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The Trial

By Andrew Rice

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1. In the Names of the Disappeared

The Rwizi River, Western Uganda
June 26, 1979

Jaliya Nkwenjenje was eating lunch when the mob arrived.

They were peasants like her, barefoot and ragged, and they wielded peasant weapons: machetes, spears, stones. They had come with dogs. They carried ropes. The mob was mostly male, but there were some women too, running ahead of the crowd, ululating, egging on the men.

Nkwenjenje recognized many in the mob. They were neighbors from the village of Kiziba. For years, these Christian folk had lived next to Nkwenjenje and the other Muslims of the village, working the same land, growing the same bananas, beans and coffee, attending the same weddings and funerals. True, there had never been much intermarriage between the Christians and the Muslims. But they had gotten along, in the communitarian spirit of African village life.

Now Nkwenjenje's Christian neighbors had surrounded her home. "They were hostile," she recalled years later in testimony before the Uganda Commission of Inquiry into the Violation of Human Rights. The mob leaders ordered everyone out of the house. Nkwenjenje warily emerged with her children.

"Where are you taking us?" Nkwenjenje asked one member of the mob.

"To Idi Amin," he replied.

He was being sarcastic. Everyone knew Amin was gone. Two months before, the fearsome general, the dictator who had presided over the killing of untold thousands, the man who had proclaimed himself "life president," had scampered meekly into exile, just ahead of invading soldiers from Tanzania. The war was over. The liberators had won.

Western Uganda's Christians were celebrating. They had suffered greatly during Amin's eight years in power. Soldiers had humiliated and harassed them. Many friends and relatives had disappeared. Nekemia Bananuka, a local political leader, was rumored to have been tortured, dismembered and killed (in that order). His three sons had been shot. Basil Bataringaya, an ousted government min-

Editor's note: "This is the fourth in an occasional series of articles about the disappearance of Eliphaz Laki, the men accused of killing him, and the murder's reverberations through Uganda's history and present day politics."

ister, had been found floating in the Rwizi River. His wife had also been murdered. Eliphaz Laki, a chief, had been kidnapped from his office. The list went on and on. Names were all that remained of most of the missing. They had vanished without a trace: no trial, no body, no explanation.

Amin's ouster released long-stifled emotions. In the names of the disappeared, the cry went up for justice. In Uganda, in 1979, "justice" meant reprisal. Encouraged by their new political leaders, western Uganda's Christians turned on their Muslim neighbors.

Amin practiced Islam, and, in the African tradition, the Muslim minority in western Uganda had largely supported their "brother." Some Muslims had become rich and powerful. Of course, not all of them had collaborated. But the Christians had no time for distinctions. Mob logic said that Muslims had benefited collectively. Now they would pay collectively.

The mob went from house to house, rounding up Muslims. "My neighbor came with his group and ordered me to come out," Dauda Serujumbe, a farmer, later told the Commission of Inquiry. The mob leader, Serujumbe testified, said they had come on the orders of the liberation government's defense minister, Yoweri Museveni.[1] "[My neighbor] hit me from behind, and then tied my hands behind my back," he recalled. "I feared his spear which was on the ground. They cut [down] my banana plantation and set my house on fire."

The mob collected about 100 Muslims at the home of a local elder. There, they tied the captives together with ropes. Then they marched them out of the village, into the grassy hills and cow pastures of the western Ugandan countryside.

They walked about four miles, until they reached the Rwizi River. The mob leaders separated the Muslims into groups of 20. One after another, the groups were led off to the riverbank. Vengeful villagers killed their neighbors in shifts, with machetes. One after another, "people were cut and thrown into the river," a survivor later recalled.

Dauda Serujumbe was beaten and fell into the water. But he was still alive, and he managed to swim to safety. His son was killed, his wife later died from inju-

[1] Museveni is now president of Uganda. Rumors that he might have played a role in inciting the violence in Kiziba have followed him throughout his political career. He has always denied them, however, and no substantial evidence has ever emerged to tie him to the events. The Commission of Inquiry, which Museveni appointed upon taking power in 1986 to investigate a whole host of atrocities, concluded in its final report that it had "no doubt" that the allegations "were without any foundation."

ries sustained at the hands of the mob. Jaliya Nkwenjenje was with the third group taken to the riverbank. Her 12-year old son and 24-year old daughter were hacked to death before her eyes. In the confusion, she was pushed into the river unharmed. The current carried her downstream and out of danger.

In the days to come, family members of the dead would brave further attacks to travel to the riverside, where the grass was slick and stained red with blood. They searched for their loved ones' bodies. Corpse after corpse was pulled from the river. Many of the dead were women, some with babies still tied to their backs. Years later, the Commission of Inquiry would put together a partial list of the Muslims murdered that day. There were 47 names on it: eight men, 20 women and 19 children.

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2. The Prosecution

High Court, Kampala
November 20, 2002

It was a few minutes after noon on a blustery, rainy-season day. Three old soldiers shuffled into the wooden dock in a breezy, concrete-floored courtroom. Justice Moses Mukiibi of Uganda's High Court, magisterial in his red robe and blonde wig, read to the men the charges they faced: kidnapping and murder.

Private Mohammed Anyule, wearing a red-checked turban and a white robe, cast his eyes down, looking worried. Sergeant Nasur Gille stared dispassionately straight ahead, his hands folded atop the edge of the dock. Major General Yusuf Gowon, clad in a windbreaker and blithe as always, smiled and flashed a thumbs-up to me.

"How do you plead to this charge, murder?" the judge asked the accused men. They replied through interpreters.

"I'm innocent," Gowon said.

"I do not know the offense," Gille said.

"I deny the charges," Anyule said.

The judge entered pleas of "not guilty" for all three men.

Uganda had changed so much since the dark days of Idi Amin, the tyrant these men served. Where it was once difficult to find sugar and cooking oil in Kampala, there were now bustling supermarkets. Where people once feared to go out at night lest they be waylaid by soldiers or the secret police, bars and nightclubs now boomed. Where once there was military dictatorship, now there were elections. And where justice was once meted out with machetes and spears, now it was the province of a system of laws and courts.

The trial of these three defendants, accused of a murdering a man in Amin's name three decades before, would test the limits of that justice system, and reveal the ten-

The High Court building in Kampala, where Yusuf Gowon's murder trial was held

sions that lie just beneath Uganda's surface peace: between tribes, between religions, between competing views of history and conflicting notions of justice. It was unprecedented—trying men for political crimes committed so long ago. Most Ugandans thought of the Amin era as a closed chapter, best not dwelt upon. No officer as high-ranking as Gowon, a former army chief of staff, had ever been held accountable for a regime's atrocities. No one—not the police, not the prosecutor, and certainly not the defendants themselves—saw this coming. But then an improbable chain of events, beginning with the dead man's son's discovery of a clue in a dusty file, led to Gowon's arrest. Now he and the others faced execution if convicted.

"It's like our Nuremberg Trial," lead prosecutor Simon Byabakama Mugenyi told me.

Mugenyi, a stout, bald man in a capacious black barrister's robe, rose to make his opening argument. Uganda had modeled its legal system on Britain's—hence the robes and wigs. But with one important difference: A judge, not a jury, decided guilt and innocence. This judge wasn't one for high-flown rhetoric. So Mugenyi kept his speech short and to the point.

"The brief facts are that Eliphaz Laki, the deceased, was the county chief of the then Ibanda County," he began. "On a certain day in September 1972, while the deceased and others were at the county [headquarters] on duty, some three men came in a vehicle asking for the deceased…. They told him that he was wanted by their boss."

Anyule and Gille were two of the men who fetched Laki that day, the prosecutor said. (The third, a secret-police informer, was long dead.) Their boss was Gowon, then a major and the second-in-command of the barracks in nearby Mbarara.

Laki, Mugenyi said, got into his Volkswagen Beetle and drove off with one of the three men sitting beside him. "The deceased," he said, "was not seen again thereafter."

The prosecutor sat and prepared to call his first witness. It was 30 years, one month and 29 days since Eliphaz Laki disappeared. At long last, justice was being done in his name.

* * *

It is said that ours is a new era of justice, one that knows no borders and pays no heed to rank or station. As I write these words, Slobodan Milosevic sits in a prison cell in The Hague, as the first former head of state ever to be tried by an international war crimes tribunal. Charles Taylor lives in skittish exile, having fled Liberia for fear of prosecution for his crimes. In a case that neatly illustrated the eclipse of traditional notions of national sovereignty and law, Augusto Pinochet spent more than a year under house arrest in England while Spain tried to extradite him for crimes committed in Chile three decades before. (He was eventually released, not because he was exonerated, but after medical authorities determined he was senile.) Henry Kissinger is consulting his lawyer before he calls his travel agent.

Once, ousted dictators—like Idi Amin, for instance—lived out their days comfortable in the knowledge that justice could not reach them. No longer. United Nations tribunals are trying those responsible for the bloodshed in Yugoslavia, Rwanda and Sierra Leone. Over American objections, an International Criminal Court came into being in 1998. On a more localized level, over the past two decades more than a dozen countries emerging from dictatorship have appointed "truth commissions" to rifle their own closets for skeletons. In some countries, though not all, evidence these commissions unearthed has been used to prosecute offenders.

An explicit assumption underlies all these experiments in humanitarian justice: That only by identifying individual culprits and punishing them—whether through mere shame, prison sentences or execution—can a country purge its demons. "It is universally acknowledged that peace without justice is no peace at all," Justice Antonio Casesse, the president of the Yugoslav war crimes tribunal, said in a speech before the UN Security Council in 1995. Invoking the language of psychotherapy, advocates of this new humanitarian justice say that describing atrocities and naming names is "cathartic" and "healing" for victims and their families.

"In choosing to remember," Priscilla Hayner writes in her book *Unspeakable Truths*, a study of truth commissions, "in recognizing that it is impossible to forget these events, a country will be in a stronger position to build a more stable future, less likely to be threatened with tensions and conflict emerging from the shadows of a mysterious past."

That, at least, is the theory.

When I first came to Uganda two years ago, I shared the assumption that seeking justice—in the form of trials, verdicts and prison terms—was a necessary part of building a new, stable nation. How, I thought, could a country move past its venomous history if it did not first draw out the poison?

I have discovered that Ugandans see things in a far more nuanced way. To many of them, especially those who lived through the Amin regime, the word "justice" summons visions of mobs and massacres. Trials don't seem like a necessary purgative, but rather a perpetuation of a vicious cycle of violence and retribution. Pursuing culprits means exacerbating ethnic and religious tensions, risking a hard-won peace. Better to let the past lie, they say.

Reconciliation and forgiveness are integral concepts

In his native western Uganda, people remembered Eliphaz Laki as a hero. "He was a man who loved people," this man told me when I visited Laki's home village. But the investigation of Laki's murder, disconcerted some who thought the past should be left alone. Many people were complicit in Laki's death, including some of his own tribesmen, who informed on him for their own political reasons. And in the northwestern province of West Nile, where the defendants were from, Laki was seen not as a victim but as a traitor who was collaborating with rebels. "If something happened," said one former army officer and friend of Gowon's, "they themselves caused the problem, not the government."

in African culture—tribes have elaborate traditional ceremonies which are designed to redress wrongs and wipe the slate clean. More often than not, when I talk to Ugandans who suffered under Amin's regime or those succeeding it, they tell me they *know* who informed on them or killed their relatives. "But I have forgiven him," they usually hasten to say.

President Museveni has promoted this culture of forgiveness. Though he did appoint the Commission of Inquiry into the Violation of Human Rights, he left it chronically under-funded. It identified plenty of murderers, but few were prosecuted. This was partly because many high-ranking officials in Amin's regime had become rebel leaders. The government wanted peace, so it offered Amin's men amnesty in return for laying down their arms. Justice was sacrificed so that peace might survive.

Ugandans recognized, too, that it wasn't just a few generals who were responsible for Amin's atrocities. Complicity went wide and deep. When Amin died in August 2003, Charles Onyango Obbo, the country's foremost political columnist, wrote an obituary in which he recounted how, after the dictator's fall, newspapers began publishing lists of informants culled from the captured files of the secret police.

"One could literally hear the country hold [its] breath when the morning papers came out," he wrote. "Wives of husbands who had disappeared turned up on the list, as did young people from middle-class families, dozens of the most liked students at the prestigious Makerere University, professionals of all types. None of them fitted the profile of the illiterate thugs who were seen as the bedrock of Amin's vicious control machine.

"The whole list was never published. Today, no one talks about it. And many people on it have found respectability. Some are even [government] ministers."

Little wonder then that many Ugandans didn't have much appetite for unearthing the truth. The way they saw it, holding any one person responsible was ridiculous. Everyone had blood on their hands.

Of course, there were those that felt differently, people who chafed at the silence and saw Uganda's peace as mere artifice, built on stifled grievances and outright lies.

Duncan Muhumuza, Laki's son, was one such person. For years, he wondered what had happened to his father. In 2000, he decided to try to find out. He looked up the registration file for his father's Volkswagen. In it, he discovered that after his father vanished, the car had been reregistered in the name of Mohammed Anyule. This clue led to Anyule, a former army driver, who led police to Nasur Gille, who admitted to pulling the trigger. Both of them said Yusuf Gowon gave them the order to kill.

Prosecutors said this was a "landmark case." Given that most of Amin's top cronies were entering old age, Gowon's trial would likely represent Uganda's last opportunity to use the law to excavate that terrible era. "There is generally good will in the country to let the bad past go, because there's so much of it in our history," said Richard Buteera, Uganda's director of public prosecutions. "I think the Ugandan people would rather go forward than look back. But this should not compromise the issue of justice."

For some, the trial did provide a welcome form of emotional release. One day early in the proceedings, as the court broke for lunch, a lanky, droopy-eyed man in a gray suit approached me. He introduced himself as Charles Kabagambe, attorney-at-law. Kabagambe, who would attend the trial regularly, desperately wanted to see Gowon convicted. You see, he explained, his own father had disappeared in 1972. Kabagambe gestured toward the defendants, who were being led out of the dock by prison guards. "I think these are the ones who did it," he said.

"This trial has had a therapeutic effect on me," he later told me. "Because I know that's how my father died."

* * *

High Court, Kampala
November 20, 2002

The prosecution called its first witness, one John Hitler.

"Hitler?" Justice Mukiibi said.

"That's my name, my lord," the witness replied wearily. "It was given to me."

Simon Mugenyi stood to examine his witness about the events of September 22, 1972. A retired police officer, Hitler said he was sitting outside Eliphaz Laki's office when a plainclothes military intelligence officer came calling. The soldier spoke briefly with Laki, and then the two of them walked across the street to the chief's house to retrieve his car. Looking out the window, Hitler said, he could see a second soldier carrying a machine gun.

Mugenyi asked his witness whether he could identify the men he saw that day.

"Those two," Hitler replied, pointing a pair of fingers at Mohammed Anyule and Nasur Gille.

Blasio Buhwairohe, the cashier, was sitting in the same office with Eliphaz Laki on September 22, 1972, when a soldier came and took him away to be killed. (Here he is pictured outside his home in western Uganda, where I visited him in January 2003.) On the stand, he confessed that he couldn't remember many details of the crime. When questioned by Gowon's defense attorney, he couldn't even recall the year that Amin was overthrown.

The next day, Mugenyi called another eyewitness, a cashier who was also present at Laki's office that day. A weathered 76-year-old man, he wore an oversized blue blazer, was missing a front tooth, and spoke no English, only the tribal language of western Uganda. His memory, he confessed, was not what it once was.

"Those three men who took away Laki in 1972," Mugenyi asked. "If you saw them would you recognize them now?"

"I cannot," the cashier said through a translator. "It is many years ago."

On cross-examination, defense attorney Caleb Alaka poked at the cashier's fuzzy recollection. What language were Laki and the soldier using to speak to one another?

"I do not remember," the cashier replied. "It is many years ago."

Did he remember what the soldiers were wearing?

"It is a long time," the cashier said.

Did he remember that rebels invaded Uganda from Tanzania in September 1972, attacking the army barracks in nearby Mbarara?

"I don't recall."

The cashier was 46 years old at the time, Alaka pointed out. "You don't recall an invasion or a war in

Mbarara, which is 56 miles from Ibanda?"

The cashier looked befuddled. "It was a long time ago," he apologized.

* * *

At first glance, the prosecution's case looked formidable. Mugenyi had two devastating pieces of evidence at his disposal: Anyule's and Gillle's confessions.

The confessions painted a convincing account of the murder. They explained who killed Laki and why. After the invasion, the soldiers told police, Gowon had ordered them to round up suspected rebel collaborators, including Laki. "Gowon instructed both of us to go to Ibanda, pick up the county chief and kill him," Gille said in his confession.

The confessions also revealed why Anyule ended up with Laki's car. After killing him, the soldiers drove his Volkswagen back to the barracks "as a proof" for Gowon, Gille said. Later, Anyule asked Gowon to give him the car as reward for his good work. The superior officer handed it over, instructing Anyule to have it repainted first.

The suspects had shown police where they claimed to have killed Laki, a pasture about 25 miles from Ibanda. There, Muhumuza had unearthed a body. He had taken the remains to the United States for DNA testing, which had confirmed the body to be his father's.

"They killed this man—there is no doubt," Simon Mugenyi told me one day as we sat in his office. "The task is proving it."

And proving it was not going to be easy. Mugenyi, 47, was a veteran of two decades in the prosecutor's office. He knew that a case as cold as Laki's murder presented innumerable obstacles. Many eyewitnesses were dead. Those who were still alive, like the cashier, struggled to remember the details of what happened. Crucial evidence was long-lost. Muhumuza may have found Anyule's name on the registration papers related to his father's Volkswagen, but the car itself had never turned up. (In his confession, Anyule told police that the car had broken down a few years after Laki's disappearance, and it had been parked at a Mbarara mechanic's when the 1979 invasion occured. Anyule fled the country and never saw the car again.) The soldiers' military service records also seemed to have been lost during the turmoil of Uganda's civil wars, when the Mbarara military barracks was destroyed and the defense ministry was ransacked.

The prosecutor also knew that there was less to his case then met the eye. Start with the body. Of course, Laki's remains had been found. But Muhumuza, understandably impatient to give his father a proper funeral, had neglected to go through the procedure of getting a court order to exhume the body from its shallow grave. He hadn't taken the remains to a Ugandan medical examiner, either. That meant that as far as a court would be concerned, Laki's body wouldn't exist. The DNA tests were compelling evidence, but that kind of genetic technology was entirely foreign to Uganda. And Mugenyi didn't have money to fly an expert in from the United States to testify about DNA.

True, the confessions were powerful. But Anyule and Gille had talked to police only because they thought prosecutors would treat them leniently in return for testifying against Gowon. Once they were also charged with murder, the two soldiers had quickly recanted their confessions. That meant that their statements would be subjected to a risky evidentiary hearing at trial. "If [the judge] doesn't admit them into evidence," Mugenyi said, "the case is over."

Even if the judge admitted the confessions, the case

Duncan Muhumuza unearthed these bones from a shallow grave in the pasture where the suspects said they killed his father. He took them to an American lab for DNA testing. But because he did not go through proper legal procedures, the prosecution could not introduce evidence of either the remains or the tests. "This is a case," the judge would later hector prosecutors, "[where] there is no grave, no bones, no dead body." (Photo courtesy of Joyce Laki.)

against Gowon was shaky. Ugandan (like American) criminal law said he couldn't be convicted solely on the basis of the testimony of his codefendants. Prosecutors needed additional evidence tying Gowon to the victim. Thirty years later, finding it was a tall order. In a June 2002 memo, one attorney in the prosecutor's office recommended dropping the charges against Gowon because the case against him was so heavily based on "uncorroborated" evidence.

Instead, prosecutors had decided to push ahead. Mugenyi recalled what Uganda had been like at the height of Amin's regime, when he was a student at Kampala's Makerere University. Professors and students were routinely whisked away by the secret police. "I don't like to remember that time," he told me. The prosecutor thought putting the retired general on trial sent an important message. "The signal has gone out," he said. "It will never be too late for anyone to be brought to account for his actions while in power … however impossible it may seem at the time when he's holding the reins."

But Mugenyi's idealism would wilt in the face of the withering realities of the Ugandan justice system, which, like every other institution in the country, is overburdened, under-funded and mired in bureaucratic malaise. The state prosecutor's office handles a heavy caseload with a staff of just 60 full-fledged attorneys.

This was a high-profile case. Still, corners inevitably got cut. Mugenyi sometimes asked me for the phone numbers of upcoming prosecution witnesses—no one in his office knew how to get in touch with them. The prosecutor rarely saw his witnesses before they appeared on the stand, which left little time for niceties like preparing them to testify. He would ask open-ended questions, which sometimes elicited undesired answers. And he missed things. John Hitler, the retired policeman, told me when I visited him at his home in western Uganda that he had seen Gowon driving Laki's missing Volkswagen shortly after the chief's disappearance—which, if true, would have been a crucial piece of corroborating evidence. When I asked Hitler why he hadn't mentioned this in his testimony, he shrugged. "In High Court," he said, "you only answer what is asked."

Simon Byabakama Mugenyi was the second-ranking official in Uganda's prosecutor's office, and it was a measure of how seriously the government was taking the case that he tried it personally. "It's the first case of its kind," he said.

Typically, murder trials in Uganda are wrapped up in a week or less, defense attorneys told me. With its many delays, Gowon's dragged on for nearly a year. The stress of the trial seemed to weigh on Mugenyi. In conversation, the prosecutor's mood would swing wildly and without warning to crusading zeal to sour fatalism. In court, he wore an expression that, depending on the day's events, hovered somewhere on a continuum between bemusement and despair. When I'd come over to talk to him during recesses, he'd often be shaking his head.

"*Phhhhhhp*," he'd say, blowing his lips disgustedly as he shuffled his papers. "This case!"

* * *

I couldn't blame Mugenyi for feeling frustrated. Sometimes it seemed Uganda itself was conspiring against him. Corruption, official incompetence, war, AIDS—all of his country's societal ills hamstrung the prosecution in one way or another.

Take the example of the confessions, the prosecution's most important pieces of evidence. The defense was claiming that Anyule and Gille were coerced into signing the written statements, the details of which the police simply invented.

This was a common defense tactic. Prosecutors had anticipated Anyule and Gille might eventually recant. So back when the two suspects were still cooperating with police, prosecutors had taken the precautionary step of holding a court hearing at which Anyule and Gille had repeated their confessions before a magistrate. These statements to a judge would have been much less vulnerable to attack from the defense.

But this was Uganda. Mugenyi's best-laid plans fell apart when the judge to whom Anyule and Gille confessed was himself arrested. Allegedly, he had been caught taking a bribe in connection with another case. The magistrate's disgrace made the statements made before him useless to the prosecution.

So Mugenyi was left only with the earlier confessions Anyule and Gille made to police. The suspects had dictated them orally, in Lugbara, their tribal tongue. To introduce these statements, Mugenyi needed to call to the stand the Lugbara-speaking police officer who had taken down the suspects' words.

But this was Uganda. The police officer didn't show up at court on the appointed day. Mugenyi sheepishly explained to the judge that the officer was having trouble getting back to Kampala from northern Uganda, where he was now posted. Travel by road up north is risky be-

The three men accused of murdering Eliphaz Laki outside the courtroom. From left to right: Mohammed Anyule, Nasur Gille and Yusuf Gowon. In their confessions, Anyule and Gille implicated Gowon, thinking they would be treated leniently, but they recanted after they too were charged with kidnapping and murder.

cause passing cars and busses often fall under attack from guerrillas of the Lord's Resistance Army, a messianic rebel group. "This one is very dangerous," the police officer told me when he finally arrived. He had taken a roundabout journey by bus and ferry to avoid rebel territory.

In his belated testimony, the officer described how he had taken down the suspects' confessions. First he had handwritten what they said by hand in Lugbara. Then he had written out an English translation. However, it turned out that he had neglected to make the suspects sign the English versions of their confessions, which meant they couldn't be introduced in court. He wasn't a qualified translator anyway, Justice Mukiibi said. The only statements fit to be introduced, Mukiibi ruled, were the original ones taken down in Lugbara.

But this was Uganda, a country of more than 50 different languages. "The court doesn't understand Lugbara," Mukiibi pointed out. Neither did many other people in Kampala: Lugbara is an obscure tongue spoken by few educated Ugandans. So the trial had to be adjourned for several weeks while prosecutors found someone qualified to decipher and translate the suspect's statements.

The problem of language also contributed to the trial's tortuously slow pace. The court proceedings were in Uganda's official language, English, which none of the defendants understood very well. So all testimony had to be interpreted twice: into Lugbara for Anyule and Gille, and into Swahili for Gowon. On occasion, a witness would speak yet another language, requiring his testimony to be translated into English and then retranslated for the defendants. As the proceedings dissolved into a multilingual rendition of the telephone game, I'd fall into a stultified trance, watching the hypnotic darting of wasps about the water-stained courtroom ceiling.

* * *

High Court, Kampala
December 30, 2002

"What did these documents look like?" Justice Mukiibi asked the witness.

"I think these were two," replied Police Corporal Willy Waigo.

"You are not here to *think*!" the judge thundered down from the bench.

The lead investigator in the Gowon murder case fidgeted nervously under the judge's scornful gaze. Waigo, 35, garishly outfitted in a green shirt, purple tie and a vest adorned with multicolored geometric shapes, had been testifying for several hours. So far, his performance had been a tour de force of embarrassing lapses and stubborn evasion. "I have never come across a worse witness," the prosecutor would later say.

At issue was a small but crucial bit of corroborating evidence. The prosecutor was trying to prove that Mohammed Anyule transferred the title of the murdered chief's Volkswagen into his name. He needed to introduce two exhibits: A 1973 document transferring the title of the car, which Anyule had signed, and a set of signatures the suspect wrote out for the police in 2001 for the purposes of comparison. Since the car was never recovered, the 30-year old signature was all that tied Anyule to Laki's Volkswagen.

Introducing the documents should have been a simple matter. But this was Uganda. First, Waigo arrived at court without the original documents, figuring photocopies would do. The defense objected, and the judge ordered the police dig up the originals.

Four days later, Waigo returned to court empty-

handed. The originals were supposed to be at the offices of Uganda's motor vehicle registry, he told the judge. But the officer in charge of keeping the files was on vacation. "Even his secretary was on leave," he protested.

Justice Mukiibi was gray-bearded, and wore oval, metal-rimmed reading glasses perched at the end of his broad nose. He was under heavy pressure to move the trial along quickly. He had 30 criminal cases to dispose of during this court session, which was scheduled to last only a month. They ranged from an armed robbery to the trial of a young woman accused of killing her baby by throwing it into a pit latrine. There were also 17 cases of "defilement," or statutory rape. Defilement is a big court-clogger: The age of consent is treated as a rough guideline in Uganda, but families often bring charges when an older man refuses to pay a satisfactory bride price for their daughter.

The court's need for speed often lost out, though, to Mukiibi's natural inclination, which was to firmly—some said pedantically—observe the rules of procedure. The prosecutor called him "a stickler." He was also a bit of a curmudgeon, and he ran his courtroom like a strict headmaster, treating attorneys like unruly pupils.

"Do you know the meaning of the word wrath?" I once saw him rage at one unlucky lawyer. "*Wrath*. W-R-A-T-H."

Mukiibi, a former prosecutor, was particularly mistrustful of police officers. During the Gowon trial, Willy Waigo came in for the worst of his abuse.

After Waigo presented the documents he had been able to locate, Mukiibi leaned back in his swivel chair and examined them. He took off his glasses and began to chew on one earpiece, which was something he did when he was really annoyed.

The judge lowered his eyes to the diminutive corporal.

"These were *rejected* by the handwriting expert!" Mukiibi exclaimed.

Waigo, looking confused, mumbled something in reply.

"It is bad to lie," the judge interjected. "I will allow you to retract that statement. These were rejected by the handwriting expert, yes or no?"

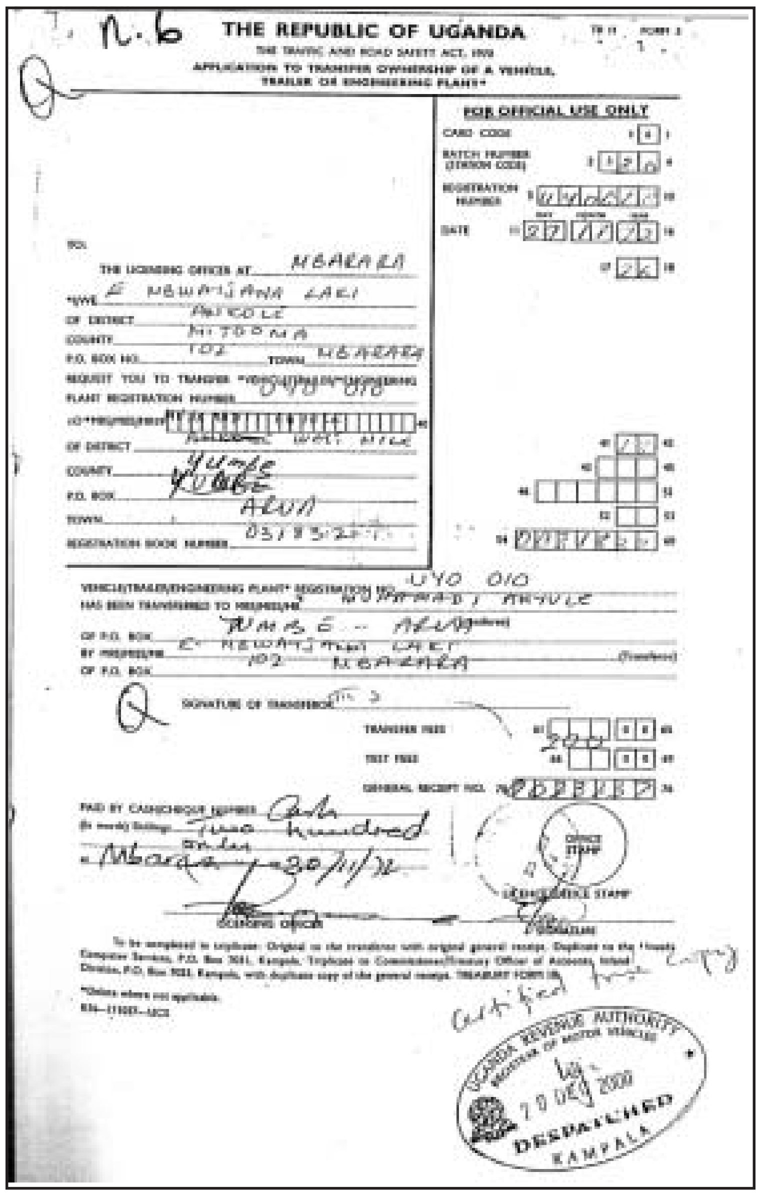
Simon Mugenyi shook his head, put his hands before his eyes, and rubbed vigorously.

"Our biggest problem is the quality of investigations," the prosecutor told me after the case adjourned for the day. "You can see this Waigo is not so brilliant."

* * *

I had already had my own run-in with Corporal Waigo. In September 2002, a few months before the trial was set to begin, I made arrangements to meet him to talk about his role in cracking the Laki murder case. We met at a noisy bar. Waigo brought along another officer who worked with him in the Serious Crimes division of Uganda's police force.

After about a half-hour of unenlightening conversation, the corporal stopped his narration and looked at his fellow officer. "You know," Waigo's friend said, "you


THE REPUBLIC OF UGANDA
THE TRAFFIC AND ROAD SAFETY ACT, 1970
APPLICATION TO TRANSFER OWNERSHIP OF A VEHICLE, TRAILER OR ENGINEERING PLANT*
FOR OFFICIAL USE ONLY
THE LICENSING OFFICER AT MBARARA
E. MBWAMSANA LAKI
OF DISTRICT ANKOLE
P.O. BOX NO. 102 TOWN MBARARA
REQUEST YOU TO TRANSFER VEHICLE/TRAILER/ENGINEERING PLANT REGISTRATION NUMBER UYO 010
TOWN ARUA
VEHICLE/TRAILER/ENGINEERING PLANT* REGISTRATION NO. UYO 010 HAS BEEN TRANSFERRED TO MOHAMMED ANYULE
SIGNATURE OF TRANSFEROR
TRANSFER FEES
TEST FEES
GENERAL RECEIPT NO.
PAID BY CASH/CHEQUE NUMBER Cash
two hundred
Mbarara 30/11/73
UGANDA REVENUE AUTHORITY
20 DEC 2000
DESPATCHED
KAMPALA

Simon Mugenyi wanted to introduce this 1973 document, which Mohammed Anyule used to transfer Laki's car into his name. (He forged the dead chief's signature.) But nothing came easy for the prosecution in this case.

will be making money off of this article you are writing." It was only right, he said, that I share an advance on those proceeds with him and Waigo. That is if I wanted the rest of the story.

I refused to pay up, and eventually cajoled the police officer into finishing. But Waigo's attempted shakedown illustrated something: When it comes to the Ugandan police, nothing comes for free.

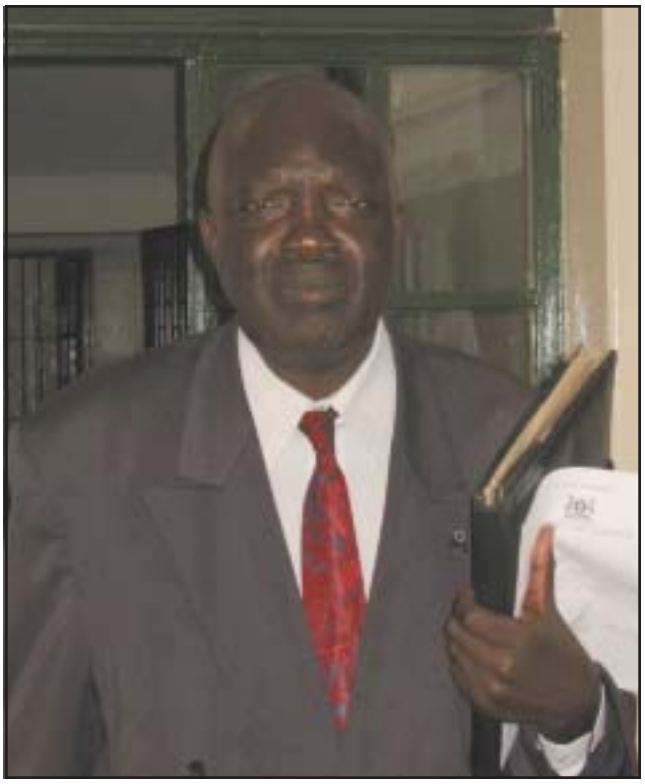
Amid stiff competition, the force is regularly ranked "the most corrupt public institution in Uganda" by the national ethics czar. If you have a car accident and want to file a police report, the duty officer will say, "Give me a soda"—code for 1,000 shillings, or about 50 cents. If you need a policeman to come to your home to investigate a break-in, he'll likely demand "lunch" for his trouble, which means 5,000 shillings. And if, perchance, you happen to discover a clue in your father's long-ago disappearance, which requires an officer to travel to northwestern Uganda to arrest the men who may well have murdered him… that can get really expensive.

In order to get the case investigated, Muhumuza had to pay for hotels, meals and bus fare for the police, and for plane tickets to bring the suspects back to Kampala. One of the private investigators who worked the case alongside the police told me that Waigo demanded $15 a day, paid up front, for the time he spent up north apprehending the suspects—and then incessantly grumbled that the money wasn't enough.

This is Uganda, police officials said in their defense. The department is penniless, so it's standard operating procedure to ask crime victims or their families to "facilitate" police investigations. "Here, we are saying, 'Help the police help you,'" said Victor Aisu, the police superintendent who oversaw the investigation of Laki's murder. "Isn't that [the way it is] in Europe also?"

On the witness stand, Aisu, 52, a hulking man with a pockmarked face, liked to wear a small lapel pin that said "F.B.I."—a souvenir from a training course he once attended in the United States. A 30-year veteran of the force, he gave off the confident air of someone used to wielding authority. He liked to make suspects sit on the floor when he interrogated them. "All these criminals don't remember anything if you don't use a bit of force," he told me. By the end of his many hours of testimony, Justice Moses Mukiibi would refer to him, sarcastically, as "the omnipotent Mr. Aisu."

Aisu had a reputation for corruption. A government investigation in 2000 alleged that he had bungled, perhaps deliberately, a murder investigation that seemed to implicate a well-connected business tycoon and had pocketed more than $100 in cash seized as evidence in connection with the case, a considerable sum in Uganda. Aisu said he could not comment on the allegations, which were subject to an ongoing disciplinary



Victor Aisu, the police superintendent who oversaw the investigation into Laki's murder. "All these criminals don't remember anything if you don't use a bit of force," he told me.

procedure, but denied he had done anything wrong.

One of Gowon's relatives told me that one day early in the trial, Aisu approached him and Caleb Alaka, Gowon's defense attorney, outside the courthouse and struck up a friendly conversation, saying, "These things can be worked out." The relative said he took this to be a suggestion that Aisu would alter his testimony for a price. (Alaka confirmed the relative's account, while Aisu vehemently denied it.) Gowon's relative said that the bribery discussions went nowhere: the general was broke. Throughout the trial, though, Alaka did give the police small sums for "lunch," even as they were testifying against his client. "This is our African culture," Gowon's relative said.

Understandably, the public doesn't have much confidence in the police. In recent years, affluent Ugandans have increasingly begun to dispense with them entirely, turning to private detectives to investigate crimes. Such investigators are controversial. They get the job done more efficiently than the police do. But they often employ unsavory methods.

Alfred Orijabo, one of the two private investigators Muhumuza hired to look into his father's disappearance, would become the pivotal figure in Gowon's trial. He was the one who really solved the case. Orijabo was from West Nile himself. He led the police to Anyule and Gille. After their arrests, he worked up a rapport with the suspects. They trusted Orijabo because he was a fellow tribesman,

and the private detective used various inducements and ruses to convince them to confess. Only afterwards, it appears, did the suspects repeat what they'd told Orijabo to police.

"It was me particularly who did the whole thing," Orijabo boasted to me.

But the private detective's indispensability to the investigation would become a liability to the prosecution. By the time we met in August 2002, at Eliphaz Laki's long-belated funeral in western Uganda, Orijabo was already behaving erratically. Wearing a formal white robe, the detective looked gaunt and frazzled.

Soon afterwards, we appeared together on a radio show, where Orijabo gave a rambling, sometimes raving interview about how he solved the case. (I described this encounter in AR-3, "On the Air.") The next day, we finally got a chance to talk at a restaurant in town. Orijabo was late for our interview, and seemed exhausted and disoriented. He said he hadn't slept the night before. Powerful individuals were out to get him because of his involvement in the Gowon case, he explained.

Orijabo told me he was 38, and that in the 1980s he had been a police officer. Later, he said, he had joined a rebel army made up of former Amin-regime soldiers. He claimed to be an expert shot and an accomplished killer. "You see, I was born wild," Orijabo said. "It is now that I am cooling down. You do any small thing I give you the knife, there and then. I am hot-tempered naturally. The entire clan fears me, up to today."

As we talked, Orijabo's focus faded, and he began nodding off. I bought him some coffee, which he slurped down. It didn't help. "*Ahhh*! I am about to faint," he complained, and asked that I pay for him to take a ride on a motor-scooter taxi, which he said would wake him up. He wanted to consult his Congolese witchdoctor.

Not long after our interview, Orijabo's partner told me that he had been committed to a Kampala mental institution. A little after that, I heard Orijabo had escaped. A mutual acquaintance told me that he had run into the private detective at a local police station. Orijabo had broken his leg while jumping over the asylum's wall. He was now convinced that I was plotting his assassination.

In December, when Duncan Muhumuza returned to Uganda to testify at Gowon's trial, the two of us went looking for Orijabo. We tracked him to the home of one of his wives in a Kampala suburb. His wife was dismayed: She was convinced that a rival for Orijabo's affections had cast a magic spell on him, and that was why he was acting crazy. She told us that we had just missed her husband. When he had heard we were looking for him, he had hopped on a motorbike and made a hasty escape.

That was the last I heard of Orijabo alive. He died at around 10 p.m. on January 3, 2003. I later learned the cause of his dementia: He was in the end stages of AIDS.

Sadly, this was Uganda.

* * *

High Court, Kampala
December 10, 2002

Duncan Muhumuza milled about a breezeway outside the courtroom. Above, the colonial-era courthouse's elegant clock tower read a little before noon. He was exhausted. The last few days had been a blur: Three continents, endless hours in the air, all to reach this courtroom. This moment, when he finally confronted the men he believed killed his father.

Inside, the gallery's hard wooden benches were packed with spectators. They all wanted to hear Muhumuza, the prosecution's star witness. The fact that Orijabo would never take the stand made his testimony all the more crucial. Muhumuza was the one who held the whole case together—he was witness to every step of the investigation, and even to portions of the suspects' interrogations. He found his father's body. He was also, of course, a physical reminder of the man not in the courtroom: the victim.

But the judge wasn't ready. So Muhumuza had to

Duncan Muhumuza outside the courthouse in December 2002, as he prepared to testify. With Alfred Orijabo dead, he was the prosecution's crucial witness.

wait, passing the moments in nervous conversation with his sister Joyce and other relatives. As the delay stretched into lunchtime, the guards decided to take Anyule, Gille and Gowon down to a holding cell. They led the defendants out of the courtroom and out onto the breezeway—and smack into Muhumuza.

Yusuf Gowon smiled widely at his accuser. "I am so happy to see you!" the rotund general said, extending his hand. Muhumuza shook it, and greeted Anyule and Gille too. There was a strange feeling of reunion. Then the guards moved the accused men along.

Muhumuza kept telling me that he bore no malice against them. Up until the last minute, he wasn't even sure that he would testify. He had a new life in faraway New Jersey, and his wife was about to have a baby. He kept telling me that he didn't really care about the trial, that he didn't want to see Gowon and the others executed. "I'm doing this out of duty," he said.

I wasn't convinced. Muhumuza may not have desired punishment, I thought, but what he did want—desperately wanted—was a conviction. It wasn't retribution he needed, but a judgment. A resolution, official and indelible, to the question that dogged him for decades: Whatever happened?

"We need the truth to come out," he told me.

When he was finally called to testify, Muhumuza, wearing a dark pinstripe suit, stood in the witness box, leaning back against a courtroom wall to steady his tired legs. He sipped from a plastic bottle of mineral water. In his methodical, sober way, he recounted his personal tragedy, starting with the day three decades before when he had come home from school to discover that soldiers had taken away his father.

He explained his long-harbored compulsion to discover the circumstances of his father's disappearance, and what had happened to his Volkswagen. "I was always interested in my father's car," he said. "My father had been my hero." He described the joy he felt the day he found the car registration file with Mohammed Anyule's name in it. "It was as if I had found a long-lost gem."

As he recounted digging up his father's shallow grave, his emotions finally got the best of him.

"The bones were …" he began, and then his voice broke into muffled sobs.

"Do you need a seat?" Justice Mukiibi asked.

"Yes, my lord," Muhumuza replied.

As Muhumuza talked, Mukiibi scribbled with a ballpoint pen on white loose-leaf pages. He took the court's official record this way, by hand. The judge picked and chose what testimony he considered admissible. When a witness strayed into areas he considered irrelevant, he simply stopped writing. As Muhumuza's testimony went on, I noticed that the judge's pen moved less and less.

To Muhumuza, the trial may have been about speaking the truth. To Mukiibi, it was a matter of law, and he wasn't about to let anyone forget that, even the victim's son.

Muhumuza tried to testify about the toll Amin's purges took on his family. "About three days prior to my father's kidnapping, my three cousins were shot dead near the county headquarters," he said. "My uncle had also been taken."

Mukiibi cut him off. Not pertinent, he said.

When it came to the suspects' admissions of guilt to Muhumuza, the judge stopped him again. The police would testify about the confessions.

When the prosecutor tried to push on, having Muhumuza tell how Anyule and Gille led him to his father's body, Mukiibi ruled time and again that his testimony was hearsay or otherwise inadmissible.

"We stick by the books," the judge said sternly.

Muhumuza was outraged. Finally, he had been given the chance to face down his father's accused killers. And, to his dismay, he wasn't getting a chance to say the things he needed to. He was a lawyer, and he comprehended the legal reasoning behind the judge's rulings. But his anger was emotional, not rational.

"I just want to tell the story as it happened!" he yelled at the judge in frustration.

This went on for three days. By the end of his testimony, Muhumuza was worn-down and defeated. Everything was backfiring. He had hired a private investigator because he knew the police were incompetent. Now the private investigator was dead, and he was once again left depending on the police. He had spurned procedure and dug up his father's body because he had to know: Had he really found him after so many years? Now he had the proof, but it couldn't be used in court. He had done his best in the face of Ugandan realities. But now his actions were being judged according to the rules of English law. "We have a judge who lives in the ivory tower, so he can't even use his rational mind," he would write me in an email, still seething weeks after he testified.

What more could he do? He found the men who killed Laki. He trusted in the courts. He wanted so badly for justice to be done in his father's name. Now

he felt like the law itself was denying him.

During a break in his testimony, after yet another adverse ruling from the judge, I found Muhumuza outside on the breezeway, looking grim. "It is getting messy," he said.

In Uganda, as everywhere, justice often does.

* * *

3. The Scars

Bushenyi, Western Uganda
January 8, 2003

"They shot me," Edward Rurangaranga said.

"Where?" I asked.

"I'll show you," he replied.

Rurangaranga stood up from the restaurant table. He undid his belt, and untucked and unbuttoned his maroon oxford shirt. At 70, Rurangaranga was built like a fireplug, kept a neat gray beard, and spoke in a stentorian voice, like the politician he was.

Nowadays, Rurangaranga was just an elected member of his local council. But in the old days, when Eliphaz Laki was alive, he had been one of the most important men in western Uganda. He and Laki were tight, "close to brother and brother," he said. They were friends, tribesmen, political allies, and after Amin overthrew President Milton Obote, cellmates. When rebels invaded western Uganda in 1972, seeking to restore Obote as president, they had both been marked for death.

Thirty years later, the old man ran his index finger along a shiny black spot on left side of his abdomen—an exit wound. "This one, it hit me and passed through here," he said. He pointed to his buttocks. "It went through. It broke the pelvis. Passed through here, and hit the stomach. Fortunately, it did not hit the intestines."

"Then the second one…" He directed my attention to a long slash across his arm. "This one would have hit the heart." But the bullet was a few inches off the mark.

"And when I fell in the river … I was hit here." He put his hand to the back of his head. "I just fell deep in water. So this bullet which [was] fired hit water first, so the fire could not touch me. I was hit by the force of the bullet." But the water had slowed the shot enough that it failed to penetrate his skull.

"So those are the bullets," Rurangaranga said, concluding his exhibition. "It's 30 years ago now."

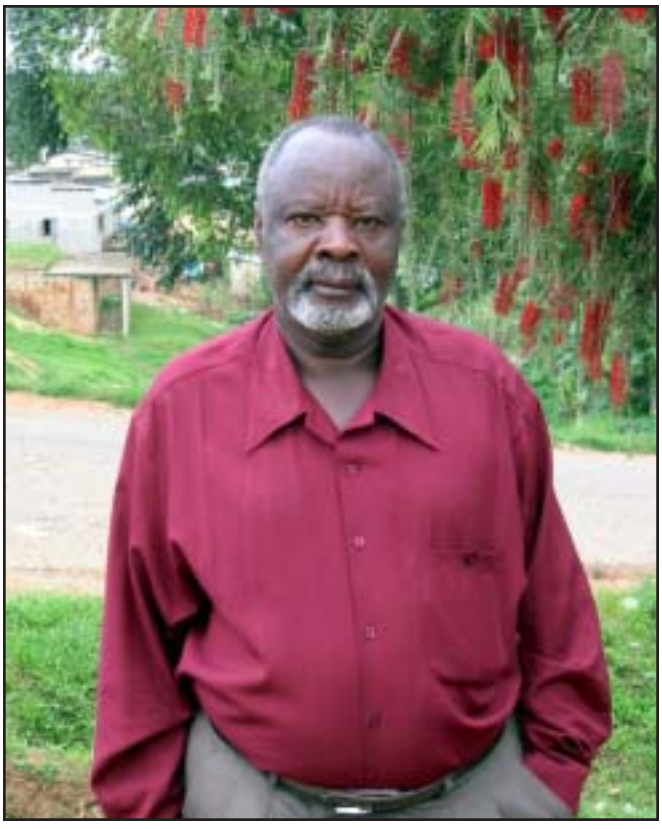
Eliphaz Laki did not live to tell his story. Rurangaranga did. Two days after the invasion, at breakfast, Amin's soldiers came for him. They told the politician that their commanders wanted him for questioning. "So I dressed up," Rurangaranga told me. "Bid farewell to my family, because I knew the time had come."

The soldiers took Rurangaranga out the front door of his farmhouse, opened up the trunk of their car, and shoved him inside. They drove some distance. They picked up a superior officer, a major, who ordered them to double back to Rurangaranga's farmhouse—he thought they might find documents about the rebels there.

"We found my children had just come out of school. They were coming for lunch," Rurangaranga said. The soldiers ransacked his house, but didn't find anything. So the major—"in front of my children, in front of my father, in front of my stepmother, in front of my wife"—gave the soldiers their order:

"Take him, kill him."

But first, it was time for lunch. So the major and his



Edward Rurangaranga, outside a hotel he owns in Bushenyi. After Museveni took power, he was imprisoned for allegedly instigating the killing of Muslims after Amin's overthrow. He spent years in jail, but was never convicted of a crime. He is now an elected official. "I can proudly say I am popular," he said.

men stopped at a nearby restaurant. The owner of the restaurant was a neighbor of Rurangaranga's. He was a Muslim, and he had been appointed a chief under the new regime. From inside the trunk, Rurangaranga recalls hearing the restaurant owner and the soldiers laughing about his fate. He was like a safari ant, his neighbor said: pesky, painful and best exterminated.

The major ordered the soldiers to take Rurangaranga to a forested area along the nearby Rwizi River. "They got me out of the vehicle. They got their bayonets out of the barrels of their guns," Rurangaranga recalled. "They wanted to cut me like a goat."

The soldiers encircled him. Rurangaranga had nothing to lose. He tried to make a break for the river. The soldiers, startled, did nothing for a moment. Then they fired. Badly wounded, Rurangaranga fell into the river. The soldiers left him for dead. But somehow he managed to swim to safety.

Samaritans helped get Rurangaranga back home. There, he hid out while his stepmother nursed him back to health with herbal remedies. Friends later smuggled him to Kenya and the safety of exile.

Rurangaranga, like Laki, was a victim of Amin. But Uganda's tangled history defies any attempt to divide innocents from villains; only the young die good. Laki's story ended in 1972. But Rurangaranga lived to see the wheel swing round, to see the victims become victimizers.

In 1979, Rurangaranga marched back into Uganda as a major in the liberation army. He still walked with a limp, and he bore the grudges of a wounded man. Soon after Amin was toppled, Rurangaranga was appointed administrator of his home district, Bushenyi. At a political rally, he gave a rousing speech in which he recounted the story of his shooting and his escape. "We have cut down the tree," he said. "It is up to you to clear the branches."

Today, Rurangaranga claims that what he meant was "that Amin-ism was a system that had been created, [and] it had to be removed." His audience took him more literally. The reprisals against Muslims began. Christians demanded "taxes" from their Muslim neighbors: cattle or jugs of banana beer. Those who couldn't or wouldn't pay saw their huts burned and their banana groves cut down. Some of the Christians, allegedly including members the local clergy, formed a militia they dubbed "The Bushenyi Vindictive Army." Muslims started turning up dead. Among the first to be murdered was the restaurant owner who had laughed at Rurangaranga the day he was shot.

The reprisals culminated on June 26, 1979, when a mob of Christians in the village of Kiziba herded their Muslim neighbors together, took them to Rwizi River—the very place Rurangaranga was shot—and macheted dozens of them to death.

"The massacre," the Uganda Commission of Inquiry into the Violation of Human Rights wrote years later in its report, "could be said to have been a tragic byproduct of Amin's regime." That might have been true, but the bloodshed that began with Amin did not end with the vengeance of 1979. In 1981, Yoweri Museveni launched a civil war against the liberation government, citing the brutality of its reprisals as a justification. That spurred an even greater orgy of killing, as the army cracked down on Museveni sympathizers. The rebels eventually won the war. But in the 1990s, an army of Muslims from Western Uganda—the grown-up survivors of the post-Amin massacres—rose up against Museveni's government. And on it went, a rebellion for a rebellion, an atrocity for an atrocity, into our own time.

But every story starts somewhere. In western Uganda, the vicious cycle of violence began with the killings of 1972. So it matters to ask: Who was responsible for them?

Rurangaranga claims to know who ordered his murder that day. The major's name, he says, was Yusuf Gowon. Years later, Gowon denied it. But Rurangaranga said he was sure.

"I knew Gowon," he told me. "I saw Gowon."

To be continued…

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Fellows and their Activities

INSTITUTE OF CURRENT WORLD AFFAIRS

Alexander Brenner (June 2003 - 2005) • **CHINA**
With a B.A. in History from Yale in 1998 and a Master's degree in China Studies and International Economics from the Johns Hopkins School of Advanced International Studies, Alex in China, focused on the impact of a new government and a new membership in the World Trade Organization on Chinese citizens, institutions and regions both inside and far from the capital.

Cristina Merrill (2004 - 2006) • **ROMANIA**
Born in Bucharest, Cristina moved from Romania to the United States with her mother and father when she was 14. Learning English (but retaining her Romanian), she majored in American History at Harvard College and there became captain of the women's tennis team. She received a Master's degree in Journalism from New York University in 1994, worked for several U.S. publications from *Adweek* to the *New York Times*, and will now spend two years in Romania watching it emerge from the darkness of the Ceauscescu regime into the presumed light of membership in the European Union and NATO.

Andrew Rice (May 2002 - 2004) • **UGANDA**
A former staff writer for the *New York Observer* and a reporter for the *Philadelphia Inquirer* and the Washington Bureau of *Newsday*, Andrew is spending two years in east-central Africa, watching, waiting and reporting the possibility that the much-anticipated "African Renaissance" might begin with the administration of President Yoweri Museveni. Andrew won a B.A. in Government from Georgetown (minor: Theology) in 1997 after having spent a semester at Charles University in Prague, where he served as an intern for *Velvet* magazine and later traveled, experienced and wrote about the conflict in the Balkans.

Matthew Rudolph (January 2004-2006) • **INDIA**
Having completed a Cornell Ph.D. in International Relations , Matt is spending two years as a Phillips Talbot South Asia Fellow looking into the securitization and development of the Indian economy.

Matthew Z. Wheeler (October 2002-2004) • **SOUTHEAST ASIA**
A former research assistant for the Rand Corporation, Matt is spending two years looking into proposals, plans and realities of regional integration (and disintegration) along the Mekong River, from China to the sea at Vietnam. With a B.A. in liberal arts from Sarah Lawrence and an M.A. from Harvard in East Asian studies (as well as a year-long Blakemore Fellowship in Thai language studies) Matt is also examining long- and short-term conflicts in Burma, Thailand, Laos and Cambodia.

Jill Winder (July 2004 - 2006) • **GERMANY**
With a B.A. in politics from Whitman College in Walla Walla, WA and a Master's degree in Art Curating from Bard College in Annandale-on-Hudson, NY, Jill is an ICWA Donors' Fellow looking at Germany through the work, ideas and viewpoints of its contemporary artists. Before six months of intensive study of the German language in Berlin, she was a Thomas J. Watson Fellow looking at post-communist art practice and the cultural politics of transition in the former Soviet bloc (Czech Republic, Slovakia, Poland, Croatia, Hungary, Latvia, Romania, Slovenia and Ukraine).

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