what happened to him after he left the cooperative offices on 26th April, 1971. It is impossible for us to make any finding except to say that he was killed by unknown persons.

169. Subject No. 148 - AKISOFERI MUKAMA.

170. Subject No. 149 - DHAMUZUNGU MUEANIKWA.

171. Subject No. 150 - NTALO NAMUDIA.

172. Subject No. 294 - ISABIRIYE NTALO.

Witnesses: 262 Wakabi Sala - Part 3, p.2632 - 2637.

304 Maciro Kibombozi
- Part 3, p.2953 - 2961.

305 Bonifacio Isiko/..... /331.

- 305 Bonofansio Isiko - Part 3, p. 2962 - 2975.
441 V.O. Othieno - Part 5, p. 4700 - 4704.
442 James Mainsi Kibwika
- Part 5, p. 4705 - 4707.
474 Sgt. Insp. J. Ayumu
- Part 6, p. 5274 - 5286.
475 Benjamin Obbo - Part 6, p. 5286 - 5296.
510 Lt. James Kiansi Obbo
- Part 6, p. 6130 - 6164.

Benjamin Obbo (W. 475) was the Kisoko Chief of Nakalama. At the time of this incident, his son, Lt. James Obbo (W.510), was stationed at Isabek on the Sudan Border,

Benjamin Obbo was attacked by 'kondos' during the night of 28th and 29th December, 1971. He was assaulted and slashed on his face. He claimed to have recognised five 'kondos', three being the present subjects and the other two being Bonofansio Isiko (W. 305) and Kafuko. Subjects No. 148, 149, 150 and Kafuko are the sons of the old man Wakali Sali, W. 262.

The village chief of the time was Mugino Kibombozi (W. 374). He said that he had heard an alarm from Obbo's home at Isabek and met him also when he was going to the Mukuru chief. He noticed a cut on Obbo's forehead and his face was covered with blood. To him, Obbo said that he had met four of the robbers as they had covered him with blankets. W. 475 denied meeting the village chief but the police also denied telling him, as alleged, about his inability to recognise any of the robbers. But upon further examination he admitted that during the

robbery/...../331.

robbery he was covered by a torn bedsheet and, as it only partially covered his face and one eye was not covered, he saw the robbers and also heard their voices. In his statement to the Police, which seems to have been recorded by Det. Insp. Nyema (W. 474), to whom the complainant reported the same morning, he is recorded as having said:

"I could not see them all that time they were in my house until they left but during that time they were talking I managed to hear their voices of Ntalo, Bonfansio and others."

He retracted this statement and alleged that, as the recording officer did not know Lusoga, he had left out certain words.

However, on the same morning the Gombolola Chief of Nakalima and the Muluka Chief saw the village chief (W.304) and together five people were arrested in connection with this alleged robbery, that is, the first three subjects, W. 305 and Kafuko. According to the Ar. County Chief (W. 442) his clerk forwarded the five prisoners to Iganga Police Station with a letter - Ex. 108 - which reads:

"Regarding attempted robbery: Hereby sending to you the undermentioned person who are charged to went to Mr. Obbo Benyamanyi's home idle and disorderly robbery, house brake and cutting Obbo Benyamanyi's head. This was happened last night at Busenyi village.

Robbery No.1. Ntalo Ngulya Coloneri
of Busenyi village

Robbery No.2. Bonfansio Isiko
of Busenyi village

Robbery No.3. akisoferi Mukama
of Busenyi village

Robbery No.4. Dhamusungu Mwanika
of Busenyi village

Robbery No.5. Kafuko Wakabi
of Busenyi village.

The accuse person are sent to you escorted by ASKR. No. 1800 Cpl. S. Katwala, with exhibit stone."

/s/

Those five suspects were duly handed in at Iganga Police Station, S.D. No. 45/29/12/71 and Lock-Up Entry No. 2500/71 (Ntalo), 2502/71 (E. Gyagenda alias Akisoferi), 2503/71 (E. Gyagenda alias Akisoferi) - Ex. 105. Later, on 4th January, 1972 after W. 482 had reverted to his substantive post as Gombolola Chief, he forwarded three more suspects in connection with the same alleged robbery to Iganga Police Station under the escort of No. 2280 Askari Mutyaba with his letter, Ex.109. Those three were Siriver Teco, Isibirye Ntalo (Subject No. 254) and Edward Mukama. According to the Station Diary entry 6d of 4th January, 1972, Ex.110) Mutyaba handed in only one person, Isibirye Ntalo, at the Police Station. Isiko stated that they were told at the Gombolola Headquarters that they had been arrested for robbing Obbo. All five of them were kept in one cell at the Police Station and he complained that the Policemen beat them up. According to him, Lt. James Obbo (W.510) came to the Police Station on the 3rd day with eight others, W. 305 and the other prisoners involved in this alleged robbery were taken outside where the Lt. and his companions are alleged to have whipped all five of them. Isiko said that the Lt. was in white clothes and his friends were in Army uniform.

Ex.111 is in respect of three prisoners, including Ntalo, (the other two do not seem to have any connection with this incident) who were returned to the Police from the hospital at 10 a.m.

According to Inspector Ayema, the first visit of Lt. Obbo took place on 7th January, 1972, in the evening when he came in a white Land-Rover 504. He was with another man and both were in civilian clothes.

Th/.../334.

The Lt. asked the Inspector what he intended to do with the five suspects and the Inspector told him that he intended to take them to Court. The Lt., who had properly identified himself by producing his identity card, alleged that the Police were not torturing the prisoners. He asked the five suspects to be brought out and then the Lt. who had a pistol and his companion a swagger stick, assaulted the five prisoners. The Inspector watched the incident helplessly; he was even afraid to protest as the Lt. was armed. During the assault one of the accused is alleged to have confessed to the robbery. They were then returned to the cells and the Lt. went away saying that he will 'see' them later.

The Inspector went to Jinja the following day and on his return was told that the five suspects had been taken away by Army personnel. The Lock-Up Register entry for the 8th January, 1972, in respect of No. 2500/71 (Ntalo), 2502/71 (A. Mukama Gyagenda) and 2504/71 (D. Muwanika) - Ex.106. - indicates that they were 'taken to Makindye by Army Intelligence.'

The account of this incident is also given by Isiko who said that on his second visit, the Lt. read out their names from a letter and they were again taken outside. His companion, also a soldier, said that he wanted the stronger ones and selected the three subjects, Mukama, Dhamuzungu and Ntalo Namudia, with whom they drove away.

According to Ex.112, where these three subjects are indicated as having been taken to Makindye by Army Intelligence, there appears also the name of Ntalo Isabirye (Subject No. 204) with a similar comment.

Det/...../335.

He walked and marched out of his office, leaving those four men with him. He did not see any record of those four men

Under further examination the Lt. admitted not only that his companions had whips but that they had lashed the prisoners. He also admitted that when they reached Makindye the names of the prisoners were entered in a register. But he denied, as was maintained by Isiko and the Inspector, that he himself joined in the beating or ordered them to suck blood from each other.

There is ample evidence to indicate that these four subjects were arrested by the Chiefs and forwarded to Iganga Police Station as suspects in the alleged robbery at the home of E. 425. This old man was certainly very inconsistent, and from the evidence of the first report made by him we are satisfied that during the robbery his face had been covered and he had not been able to see any of the kundos at all. He may have heard their voices but we would not be too sure of a positive identification, particularly when the victim had been out on the forehead and must have been in pain. The fact, however, remains that these people were arrested and detained at Iganga Police Station. There is some confusion about the second lot of suspects who were forwarded by E. 442 under cover of his letter, Ex.109. It will be recalled that the latter sets out three names, of whom only one, that is, Isi Kirya Mbatia, was received at the Police Station according to Ex.110. We do not know what happened to the other two suspects; no complaint was made before us about them.

The first part only of Lt. Odo is not denied by him.

It/...../338.

It is not denied also that he stopped at Iganga Police Station on 7th January, 1972, but he denied that the prisoners were assaulted that day. We have the evidence of Isiko and also the Det. Inspector that the prisoners were whipped by his companions and he also assaulted them with his pistol. On the following day these three subjects and Isabirye Ntalo were collected by the Lt. and taken away. This is admitted by him and he maintains that he took them straight to Marella. It is here that his evidence became suspicious. At first, he denied that any records were kept of those prisoners at Makindye, but later he admitted that their names were in fact entered in a register. Another unsatisfactory feature of his evidence was that he had denied the assault of the prisoners in the first place. Again he did not seem to have any convincing reason or argument for intervening in this matter after knowing that the suspects had been arrested and were in police custody. There could have been no threat to the public so long as they remained in police custody. His argument that he thought that they were not in good hands, besides sounding very hollow, indicated, to our minds, the utter contempt in which the Police was held by the soldiers, more so where their own relatives were involved. Unfortunately, Marella was not available to give evidence, and as we have said many times before, the records of Makindye were not also available to check and see how far they would have supported the Lt. We offered the Lt. time to go to Makindye under escort and see if any of the Intelligence Officers he went with to Iganga Police Station was at Makindye. It was at this juncture that he changed his evidence and said that the names of the prisoners were recorded in the register.

Wc./...../370.

He was not impressed by the veracity of the Lt. We were of the opinion that he was the kind of person who has no qualms in telling only so much of the truth as suited his convenience
suits him also. Such a witness cannot be relied upon.
Accordingly, we find that there is no evidence to prove that the four prisoners, who were admittedly collected by the Lt. from Kasesa Police Station, ever reached Makindye. On the other hand if what the Lt. said is true, which we very much doubt, then there is only one possibility, that is, that the prisoners were unlawfully disposed of while in custody at Makindye. In view of our comments on the evidence of the Lt. we are of the opinion that the prisoners never reached Makindye, otherwise the Lt. would have accepted our offer to go there with an escort and fetch any of the Intelligence Officers he could find there. We find that the probability clearly is that those four prisoners were unlawfully disposed of by their escort, who included the Lt., on the way to Kampala.

173. Subject No. 151 - DAVID MAISE.

Witnesses: 263 Akosemuri Kuluma - Part 3, p.2638 - 2646.
307 Superintendent C. Cjulong
- Part 3, p.2996 - 3010.
447 Lt. Col. Elly Lassen
- Part 5, p.4796 - 4817.

The subject was a young man aged twenty. He was a teacher in school, and used to live with a woman from whom he has had a child who is now being looked after by the woman's father.

Th/..... /340.

The subject's father, W. 263, last saw his son going to his work on 19th October, 1970.

On the same day, the subject was taken into Lugazi Police Station on a charge of adultery. According to Entry No.79 of the same date in the station diary, (Ex.65), produced by Superintendent Ojulona (W.967), it is obvious that a man called Kialia Omoro of Uganda Sugar Factory, Lugazi, handed the subject in at 1.30 hours on a charge of elopement. The husband of the woman was private Kusiano, who was then attached to the 1st Battalion King's, whose Commanding Officer was Major (now Lt. Col.) Billy Mwanza (W.487). According to his evidence, the Intelligence Officer of the unit, Lt. Isen, told him about Kusiano's report that a man of Lugazi had committed adultery with Mrs. Kusiano. The Intelligence Officer said that Kusiano was very annoyed and he could go to the village with a gun to kill him. The Commanding Officer told him that, as an Intelligence Officer, it was his duty to take action and find out exactly what was happening. The Lt. Col. said that he instructed the Lt. to contact the Police, repeating that he had instructed Lt. Isen himself to go to Lugazi Police Station to find out the truth. From the evidence of Superintendent Ojulona, it seems that a party of soldiers under one Corporal Mwanza saw him and told him that they had been sent by the Commanding Officer to collect the subject for interrogation. The Superintendent said that he thought this was dangerous but the Cpl. assured him that he would bring the subject back after finishing with his interrogation. Furthermore, he mentioned some verbal instructions from his Regional Police Commander, who then was Assistant Commissioner of Police, Mr. John Johnson, which were, "Whenever you are approached by

341

the Army personnel for any assistance, prisoners or administrators, etc. you will have to give them assistance.' -
1970. The Superintendent was of the view that such co-
of prisoners in Police custody for the purposes of inter-
rogation by the Security Forces. He handed over the
subject to the Corporal and made him sign the entry in his
Station Diary. This entry 122 - Ex. 66 - reads:

"S.D. 122/19/10/72, time 1845 hours.
One accused David Waize taken by Army
personnel up to Borbo. In charge of
the party Lt. 7670, Cpl. Otuko, wit-
nessed by Mr. Ojulona Superintendent
of Police and Mr. Okolon, Det. SP.
The present was the husband of the
wife Pt. 17165 Kasiano and two other
officers of the Army Unit Bombo. On
arrival the accused will be taken
before the Commandant, Borbo, Train-
ing Wing for interrogation."

The Lt. Col. said that he felt that it was wrong for
the complainant, Private Kasiano, to have been sent with
the party. After giving these instructions to Lt. Isen, the
Commanding Officer went away to Kampala and on his return
after three days, the Intelligence Officer told him that
the subject, who had been brought from Lucazi, had escaped
from the barracks. He said that there were no cells in
the barracks, nor was there a fence around the barracks.
The Lt. Col. said that civilians could be detained in the
barracks for up to two days and, after their statement was
recorded, they had to be handed over to the Military police.
He said that he did not know why the subject was kept in the
barracks for three days. He believed this report of the
subject's escape and on 20th October, 1972, wrote to Lucazi
regarding this matter. Ex. 87 reads:

" Mr. David Waize

/342.

"Reference our yesterday's telephone conversation about the above mentioned man, who stayed in camp with the wife of Kaduna our soldiers. This man was brought here and by that time I had heard from Kaduna very busy as you are aware that we are on strike by. He was detained in our custody, unfortunately before I have interviewed him, I found he had already escaped and when seen please arrest him then, inform me immediately, so much that I can interview him and find out if this illegation is true. Please ACK. the receipt."
Police

The letter, which is dated 19th October, 1972, bears the reference of Lugazi Police Station of 13th November, 1972.

Meanwhile on 20th October, 1972, the father of the subject, S. 165, called at Lugazi Police Station upon learning of the arrest of his son. He was told by a Policeman about his son having been taken to Bombo and the Police officer obviously read the details of S.D.122, which were taken down by a child who was with them - Ex. 58. He went to Bombo Police and was told that his son was not there. This, again, surprised him and he returned to Lugazi Police Station and told the Constable about this. He said that he went to Lugazi Police Station thrice but received no further assistance.

There is clear evidence that the subject, who had allegedly been booked in at Lugazi Police Station on a charge of elopement, was on 19th October, 1972, collected by a party of three soldiers from Bombo Training Camp. The members of that party were H.A. 2470, Cpl. Otuko and the husband of the woman involved, that is, H.A. 17165, Kasiano, was also present. The subject was allegedly taken for interrogation by the Commanding Officer and, although Superintendent Officer of the station, agreed to hand his prisoner over and allow the latter to be taken to take the prisoner before

Court/..../342.

... within 24 hours, he felt that he had no alternative but to hand him over in order not to spoil the co-operation ...

... of securing on his mind was the assurance given to him by Lt. Otake that he would deliver the prisoner back to him the following day. The next development was that the subject ... to have escaped from Army Barracks, Bombo. We do not know whether any record was kept in the barracks of his arrival there. What the Lt. Col. said was that he believed his Intelligence Officer when he told him that the subject ... We find this hard to believe. We think that a prisoner is well guarded in Army Barracks and we find it incredible that he would have been kept in the open when ... we know that the barracks were not properly fenced. We find that he would have been kept in custody in some part of a room being used as a cell in the absence of a proper cell. In other words, it is manifest that an escape would have been extremely difficult. We are not ... by the naked comment that the subject escaped, without any escort supporting evidence. There are, therefore, but two possibilities. First, that the subject never reached the barracks in Bombo and was unlawfully disposed of on the way by his escort. Secondly, he did reach the barracks where he was unlawfully disposed of by ... the Intelligence Officer told that he had ... to cover up. Either way, we are of the opinion that, as he has been missing since 10th October, 1971, without any trace, he must have been unlawfully ... by those soldiers who collected him from ... The story of his escape is a ... the truth.

174/...../344.

179. Subject No. 152 - SEVERINO OBONG.

Witnesses: 264 Brian Okok - Part 3, p.2647 - 2660.

265 Dayen Ejang
- Part 3, p.2660 - 2666.

The subject was a young lad used to and studying in IV. He has an elder brother called Atiya, who did not come forward to give evidence, and we assumed that our counsel was unable to trace him. From the evidence of the subject's mother (S. 264) and sister-in-law (S. 265), it seems that Atiya was in love with the wife of a soldier, a sergeant in Malina, called Ocola, who lived about a mile from them. Ocola had his brother, Martin Okolo, also in the army. Sometime before this incident when Ocola was at home on leave, he is alleged to have said at a meeting, attended also by a village chief, Lucepo Ocio, that as Atiya was committing adultery with his wife, he would kill him.

On 2nd July, 1961 at about 10 a.m. three army officers went to the subject's house in an army landrover. According to S. 264, she had seen Okolo riding his bicycle in front and was followed by the army vehicle. One of the soldiers asked S. 265 if Atiya was in. She said that both brothers, Atiya and Obong, were inside the house but on 1st night when Atiya ran away into the garden and Obong came out. The soldiers searched him by the arms and asked him to get into the vehicle. S. 264, who was also present, started to weep and, when the ladies appeared on the scene and asked the lady, they said that they had come out to fetch Atiya, and forcing him, to come along. S. 265 said that they did not say who sent them or where they were taking him.

... not been seen again and eventually on ... Station

... the witness of these two women, it seems clear ... Malire ... three soldiers ... 264 on 2nd July, 1971 were real- ... brother Martin ... three soldiers to the house of the ... where they came ... perhaps they came from Orola's ... is not the only case where a soldier has ... settle personal matters. ... case of David ... subject ... looks reasonably possible ... assistance of his soldier ... arrest Atiya whom he had vowed to ... the three soldiers told them ... instead of Atiya ... this also ... previous threat. We are ... manifest ... family for his affairs with ... which though abhorrent looks quite ... the young lad was arrested by the ... of the Uganda army ... Malire, ... missing since July, 1971, ... he was unlawfully ... three soldiers.

175/.....346

Subject No. 153 - FEKONI. OKOL.

Witness: 266 Joyce Alum - Part 3, p. 2666 - 2673.

The subject was in the Prison Service of Uganda and was stationed at Lira Prison as Principal Officer. He was married to W. 266 who used to stay in the village in Boroboro, and living with the subject at the Prison Barracks was his wife, Sophia, whose whereabouts were unknown to Joyce. Joyce had seven children, of whom five are living, between the ages of 12 and 30.

W. 266 said that she last saw her husband at Lira Prison on 27th September, 1972, at about 6.30 p.m.

On the following day, as a result of what her daughter Helen Akol who was living with the subject told her about her husband, she went to the Prison Barracks and saw Sophia. She was told that her husband had attended a parade after which, at about 10 a.m., he took her a chicken for cooking. He returned to the field and never came back. She saw the O.C. Prison in the afternoon. He is alleged to have told her of learning from another prison officer of her husband's arrest by the Military Police. He also told her that he had learnt from the Military Police that he was 'being kept on remand'. She said that she found a prison officer who witnessed her husband being arrested. She did not know his name, nor where he is now stationed. He told her that one of the people who arrested her husband was W. 266 and advised her to wait at home and believing that he was in custody of the Military Police, on 29th September, 1972, she went to Military Police, Lira. She was told that her husband was not there and she did not try to see the O.C. She has since been looking for her husband in Gulu and

Kampala/...../347.

who arrested him. The evidence suggests that he was taken to the Military Police Lira and he has thereafter been missing since 25th September, 1972. The probability clearly is that he must have been unlawfully disposed of during custody by the officer responsible for his arrest.

176. Subject No. 154 - WA 1861 PRIVATE LEVI OBONG.

See Moroto Soldiers, p. 664.

177. Subject No. 155 - WA 6085 TOM OKELLO.

See Malire Soldiers, p. 598.

178. Subject No. 156 - WA 5868 PRIVATE YOVASI OKULLI.

See Border Guard Unit, Bibiya, p. 575.

179. Subject No. 157 - JOHN CRETTO.

Witness: 270 Alice Njuni - Part 3, p. 2689 - 2695.

The subject was a Magistrate Grade III stationed at Lira. He had been a magistrate for five years. He was married to W. 270 and they have seven children between the ages of 13 and 3½. The children go to school.

On 10th February, 1973, the subject and his wife went to Lira town for shopping on a bicycle. W. 270 went to the market and the subject went to the shops nearby. While still in the market, she learnt that her husband had been arrested by some army officers. As she dashed out of the market, she saw her husband being driven away in a green bus with three men in green uniform, whose caps were partly red. The car was being driven towards the D.C.

Basing ourselves on the evidence of Alice, we can only say that her husband was arrested by people wearing Army uniform and whose identity and destination remain unknown. It is however, clear that he has been missing since February, 1973 and the probability certainly is that he was unlawfully disposed of by his unknown captors.

180. Subject No. 158 - UA 4086 L/Cpl. YUVENTINO OKULO.

See Mbarara Soldiers, p. 618.

181. Subject No. 159 - U.A. 5492 PRIVATE MUDESTO AGWA.

See Oraba Soldiers, p.687.

182. Subject No. 160 - UO 45 CAPT. FREDRICK HENRY OGWA.

See Malire Soldiers, p.598.

183. Subject No. 161 - SUPERINTENDENT SAMSON AKOKO.

Witnesses: 276 Alex Okello - Part 3, p.2747 - 2768.

386 Catherine Akoko
- Part 4, p.3948 - 3957.

508 Ali Toweli - Part 6, p.6068 - 6122.
7, p.6499 - 6515.

The subject was a Superintendent of Police and was stationed at the Police Headquarters. He used to live at the barracks at Masuru with one of his three wives, Catherine Akoko (W. 386). His other two wives were Mary Omolo and Gertu Atim. He has seventeen children the eldest, Wilson Okello, is a Corporal in the Uganda Army and the youngest is aged five. Nine of the children are at school.

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On 19th September, 1972, the subject and his family were having supper at about 9.20 p.m. when there was a knock at the door. W. 276 opened the door and saw about eight policemen standing in front of the door in the barracks and some were of the PUBLIC SAFETY UNIT. One of the policemen told him that they wanted to see his father. He passed on the message to the subject who spoke to those outside through a window. The conversation was in Kiswahili which his wife does not understand clearly but, according to W. 276, the policemen told the subject that he was wanted at a meeting as the then Minister of Internal Affairs, Mr. Obeth Ofumbi, had complained that a guard had not been posted at his home. The subject is alleged to have told them that he had in fact posted a guard and the reference to the incident of the non-posting of a guard at the Minister's home occurred about a week before this incident. She said that during the conversation, she heard the name of Ali Toweli being mentioned, and later her husband told her what was being said, (p.3949):

"He then told me he wanted to go and ring Mr. Ali Toweli to ask him if he really wanted him on duty because the other policeman had told him that he wanted him on duty and they were sent by Mr. Ali Toweli to call him on duty".

Her husband also told her that those policemen were from the ISU and had worked with them in the Special Force.

The subject put on his uniform and, together with his wife and three sons, including witness 276, accompanied the other policemen to Nguru Police Station. Mrs. Akoko described what happened there as follows. (p.3950):

"He picked the receiver to ring Mr. Toweli but then one of the policemen told him that we just wanted you to come out of the house, we have been told to come and arrest you.

... they/...../557,

They started removing the belt, the hat (the police cap) and they started pushing him towards the car while others were trying to push us to go back to the house. But I did not want to go, they dragged me back to the house. I told them I would rather go with my husband where they were taking him on seeing how they were handling him. Then one of them threatened to shoot me if I did not go back to the house. Of course, we were dragged back to the house by force while they took my husband. But on the way while they were dragging me I could see them opening the boot of a car and put my husband in. Then they went away. I went back to my house."

The following day she saw her husband's friend ASP Okabo (he also disappeared) of the Training School so that he could inform people at home about her husband's arrest. Okabo also appears on the list of policemen who are missing - Ex.139. On his advice, she saw Mr. Barlow, the Assistant Commissioner of Police at the Police Headquarters. He called in Ali Toweli and later told her that they were not aware of her husband's arrest. Ali Toweli, in his evidence, said that he had not been aware of the subject's disappearance before and maintained that he heard it for the first time when he gave evidence, that is, on 5th December, 1974. He said that he had not seen him since the Military Takeover and on 19th September, 1972 he did not hear of any arrests by his men.

The same evening the driver of the vehicle which took the subject away from Nacuru brought Mrs. Akoko a note from her husband. The driver also told her that her husband wanted her to take him the cheque book so that he could sign a cheque to enable her to draw money for the children's school fees. On 21st September, she went to Makinye with her son called James. She went to an office and was told that visitors could not see prisoners during week days, but the officer, on being told about the nature of her mission to have a cheque signed, had

on /...../553.

one signed by her husband. He also told her that her husband wanted a bank form for withdrawing his savings. She returned the following Sunday at 7 a.m. and found many women there. All of them were told that their husbands had been transferred to Luzira. Before she could go to Luzira, she was asked to quit the barracks and was provided with official transport to take things to their home. On her return to Kampala, she heard an announcement on the radio that her husband was one of the many people who had run away to Tanzania. This announcement was possibly based on the Government Statement dated 9th January, 1973, (appendix 5) which listed 85 persons by name alleged to have disappeared, in which the subject appears as No. 46 with the following comment:

"(46) S. Akoko, formerly Superintendent of Police, reported missing soon after recent Invasion of September, 1972 but is believed to be in Tanzania."

On hearing this announcement, she destroyed the note which she had received from her husband from Makindye. On being asked if she still believed that her husband was in Tanzania, she said at p. 3956:

"It is very difficult to tell. First of all I cannot believe that he escaped from Makindye or managed to get away from Makindye."

According to Ex. 139 which is a list of officers and men of the Police Force who have disappeared since the birth of the independent Republic and was produced by the present Commissioner of Police (W. 520), the fourth person listed there is the subject and in the column headed 'circumstances' appears the word 'arrested.' This would seem to be in line with the evidence of his arrest as narrated by his wife.

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The subject's car was also confiscated but later released. It appears that none of his family has applied for a court order to manage his estate.

There is credible evidence that the subject was arrested on 19th September, 1972 from his home in Naguru barracks at about 9.20 p.m. With regard to the reason of his arrest, we are inclined to rely on the evidence of Mrs. Akoko rather than the young lad, Alex Okello. She was certain that he had been called on duty by the Head of the ISB, Mr. Ali Toweli as she had heard this name being mentioned during the conversation. Also her husband told her about this and she accompanied him to Mbaruru Police Station from where he tried to bribe Ali Toweli. That he was arrested seems to be borne out also by Ex.139. We accept the evidence of Mrs. Akoko about her visit to Makiindye on 25th September, 1972 when one of the officers got her a cheque signed by her husband. This is nothing new because we have heard similar evidence in other cases. Although she stated that, on a subsequent visit, she and other women were told that their husbands had been transferred to Luzira, we have no evidence that amongst those so transferred was the subject. He does not appear in the list which the prison authorities prepared of people who had been sent to Luzira for detention - Ex.124. We think that the probability is that he never went to Luzira.

Having accepted Mrs. Akoko's evidence and there being no evidence of the subject's transfer to Luzira, it would follow that he must have been kept at Makiindye. The concept that he should have escaped and managed to find his way into Tanzania looks most

married to two wives and has seventeen children, between the ages of eighteen and four; three of whom are now at school.

On 23rd September, 1972, at about 6 p.m., the subject was driving a Union lorry and was going to the pinnery. He had his young brother David Anyona (W. 281) with him. A BMW car, brownish in colour, overtook them and stopped in front. The driver of the BMW, who was identified by W. 281 as a soldier called Mustafa s/o Hassan, asked his brother to come out of the lorry and sit in their car. The subject obeyed and he was made to sit between two people on the rear seat. One of the four in the BMW then started driving the lorry and they went to the pinnery. The lorry was left at the pinnery and his brother handed him the keys of the house, and was taken away in the BMW.

W. 281 reported the incident to the cashier and, the following day went with a man called Ejura, to the District Commissioner, Lunzo. He was told by the D.C. that 'these people were being collected for a meeting, you do not worry they will come back', (p. 2790). W. 281 said that the D.C.'s comment was interpreted to him by Mr. Ejura. The D.C., however, said that although he knew the subject, nobody had directly reported to him about his disappearance and he had only heard about it from other people. It might be pertinent at this stage to mention also that when the D.C. was talking about the arrest of George Olone (subject No. 94), which also took place on 23rd September, 1972, Sgt. Finch said that two men, one of whom was Okello of Malindi had told him that he had been sent by Lt. Col. Marshall to take all the Administrative Secretaries to Kapiti.

About/...../ 357

About two months later, the subject's brother saw Mustafa at his home in Aboko Trading Centre but was 'shy' to approach him about his brother.

Not even reported to police and it seems to us that no effort was made to interrogate Mustafa about his involvement in the arrest of the subject. Nevertheless, if the comment of Captain Aroch is true, and we see no reason to doubt the subject's brother, then it would appear that at least the L.C. knew about the arrest of the subject who was being taken to Kampala for a meeting. This seems probable in view of the fact that on that particular day there were Security men from Kampala who had come to Lira to arrest certain other people. This would seem to indicate the probability that those who arrested the subject were probably the same security men from Kampala who had used Mustafa as a guide to take them to the subject. The subject had been missing since September, 1972, and we feel that the probability is that he must have been unlawfully disposed of by the Security officers who arrested him.

189. Subject No. 162 - U. 2862 - PRIVATE GEORGE OTWOMA.

See Murara Soldiers, p. 618.

190. Subject No. 168 - U. 5331 L/Cpl. STANLEY OTTO.

See Binja Soldiers, p. 580.

191. Subject No. 169 - N. 53353 RSM ELLI TARI OTUCHI.

192. Subject No. 170 - CAPTAIN ABELLO OGUNG OTUCHI.

See Binja Soldiers, p. 508.

193/..... 753.

193. Subject No. 171 - NO. 2310 P.C. PETER ETEM.

194. Subject No. 286 - AIP OMONY.

Witnesses: 286 Alice Aloyi - Part 3, p. 2830 - 2837.

436 Supt. Timothy Odyek
- Part 5, p. 4612 - 4633.

Both these officers were stationed at Attiak Police Post. There is no direct evidence of what happened to them. According to 436 he received a report from the Police Post sometime in September 1972 to the effect that these two policemen and a third one had been 'kidnapped by unknown people'.

According to Mrs. Etem (W. 286), she went to Attiak upon receiving a letter from one called Florence Akulu on 5th October, 1972 asking her to collect her husband's property as he had been arrested. On her way to Attiak she saw Superintendent Odyek, who was the District Police Commander. She said (p.2833):

"He told me that my husband with two others had been arrested while on duty at around 9 a.m..... on the 18th September, 1972.... He told me that they were soldiers who arrested them that they were from Gulu.... that they were arrested and taken to Kampala."

She was also advised by Mr. Odyek not to go to Kampala for 'it would have been a waste of time as he believed that I would not find him there'. She collected her husband's property and returned to Gulu.

Mr. Odyek said that he reported this incident to the Provincial Police Commander who then was Mr. Odria, now the Commissioner of Police (W. 520) and he went to Attiak immediately to investigate. According to Odyek, that

was/.....599.

was the only investigation that was done, but we were not told what the result of that investigation was. Mr. Odyek, however, did say that the police did not suspect any Army

In Ex.139, which was a list of policemen reported missing, both these subjects are included and are said to have been 'arrested' - Omony on 18th September, 1972 and Etem on the following day. The Commissioner of Police spoke about this exhibit and the circumstances in which it was compiled. He said - (p.6312):

"About the circumstances, I think this is quoted from various reports received in from districts where these people are reported to have disappeared or arrested, because these reports are normally made by signals to Police Headquarters giving the circumstances of their either arrest or disappearance and this, I think, recorded from various signals received at Police Headquarters from the districts."

We must add that later in his evidence, the Commissioner said - (p. 6336):

"What I know is that the policemen who were arrested and disappeared were arrested by unknown persons; but it has not come to me that they were arrested by Army Personnel."

If Ex.139 was in fact prepared from reports originating from District Police Stations then it is manifest that what Odyek was saying that these policemen had been kidnapped was wrong. We believe that 'kidnapping' is not quite the same as 'arresting'. We also take the view that Mrs. Etem would have had nothing against Superintendent Odyek to fabricate evidence in so far as it concerned the information he gave her about her husband. We are of the opinion that he did tell this lady that her husband had been arrested by soldiers from Gulu together with two other policemen, who included in Omony. Mrs. /

Mrs. Etem also spoke of the possibility of her husband having been killed at Karuma Falls. The transcript reads - (p. 2835):

- Mr. Mulenga : Who heard?
- Mrs. Etem : This was not a rumour, it used to happen.
- Mr. Mulenga : About when did this happen; the people being killed at Karuma?
- Mrs. Etem : This was sometime after the takeover.
- Mr. Mulenga : Which year?
- Mrs. Etem : From 1971 to 1972.
- Mr. Mulenga : What sort of people used to be killed at Karuma Falls?
- Mrs. Etem : Those who were arrested from the armed forces and the police.
- Mr. Mulenga : Did you know of any body that was found at Karuma Falls who had been arrested before?
- Mrs. Etem : Only what I saw when I was being transferred from Kampala to Gulu, I just saw a lot of blood on Karuma Bridge."

She said that they were transferred during January, 1972, and was told by the driver that the blood was human blood. In evidence regarding subjects No. 214 and 215, an Alur soldier at Makindye was alleged to have told Mrs. Betty Adom (W. 337) - "sister you go home. Don't waste your time. We are now as dogs. Sometimes you may leave your husband in Karuma Falls or in the forest there."

Mrs. Etem has five children aged between nine and two, of whom only two are schooling. Her husband was insured and had money in the bank. She has not applied for court order to manage his affairs.

As already stated, we are of the opinion that these

the soldiers were arrested by army soldiers from Gulu. They were taken back to Gulu, that is, Gulu. There is no evidence of how they were disposed of. The probability clearly is that both of them were unlawfully disposed of during their military detention.

195. Subject No. 172 - UA 3714 L/Cpl. WILLIAM ODONG.

See Barrera Soldiers, p. 687.

196. Subject No. 173 - UA 5920 PVT. PETER OLET.

p. 57.

197. Subject No. 174 - PRIVATE OOK NYANYA.

p. 687.

198. Subject No. 175 - PRIVATE ODOT.

See Border Guard Unit, Oraba, p. 687.

199. Subject No. 176 - UA 6051 SEREMIAH ONGOM.

p. 598.

200. Subject No. 177 - PRIVATE JACOB OKELLO.

See Police Soldiers, p. 598.

201. Subject No. 178 - UA 6965 PRIVATE KEN ODEPE.

p. 556.

202. Subject No. 179 - STAFF SGT. WILLIAM OMARA.

p. 556.

203. Subject No. 180 - UA 7079 PRIVATE CHRISTIAN OBONG.

See Inform, Entebbe, p. 556.

204. Subject No. 181 - UA 1/Cpl. GEORGE BROWN OGWAL.

See Heavy Soldiers, p. 555.

205. Subject No. 182 - PRIVATE EMBITINO AKORO.

p. 618.

206. Subject No. 183 - UA 445 PVT. LT. YOSAM LAVEO OLIT.

See Heavy Soldiers, p. 618.

207. Subject No. 184 - Sgt. JONAM OTIM.
See Mukono Soldiers, p. 675.
208. Subject No. 185 - PRIVATE FRANCIS OTOM.
See Jinja Soldiers, p.580.
209. Subject No. 186 - LT. JOHN MARIA VALENTE OBWOYA.
210. Subject No. 187 - UA 2280 SERGEANT DAVID LOUM.
211. Subject No. 188 - JOHN VALENTE OKELLO.

Witnesses: 310 Valente Otto - Part 3, p.3043 - 3074.
521 Solomon Anonyi
- Part 7, p.6333 - 6339.

These three subjects were brothers and the sons of Valente Otto (W. 310), the town agent of Kituum. Lt. Obwoya was stationed with the 2Ua Moroto and UA 2280, Sergeant Loum was with the EME/Macmagan. John Okello was an agent of the Crusader Insurance Company and he used to live in Kampala.

On learning of the arrest of his sons, Lt. Obwoya and John Okello, from some women who returned home from Mbarara Barracks, their father went to Kampala on 21st June, 1971, to see their wives. He learnt that those two firearms with them, both belonging to Okello and properly licensed, a .375 rifle and a double-barrel shotgun. They were arrested on 19th June, 1971 from Mbarara Barracks and then taken to Lubiri in Kampala. Okello's Volkswagen was confiscated. The witness was unable to give its registration number. Their wives

... the ... and used to take them things like razor
... etc. They were told that the soldiers in Mbarara
had allowed that it. Always was going to join the guerillas.
...
... trying to ...

Their father tried to ... Your Excellency but did not
succeed. Later, ... the old man went to Makindye
and gave the names of the two sons to the soldier at the
gate. The soldier looked at a list which he had and told
the old man that the two names appeared in the list but both
had been transferred to Luzira due to lack of accommodation
in Makindye. At about the same time the subjects' uncle,
one called Mutayo Owar, who had previously been a prisoner
at Makindye and was released and had gone to the prison to
see his nephews, came out and told the old man to forget
his sons because he had learnt that they had been killed.
He explained this at - p. 3051:

"When these men of mine were arrested,
Owar was already in the cell there. When
they were taken to Makindye they found him
there on his release when he heard that
these boys were taken to Makindye, he again
went back to meet them. He told me that
Okello was not taken so seriously but
Owar was so seriously beaten so that he
was unconscious. On hearing this from Owar,
that I told him that I will go and try to
meet them or Owar because he was told
that prisoners there are only seen on
Sunday."

The old man ... to say where Owar worked and,
... to look for his nephew, never informed
our ... of his ...

He then managed to take Okello's things home. Okello
had written ... which he told to W. 521 for

Chs./...../364.

Shs. 17,000/-, of which Shs. 15,000/- was paid, as is evidenced by their agreement dated 11th September, 1972, Ex.6. W. 521 stated that sometime later, some people in civilian clothes saw him and introduced themselves as Military policemen from Lira. They arrested him and took him to Lira where he was detained for a week. His Benz car was also kept there. On 31st October, 1972, he was taken to Nakinyo before Major (later Brigadier) Marella who allowed that, as the vehicle belonged to John Okello, who had disappeared, the car was abandoned property which he could not own. Marella told him that he would keep the vehicle and on 9th November, 1972, he was taken back to Kitgum. W 310 was called and made to refund the money to him.

It Obwayo had an Austin Westminster and, according to his father, it was taken away from his home in Mbale by soldiers who alleged that it was purchased on Army loan. He has since seen it being driven in Kampala.

Sergeant Loum was stationed at Maramba. His wife returned home in August, 1971 and reported to the old man that one night there had been some confusion in the barracks. She said that when they were asleep she had heard some people running. Her husband went out to see and on finding nothing he returned to bed. Soon a gang of people came in and, after arresting him, dragged him outside where he was pierced with a bayonet. She said that he died in the doorway of the house and these people took his body away. Later she was told to pick up and she also learnt that the assailants were soldiers from Kampala.

Okello had seven children of whom five are schooling and all seven are being looked after by the old man.

He/....., 365.

He had left a lot of money in the bank which his father had not been able to use as he had been asked to wait for seven years. Obwoya had five children, between the ages of fourteen and eight. Only two are at school and one also left some money in the bank. The second subject has five children, the eldest is twelve and the youngest is an infant. Three children are with their mother and two are with their maternal grandmother. He, too, is said to have left some money in the bank.

It seems that the entire evidence in the case of these three subjects is based on hearsay. Even Olwar did not come forward, nor did W. 310 give his proper address to be summoned. The only evidence which we have is about the visit by the old man to Makindye when he was told that his two sons had been transferred to Luzira. This would indicate that previously both were detained at Makindye. There is considerable support for this in the evidence given by W. 521 who had purchased the Ford, belonging to John Okello in September, 1972. It will be recalled that when he was taken before Marilla on 31st, October, 1972, he told the witness that the owner of the car, John Okello, had disappeared. If John Okello was not at Makindye and had never been arrested, we fail to see how Marilla would have known either about John Okello or his car's make. This witness would, therefore, offer substantial corroboration for the rest of the evidence that It. Obwoya and John Okello were in fact in detention at Makindye from where both disappeared, as indeed Major Marilla told W. 521, particularly in respect of John Okello. But as both of them were together and both have

been/....., 366.

been missing since then, it is reasonable to find that both disappeared together and the obvious inference is that they must have been unlawfully disposed of while under detention at Makindya. Sergeant Loum's wife did not come forward to give evidence. It must be that her report to her father-in-law represents the truth. According to Ex.136, which is a list of the Army personnel who have disappeared, the names of Lt. Obwoya and Sergeant Loum appear in this list and the date of disappearance for the first is indicated as 16th June, 1971, and of the latter 12th July, 1971. Regarding the Sgt. we have no reason to doubt his wife's report to her father-in-law and find that he was killed by other soldiers in front of their quarters in Bagumara Barracks.

212. Subject No. 189 - W. 2289 Cpl. ZAKAYO OCERO.

See Mbarara Soldiers, p. 618.

213. Subject No. 190 - RAYMOND LIVINGSTONE
OPIDI NYECOMOYI.

Witnesses: 312 Margaret Jean Opidi - Part 3, p.3095 - 3199.

321 Solomon Amoyi - Part 7, p.6333 - 6339.

The subject was formerly the Secretary/Manager of the East Acholi Co-operative Union and, since 1971 before the Takeover, was appointed the Assistant Administrative Secretary of the East Acholi District Administration. He was married to Margaret Jean (W. 312), from whom he has two children, aged three and two. He has seven other children from another woman and two from a third.

According to W. 312 some army people in a landrover were paying them nocturnal visits which frightened her.

when/..... 367 -

When she told her husband, he said that he would go and see Your Excellency to ascertain if he was being looked for. He left Kitum on 17th October, 1972, for Kamula.

On 17th October, 1972, he rang up the Treasurer of the District Administration, W. 521, from Kampala and asked him to pay his September salary to his wife. W. 521 refused to do this and then the subject asked him to tell his wife that he would return during the third week of October. Margaret said that this witness told her that her husband would report back on duty on 1st November, 1972. However, on the same day, that is, 27th October, 1972, Margaret heard rumours that her husband had been arrested from the Kamula International Hotel where he had been staying by Security Officers. She approached the Administrative Secretary who did not know anything about it and, as she did not know anybody in Kamula, she did nothing else to trace him whereabouts.

Subsequently, she received a letter from the Administrative Secretary dated 18th December, 1972, - Ex. 62 - for the transport of her things to her home. She said that she had received no communication from the Kamula International Hotel or from the District Administration about her husband or his salary.

This is yet another case where the evidence is not sufficient. We have no doubt that the subject did go to Kamula on 17th October, 1972, to see Your Excellency about being looked for in Kitum. According to Margaret he was staying at the Kamula International Hotel and we have no idea of what might have happened to him while

he..... 362.

he mentioned that he had talked of some rumours about his
uncle and that there was no evidence of the actual incident.
In the state of the evidence it is we are unable to
make any further about him except to say that he has been
missing since he went to Kampala on 17th October, 1972.

314. Witness No. 191 - P. NAK. NOLI MCHC.

Witness: W 313 Anyoni Acha - Part 3, p. 3109 - 3116.

314. Witness No. 192 - P. NAK. NOLI MCHC.

Witness: W 314 Anyoni Acha - Part 4, p. 3373 - 3392.
Witness: W 315 Anyoni Acha - Part 6, p. 6068 - 6122.
Witness: W 316 Anyoni Acha - Part 7, p. 6499 - 6515.

Witness: W 317 Anyoni Acha - Part 2, p. 6878 - 6887.

Witness No. 191 is a former Inspector of Police and was
stationed at the 1st Headquarters, Kampala. He used to live
at home with his wife and two of his wives, Yomima Acha
(W. 314) and Anyoni Acha (W. 315), lived in
the same house. He has eight children between
the two wives, four of whom are at school
but he has three of three others who used to
go to school before the disappearance. W 313
said that the subject left early in the bank but was afraid
of being caught and went to the bank to make enquiries

Witness No. 192, is the subject and his wife
were sleeping in the tracks and were woken up by
the sound of the door. The subject went out and
came back and told Yomima
that he had been their neighbour

Witness No. 193

but did not stop visiting them on being promoted, was outside and wanted him. He asked her to close the door and switch off the lights. He went away and she heard the sound of a bicycle. Her husband never came back.

At about 6.30 a.m. in the morning, two policemen came to check her where Mono was as he was not on duty. She told them about the incident at night. And those two went away. Later in the evening, at about 8.30 p.m., two other men in police clothes came and asked her about the office key and some files. As she did not know who they were, she did not show them the files; instead she started crying. In reply to this witness, those two policemen told her that her husband 'will be there for two weeks and he will be back.' Before these two policemen left, they showed her a note (Ex. 74) from her husband. She recognized the handwriting and the signature to be of the subject. It is in Luo and when translated, it reads -

"Wakandye
20.9.72

"To Mrs. Y. Anyeso.

"It is likely that my life is going to be short. You go home and inform the people at home. My passbook is in my handbag. Tell Anyeso to keep my cattle for the up-keep of the children.

Sol, Mono."

Witness said he had never collected Mono from his house. He had not been going to his house ever since the day he was arrested and said that they always met at the police station. He said that he did not know that his wife had been arrested on 19th September, 1972.

Witness wrote a letter to her co-wife, Anyeso

chp/...../370.

... in the case with Mono's mother. They went to Makindye but were pushed away from that gate. Once they were told that people were not allowed to go to Makindye as they were keeping guerillas there; at another time the gate keeper told them that there was nobody in the cells. They finally gave up and at last they were asked to quit the barracks.

In the measure dated 5th October, 1972 emanating from the Police Commissioner (Ex.167) listing officers who were dismissed and others retired, appears the subject as having been dismissed with effect from 15th September, 1972. His dismissal appears also in Ex.144 which is the Part II of the Force Orders dated 15th October, 1972.

We are satisfied that Ex.74 was written by the subject from Makindye and was taken to W. 334 by the two policemen who wanted the key and some office files from his house. To his wife, W. 334 he said that he was going away with Ali Towli who was outside and who besides being a Senior Police Officer was also his friend. We accept that evidence and find that he was arrested by Ali Towli and taken to Makindye from where he wrote Ex.74 the following day. The evidence is that he never came back and has been missing since. It is obvious that the Military Police authorities of Makindye must know how he was dealt with, but the probability is that he was lawfully disposed of during his stay at Makindye.

Subject No. 192 - UN 15222 PRIVATE MOHAMMED YAMBA.

See Myanmar Soldiers, p. 618.

216/..... 371.

116. Subject No. 193 - ASP SEZI LANGOL OJOK.

- Witnesses: 315 Lucy Ojok - Part 4, p. 3127 - 3149.
455 Deputy Supt. Benjamin Alfred K'lega
- Part 5, p. 4924 - 4938.
505 Inspector John Kojoi
- Part 6, p. 6019 - 6027.
508 Ali Toweli - Part 6, p. 6068 - 6122.
7, p. 6499 - 6515.
512 Inspector Michael Koma
- Part 6, p. 6168 - 6181.
527 No. 1812 Sgt. Driver Byaruhanga
- Part 7, p. 6536 - 6555.
106 Supt. Kosi Ochoa
- Part 7, p. 6719 - 6723.
-

The subject joined the Police Force in 1958 and at the material time was an Assistant Superintendent of Police stationed at Naambya Barracks. He used to live with his wife, Lucy Ojok (W.315) at No. 134, Bukoto Street. The subject has five children, two from Lucy, aged seven and five, and three from another woman.

He was arrested on 17th September, 1972, from his home at about 8.55 p.m. We would let Lucy Ojok narrate the incident in her own words - (p.3127 - 28):

"I think it was five minutes to nine when some people came; three were dressed in Uganda Army uniform and one was in civilian clothes. They came and knocked at the window while I was sitting in the sitting-room with my husband and children. When they knocked at the window, I got up and peeped through the window and asked them what they wanted. They asked whether my husband was in. I told them that he was in. They said that they wanted him on duty. I asked them by whom they were sent and they said that they were sent by Mr. Ali Toweli.

then/...../372.

- 372 -

Then Mr. Ojok told them that he had just been on duty and so he could not go back again on duty. Then they told him to go out. So when they told him like that I went and asked them through the window, do you want him to go in uniform. They told me that what they wanted was Mr. Ojok and nothing else. So I advised my husband to go in uniform. So my husband dressed in his uniform but before he came out, I also asked them whether they wanted my husband to go in his car. They said they wanted my husband and nothing else. So he went out and when he was trying to enter the car - those people had come with two vehicles, one was a Peugeot 404, I did not note down the number, and the other one was an army jeep. I did not know whether there were some people surrounding the house. When my husband was trying to enter the Peugeot 404, he was just pushed inside the car. So I drove straight away to Masanya Barracks where he was working and when I reached the gate those people could not even allow me to enter."

She went to the gate and told them that her husband had been taken away by Army people and was told that he was not taken to the barracks. After telling her sister at Nakawa about this incident, she returned home.

The following morning, she went to Kira Road Police Station to find out if her husband had been taken to the Police Headquarters. She rang up Mr. Barlow (W. 540), who was then the Assistant Commissioner of Police, in charge training and operations. He denied any knowledge about the arrest and advised her to make a statement at the Police Station which she did. As a result, Kira Road Police Station sent out a W.P. message to REGPOL, repeated to MICHOLLE. This message, Ex. 149, is as follows:

"MSG/26/18/72 (.) REPORTED HER BY MRS OJOK THAT HER HUSBAND MR. OJOK LSP OF MASANYA BARRACKS WAS TAKEN AWAY FROM HIS HOUSE NO. 134 BUKOTO STREET BY ARMY MEN AND POLICEMEN IN UNIFORM (.) WHO TOLD HER THAT THEY WERE TAKING MR. OJOK TO POLICE HEAD. FOR DUTY (.) SHE HAD CONTACTED OPER. STION ROOM SHE WAS TOLD THAT MR. OJOK HAD NEVER REPORTED ON OPER. STION ROOM FOR DUTY (.) HE IS STILL MISSING (.) ANY INFORMATION (.)"

this/.....373.

This message was seen by .GP Barlow on the same date. He said that it reminded him of an incident a few days earlier when the subject got drunk at the officers' mess and started to go to the mess of the 1st Battalion of the 1st Airborne Division to Makindye. He said that he had picked up this information from 'General Talk' and explained that PSU was at that time operating with the Military Police and it was not uncommon that people who were arrested were detained either at Makindye or at Hukuru. Accordingly, he put a note below this message for the 1st/1 which reads:

"Mr. Ojok ASP was arrested by PSU for his conduct in the Police Officers' Mess and is detained at Hukindye."

Acting on this information, a message was sent back to Kira Road Police Station on 19th September, 1972 - Ex. 150 - as follows:

"O/215/372 (.) YOUR SD/26/18/9/72 (.)
INFORM MR. OJOK ASP MR. OJOK ASP IN POLICE
BARRACKS NOT (R) NOT MISSING (.)"

Mrs. Ojok was told of this message on 21st September. Nevertheless she was not pacified and by 22nd September, was still very worried. She enquired from the O.C. Barracks, Ojic, to try to find out where Ojok was kept. He knew nothing. She then went to Makindye and was refused entry. She was told by a soldier on the gate, who had a list of names, that her husband was not there.

On 27th September, she saw Superintendent Ochom (W. 100) who gave her an introductory letter - Ex. 70 - to take to Makindye. This letter, which is addressed to the Commanding Officer, Military Police, Makindye, is on the following terms:

"the/.....374"

"The wife of B. Ojok who I understand is detained here, called at Police Headquarters, complaining that she and children have nothing to eat. The only way for her to get money is for the detainee to sign the cheque, so that his wife may draw money from the bank. So would you kindly assist."

When he took this letter to Makindye, she was told that many mailbags had been brought the previous day and the prisoner who had been at Makindye before had been transferred to Malire. She went to Malire on 28th September, and did not know whom she knew before. He told her that the suspect was not at Malire, and instead advised her to check with the Police Station. She went there and saw her husband's brother Odeng'anyi. He told her that two long-stops of dead bodies had been taken to Luzira and Luzira - p. 3137. She did not enquire any more because she did not want to involve this warder in this matter.

On the October, 1972 Lucy saw her husband's Toyota car No. 438 (C), which had been left at Kira Road Police Station, was taken away. Sgt. Driver Byaruhanga (W. 522), who was then in charge of the Transport Section of ICP, advised that he had been instructed by Ali Toweli to collect all abandoned vehicles in Kira Road. He said that when he reported to the C.O. Kira Road Police Station, he found there the Toyota car and also a white Benz. He took the car to ICP Yard and an entry was made in the Station log book No. 438 (C) - which was produced by Detective Inspector (W. 152); no similar entry was made in respect of the Benz car. She then saw Mr. Barlow about the car. After confirming with the Finance Section that the loan on the car would be repaid, he sent her again to Ali Toweli who was in charge of ICP Kibera (W. 455) who was sent for a report on the car, the car was handed to Mrs. Ojok.

Kidega said that he had heard that Ojok had been picked up at about midday and taken to Nacuru in the boot of a car. He went on to say that this had been done by Inspector [redacted] a staff officer of Ali Toweli. Loloi denied Kidega's allegation that he was involved in the arrest of Ojok and maintained that when Mrs. Ojok went to see Ali Toweli he had been instructed by his superior officer to assist her.

Mrs. Ojok said that she also saw Ali Toweli and asked him where her husband was. He is alleged to have replied that 'he was not sure as to where he was, but he was alive', p. 3134. She warned him that if her husband did not come she will hold him responsible for his disappearance and added "I further told him that I am now confident that you have killed my husband because if my husband was to be alive, you would not have called for the car," - p.3147. This annoyed Ali Toweli who very nearly beat her up and told her 'do you think I have come here to kill?'

Ali Toweli said that he first learnt of the disappearance of Ojok from his wife when she told him that he had been arrested by unknown people. He said that he sent a message to all Police Stations and also directed her to go to Nacuru to make a statement. He saw her again about the car which he arranged to be released to her. He denied that he had sent for the car and said that it was a general order issued by the Minister of Defence for the collection of abandoned vehicles to be taken to Nacuru for auction. He said that sometimes his subordinates did collect cars wrongly and owners would come to claim them back.

...../376.

He complained that not only did his junior officers use his name, the public also did and even went on to say that Your Excellency's name was being used by the public. He denied telling Mrs. Ojok that although he did not know her husband was but he was alive.

Mr. Barlow, who used to be on a sub-committee of the Police Council, was reminded of a long list of officers - Ex. 141 - who were retired. Ex.167 is a message from COMPOLICE dated 5th October, 1972 and, according to it, the subject was retired from the force with effect from 15th September, 1972. Mr. Steri (W.453) was the Permanent Secretary Ministry of Internal Affairs and Secretary to the Police Council could not tell the reason why Ojok and other officers were retired in this fashion.

We are satisfied that the subject was collected from his house in the night of 17th September, 1972. His wife heard the people who went for him saying that they had been sent by Ali Toweli. Although this was denied by Toweli, we are of the opinion that this denial could not be true. There is first of all the comment made by Barlow on Ex. 149. Barlow tried to explain this note on the basis that he was reminded of an earlier incident where Ojok had been taken away from the mess by ISM men to Makindye. We were not impressed by this explanation. The message, which Kira Road Police Station had sent, was quite clear and we refuse to believe that an Assistant Commissioner of Police would read such a message so casually and perfunctorily as to confuse it with something else. He must have realised that his note would be the basis upon which Mrs. Ojok would/...../277.

would be told about the whereabouts of her husband and indeed this is what happened. We are rather inclined to the view that Barlow's note on Ex.149 was deliberate and represents the entire truth. It is in simple plain English, and for ease of reference we set it out verbatim: "Mr. Ojok SI was arrested by PSU for his conduct in the Police Officers' Mess and is detained at Makindye." There can be no doubt that this note indicates clearly that Ojok was arrested because of his earlier conduct at the Police Officers' Mess and was detained at Makindye. Furthermore, the evidence given by Byaruhanga exposed him as unreliable. At first he said that his instructions were to collect all abandoned vehicles in Kira Road area but later admitted that Ali Toweli had in fact sent him to Kira Road Police Station to fetch Ojok's car. Whereas this showed that Byaruhanga knew much more than he was prepared to say, it also indicated that Toweli was very much in the know, and was not willing to own-up anything. And lastly, there is the retirement of Ojok from the police with effect from 15th September, 1972. This is puzzling because the order seems to have been issued on 5th October, 1972 long after Ojok had disappeared.

We were left with a strong impression that the main witnesses from the police side were not prepared to come out with the entire truth. Barlow's note on Ex.149 says Ojok was arrested because of his previous bad conduct at the Officers' mess and taken to Makindye and the rest of the evidence indicates that his arrest and detention was on the orders of Ali Toweli. It would be a worthwhile way to confirm this had the records of Makindye been made available to us.

Nevertheless./...../378.

Nevertheless, Ojok has been missing since 17th September, 1972 and as his name does not appear in the list of prisoners who were transferred to Luzira, he must have disappeared during his detention at Makindye. The probability clearly is that he was unlawfully disposed of during his incarceration at Makindye.

Subject No. 194 - UA 5073 Sgt. MAJOR GABRIEL ODIDA.

See Mbarara Soldiers, p.618.

Subject No. 195 - TORIA OKOT.

- Witnesses: 317 Simon Mususu - Part 4, p. 3162 - 3202.
343 Det/MSR J.C. Okipi
- Part 4, p. 3503 - 3550.
377 Lt. Col. Emilo Mondo
- Part 4, p. 3861 - 3885.
464 Judith Okot - Part 5, p. 5082 - 5118.
465 Kalidani Farjalla
- Part 5, p. 5118 - 5142.
488 UA 12648 Cpl. Ahamed Ali Wila
- Part 6, p. 5512 - 5577.
491 UA 12686 Cpl. Onziga Safi
- Part 6, p. 5659 - 5693B.
493 UA 15432 L/Cpl. Abdunuru Paskali Bondo
- Part 6, p. 5705 - 5750.
542 Capt. Bashir Juma
- Part 7, p. 6849 - 6878.

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The subject was a cashier at the Grindlays Bank, Gulu. He was married to Judith Orot (W. 464) and has five children. The subject has a younger sister who looks after them. W. 464 had also obtained a court order to manage the estate of her husband.

According to the evidence adduced before us, it appears that the subject was in trouble with the Army Intelligence Officer of the 3rd Brigade, namely, Cpl. Onzira (W. 491) in July, 1972. On 7th of that month in the evening, the subject was at the home of Onzira. Onzira alleged that the subject, pointing to a signature of Your Excellency, said, "Look at this piece of paper. The Education has seized the Government." Onzira did not make other comments also 'blessing' the Government. He fetched a constable, arrested the subject and handed him to the Gulu Police Station at about 11.15 p.m. Detective Assistant Superintendent of Police Okipi (W. 343) produced the Crime Report Book (CRB), entry No. 800/72 - (C. 83). The subject was taken to court on 10th July, on a charge of being idle and disorderly and was subsequently released on bail. According to Okipi that case is still pending.

Mrs. Orot was running a small shop in Laliya village. She was asked to provide information about who the landlord was. She said that the landlord was a brother of Kalifai Farjalla (W. 429) and he was claimed to be the owner of the building. The subject was a tenant. On 3rd September, 1972, the subject was arrested and he alleged that during his arrest, the subject was taken to Mrs. Orot. He found that the subject was arrested on 20th September, 1972, when the subject was arrested.

When he returned on 23rd, Farjalla told him to ask Mrs. Okot to quit the premises. When she refused, he accompanied his nephew and asked her to vacate. She refused again and fetched her husband, Tobia Okot, who came with a hoe making a lot of noise. The subject tried to hit W. 465 with the hoe but Farjalla's brother, Jumo, snatched it away. It is alleged that Mrs. Okot then picked a firewood and struck Farjalla's mother, who came to the scene wanting to know why the subject wanted to assault her son, on her ribs. Farjalla reported this to the police and his mother was sent to the hospital. He was emphatic that he had accused Mrs. Okot for assaulting his mother and not the subject. Farjalla alleged that during the quarrel at the shop, the subject abused him, his tribe and the Government. He is alleged to have said, "You Hubians, you are proud here. This is not your country. You have come here to be proud in our country." Regarding the Government he is alleged to have said, "This Government of yours is useless."

This version was denied by Mrs. Okot. She said that when Kalifani came to her he asked her to close the shop. When she asked him the reason, he started throwing their shop goods out and slapped her twice. She sent for her husband and he advised her to get the police. When she got to the police station after a change of dress, she found Farjalla already making a report that he fought with her husband. A little later, her husband was fetched to the police station in a Landrover and, on being asked what had happened, said that he did not know what Farjalla wanted. Mrs. Okot said that their statements were not recorded that

day/...../1961.

and were asked to return on the 25th September,

She alleged that during the quarrel, Farjalla ...
... said, "We can slaughter you like goats." She said that when she made her statement to the police on 25th September, she did not include this comment as she was afraid that this might endanger her life. They were again asked to return on 26th September, 1972 and on that day, Simon Mususu (W. 317) gave the subject a lift on his bicycle. Mrs. Okot followed them to the Police Station on foot.

Mususu had also fallen foul of Onziga whom he described as a notorious character. This incident seems to have taken place quite earlier on when Mususu and some of his colleagues from the school went to Rozina Bar where Onziga was drinking with his colleagues. Onziga objected to Mususu's friend talking to the bar-maid and was heard telling his friends in Swahili "These boys will really suffer in our hands today,"- (p. 3194). W.317 said that they were then beaten up and taken towards the Police Station. His money amounting to Shs. 107/- was removed from his pocket and they were later charged with personation. After four months, he was set free by court as Onziga and his friend never turned up to give evidence.

Reverting to the 26th September, 1972, when the scene was set at Gulu Police Station where the subject had been carried by Mususu on his bicycle and Mrs. Okot had followed them on foot. The subject went to the Post Office nearby and, on his return, was stopped in the doorway of the Police Station by Onziga and Ali (W. 488), who

and/....., 382.

had come in a green Cortina. Mrs. Okot knew the third person in the car by appearance. These two Intelligence Corporals ordered Okot into their car. According to Mrs. Okot, they knew their husband well as they used to drink together in bars. She said that Farjalla was not present at that time. Okot refused to obey but Onzira and Ali, who had pistols, forced him into the car, saying that they were taking him to their barracks for a statement and would bring him back. Mrs. Okot commented sally that they took him away for good. Mususu's evidence was slightly different. He said that Farjalla came with Onzira and his companions in their car and pointed out Okot to them. When Okot was driven away he followed them on his bicycle. He saw Okot sitting in the rear seat with Ali pointing a gun at him. Farjalla was dropped near the M.C.T., and the vehicle drove on to the barracks. Mususu saw it entering the barracks through the gate and he came away. Mrs. Okot's evidence about the non-presence of Farjalla at the Police Station on 26th September, is borne out by Farjalla himself who denied going to the Police Station that day. Detective ASP Okipi was in his office when this incident occurred but refused to assist Mrs. Okot by saying, "It is no good; I am also afraid of them." This Police Officer said that he last saw Okot when he was released on bail and he saw him leaving the Police Station limping slowly towards Acholi Inn. He said that he watched him for a distance of 30 yards because he was once his prisoner. He said Okot was with some people but did not see any man with a bicycle. He said that when Okot's wife came to see him, he did not accept any statement from her but took her to the District

Police/ /23.

Police Commander who referred them to the District Commissioner. He said that he did this as he felt that the District Police could not assist them urgently by contacting the Base Commander. He said that the relationship between the Police and the Intelligence Section was not very good and he was afraid to contact the Base Commander himself. His reluctance to get in contact with the Intelligence Section was based on past experience when he was in Kampala and had arrested a lieutenant for corruption and charged him in court; the army takeover intervened before judgment was delivered and the lieutenant came looking for him. He said that he was given leave to go to Soroti and judgment in that case has not been pronounced till now. He cited another incident of one of his constables who was instrumental to the conviction and sentence of 10 years of one of the brothers of an army soldier, who also started looking for the constable. Okipi said that the same fear kept on haunting him. He said that subsequently he learnt that the same two women had reported their husband missing to the uniformed branch who started investigating the disappearance.

On 29th September, 1972, Mususu and Mrs. Okot went to Kampala where they saw Okot's friend, Lt. Col. Mondo (W. 377), the Secretary to the Defence. The Lieutenant Colonel phoned Gulu Airbase and spoke to Captain Isalit, the Base Commander. He denied knowing anything about this matter and promised to make enquiries. Later on Isalit rang up to say that he was unable to get any useful information and even his staff did not know anything about the subject. Mususu said that after speaking on the phone,

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he felt that the Lieutenant Colonel's expression and voice changed and he told them, "I am very sorry for Mr. Okot." Mrs. Okot, however, said that the Lieutenant Colonel merely said that the Intelligence Officers had denied taking her husband, from which she concluded that Okot was already dead.

The three Intelligence Officers, that is, W. 488, W. 491 and W. 493 all denied taking Okot as stated by the other witnesses.

Their superior officer, Captain Bashir Juma (W. 542) had only 'heard' of the first incident at the Acholi Inn in which the subject had been involved. He did not seem to know anything about the second incident. He said that his three junior officers always kept him informed of their movements and did nothing without his information.

This would have closed the case of Tobias Okot but we should like to include an incident which subsequently befell Mususu on 3rd March, 1974. He alleged that during the night Onziga, Ali, and Abd unuru Bondo went to his home and fired seven shots at him. He was hit by one bullet in the leg and they put him in the car, UUN 720, and took him near the mosque where one of them fetched a knife. They took him to Akera Forest, seven miles from Gulu, and threw him out. They changed their mind and then took him to Gulu Police Station where they were given a form to take him to hospital. They threw him near the outpatients' building. Later he was taken to the ward and given treatment. He said that on 24th March, 1974 the same people came and wanted to take him away on the pretext that they would take him to Mulago.

Their scheme was thwarted by a medical assistant who was seen running out of the ward. After their departure a report was made to the Medical Officer who instructed that

On 11th March, 1924 Onzira came back with some other people and said that they went to take him away. Their request was refused by the Askari and the last he saw them was when they came back and were walking outside the ward. He was in the hospital for three months and was then discharged with a deformed leg. Onzira admitted this incident but said that he together with Bowdo and another soldier went to his home after getting a report that an Army officer with a long knife was harassing people. W. 493 said that Mususu started running on seeing them and, failing to stop on being asked, he admitted shooting him thrice and hitting him once in the leg. They took him straight to the Police together with an officer's sword which he had with him. A report was lodged with the Police Station that Mususu had been personating an Army officer and this report was being investigated by Inspector Mwesi. According to Okipi, the Inspector filed another file cover to the original, upon which the charge is shown as attempted murder by shooting. He said that the enquiries were not completed and the Inspector's Report had directed the investigation to be speeded up but the investigating officer was transferred to another Police Station before completing these investigations. He produced Police Criminal File No. 499/24 - Ex. 54.

When being discharged from hospital, Mususu wrote

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to Your Excellency about these incidents - Ex. 71 - and received a reply from the Governor of the Northern Province asking him to go and see him - Ex. 72. Mususu wrote back to the Governor giving reasons why he could not see him - Ex. 73.

There can be no doubt that on Sunday, the 24th September, 1972 there was some incident at Mrs. Okot's shop, as a result of which Mr. and Mrs. Okot went to Gulu Police Station. We did not have any evidence to corroborate Farjalla's allegation that Mrs. Okot assaulted his mother. Mususu said that Farjalla came with Onziga and his companions and identified Okot to them. Farjalla denied this and so did Mrs. Okot. This contradiction in the evidence seems to be of no avail, for the evidence of both Mususu and Mrs. Okot tallies as to the subsequent occurrence in which Okot was driven away by Onziga saying that they were taking him to the barracks' for a statement and Mususu followed them on his bicycle right up to the barracks' gate. We are satisfied on this evidence that Okot was picked up from the Police Station by Onziga and his two friends, Corporal Ali and L/Cpl Bondo, who did not inform Capt. Bashir Juma about this arrest. We have taken into account their denials which have not impressed us in the face of other direct evidence. Lt. Col. Mondo admits seeing Mususu and Mrs. Okot and said that the Intelligence Officer of Gulu Airbase denied any knowledge about the subject. Here also is the slightly exaggerated evidence of Mususu of what exactly the Lieutenant Colonel said but Mrs. Okot corroborated the Lt. Colonel. This interview was three days after Okot had been picked up and we think

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that, under the circumstances, any eye witness to the kidnapping would reach the same conclusion at which Mrs. Ojok reached on being told that the Intelligence Officers of Gulu Airbase were lacking any knowledge about the whereabouts of the subject. The subject was taken from the Police Station by Onzien, Ali and Bando to the barracks of Gulu Airbase. We find that the probability clearly is that he was unlawfully disposed of by those in whose custody he was last seen.

219. Subject No. 196 - SUPERINTENDENT MATHEW ODWONG.

Witnesses: 315 Lucy Ojok - Part 4, p. 3127 - 3149.
344 Zefaniya Anyo -
- Part 4, p. 3551 - 3555.

The subject was a Superintendent of Police and, according to his father, Zefaniya Anyo (W. 344), was stationed at the Police Headquarters, Kampala. His father said that he disappeared on 26th September, 1972, and on a day when he was in Gulu, a Police truck brought his household property to their home and the relatives were informed that Odwong had disappeared. Ex. 139, the list of Police personnel allegedly missing, includes the subject's name and in the column 'circumstances' is indicated 'disappeared.'

His disappearance was also mentioned by Lucy Ojok (W. 315) who is the wife of 15F Ojok (subject No. 193). She said that amongst the Acholi and Lendu people who were arrested were Mr. Lecko and Superintendent Odwong. She did not know the circumstances of their arrest.

The subject's father also said that his son's car

UQR 307 disappeared with his son. According to Ex. 151, this vehicle is a TOYOTA CORONA whose owner is stated as Mr. Justus Rupiny of Box 2539, Kampala. There is also a note to the effect that this vehicle was to be transferred to Mr. Mungonyo of Box 7162 (letter ref: FC/130/56 dated 25th October, 1974, from C/T.O.A.).

His father said that he had no power to contact Police about his son and he asked the Commission to tell him where he was. His son was married to two wives, neither of whom was living with him at the time of the disappearance. Each wife has two children, below school age.

With this scanty evidence it is almost impossible to arrive at any finding. The only conclusion we can reach is that he has been missing since around 28th September, 1972. The probability is that he must be dead. The circumstances of his disappearance are not known and it must be presumed that he was arrested by unknown people.

220. Subject No. 197 - U.A. 5563 L/Cpl. THOMAS ONEN.

See Moroto Soldiers, p. 664.

221. Subject No. 198 - JEFANIAH OOLA.

Witness: 319 Filda Atto - Part 4, pp. 3208 - 3217.

The subject was aged about 42 and was a retired Magistrate Grade II. He was married and had ten children between the ages of twenty-three and ten. All but the youngest three go to school and they are being maintained by the subject's mother.

he/.....

He was staying at home waiting for the result of his application for Paul to start a ranch.

Billie (p. 310) was the subject's younger sister. She is the Social Auxiliary Officer, Kitgum. She last saw her brother in Gulu Hospital on 8th May, 1971, on her way back from Kampala after attending an interview. She said - (p.3209):

"I did my interview on the 7th, then on the 8th May, 1971, when I was coming back I stopped in Gulu, my mother was waiting for me. She told me that my brother was beaten so badly, I better go and see him before I go back to Eitrus. I told her that I better go to Kitgum first to report for duty then I will be back. I was teaching temporarily at Gulu High School after my S.V.I results. I went to Gulu Hospital with my mother from Bus Park, it was in the afternoon. I found him lying on the bed on his back, he greeted me. He stated that he was beaten by Army people from the Airfield. I was in hurry for the same bus which was coming to Eitrus. He told me that he did not know when he will be back or where he was going, so I better go back and encourage his small children to study hard that he knows they will face a lot of problems if he was not around, these were the last words he said to me."

His mother and his wife were looking after him and the witness was told that the Army soldiers were also checking on him. Then the witness went to Entebbe for a course and later her mother told her that the subject had sent his wife away to look after the children. Her mother also informed her that some Army soldiers from the Airbase went to the hospital and took him away to the Airbase for treatment, taking the medical forms with them. The subject has not been seen since.

His mother said that no body ever went to the Airbase

He was staying at home waiting for the result of his application for land to start a ranch.

Ellen Otto (W. 319) was the subject's younger

She last saw her brother in Gulu Hospital on 8th May, 1971, on her way back from Kampala after attending an interview. She said (p. 390):

"I did my interview on the 7th, then on the 8th May, 1971, when I was coming back I stopped in Gulu, my mother was waiting for me. She told me that my brother was beaten so badly, I better go and see him before I go back to Kitgum. I told her that I better go to Kitgum first to report for duty then I will be back. I was teaching temporarily at Gulu High School after my S.V.I results. I went to Gulu Hospital with my mother from Bus Park, it was in the afternoon. I found him lying on the bed on his back, he greeted me. He stated that he was held by army people from the Airfield. I was in a hurry for the same bus which was coming to Kitgum. He told me that he did not know when he will be back or where he was going, so I better go back and encourage his small children to study hard that he knows they will face a lot of problems if he was not around, these were the last words he said to me."

His mother and his wife were looking after him and the witness was told that the army soldiers were also checking on him. Then the witness went to Entebbe for a course and later her mother told her that the subject had sent his wife away to look after the children. Her mother also informed her that army soldiers from the Airbase went to the hospital and took him away to the Airbase for treatment, taking the witness along with them. The subject has not been seen since.

His mother said that she only saw her brother at the Airbase

to check on him because they were all afraid. She hoped that, as he had been taken from the hospital, the soldiers would inform the hospital what his condition was. She did not try herself because she thought that she too would not get any useful information as their mother and his wife had failed previously. She did not know why her brother was assaulted in this manner. She said that previously some soldiers had gone to his house looking for him and had left a message that he should report to the D.C., Mr. abbe.

Like many other subjects, the evidence here also is very scanty. We do not know what difficulties our counsel met in trying to get the records of Gulu hospital with regard to this patient. If the subject was taken away from the hospital, we should have thought that the hospital records would have made this clear. Also the mother of the subject, who seems to have nursed him until he was taken away, did not come forward to give evidence. There was evidence about the previous visit by some soldiers to the subject's home. We do not know what happened when he went to see the D.C. In the state of evidence as it is we can only find that the subject has been missing since May, 1971 after being removed from Gulu hospital by soldiers from Gulu Airbase. This fact and also whether he arrived at the Airbase would have been clarified by the production of the D.C.B. of the Airbase, but surprisingly we were told by the Intelligence Officer, Onziga (W. 491) that no such D.C.B. was being kept at the Airbase. As the subject has been missing since May, 1971 without any trace, and in view of Onziga's evidence regarding the D.C.B. we think that the probability is that the subject

must have been unlawfully disposed of by soldiers from the Gulu Airbase.

221. Subject No. 200 - U.S. 5221 PRIVATE ALFRED BAIYI.

See Jinja Soldiers, p. 580.

223. Subject No. 200 - U.S. 0419 PRIVATE KASIO OKENY.

See Moroto Soldiers, p. 664.

224. Subject No. 201 - U.S. 3206 PRIVATE DONATO ODUR.

See Moyo Soldiers, p. 671.

225. Subject No. 202 - U.S. 5297 PRIVATE MICHAEL OKULU.

See Malin Soldiers, p. 598.

226. Subject No. 203 - U.S. 3204 PRIVATE FESTO OCHAYA.

See Border Guard Unit, Oraba, p. 687.

227. Subject No. 204 - U.S. 5506 L/Cpl. KCSBA OTTO.

See M'uya Soldiers, p. 565.

228. Subject No. 205 - E.S. 18114377 Sgt. MAJOR
MUSEMTO OBUCH.

See Jinja Soldiers, p. 580.

229. Subject No. 206 - PRIVATE PABKULMO ODUR.

See Malin Soldiers, p. 619.

230. Subject No. 207 - U.S. 0005 L/Cpl. G. BUON OSONYO.

See Gulu Airbase, p. 556.

231. Subject No. 208 - GEORGE WILLIAM ABCDA.

Witness: 330 William Aboda Lulom - Part 4, p. 3299 - 3310.

The subject was the Gombolola Chief of Attiak in West Acholi. He had three wives and seven children aged between thirteen and two. He left some money in the bank and one of his brothers has now applied for a court order to manage his estate.

The witness is the subject's nephew, a Court interpreter at Kitrum. Upon hearing rumours of his uncle's arrest on 15th October, 1972, the witness went to Attiak to confirm. On 18th October, when he was on his way, he met the subject's wife in Gulu. She told him that on 11th October, 1972 a policeman from Attiak went to their home looking for the subject who had gone out somewhere. On his return the following day she told him about the policeman's visit and, when he went to the Police Station to find out why he was wanted, he was detained. The subject's wife and her sister saw him at the Police Station and the O.C. told them that the orders for his detention had come from Gulu. After about four hours, a Volkswagen Kombi, white in colour, with three Army Intelligence Officers, came and took him away saying that they were going back to Gulu. The witness also saw the O.C. Police, Attiak, and this is what he said about that interview - (p.3304):

"When I went to him, I asked him what had happened to my uncle. He told me that I should not disturb him because the man was not arrested at his own interest, he only was directed to do it.

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When I asked him who directed him, he said he received a message from Gulu Airbase Intelligence. They may let it know, that they had to

The D.C. said that one of the Intelligence men, who was a lieutenant, had signed in the visitors' book but the rest of the book to him. According to Captain Airbase (No. 960), there was no lieutenant in the Intelligence section of Gulu Airbase at the material time.

The witness saw the Administrative Secretary who denied receiving any official message about the subject's arrest. The witness thought that he was 'reluctant' to make enquiries. He saw the District Commissioner who rang up the Base Commander who was said to be at a meeting. He also saw the District Police Commander who denied ordering the arrest of the subject. He saw the D.C. again the following day and after speaking to the Base Commander on 14/10/72, he told him that those arrested after 20th October, 1972, had been taken to Kampala. He tried to go to Gulu Airbase but was refused permission to enter.

Subsequently, the District Administration sent transport to assist for transporting the subject's wife and their property to the house.

He spoke to some people there. The subject's wife told him that five days prior to his arrest the D.C. Gulu, Mr. ... county chief approached the subject ... on a hunting trip. In

the rush those two tried to persuade him to join them in running away to the Sudan. Subject turned this proposition down and later those two were said to have fled the country.

The evidence is very scanty and it is extremely difficult for us to make any findings of fact. The subject's wife, who was living with him at the time of his arrest, did not come forward to give evidence. It is obvious from the witness' interview with the O.C. Police, Atiak, that the subject was arrested on orders coming from the Gulu Airbase. Regarding the speculation, it is true that the D.C. Mr. Abbe also disappeared and there was evidence that he might be in the Sudan; Atiak is on the road from Gulu going to the Sudan. It is difficult to go on speculating and we can only say that the subject has been missing since 15th October, 1972 after having been arrested by the police Atiak on orders from Gulu Airbase. The evidence suggested that he was subsequently collected by three men in a Volkswagen Kombi. Their identity is unknown but we think that the probability is that they were in fact Army Intelligence officers from Gulu Airbase who had asked for his arrest. The O.C. could be mistaken about the rank of one of them. The probability further is that the subject was unlawfully disposed of by the said Army Intelligence officers, from Gulu Airbase, on their return journey to Gulu.

209. Subject No. 209 - M. Sgt. ELSNYC MUNGVI.

See State Research Centre, Nakasero, p. 684.

210. Subject No. 211 - M. SGT.

211. Subject No. 212 - M. SGT.

- Witness: 334 Yerima police - Part 4, p. 3373 - 3392.
- 340 Lucia Lero - Part 4, p. 3547 - 3466.
- 543 Stanley Matindi - Part 7, p. 6878 - 6887.

These three policemen were first mentioned by W. 334 as having been arrested. He said that Ogiya used to live at Naamiya and the other two at the Police Training School, and all three were school.

We heard evidence on Ogiya only from his wife Lucia (W. 340). She used to live at home in addition and the other wife, Verina Oyo, (she did not give evidence) used to live with the subject in the barracks. Also living with them in the barracks was their son called Estero Ojura.

W. 340 came to Kampala upon getting news from Ojura that the subject had been arrested and the son told her that the subject was a police officer. He said that the subject was a police officer and that he was required on duty and returned home later and had a letter dated 1961-1-11, from the subject from his wife. It was a letter addressed to the subject's wife. The letter - (1.3461-6):

"I have already been arrested. Inform my son Petero Ojara that Obia has been arrested and I am at Makindye. There is Shs. 20/- in my pocket and Shs. 400/- in my books of account with the Uganda Government no more. I your father

Sgd.
Obia."

The witness approached the C.C. Barracks, Opio, who denied any knowledge about the subject's arrest. She went to Makindye where the soldiers at the gate told her that he was not there. She returned to Opio who told her that he could do nothing and asked her to pack up and be ready to leave the barracks on 5th October, 1972. She asked him for a few more days to look for her husband but he refused and on the 5th official transport came and they moved with their property to their village home.

The witness said that the police did not give them even the salary for September, 1972. Her husband has twelve children between the ages of 21 and 3, seven of whom are at school being supported by the eldest son. Her husband's rifle was deposited with the police. Nobody has so far applied to court for the management of his estate.

Of these three policemen only Obiya appears in Ex. 141 and Ex. 167 as having been dismissed from the Force with effect from 15th September, 1972.

With regard to Obiya, it seems manifest from his letter Ex. 76 that he was detained at Makindye Military Police. It will be recalled that WIP Mone (subject 191) who also was arrested from Nambya barracks was similarly detained at Makindye. It may well be that the other two policemen, that is WIP Onen and P.C. Oyoallo, who were said by T. 344 to have been arrested,

were also detained at Makindye like their colleagues.
Although the evidence of W. 340 is hearsay, it seems that
the common factor in the cases of Ochiya and Mondo was the
fact that they were told that they were required on duty
and in both cases the head of the BSB, Ali Toweli, was
mentioned as being present.

Ochiya's letter (Ex. 70) is dated 20th September,
1972, and he has not been heard of since. He does not
appear in the list of people who were subsequently trans-
ferred from Makindye to Luzira nor is there any evidence
to show that he was amongst those transferred to Mutukula.
We are satisfied that he is missing since September, 1972
and, in these circumstances, he must have disappeared
during his detention at Makindye. The probability
clearly is that he was unlawfully disposed of during his
detention.

236. Subject No. 213 - BUREAU ARMY.

- Witnesses: 335 Adjutant Clerys - Part 4, p. 3392 - 3401.
336 Miss Clarity -
- Part 4, p. 3402 - 3411.
343 B/SP J.O. Okipi
- Part 4, p. 3503 - 3550.
488 W. 561 Lt. Col.
- Part 6, p. 5512 - 5577.
491 W. 5626 Cpl. Rafi Ombira
- Part 6, p. 5659 - 5693B.
493 W. 5652 Lt. Col. Mungu Bukali Pondo
- Part 6, p. 5705 - 5750.
567 W. 5653 Lt. Col.
- Part 7, p. 6849 - 6878.

were also detained at Makindye like their colleagues. Although the evidence of W. 340 is hearsay, it seems that the common factor in the cases of Ochiya and Mondo was the fact that they were told that they were required on duty and in both cases the head of the ICS, Ali Toweli, was mentioned as being present.

Ochiya's letter (Ex. 70) is dated 20th September, 1972, and he has not been heard of since. He does not appear in the list of people who were subsequently transferred from Makindye to Luzira nor is there any evidence to show that he was amongst those transferred to Mutukula. We are satisfied that he is missing since September, 1972 and, in these circumstances, he must have disappeared during his detention at Makindye. The probability clearly is that he was unlawfully disposed of during his detention.

236. Subject No. 213 - HUMAN AGENCY.

Witnesses: 335 Adjutant Cherya - Part 4, p. 3392 - 3401.

336 Miss Clarity -
- Part 4, p. 3402 - 3411.

343 W/SGT J.C. Okipi
- Part 4, p. 3503 - 3550.

488 W/SGT J.C. Okipi
- Part 6, p. 5512 - 5577.

491 W/SGT J.C. Okipi
- Part 6, p. 5659 - 5693B.

495 W/SGT J.C. Okipi
- Part 6, p. 5705 - 5750.

567 W/SGT J.C. Okipi
- Part 7, p. 6849 - 6878.

The subject was aged about 58. He was married to Ajulina Adeny. (W. 335) and they have twelve children, including Charity Acan (W. 336), aged twenty-five and a State Registered Nurse. Some of the children are at school. The subject used to live in his village home at Paicho, while his wife had a shop in Gulu.

The subject was arrested on 12th September, 1973, from his wife's shop and taken to the Police Station, Gulu. The reason for this arrest was given by Captain Juma (W.542) of the Army Intelligence, Gulu Airbase, as follows - (p.6850):

"This man was in Gulu and we received information that he was keeping some automatic Chinese rifles for subversive activities. I started working on the information and we received it. He was keeping these rifles, of course, not in his house which he has in Gulu but somewhere else. He was arrested on the day he made arrangement to remove the firearms from the place where they were hidden to be taken to Gulu and he was a recruiting agent, according to the information we received. I instructed my staff to get hold of this man because he was supposed to lead the way to where they were to deliver these firearms and he was kept at the Police Station for a couple of days or three. We laid the trap to get this vehicle which was taking the firearms, and unfortunately we did not succeed. On failure, there was no evidence so as to charge the man. I was coming from the barracks and Cpl. Ali Wila and Onziga took him from the Police Station; they were taking him to me for interview. Then I met them near at the former District Administration Block. There, I told them to release him since there was no proper evidence under which we could charge the man, from that day he was released, and what happened after that is what I do not know. Probably he might have fled the country on the point that his movements were being watched."

That is the gist of the case which the subject had and the action which was taken against him. Captain

Bushir Juma said that he had instructed his junior staff to go and get hold of him from his shop and to take him to the Police Station. According to Officer (S. 491) the Captain sent him and another officer to 'check' on the subject and both of them approached the O.C. Grimo, Okipi, for a police constable to help them. Bando said that their instructions were to arrest the man. Okipi confirmed that on 12th September, 1973, these two Intelligence Officers asked him for a uniformed constable 'for a job they had to do in the town'; they did not tell him the nature of the job but he ordered one constable in uniform to accompany them. He said that they were in a hurry and were engaged in a job similar to his.

Mrs. Adanya was in her shop and her husband was also with her. A policeman came and told her husband that he was wanted at the Police Station. Her husband asked the policeman why he was wanted. He was told that he did not know as he had been sent by someone else. Then the subject agreed to go with him to the Police Station and his wife followed him. The two Intelligence Officers left the policeman escorting him on foot and they went to the barracks to report to their Captain, who ordered them to fetch him as he wanted to interrogate him. Mrs. Adanya found her husband handcuffed, sitting behind the counter at the Police Station. She also found many people there who were talking to him and amongst them, she saw the O.C. Grimo, Okipi. Without speaking to him she ran to the I.C., Mr. Estemba, and advised him to go back to the Police Station which he tried to do immediately her husband's arrest. In the meantime the two Intelligence Officers returned to the Police Station for the subject. Grimo said that only

by 1400. . . F

he and Bondo went to fetch him, but Ahmad Wila (W. 488) maintained that he also went with his two colleagues. The account given by Wila of what happened at the Police Station is somewhat different from that of his other two colleagues. According to Wila, they first saw Okipi and informed him that they had been sent to fetch the man who had been arrested for transferring guns and ammunition to Tanzania. He said that it was Okipi who told them the name of the man as Adenya and he accompanied them to the cells where he handed over the subject to them. According to Onzira and Bondo, they found the subject at the counter and told him that the Captain wanted to interrogate him, where upon the subject agreed and got into their vehicle. Wila said that he was in Toyota Mark III car, UVN 719.

Okipi, who was in his office at the Police Station, said that he went to the counter on hearing people shouting and he found the subject behind the counter. It was the subject who was shouting in his mother tongue, Acholi, and Onzira and Bondo were shouting at him in Kiswahili 'Tuchukwe Mtu hii' (p. 3530), that is to say, 'let us take him'. He said that the subject was handcuffed and he was bundled into the car. Okipi went on to say that no record was kept of this incident in the Station Diary and he informed us that the Lock Up Register was missing. His explanation was that the counter officers were perhaps afraid to enter the name of the subject in the Station Diary. Okipi himself did not interfere as he did not want 'to get involved' in the matter. He thought that the Intelligence men knew what they were doing and it was no longer his concern. He was bold enough to admit that he did not ask them what they were doing as he feared them and did not want to submit himself/...../401.

himself to any blame by them. He said that he preferred to be blamed by the society so long as the society did not arm the police. He said that the police were armed with pistols and this probably had frightened the other policemen at the Station.

However, there is yet another account of the incident in the Police Station. The subject's daughter was then working at Gulu Hospital and, at about 3 p.m. on 12th September, 1972, her attention was drawn to the Police Station by some noise. She saw a crowd and went to the Police Station. She found her father in a white saloon car with his hands and legs in handcuffs. She dashed to the people in the car and asked why her father was handcuffed and where they were taking him? She said - (p.3403):

"I entered the car and asked them where they were taking him, why they had arrested my father, I wanted to know. Then they started pulling me out and they were many of them around the car. They started to fight me, one of them was having a gun. When they overpowered me and pulled me outside the one with the gun entered the car and another one also entered the car and they drove off towards their barracks."

She said that the only answer she received to her queries was that if she wanted to go with her father she could. She sustained some minor injuries during the incident. She stayed there crying and it was then that her mother came back and told her about her report to the D.C. Both of them went to see Okipi in his office, and Okipi told them that he had been asked by somebody for a policeman to fetch the subject from the shop without disclosing the name of that person. Okipi, however, maintained that he told them everything, including the names of the Intelligence Officers.

The subject's wife said that they have not seen Adenya since then.

These Intelligence Officers said that they met their boss, Captain Bushir Juma, in front of the former District Administration Block, a little distance from the Police Station. There, the Captain interrogated the subject for ten or fifteen minutes and then ordered that he be released. The Captain also maintained that Ali Wila was not there at that time and, according to Onziga, Ali Wila came when the Captain was interviewing the subject. Ali Wila said that when they met the Captain, they handed Adenya to him and then all three of them, that is, Onziga, Bondo, and Ali Wila, went away to Lira to see his sick sister. He said that he had permission from the Captain for all three to go to Lira and they returned at about 5 or 6 p.m. Later he was told by the Captain that he had released the subject on the spot as there was no evidence against him and the following day the Captain ordered them to go to Attiak to fetch some five guns and 120 rounds of ammunition. The evidence of the other two Intelligence Officers and the Captain is that the Captain interrogated the man on the spot and then released him, after which the three Intelligence Officers went to Attiak to intercept the vehicle which was supposed to be carrying the firearms and ammunition. That mission proved unsuccessful and they went back to Attiak the following day (13th September, 1973), when they managed to arrest three with five guns and 100 rounds of ammunition. One of those three managed to escape but the other two were later taken to Your Excellency's Office, Kampala, and handed over to Lt. Col. Francis.

The evidence in this case seems to be fairly straight

forward/...../408..

forward. It is not denied that at least two of the Intelligence Officers did ask for a uniformed constable to arrest the subject from his wife's shop and take him to the Police

officers subsequently collected the subject in the car to take him before their superior officer, Captain Bashir Juma. The difficulty we have encountered is to reconcile the rather shifting evidence of Cpl. Ahmed Ali Wila with that of his two colleagues. At first he seemed to say that he knew nothing about the arrest of the subject by the Police at the behest of his two colleagues, but later on he maintained that he was present when this was done. Also he changed his earlier evidence about handing the subject to Captain Bashir Juma on the road and immediately leaving for Lira to fall in line with that of his two colleagues. His two colleagues called him an outright liar and they denied going with him to Lira to see his sister as he maintained. We asked ourselves whether this witness, Ali Wila, was so dim that he could not be expected to be consistent or he was giving testimony in this manner deliberately in order to confuse the evidence and thus try to shift the blame elsewhere.

We do not think that he was a dim witness. We think that he was confused and worried. His evidence about collecting the subject from the Police Station was very much similar to that of his two colleagues. He also talked about meeting Captain Bashir Juma on the way. This indicated that perhaps he was with his two colleagues when they went to fetch the subject from the Police Station. The question is what happened thereafter; would they hand over Aderya to the Captain and immediately set out for Lira as he maintained, or would

they wait throughout the Captain's interview until the prisoner was released as the others maintain? This interview took place about three hundred yards from the Police Station. The Captain denied any knowledge about the Police having been used in the arrest of the subject. We find it odd that the Captain, who had received such important information against the subject, would have dealt with him in such a casual manner by the roadside and in sight of the Police Station and then released him. Wila said that the idea was that they would re-arrest him if further evidence was discovered against him. We were not impressed with his argument. The country was then in a state of turmoil because of the guerillas, and it is obvious that people against whom such reports of conveying firearms and ammunition in assistance of the guerillas were being received were being treated as enemies of the country and in no better way than the guerillas themselves. His argument was that his first trap had failed and no evidence had been disclosed against Aderya. He went on to say that the subsequent arrest of two other people, together with the guns and ammunition, at Attiak had nothing to do with Aderya. This is not the impression one gets from the evidence of his three junior officers. The impression we had is that the arrest of the others and the discovery of five guns and some ammunition in the vehicle was due to the information which the Intelligence Officers had received, in which Aderya was first mentioned. As such we think that no reasonable person, in his proper senses dealing with such a serious report involving the security of the country, would have risked releasing such a person after a casual and cursory interrogation by the roadside, particularly so when further investigations in the form of a follow-up of the

report/...../405;

report were still in progress. We know, and it is not denied, that a follow up of the report led to the arrest of some other people together with some firearms and ammunition. It is for these reasons that we find it difficult to believe that the subject, who has been reported to be conveying firearms and ammunition to the guerillas, would have been released before the follow up of the report to ascertain its truth. In any case, we fail to understand why the junior officers, who had in fact used the police for arresting the subject presumably to keep their identity unknown, would have risked the subject's release pending further investigations, as such release would obviously have demolished their argument that the police had to be used so that the subject could not get in touch with his colleagues. It is clear that once released, he would have been able to contact the rest of his party and put them on the alert. This is another argument which militates against his having been released as maintained by Captain Bashir Juma. Captain Bashir Juma is not borne out either by the police or by his junior officers in that the subject was kept in detention at the Police Station for a couple of days. Nevertheless Adenya has not been seen or heard of since September, 1973. For the reasons we have given, we are not persuaded by the Captain's comment that the subject might have fled the country after being released. We would have agreed with him that such a possibility existed only if we were satisfied by his evidence and that of his junior officers that the subject had in fact been released by them. The only other possibility which comes to mind is that the Captain might have ordered the release and gone away leaving the

subject/...../ 406.

with his junior officers. Even so, we are at a loss to understand why the subject, if he was to be released, was not taken back to the Police Station and set free in the presence of Okipi who had been used as an instrument in arresting the subject in the first place. We are of the opinion that, in view of the various contradictions and discrepancies in the evidence of the Intelligence Officers and their boss, they have tried to suppress the truth so far as the whereabouts of the subject are concerned. What is definite is that the subject was collected from the Police Station by the three Intelligence Officers and was never seen again. If their explanation is rejected, and we are of the opinion that it should be so rejected, then the probability clearly is that the subject was unlawfully disposed of by them after being handed back to them by their superior officer by the road side, a little distance from the Police Station.

237. Subject No. 214 - GEORGE OLENG.

238. Subject No. 215 - P.C. OWEKA.

Witnesses: 337 Betty Adongo - Part 4, p. 3412 - 3423.

471 No. 3994 P.C. William Ojen

- Part 4, p. 5215 - 5228.

George Olong was the postmaster of Moyo Post Office. He was married to W. 337 and they have two sons, aged 4 and 2½, both of whom are alleged to have been taken away from her after her refusal to marry one of her brothers-in-law.

Oweka was the P.C., Police Station, Moyo.

on/...../497.

On 4th October, 1972, W. 337 was in Moyo Hospital when she received a report from her husband's colleague, Isse, that two people from Kampala, claiming to have been sent by Your Excellency to attend a conference in Kampala, had arrested the two subjects at about 3 p.m.

P.C. Ojen (W. 471) was at the Police Station when, at about 3 p.m., he saw the Postmaster with two men. One of whom said, "Policeman come and take the keys from the Postmaster, we are taking him away." This frightened the police constable. He said that as he came out of the police station, one of the two men pulled out an identity card. On it he saw the drawing of swords and the letters "U.S."; he also saw a photograph on it but it was not handed to him for proper scrutiny. The postmaster asked these men who they were and where they were taking him. W. 471 did not intervene or try to assist the postmaster because, according to him, the situation in those days was not normal as the country had been invaded by guerillas. He suspected that those two could have been guerillas or persecutors but he had no means of stopping them as he was not armed; and the other police constables were on duty at some road blocks. He said that, although they had identified themselves as Army soldiers, he did not believe them as 'anyone can get an identity card'. At the same time he said that he thought that they could be genuine, but he did not try to find out as he was afraid. He took the keys and those people went away. He said that they were at the police station for a very short time of about three seconds. He saw the vehicle in which they were travelling, and he made an entry in his Station Diary - Entry No. 29 made at 1500 hours (Ex. 12C), reads as follows:

"M.V. UVK 358 Volkswagen Motor Omnibus by Uganda Army personnel into the station with the postmaster and handed-in post office keys and postmaster to accompany them."

It is obvious that at first the constable had written 'unknown persons' but later the same day, amended this to read "Army personnel".

There is evidence that on their way back from the police station, they stopped at the Court where they found P.C. Oweka. They asked him to handover the files to the magistrate and took him along with them in the same car.

According to Ex. 152, a list of different vehicles giving details of the registered particulars of ownership, motor vehicle No. UVK 358, a Volkswagen is registered in the name of the Ministry of Defence.

W. 337 rang up the Commanding Officer, Moyo Barracks. He denied any knowledge of these two arrests. The following day she saw the D.C., and found him with the Commanding Officer, Mustapha and Lt. Ogwal. They said that they were sending an ADC with a letter to Kampala to find out, and on Saturday the ADC went to Kampala. On the return of the ADC, she was told that neither subject was in Kampala. On 17th October, 1972, she went to Makindye where she asked an Alur soldier at the gate about the two subjects. He told her 'sister you go home. Don't waste your time. We are now as dogs. Sometime you may leave your husband in Karuma Falls (see also subject No. 171, p. 360) or in the forest there.' - (p. 3417). On hearing this, she lost all hope and thought that her husband was dead. On being asked about the reference to Karuma Falls, she said, 'that would mean that they used to throw some people in the Falls'

- p. 3421; and about the forest she said, "As he is an army man, I thought they might have been throwing some people in the forest," - p. 3421. She could not explain what the

Notwithstanding the fact that W. 471, No. 3994 P.C. William Ojon, was scared of the two people who took the postmaster to the Police Station and was not prepared to risk anything by trying to intervene or stand for or assist the postmaster, it must be said in his favour that he kept his eyes open and had the presence of mind, which unfortunately cannot be said about many other policemen under similar circumstances, to jot down the vehicle involved in his station diary. Being ignorant about the ownership of the vehicle and considering that the country had been invaded by guerillas not very long ago, he may have thought that they were persons or guerillas, but he made it clear that he had an equally strong doubt in his mind, because of the identity card, that they might be genuine army soldiers. Ex. 152, which contains the particulars of registration of this vehicle, makes it absolutely clear that on the day the vehicle was seen in Moyo taking the postmaster and P.C. Oweka away, it was registered as the property of the Ministry of Defence. There is thus overwhelming evidence to say that those two who stopped at the Police Station were in fact people from the Ministry of Defence. They could not have been anybody else and we refuse to believe that other people outside the Army would have hijacked the army vehicle. We are satisfied that both these subjects were taken away by these two soldiers in the army vehicle on the pretext that they were required in Kampala for a special case. There is no evidence that they

reached Kampala and it seems to us that the comment made by the Alur soldier at the gate of Makindye referring to Karuma Falls and the forest is pertinent. As both of them have been missing since 4th October, 1972, we have no hesitation in finding that they were unlawfully disposed of by their army escort on the way to Kampala.

It should not be difficult to trace the movements of this army vehicle from the transport records maintained by the relevant department, which should also disclose the identity of the people using it on the 4th October, 1972. We think that further investigations should be carried out in this case on these lines.

239. Subject No. 216 - NO. 4875 STATION SERGEANT

OBOTE NYW. LOWOK CELESTINE.

Witnesses: 336 Besemesi Achana - Part 4, p. 3423 - 3432.

470 No. 3294 Station Sergeant Benedicto
Balamusana - Part 6, p. 5204 - 5214.

The subject was a Station Sergeant at the Railway Police Station, Gulu. He was married to W. 338 and they have five children between the ages of seventeen and five, all of whom are at school.

On 2nd October, 1972, the subject left home informing his wife that he was going to Pakwach to pay the staff.

At about 9.15 a.m. S.D. Constable Adwere called the other witness (W. 470) from the barracks saying that the subject had been arrested by three people. They dashed

together/...../411.

together to the Police Station and on the way, W. 470 saw a Volkswagen Kombi, white, with three people in it with the subject. One of them threw the keys out of the window and but not the figures. The witness made an entry in his Station Diary (9/2/10/74) at 9.15 a.m. as follows:

"Station Sergeant, Nyxalowok taken away by the 'Ua Gu' from the office. Reason not known on 1 October, 1972, at 0915 hours."

The witness explained that the registration letters which he had seen on the vehicle, that is, 'Ua' gave him the impression that it was an Army vehicle notwithstanding the fact that the three people in the vehicle were in civilian clothes and there was nothing else to indicate where the vehicle came from. He said that he had seen the rear number plate of the vehicle which was not yellow like other civilian vehicles but the background of the number plate was black. He said that he had written in the Station Diary that they were Army people of Gulu because there were soldiers stationed at Gulu.

Within half an hour of her husband's leaving home, Esimesi heard that he had been arrested and taken away. She also dashed to the Railway Police Station and was in time to see the white Kombi driving away at great speed. She ran up the head of the Railway Police in Kusaia but he denied any knowledge about the incident. She went to Gulu Police Station but her husband was not there either. Her statement was not recorded, nor was her report taken down. She went to the Army Barracks, Gulu, where the gate-keeper told her that her husband, who she said he worked at, was in a cell. She asked to see him and

he went away to get permission. She waited there for three hours but he never came back. She returned to the Airbase the following day and was told to come back after the Independence Day celebrations. When she went back on 11th October, 1972, she was told by another gate keeper that he had been taken to Makindye. She proceeded to Makindye and was asked to return the following day, Saturday. She did and the gate keeper asked her for her tribe and the tribe of her mother. She told him that she was a Langi and her mother a Muruka. She was then asked to go away as her husband was not there. She said that she stayed on hoping that he might change his mind but he threatened to shoot.

She has no idea of what happened to her husband. She said that her husband had money in the bank and a Court Clerk told her to wait for three years before she could get an order to receive the money from the bank.

The constable who was at the Police Station when the subject was taken did not come forward to give evidence. The only evidence we have is that the subject was seen being taken away in a white Kombi by three men and only the registration letters of the vehicle. We have given this matter some thought and we think that the other station sergeant - P. 470 - is right when he says that the registration number plate of any Army vehicle is different from that of a civilian motor vehicle. It may very well be that the vehicle which took away the subject from the Railway Station was an Army vehicle. None of the three men who took him was identified, nor is there any evidence of where he was taken to. We appreciate that there is evidence of his wife, who went to the Airbase on the following day, being

told that he was in the cells. As against this, we have the evidence of Captain Bashir Juma (W. 542) and his three Lieutenants (W. 488, W. 491, and W. 493) who maintained that the subject was not taken to the barracks at the Gulu Airbase. No records of Gulu Airbase were made available to us, and there is no way of checking whether the subject was in fact taken there. On the other hand, we see no reason why the subject's wife should tell deliberate lies. We can only say that there is considerable suspicion that the subject was arrested by Intelligence officers from Gulu Airbase and later transferred to Makindye, as the subject's wife maintains she was told by the gate keeper at the Gulu Airbase. As he is missing since 2nd October, 1972, we think that the probability is that he was unlawfully disposed of during his detention at Makindye Military Police.

240. Subject No. 217 - ICINJEL OYAM.

Witnesses: 339 Rev. Isaac Okumu - Part 4, p. 3433 - 3457.
438 Benon Jackson Twedo
- Part 5, p. 4657 - 4676.
439 UA 13915 Staff Sergeant Mohamed Ojala
- Part 5, p. 4676 - 4695.
440 Lt. Yusuf Omara - Part 4, p. 4695 - 4700.
489 UA 8179 Udu Ismail
- Part 6, p. 5578 - 5618.

The subject was a Statistician with the Uganda Coffee Marketing Board and used to live at No. 2 Bazarabusa Drive, Bugolobi, with a girl friend from whom he had two children, aged four and three. At the material time his younger brother Twedo (W. 438), a University student, was living with him.

The subject's father is Rev. Isaac Okumu, (W. 339) and was the Archdeacon of Acheli. He last saw the subject on 11th January, 1972, at Mukono where he was attending the provincial assembly meeting. On 13th January, 1972, the Rev. received a report that his son had been arrested on 12th January, 1972, at 5.30 p.m. from a petrol station. According to the house-boy (he was not called), the subject was taken to his home by two men in Citroen car and the house was searched. A red UPC shirt and some documents were taken away by these men. According to Twodo, the subject, who was a member of the UPC, was contemplating standing for Parliamentary elections before the Army Takeover of the Government.

The Rev. and his son Twodo went to Makindye where they saw his car, BMW 1800, No. UUV 832, in a shed in front of the duty room. The Rev. maintained that they were told by Lt. Mohamed Ojale (W. 439), a school mate of Twodo, that his son had been brought in on 12th January, 1972, at 6 p.m. by UA 8179, Cpl. Abdu (W. 489), to whom he was subsequently returned to be taken home and released. This was denied by the Lt. and Twodo also did not hear any such thing being mentioned although he said that this information might have been given to his father when he himself was ringing home to find out if the subject had reached home. He admitted, however, that they were told that Cpl. Abdu of Malire had brought his brother into Makindye. Twodo further denied, as was maintained by the Rev., that they were also told that the Cpl. was Your Excellency's bodyguard. Twodo thought that they met Lt. Ojale after receiving all this information and the Lt. only undertook to try to look for the subject. In his

evidence, the Lt. said that the Rev. only told him that he was looking for his son without giving any details about what might have happened to him and he denied offering any help. He also denied seeing the BMW there, and that he knew Cpl. ...

The Rev. and his son Twodo then proceeded to Makindye where they met Captain Omara (N. 440), who said that he was a Lt.) The Rev. knew him before and told him about his son. N. 440 is alleged to have confirmed that he knew Cpl. Abdu and promised to let the Rev. know the result of his investigations. Lt. Omara denied knowing the Rev. and meeting him as alleged. He also denied knowing Cpl. Abdu.

On 17th January, 1972, the Rev. returned to Makindye to collect his son's car as he had been told at his previous visit that the car and the keys of the house could be collected at any time. He found the car was not at Makindye and no body seemed to know what happened to it.

On 20th January, 1972, he collected his son's property from his residence and took it home.

On 31st January, 1972, he wrote to Your Excellency - Ex. 75 - regarding his son's disappearance in the following terms:

"The Diocese of Northern Uganda,
P.O. Box 232,
Gulu, Uganda.

31st January, 1972.

His Excellency the President of the Second Republic of Uganda, General Idi Amin Dada.

The Arrest and Disappearance of my son,
Mr. Isimuel Oyamo at the Uganda Coffee
Marketing Board on 17th January, 1972.

As your Excellency may be aware, I am deeply sorrowful following the arrest and disappearance of my son, and I have had conflicting reports about him and this is adding more sorrow in my house. I am to invite your Government to tell us where my son might be and also who may have arrested him. I have come to Kampala again for the second time for the following reasons:

1. I should really like to understand whether my son is still living or not;
2. I should like, your Excellency, to use your good offices to return my son's car UNV. 832 BMW 1800 because I have established that my son had already paid all the expenses on this car and as far as I know there are no outstanding debts on the car and I do not see any reason why his car should be retained.
3. My last and not least request of your Excellency is about money because my son was on a three months holiday which he started last November and during his holiday he has had many calls back to duty and he still had one month to finish when he was called again in January. As far as we know he has not received any salary for the month of November to date. I would like to have this money paid to me so that I can take it back with me. I also request that if Your Excellency is aware that my son is no more and as he disappeared on duty I should like the Government to consider making some payment for this. I should also like to have his gratuity paid over to me together with the Social Security Fund and any other outstanding money due to him.

My wife and I would like to end on a deep note of regret and to say that if your Government will not tell us whether my son is still alive or where he is, we will remain deeply sad about it.

Secondly, if you see his car being used when, in fact, he may not be living, this is also very sad and we hope that Your Excellency will do everything possible to remove this sadness.

Yours servant,
Srd. I. Chumu
Archdeacon of Acholi.

copies to:

Coffee Marketing Board
The District Commissioner Acholi
The Most Reverend E. Sabiti
The Rt. Rev. James Iwama,
Bishop of Northern Uganda.

The Ministry of Agriculture
The Ministry of Internal Affairs."

The Rev. spoke of all the other attempts he made to trace his son, with a Mr. Miller of the Uganda Coffee Marketing Board, he saw the then Minister of Foreign Affairs, Mr. Kibasi on 16th February, 1972. He also saw the Permanent Secretary of the Ministry of Internal Affairs, and the Minister of Defence. He said that he tried to see Your Excellency but did not succeed. On 4th February, 1972 he inserted a notice in the 'Uganda Argus' headed "WHERE IS MY SON" - in the following terms - (p. 3449):

"I most respectfully request your kindness to include in your paper this sad announcement. My eldest and dearly loved son, Mr. Icinael Oyam who works with the Uganda Coffee Marketing Board as a statistician, disappeared suddenly on 12th January, 1972. By then was staying in Kampala. Since his disappearance I have heard no news about him or his whereabouts. My family and I are now so deeply worried. Therefore, I am appealing to the public if any body has any news of his whereabouts or might have seen him somewhere please kindly let me know either in person or in writing at the following address:

The Rev. James Iwama C.S.S.
Archdeacon of Acholi,
P.O. Box 136, Gulu.

I shall be most thankful for your cooperation and sympathy.

Rev. J. Iwama,
Archdeacon."

UA 8179, WO2 Abdu Ismail denied that he knew the subject. He denied having arrested any body from the C.M.B. and denied categorically that he arrested the subject on 12th January, 1972, as alleged.

We have been unable to hear any direct evidence about the arrest of the subject. It seems that our Counsel was unable to trace the houseboy who was present during the search of the house. We have the Rev's evidence about what Lt. Ojale is alleged to have told him at Makindye. As has been seen the Lt. denied saying any such things to the Rev. The question is, why should a religious person tell deliberate lies against the Lt. Of one thing we are sure and this is that the Rev. did not know of any soldier by the name of Cpl. Abdu Ismail of Malire. Even if he might have known this name, we doubt very much if he would have known his force number. He said that when he was given his name and the force number, he recorded both in his diary which he produced at the time of the hearing. It is, therefore, evident that someone must have given him the name of this soldier and his force number when he was at Makindye enquiring about his son. Lt. Ojale is Twodo's school mate. What better person to approach for information than Twodo's school mate. Notwithstanding Lt. Ojale's denials, which we find as completely baseless, we find that Ojale did in fact tell the Rev. about the person who took the subject to Makindye on 12th January, 1972, at about 6 p.m. and also gave his force number. We are of the opinion that Lt. Omara did confirm that Abdu Ismail was attached to Malire and he knew him. To think that these two soldier witnesses that is, Ojale and Omara, told lies deliberately to cover up Abdu Ismail.

We have considered the evidence of Abdu Ismail very carefully but, in view of our findings above, there is only one conclusion at which we can arrive. That conclusion is that Abdu Ismail was telling lies, the same as his two other colleagues, in order to escape any blame for the disappearance of the subject. Accordingly, we find that Abdu Ismail arrested the subject, took him to Makindye but the subject was handed back to him to take to his home for being released there. The subject never reached home, and has not been seen since. No. UA 8179 W02 Ismail is the only person who must know what he did with the subject. As far as we are concerned the probability is that the subject was unlawfully disposed of by this W02.

- 241. Subject No. 218 - INSPECTOR OF POLICE WILSON ANYWAR.
- 242. Subject No. 219 - A.S.P. MARTIN OGABA.
- 243. Subject No. 256 - POLICE MATRON JOYCE AKELLO.

Witnesses: 341 Christine Anywar - Part 4, p. 3466 - 3491.
384 Insp. Amos Kibalizira
- Part 4, p. 3929 - 3944.
486 Col. Joseph Ozo - Part 6, p. 5468 - 5507.

These three Police Officers were stationed at Koroto Police Station. Inspector Anywar was married to Christine (W. 341), who is a staff nurse, and they have six children between the ages of seven and three. He had one child from another woman. ASP Ogaba was in Charge of the C.I.D.

Inspector Kibalizira (W. 384) was transferred to

Moroto as the District Special Branch Officer about four days before this incident in which these three subjects were involved. He said that he knew of 'a lot of speculations that Mr. Ogaba was going to be taken away'. He gathered this information from people talking in the bars and it was being said that the Langi and Acholi were going to be killed. W. 384 said that he warned Mr. Ogaba that he was in 'trouble'.

There is evidence that on 11th July, 1971, at around 6 p.m. fourteen recruits and three instructors lined up near the kitchen at Moroto Army Barracks for their meal, when the Guard Commander, Cpl. Ogaba, an Acholi, opened fire and killed all seventeen. The Cpl ran away, and so did some other recruits. This incident led to further shooting in the barracks throughout the night which was heard by the residents of Moroto, including Mrs. Anywar who was taken to Moroto Hospital for delivery by her husband the same evening. This incident occurred during the absence of the Commanding Officer, Col. Ozo, who learnt of it on his return on 12th July, 1971.

It was agreed both by Kibalizira and Col. Ozo that the barracks had not been attacked by any forces from outside and that the only incident which occurred was this sudden shooting by Cpl. Ogaba of the recruits and their instructors. W. 384, said that during the course of his duties he had not received any information or news of the presence of any guerillas in Moroto area and he insisted that this incident in the barracks was due to the presence of 'internal guerillas'. This shooting was followed in the barracks by a search for guerillas, mainly Acholi

and Langi', and W. 384 heard that the soldiers in the barracks had been rounded up, but whether they were killed or not he did not know.

On the following morning, W. 384 was with ASP Ogaba in the office and at about 9 a.m. left to go to the town. On his return to the office he found some shoes, belts and chevrons. He found some sad looking people who told him that 'the army had taken' the three subjects. We did not hear any direct evidence about the arrest of these three and the O.C. Police of the time, Mr. Ombayo, who was a Kenyan, subsequently fled to his home country.

Mrs. Anywar received news of her husband's arrest on 12th July, 1971, at about 8 a.m. from her house boy who told her that Anywar had been arrested from his office.

W. 384 commented as follows on these arrests -
(p.393C):

"I believe that they were arrested on tribal basis because all of them were Acholi and Langi, and that day even after that we were all rounded up, the whole barracks, and picked all those who were Acholi but later on they were released at about 3 p.m., a radio constable was picked and killed in front of us. He was also a Langi. At about 11 a.m. some army personnel came to the Police Station and the bugle was sounded."

The parade was formed in the Police ground and they were addressed by a soldier. The substance of the speech was that there were some guerillas amongst the Police Force in Moroto. Then the Head Constable Dada was asked to pick out all the Langi and Acholi Officers who, on hearing this, stepped forward themselves.

The Army soldiers wanted to take away all of them but after a conference with the O.C. Police and Mr. Dada they were released.

At about 3 p.m., some other soldiers came and picked up the radio Constable. They stabbed him to death just behind the police offices. The body was then put in the landrover and a police driver was asked to take it away. It was after this incident that Ombayo fled to his home country, Kenya, and never came back.

Mrs. Anywar came out of hospital after 2 days and saw the O.C., Police. He rang up the Army barracks and was told that the prisoners were under detention at Moroto Barracks and would have to make statements before their release. After a few days, the O.C. told her that the Commanding Officer had suggested that she went home as the prisoners were being taken to Kampala for their statements. She tried to see the Commanding Officer but, as he was on safari, she saw the Acting Commanding Officer who said that Anywar and Ogaba were still in the barracks but were not allowed to receive visitors. She said that Ombayo was afraid to find out what had happened to her husband. Subsequently, she was given transport and she returned to her home in Gulu. Between 21st August and the end of the year, she wrote letters to various people asking for news of her husband. She first wrote to the Chief Justice of Uganda who, by his letter dated 21st August, 1971, forwarded a copy of her letter to the Minister of Defence Ex. 77. On 23rd September, 1971, the Ministry of Internal Affairs wrote to Mrs. Anywar (Ex. 78) sending her a copy of a letter dated 11th September, 1971, (Ex. 78a), addressed to the

Minister/...../

Minister of Defence in which it is stated that there was no record of the Police Officers in any of the Government Prisons and the Minister of Internal Affairs wanted the Minister of Defence to assist him in his investigations as the Police Officers were 'picked up by Army men of 2nd Bn. of Moroto on 12th July, 1971, and, therefore, it is impossible for me to investigate unless I know who those soldiers were'.

On 28th October, 1971, Mrs. Anywar wrote to the Minister of Internal Affairs through the District Commissioner, Acholi, asking for information about her husband's whereabouts and asking the Minister for financial assistance as she was completely helpless with five children, two of whom had to stop going to school. She also asked for his salary for the months of July to September, 1971, to be paid to her. Forwarding this letter to the Minister of Internal Affairs, someone from the District Commissioner's office endorsed on it, 'Please kindly think about the children,' Ex.79. Later Mrs. Anywar, together with Mrs. Omor whose husband had also disappeared, saw Mr. Adroni of the Police Headquarters who advised her to see the Chief of Staff for a letter to go and see her husband. She said that Mr. Adroni had information that her husband had been taken to Luzira Prison. She wanted such a letter after the officer in charge of the Upper Prison, Luzira, had asked for confirmation that she could see her husband. As a result, she saw Major Ozi on 9th November, 1971, who, after speaking to somebody in Luzira, gave her a letter dated 9th November, 1971, Ex. 80. It is headed:

"Mr. Wilson Anywar and Peter Omer," and is addressed to the O.C. Romand. It reads:

"The wives of these two Policemen who are mentioned above came to complain to the Ministry of Defence about the financial problems which were left by their husbands.

2. They also reported that their husbands are at the moment in detention at Luzira, therefore, they request to see their husbands so that they can arrange to withdraw some money from a Joint Bank Account with their husbands. They said that without the signature of their husbands, the Bank could not allow them to draw some money to help their families.

I would, therefore, be very grateful, if you would allow the two ladies to see their husbands so that they could finish up their financial problems."

Mrs. Anywar said that when they took this letter to the Prison, the Officer in Charge asked them to return to Ozi and tell him that if he really wanted them to see their husbands he should ring him up. They did this and Ozi said that the letter he had given them was the usual letter and if the O.C. Luzira could not help them there was nothing else he could do.

On 13th December, 1971, Mrs. Anywar wrote a letter to the Chief of Defence Staff regarding her husband - Ex. 81 - and copied it to the Bishop Ordinary of Uganda Armed Forces, the Rev. Cyrillino K'hangire.

The letter reads:

"I am Mrs. C. Anywar, the wife of the above mentioned Inspector V. Anywar.

My husband was wrongly and unjustly arrested by some army men at Moroto on 12.7. 1971 when he was on duty giving the salaries to his fellow policemen. He was taken to Karamoja at ... At the time I was in the maternity hospital expecting a baby. When I returned home I found my husband already

taken/...../ 425.

taken away and he had no chance to see a new member of our family. I was obliged to return home. All our children and especially those grown up had to stop their schooling! I have many difficulties and sorrows for my husband and family. There is also financial difficulty.

sufficient for the maintenance of the school.

I am therefore asking you to set free my husband and come back home. I have heard and confirmed through reliable sources that my husband is in one of the prisons around Kampala. Have pity on me, poor wife and mother, and please send back my husband as soon as possible so that I and my children can have moment with our dear beloved Wilson anyway.

By this copy I am also informing the Rt. Rev. Cipriano Dr. Kihanciro, the Bishop Ordinary of Uganda Armed Forces and who is also my bishop because I belong to Gulu diocese.

Yours in sorrow,

(Mrs.) Christina Anywar
Wife of Inspector Wilson Anywar."

This letter was followed up by the bishop who wrote to the Chief of Defence Staff Officer on 3rd January, 1972, and asked to be told what steps had been taken on Mrs. Anywar's letter - Ex.61 Mrs. Anywar said that all her attempts in trying to trace her husband had failed completely.

She said that two of her children are at school and the others are still very young. Her husband had some money in the bank but the manager refused to let her use it. Her brother-in-law had taken over all the property belonging to her husband after she had refused to marry one of them.

The C.O. Police Ombayo told her that he suspected W. 384 to have been responsible for the arrest of these three Police Officers. W. 384 denied any connection with their arrest and stated that he had previously warned Ombayo about the rumors he had heard.

He had a relative in Moroto Barracks called Lt. Byakagwa, who once told him that the prisoners had been taken to Kampala but when their head office made enquiries in Kampala they failed to trace them.

We are satisfied that these Police Officers were in fact arrested from Moroto Police Station on 12th July, 1971, after a whole night's shooting at Moroto Army Barracks which started after the incident of 11th July, 1971, when Cpl. Ogaba shot dead the fourteen recruits and three Instructors. Col. Ogo said that Ogaba was a Sergeant and he had not known him to have any mental history. This incident led to what we can only describe as a 'witch-hunt' for all Acholi and Langi men within the barracks and outside. After these three subjects had been arrested from the Police Station we see all policemen being gathered at the police ground and all Acholi and Langi policemen being separated. We are glad that better counsel prevailed and they were spared. From the evidence given by the Special Branch Officer and Col. Ogo, it is quite clear that Moroto barracks did not come under attack from any forces from outside, by the guerillas or otherwise. The only incident which led to the shooting on 11th July, 1971, at the barracks was the killing of the 17 personnel by sergeant Ogaba.

This is one of the cases where the wife of a missing subject did almost everything within her power and reach to try to trace her husband. Not only did she make direct approaches but she moved through the Bishop Ordinary of the Uganda Armed Forces, who also happened to be her Bishop.

unfortunately/...../43-

Unfortunately, she did not get any assistance from any quarter and this is to be greatly lamented for we feel that, had proper investigations been made in time, some of the three would have been saved. There is no doubt whatever that these three police officers, who incidentally do not appear in the list compiled by the Police Department of the Policemen who have disappeared - ex. 119 - have been missing since 14th July, 1971, after having been arrested from Moroto Police Station by soldiers from Moroto Army Barracks. We do not know whether they were in fact transferred to Injira but what seems obvious is that none of the three has ever been seen alive again. The probability, therefore, quite clearly is that all three must have been unlawfully disposed of while still under Military detention.

244. Subject No. 220 - NO 230 Lt. CELESTINO LOUIS ANONE.

See Mubende Soldiers, p. 675.

245. Subject No. 221 - No. 4546 P.C. CLEMENS OKONG.

246. Subject No. 222 - No. 1693 P.C. GIOE.

247. Subject No. 223 - No. 2404 P.C. ASUMAN OCHILLO.

248. Subject No. 224 - No. 1510 P.C. OCHAYA.

249. Subject No. 225 - ALFONSO OCHANG.

250. Subject No. 226 - JACOB ETIM.

Witnessed: 54 Lt. Kasim Kamathan Mursale alias, Lt. 'No Parking'

- Part 7, p. 697 - 698.

307 Cf Constant Oolong

- Part 4, p. 380 - 381.

- 345 Celestino Engole - Part 4, p. 3556 - 3560.
445 Det/AIP Dominic Semiti
- Part 5, p. 4741 - 4771.
448 Head Constable Major Christopher Balikumbuga
- Part 5, p. 4818 - 4842.
468 No. 982 Det/Constable John Kanabi
- Part 6, p. 5182 - 5194.
469 No. 1727 Det/Station Sgt. A. Musoke
- Part 6, p. 5194 - 5204.

The first four subjects, all police constables, were stationed at Lugazi Police Station. Alfunsio Ogwang was an office messenger at the same police station and was living in the servants' quarters of the O.C. Subject No. 226 used to work for Lugazi Sugar Factory.

The news of the invasion of the country by guerrillas from Tanzania on 17th September, 1972 was broadcast on the radio. As a result, the Head Constable Major (W. 448) gave the general alarm and the policemen were put on stand-by; the armory also was alerted.

At about 5 p.m. the Head Constable Major saw P.C. Okello carrying a tin on his bicycle into the barracks. It may be said here that as a result of what transpired soon afterwards Balikumbuga, who at first did not suspect anything, later said that the tin contained local beer called 'malwa'. It may also be said that there was shortage of water in the barracks at the time and it was not uncommon for the residents of the barracks to fetch water in tins in this fashion.

On the following morning, Balikumbuga received inform-

ation that Okello and Ojok had been in the house of Ogwang drinking and dancing. The witness inferred that they were 'in hiding' at the attack on Mutukula, Eyoer and Elerera. It was also reported that after the standby warning to the policemen the previous day, Olong had gone to a village outside the barracks to a beer party where he had been allegedly heard saying 'kiviri will come back,' which meant 'a head with long hair', and was the former President's nickname. W. 448 reported this intelligence to SP Ojulong on 20th September. Balikumbuga disclosed that he had been given this information by Detective Constable Kamuli (W. 468) and Detective Sergeant Masoke (W. 469). Both these policemen denied these allegations and both maintained that they had not heard any singing or dancing from the barracks on the night of the invasion. W. 469 did say, however, that he had heard the former President being called by the nickname 'Kiviri' and some used to call him 'Kitwe'.

Semiti, who was then the Ag. District Special Branch Officer, claimed to have received similar intelligence from some informers and he also passed on this information to SP Ojulong. He denied receiving any particular names of people who had participated in the celebrations but said that, according to his information, some people had visited friends in Luzazi Sugar Factory and had gathered at Katwe village for 'malwa' drinks and there was local dancing. His information also was that a tin of 'malwa' was subsequently taken to the barracks where further rejoicing took place. He said that he did not report any statements from his informers and his information was only hearsay and not conclusive as regards the people

had not been mentioned to him.

However, on 21st September, Lt. 'No Parking' arrived at the Police Station. According to Ojulong, the Lieutenant had a list of the names of some people and alleged that, according to his information, those people had rejoiced at the Invasion. He asked Ojulong if he knew those men and Ojulong told him that he knew them and was still enquiring into the allegation. The Lieutenant then left saying that he would return the following day for those people.

On 22nd September, Ojulong ordered the Head Constable Major to bring in the four constables and the office messenger. W. 446 returned with Okello and Ojok and found the other already in front of Ojulong in his office; also present in the office was Lt. 'No Parking'. Appearing in the Station Diary of the Police Station is Entry No.76 (Ex.90) which indicates that the six subjects together with one called Okello Wange, who was later released as per Ex. 91, had been brought in by Mr. Ojulong at about 10.30 a.m. Entry No. 80 (Ex.92) is in respect of some four other people who had been brought in from Buikwe Police Station on similar allegations of rejoicing at the Invasion and all these people were then handed over to Lt. 'No Parking' who said that he was taking them to Makindya. Mr. Ojulong told him that his enquiries had not been completed but the Lieutenant is alleged to have replied, "It is O.K. I will make enquiries and return them after enquiries are over." Semiti said that these people were taken away before his information was confirmed but he could not prevent Lt. 'No Parking' taking them away as he had no such power and the Lieutenant was acting as an Army officer/...../431.

officer. Appearing in the Staff Diary is Entry No. 85 (Ex. 90), according to which eleven people were taken away

about a month later, Lt. 'No Parking' went back to Lurazi on another investigation and, on being asked about these men, told Ojulong that they were under detention at Makindye being interrogated. The Lieutenant denied the account of this incident as given by the police officers and said that when he stopped at Lurazi Police Station and told Ojulong that he was on patrol looking for people suspected to have come from Tanzania, he was told by Ojulong that he had arrested some people the previous night for holding a meeting. The Lieutenant had then suggested that these people should be taken to the Commanding Officer, Makindye Military Police for interrogation. He said that he took these people to Makindye and handed them to the Commanding Officer, and did not know what happened to them afterwards. The four constables are included in the list of officers and men of the police force (Ex. 139) as having disappeared and are there indicated to have been arrested.

Subsequently, Ojulong arranged to send the property of these people to their respective homes and on 15th October, 1971, the property of P.C. Obong was taken to his home in Peki (Acholi) and his brother, Enrol (s. 345) took over the property. He did not try to make enquiries as he had been told not to bother himself if his brother was under detention. He said that Obong was married and had seven children between the ages of five to ten and three. Only two children were at home as they did

not have sufficient money to educate the others. His brother had about Shs. 11,000/- in the Uganda Commercial Bank but, as he was ignorant of the law, he had not applied to court for an order to manage his brother's property.

There is no doubt that these people were arrested on the allegation that they had celebrated the Invasion of the country by guerillas from Tanzania. What is surprising is that the police officers to whom the reports were made appear to have done nothing to try to ascertain the truth of those reports. The people involved were either Acholi or Langi, and it was not denied that the possibility of false reports being made was always present. According to Ojulong Lt. 'No Parking' came to the police station on 21st September, the very next day after Ojulong had been told about the alleged celebrations, with a list of the names of persons who were alleged by the Lieutenant to have celebrated the Invasion. Semiti denied having passed on the information to the Lieutenant in Kampala. The Lieutenant refuted Ojulong's evidence. This contradiction does not matter because the fact remains that these people were ultimately taken from the police station by the Lieutenant to Makiodye Military Police for interrogation by Marella. Ojulong admitted that they were taken away before his enquiries were completed and Semiti of course said that he had no power to stop the Lieutenant from taking them away. The most disturbing aspect of this case is that it is impossible to say whether these six subjects had in fact participated in these celebrations as alleged or not. They may have done so but, at the same time, there is equally a strong possibility that they were all innocent.

W. J. .../13/...

do not know what the result of the so called inter-
rogation by Marilla was. The Lieutenant was emphatic

This may be so and we think, in the absence of the DOB
of Makindye which was not available and there being nothing
else to contradict the Lieutenant's evidence, his
evidence on this subject ought to be accepted. This
will mean that these six unfortunate people were taken
to Makindye, and as they have been missing since then
without any trace or news, they must have disappeared
during their detention at Makindye Military Police.
The Military Police therefore will know how these people
were dealt with but as far as we are concerned, we can
only say that there is a very strong probability that
all of them were unlawfully disposed of by the Military
Police during their detention at Makindye.

251. Subject No. 227 - LIEUTENANT KIMTRI OKOT.

See Mubende Soldiers, p. 675.

252. Subject No. 228 - L/Cpl. YOBE NGEN.

See Malire Soldiers, p. 598.

253. Subject No. 229 - MAJOR JABUICHI OKELLO.

See Mubende Soldiers, p. 675.

254. Subject No. 230 - CAPTAIN GERESON OKELLO.

See Mubende Soldiers, p. 675.

Subject/...../ 434.

- 255. Subject No. 231 - BOB KENNETH OKETTA.
- 256. Subject No. 232 - J.O. APUDA.
- 257. Subject No. 233 - ANNA.
- 258. Subject No. 234 - Cpl. WARDER INSTRUCTOR OGWAL.
- 259. Subject No. 257 - SUPERINTENDENT OCHITTI.
- 260. Subject No. 258 - SSP. P.P. OKETTA.
- 261. Subject No. 253 - S.S.P. B.K. BAMWINE.
- 262. Subject No. 254 - S.S.P. L.W. OMECH.

- Witnesses: 348 Christine Grace Oketta - Part 4, p. 3581 - 3589.
379 Adoniya Cehiong - Part 4, p. 3892 - 3902.
7, p. 6487 - 6490.
380 ASP Joseph A.A. Etima - Part 4, p. 3903 - 3914.
385 Justine George Onen - Part 4, p. 3945 - 3948.

These subjects were all prison officers. Subject 231 was a Principal Officer at the Prison Training School. He was married to W. 348 who is a Prison Warderess and is now stationed at Gulu Prison. He had another girl friend Regina Namatovu. He has six children from W. 348 between the ages of six and 2½, of whom two are at school. From Regina he had three children who are now staying with their mother.

There was no direct evidence on any of the other officers. Subject 232 was an ASP of Prisons; Murchison Bay Prison. Subject 233 was a tailor instructor at the Upper Prison with No. 5461 C. I. Warder Instructor Ogwal.

Superintendent Ochitti was the Departmental Transport Officer and was stationed at the Prison Headquarters, where SSP. P.P. Oketta was also stationed.

SSP/...../435.

Senior Superintendent of Police Famwine was the Officer in Charge of Murchison Bay Prison and Acting Commander Buganda Region.

Charge of the Remand Prison, Kampala.

According to the evidence, there used to be a European prison officer, Humbley, who was attached to the Photographic Unit and was responsible for showing films at the mess. It seems that he showed a film of the former President just before the invasion, which led to his dismissal and also arrests of certain other prison officers.

On 25th September, 1972, at about 8.15 a.m. Adoniya Ochieng (W. 379), who is the father-in-law of subject 231 and was himself a Principal Officer, was on duty at the Prisons Training School. Etimu (W. 380) went to the Bank to cash some cheques. At about 8.15 a.m. W. 379 saw two vehicles enter the Training School. The leading car was a 999 Police car and behind it was a Zephyr car. In the Zephyr were four men in civilian clothes. Two of them came out and asked the witness for the Commandant, who was not in. The witness directed them to the Deputy and then saw the Deputy taking those two men to the office of his son-in-law. They came out with Bob Oketta and, after removing his stars of rank, they took him away in the Zephyr car.

W. 379 saw the Deputy Commandant, Mr. Ayerikeri, who said that Oketta was wanted 'somewhere'. When Etimu came back Ochieng reported to him about Oketta's arrest and he

was advised to wait until the matter was reported to the Prisons Headquarters.

Ochieng also informed Mrs. Oketta about the arrest of her husband.

Later that evening Oketta's brother Onen (W. 385), who was then in Nairobi on some official business of the East African Airways, received a telephone call from his brother Bob Oketta telling him that he had been taken to the Parliamentary Buildings where he was waiting for someone. He also told the witness that he was with Superintendent Ochitti and the other Oketta. Onen caught the next plane and returned to Kampala where W. 379 confirmed that her husband had been arrested. According to these witnesses some other prison officers were also arrested the same day. W. 379 mentioned Cpl. Ogwal, SSP Apuda and the tailor instructor Numa. W. 380 mentioned the names of SSP, Bamwine and SSP, Omech. The present Commissioner of Prisons, Mr. George William Sentamu, (W. 519), who at the material time was a SSP, and had been recalled from the Eastern Province for special duty at the Prisons Headquarters, testified that on 25th September, 1972, when he got to the Prisons Headquarters he saw three of his officers, namely, P.P. Oketta, Ochitti, and another called D. Odong being arrested by the Police and taken away in a usual Police car. He said that he saw this from the window of the Conference Room and maintained that the Policemen were all in uniform.

On 27th September, 1972, W. 380 sent his report about the arrest of these prison officers and some others to the Commissioner of Prisons - (Ex. 137(2)). Included in the various correspondence and lists which Mr. Sentamu produced,

is a letter dated 1st November, 1972 (Ex. 137(5)), addressed by the then Commissioner of Prisons, Mr. Alex Owar, to the Permanent Secretary, Ministry of Defence, Internal Affairs Division, and marked "For the attention of Mr. S.T. Awuyo". It is headed "Against the background of the information that have been arrested and those who have run away." The information being sent in that letter was in answer to the Minister's letter C. 10584/2 of the 17th October, 1972. The first part of the letter is in respect of 'persons reported arrested' and this includes all the subjects, except for Mr. Omech, and are stated to have been arrested on 25th September, 1971 by the Police. In part two of the letter which is for 'persons who withdrew from duty' is Mr. Omech, who is said to have deserted on 25th September, 1972.

There is no doubt that on 25th September, 1972, the Principal Officer, Bob Kenneth Okeita, was arrested at the Prisons Training School by four people who were in a Zephyr car and which was escorted to the school by a Police patrol car. There is also sufficient evidence to show that on the same day the other subjects, were also arrested and at least three of them were seen by the present Commissioner for the Prisons being taken away by policemen in Police uniform in a Police vehicle. Although we did not hear evidence about the arrests of the other officers we are relying on the information which the Prisons Department sent to the Ministry in their letter, Ex. 137 (5). As stated above, the information contained in this letter states that all these prison officers were in fact arrested by the Police. Were it to be that the responsible Prison Officer did not know about the identity of the people who arrested his colleagues, with whom we

are now dealing, we would have thought that the Commissioner of Prisons would not have stated categorically that the arresting agency was the Police; instead he would have stated that they were arrested by unknown people. We find that the mention of the Police as the arresting agency was deliberate and put in the letter after collecting all the relevant information about the arrest of these Prison Officers. We are, therefore, satisfied that all these seven prison officers, with exception of Mr. Omech, were in fact arrested by the Police. With regard to Omech, the official information is that he deserted his office, and we have not heard any evidence to the contrary.

No body had any useful information about where those prison officers were taken by the Police after arresting them but we think that there is sufficient evidence to show that they have been missing since then. There is the evidence of Mrs. Oketta that when she and Regina went to Makindye they were told by a Private that their husbands were at Makindye. There is a clear possibility that all these prison officers, except for Omech, were in fact taken to Makindye and this could have been easily checked from the D.O.B. of Makindye Military Police, which, as we have said time and again, was not made available to us. As they have been missing since their arrest by the Police it follows that the policemen who arrested them, and whose identity is unknown, must know what they did with their prisoners but the probability clearly is that all seven of them were unlawfully disposed of while in custody of Military Police, Makindye where Mrs. Oketta was told they were being kept.

applied to court for an order to manage his property.

There was no eye witness to the arrest of the subject but we believe the subject's wife in so far as her interview with the District Engineer was concerned. From her evidence of the information to her, it would seem obvious that her husband was arrested by some unidentified Army officers who must have come from Gulu Airbase. This arrest came soon after the invasion of the country when the situation was indeed terrible. One cannot blame the witness for not going to the Airbase to make enquiries for her husband. We have no doubt that the subject has been missing since 29th September, 1972, and the probability quite clearly is that he was unlawfully disposed of by the unknown soldiers who arrested him from the Post Office.

265. Subject No. 237 - JOHN OKIDI.

Witness: 351 Joyce Okidi - Part 4 - p. 3599 - 3607.

The subject was the Deputy Chief Fire Officer, Kampala. He was married to Joyce Okidi (W. 351), now a wardress with the District Administration Prison, Gulu. They have four children between the ages of twelve and three. None of the children is now at school due to lack of money.

On 19th August, 1972, the subject went to Mulago Hospital and, during his absence at p.m., four people went to the Fire Brigade in a Peugeot car. They were

all in civilian clothes. They asked a fire officer, Otto, about the subject. On being told where he was, they went away towards the hospital. They returned thirty minutes

later. A fire officer called Odur, they went away towards Mulica.

Joyce reported this to the Chief Fire Officer and he promised to make enquiries. Later on Joyce was told that there was no information about his whereabouts. She also went to the Police Headquarters and was advised to wait at home. She stayed in Kumpala for another week and a half, after which she went to her village home. She said that her husband had a Taurus car which was under repairs in one of the garages in Lira. She took a cheque which her husband had earlier given her to Mr. Odyek, who found that the vehicle had been confiscated and taken away from the garage by the hire-purchase company.

Joyce said that she has obtained a court order to manage her husband's property but had not so far contacted the Insurance Co. about his life policies.

This is one of those unfortunate cases where, even though there is an eye witness, there is no useful information about the identity of the persons who arrested the subject and the particulars of the vehicle in which they travelled. These four people were in civilian clothes and were travelling in a four-foot vehicle. The identity of both remains unknown. We are nevertheless satisfied that the subject was arrested on 10th August, 1972, by four unknown persons and was taken away to an unknown destination together with another fire brigade officer called Odur.

266. Subject No. 238 - NICKOLA ODONGO.

Witness: 352 Julia Abwono Odongo - Part 4, p. 3608 - 3618.

The subject was the County Chief, Omoro, in Acholi District. He was married to W. 352 and another woman and they have sixteen children between the ages of 24 and 1½. Before the subject disappeared, ten of the children were at school but now only three are, and the rest have left school due to lack of school-fees.

On 23rd September, 1972, W. 352 and the subject went to Gulu town. The subject dropped her in the market and started walking towards his car. The witness, who was following her husband, saw four people in civilian clothes grab her husband. They took him to a vehicle. The vehicle then drove away with her husband towards the town. She did not shout for help and the people also appeared very much confused. She waited near the car thinking that her husband would come back. She waited there for about seven hours but he did not return. She went home to report the incident to her relatives and went to the Police Station the next day. She was told that her husband was not there. Her statement was not recorded by the police. She then saw the Administrative Secretary of Acholi District Administration and he advised her to go to the D.C. She saw the D.C. on 26th September, 1972, and he rang up the Base Commander. He later told her that they did not know about her husband and that she should not bother them.

She went to the Army Barracks at the Gulu Airbase

on/...../1973.
445.

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On 23rd September, 1972, W. 352 and the subject went to Gulu town. The subject dropped her in the market and started walking towards his car. The witness, who was following her husband, saw four people in civilian clothes grab her husband. They took him to a vehicle. The vehicle then drove away with her husband towards the town. She did not shout for help and the people also appeared very much confused. She waited near the car thinking that her husband would come back. She waited there for about seven hours but he did not return. She went home to report the incident to her relatives and went to the Police Station the next day. She was told that her husband was not there. Her statement was not recorded by the police. She then saw the Administrative Secretary of Acholi District Administration and he advised her to go to the D.C. She saw the D.C. on 26th September, 1972, and he rang up the Base Commander. He later told her that they did not know about her husband and that she should not bother them.

She went to the Army Barracks at the Gulu Airbase

on/...../1973.

on 27th September. She was with her daughter who, she said is a mature girl. Mrs. Odongo said, (p.3615):

"As soon as we arrived at the gate, my child started crying. When one of them saw the child crying, he asked why she was crying and she said she was crying because she was there."

After that they were asked to leave the place. She returned to the Administrative Secretary who advised her to be patient. Later the witness learnt that her husband's car had been taken to the District Administration Workshop as there was some leak left on it. In December, 1971, she was asked to vacate the official house.

She said that at about that time there were other people also being arrested in Gulu and she mentioned one such person, Simayo Oryem (Subject No. 296).

She has applied for an order to manage his estate. The witness said that her husband was insured but she has not contacted the Insurance Company.

Like the previous case, here too the wife of the subject who saw him being arrested did not keep a note of the car in which he was taken away. The only other evidence is the finding of the subject's car at the Army Barracks. The car had been left at the market overnight and when the witness returned on 25th September, she found it gone. If it was an abandoned vehicle, the most appropriate place where it should have been taken to would have been the police station. The fact that it was taken to the barracks from the market would suggest that the people who arrested the subject must have been Army soldiers. The identity of these people

is not known. The fact remains, however, that the subject has been missing since the 26th September, 1972, and for the reasons we have given the probability clearly is that the subject was abducted by the Mbuha soldiers who arrested him.

267. Subject No. 239 - Sgt. MATIYO OPOK.

See Mbuha Soldiers, p. 565.

268. Subject No. 240 - H. 5525 Sgt. CONSTANTINO OMARIA.

See Mubende Soldiers, p. 675.

269. Subject No. 241 - Y. KORO ODI.

Witness: 356 Yunia Atto - Part 4, p. 3645 - 3653.

The subject was a shopkeeper in Gulu town and was married to Yunia Atto (I. 356). They have six children, four of whom are at school and the other two suffer due to lack of school fees.

356 last saw her husband on 25th September, 1972, when she left him in the shop at about 8.30 a.m. to go to the market. She returned to the shop at about 10 a.m. and saw her husband being taken away in a blue car by four men.

She went to the police station but did not find the subject there in any of the cells which she inspected. She then went to the DC's office where a clerk told her that the matter was beyond their powers. She saw the Base Commander, Captain Emdit, who was their neighbour and the

following 445.

following day he told her that, as her husband's arrest took place during his absence, not only was he not aware of it, he did not know where he was taken.

She went to the bank in order to get her husband's money, but was asked to wait for three years.

This is one of those unfortunate cases where the evidence is so scanty that it is virtually impossible to make any finding of fact. There is no evidence about the identity of the four people the witness saw in the car, nor did she care to take down the registration number of the vehicle. In the circumstances what we can say is that the subject was arrested on 25th September, 1972, by four unknown men and taken to an unknown destination. As he has been missing since then, we find that the probability is that he was unlawfully disposed of by the people who arrested him.

270. Subject No. 242 - Sgt. ALFRED OCEN.

See Airforce Entebbe, p. 556.

271. Subject No. 243 - MARTIN OKETTA.

p. 556.

272. Subject No. 244 - LUKA OKELLO.

See Airforce Entebbe, p. 556.

273. Subject No. 245 - WA 2287 Cpl. RUFUS ODWONG.

See Gulu Airbase, p. 577.

274. Subject No. 246 - SIMAYO ORYEM.

275. Subject No. 247 - MATIYA AKEMA.

witnesses/...../446.

- Witnesses: 359 Lucy Oryem - Part 4, p. 3673 - 3691.
466 Jerida Adongo - Part 5, p. 5142 - 5152.
467 Nekoniya Obote
- Part 5, p. 5152 - 5181.
472 Yowari Lawot - Part 6, p. 5259 - 5274.
473 Yowari Lawot - Part 6, p. 5259 - 5274.
488 W. 12648 Cpl. Ahmed Villa
- Part 6, p. 5512 - 5577.
491 W. 12686 Cpl. Safi Onrira
- Part 6, p. 5659 - 5693.
493 W. 15432 I/Cpl. Abdul Faskali Bondo
- Part 6, p. 5705 - 5750.
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Simayo Oryem was the Administrative Secretary of Acholi District Administration. He was married to W. 359 and they have sixteen children, between the ages of thirty-one and four, eight of whom are at school. No application has yet been made to court for an order to manage his estate due to ignorance of the law.

Matiya Akema was mentioned by only one witness, Nekoniya Obote (W. 467). Akema was the manager of a cotton ginnyery. W. 467 only heard from some other people that Akema also had been arrested and W. 467 said that he has not seen him since. There is no other evidence on Matiya Akema and we are unable to say whether he is alive or where he is or what became of him.

With regard to Simayo Oryem, the evidence which we report briefly is as follows. On 21st September, 1972, he returned home at about 5 p.m. He refused

ten and told his wife (W. 359) that he was in a hurry as Musa Faraj (he has also been referred to by some witnesses as 'Pere' or 'Fere') wanted to see him, and promised to be back before 7 p.m. The subject drove away in his car and never returned home.

Musa Faraj lives in Igibi and opposite his home across the road are the premises of the West Acholi Cooperative Union. W. 467 used to work for this union and was occupying one of the servants' quarters. At about 8 p.m. he was cooking when he heard a human cry, "Fere, you are killing me for nothing. My blood will follow you." The witness said that the cry was also saying, "You called me here for nothing, only to trick me." The witness said that it was a dark night and he ran towards the direction of the voice, with the intention of offering any assistance that he could. On the way he met some people who were running away from the scene, and they told him that some nine people had arrested Simayo Oryem. The witness stopped near the bar which is about 24 ft. from the home of Musa Faraj. He saw a Landrover with about nine people in it and he also saw Simayo Oryem standing in the Landrover, crying. On seeing the Landrover the witness was frightened and he thought that Oryem might have been caught with somebody's wife and was being escorted to the Gombolola Headquarters. He did not proceed any further as he thought that he would be beaten up if he tried to intervene. W. 467 said in contradiction to his earlier testimony that it was a moonlit night, with half moon shining and, in the Landrover, he saw people in white shirts and some in red shirts. The front lights of the Landrover were on and although he could not see Oryem, he was lying down in the back portion of the Landrover.

Next morning W. 467 saw Simoyo's car in the compound of Musa Faraj, about 10 ft from the house and 14 ft from the bar. He also met the subject's brother, Lawot (W. 473), and narrated the incident to him. W. 473 sent to Lucy Oryem (W. 356), W. 467 told her that he had seen her husband being put in a small Landrover and mentioned the names of two persons as Ali and Onziga. This evidence was denied by W. 467 and also W. 473.

Lucy Oryem then went to the home of Musa Faraj. She said that there is no fence around the house and the bar next to it. She found her husband's car facing the home of Musa Faraj. She learnt that Musa Faraj had gone to the DC's office and she followed him. W. 473 also proceeded to the DC's office. They met Musa coming out of the DC's office and the DL, who was then Mr. Abbe (subject No. 294) and was to disappear later the same day. told them that Musa Faraj had reported that Simoyo Oryem had been arrested by nine people, six of whom were in Army uniform and three in civilian dress. The witness said that Mr. Abbe rang up the Army Barracks at the Airbase and, failing to get an answer he went to the Barracks. On return he told the witnesses that he had failed to see Oryem at the barracks.

Irene Abbe (W. 472) is the sister of Mrs. Oryem and she testified that on 22nd September, 1972, her husband Abbe rang at 9 a.m. to tell her about the disappearance of Oryem and Akem. Later he rang her again at 11 a.m. and told her that neither of the two was at the barracks and added that the man in the barracks, a soldier, had told him that he himself, that is, Abbe, was lucky as

he/...../449.

Next morning W. 467 saw Simayo's car in the compound of Musa Faraj, about 10 ft from the house and 14 ft from the bar. He also met the subject's brother, Lawot (W. 473), and narrated the incident to him. W. 473 sent a message to the subject's brother, according to Lucy Cryem (W. 396). W. 467 told her that he had seen the incident being put in a small Landrover and mentioned the names of two persons as Ali and Oniga. This evidence was denied by W. 467 and also W. 473.

Lucy Cryem then went to the home of Musa Faraj. She said that there is no fence around the house and the bar next to it. She found her husband's car facing the home of Musa Faraj. She learnt that Musa Faraj had gone to the DC's office and she followed him. W. 473 also proceeded to the DC's office. They met Egan coming out of the DC's office and the DC, who was then Mr. Abbe (Contract No. 294) and was to disappear later the same day, told them that Musa Faraj had reported that Simayo Cryem had been arrested by nine people, six of whom were in Army uniform and three in civilian dress. The witness said that Mr. Abbe rang up the Army Barracks at the Airbase and, failing to get an answer he went to the barracks. On return he told the witnesses that he had failed to see Cryem at the barracks.

Irene Abbe (W. 422) is the sister of Mrs. Cryem and she testified that on 2nd September, 1972, her husband Mr. Abbe rang up to tell her about the disappearance of Cryem and Akere. Later he rang her again at 11 a.m. and told her that neither of the two was at the barracks and added that the man in the barracks, a soldier, had told her that he himself, that is, Abbe, was lucky as

h./...../448.

he too was supposed to have been arrested, but as he was hard working he had been allowed to go. Abbe told him wife that he was planning to go to Kampala to see Your Excellency about these arrests.

On 23rd September, Oryem's mother (W. 466), an old lady of 90, and his brother (W. 473) saw Musa Faraj. The old lady asked him about her son and she said - (p.5144):

"He said why have you come to disturb me. Then my daughter asked why Fere was quarrelling. He said he was on the right hand of God and told us to go back home and we should come back the next day because he was going to the garage to see something about the vehicle."

Later, on, the old lady said that the reference to the garage was in fact barracks where Musa Faraj promised to check for her son. W. 473, however, denied hearing anything about 'the right hand of God'. According to him this is what happened - p. 5265:

"Musa Faraj answered in a hot tempered manner that he did not know anything about Simayo Oryem, Jerida should not disturb him about Simayo Oryem. Then Erina Ayako came in, she told Musa Faraj that you were a big man don't quarrel, Jerida is only wanting to know where her child was, she can see his car in front of your house. Then on hearing that Musa Faraj cooled down. He said I think your child is alive. While demonstrating by knocking his head, he said he will be going to find out where her child was."

The old lady also saw Musa Faraj striking his head with his fingers, when telling her that he would go to the barracks to enquire about her son. On being asked to repeat what Musa Faraj had said upon being asked about her son, W. 473 said (p.5270):

"that/...../450.

"That when asked Musa Faraj said that he did not know where our child is and when your child disappeared I was praying; you know that we pray even at night, Allah knows what is in our hearts."

"... hands."

Benjamin denied hearing anything being said about the right hand of God.

When these people returned to his home the following day, they found that the house was locked.

The three intelligence officers, that is, S. 488, S. 491 and S. 493, denied any knowledge about the arrest of Simayo Oryem.

From the evidence, it seems obvious that near the house of Musa Faraj is a bar and it seems like that there is only one entrance leading to his home and the bar. According to Lucy Oryem, her husband left home at around 5 p.m. in great hurry to go to see Musa Faraj. It was about three hours later that, S. 467 allegedly heard the cry mentioning the name of Musa Faraj. There is an obvious contradiction in the evidence of Lucy Oryem and this witness in that the former stated that S. 467 mentioned the names of Ali and Onzira, which the latter denied. S. 467 found S. 467 rather unsatisfactory. At first he said that the night was dark but later said that there was moonlight. He said that the people running away from the scene told him that Simayo Oryem had been arrested by nine people. On seeing the handcuffs he stopped at the bar and said that in the light of its bright lights he was able to see five people sitting in the

This sounds most unlikely, and we find his conduct after the Landrover had gone difficult to reconcile with his initial urge to offer assistance to Oryem. He does not seem to have done anything whatever, not even to go to the police to report. There is also the evidence of Simayo's brother, W. 473. It will be recalled that certain discrepancies are apparent in his evidence and that of his mother with regard to their interview with Musa Faraj on 23rd September, 1972. According to him Musa Faraj told them that Simayo Oryem was taken when he was praying, but offered to go to the barracks to find out. There is also the evidence that Musa Faraj went to report to the DC about Oryem's arrest and it is manifest that if he were in any way implicated in the arrest of Simayo Oryem, he would have been the last person to go to report.

Upon a general reappraisal of evidence, we are of the opinion that the evidence of W. 467 is not wholly convincing and we take the view that, being a coward as he claimed to be, on seeing the Landrover and on being told about Oryem's arrest by those running away from the scene, he also returned to his home, and finding Oryem's car near the home of Musa Faraj the following day he tried to embellish his testimony by introducing the human cry which he allegedly heard. From the evidence of Oryem's brother, we are satisfied that Musa Faraj was not involved in the arrest of Oryem but only offered to assist in looking for him.

The result is that we find that Simayo Oryem was arrested from near the home of Musa Faraj by nine people

was found missing from his bed.

His brother, W. 366, said that the subject had been mentally disturbed for about three days during 1973. He had not been treated but had gone back to work after three days. He said that he did not look for him at any mental institutions, except for looking for him at his village home and announcing his disappearance on the radio. His disappearance was also reported at Masindi Police Station.

The subject shared a room with four or five other teachers. From the evidence of his brother it seems that he had a mental history and, in view of whatever little evidence we have, it seems probable that during the night of 16th January, 1974, he had suffered a relapse and while the balance of his mind was upset walked out of the dormitory never to be seen again.

277. Subject No. 249 - CAPT. JOHN WELUKUSANGA.

See Army Headquarters, p. 561.

278. Subject No. 250 - GEORGE WILLIAM KAYEMBA.

Witnesses: 370 No. 3423 Det/Cpl. Mulekwa

- Part 4, p. 3778 - 3781.

371 Det./AIP Constantine Okot

- Part 4, p. 3782 - 3795.

378 Charles Musisi- Part 4, p. 3885 - 3891.

449 Mada Nakarwagi- Part 5, p. 4842 - 4850.

451 Joyce Nassiwa - Part 5, p. 4858 - 4886.
p. 4996 - 5011.

.452/...../454.

- 452 Hajjat Joweliya Nabawesi - Part 5, p. 4886 - 4906.
- 456 George William Lutaya - Part 5, p. 4938 - 4975.
- 457 - Part 5, p. 5032 - 5070.
- 463 Edward Jjuko - Part 5, p. 5070 - 5082.
- 483 Dorothy Kayiba Myakatta - Part 6, p. 5409 - 5421.
- 504 Major Gen. Francis Nyangweso
- Part 6, p. 6012 - 6019.
- 535 Capt. Kiryona Naggasi - Part 7, p. 6649 - 6677.
6760 - 6761.
- 538 John Baptist Mujuzi - Part 7, p. 6756 - 6760.
- 539 Rexide Mukasa - Part 7, p. 6784 - 6791.

The subject was working as the executive officer of Buloba College. He was married to Nada Nakanwagi (W. 449), but the subject's sister, Joyce Nassiwa (W. 451), described her as his girl-friend only. The subject was said to have separated from his wife and had ten children; three from his wife and seven from other women. Some of these children are now at boarding schools, some with their grandparents, some with the subject's elder sister, Hajjat Nabawesi (W. 452), and other women. Some of these children are now at boarding schools, some with their grandparents, some with the subject's elder sister, Hajjat Nabawesi (W. 452), and others with their mothers.

The subject had a light-green Peugeot 204 car, No. BYY 425. According to W. 449, the subject went to see her at Matete in his car on 28th May, 1973. This evidence contradicts the rest of the evidence, particularly with regard to the subject's car which

to have been stolen soon after the middle of April, 1973.

Dorothy Nyakatto (W. 483) is a teacher at Buloba Collere, whose Director was Charles Musisi (W. 378). Musisi went away to Nairobi on 14th April, and returned on 29th April, 1973.

Christopher Mwonje (W. 462) is the subject's brother-in-law and he testified that sometime in April the subject told him that his car was stolen the previous night in Kololo area during the time when he had gone to fetch a mechanic to repair the car which had broken down. W. 462 gave him a lift to Jinja Police Station where the subject reported the matter and also made his statement, which is dated 19th April, 1973. Accordingly the car must have been stolen on 18th April, 1973. W. 462 then took the subject to his Insurance Company and the subject rang up the college. According to W. 483, who seems to have received the call, the subject told her also that his car was stolen the previous night.

On the same day, that is, the 19th April, three men went to the collere in a car. Two of them asked W. 483 about the subject. She told them about the theft of his car and they left a message for the subject - "Your friend George William of E.A. Community wanted to see you and will come back on Saturday." Later when she passed on this message to the subject he denied having any such friend. The same two men returned to the college on Tuesday after Easter and, on being told that the subject had not been on duty since the theft of his car, they promised to come back in the afternoon. Instead, they returned on the 25th April when one of them was armed.

... 483 met them on the way to her office with the typist
Rexida Mukasa (C. 539) and they told her, "Miss Nyakatto,
come and produce Mr. Kayemba." They went to her office
where the man who was armed asked for the subject's

Then the man produced a paper containing the names of
the employees of the college with the subject's
signature. She told the man that the signature was of
Kayemba, whereupon he replied - (p.5417):

"Then he answered yes, we found this
in his car. We have found his car.
Will you tell him to go to Makiodye
to answer some few questions, and then
his car will be given to him."

As Kayemba never returned to the college, she did not tell
him about this incident.

About three days after the return of the director of
the college from Nairobi on 2nd May, 1973, two men went to
see him about the whereabouts of the subject who, accord-
ing to them was required for making a statement about his
car which was in the custody of the Military Police,
Makiodye. The director told them that he did not know
where he was and was himself interested to know of his
whereabouts because he had the safe key with him. When
the director reported this to the Chief Inspector of
School, he was advised not to associate himself with the
subject who was considered to be 'dangerous'.

At about this time Kayemba rang up Lutaya
(C. 456), an accountant with Drapers and an old friend,
and told him about his car which had been stolen. They
talked on the telephone and the subject gave him the
details of the theft. Lutaya waited for the subject

to turn up again and on the third day he rang up his office at Buloba College and was told that the subject was not in and some people had been looking for him. A few days later, the subject dropped in at Lutaya's office and asked him to meet him at a private drinking place, about 3½ miles on Entebbe road. Lutaya went with his friend Semu Kanakulya to keep the appointment, when the subject told him that he had moved from his home to another place as some armed people were looking for him at his home and office. He told the witness that he had learnt that his car was at Mukindye and wanted Lutaya to find someone in the security forces to help him to locate the car and tell him who took it there and why.

With the help of another friend, Daniel Ndaula, W. 456 met Edward Jjuko (W. 463), an office messenger in Your Excellency's office. On being told of the nature of the mission, Jjuko promised to help.

At about this time, Lutaya received a letter from the subject dated 2nd May 1973 posted from Tororo (Ex. 115). He was enquiring how far Lutaya had gone and asked him to contact his sister, Joyce, in case he had delivered anything fruitful.

Jjuko saw one called Agi in the same office about the subject's car and Agi asked for the registration card of the car. Lutaya sent a message to Joyce through Muwonge for the card and, some five days later, the subject himself delivered the card to Lutaya. Lutaya also received a second letter from the subject, this time posted from Bombo and dated 14th May, 1973 - Ex.116 - (p.4963):

"How is life, it is good that Lord God is keeping me up to this time, it is true that there is nobody who can cure death except sickness; and it is the same that nobody can bring death except God, therefore, I am still here."

My friend since we separated, I have never heard of you, and I would be very pleased if I get a letter from you, just a letter from you, and where I am at the moment, even if I get the letter, it looks to me as if I have received a visitor. Hal my friend this world is very difficult, to convince somebody of death because of this nonsense or useless little thing because trivial matter. I am surprised how this young man alleged that I was a guerilla, a murderer.

I remember that we had talked about that gentleman, I do not know where it stopped, I think even Makinda's case there, if you could write a letter and give it to that child Joyce, she can find ways of delivering that letter to me, as I do not know how this thing will go on, it is only God who knows, I have got some problems which I would or want you to help me with, this is domestic rather, in certain cases. This I shall tell you when I have heard from you.

Hal my friend, you must pity me about my children because I do not know how they are, I do not know whether you have understood about her father being about to die. I have received the information that although he was discharged from hospital, and took him home, but his condition of health is very bad, anyway, I do not know when God shall allow us to meet, but I am cork sure that we shall meet very soon, may be we shall have a bottle of bull together. Alright, may the lord God be with you !! This time he did not sign."

Jjuko collected the registration card and gave it to Gpi. Later four men came and asked Jjuko about the owner of the car. He took them to Lutaya who explained them how he got the card and told these people also that Kayembe was in hiding. These

people said that the government was trying to help him as well as the subject and asked Lutaya to take them to the subject. He went with them in a 504 car to Kololo Secondary School where Joyce worked but found that she had already left. He then decided to check up with Muwonge who denied any knowledge about where the subject was. But now those people asked Muwonge to go with them to Makindye for a statement. They were taken to Makindye where Lutaya was pushed and beaten and was told by somebody big that they wanted a statement from him about the whereabouts of the owner of the car. He was threatened to be kept in the cells overnight to make him disclose the truth. He offered to try again and was allowed to go away in the same car with those people, leaving Muwonge behind.

Lutaya saw Joyce who took them to her elder sister, Juliana's (v. 452) home. There, Lutaya met the subject and talked to him privately in the absence of both sisters. Lutaya said that the subject agreed to go with him and Joyce accompanied them in the same car. Both of them at first said that Joyce left alone about twenty minutes of the departure of Lutaya and Kayemba. But after Lutaya's evidence, and when Joyce was recalled, she admitted that she had told a lie and explained that this was due to fear before going to the Parliament Building to give evidence. However, they were all taken back to Makindye and kept waiting for some time. Later they were asked to go away and told that they would be contacted if they were required any more. Then Kayemba got up to leave the same big man told him - (p.4952):

"Mr. Kayemba/...../460.

"Mr. Kayemba, how is it that you are going. We have been looking for you. Now that I have brought you here what if our boss comes and asks for you, what are we going to tell him. He is coming to take your statement anytime."

allowed to go away and the subject, who was left at Makindye, has never been seen again.

According to Muvonge, this happened on 8th June, 1973, and Joyce also seemed to remember the same date. Mada Mukanwari said that some strangers - two men and two women - told her also that her husband was arrested from the home of W. 452 on 8th June, 1973. She said that on 9th November, 1973, she saw her husband's car near Nakasero Market and reported this at the **Central Police Station**. It may be pointed out that Joyce also spoke of having reported the disappearance of her brother at Kawempe Police Station but she was very uncertain about the date when she reported. However, on 14th November, 1973, Detective Corporal Mulekwa (C. 376) was handed CRB 4396/73. The Corporal checked with the Registry of motor vehicles and found that the vehicle was registered in the name of Kayemba. He started looking for the vehicle and on 14th December, 1973, found it in Nakasero car park. He arrested the driver and took him together with the car to Central Police Station. The driver said that the car belonged to Captain Magesi (C. 535) who was contacted. The Captain came and claimed the car to be his. He was handed over to the officer in charge.

On and January, 1974 100/111/1000 (C. 535) was

summoned into the office of the Regional Police Commander, Mr. Adroa where he found Captain Magasi and also the Deputy Commissioner of Police Mr. Toweli asked him why he was not releasing the car to the Captain. This surprised the Assistant Inspector because he knew nothing about the car. Mr. Adroa handed him two photostat copies of letters, one was a letter dated 22nd October, 1973 signed by Major General Francis Nyangweso addressed to the Licensing Officer (Ex. 89) and the other was an agreement of sale regarding the subject's car (Ex. 88 and 147). The witness said that he had no power to deliver the car as he did not have the case file and his superior officer was not available to deal with the matter. He went to check with the file and found that Inspector Muwonge, who was dealing with the file, was not present. He returned to the Regional Commander and asked to be given time till the following morning, but Mr. Toweli instructed him to hand over the car to the Captain not later than 9 a.m the following morning. On the following day the Assistant Inspector found the Captain waiting for him and, after seeing the second in command, CID, Mr. Ochera, released the car to the Captain. The Assistant Inspector, who has been a police officer for eighteen years said that it was not proper for any police officer, no matter how high-ranking he might be, to release something which might be an exhibit in any case. He said that as the police were investigating a case of kidnapping he felt that the finding of the car of the victim was very relevant to their investigations, which would have become much easier. Ali Toweli (T.508) did not

remember going to the Central Police Station with Captain Muralidhar, while denying instructing any police officer to release the Captain's car of which only the
it was improper to release the car pending investigations.

Captain Muralidhar stated that he first came to know Kayamba on 15th March, 1973 when he went to his home in 10/11A Avenue and offered to sell him his car for Shs. 35,000/-. The Captain said that he needed a car at that time and negotiated the price with the subject. The deal was closed at Shs. 25,000/- and he asked Kayamba to come back on 20th at Makiindye for the money. And Kayamba went to Makiindye on the 20th March, 1973 at 4 p.m., they signed an agreement for sale after which he handed him the money and Kayamba gave him the keys and the registration card. This agreement is not dated and, after setting out the name of Kayamba and his address, reads:

"To whom it may concern.
Vehicle YY 425 - licensed at 274
The above mentioned vehicle was
sold to Mr. Kilyona Muralidhar of
P.O. Box 3384, K'L. by the above
address car at Makiindye Military
Police at the price of Shs.
25,000/- cash. In words, twenty
five thousandis only.

Signature of Mr. G.J. Kayamba

Signature of Mr. Kilyona
Muralidhar.

Signatures of witnesses are set out as follows:

Signature of P.O. David Mwan

Signature of Sgt. Sami Biimbo."

The Captain said that he could not read but could tell that this agreement did not have a date. He explained that the witness and he of the club typed it out.

He went on to say that soon after buying this car he met with an accident and the car was under repair. Also he did not have sufficient money, amounting to Shs. 210/=-, to register the transfer of the vehicle into his own name. He went on to explain further that another factor to delay registration of the transfer was that Kayemba who had promised to return the following day with the transfer forms did not come and he said - (p. 6675):

"I gave him that money at about 4.30 p.m. in the afternoon and after getting the money he told me he would come back the next day with the transfer form, he never turned up."

He said that it was unusual for a buyer not to insist on the transfer form at the time of the payment of the purchase price. However, according to Ex. 89, it was not till 22nd October, 1973 that the Minister of Defence, Major General Nyangweso authorised the Licensing Officer to register the transfer of this vehicle. The Registrar of Motor Vehicle, Mr. Nsubuga Kyajusa (N. 42), confirmed that the transfer was completed on the strength of Ex. 89 which was attached to the form applying for the transfer - Ex. 153 - which seemed to have been signed by the previous owner, Kayemba. This witness also produced another form signed by Kayemba dated 6th October, 1971 - Ex. 154 - and said that the signature on Ex. 153 was different from that on Ex. 154.

The Captain was shown Exhibits 94 and 94a bearing the subject's signature. These two cards were produced by the Director of the college and the Captain admitted that the signature on the agreement Ex.147 differed from that on the two cards.

The typist, Rexida Mukasa (No. 359), handed over some four letters which had been written by Kayamba, that is Exs. 163, 164, 165 and 166 to Mr. Mwangi (No. 358) for comparison. Mr. Mwangi is the Government handwriting expert with an experience of about 10 years. He also had the subject's statement to the police dated 9th April, 1973 and he compared the signature of the subject appearing on these five documents with the signature appearing on Ex. 147, that is, the agreement of sale. He expressed the opinion that the signature on Ex. 147 is not the same as on the other documents. On seeing Ex. 94, he was of the opinion that it had all the qualities which he had observed in the signature on the four letters and the statements. Regarding Ex. 94, he said that, as the signature was in a very restricted space, he could not express any opinion without a thorough examination.

The Captain also said that, after the car had been seized by the police, he was asked to produce all the documents and when he returned to the police on the second occasion after two days, he met Ali Toweli at the Central Police Station and was taken into the office of the Regional Police Commander where he ordered the release of the car.

There is no doubt that the subject, George William Kayamba, was the registered owner of Peugeot 204, UYY 425. There is ample evidence to indicate that this vehicle was stolen from Kelolo area on the night of 18th April, 1973, during the time when Kayamba had gone to fetch a mechanic to repair it. They then have the

evidence of certain people going to his place of work on the very next day looking for him. According to witness No. 483, it was on the 25th April, 1973 that one of the men, who went there again looking for the subject, produced a document bearing the subject's signature, which is said to have been recovered from the subject's car and a message was left to tell Kayemba to go to Makindye, answer a few questions and collect the car. This evidence indicates that the subject's car was in fact taken away to Makindye Military Police on the night of 18th April, 1973. Why it was taken by the Military Police is not very clear, except for the subject's comment in his second letter dated 14th May, 1973 (Ex.116) where he referred to some young men who alleged that he was a guerilla and a murderer. Nevertheless, there is then the evidence of his approach to Lutaya culminating in their being taken to Makindye together with the subject and Joyce. We appreciate that both Joyce and her elder sister tried at first to suppress this evidence and it was not till after Lutaya's evidence which Joyce heard that she finally came out with the truth. It may be said that Joyce was unreliable as a witness but even if so there is clear evidence from Lutaya and Nuwonge about Kayemba being taken to Makindye Military Police. We are satisfied also that, whereas the others were asked to go away, Kayemba was kept behind allegedly for his statement. We are satisfied that Kayemba has been missing since 18th April, 1973 when he was last seen by Lutaya, Muwonge and his sister Joyce at Makindye Military Police.

One of the interesting aspects of this case is the Captain's evidence that Kayemba should have gone to his house by himself offering to sell his car. Another inter-

15th March, 1973 and the transaction completed on 20th March, 1973, when there is evidence that the car was with Kayemba throughout till 15th April, 1973, when it was stolen from him. If the subject had in fact handed the car to the Captain on 20th March, 1973, as maintained by the Captain, then it would follow that the car could not have been stolen from Kayemba on 15th April. This confusion can best be resolved by looking at the paper exhibits bearing Kayemba's signature. First of all, we have the two Security Fund Cards, Ex.94 and 94a, and then the four letters signed by Kayemba during the course of his duties as executive officer of Fuleba College. That is Ex.163, 164, 166. There is also a form signed by him, Ex.154. The signature in question appears on the agreement for sale, which was allegedly signed by Kayemba on 20th March, in the presence of Captain Masasi. Captain Masasi admitted that the signature on Ex. 147 was not the same as the signature on Ex.94. This indicated that even to the naked eye and to a layman, the signature on Ex. 147 was not that of Kayemba. And this was subsequently confirmed by Mr. Mujuzi, the experienced handwriting expert. There cannot thus be any doubt that the person who signed Ex. 147 was not Kayemba. The Captain seemed to suggest that a person can change his signature, we are not persuaded by this argument and, in view of the expert's evidence, which we accept, and let us say also that the Captain himself admitted that the signature on

Ex.147/...../467.

Ex. 147 was quite different, we find that it was not Kayemba who signed Ex. 147. Proceeding further, we find that it is again not Kayemba who signed the transfer form Ex. 153. Here again the evidence of the Capt in is suspect, in that he said that he was not given the transfer form at the time he paid over the money to the vendor and that the vendor never came back again. If that was so, we fail to see how somebody claiming to be Kayemba would have signed the transfer form dated 23rd October, 1973. The Captain's evidence is again suspect because the rest of the evidence suggests that immediately after the theft of his car in April, the subject went into hiding on learning that some armed people were looking for him. The most odd thing about the Captain's evidence is that, although he is alleged to have bought this vehicle on 20th March, 1973, it was not till 23rd October that he managed to get the transfer registered into his name. We do not accept his explanation that the delay was partly due to the fact that he did not have the transfer form, and partly due to the fact that the vehicle was involved in an accident. The Captain of course stuck to his evidence up to the last and throughout maintained that he bought this car from a man calling himself Kayemba, who was the same person who signed Ex. 147. It seems to us that either the Captain was hoodwinked by someone claiming to be Kayemba or the Captain himself fabricated evidence to make his ownership of the car genuine. We do not think that the first possibility applies to him for the simple reason that the evidence which we accept is that the car was in Kayemba's possession till 1st April, and as such nobody would have gone to the Captain to sell it so much earlier.

The evidence subsequent to the theft of the car indicates that someone at Makiodye, where the Captain also worked, saw very close to the car of the person who saw the car at a point to the subject's view. It was by people looking for him. We think that it was a coincidence that the subject himself was arrested when trying to find an answer to the question, why the car was taken to Makiodye and by whom. His approach to Lutaya seems to have initiated the subsequent events, culminating in his arrest and detention at Makiodye. We are of the opinion that Captain Morsel is extremely inclined to a very large extent in the subject's arrest at Makiodye and we think that this was due primarily because of the car. It is not without cause or interest that the Captain should ask "WHO BROUGHT THIS MATTER UP?" - p. 4761.

The subject was never seen again after 14th June, 1977, as he was last seen alive at Military Police, Makiodye, where of the opinion that he never came out of that place. In other words, he disappeared while in custody of the Military Police Makiodye and the authorities of the Military Police ought to know how he was dealt with. As far as we are concerned, we think that the probability clearly is that he was unlawfully disposed of while still in custody of Makiodye.

476.

CONFIDENTIAL

Reference: 476. File July 1977 - Part 4 - 4795 - 3820.

Information by direct witness on the subject.

11/11/77/409.

Miss Atim mentioned him while giving evidence about the three agricultural officers of Gulu, that is, Subjects No. 102, 103 and 104. She said that when she and Mrs. Okumu were taken to the Army Barracks at Gulu Airbase she saw Oyat, who was her relative, under custody together with another man. After she had been released she learnt from Oyat's relatives that he went to town on the same day, that is, 27th September, 1972, and never came back. She said that it was not her duty to find out whether Oyat had been released or not.

Accepting Miss Atim's evidence we can say that Oyat was last seen in custody at the barracks of the Gulu Airbase on 27th September, 1972. If he has disappeared, the probability is that this happened during his detention at the Airbase, for which the Officers concerned would be responsible.

280. Subject No. 252 - IMASA.

Dealt with Subject No. 77, p. 223.

281. Subject No. 253 - SSP (PRISONS) BANWINE.

282. Subject No. 254 - SSP (PRISONS) OMLAH.

Dealt with Subjects No. 227 - 234, p. 433 - 434.

283. Subject No. 255 - JAMES BI. MBE.

Witnesses: 363 Erica Olin. - Part 4, p. 3914 - 3921.

443 Naman Rubanga - Part 5, p. 4723 - 4728.

444 Augustine Lukwale Mugoda
- Part 5, p. 4728 - 4741.

447 SP Joseph Chura
- Part 7, p. 6677 - 6689.

407/470.

207 - 20, 2643 Col. Salomo Salujo Gali

- Part 6, p. 6057 - 6059.

The subject of this report, Salomo Salujo Gali, 3400, formerly attached to the 1st Battalion of the 1st Brigade, discovered that he had been dismissed from the Police Force.

His father (No. 381) said that the subject was not married but had a girl friend with whom he has one son.

No. 381 said that in August, 1973, a Government vehicle from Haguru took the subject to Jinja and he was then given a bus warrant to go home. He said that his son was given a raincoat, books of law, and some carbon papers, and was posted at Kumbya Gombolola Headquarters.

The County Chief of Lusuka (No. 403) said that he met the subject when was touring his county, and the subject told him that he was a police officer whose mission was to reduce overcharging and hoarding.

On 2nd August, 1973, the subject went to the Gombolola Headquarters, Kaituma, where the Muluka and Batoropole chiefs were meeting the Gombolola Chief. The subject said that he was a police officer and has come to enquire about the people who were overcharging. The Gombolola Chief gave him an Askari to work with and some people were arrested by the subject. Later these people were released by the subject. He worked in the area until 5th August, 1973. After he had left, some people complained that he had taken bribes from them. The Gombolola Chief sent a letter reporting this to Gombolola Chief, Busaba, where the subject was supposed to be, he was arrested. He was then taken to County Headquarters Lusuka.

470...../471.

At about this time the Administrative Officer of Nagamaga Ordnance, Captain Akin, received a report from a Muluka Chief that a man was harrassing people in his area and confiscating their property. The Captain instructed W. 507 to bring this man in. The Cpl. went to the county headquarters where he found the subject under arrest. He took the subject after signing in the book and produced him before Captain Akin. After interrogation the Captain asked the Cpl. to hand him over to the police which the Cpl. did.

According to the police records a report was received at Jirja Police Station on 15th August, 1973, against the subject of assault, wrongful confinement and theft of Shs. 100/- and the complainant was a man called Beneteta Mitama. On the same day Captain Akin of Nagamaga Ordnance also reported the arrest of the subject on charge of alleged corruption. The first report was made at 1400 hrs and the second, which was registered as CRB/SD/21/15/8/73, at 1530 hrs. According to Minute No.2, the first report was registered as CRB/971/73 and the subject was by then already in the police cells. On the following day, 16th August, 1973. Emuron gave directions in Minute No. 4 inter alia to take the subject to Court, if there was any evidence against him. Minute No.6 of the same date reads:

"B4 (this is the Minute made by Emuron) noted but the accused is not to be taken to Court yet as he is to be taken to PSU for trial for H.M. of PSU questioning the accused on the charge of corruption and false statement."

This Minute was made by a B/W whose signature is not decipherable. This minute is on the file which was opened upon the complaint of Captain Akin. It seems that the file

and the ... were then forwarded to Mbaruru as confirmed by
... Obura (p. 97), who admitted writing Minute No. 5 of
16th August, 1972, on the Police file JINJA ... 743/73

"I return herewith this file for your
filing away. The accused person has
been dealt with - accordingly, ordered
by the Head of ISB."

Mr. Obura said that Mr. Ali Toweli interviewed the subject
when he arrived at Mbaruru. It was then found that he had been
dismissed from the Force and that he had not been sent by
Mr. Toweli on duty as he claimed. Mr. Obura continued
(p. 6677):

"On checking we found that this man had
nothing brought with him as an exhibit and
there, Mr. Ali Toweli ordered for this man
to be released. So, that man was set free
and went away".

Mr. Obura denied a suggestion that he and Mr. Ali Toweli
had interfered with the investigations of Jinja Police and his
reason for saying so was that the subject had been arrested by
the Army men who had demanded that he be taken to Mbaruru.
Mr. Obura further agreed that it would have been proper for
the Jinja Police to go ahead with their enquiries to find out
whether the subject had committed any offence and to take him
to Court, and he continued (p. 6679):

"But according to what Mr. Ali had found
out that this man, he did not send him
that way, his interest was only to find
out that man; his interest was only to
know the man. After he found out that
he did not send him that way then he
decided there and then, and then released
the man."

Later on, he went on to say that what Mr. Ali had said was
(p. 6680):

"O.K. this boy is small, let him go, I
think, what he was doing he didn't intend
it."

Mr. Obura again admitted that at the material time there were many cases of personation and the Government was making statements disclaiming any responsibility, but he clung to what he had said earlier about the decision taken by Ali Towali. He also agreed that corruption is a serious case and advanced two reasons for setting the man free. The first was that he had been released by the Jinja Police, which he corrected when his attention was drawn to the fact that the subject had been brought to Nacuru under custody.

The second was again what Ali Towali had said, but he now put it this way (p. 663):

"Yes, number two, Mr. Ali, I think, became too lenient to this man because, the man, before he went out, was working with him. So at that point he said, Okay, I think, the boy did'nt intend on what he has been doing and the reason why Jinja have sent this man here, may be they do not want this man back there again. So, he said, 'I will release the boy and let him go.'

Mr. Obura said that although the man had been sent under custody from Jinja Police Station his instruction was just to release him and he could not have gone 'outside' that instruction by sending the man back to Jinja.

Mr. Obura was asked what he meant by his comment that the accused had been 'dealt with'. He said that he meant by that expression what he was now 'translating' it to mean that the man had been released. He agreed that the expression 'dealt with' was pregnant with many possibilities. He steadfastly held on to his view that the man had been released. He was asked by the Chairman why he did not put the word 'released' in

the minute and is ... (p. 668):

"Witness ... did not put it but now I can translate it and I had written them."

about the word "small", he said that he might have forgotten. He was told ... the order given by Ali Tew li was no where to be seen in the file. He said (p. 668):

"Yes, it is not there. I know, but it is now what I am telling you, Sir."

It is obvious from the reports made against the subject; the first was about the ... successful confinement and the second about corruption which was reported by Captain Akim. On the first report it seems that the police had done quite a lot of work and a number of statements had been recorded. According to the minutes on the file, we are satisfied that the Public Safety Unit of Naguru had asked the subject to be transferred to them with the case file. Mr. Gurney admitted that the subject, who had once worked at Naguru and had been facing serious charges. If anything, a few were quite surprised at his lack of loyalty to his superior officer, he would have any one, who might have the opportunity of going through the evidence and these comments believe that his superior officer took a completely fair view of the subject because ... he had worked with ... felt that the subject had not intended to do what he did. Both statements do not seem to know from the ... that the investigation carried out by ... should be sent to court.

It is again astonishing to hear an experienced Police Officer like Mr. Obura say that Ali Toweli's action in dealing with the subject the way he did was not interference with the duties of Dinga Police. We think that this action was not only a direct interference but a deliberate **abuse** of authority and misuse of duty vested in Ali Toweli. It was also thwarting the orderly and regular process of the law and a fair trial of the citizen as guaranteed by the Constitution. Perhaps both Obura and Ali Toweli felt that, by their summary action, they were favouring the subject. It seems favouring to the unfortunate subject; indeed, he is to be found to be able to come forward and tell us about all the favours and the compassion bestowed upon him by these two Senior Police Officers!

Mr. Obura was content with 'translating' his comment 'the accused has been dealt with' to mean that he had been released. A person with the slightest knowledge of English language would appreciate at once that this phrase 'dealt with' is indeed pregnant with many possibilities. We should think that even a XVII student in this country would be able to say that the phrase 'dealt with' cannot be equated with 'released'. The minute which Mr. Obura put on the file does not even say what the instructions of Mr. Toweli were. Like everybody else, he knows that it is always easy to be wise after the event and we are sure that he must have realized that what he was then trying to 'translate' was a desperate attempt at creating something out of nothing. He knows that no one would give the slightest credence to his explanation, which we reject with the utter contempt that it deserves.

What the police file and Mr. Obura helped to clear away is the fact that the subject appeared before him and Ali Toweli at Maguru on 16th August, 1973. Mr. Obura says reject this explanation. We say that the subject never left the premises of the Public Safety Unit, Maguru, that day. We say that Ali Toweli did not treat the subject leniently as Obura says. We also say that Ali Toweli did not show any compassion to the subject, and we say that the subject disappeared while still on the premises of the Public Safety Unit. We also say that Obura and Ali Toweli are the two people who know how they really dealt with the subject. As far as we are concerned we would say that the probability clearly is that the subject, James Biondi, was unlawfully disposed of while in Police custody at the P.S.U., Maguru.

284. Subject No. 256 - POLICE R. M. MOYCE AKELLO.

Dealt with Subjects No. 218 - 219, p.419.

285. Subject No. 257 - SUI FRATELLI (FRISONS)
COBITTI.

Dealt with Subjects No. 227 - 234, p.433.

286. Subject No. 258 - ASI (FRISONS) P.P. OKETTA.

Dealt with Subjects No. 227 - 234, p.433.

287. Subject No. 259 - BEN OCHAN.

Witnesses: 387 Grace Lida Ochan - Part 4, p. 3958 - 3969.
459 Masur Amin - Part 5, p. 5012 - 5022.
460 Juliana Larero - Part 5, p. 5022 - 5026.

The subject was a renowned boxer and news reader. Record-
No. /477.

ing to his sister, Juliana Imoro (C. 460), he was married to a Guineese lady who is living in London with four of their children.

In November, 1972, the subject was doing a residential course at the Institute of Public Administration.

On 18th November, 1972 the subject was at the City Bar with his friend, Nick Labeja. At about midday, Grace Aida Ochan (W. 387) and Nusura Amin (U. 459) were going past the bar when the subject called them in. They were with him till about 2 p.m. and the men dropped them at Naguru where they were living. The subject and Labeja picked them again at about 4 p.m. and spent some time at the Institute of Public Administration. W. 387 said that Nusura accompanied the subject to his bedroom but this was denied by Nusura who maintained that she had not known the subject before. However, later in the evening they went to Winpey Restaurant for their supper, which they finished at about 10 p.m. W. 387 then went for a short call, and she described the incident in the following words (p.3960):

"When I returned, I found them outside near Labeja's car, it is a white car. There were two men on the other side just some distance from Labeja's car, who came when we were entering. Ben was sitting in the front seat, he came out to open the door for me so that I may enter. One man came and asked Ben. When I heard him speaking to Ben I also opened the door and came out. He asked Ben when I was hearing in Swahili that "Jina yako ninani. He told him I am called Ben Ochan and they handcuffed him, I asked the man why they were handcuffing him, he could not say anything to me but he only told us in swahili that if you want to save your life, you better drive away your car. I told them that I am not going away, I want to see where you are taking him. If you don't want me to go with him where you are taking him, let me know the car number in which you are taking him to the Central Police Station as you told us to go there. They said, 'do you think you are the most important woman only'.

they/... .. /478.

They went to Labaja and threat to his
at the time of the ...

...

According to V. 459, three men accosted them outside the restaurant and, after the subject had confirmed that he was Ben Ochan, they asked him to go to them as they had something to tell him. When he refused, they asked him to go with them as they knew what they wanted to tell him.

She continued (p. 5013):

"Then we asked these people where they were taking this man. Then they said 'if you think we are taking him somewhere you come with us to the police we are taking him to the police'. So we do not want him to be taken away we wanted also to know the reason. So they pulled the man and when we were trying to help him they said that we should leave the man and if not they were going to shoot us. After hearing that we got frightened."

V. 387 said that when the subject was handcuffed, Nusura Amin was the first person to get in the car. Labaja then drove with the two girls to the Central Police Station and was told that the subject was not taken there. Statements were recorded from Labaja and Nusura Amin.

On the way to the police station, Nusura Amin, who said that she speaks Mubian but does not know her tribe, allegedly told her companion, V. 457, that these three people were speaking in Kuku. But Miss Amin denied this.

On 19th November, 1972, a policeman told the subject's sister, Juliana Lagere (V. 460), a police nurse, that her brother had been reported missing at the Central Police Station the previous night. She went to Gulu to inform the relatives and to look with her mother who insisted on

seeing Your Excellency. The old lady waited for about three weeks while the police tried to get her an appointment for an audience but this was not possible. She said that although her brother was a quiet man, when she saw him at the beginning of November, 1972 she thought that he was 'quiet in an unusual manner'. But when she asked him if he was sick, he denied.

The subject has not been seen since then.

We find that the evidence is again very scanty. Nobody seems to have identified any of those three kidnapers and Lubeja was forced to drive away with the two ladies before the kidnapers took the subject into their car. So there is no evidence about what type of car was used in this kidnapping. We do not know what action the police took on receiving this report but it seems that they were least concerned. We have considered Miss Ochan's evidence that after the subject was handcuffed Miss Amin immediately sat in the car. We think that this conduct is not per se proof to implicate Miss Amin; in our view it is also capable of innocent interpretation on the basis of being scared and frightened by the three hoodlums who were threatening to shoot if the subject's companions did not go away.

In the circumstances, we can only say that the subject was kidnapped by three unknown men. As he has not been seen since, the probability clearly is that he was unlawfully disposed of by his unknown kidnapers.

288. Subject No. 260 - NIKEMER BAN MUKA.

289. Subject No. 261 - DAVID BAJURE.

His three sons had gone on to Lwebushuri in their father's Ford to fetch milk. Having waited for their return until about 4 p.m., Bwanuka said that he was going after his sons to look for them. He left in a friend's car but soon came back saying that he had been stopped on the way and very nearly shot. He spent the night at home.

On the following day (18th September, 1972), having heard the sound of gunfire throughout the night, at 8 a.m. on seeing some neighbours hiding in the bush, they also took to the bush near the house. Bwanuka stayed with them in the bush for a little time and returned to the house to wait for his other three sons. Juliet said that she could see him sitting in the verandah of the first floor. She said that at about 10 a.m. some Army soldiers came to the house and she and her companions moved to a better hiding place from where she could still see their home. When she looked towards their home again she did not find Bwanuka sitting in his previous position and a little later the soldiers, who were about six, left in their jeep. She said that she did not know whether Bwanuka was also taken away in the jeep as she was far from the vehicle. After their departure she went to the house and found everything scattered and she returned to the bush. At about 11 a.m. she saw the bus belonging to her father coming to the house; it was hooting and she went to it with her younger brother, Henry. She found their regular driver, Khamis, with soldiers in the bus. The soldiers asked her about her father and when she told them that her father had been in the house at the time when some other soldiers came earlier on but was missing after their departure, they also went away in the bus.

Bwanuka's/...../482.

Bananuka's bus was operating between Mbarara and Mulama Hill on the Rwanda border; its conductor was Rugutu (C. 404).

On 16th September, 1972, the bus was at Mulama Hill

17th September, 1972, at Mulama Hill but at about 6.30 p.m. they decided to move to Ishaka as the soldiers were disturbing them. They had also heard about the fighting which had broken out and they thought that they would get more information at Ishaka. Rugutu said that they did not pick up any passengers on the way and they arrived at Ishaka at about 9 p.m. The following day, 18th September, 1972, they drove on to Mbarara and were stopped by soldiers at mile four and checked. When they were leaving the bus park in Mbarara some soldiers got hold of the driver and started beating him. They took over the bus and Rugutu was thrown out of it. The soldiers were asking in Swahili if it was Bananuka's bus and when the driver confirmed that it was, one of the soldiers drove it away and they took the driver with them. The conductor said that the driver is now working with the U.D.C. in Kampala.

Rugutu went to Bananuka's home at about 11.30 a.m. and saw Robina in the Banana plantation with small children. He said that she looked shocked and she stood there like a 'statue'. He handed her the days' takings and went away.

Then the children were hungry and Juliet returned to the house to get them food. When they were cutting a bunch of bananas, a single soldier was seen moving about in the house. She was alarmed and all ran back to the bush, each

one taking his own direction. At about 4 p.m. some more soldiers came in a vehicle, which they left on the road, and she heard shooting at their home. The shooting lasted until about 7 p.m.

Juliet went with Robina to the Bishop's house but she did not know about the rest of the family. After about two or three weeks the Bishop took them to the Brigadier who installed them back in their home.

When Janet came to Mbarara the first time she learnt that none of her relatives was in the house. The second time, she stopped at a bridge and was told that some children were alive and others could not be traced. She also heard that Robina had committed suicide. This information proved false when later she found Robina and Juliet staying with the Bishop. She managed to collect the other children also. At their home in Mbarara she found window panes broken, the doors and walls had bullet marks. Her husband and the three step sons have not been seen since then. Janet said that 139 head of cattle were taken away by the soldiers together with some goats. Her husband's bus was not returned and the Ford car also seems to have disappeared. She said that the third vehicle, Daihatsu pick up, was being driven in Mbarara by an army soldier. After all these troubles, Janet heard that the reason why their home was attacked was because Binamuka belonged to the party of the former President and it was also suspected that he was assisting the invaders and had been sending money to them in Tanzania.

The other account of this incident was given by Brigadier Ali Padhal. He was sent to Biko Battalion,

Mbarara, as Commanding Officer, in April, 1971. We shall have occasion to go back to his evidence with regard to the other incidents. For the time being we are restricting ourselves to the evidence of the first incident.

The Brigadier said that on 17th September, 1972, at about 6.15 a.m. he received information that there was trouble at Mutukula and he decided to go there personally to check the border. This was really the first indication of the invasion on Uganda. He said that his instructions always were for a platoon to be on the stand by in the Battalion and it seems that when the Brigadier left the barracks the platoon officer also followed him in another lorry.

The Brigadier said (p.5637/38):

"I got my vehicle a Peugeot 504, I took two soldiers, one Corporal and one Private. When I reached where the tarmac stops along Mbarara/Kikagati Road, I cannot remember the name of that place, I met Bananuka's bus coming from Kikagati side and there were many people in it and it was going towards Mbarara. I did not stop that bus to know who were inside because my intention was to go and check my border. When I reached a place called Kaberebera where there is a trading centre, and very often when I was going to the border, I used to see Bananuka's car in that trading centre. When my vehicle was about to reach Bananuka's vehicle, Bananuka himself came out and stopped me. I had nothing to do with Bananuka at that time, except I was concerned with Mutukula trouble and also I wanted to know what was happening in my border. I passed Bananuka, after passing him, I looked behind and I saw that in Bananuka's car there were some armed people. Although these arms were not exposed but I as a soldier if I see a small part of a weapon, I would be able to know that there are weapons in that car. After I had passed Bananuka, he tried to chase me in his car. I became suspicious because I did not

know why he was following me, so, with all my strength I speeded up because I knew that if I did not, his car was bigger than mine perhaps he would catch me. So, I speeded very much and I left him behind although I knew that his car was speedy than mine. After driving for about one mile, I met a lorry carrying some people whom I did not know and it was going towards Mbarara. After about four miles from the place that I had met the lorry. When I reached that place where there is a junction, one way goes to Tanzania but it passes through another way and another one was also going to Tanzania, I found some people there and I enquired of them what was happening in the area. They told me that Banauka's bus was in that area and it had taken some people after which another lorry came and took some people. They said that those people who were transported were soldiers in that area and they were armed and they thought they were our soldiers. After driving for about two miles, I met a fleet of vehicles and soldiers in them. I stopped the first lorry which was a Mercedes Benz. I did not know from where was that vehicle. Behind that Benz, there was another Isuzu, behind the Isuzu, there were two Bedfords. The Benz and Isuzu passed and one Bedford came and stood near me. As I was there, one of my soldiers told me that these are not our soldiers but they are guerillas, you have stopped enemies and we are going to die. I told them that if these people attack us, I do not want to be taken as a prisoner, please shoot me and kill me. I told this to the Private who was a Langi by tribe and the other one who was a Musoga was steady in the vehicle. That soldier removed my nyotas from my shoulders and also took of my hat and I remained without them ready in my vehicle.

The Brigadier said that when the Platoon Officer's lorry reached Kaberebere, he met the first lorry carrying the guerillas and Banauka's vehicle and the invasion was on. He said that fierce fighting took place and he expressed the opinion that Banauka may have disappeared at Kaberebere.

The fighting was so fierce that it took him five days to reach his barracks. He went on to give an account of the fight at Bananuka's home. He said (p.5639):

"On the 15th at Ikanda Road near the
guerrilla were looking for food."

That was the incident that took place along the area where Bananuka's house is.

Regarding the bus he said that any vehicle carrying guerrillas captured during operations was treated as guerrilla property and confiscated. He denied suggestions about confiscating cattle and keeping them at the barracks.

The Brigadier also mentioned the other incidents in which he was involved with Bananuka's family. The first one involved one of Bananuka's sons who was arrested by some soldiers on 15th September, when he was heard saying in a bar that 'in about two or three days something will happen.' He also told the soldiers 'your pride should end today in about two or three days you will see' as we know, the country was attacked on the 17th. The Brigadier, however, said that he decided to release him on Sunday, thinking that he was drunk when he uttered these words. He then met his father and told him about his son's release on Sunday. Bananuka was alleged to have retorted, 'never mind if he is not released he will come out from the Prison through another way'. The Brigadier said that Bananuka was then wearing a UFG shirt and carrying a stick marked in UFG colours.

The second incident in which he was involved occurred on Sunday when the boy was to be released. The boy's mother saw him at his home at 9 p.m. and insisted that he

took her home in his car. He agreed very reluctantly and, when he got to Bananuka's home, he saw many people on the first floor. His suspicion was aroused and, as soon as Mrs. Bananuka left the car, he immediately drove off at great speed.

It was unfortunate that Bananuka's other wife, Robina, was not available as she is said to have gone to Tanzania to live with her other son. The only other witness is the young girl, Juliet. On the one hand we have her evidence that her father left their home at 8 a.m. on 17th September, 1972, and, on the other, there is the evidence of Brigadier Ali Fadhil of having met Bananuka near Kaberebere Trading Centre. He also saw Bananuka's bus near the same place coming from Kikagati. Juliet gave her age as 13 and at the time of this incident she would have been about 11. Normally one has to be very careful with the evidence of such young witnesses and we are of the opinion that similar caution is necessary in considering Juliet's evidence. There was a little discrepancy in her evidence. She said at first that Bananuka did not tell them where he had left his three sons when he returned home. But later on she said that the three brothers had gone to Lwebushuri to fetch milk. It also looks strange that Bananuka should insist on going back to the house to wait for his three sons when the house was under attack and the neighbours were hiding in the bush. Juliet also said that their bus came to their home at about 11 a.m. being driven by their regular driver. When this is contrasted with the evidence of the conductor it becomes apparent and likely that the girl was obviously wrong because it

was the conductor who went at 11.30 a.m. and accounted for the takings to Robina. Juliet's evidence seems to corroborate the Brigadier in one respect and that was that the explosion, however, was quite different to his account in a number of respects. We take the view that, had Bananuka been in the house during all this firing when the soldiers were actually inside the house on more than one occasion, he would not have come out alive. No one saw him leave the house or his body being brought out by the soldiers. Some blood was seen in the house but that could have been any body's. We think that, in view of Bananuka's previous political career and his continued loyalty to the old order as exhibited in his conduct during his meeting with the Brigadier before the invasion, it is only reasonable to say that not only he but also his sons were fully aware of the impending invasion on the 17th September, 1972. This knowledge on their part indicated also that they were actively involved with the guerillas and the Brigadier's evidence thus looks all the more credible in that he met Bananuka and his bus on the way. According to the Brigadier, a fierce battle took place at Kaberebere and there are but two possibilities; either Bananuka was killed at Kaberebere or he fled to Tanzania as his wife Robina later did. No body seems to have seen his three sons, except for the evidence of the little girl that they went together with their father. If this were so and if they were with Bananuka on the 17th September, 1972, when the first hits were at Kaberebere, it is obvious that they too must have ended up with their father, either killed in battle or fled to Tanzania with him.

(Next page is 490)

292. Subject No. 264 - ZEDEKIA KASISI.

293. Subject No. 265 - AMOS BUTENESHA.

Witnesses: 390 Ruth Bangobulungi - Part 4, p. 4015 - 4024.

391 Fidelasi Kyadugamunda
- Part 4, p. 4024 - 4029.

392 Esta Nabasa - Part 4, p. 4030 - 4049.

393 Laurensie Nzalo - Part 4, p. 4037 - 4049.

Subject No. 264, Zedekia Kasisi, was the muluka chief of Gayaza villare, Kabingo Gombolola, Isingiro. He was married to W. 390 and they have five children, three of whom are at school.

Subject No. 265, amos Butenesha, was the Gombolola chief of Kabingo and had held this post for eight months only. He was married to W. 391 and they have twelve children, between the age of thirty and ten. W. 392 is one of their children and eight of the others are at school.

Subject No. 266 Amos Rwabatizi, was a Reverend and used to live at the Gombolola Headquarters, Kabingo.

On 23rd September, 1972, the Gombolola Chief (Subject 265) and his daughter (W. 392) went to Gayaza village to see his wife, Fidelasi Kyadugamunda. They left for the Gombolola Headquarters at around 5 p.m. together with the Health Assistant called Muini.

The Muluka Chief (Subject 264) was last seen by his wife (W. 390) on the same day when he left home after lunch saying that he was going to the Gombolola Headquarters, Kabingo. He never came back.

On the way to the Gombolola Headquarters, W. 392 said that they met a Landrover coming from the direction of the Gombolola Headquarters. She saw three soldiers in Army uniform in the vehicle and some other people, including the muluka chief (subject 264) and the county chief called Kotebelirwa. The landrover stopped and the soldiers asked them about the Gombolola Chief of the area. When her father identified himself as such, the soldiers asked him to get into the vehicle. Nothing else was said and the Landrover then drove up to the house of Subject No.266. According to W. 393, who was the D.A. askari, the vehicle first stopped at the Gombolola Headquarters and when he and a clerk went to the office, the soldiers asked them to get into the vehicle and, in the Landrover, he saw the muluka chief, the gombolola chief and also the county chief, besides some others. It was then that the Landrover carried on to the Reverend's house and he too was asked to get into the vehicle. The Reverend asked the soldiers where they were going, and the reply was 'you simply get in' and the Reverend was pushed into the Landrover with the butts of their guns. W. 392 said that, after collecting the Reverend, the vehicle went to her father's office, which was searched, and thereafter was driven away towards Kikagati. The D.A. askari said that the vehicle drove straight to the Saza Headquarters where the county chief was dropped and, subsequently, about three miles from the Gombolola Headquarters, the D.A. askari and the clerk were dropped after the soldiers had ascertained what their occupation was. The three subjects have not been seen since.

On the following day, Mrs. Kasisi (W. 390) met W. 392 and was told about the incident. She saw the county chief and his wife, Mrs. Kasisi, who was his wife. She then sent her daughter, Joyce, to Mbarara in search of the subject which proved futile. She said that she herself did not go to make enquiries about her husband because she was afraid as 'people were dying.' The muluka chief had money in the bank but she has not applied for Court's order to manage his estate due to ignorance of the law.

Mrs. Butenasha (W. 391) also saw the county chief the following day and, while denying knowledge about the whereabouts of her husband, he admitted that he had been in the same vehicle which took him. She saw the DC of the time, Mr. Toskir, who also denied any knowledge about this incident but made enquiries. W. 391 said that her husband was in no way connected with the Invasion of the country by the guerillas and maintained that he was actively engaged in hunting and arresting the guerillas hiding in the hills. The DA askari confirmed this activity of the Gombolola Chief. She too has not applied to court for an order to manage his estate.

There is sufficient evidence to show that these three subjects were arrested on 23rd September, 1972, by three people dressed in Army uniform and travelling in a Landrover. The witnesses, particularly W. 393, could be expected to know the Army uniform but there is no other evidence as to whether these three were genuine Army soldiers or mere imposters. None of the witnesses had the presence of mind to take down the

registration number of the Landrover. The county chief did not come forward to give evidence. These arrests took place immediately after the Invasion of the country by guerillas and there is evidence that the Gombolola Chief at least was very active in chasing the guerillas hiding in the hills and arresting them.

We have considered this very carefully. We think that the fact that the county chief, the D.A. Askari and the clerk were released by those people demolishes any notion that they might have been guerillas, masquerading in Army uniform. Such guerillas, who were then being hunted by the Security Forces assisted by the local chiefs, could not possibly release some of their captives; and the fact that the government did not take any retaliatory action against those three so released is ample proof that they were not considered either as accomplices or sympathisers of the guerillas. From this we draw the inference that the authorities, particularly the county chief, knew the identity of those people as Army soldiers. None of the witnesses knew any of those soldier kidnapers. The three subjects have been missing since 23rd September, 1972 and, in our opinion, the probability clearly is that they were unlawfully disposed of by the Army soldiers who took them away in the Landrover.

295. Subject No. 267 - JOHN NYAKATAKURA.

Witness: 394 Violet Kabungali - Part 4, p. 4050 - 4059.

The subject was an employee of the Ministry of Works, and had a service of twenty years. He was stationed in

Fort Portal as a road supervisor and in September, 1972 went home in Gombolola Kachika, Kachare County, on leave.

On 19th September, 1972, about a week after his arrival, five people in civilian clothes went inside; one had a gun. They caught the subject in the presence of his wife (W. 391), and pulled him to their car. They drove away with him, and he has not been seen or heard of since.

W. 394 said that she was confused and did not know what was happening. She just stood there weeping. She did not raise the alarm. She saw her husband being put in the boot of the car, which was then closed and the vehicle driven away. She was sure that her husband had been killed.

They have six children between the ages of 13 and 1½, five of whom are at school. After a week of her husband's disappearance, she went to her husband's office for financial assistance but was disappointed. She said that she saw the District Commissioner for his help to get the money in the bank but was told that he did not have any such power. She has not applied to court for an order to manage her husband's estate.

There is not much evidence in this case. The witness was shocked and it seems that she was crying throughout this incident and did not even have the courage to note down the number of the vehicle. She did not know any of those people who took her husband away. We cannot say who they were, nor can we make any comment about the car. But we accept the evidence that the subject has been missing since the 19th September, 1972, and we also share his wife's comment that he must have been killed by his unidentified kidnappers.

296. Subject No. 268 - ALFRED RUBASHOKA.
297. Subject No. 269 - AZALIA KABATERAINE.
298. Subject No. 270 - ESAMU KIBEHEREYE.

- Witnesses: 395 Mary Rubashoka - Part 4, p. 4059 - 4078.
396 Zelda Kabetaraime
 - Part 4, p. 4079 - 4094.
397 Zelda Kibehereye- Part 4, p. 4094 - 4112.
398 Amos Kitutu - Part 4, p. 4112 - 4126.
405 John Wilson Nyakabumbiri
 - Part 5, p. 4186 - 4206.
408 Sulemani Byekwaso
 - Part 5, p. 4234 - 4249.
496 Bulaimu Mubihazalwa
 - Part 6, p. 5793 - 5808.
499 Leto Mukwasibwoga
 - Part 6, p. 5913 - 5950.
501 Haji Abbasi Kayemba
 - Part 6, p. 5952 - 5996.
502 Haji Abdunuru Mulele
 - Part 6, p. 5997 - 6004.
503 Nuru Mubiru Alias 'Mulefu'
 - Part 6, p. 6005 - 6011.

Subject No. 268 - Alfred Rubashoka - was the Gombolola Chief of Bumbere Gombolola in Igara County. He was married to W. 395 and they have six children between the ages of 12 - 3; three of whom are at school. W. 395 has not applied to court for an order to manage her husband's estate. This subject was arrested on the 20th October, 1972.

Subject No. 269 - Azalia Kabeteraine - was a cultivator and tea planter in Ishaka. He was married to W. 396 from whom he has seven children.

He has two other children from another woman, and they are all between the ages of 16 - 2½, six being at school. No application has been made for a court order to manage the subject's affairs.

Subject No. 270 - Esamu Kibheroye - was also a tea planter and had a shop in Ishaka Trading Centre. He was married to W. 397 and they have seven children, between the ages of 16 to 4. Four children are at school and W. 397 said that she cannot afford the fees of the other two. After the disappearance of her husband, one of the children had to leave school before sitting his examinations for P.VII to help out financially. No application has been made to court for a management order.

These three subjects were members of the Igara Tea Growers Society, of which John Wilson Nyakibimbiri (W. 405) has been chairman since 1971. He defeated Haji Abbasi Kayemba (W. 501) for this position in the elections of 1971 and 1972. His consecutive defeats had made Kayemba think that Nyakibimbiri was 'impossible' for him.

Subject 268 was the Society's managing director and the other two ordinary members.

On 16th September, 1972 was held the annual general meeting of the Society and there were two candidates for the position of chairman: Nyakibimbiri and Leto Mukwasibwoga (W. 499). The cooperative officers had arranged for police attendance as a big struggle was expected at the elections. Leto was being supported by Kayemba who said that their elections had always been peaceful. He explained that police was not called at the elections of 1971 when the membership was 1,500, and he agreed that in 1972, with

the same membership, the presence of the police at the elections implied a fear that peace may be breached, and he explained that this was due to the members being 'enthusiastic'. Again Nyakibimbiri won, and he invited his opponent to become his vice-chairman; but Leto refused saying that he would contest another election.

Mrs. Rubashoka spoke of 'terrible friction' within the society. Mrs. Kabateraine said that after the 1972 elections her husband told her, (p. 4094):

"He said that after the voting, Leto and Kayemba said to him that that election he had had was the last for him, he will never vote for the second time."

This allegation of threat was denied by the three principal characters, that is Nyakibimbiri, Kayemba and Leto.

The society's elections were followed the next day, the 17th September, 1972, by the Invasion of the country by guerillas from Tanzania.

On 19th September, 1972 Kibehereye left his home for his shop at about 2 p.m. His young brother, Amos Kitutu (W. 398), who was in the shop and had seen his brother approaching the shop, at the same time saw a Zephyr vehicle with about ten soldiers stopping near the shop. He saw four soldiers grabbing his brother and bundling him in the boot of the vehicle which was then driven towards the home of Nyakibimbiri, who later said that he too was put in the boot of the vehicle, which he identified as a Peugeot, where he found Kibehereye and he had to 'squeeze in a bent position' and the boot was closed. They were taken back to Ishaka and pulled out of the boot. There Nyakibimbiri saw Kayemba sitting by the road side on a cement block. The two

prisoners were taken to a 'mitoma' tree in the middle of the town where most of the soldiers were gathered. According to the report, the soldiers asked 'ndiyo hawa naita fuju?' ('are these the people causing trouble here?') Kayemba is alleged to have replied 'ndiyo hawa,' ('yes, these are the ones'). A Mukiga soldier then took the prisoners in front of his boss who eventually said, 'hiyo ndiyo fitina ya Ishaka' ('these are the jealousies of Ishaka'). Both of them were made to sign a statement to the effect that they had not been manhandled and nothing had been taken away from them and they were released at about 5.30 p.m.

Kibchereye told his brother that they had been arrested on the allegation that they had flown a flag of their tea society in Kyamuhunga. Nyakibimbiri admitted in his statement to the investigating team that he had stated the reason for their arrest as being an allegation that they had slaughtered a goat on Sunday, 17th September, praised the UPC and hoisted a UPC flag. That being the day of the Invasion, it was perhaps felt that this was done in celebration of the attack.

Later the same evening, Kitutu closed the shop and went to a nearby hotel. He saw three soldiers, one standing in front of his shop and two at the back. He went behind the shop to find out what was happening and, upon learning that he was Kibchereye's brother, they asked him to take them to his brother. He agreed and went with them in their car. They found Kibchereye sitting. One soldier had a list of names and he asked Kibchereye to accompany them. The subject asked him where he was

being taken and was told, 'you shall see'. He was taken to the car and the soldier then asked Kitutu to take them to the home of Kabataraine. They reached there at about 8 p.m. when the subject was having his meal with his wife (W. 396). One soldier with a gun went for him and his wife followed him up to the car. She said (p.4082):

"When we reached at the vehicle, that askari enquired whether I was the wife of Kabataraine and I told him that I was then he said raise your two arms for you will never see him again."

By this she understood that she should give up all hope for her husband. Kitutu said that the soldiers asked W. 396 to say goodbye to her husband "That we will never see him again." Kitutu left the vehicle which drove on and stopped at Kayemba's place. It remained there for about 30 minutes.

On the 20th October, 1972, at about 6 p.m. a blue Ford Escort vehicle stopped at the home of Nyakibimbiri. He hid himself in the house because 'it was known that such vehicles came to pick people.' He heard a man asking a child where he was and, on being told that he was out, the vehicle drove off to the home of Leto. Nyakibimbiri followed it there and noted its registration number which was UUH-528. He saw Haji Mulele (W. 502) and Nuru 'Mulefu' (W. 503) coming out of the house and getting into the vehicle which drove away towards Kyamuhunga. The same vehicle next stopped at the home of Alfred Rubashoka and his wife (W. 395) said that three men came into their home. They were all in plain clothes and she could see a firearm in the trouser pocket of one of them. They asked Rubashoka to get into the vehicle as they were

taking him to Bushenyi Police Station. Rubashoka asked those people what he had done and if they had any proof that he was wanted by police. They said that they had with them, they threatened to shoot him if he did not obey. He accompanied them to the car and was taken away. His wife said that she subsequently came to know two of those people as Haji Mulele (W. 502) and Nuru 'Mulefu' (W. 503). She also jotted down the vehicle's number which Nyakibimbiri saw the following day when he accompanied Mrs. Rubashoka to Bushenyi Police Station. He said that the number taken down by her was UUH 528. They did not find Rubashoka at the Police Station and they proceeded to Mbarara Police Station. W. 595 was taken round all the police cells and her husband was not there. They then saw the DC who called in some Intelligence men saying 'people were disappearing in unknown manner.' She made her statement to the Intelligence men and then she and W. 405 went to Mbarara town, where both of them saw the blue Ford Escort but this time with a different number plate which was UYO 040. They also recognised two of the occupants as Haji Mulele and Nuru 'Mulefu'. Mrs. Rubashoke was puzzled by this change of number plate but as it was then getting late in the afternoon, they did not think of contacting the police. She said that she was also afraid of being arrested like her husband and she still 'shivers' whenever she sees those men.

Mrs. Kabateraine also saw the DC, Mbarara, after about two days of her husband's arrest and she said (p. 4085):

"He told me that as that period was a bad one, such people who had disappeared in

that/...../501.

that manner could not be traced they could not do anything to search for them that they would only wait for the commission which might be appointed later on to enquire into those missing people."

She said that the DC referred to that period as 'bad' because of the guerillas who were then within the country.

Mrs. Kibhereye also saw the DC and she too was asked to wait. She said that the conditions in those days were bad as many people were running away due to fear.

Haji Kayemba denied the incident on 19th September, 1972, whereby soldiers were alleged to have asked him if Nyakibimbiri and Kibhereye were the people bringing trouble in the area, but he admitted that they were taken to Ishaka by some soldiers and released on the ground that they had no charge against them. He further denied that Kibhereye and Kabateraine were taken to him the same evening under arrest. Likewise, Leto denied that any Ford Escort vehicle with Haji Mulele and Nuru 'Mulefu', neither of whom is known to him, went to his house on 20th October, 1972. He went on to say that Nyakibimbiri might have lied against him due to differences based on different political affiliations during the old days.

Haji Kayemba was appointed country chief of Igara on 1st January 1973. Sulomani Byekwase (W. 408) seems to know him very well. During the old days he was a member of the UPC, the same as Kayemba. Talking of him as a man, Byekwase (p. 4238):

"As I have already told you that I know him very well, this man if he means to do something however difficult it is, he will go on to do it or solve it."

Byekwaso went on to give at least three examples of the kind of county chief that Kayemba was. He said that around April, 1974 Kayemba asked him to prepare a petition from Muslims to the District Khadi, Sheikh Ruhinda, and replace him with Sheikh Kaduyu. When Byekwaso refused to do this, Kayemba became very annoyed and, about ten days later, Kayemba had him arrested together with other ten people and they were locked up for about eleven days. Kayemba said that he does not support the return of Kaduyu as District Khadi and went on to explain the reason for the arrest of Byekwaso and the other people. His reason was that Byekwaso was inciting people not to work and was also spreading rumours that there was a market for human heads at Nyaruvuru. Byekwaso, of course, denied that he was guilty of any such thing. He said that on 22nd August, 1974 he was arrested by O.C. Police, Bushenyi, in connection with the case of Idi Basajjabalaba who had been shot in the leg by his son, also called Sulemani. Together with other accused people in the case they were taken to the Army barracks in Mbarara, where he was beaten up and later sent to the police station. He was subsequently released on the 28th August, and ordered to report to the police every day. Kayemba said that he had reported Byekwaso to the authorities, that is, the DC, about Byekwaso being one of the assailants of Idi after the victim himself had told him that his son associated himself very much with Byekwaso. He said that as far as he was concerned Byekwaso was quite capable of committing such a crime as previously he had been imprisoned for nine months for 'kondeism.'

The next incident mentioned by Byekwaso was a 'mauledi' on 1st September, 1974, where Kayemba was alleged to have addressed the people. Byekwaso was told the substance of his speech by Swalik Juma and W. 496 (p. 4243):

"He said that Kayemba had said that people who did not obey him he was prepared to get them out of Igara like Byekwaso, and you will not see him, he will disappear."

W. 496 admitted that he attended the 'mauledi' but left before Kayemba had made any speech. Kayemba himself admitted that he made a speech, impressing upon the people the importance of discipline and unity.

Byekwaso said that he again met Kayemba on 18th September, 1974, on Ishaka/Mbarara road and Kayemba asked him, "You Byekwaso haven't you weakened?" He went on to say,

"People who have opposed me or challenged me like Rubashoko, Kabateraine and Kibehoroye where do you see them now. If you soften, then come to me and tell me that you have softened" - (p.4245).

Later on Byekwaso reported this to the police and his statement was recorded.

Kayemba alleged that Byekwaso had told lies against him because he had once caught him selling salt on the blackmarket and his salt worth about Shs. 10,000/- was confiscated and resold to people for about Shs. 7,000/- He denied all the allegations which had been brought against him by Byekwaso.

Likewise, Haji Mulele and Nuru 'Mulefu' denied the allegations against them and maintained that witnesses had lied against them.

According to Ex.152, which is a list of motor vehicles stating particulars of ownership of vehicles and Ex.8, UUH 528 is a Peugeot and is registered in the name of Mr. Abdul Bindua of Box 35, Arua.

According to the evidence, it is manifest that there was indeed 'terrible friction' within Igara Tea Growers' Society. It is obvious that there were two factions, each led by Nyakibimbiri and Kayemba. The consecutive election defeats had frustrated Kayemba but at the last election of 1972 he still put up his candidate, Leto, to oppose Nyakibimbiri and again lost. This was followed immediately by the arrest of Nyakibimbiri and Kibhereye by soldiers on the allegations of having celebrated the invasion and the hoisting of a UPC flag. The evidence here points to Kayemba as the person being responsible for causing the arrest of these two men. Nyakibimbiri gave details of what happened to them when they were taken to Ishaka Trading Centre and the incident was also watched by Kitutu from a little distance. Subsequently, we have the evidence about the arrest of Kabateraine and Kibhereye where, besides the wives of these two subjects, Kitutu also testified about the arrests having been effected by Army soldiers. There is evidence also that, after the arrest of Kabateraine, his wife was told to raise her two arms because she would never see her husband again. With regard to Rubashoka, there was evidence by Nyakibimbiri and Mrs. Rubashoka, both of whom mentioned a Ford Escort UUH 528 with Mulele and 'Mulefu' in it. According to the records held by the Registry of Motor Vehicles, this number belongs

a Peugeot and is registered in the name of Mr. Abdu Bindua of Arua. This incident occurred at about 6 p.m. and both these witnesses saw this vehicle from close quarters. We do not think that they would have been mistaken about the vehicle, or the number which they saw. They claim to have seen the same vehicle the following day with a different number plate which would indicate that the people using this vehicle had, at their disposal, a number of other registration number plates, and it also indicates that they were involved in nefarious activities. It may be recalled that subject No. 22, who disappeared on 26th September, 1972, was taken away in a Peugeot vehicle, also displaying the same number plate. It seems obvious that the number plate UUH 528 was freely available for use on other vehicles in such illegal activities.

We have given considerable thought to the evidence as a whole and also why witnesses should give evidence against Kayemba and Leto. Besides the women, we have evidence from Nyakibimbiri and Kitutu. We do not think that these two men would give evidence against Kayemba about the incident in Ishaka Trading Centre if it had not occurred. We are satisfied that they were witnesses of truth. Both Kayemba and Leto were smarting from their defeat at the election; and it seems to us that Kayemba was an influential person within Icaro. Having seen and heard him give evidence before us, we agree with the assessment of Byokwaso in that he appears to be a ruthless person who will do anything to achieve his purpose. It is just as well that he has been dismissed as chief.

We accept the evidence given by Byekwase about what Kayemba did to him and Kayemba did admit that he had in fact caused the arrest of Byekwase on the allegation of action without any basis at all. We are also not impressed by the simple and plain denials of Mulele and 'Mulefu', both of whom were seen clearly by Nyakibimbiri and also Mrs. Rubashoka. We, therefore, find that the arrest of these three men was clearly engineered by Kayemba who was assisted in some way by Leto. We find that Kabateraine and Kibehereye were arrested on the 19th September, 1972, by Army soldiers and Rubashoka on the 20th October, 1972 by Mulele and Mulefu. All three have been missing since their arrest and we are of the opinion that the probability is that they were unlawfully disposed of by the people who arrested them.

299. Subject No. 271 - BLASIO NTUNDUBYERE.

Witnesses: 403 Segerasi Ntundubyere - Part 4, p. 4164 - 4177.
500 1P William Baraza - Part 6, p. 5950 - 5952.

The subject was the Saza Chief of Kashara. He was married to W. 403 and they have sixteen children between the ages of twenty-five and three, of whom six go to school. W. 403 said that four had to leave school after the subject disappeared, and she has been able to operate the bank account which was in their joint names.

The subject was sick and admitted to Kitagata Hospital. His wife was with him in the hospital and on, 15th October, 1972, at about 2 p.m., three men in plain clothes came into his room and, after ascertaining his

name, told the subject that they had been sent to take him away and to get evidence from him. The man was speaking in Lunyankole and, when the subject asked them who had sent them, they simply said that they were taking him to Bushenyi Police. The subject took his car No. UYO 299 and two of these men sat in it. The subject asked his wife to drop down in Ishaka as he did not know where they were taking him and then her husband drove towards Bushenyi.

She followed him in a taxi up to Bushenyi Police where she saw their car parked outside. She also saw one of the two men, who had travelled with them in their car, standing in the entrance of the police station. She did not go into the police station but returned home to inform the relatives and then went to see the Commanding Officer of Simba Battalion, who was her husband's friend. Failing to find him, she returned to Bushenyi Police and was told that their car had been taken away.

According to Entry No. 19/18/10/72 - Ex. 126 - of the station diary of Bushenyi Police Station, the vehicle UYO 299 was handed in by Cpl. William of the Army, Mbarara for safe custody. According to Entry No. 12 of the following day, Ex. 127, the vehicle was collected by the same Army Corporal.

According to Ex. 151, which is a list of motor vehicle giving particulars of ownership, motor vehicle No. UYO 299 was a Datsun and is registered in the name of Blasic Ntundubwere.

W. 403 next went to Mbarara Police Station where

she saw their car but was told that her husband had not been taken there. She went to Kamukuzi where a secretary told her that he would see the DG. Subsequently, she was told that the enquiries had revealed no clues.

W. 403 said that she did not know of any reason for the arrest of her husband. She said that soon after the Army takeover, her husband was arrested and detained at Makindye for about three months. On his release, he had told her that the interrogation had proved him innocent.

We are satisfied from Ex. 151 that vehicle UYO 299 was in fact registered in the name of the subject. The two entries made in the station diary of Bushenyi Police Post sufficiently corroborate the evidence of W. 403, and we are satisfied that the subject was in fact arrested by Corporal William of Simba Battalion, Mbarara. Whereas this Corporal took the subject's vehicle to Mbarara Police Station on 19th September, 1972 he did not hand in the subject in the same police station. The possibility is that he either took him to the barracks or the subject never reached Mbarara alive. In either case, we are satisfied that the probability clearly is that he was unlawfully disposed of by Cpl. William and his other accomplices

300. Subject No. 272 - AFRICANO ARIKIGAMBA.

Witnesses: 406 Deziderata Tubakaraho - Part 5, p. 4206 - 4217.
407 Sicolastica Kyaruhunda - Part 5, p. 4217 - 4234.
453 Pankrasie Bamwebechire
- Part 5, p. 4907 - 4914.
454 No. 2002 Det.P.C.Ruhemurana Rwahoga Crescent
- Part 5, p. 4914 - 4924.

The subject was a trader, having retired from the Ministry of Works. He was aged about 30 and was married to W. 406, from whom he has four children.

The subject had rented out a room in his house, adjoining the one in which he lived, to two girls, W. 407 and one called Namweza, who used to work in the bar of a man called Ntenje.

On 24th November, 1973, W. 407 was sick in bed and Namweza had gone on duty. Namweza returned at about 10 p.m. with two men, one of whom was her friend. W. 407 described them as 'foreigners' because they were not speaking Lunyankole and were conversing only in Kiswahili. She said that they used to frequent the bar where the two girls worked and used to tell them that they worked in the Army.

On seeing these two men with her companion, W. 407 left her bed and went to the subject's wife to sleep there. She said that she was afraid that either of the men might try to sleep with her. About half an hour later they heard Namweza raising the alarm, "They are killing me. You stay indoors and don't come out." This was followed by bangs at the doors of the subject's house. The doors gave way and Namweza and the other two men came inside. The occupants of the house were beaten and the subject was struck with a bench. The two assailants left for a little while and very soon after a Landrover came and stopped in front of the door with full lights on. Five men came out of the vehicle. They were wearing caps with red bands and also had red belts. W. 407 said that they were in Military Police uniform and were armed with guns. They were again assaulted and the subject, who had been rendered very...../510.

very weak by the extreme beating but was still alive, was put in the Landrover together with the two girls and driven away.

W. 407 said that they were first taken to Ntenje's home where Namweza was thrown down, beaten up again and then put back in the vehicle. She said that they were then taken to 'their houses' near the hospital and were put in a room where they found four men. The following day, the subject was asked to sweep in front of the house and was also kicked. He was then taken away and W. 407 never saw him again till she was released on the third day. Her companion, Namweza, was also released and she promptly picked up her belongings and left for her home in Kabwehe.

Meantime the subject's wife reported her husband's arrest to his brother, W. 453, who is a mukungu chief of Rukyindo village. He first went to Mbarara Police Station where he saw Detective Rwaheru (W. 454). They went to the Military Police and were told by the man at the gate that the subject was in the cells. W. 454 said that he was allowed to go through the book kept at the Military Police Barracks, similar to the police station diary. This must be what is commonly called the Daily Occurrence Book (DOB). He said (p.4915):

"In that book I found an entry made by someone who was on duty and it reads as follows:

'Sergeant Isa and Abake book c
for Luti for duty'

He also found another entry which reads as follows:

'Sergeant Isa and Abake handed in one
'trikigamba' - (p.4915).

We remember that the constable was referring to one

called//511.

called Sgt. Arthur and we have no doubt that the audio-typist seems to have been confused by pronunciation of this name. However, neither this constable nor the mukungu chief was allowed to see the subject and later constable Rwaheeru saw the O.C. Military Police, Lt. James Turyahikaya, who told him that the subject was to appear before the Battalion Commander, Lt. Col. Gowon, on the allegation that he had wounded someone. The constable said that he pointed out that it was a case which should go to court and the lieutenant promised to hand over the subject after the Commanding Officer and interviewed him. The constable was not satisfied and, fearing that the subject might have been killed, opened a General Inquiry file No. 201/73. He said that he also informed his O.C. Det/AIP Kawushi, about this matter but was advised not to involve himself in these matters.

About a week later, a body was recovered from Ruizi River and, notwithstanding its decomposing condition, it was identified by W. 453 and constable Rwaheeru as that of the subject. A post mortem was subsequently done, but our counsel was unable to produce the report.

Constable Rwaheeru said that the relationship of the police and the Military Police was not good in those days. There was no cooperation and the Military Police were always interfering in their duties. He also alleged that policemen were beaten up by the soldiers if they tried to interfere with the cases where arrests had been done by soldiers. He specifically mentioned P.C. Kunani who was alleged to have been assaulted by the soldiers in the town's thoroughfare for having talked to some of the Military men regarding the arrests they had made.

The mukungu chief said that after his brother's burial, he spent a few nights at his home in accordance with their traditional custom and, during the night, he used to hear a Volkswagen coming to the house and people were heard walking around the house.

It seems obvious that the subject was involved in some trouble brought about by his two female tenants. We do not know what happened between those two men and Namweza but, from what transpired subsequently, it is manifest that, when she gave the alarm, those men broke into the subject's house and beat him up together with the others. It is also clear that afterwards they fetched their colleagues and, from the description of their uniform, we have no doubt at all that the identification made by the girl, Sicolastica, was correct and that they were Military Policemen. Her evidence that they were in fact so is sufficiently corroborated by the evidence of the chief and constable Rwaheru, who was able to see the entry in the DOB, about the subject being taken to the Military Police. Although neither of them was allowed to see the subject at the Military Police, we are satisfied that he was in fact there and he spent the first night with his two female tenants and some others in the same room. W. 407 said that the last she saw of him was the following morning when he was asked to sweep outside and never came back. We are satisfied that the body which was recovered by the police from Ruizi river a week afterwards was in fact that of the subject, Africano Arikimbu. There is no evidence that he was ever released by the Military Police and in view of the proximity of time, we are of the opinion that he was unlawfully killed during his custody by the Military

Police and later his body thrown in the river.

301. Subject No. 273 - JOHN MUHIKIRA.

Witness: 411 Fidel Rusingasi - Part 1, p. 4265 - 4271.

The subject was a herdsman and used to live about six miles from Gulu with his wife called Kamuhire, and a child of about a year. He had about fifteen heads of cattle.

The subject was the younger brother of W. 411, who is a teacher in Mbarara. Towards the middle of November, 1973, W. 411, went to Gulu after receiving a telephone from another brother in Kampala about the disappearance of the subject. In Gulu, Kamuhire told the witness that her husband disappeared around 3rd October, 1973, when he accompanied his father to the bus park to catch a bus for Lira. After the bus had left, the subject took his bicycle to a Musoga bicycle repairer under a mango tree where a police constable asked him to go with him to the Police Station as he was 'wanted.' Later the Musoga took the bicycle to the Police Station and he was asked either to sell it or keep it till it was claimed by the subject's relatives. This story seems to have been disclosed to the subject's father on his return to Gulu on hearing of his son's disappearance, and he took the Musoga bicycle repairer to the Police Station. It was then found that there was no record of the subject at the police station and, at an identification parade, the Musoga is alleged to have picked out one constable who admitted handing over the subject to a group of soldiers. The

subject's father did not go to the Army barracks.

Kamuhire told the witness that her husband was having an affair with a prostitute who was also being visited by a soldier.

The evidence is very scanty. Nobody from Gulu Police Station was called to give evidence. We think that in the absence of any proper records, nobody at the police station would have known any thing about this matter. In the circumstances, it is difficult to say what exactly happened but it appears to us from the hearsay evidence that the subject might have had trouble with some soldiers due to his affair with the unknown prostitute. He has been missing since 2nd October, 1973 and we find that the probability is that he was unlawfully disposed of by the unknown soldiers into whose custody he was given by the constable of Gulu Police Station.

302. Subject No. 274 - EDISON B LINDA.

Witness: 412 Wilson Wamukole - Part 5, p. 4272 - 4282.

The subject was aged twenty-six and was employed by the Ministry of Culture since 1968. He used to live in Nakulabye and had a girl friend from whom he had a son.

On 21st February, 1973, the subject's step brother, Wilson Wamukole (W. 412), who is a shop attendant in Hima, heard an announcement on the radio by a friend called Arkanjelo Karubinda regarding the subject's disappearance and enquiring from the witness and his sister, Florence Lumbwa, for any information about him. The

witness came to Kampala with his sister and were told that the subject had been missing since Sunday, 18th February, 1973 when his landlady heard him going away in his car, Toyota UUB 316 at about 7.30 a.m.

The witness went round all the hospitals and police stations in and around Kampala but did not trace the subject.

The witness said that the subject was not interested in politics. He said that had he moved to another place, he would not have left his property behind, which included his poll tax tickets, his bank book and the registration card of his car. The witness said that there has been no response to his appeals on the radio for him to return home. He said that the subject's girl friend, Livia, who lives near Nakulabye Market, denied seeing him at all.

The evidence again is very scanty. It seems that the subject drove away from his home on Sunday, 18th February, 1973, at 7.30 a.m. in his Toyota car UUB 316 and never came back. He was not seen at any hospital or police station and there is no information at all about his vehicle. We are not in a position to make any finding about him except to say that he has been missing from his home since 18th February, 1973.

- 303. Subject No. 275 - JOHN KIVIRI.
- 304. Subject No. 276 - JANUARY SAMWEZI.
- 305. Subject No. 277 - RICHARD MURULI.
- 306. Subject No. 278 - AUGUSTINO NTAMBAZI.
- 307. Subject No. 289 - ABDU SILVANO BIGANUWENDA.

- witnesses: 413 Daudi Rwumutoko - Part 5, p. 4282 - 4292.
414 Amosi Kaptenyi - Part 5, p. 4292 - 4301.
415 Joseph Lomhanda - Part 5, p. 4301 - 4317.
418 Faisi Kabarozi - Part 5, p. 4369 - 4378.
420 Yozefu Kisebo - Part 5, p. 4387 - 4401.
428 Emmanuel Kasinja - Part 5, p. 4536 - 4543.

The first two subjects, that is, John Kiviri and January Samwezi, are the sons of Daudi Rwumutoko (W. 413). Kiviri was a bachelor and Samwezi was married but his wife had deserted him and gone away with their daughter.

The next two subjects, that is, Richard Muruli who was then aged sixteen and was a school boy and Augustino Ntambazi, aged twenty-five, are the sons of Amosi Kaptenyi (W. 414). Ntambazi was married and his wife seems to have gone away with his two children.

The last one, that is, Abdu Silvano Bimuwenda, is the son of Sulaimani Massa. He was a farmer and was married to Regina Kabahingi. They have three children between the ages of seven and three; the eldest is now living with his grandmother, Faisi Kabarozi (W. 418) and the other two live with their mother.

Living in Rwensenene village with these people, was a man called Maribo son of Benya Nkoba. His father was said to be very prosperous. There was evidence that Maribo was not living in the village continuously and used to go away for sometime and then return. According to W. 415, he came back to the village about two months before the invasion. There was evidence also

from W. 413 that he used to go to various homes and places of work and W. 415 said that Maribo used to send the children of Amosi (W. 414) to the Tea Estates.

In June 1972, Maribo offered to find Yosefu Kisebo (W. 420), a tea plucker and the younger brother of Subjects No. 275 and 276, a better job in Kampala. At the instance of Maribo, W. 420 told a lie to his mother in that he was going to Fort Portal for the night. He went to Kampala by taxi with two others, Nguru Kisebwi and Kankya, a schoolboy aged seventeen. He was taken to a house in Kanyanya village and his two companions to another place in Kampala. Kisebo said that Maribo saw him occasionally in the evenings. He remained idle for about six weeks and whenever he asked Maribo for money to return home the latter promised to find him a job. His patience gave out when he went without food for two days and left the house to go to the bus park. He met his aunt Kanyalia who gave him Shs. 25/-. He travelled up to Mityana where he stayed with a relative called Makute and it was not till Christmas that he finally returned home.

On Saturday 26th August, 1972, Subject No. 288 went to see his mother (W. 418) in Mburu village. He stayed for a very short time and left his wife Regina with her. W. 418 went to his home the following day and was told by Regina that her son had been collected by Maribo to go to Fort Portal. He never came back.

Amosi's son, John Kiviri, was the next to disappear. Amosi was told by someone that he had seen Kiviri with Ntambazi waiting for transport to go to Kampala. W. 414 said that Ntambazi disappeared in December, 1972 and was told by Fiseem (W. 428) of

having seen Mtambazi walking around with Maribo. But ten days later, January Samwezi said that he was going to collect Maribo's things and he too never came back.

Richard Muruli was also seen associating with Maribo and W. 428 said that Muruli first collected some money from their father, then his other property and went away telling Kisebo that he was returning to his school; that was in August, 1972. He was studying at Mutorero Secondary School in S. III. W. 428 said that Muruli went away with Maribo. His father wrote to the Headmaster of the school enquiring about Muruli but did not received any reply.

Another man to be offered a job in Kampala by Maribo was Yowana Kamuhanda (W. 415). This was in September, 1972, and W. 415 agreed to accept the offer. Two others, Abdu and Samwezi, were also recruited to work in a garage. These three travelled to Kampala in a taxi and Maribo promised to meet them the following day at the bus park. They waited for him but he did not show up. They were hungry and W. 415 managed to get Shs. 10/- from Abdu and he and Samwezi travelled to Mityana to their relative Mukute, just as Kisebo had done in June before them. Three days later, on 7th September, Maribo also arrived at Mityana and tried to persuade them to return to Kampala with them. W. 415 refused and Maribo gave him Shs. 28/- to return home. Samwezi however decided to accompany him back to Kampala.

Three weeks later came the Invasion. A Gombolola Chief saw W. 413 and W. 414 and both of them had

statements at Kyenjojo Police Station about the disappearance of these young men. There was evidence that Maribo was subsequently arrested for being a guerilla and recruiting people as guerillas and publicly executed in Fort Portal by firing squad.

It is manifest that Maribo was engaged in recruiting young people as guerillas. We are satisfied that these five young men fell prey to his overtures and were led astray by his promises of better work and better pay. Whereas two of the many recruits managed to return after being frustrated, the others have not been seen or heard of since their departure from their village with Maribo. It may well be that he succeeded in sending them out of the country for training as guerillas and the other possibility of course is that they may have been killed during operations against the guerillas who were at the material time known to be within the country.

SUBJECTS 279-288 - 10 POLICEMEN FROM FORT PORTAL.

- 308. Subject No. 279 - No. 4927 - R/H/C K. WARA.
- 309. Subject No. 280 - No. 5147 - Sgt. OHEKI.
- 310. Subject No. 281 - No. 3045 - Sgt. OPIKA.
- 311. Subject No. 282 - No. 4369 - P.C. OKELLO.
- 312. Subject No. 283 - No. 6610 - P.C. ONYAKI.
- 313. Subject No. 284 - No. 6061 - P.C. OPITTI.
- 314. Subject No. 285 - No. 3023 - P.C. OKEMU.
- 315. Subject No. 286 - No. 4340 - P.C. OMBETI.
- 316. Subject No. 287 - No. 7952 - W/PC ACHIENG.
- 317. Subject No. 288 - No. 4435 - W/C OPIKA.

Witnesses: 417 Supt. Augustino Odomei - Part 5, p.4328 - 4369.
p.4500 - 4504.
461 No. 4026 Cpl. Joseph Omara
- Part 5, p.5044 - 5051.
476 WIP Gabriel Luka Okil - Part 6, p.5296 - 5303.
p.5408 - 5409.
508 Ali Tow-ll - Part 6, p.6068 - 6122.
545 No. 6206 PC Ernesti Atrobi
- Part 7, p.6906 - 6911.

The first nine policemen, including the policewoman, were stationed at Fort Portal Police Station and used to live in the police barracks. The last one was stationed in Kigezi and was in Fort Portal on a visit at the time of the incident.

They were mentioned by Supt. Odomei (W. 417) who was then the District Police Commander. He said that the O.C. Barracks, Baraza, reported to him that certain Acholi and Langi policemen had been drinking and shouting in the barracks on the night of the Invasion. According to Odomei, Baraza's reaction was: Why is it that during the Invasion Acholi and Langi should be drinking and shouting at night? Odomei reported this incident to the Regional Police Headquarters on 25th September, 1974. His letter of the same date (Ex. 102) to the Regional Police Commander reads:

"SITUATION WITHIN FORT PORTAL

POLICE BARRACKS

Enclosed for your information is a report concerning the activities of some police personnel during the time when Uganda Armed Forces clashed with Tanzania.

2. This is very serious allegation, especially during this period when things are quite critical and so arrest the situation. I think it would be better if you could call upon the District

in the presence of the Commanding Officer, Uganda Army, District Police Commander, Toro and the Regional Prisons Officer, Western Region. This is exactly what the O.C. Prisons Mubuku did last week when similar incident had happened in the Prison Barracks. In fact I attended and the address the District Commissioner, Toro gave apparently carried some weight as far as cooling the situation was concerned.

3. In view of the fact that the allegation is directly against Acholi/Langi I would like you to take a note that the tribal composition of Acholi/Langi within the District is 52 and 22 respectively. As you know, some of them are manning road blocks, armed with rifles and should something happen, I doubt very much whether they would be in a position to defend the Country."

On the advice of the Regional Police Commander, Supt.

Odomel later submitted a more comprehensive report on 29th September, 1972 and also sent the file to the Police Headquarters. His detailed report (Ex. 103) is as follows:

"SITUATION WITHIN FORT PORTAL

POLICE BARRACKS

MY LETTER A/SEC/1/4/ OF 25/9/72 REFERS

This is a report regarding allegations that when guerillas and Tanzania troops on the 17th, September, 1972 invaded Uganda and captured four Ugandan Towns Policemen of Langi and Acholi tribes celebrated and were jubilant about the situation within Fort Portal Police barracks. The brief details of what happened is as follows:

2. This allegations never came to my notice at all until the 25th September, 1972 when I received a written report dated 24/9/1972 from Assistant Inspector VENGENT BARASA KAMUZU who is the Officer in charge Barracks Fort Portal. Immediately I received the report I caused inquiries to be carried and statements were recorded from all persons who could assist.

3. The source of all this allegation appears to be Police Constable No. 7117 ONYANGO also of Fort Portal. Onyango states that on the 16th September, 1972 at about 1700 hrs. he was at Njara with Police Constable No. 606 OCITTI taking a vehicle. He stated that during the presence of a woman called Hani Mubwa Ocitti said that Uganda was at war with Tanzania, and that some of the people had been proud of this Government, and he wondered where they would go if the Government is overthrown. Onyango says he was annoyed and so left the place and came back to the Barracks. In the same evening at about 1900 hrs while he was going to the Township he passed by house of No. 3045 Sgt OPIRA. He says he saw Sgt OPIRA, P.C. OCITTI, P.C. OMBILO AND P.C. ONEK. Here again he says that Sgt. OPIRA said in Luo that our Uganda is being returned back to us. At about 2300 hrs. Onyango states that while coming back from the Township, he heard drumming and shouting which are signs of jubilation at the house of No. 4346 P.C. Onek. He went there and knocked at the door and inside he found the following drinking kwezo beer P.C. OCITTI, SGT. OPIRA, P.C. ONYACH, P.C. OMBILO, P.C. ONEK and woman Constable MCHENGI. Onyango says he blamed them for making much noise while others were sleeping. The above mentioned policemen abused him and said that he should understand that Tanzania Forces were attacking Uganda.

4. This very constable stated that on the 20th September, 1972 he was at the Road barrier when he was approached by a woman called Hani. He says that Hani told him that Sgt. OPIRA had bought beer from her and are celebrating the fight up between Tanzania and Uganda. The two women Hani and Hani have both given statements and have categorically denied the allegation by ONYANGO and Cpl. OGDEN.

5. Another incident connected with this affair is reported to have taken place at Bwona Road barrier. Here No. 3406 Sgt. OPIO says that on the 18th September, 1972, he was detailed for duty with P.C. OK KILIA OCITTI, AND P.C. OMBILO. He says that the three policemen mistreated him, and disobeyed his orders as in charge. He

said the three removed the road barrier and put it to another place and disappeared. He went looking for them, he said before the three went. P.C. OKELLO threatened to shoot by pointing a gun at him. While looking for them he was met by Assistant Inspector Akuma and some Military personnel. He said that he related the whole story of threats, misbehaviour to Assistant Inspector Akuma. Assistant Inspector Akuma has given a statement denying all charges. He in fact says that he found all the policemen at Road barrier.

6. As regards drinking and celebrations in the lounge of P.C. ONEK no one has come forward to say that such incident ever took place. There is no positive confirmation by two policemen that during the nights of 17th September, 1972 some school and large policemen gathered outside, talking, and appears very happy and jubilant. No one has come to say who these people were. It is true that native beer had been prepared in the lounge of SGT. OPIRA and it was sold, and this was on the 18th September, 1972. During this time SGT. OPIRA was not in for he was at the road barrier.

7. I have to state that they are many Senior Officers of the rank of Assistant Inspector and above who live in Barracks. This includes all the Special Branch personnel and the in charge District Special Branch. None of these officers informed me at all of what took place in the Barracks. All of them have given statements denying having heard or seen celebrations by school and policemen in the Barracks.

8. According to appearances and general feeling of the school and school policemen in this Barracks, I as District Police Commander would not hesitate to say that they are not happy with the present Government and follow in the line of those who are ill and to have rejoiced and celebrated during the time Tanzania invaded Uganda.

NO. 9977 R/W/O. OKELARA
NO. 513 S/P ONEK
NO. 5011 SGT. OPIRA
NO. 5100 I/O OKELLO

No. 6610	PC	ONYACH	
No. 6061	PC	OCITTI	
No. 3032	PC	OKEMA	
No. 4346	PC	ONYK	
No. 7952	W/PC	ACHING	
No. 4435	H/C	OPIA	who had visited Fort Portal.

9. One thing I have to mention here is the mental condition of Police Constable Oryango. According to his AP he has got mental disorder history. He has already given to the army on the subject and in fact when I had not known of anything about this matter.

10. I suggest that this report together with statements of all witness be forwarded to Commissioner of Police for further action."

Odemel was subsequently instructed to round up these ten policemen with the assistance of the Army. He arranged with the Commanding Officer of the 2nd Paratrooper Battalion for assistance and a lieutenant, with a section of seven men, was sent to arrest them. All these policemen were arrested and detained at Fort Portal Police Station in readiness to be escorted to Kampala. Cpl. Omara (W. 461), who was then with the Public Safety Unit, was despatched in a Kombi to fetch them. He said that he was instructed by Detective Assistant Inspector Okila (A. 476) but the latter did not seem to remember if he sent any policeman to Fort Portal on such a mission. He went through the station diary of the Public Safety Unit for the months of September/October 1972 but failed to find any entry about any policeman having been brought from Fort Portal, or about Omara having been sent out to Fort Portal to bring them. He said that this was contrary to police procedure which makes it mandatory for an appropriate entry to be in the diary whenever some boy goes out or returns. Cpl. Omara however, was certain that he was sent to Fort Portal

from where he returned with ten policemen whom he handed in at Jinja Police Station. Omara said that later on he heard rumours that these policemen had been taken to Makindye for interrogation.

Ali Toweli denied receiving any report about these policemen and said that if they were taken to Jinja Road Police Station the record of that police station must reflect this. As against his denials, there appears an entry in the station diary (Ex.170) of the Central Police Station for 5th October, 1972 which reads as follows:

"Mr. Ali Toweli SSP Head of the Public Safety Unit Naguru hands in No. 7952 W/PC Achieng for safe custody. She is from Fort Portal Police Station."

Her name also appears in lock-up register of 7th October, 1972, Ex. 171.

It is manifest that these ten police officers were arrested for allegedly celebrating the invasion of the country by Tanzania. The file of this incident had been had been sent to the Police Headquarters and, from the evidence of Cpl. Omara, there can be no doubt that the PSU was not only interested in these policemen but also sent him to fetch them. He said, and in this he was corroborated by Odomei, that he collected all ten and, on arrival in Kampala, handed them in at Jinja Road Police Station. We have heard many times during the course of this enquiry that the PSU was using the cells at Jinja Road Police Station as the Unit did not have its own cells at Naguru. The Head of the PSU denied any knowledge about these policemen. We find this incredible; first because a Corporal of his

Unit was despatched to fetch them and, secondly, the entries in the station diary and the lock-up register of the Central Police Station make it clear beyond any shadow of doubt that Ali Toweli was deliberately lying. If he dealt with one of the group, he must not only have had knowledge about the others but must also have dealt with them the same way. All ten of them have been missing and, having said that the Head of the Public Safety Unit not only knew about this matter but also dealt with this case, we would say that they must have disappeared during their custody with the Public Safety Unit. According to the report which was submitted by Supt. Odomel there was considerable doubt not only about the truth of the allegation but also about the mental condition of at least one of the people who reported. It is sorrowful to see that the case was not investigated properly and we find that the case of these alleged revellers bears very close resemblance to the policemen who were fetched from Lugazi on similar grounds, that is, subjects No. 221 to 226. We find that the probability is that all of them were unlawfully disposed of during their custody with the Public Safety Unit.

318. Subject No. 289 - ABDU SILEMBO BIGAMUWENDA.

(Dealt with Subjects No. 275, 276, 277 and
278, p. 515)

319. Subject No. 290 - PAULI BALUMUHLIHIWATI.

Witness: 419 Andersono Kambole - Part 5, p. 4378 - 4386.

The subject was one of the newly appointed bakungu

chiefs in Bwera/Bukonjo after completing a three months' course. He was married and had seven children, none of whom is at school due to lack of money.

According to his father, W. 419, his nephew Yomasan Muhindo of the Veterinary Department told him on 12th September, 1973 that the subject had been taken by the Gombolola chief of Bwera, Yomas Tembo, on 7th September, 1973 to the Saza Headquarters. When asked what action he took on receiving this information he said (p. 4379):

"At ours you don't have to enquire for someone who is missing, if you do it they will ambush and kill you. I feared to make enquiries because I feared for my life that I would be killed."

He explained that the fear was of the chiefs because of their hatred for the people. He did, however, admit that, in his statement which he made before giving evidence, he had said that he had approached the Gombolola Chief about his son and had been told that he had been taken to Kabarole to the office of the D.C. He was also told that the subject would return. The witness said that he did not enquire any further, even after his son did not return.

The witness spoke about the 'committee of 82' called the 'Committee of Ruwenzori', who claim to be the leaders of the Bwera/Bukonjo. He said that their leader is Daudi Muhindo, who was also alleged to have been taken by the chiefs to Kasese to be 'killed' but at the intervention of the DC, the chiefs spared his life and is now living in Bwera at Kisaka village.

It is difficult to say how much credence one can place on this evidence. It is obvious that the witness belongs to an organisation calling itself the "Committee of 82"

or the "Committee of Ruwenzori", which holds itself responsible for the administration for the area concerned. It may well be that this political activity explains the fear, of which the witness spoke, of the chiefs who perhaps do not look with favour upon the so called "Committee of Ruwenzori." We do not know why the Gombolola Chief took the subject away or where he was taken to. In view of the obvious prejudice which the witness has against the chiefs, based primarily upon hatred and animosity generated by their opposition to the so called "Committee of Ruwenzori", we think that it would be unfair to accept this evidence against the Gombolola chief. We are, however, satisfied that the subject has been missing since 7th September, 1973; another probability clearly is that he has been unlawfully disposed of by his unknown kidnapers.

320. Subject No. 291 - ESTONI NYARUBONA.

321. Subject No. 302 - ODONGO KAGANDA.

Witnesses: 421 Yosia Kato - Part 5, p. 4401 - 4414.
427 Abdu Kagoro - Part 5, p. 4505 - 4526.
506 No. 1870 Station Sgt. Fred Kisubika
- Part 6, p. 6027 - 6037.
509 ASP Christopher Bakenga
- Part 6, p. 6122 - 6129.
534 UA 8255 Sgt. Jackson Songa
- Part 7, p. 6601 - 6619.

Estoni Nyarubona was a cashier at the bar of Abdula Kagoro alias 'Mukoronofa' in Muhocha. He was married and/...../529.

Jeep was in fact a Land Cruiser No. UG 2513. One of the soldiers pointed at Odongo Karanda and said, "This man in danger shirt is the one who beat us". He was arrested and taken away.

They left the bar and went straight to Kasasa Police Station. The officer-in-charge of the Police Station was ASP Christopher Bakenga (W. 509). He had already received a report from his staff that some Army personnel had called at the police station the previous night demanding the release of the three prisoners who were detained in connection with the alleged attempted robbery at Kakono's bar and threatened to break open the cell. W. 509 had left instructions that they were to be taken to him in case they returned. When these Army men called at the Police Station on 12th November, 1971 they were taken by him and he said (p. 6125):

"Indeed on that day in question, they were brought to my office, one of them identified himself as Sgt. Jackson Songa of Simba Battalion, in the Intelligence section, and another one Abdul whom I had known before even he is a country-man, he comes from Kigezi also, I had not known the names, but I then knew the names afterwards, so I asked them as to why they wanted the prisoners and the vehicle, and then after I was satisfied that they were Army personnel from the Intelligence section, Mbarara by asking the Sgt. to produce his warrant card to me and also seeing that they were using a Government vehicle whose number we recorded in SD here. On this question why they wanted the accused persons, then they told me that they had something to do with their investigation in their Intelligence section and that it was by then Major Gowon who had ordered that he would deal with this matter in their own way. That these people were

subjected/... /531.



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and had two children between the ages of eight and five.

Kaganda was a Jaluo mechanic living in the same trading centre and used to work for an Arab.

According to entries in the station diary of Kasese Police Station, this incident occurred in the night of 10th November, 1971. That night about 10 p.m., Abdu Kagoro (W. 427) and another man called 'Spear' were passing by Kakono's bar when they saw a man demanding money from the cashier, Nyarubona. There was an argument and the bar owner requested those present for assistance, saying that they were being attacked by 'kondos'. The man was arrested and put in Kakono's vehicle to be taken to the Gombolola Headquarters. On the way they met a Peugeot 404 in which the prisoner and his three other companions had come to the bar. They managed to arrest two of them and the third ran away. The three prisoners were assaulted on the way and handed in at Kasese Police Station. Later the car, No. UUA 773, was also taken to the police station and relevant entries were made in the Station Diary regarding the prisoners and the car - Ex. 128. The names of these three prisoners were set out in the station diary entry No. 57 of 12th November, 1971 - Ex. 129 - as Abdu Tumwine, George William Kayiwa and William Kasaja.

The day after the incident at the bar, W. 427 and his friend went into hiding near the water supply after learning that the Peugeot vehicle belonged to 'the head of the Army in Mbarara'. On the second night they saw an Army jeep with some soldiers stopping at the bar. According to Ex. 129, this

jeep was in fact a Land Cruiser No. UG 2513. One of the soldiers pointed at Odongo Karanda and said, "This man in danger shirt is the one who beat us". He was arrested and taken away.

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subjected to the Army questioning in the Intelligence way, I then questioned myself, point number one was that these were genuine Army Personnel, point number two they had power of arrest - powers of detaining members of the public, and powers of interrogating them, if they found it necessary. Then point number three, which was probably the strongest of all was when they told me that they wanted to question them in connection with, Intelligence affairs, I did not want to delay their further inquiries or rather I did not want to be accused of having leaked their ways of investigations, which could have probably been in the interest of the State Security, so on those grounds, My Lord, I decided to hand over the accused persons and the Exhibits and ensure that proper entries were made in the books and forms, knowing that I was doing it in good faith, and they were also doing it in good faith."

The relevant entry in the station diary is 57/12/11/71

(Ex. 129) and reads:

"Three accused persons Abdu Tumwine, George William Kayiwa and William Kasaja with Motor car No. Reg.UUA 773 Peugeot Saloon under CRB 2025/71 handed to Sgt. Jackson Songa, and Private Abdu Sobi both of Uganda Army Mbarara 4th Battalion by the order of O.C. Police, Kasese, Mr. Bakenga. Prisoners which were taken by members of Uganda Army were transferred in Toyota white in colour and the Registration number UG 2513 to Mbarara."

W. 427 and his companion 'Spear' saw the same vehicle return to the bar after about half an hour but this time the Peugeot 404 was also with it. They saw soldiers going into the bar and they also came out of hiding. The soldiers ordered sodas and then called the cashier and said that he had 'troubled' them very much the previous night. They ordered him and the turnboy to lie down and fired

bullets/...../532.

bullets at the floor. One bullet ricocheted and hit one of the soldiers in the mouth and he started bleeding. The cashier and the turnboy were taken away by the soldiers. This evidence was denied by Songa who maintained that he had been ordered by the Commanding Officer, Major Gowon, to investigate a report that some soldiers had fought at a place between Kasese and Mbarara and some had been taken to Kasese Police Station. His instructions were to collect those prisoners together with the vehicle and take them to Major Gowon for questioning and this was what he had done. He denied any knowledge about the cashier Nyarubona or the Jaluo, Karamba. Likewise he denied arresting anyone wearing a red shirt or calling him 'danger man' and he maintained that no one from Mbarara barracks was involved in this incident.

There is evidence that the Peugeot vehicle was the property of a policeman, Station Sergeant Kisubika (W. 506) and he had employed Tumwine as its driver. On receiving a message from Kasese Police he went there and identified both the vehicle and the driver and later made a statement. He said that some three weeks later this vehicle was handed back to him.

W. 427 stated that some more soldiers came afterwards, this time from Fort Portal and arrested a few more people. He named Constant Semakula, Rugadya, Kamadi and two Congolese brothers called Zan.

Nyarubona's father, Yosia Kato (W. 421) heard about this incident and also about the arrest of his son and went to Mbarara Police Station to enquire about him. He also saw the DC Mbarara who called in some Army Officers. The old man

turn
up
bar

said (p. 4406):

"He called one officer and a Sergeant. When they came he asked them to listen to me for what I had gone for. I explained to them the whole story and how the fight started and they confirmed to me that they had seen the people I was looking for but that they were brutally beaten and they could not solve their problem they referred their matter to Kampala."

So he went to Kampala and made enquiries at the Bulange. On Sunday he went to Makindye where he met Sergeant Scrumpagi. He found a lot of people there, including many Baganda, also enquiring about their relatives. The Sergeant made out a list of the people who were alleged to be at Makindye and went to the cells. He returned with some prisoners and some of the Baganda saw the list with some 'x' marks against the names of others who had not been brought out, and they started weeping. The witness was told that the mark 'x' denoted that the person against whose name it appeared was dead. When he asked whether the cross did not indicate that those people may never have reached Makindye, he said (p. 4409):

"You know they say in proverb that if you refuse the indigenous persons' advice then you go astray."

He looked for him at Luzira and, not finding him there either, he gave up the search. The old man said that he has not applied to court for an order to manage his property.

It is obvious that, as a result of the trouble at Kakono's bar, three men and the Peugeot vehicle were handed in at Kasese Police Station on the night of 10th November, 1971. We are satisfied that the vehicle belonged to the policeman, Station Sergeant Kisubika who had employed one

of these prisoners, Tumwine, as his driver. Kisubika said that his driver told him, when he saw him in the cells at Kasese, that he had been hired by some men from the Intelligence section to take them to Kasese. It will be recalled that one of their companions was said to have escaped and we think that it was his report which brought Sgt Jackson Songa and his party to the scene. The O.C. Police gave his reasons for surrendering his prisoners to Sgt. Songa, knowing full well that he was holding them on a report of attempted robbery. This is obviously another case where policemen have been brow-beaten into giving up their prisoners by sheer misuse of authority and power on the part of the military. We are satisfied also that, on their way back from Kasese, they stopped at Kakono's bar and arrested these two subjects. We appreciate that Songa denied taking them but we think that the evidence of Karoro, who was an eye witness, has a ring of truth for it was because of the Cashier Nyarubona that all this trouble came about. Songa said that they do not maintain any DOB in their section. This may be convenient but is certainly not true, because we know that such records are maintained at other Military Units and Battalions.

We accept the evidence of Yosia Kato that his son has disappeared since his arrest in November, 1971. It is clear that Songa and his companions must know what they did with these two unfortunate men and, as far as we are concerned, we think that the probability clearly is that both subjects were unlawfully disposed by them either on the way to Mbarara or subsequently.

323. Subject No. 293 - HENRY MBIKIRA.

Witnesses: 429 Maria Bakyeima - Part 5, p. 4543 - 4560.
430 Fenehansi Tindyeita
- Part 5, p. 4560 - 4567.
431 John Natifu - Part 5, p. 4567 - 4573.
517 Christopher K. Basajjasubi
- Part 7, p. 6257 - 6260.

The subject was the county chief of Bundibugyo. He had three wives, of whom W. 429 is one. He had sixteen children. W. 429 said that five children are at school and she cannot afford to send the others to school. Two had to leave school after the disappearance of their father, one from S. II and the other from P.VI.

On 5th October, 1972 the subject was at his home with his wife (W. 429) listening to the news. At about 9.30 p.m a Landrover came to the house. The porter (W. 430) went to see what it wanted. He saw three men in the vehicle and they told him that they were coming from Fort Portal and wanted to see the county chief. They went inside the house and were made to sit in the sitting room. When the subject confirmed that he was the county chief, one of the three straight away handcuffed him and asked him if he had received a reply to the letter he had written to his friend in Tanzania. The subject denied writing any such letter. They took him into his bedroom and asked him if he had a gun, which he denied. They then asked him to take money for his return journey. They picked Shs. 1,000/- from the box which the subject's wife brought, and another Shs.

1,000/-/...../537.

322. Subject No. 292 - JOSEPH KIZZA.

Witness: 425 Vera Kabayana - Part 2, p. 4463 - 4471.

The subject was a young lad about fourteen and was studying in P.VI at Karambi Primary School, where his father Augustino Katemba is the headmaster.

Attending the same school was Kizza's brother Kahwa, and both were in the same class.

According to their grandmother (W. 425) the two boys disappeared from home on 14th May, 1974. Kahwa was known to have sold his bananas, and Kizza sold his chicken, obviously to raise money for transport. W. 425 said that Kahwa returned home on 17th June, 1974, and said that they went to Mbarara where he had been working for a soldier, upon whose transfer elsewhere he returned home. Regarding the subject Kizza, he said that he left him in Virika. His father did not seem to be concerned and was of the opinion that as one had returned home so would the other in due course. W. 425 said that they made enquiries at Virika and, not finding Kizza there, they reported to the police.

It seems obvious that the two youngsters went to Mbarara looking for a job. Whereas Kahwa returned, Kizza stayed on in Virika but we were not told what enquiries were made there for him. If the boy could leave home in search of work, he could also leave Virika and go elsewhere for the same reason. The evidence is very scanty and we are unable to make any findings about this subject....

had been taken over by the Uganda Army to assist them in their duties. He rang up the Regional Engineer and he also confirmed that the vehicle had been taken over by the Uganda Army. When it was subsequently returned to the Ministry of Works it needed certain repairs and it was not till 5th December, 1972 that it was returned to the Labour Office.

We are satisfied that the Landrover No. UG 0186 was attached to the Provincial Labour Officer in Fort Portal. It was the same vehicle in which the county chief was picked up from his home. We are satisfied from the evidence of the Provincial Labour Officer that on 2nd October, 1972, he was informed by his driver, and this was later confirmed by the Regional Engineer, that the Landrover had been taken over by the Uganda Army to assist them in their duties. This would indicate that it must have been taken over by soldiers from Fort Portal and they must be the people who went to collect this county chief on 5th October, 1972. There is some corroboration in this piece of the evidence of the porter (U. 430) to whom they said they were coming from Fort Portal. It seems to us that there must have been some allegation against the county chief of corresponding with people in Tanzania and this might be the reason for his arrest. Nevertheless we are in no doubt that some soldiers, whose identity is not known, from the Battalion in Fort Portal and using a Government vehicle No. UG 0186 of the Labour Office, arrested this county chief on 5th October, 1972. There is no evidence of where he was taken or what was done with him. He has been missing since then and we are of the opinion that the probability clearly is that he was unlawfully/...../559.

1,000/- from his trouser pocket. They handed over Shs. 300/- to the subject's wife for the children and then left saying that they were taking him to Mbarara 'from where he will never come back.' According to W. 430 when these people entered the sitting room, one of them, who was tall and brown and had a whip, started looking at the pictures on the wall and after the subject had been handcuffed, they asked him if he had a UPC card. The subject told them that all the members of the UPC had burnt their cards after the Military Takeover and it was then that they asked him about the letter from Tanzania. W. 430 said (p. 4562):

"They said that they were coming from Entebbe, we were sent to collect you. We are taking you to Entebbe to go and explain."

The porter reported the incident to the askaris. John Natifu (W. 431), who was on night duty, went to investigate upon receiving the report. When he approached the Landrover he was told to go back as they were also askaris like him. Natifu was afraid because he saw one of them standing behind the Landrover with a gun and to him, they said (p. 4570):

"They told me that we are Uganda Policemen and we are coming from Kampala we are taking your chief because we want him there."

They then drove away with the county chief.

All these witnesses gave the number of the Landrover as UG 0186. According to the Provincial Labour Officer, Fort Portal, (W. 517), this Landrover was attached to his office and used to be left at the Ministry of Works, Fort Portal overnight. He said that the driver left it at the Ministry of Works on 29th September, 1972 but when he went to collect it on 2nd October, 1972 he was informed that it

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He said that this warning was given to him by an Army soldier, Mrs. Abbe said that her husband told her that he wanted to go to Kampala to see Your Excellency about those two missing persons, if he found transport. He then went back to his office and Mrs. Abbe went to her shop.

She returned for lunch at about 2 p.m. and found soldiers on the path to the house. Her children told her that Abbe had been here for lunch and gone back to his office. She went back to her shop and returned home at 5 p.m. Her husband did not return.

She said that in the night of 24th September, 1972 a Landrover with three soldiers drove into the compound of their house and drove out again after stopping there briefly.

On 26th September, 1972 she went to the office to find out if her husband had left any message and found some soldiers and officials in the office. She returned home and sent her porter, Brunyo Odongo, with the office keys, and he was detained.

According to Superintendent Odyek, who was then the District Police Commander, they started enquiring about the whereabouts of the D.C. after about two days of his disappearance. He said that Mrs. Abbe did not seem to know anything and he instructed the CID to investigate. At the same time an A.D.C. was appointed to take over the office and, in the presence of Captain Bashir, the Base Commander and some others, the safe in Mr. Abbe's office was opened. Amongst the papers which were scattered on one of the tables they found the copy of a letter which was addressed to a D.C. of a border

town in the letter to permit a cool-will mission of seven persons, whose names were mentioned in the letter, to enter the Sudan. One of those seven, whom Captain Bashir and Supt. Odyek mentioned, was the county chief of Onoro, Nicholas Obongo (Subject No. 238). That letter was taken over by the Gulu District Commander, and Supt. Odyek said that police investigations with regard to those people mentioned in the letter were kept in abeyance till the letter was returned to them.

We should like to recall the evidence of Lulom (W. 330) in the case of George William Ouda (Subject 206), the Gombolal Chief of Attik. According to him, Mrs. Ouda had told him that five days prior to his arrest, her husband had accompanied Able and a county chief on a hunting trip. She told W. 330 that in the bush, Mr. Able and his companions had tried to persuade her husband to join them in running away to the Sudan which Ouda turned down. It is useful also to recall the evidence of Mrs. Oduro (W. 352) who said that her husband was arrested in her presence from the Gulu Market and subsequently she saw his car at the District Barracks. Ouda was arrested on 18th October, 1972 and Obongo was arrested on 23rd September, 1972.

After the discovery of the letter, Mrs. Able was taken to the police station by the Intelligence Officers, Onzi and Ali, for her statement. According to her she was detained there for about six days till 2nd October, 1972 during which she made no less than five statements. Supt. Odyek said that she was kept there for not more than two days with a view to assisting the police in their investigations. Mrs. Able subsequently visited the Government house and she reached the District Commissioner to

not guard at the house, which he refused. When she
went back to the house for her property in November, 1972
she found that everything had been stolen.

One of the baffling aspects of this case is the
conduct and attitude of Mrs. Abbe at the disappearance of
her husband. She gave us the impression of being completely
complacent and least worried. She admitted that those were
difficult days; the country had been attacked and there was
talk of guerrillas. At one time she said, (p. 5292):

"It is not usually good to ring any how
when you don't know the particulars of
the person or to where about the person
is."

She next said that she did not think of ringing anyone in
Kampala 'because it might scare somebody for nothing.' -
p. 5253. She said that she did not make any enquiries
on Monday because her husband might have had more commit-
ments and although she 'started' getting worried, still
she did not ring anybody because she was 'still waiting'.
She did not even try to walk across to the B.O.'s office
to find out if her husband had in fact been able to get
official transport to go to Kampala. It is noteworthy
that, whereas Mr. Abbe disappeared on 2nd September, it
was not till four days later that Mrs. Abbe went to his
office to see if she had left any message behind. Accord-
ing to her evidence, Mr. Abbe did not return home after
disappearance and she did not tell how the keys of the office came
to her.

Given the evidence as above, we doubt if
Mr. Abbe ever went to Kampala. We are sure to believe that
Mrs. Abbe did not know anyone in Kampala to whom she could
refer to find out. She must have known Mr. Abbe's Minister,

if nobody else, whom she could have approached and, waiting for a period of four days before taking the first step, indicates to us that she must have known that her husband had in fact gone elsewhere and was by then out of reach and danger. We think that the probability is that he crossed into the Sudan. There was similar mention in the case of Subject No. 208 and Captain Bashir Juma also talked about getting some information from a driver of the repatriation team, who were taking the Sudanese refugees back to their country, of Mr. Abbe having been seen in Juba.

For these reasons, we think that the probability is that Mr. Abbe fled the country and may now be in the Sudan. It is difficult to say what made him take this action except for saying that he had been told that he too was supposed to have been posted and was asked to be careful. Two senior officers had disappeared and it may well be that fear produced by these occurrences might have been responsible for his running away from the country.

326. Subject No. 296 - MUMONY.
(Dealt with Subject No. 171, p. 358)
327. Subject No. 297 - ASP. ALENDU.
(Dealt with Subject No. 5, p. 26)
328. Subject No. 298 - REV. CAPTAIN HENRY OGWAL.
(See Mburara Soldiers, p. 618.)
329. Subject No. 299 - FIRE CORPORAL ABEMERIKI OTUDA.

49. Subject No. 300 - FIRE CONSTABLE OROHO.

50. Subject No. 301 - SHERIFF BEN NIKI.

- 113. Fire Constable Aloysius Olujot
- Part 6, p. 6182 - 6203.
- 132. Fire Constable James
- Part 7, p. 695 - 699.
- 136. Fire Constable J. M. K. O.
- Part 7, p. 6735 - 6731.

Subjects No. 299 and 300 were Fire Officers stationed at the Jingo Fire Brigade. Other names of officers and men carried to Olujot's (513) sister. He has eight children between the ages of twenty-two and one.

Spoke was in shell and, although he was married, he did not get details of his family.

Subject No. 301 was a Superintendent of Police and, at the time of the incident, was commanding the Jingo, Miki.

On 27th December, 1972 at about 5 p.m., two men in plain clothes went to the Jingo Fire Brigade and saw the sub-fire officer, Alex Peter James (No. 532) in his office. They told him that they were on duty. One of them took a list of names of men and listed the names of Sgt. Alex Peter James (No. 532). They said that the two men look very nervous and looked like 'thugs'. This frightened him and he started firing. He said that they were 'terror people'.

At the time the two men mentioned, Sgt. Olujot was in the office near the office of the... On... the office and...
 .../.../.../...

"Sir, you want me?" Those two men asked if he was Otuda and, when he confirmed that he was, asked him about Epaku. Otuda told them that he was in the barracks and then accompanied them to the Barracks.

Because of his suspicions, Tanga reported this matter to SSP Ebokorait (he too disappeared subsequently and is subject No. 20 at page 233) who said, "O.K. Leave it to me."

At the barracks Otuda told Epaku that he was required by the C.C. Fire Station (W: 532) for orderly room. Epaku went with them and the vehicle, which was a light green Fiat, drove towards Kamuli. On the way these people asked for his name and tribe and on learning that he was a Kuman, those people said that he was not the one they wanted. All this time a grey car was following them. They stopped the Fiat and the car behind also stopped. Otuda was transferred into the grey car and the Fiat turned round to go back to the barracks with Epaku. One of the men told Epaku, "You boy you are lucky; it was your end."

Later the same evening Epaku narrated this incident to Tanga. Fire Constable Opano was taken the following day. There was no evidence of the circumstances in which he was taken or the people who took him.

Otuda's brother-in-law, (Lupot (No. 513) went to Jinja on 4th January, 1973 from Gulu on learning of the disappearance of Otuda. He was told by Tanga and the C.C. SIB Ochanit (who also disappeared and is subject No. 7, p 36) that they had looked for Otuda but in vain.

Ex.139, which is a list of police personnel who are alleged to be missing, includes the names of both the first officers and one Police Constable having been kidnapped on 27th February, 1973.

Inspector Clupot said that in August, he was stationed at Epipi and he went to the whole evening of 31st, 1972 with Const. Kwawika. The following morning Clupot learnt that the Superintendent had been arrested by the Public Safety Unit and taken to Kumasi. Clupot's local enquiries revealed that the Superintendent had been responsible for releasing six people, who had been arrested by IIP Petyalala on a charge of robbery, pending further investigations. Superintendent Kwawika has been missing since then. His name appears in Ex.167 which is a message from COMCLIME dated 9th October, 1972, regarding the decision taken by the Police Council to dismiss/retire certain police officers. Kwawika was dismissed with effect from 15th September, 1972 and the same information is repeated in the Police Force Orders dated 15th October, 1972 - Ex.141.

With regard to Otubi there can be no doubt that he was taken away together with Epaku (No. 536) by two men travelling in a Fiat car. From Epaku's evidence, it is clear that he was carried by his tribes, and this also indicates that these unknown people are in fact after one of certain tribes only. Epaku said that he was not able to see the number plates of either car, nor was he able to recognise any of these people. Otubi was then transferred into the other car and he had not been seen since.

With/...../167

With regard to Opolo, who is reported to have been picked up the following day, there is no evidence at all before us except that he too has been missing since the 28th December, 1972.

With regard to Supt. Mwarika there is only the evidence of Det/Insp. Clupot to say that he was arrested on 1st September, 1972, by men of the Public Safety Unit, possibly for the release of the six suspects in a robbery case pending further investigations. It is strange that he is not included in Ex. 139 which is a list of police personnel who are alleged to have disappeared, but does appear in the police Force Orders - Ex. 141 - and in the police message - Ex. 167 - as having been dismissed with effect from 15th September, 1972. We have no reason to doubt Clupot's evidence and we are of the opinion that there is a strong probability that as the Public Safety Unit was at that time actively engaged in operations against kendos, the Superintendent's action might have brought upon him the wrath of the officers of this Unit, who must be held responsible for his subsequent disappearance.

As these three subjects have been missing since their respective dates of arrest and have not been seen or heard of since, we are of the opinion that they must have been unlawfully disposed of by the people who arrested them.

332. Subject No. 302 - OROMBO KAGANDA.

(dealt with Subject No. 291, Estoni Nyarubona,
p. 528)

333. Subject No. 303 - MARTIN LUTHER KING,

334. Subject No. 304 - EYUR

335. Subject No. 305 - JOHN ENGUR.

Witness: Det/Inst. Vincent Geoffrey Odwa

- Part 6, p. 5857 - 5869.

These three subjects were mentioned by the witness in passing while giving evidence about the arrest of Benjamin Star (Subject 20). He said that soon after the takeover, in March or April, some people in London District were involved in the recruitment of guerrillas and were arrested. During interrogation some of them confessed to this activity. He acted on to say that together with the C.I. Police, Olyk they went to look in Cyam county on receiving information that one called John Engur (Subject 305) and others were involved in such recruitment and, during their search, came across a note written by one called Eyur (Subject 304) concerning the transport of recruits in a lorry from Sika. The note was also taken to Martin Luther King (Subject 30) of Myer Trading Centre who was advised to keep his men ready. The contents of the note, according to the witness, were as follows (p. 5861):

"The writer said: I am sending a lorry to Myer Trading Centre, get your men ready. Have courage to do these things properly or do not start to fail. That is the language. I have ready for lorry and make sure that these people pass through Sika."

The witness said that they arrested John Engur and, on their return, they went through Myer Trading Centre to find out if they had any information about what was going on there.

arrest him also about 4 a.m. the following day. The writer of the note Eyur, was also arrested from John Engur's home. The witness said that during interrogation all these three said that they had recruited people to go to Sudan, and some had passed through Tororo.

The three subjects were handed over to the superior officer, Mr. Amuchand, after recording their statements, all three were collected by officer who came from Kampala.

According to the witness, several counties of Lango District were affected and he named Oyam, Dokolo, Moroto, Erute and Kyoma.

According to Inspector Olwe, this situation in the District was brought about by certain politicians who were confusing people and he said that the author of the note, Eyur, was hoping to contest an election in the South East constituency while Engur was the chairman of the UFC, Oyam Branch. He said that with the arrests of these three and others, people realised that they were doing wrong and, according to him recruitment of guerillas then stopped.

During the rest of his stay in Lira till his transfer in 1973, he did not see any of these three subjects back in the District and he did not know whether they were ever released or charged with any criminal offence.

It is quite clear from the evidence that these three people were actively involved in the recruitment and dispatch of guerillas to their training bases outside the country. It seems fairly clear that the people who came from Kampala

to collect them must have been Army Intelligence officers and, as they have been missing since then, it is probable that they were dealt with as guerrillas.

13c. Subject No. 306 - SULTAN ALI KHAN LADHANI.

(written Memorandum)

The subject's wife, Mrs. Bekkar Khan S.A. Ladhani, wrote to us from London with regard to the disappearance of her husband, a Hazara citizen, who was a trader at Kabul. The letter, which is dated 25th November, 1974, and was sent through the British High Commission in Kabul, is accompanied by her memorandum of facts and copies of other enquiries made through the International Red Cross and the Inter-governmental Committee of European Migration. Our Council pointed out we were entitled to accept this memorandum under the terms of our reference and he submitted that this subject is not covered by the exception, which reads as follows:

"I do hereby direct that the enquiry shall not extend to any person expelled from Hazara under any authority conferred by law or who has suffered a cessation of birth in accordance with the provisions of law. Nor shall the enquiry extend to persons of Indian origin or extraction who, though domiciled in Hazara, are citizens of India either normally or outside Hazara or of any territory normally from Hazara for any reason whatsoever."

There is a report that the subject is an Indian and was expelled from Hazara. The order of expulsion is said to have been issued in 1964.

satisfied that he was not out of Uganda at the material time nor had he run away from Uganda to be excluded from this Inquiry. We agree with the submission of our Counsel and applying our discretion to receive written memorandum, accepted Mrs. Ladhani's documents in evidence as Ex.179.

The subject was born on 25th May, 1930 at Kaliro in Uganda and, as already stated, at the time of this incident, was a shopkeeper at Kabula. Following is an extract of the events as set out in the memorandums

"Events taken place: On 17th September

1972, at Kabula about 1.30 p.m. my husband, Sultan Ali Mursi Ladhani (Mawji) was taken by two local policemen, in uniform, along with our neighbour Mr. Amritlal Suchdev to the local police station in a white pueget car.

After about half an hour five persons believed to be military persons with arms brought back my husband and Mr. Suchdev in white mercedes car to Mr. Suchdev's house. At that time myself, my daughter and Mrs. Manjula, Suchdev were all at Mr. Suchdev's house, who were our neighbours.

Following day on 18th September, 1972, at about 1 p.m. my husband and our neighbour Mr. Suchdev were arrested by the same persons who brought them before my husband and Mr. Suchdev from the police station. But now they were in military uniforms. They demanded money which whatever I had, I gave them and also they snatched some of our possessions and textile from the shop in Kabula. One of the African gentlemen, who was also our friend informed, there was possibility that there may be another attempt in few minutes by the same persons for the looting of our remaining possessions, as they saw the same white mercedes car approaching slowly towards our shop from the side of Mbarara.

Hurriedly my daughter along with myself ran to the backyard and into the bush and hid ourselves to save

our lives and what happened to our possessions and the commodities of the shop is not known to us till today. As myself and my daughter spent the whole night in the bush and tried to find out what happened from the people who were there. We were for all the time in the bush were our neighbours and finally by the help of the British Gentlemen who were kind to all my family, we managed the next morning, 14th September, 1942, to reach Madras.

It is my own belief that Mr. Luckhoo was arrested by the British and was in military uniform, they were thrown in the boat of the boat like article and they were later on were informed by the British that both of them were taken to Madras.

It is not possible to say for both that to survive and to be alive in this manner and I have not heard anything about my husband since that time.

Mrs. Luckhoo decided to escape with her daughter with the help of some British and finally left the country as a refugee on 23rd October, 1942. Later in her statement she said:

"Basically another theory is that some of the conspirators acquired military uniform by any means and well they put up a military camp in the jungle on the Arceles bend and all committed the first and inhuman crime, but it is definitely sure that the two police officers of the police station in Madras definitely knew about these conspirators."

At present the names of four people who witnessed the incident.

It is to be noted that this memorandum was received from Mrs. Luckhoo in order to make enquiries

concerning the incident and the account of the incident.

of the incident, and she was an eye witness, indicates clearly that the pattern was no different from many other cases where people were picked up in this manner. Mrs. Ladhani has herself referred to the theory that the kidnapers might have been personating Army soldiers and we appreciate that this is a very real possibility. During the progress of the Inquiry we have seen that even when an incident occurred in the presence of a police officer and he was called to give evidence he did not prove of much value, primarily because he did not try to intervene out of fear and also because he did not care to note down the registration number of the vehicle involved. We met the same difficulty in a majority of cases with civilian witnesses and it was only in a very few cases that any witness had in fact the presence of mind to note down the registration number of the vehicle involved in the abduction.

In the circumstances and considering the facts as stated by Mrs. Ladhani, we can only say that her husband has been missing since 18th September, 1972, and we share her fears that the manner in which he was taken did clearly indicate the probability that he may not be alive.

337.

Subject No. 307 - RAJIB MUKHERJEE.

(Written Declaration)

Mr. Mowarra, formerly Mumbai's Ambassador to France, Spain, Italy, and Switzerland, submitted a lengthy declaration supported by numerous documents to explain

the /...../554.

(the background to my exile and the circumstances which made my return to Uganda impossible at least for the time being.)

This being one of our terms of reference we accepted his declaration as a memorandum and took it in evidence as Ex. 177.

In a nutshell it appears that Mr. Musamira was called back to Kampala and he arrived on 15th October, 1973, and had an audience with Your Excellency on 22nd October, 1973. According to his declaration - 1.2:

"After the meeting I saw various statements distributed to all news media and broadcast in all languages found on the radio and TV channels. I regret to inform the Commission that the statement did not give a fair picture of what actually happened to be the record of the meeting. The President was his own boss and I was mine. There was no secretary in attendance. Most of the time he was talking about the political nature of the matter that he was concerned after a lot of evidence that in 1969 you had promised the children of the people of Mr. Bantaby, in his words, and Mubulera and others who ran away because they are enemies of Uganda and they want to work with their imperialist masters and Zionist Jews, further accused of mistreating all the people who are not of your tribe like Wina. One of the things that you said was 'jobs are for you people of your tribes'. He also said that the reference to the people that were not connected with the government, people who are not of your tribe, was not in evidence."

Mr. Musamira said that the above is not true. The reference to the people who are not of your tribe is dated 22nd October, 1973, and is not in evidence.

"The President, General Ili Amin Dada, has suspended the Uganda former Ambassador to France, Mr. Paul Mwangi, with immediate effect because of his misusing of the Government and taxpayers' money in his Embassy in Paris."

The statement then goes on to give details of the alleged misuse of public funds. Mr. Mwangi then gives the reasons for his fleeing the country on pages 3 and 4 as follows:

"After the meeting with President Amin I decided to leave Uganda immediately. Public denunciation of my actions by the President is a bad omen. It has in the majority of cases been followed by 'disappearances' of the accused by murder squads. I was able to convince the officials of the ministry to re-route me via Nairobi to be able to leave the country by the first available and quickest means. I had been tipped by friends that there had been suspicious characters at my Hotel inquiring about me that day. They were still waiting at the hotel when I left without being there to collect my personal effects."

He has gone on to explain the various allegations regarding the finances and has also referred to an article which appeared in the 'Voice of Uganda' of 14th February, 1974, the title of which is "HE WENT FOR FOREIGN NEGOTIATIONS AS AMBASSADOR TO FRANCE" - Annex. 'B'. He has asked us to try to facilitate settlement of his outstanding amounts due to him from the Government.

Without going into details we think that Mr. Mwangi has sufficiently explained the reason why he left the country on 20th October, 1973, and as far as we can see this was due to the allegations of misuse of public funds at his Embassy in Paris and also that he felt that his stay after his audience with Your Excellency posed a danger to his security and life.

328.

Subject No. 302 - 17. P.I. OREB.

See Minis Solihana, 1.580.