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The Trial

By Andrew Rice

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4. The Defense

*High Court, Kampala
December 11, 2002*

The courtroom hushed. Caleb Alaka rose from the defense table to begin his cross-examination. He glanced at the witness standing in the box just a few feet away, Duncan Muhumuza, the son of the man murdered three decades before, the very person who set in motion the chain of events that led to his client's improbable arrest. After months of delays, imprisonment and unanswered allegations, the defense of Major General Yusuf Gowon was about to begin in earnest.

"You told this honorable court that you were idolizing your father," Alaka began. "Is that right?"

"Yes, my lord," Muhumuza replied.

"You also told this court that you followed your father's developments with keen interest."

"Yes, my lord."

Of the two men, Muhumuza was the far more experienced attorney. Alaka was just 26, and he looked younger. His black robe looked much more venerable than its occupant—it had turned purple in spots from wear. But appearances were deceiving, and Yusuf Gowon's defense attorney was no one to underestimate. Despite his youth, Alaka had already earned a reputation as one of Uganda's top criminal defenders, with a client list that ranged from persecuted opposition leaders to court-martialed generals, to a politician accused killing a tribal prince. Early success had made him cocky, and he bounded around the courtroom with pugna-cious glee. With characteristic bravado, a few weeks before his cross examination he had told me, "I want to tackle Muhumuza." Alaka said he had a devastating line of cross-examination in store for Gowon's accuser.

"Did you also have interest in visitors of your father?" he asked.

"Visitors generally, my lord," Muhumuza replied.

"Did you know of one visitor at that time ... called Yoweri Museveni?"

"No, my lord...."

"As a grownup, have you ever known His Excellency Yoweri Museveni

Editor's note: This is the fifth and last 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.

was close to your father?"

"Yes, my lord."

"Have you ever read *Sowing the Mustard Seed*, written by Yoweri Museveni?"

"Yes, my lord."

"Do you recall whether he ever made mention of your late father in that book?"

"I believe it is on page 41 and page 47."

Alaka attributed his success in the law to wit, charm and his "loud voice." In hierarchical Uganda, speaking softly is considered to be a sign of respect, and many lawyers turn into incomprehensible mumblers when facing a judge. But not Alaka. He had watched American courtroom dramas like "The Practice" and "Law and Order" to pick up techniques. Like a TV lawyer, he was prone to rhetorical hot-dogging. ("I put it to you that you are *LYING!*") And he relished the cinematic moment.

With a bit of flourish, Alaka produced a paperback



Guards lead Mohammed Anyule, Nasur Gille and Yusuf Gowon from the courtroom to their basement holding cell. Implicated in a 30-year-old murder, the three were on trial for their lives. Their defense: Idi Amin made them do it.

copy of Museveni's autobiography, bearing the pudgy, bald visage of Uganda's president on its cover. He waved the book in the air for all to see, and then handed it to Muhumuza.

"Can you read it out?" the defense attorney asked.

Muhumuza turned to the passage where President Museveni described of the events of January 25, 1971. On that day, General Idi Amin overthrew Milton Obote, Uganda's civilian president. Museveni was a young aide to Obote at the time, and he was in danger. In the passage the witness read aloud, the president described how he sneaked to safety in Tanzania after the coup. The man who drove him, Museveni wrote, was Eliphaz Laki: Muhumuza's father, the man for whose murder Gowon stood accused.

"We crossed into Tanzania at Murongo Ferry on 27 January," Muhumuza read. "We traveled in Laki's Volkswagen through Kayanga where we spent the night, and then on to Bukoba on the shores of Lake Victoria."

Alaka, his voice rising, prepared to spring.

"Are you also aware that around this time, 1971 ... Yoweri Kaguta Museveni, they called him a guerrilla, or a freedom fighter?"

"I am not aware, my lord," Muhumuza replied.

Alaka flashed Muhumuza an incredulous look.

"Are you aware that Yoweri Museveni ... and your late father were trying to overthrow the government of that time, of Idi Amin?"

"I sure am now," Muhumuza replied. "As day follows night, I am aware."

"Are you aware as of now what could happen at that time ... to someone caught trying to overthrow the government?"

"I sure am," the witness replied. "He would have been arrested, charged and prosecuted. If he was found guilty the consequences would be from there."

"*Duncan,*" Alaka said, in feigned exasperation at Muhumuza's aw-shucks answer. "Is that what was *happening* to the best of your knowledge?"

"No, it wasn't. Otherwise we wouldn't be here having this dialogue," Muhumuza replied. Despite Alaka's baiting, his voice was even and unruffled. "People would disappear," Muhumuza continued. "Some would go into exile if they were lucky enough."

"Then what would happen to the others?"

"Others were beheaded," Muhumuza replied. "Oth-



ers dismembered, my uncle being one of them. Others were shot at the stake, like my three cousins.”

“Duncan, I don’t know what to say,” Alaka said, his voice ferocious now, booming off the courtroom walls. “Are you aware that when such people were arrested by the government at that time of Idi Amin, they were always buried in mass graves? *Are you aware of that?*”

“I am aware of that,” Muhumuza replied.

* * *

There was something of a kid about Caleb Alaka. Gowon’s defense attorney was skinny, with prominent cheekbones and a toothy grin. His suits appeared to be a size too big for him. He had a reputation as a carouser and a ladies’ man. As I came to know him, I would get used to his perpetual, unapologetic tardiness and his don’t-blink-or-you’ll-miss-it attention span. Once, he stepped out of an appointment with me, saying he would be gone just a second. A half hour later, I found him standing on the street outside his law firm’s offices having his brown loafers shined.

“We are going to win this case!” he was boasting to the shoeshine man.

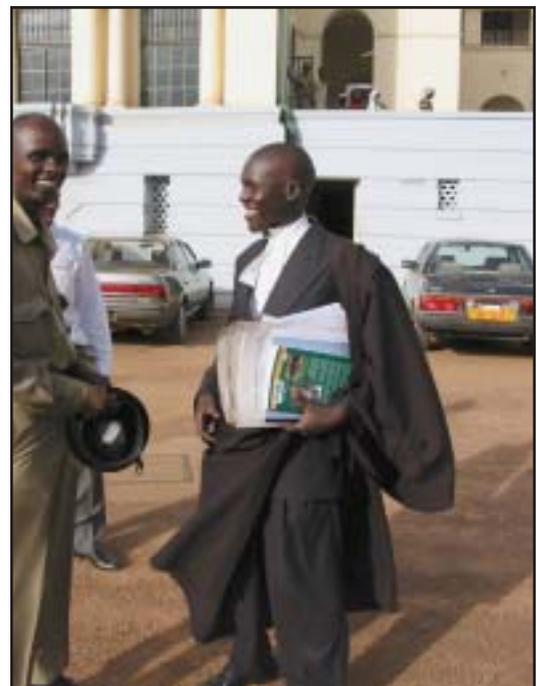
We first met in October 2002 at his office, located in a down-at-the-heels two-story office building along

Kampala Road. As usual, Alaka was doing four things at once. People barged in pushing papers in front of him to sign. Meanwhile, he was working his cell phone, setting up a meeting between President Museveni and a group of rebels—the last remnants of Amin’s army—who wanted to surrender. As we talked, he fielded a string of desperate phone calls from the family of a client who was languishing in jail. Each time, he smoothly assured his caller that he was coming immediately, then hung up the phone and returned to our conversation.

Yusuf Gowon denied everything, Alaka said. But like any good defense attorney, he remained agnostic on the question of his client’s guilt. Alaka assumed that two lower-ranking soldiers had probably told the truth when they confessed to police that they had murdered Laki. They had led investigators to the dead man’s body, after all. Those two soldiers had in turn accused Gowon of ordering Laki’s murder.

Realizing that his client’s blanket denials might not be sufficient to win an acquittal, Alaka told me he was devising a daring—and politically charged—line of defense. He was going to put history itself on trial.

In September 1972, a war was on, he said. Rebels led by Yoweri Museveni had invaded western Uganda. Laki may not have been a combatant, but there was ample evidence that he was collaborating with Museveni. The rebel of 1972 was Uganda’s president in



Caleb Alaka, Gowon’s babyfaced defense attorney. After the trial, he said, “Gowon must have been a little bit, slightly, innocent.”

2002, but that did not change the fact that Laki had committed treason. And everyone knew what happened to people who tried to overthrow Idi Amin.

“These soldiers,” Alaka said, “were doing what they were supposed to do.”

In Uganda, the defense attorney knew, there were two histories of Amin’s regime. One version remembered him the way the rest of the world did, as a brutal dictator responsible for the deaths of an estimated 100,000 to 300,000 of his countrymen. The other, professed by Amin’s tribal brethren and fellow Muslims, said the dictator was an African nationalist brought down by powerful, lighter-skinned opponents. It’s true that some people were killed, the apologists admit. But Amin was only doing what he had to, facing ruthless enemies who were undermining him from within.

Alaka’s defense was designed to capitalize on these conflicting views of history. Indeed, Gowon’s trial would throw Uganda’s division into sharp relief. At times, I got the sense that two tribes were going to their corners, each determined to defend its own president and its own version of the truth. Museveni was from western Uganda. Amin was from the northwestern province of West Nile. Laki was from Museveni’s tribe, the Banyankole. The three defendants were kin to Amin. Laki’s tribesmen praised him as the savior of the president. In West Nile, people called him a traitor.

Alaka was also from West Nile. If Duncan Muhumuza was a hero to his people, to all those victims who resented years of stifling their desire for justice in the interest of keeping the peace, the defense attorney would become the champion of his tribe, who felt that the time had come to speak the truth to power—to President Museveni and the rest of those hypocritical Banyankole.

Like a lot of members of his tribe, Alaka felt the people of West Nile had already paid for Amin’s crimes. The “liberators” of 1979 had practiced their own brand of justice—collective justice. After Amin’s overthrow, Alaka’s middle-class family had been forced to hide out in a swamp to escape the lynch mobs who were going door to door in Kampala. Eventually they escaped back north, but his father, a banker, was financially ruined. It was a testament to Alaka’s intelligence and moxie that he had be-

come one of the relatively few members of his tribe to pass the entrance exams for Makerere University, where he earned his law degree.

Nowadays, most of Amin’s tribesmen lived in humiliating poverty. Gowon was no exception. The former major general couldn’t even afford to pay for his own defense. After his arrest, the government had cut off the stipend that had been Gowon’s sole source of income since his return from exile. Well-wishers had contributed to a defense fund, but one of Gowon’s sons had absconded with the money. The general tried to promise Alaka a house as payment, but then Gowon’s wife sued him, claiming that she was the home’s rightful owner. Alaka ended up defending him pro-bono, out of respect for a tribal elder, and out of pity.

“The man is weak and old,” he said. “Where he stays, in Ntinda [a Kampala suburb], is very pathetic.”

To the prosecutors and their supporters, the trial was a simple matter of morality and law. Alaka saw things differently. He professed to believe that Gowon—not Eliphaz Laki—was the real victim, of a government plot to punish an out-of-favor tribe. Why was the government prosecuting Gowon when so many others had been left alone? Why now, so many years later? The idea that the prosecutors might be seeking justice for a single murder seemed absurd. Prosecuting a general for ordering a man killed during Amin’s regime—it was like judging a turn-of-the-century pitcher for throwing the spitball. If he did order Laki’s murder, Gowon was guilty only of playing by the rules of his time.

“It was not a democratic government. It was a dictatorial government,” Alaka said. “The good thing is that the killing coincided with the attack. You see, Gowon was



Yusuf Gowon (front) at a military ceremony in the 1970s. Once an exalted general, now he was powerless and penniless. His attorney ended up having to defend him pro-bono. (Photo courtesy of Afsa Gowon.)



Members of Gowon's extended family pose before the ruins of his Amin-era mansion. In his home village, people were baffled about the reasons for Gowon's arrest. "They don't know," said the local imam (seated, center) who acted as a translator. "They can just arrest you because you are a former soldier." Everywhere in West Nile, people saw hidden agendas, which in a way was not surprising: When Amin was in power, there was no justice, only conspiracy.

doing the duty of the state as then established. My tactic is just to portray a war situation.... Even if he was the one who gave the order, as long as it was official policy, he was an implementer."

This line of argument—"he was only following orders"—is a time-honored defense in war-crimes trials. At Nuremberg and elsewhere courts have rejected it, finding that soldiers have a duty to disobey immoral commands. In Uganda, though, it had worked before in getting accused war criminals off the hook. Many normal people thought it sounded like a reasonable defense. By and large, Ugandans recognized that dictatorship often presents a person with impossible moral choices.

But putting history on trial was not so much a legal tactic as a political one. In this trial, there was no jury for Alaka to sway with emotional appeals, only a judge. Though he never admitted this to me, Alaka had to know that by trying to change the focus of the trial from a specific crime to the larger atrocity—the Amin era as a whole—he was trying to put a finger on the scales of justice, stirring up ethnic resentments the government could not ignore.

"I don't think it's in Museveni's interest to have Gowon face the music," he said.

Alaka was right. President Museveni had quietly pushed along the investigation of Laki's disappearance, giving Duncan Muhumuza more than a thousand dollars of government money to assist in locating and exhuming his father's body. He had also given a eulogy when Muhumuza held a belated funeral for his father. But the president had to be careful about appearing to

take sides: Gowon's tribesmen were already muttering that he was playing tribal favorites and settling personal scores at their kinsman's expense.

Laki's tribesmen didn't feel the same resentment that animated the people of West Nile—after all, they now ran the country—and they weren't that interested in the outcome of Gowon's trial. Kampala's newspapers carried only intermittent updates on the trial's progress on their inside pages. But up north, Gowon's case was big news. Each day, the courtroom gallery was packed with men wearing knitted Muslim

caps and women wrapped in vibrant sarongs and headscarves, the traditional dress of West Nile. These people were angry: They saw the prosecution as a show trial, just one more episode in a decades-long government campaign to keep the people of West Nile poor and powerless.

In July 2003, I visited West Nile to talk to the families and friends of Gowon and his codefendants, Mohammed Anyule and Nasur Gille. When I pulled up to Anyule's home village, several hours down a dirt road from Arua, a group of several dozen villagers gathered under a massive old mango tree to vent their anger at the government. They couldn't believe that their respected *hajji*, a local activist in Museveni's ruling Movement party, could have been so betrayed. They pointed to Anyule's ragged young children, who had no money to go to school, and to his wife Naima, who looked morose and malnourished.

"He campaigned for Museveni," said the chairman of the local village council. "He was supporting the government. What happened? These very people came to arrest him."

The defendants were not entirely without powerful friends, however. In Gowon's home village, members of his clan told me that during the last election campaign, their representative in parliament had visited and made a campaign promise to "get Gowon released and bring him here," as they described it. The politician in question, Francis Ayume, was actually in a position to do something: He was Uganda's attorney general.

"I was under pressure to find a way to help him," Ayume said when we met after the trial was completed and shortly before his untimely death in an automobile

accident. Choosing his words very carefully, Ayume said he never improperly intervened in the case; the most he did was give Gowon, also an old friend, some money for his defense. In Uganda, he added, the attorney general does not oversee criminal prosecutions. (Many lawyers told me that Ayume would have had power to informally help Gowon, perhaps by exerting influence over which judge was assigned the case.) Ayume said he had to tell his constituents *something*. "They thought this was a vendetta," he said, and "that the government breached the understanding arrived at through the process of amnesty."

Indeed, Amin's men were as concerned about their own skins as they were about Gowon's. Like Gowon, they had accepted an amnesty to return home from exile. The pardon covered only misdeeds as rebels, not atrocities committed during Amin's regime itself. But most former soldiers didn't understand the legal fine points, and believed, with justification, that the government had tacitly promised not to investigate old crimes.

After Gowon was arrested, Amin's men started to worry that Museveni was going back on his promise. "So many former soldiers, and even some civilians ... they thought perhaps they are next," one veteran told me as we sat outside a shop he owned along the main street in Arua, the largest town in West Nile. "So since Gowon's arrest we are very carefully monitoring who comes to knock at our doors."

The people of West Nile were up in arms—figuratively, for the time being, but that could change. Some former Amin soldiers even started talking of reviving their rebellion against Museveni.

That worried the government. In May 2001, shortly after Gowon's arrest, a letter arrived at the offices of Uganda's national police department. Written on the letterhead of the president's office and stamped "URGENT," the letter was signed by a presidential adviser. The adviser was a political liaison to the Muslim community, and an old friend of Gowon's.

"I have no doubt that the government will never, and should never, interfere with a case in court," she wrote. "On the other hand, I am concerned about misinformation and hence misinterpretation of the case by negative political forces." She gently recommended that the police review the terms of Gowon's 1996 amnesty agreement with the government, which paved the way for his return from exile. "From what I have gathered, many former Army Officers and civilians who came back are threatened," the presidential aide wrote. She also dropped her boss's name, suggesting that "H.E." (His Excellency) would be taking a personal interest in the issue.

The letter was clearly intended to send a message to those who would prosecute Gowon: By arresting the general, by digging into the true history of the Amin era,

they were arousing old ghosts. Was it worth it?

* * *

Luzira Prison, Kampala
November 1, 2002

Caleb Alaka and I sat in a dilapidated guardroom, waiting for the prisoners.

"These guys shot themselves in the leg with that confession," the defense attorney confided. "There isn't much I can do for them."

In a matter of days, three men were set to go on trial for Laki's murder. At that moment, only one of them had a lawyer. Private Anyule and Sergeant Gille were even worse off than General Gowon. Not only were they on trial for murder, far from home and totally destitute—they were also unimportant. Under Ugandan law, they were entitled to a court-appointed lawyer. But such a public defender would probably not be from West Nile. Anyule and Gille weren't likely to trust anyone who wasn't from their own tribe and didn't speak their language.

But Alaka had a plan. The young defense attorney had decided to offer his tribesmen his legal services, free of charge. Of course, Alaka's gift carried certain conditions. Anyule and Gille would have to be willing to coordinate their defense strategy with Gowon's. And that would mean recanting those confessions.

"Isn't that a bit of a conflict of interest?" I asked Alaka when he first told me of his plan.

"No," he replied. "It's strategic."

The prison guards led the two of us down a narrow corridor to a dingy room, lit only by a single small window looking out on the exercise yard. Just one week before, in this same room, I had looked on while Gowon and Alaka spent several hours devising their defense strategy. The general had told us that he was merely the second-in-command of the Mbarara battalion at the time of the rebel attack, and that his duties were "to see how to get coffins, doctors to treat the wounded, and see that food got to the locations where the war was going on." Gowon claimed that he would never have had contact with Anyule and Gille. (During his police interrogation, he had referred to them by a Swahili word that roughly translates as "trash.") "In the army," he said. "we have a chain of command." And he claimed he was unaware of any massacres.

"Something about civilians? I didn't hear that," Amin's henchman said, putting his hands over his ears to emphasize his point.

I was interested to hear what Anyule and Gille would

have to say about the big man's denials. I had read their confessions, which outlined in stark language how they had committed the murder. I wanted to ask them the question nobody seemed willing to answer: Who was really responsible for Laki's death? Gowon? Amin? The local people who betrayed Laki for their own political gain? Did they themselves bear some burden of guilt?

After a few minutes of waiting, two old men shambled into the room. The prison guards led them to a long wooden bench, where they sat facing us.

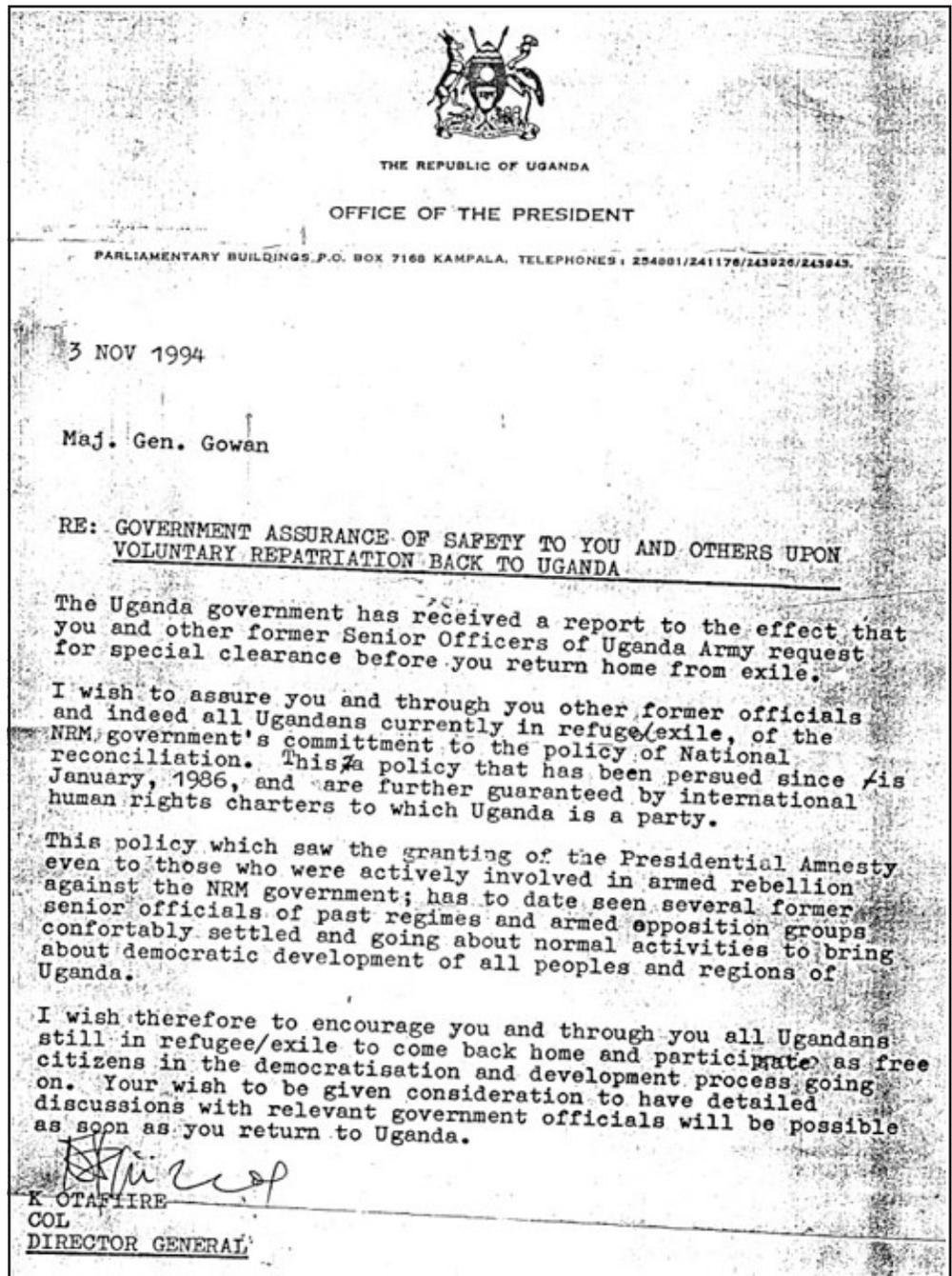
Typically, a murder suspect in Uganda can expect to spend three or four years in jail before ever seeing a trial judge. But this was an important case: Just a year and a half had elapsed between these defendants' arrests and their trial. Still, prison appeared to have taken its toll on both men. Anyule, who was 70, looked hungry; his skin was stretched tight over his angular face. Gille, a dozen years younger, was even more bedraggled. He wore a dirty white shirt that was torn along the sleeves and a crumpled Muslim cap. He held a scrap of paper in his hands, which were coarsened from years of manual labor. On it, he had jotted out a few elements of his defense in broken English:

The car was not found with.

I am not educated.

Anyule, meanwhile, kept his eyes fastened to the ground in a posture of utter despondence.

The two men had never expected to stand trial. After their arrests, investigators led them to believe that they would be granted immunity from prosecution if they con-



A copy of a 1994 letter from a top Ugandan government official to Gowon, inviting him to come home from exile in Congo. "I wish to assure you," the official wrote, "of the [Museveni] government's commitment to the policy of national reconciliation." When Gowon was arrested, many in West Nile began to wonder how reconciled they really were.

fessed and implicated Gowon. In fact, the prosecution had originally planned to treat Anyule, who was just the driver on the mission to kill Laki, as a cooperating witness. He had been released from jail, and Duncan Muhumuza had promised him a job as a security guard. But then prosecutors had started to doubt Anyule's credibility, and they had gone back on the deal.

Alaka began to talk to the accused men in their tribal language, Lugbara. Anyule let out a guttural groan, and began to argue. He was promised immunity, dammit! After a while, the old man shut up and sulked as Alaka talked

things over with Gille, who seemed more receptive.

Gille began to tell me his story, with Alaka serving as a translator. Gesticulating furiously, he claimed that he had confessed only after police beat him and refused him food for several days. He had been duped into backing Anyule's version of events, he claimed, by a private investigator in the employ of Muhumuza, Alfred Orijabo.

At this point, Anyule seemed to have a change of heart. He spoke to Alaka, and then to me. He couldn't understand why the government had singled him out, a *hajji*. He too said that Orijabo had tricked him into confessing. Anyule claimed the police had written out a confession for him, which he couldn't read because he was functionally illiterate, and had forced him to sign it.

Alaka had gotten what he wanted: Both men had repudiated their confessions. It seemed unlikely that they would now be willing to tell me any additional details about Laki's disappearance. So I decided to change tack. I asked them what they remembered about the 1972 invasion in general. Cautiously, I broached the subject of the killings that happened afterwards.

"It is just always similar," Gille said. "When bad people come, rebels, a man can take that kind of action."

Alaka gave Gille a stern look. The lawyer added that his new client had never seen any such reprisals firsthand.

Gille kept talking. It was clear that the question had hit a nerve. "It's a little bit unfortunate that the man who's president was among the people who were trying to overthrow [the government]," Alaka translated.

I turned to Anyule. If it was true what he and Gille were now saying, I asked, if they weren't responsible for the killings, then who was?

"If you want the real reason how that war started, why civilians were killed, he'll tell you the reason," Alaka translated. "Amin started fighting Obote. Obote fled to Tanzania. Obote started organizing guerillas. They started recruiting people in the villages. They took them to Tanzania... Obote used Museveni." Then Museveni invaded. The army knew he had collaborators. "Because Amin was the president, he gave that order, let these people be eliminated.

"It's not that he as a driver would be the one making directives. He was just following orders."

Anyule just couldn't help himself. The self-justifying words tumbled out of his mouth.

"He got that order from Gowon," Alaka translated. "As a matter of fact, because that being an order from up [above], it's true they got the man. Even up to that time, they didn't know the man they killed as a

[chief]. They knew him as a guerilla."

I asked Gille the same question: Who was responsible?

"Museveni," he replied.

Anyule broke in again. He was on a roll.

"If you have got bees, and you came and dropped them at another man's home, and the bees started stinging [the man's] kids, and the kids die, who would you accuse: the bees, or the person who brought them?" he asked. "Why is it that the person who brought the problems where the civilians were killed, that that person has not been brought to Luzira?"

"That's a good defense!" Alaka interjected.

* * *

Two months into the trial, Alaka was feeling less sanguine. One day in early January, the defense attorney finally got his first look at Anyule's and Gille's written confessions. (A friendly prosecutor had allowed me to read them several months earlier.) As I gave Alaka a lift in my car, he flipped through the photocopied pages, reading the most damning passages aloud.

"You see, this is Gowon, Gowon, Gowon," he said.

For the first time, Alaka sounded worried. The trial had now reached a critical juncture. In an American court, a judge decides whether evidence is admissible in pre-trial hearings. Ugandan judges make these determinations as the trial goes on. When prosecutors introduced Anyule's and Gille's confessions, as they were about to, the judge would adjourn the main proceedings and begin a special evidentiary hearing. Both the men who made the confessions and the police who interrogated them would testify. Then the judge would decide whether the statements were admissible.

"If this somehow makes it into court, then we are in trouble ... because this court does not understand military things," Alaka said as we drove. "If it is not retracted, then I am finished, because it is *so* powerful."

As always, though, the defense attorney had a plan. He had luck, too. That very evening, the private detective Alfred Orijabo died. Orijabo was the key figure in the prosecution's case. He had accompanied the police officers who arrested Anyule and Gille. He had been the one who had convinced them to confess, first to him personally, and later to police.

Now that he was dead, Orijabo couldn't testify—and he couldn't be libeled, either. A few days after Orijabo's death, I saw Alaka chatting amiably with a newspaper reporter outside the courthouse. Shortly afterwards, a



Every day during the trial, the gallery was packed with people dressed in the traditional garb of West Nile. Gowon was not exactly a beloved figure among the former soldiers—as a general, he had lost the war that led to Amin’s ouster. But when he was arrested, he became a martyr.

small article appeared under her byline. Headlined “Key Witness in Gowon Trial Dies,” the story reported that the private investigator had died of a “mental disorder” in a Kampala asylum. (In fact, he had died in Arua, of AIDS.) “Orijabo,” it continued, “worked with the Amin’s [sic] State Research Bureau, which carried out extrajudicial killings of suspected enemies of the state.”

Alaka’s contention was highly suspect. Among other things, when we talked before his death, Orijabo told me he was 38, which would have made him a child at the time of Eliphaz Laki’s murder. But lax record-keeping meant nothing could be proved for certain.

Tarring the dead man’s reputation served a purpose for the defense. During the evidentiary hearing the burden would be on the prosecution to prove that police had acted properly in securing the confessions. Now, in the style of those TV defense lawyers he emulated, Alaka had an alternate villain to finger. Why did the confessions contain all those details that only the killer would know? Orijabo had put them there. How had Anyule and Gille known where Laki’s body was buried? Orijabo had told them. How did the private detective know? Because *he* killed Laki.

The stage was set for a climactic showdown between the prosecution and the defense. Then, abruptly, the trial screeched to a halt. Alaka disappeared. For several days, everyone assembled at court and waited for him. He never materialized.

Then one evening, there was Alaka on national television, sitting amid a delegation of grizzled men in mili-

tary fatigues at a peace-deal signing ceremony. It turned out that a rebel group he was representing had taken the government’s deal. Alaka had rushed off to West Nile to negotiate the details, and to make sure he got his cut of the approximately \$2 million the government had offered the rebels to lay down their arms.

Justice Mukiibi was furious. Back in court, the judge glowered over his reading glasses at the empty defense table. “It is unfortunate. He abandons court without a word,” he said. “Maybe I will read a newspaper and find out what is happening.”

Meanwhile, Mukiibi had been reading Gowon’s statement to police. He had fixed on the passage where the general said that if Laki were killed, the lower-ranking soldiers did it “on their own.” It was in their best interests to get another lawyer, the judge told Anyule and Gille. He ad-

joined the case indefinitely, until court administrators could corral suitable public defenders for the two men.

* * *

*High Court, Kampala
August 12, 2003*

Nasur Gille stood in the witness box, his arms cross and his lips pursed. He had dressed up for his big day on the stand, donning a checked blazer over his usual black t-shirt, which bore the face of a Congolese pop star. In raspy Lugbara, he was telling how he came to confess to firing a bullet into Eliphaz Laki’s neck three decades before.

“Orijabo told me he had been sent to arrest me because I killed someone in 1972,” the defendant said through a translator. “When he told me that, I became offended and did not say anything.”

It had taken five months to get the trial back on track. It proved impossible to find Lugbara-speaking lawyers to defend Anyule and Gille. So, over their violent objections, they had been forced to accept a pair of non-tribesmen. The public defenders had just a weekend to meet their clients and prepare their defense. But Caleb Alaka, returned from his peace mission, had convinced them to stick with his strategy. As Gille’s lawyer questioned his client, Alaka attorney passed him notes and whispered in his ear.

The defense’s hopes rested on the slumped shoulders of this accused killer. The prosecutor had won a big

victory a few days earlier. He had introduced Anyule's confession. Anyule's public defender had neglected to mention his client's contention of police coercion. Justice Mukibi had promptly admitted the confession into evidence. Alaka was stunned by his new co-counsel's "blatant mistake."

"I was tricked by the judge," protested Anyule's lawyer, Arthur Katongole. Public defenders in Uganda, like everywhere else, don't get much respect. Katongole, 60, a gray-haired country-lawyer type, couldn't even speak to his client, who didn't trust him anyway. The government was to pay him about \$200.

Despite his screw-up with Anyule's confession, Katongole believed that the defense still stood a good chance. If his years as a criminal defender taught him anything, it was that the Ugandan police can be relied on to botch an investigation.

In the first phase of the evidentiary hearing, three police officers had taken the stand. They had lied through their teeth, unconvincingly. Under Ugandan law, police are not supposed to hold suspects longer than 48 hours without charging them. So Corporal Willy Waigo, who had arrested the men, fibbed about the dates that he brought them in, even though anyone flipping through the court file could see they spent more than two days in custody. "Dates are tricky," Waigo's commanding officer explained. The officers similarly dissembled when questioned about Alfred Orijabo's role.

Most damaging, though, was a bit of truthful testimony. The police officer who had taken down Gille's oral statement admitted that it was not a word-for-word transcription. He testified that he had "guided" the suspects.



Patrick Nyakana, Gille's court-appointed defense attorney, composes his argument contending that police obtained Gille's confession illegally. The government pays public defenders a pittance. Nyakana and his co-counsel, Arthur Katongole, were promised \$200 each for their months of work. They are still waiting for their checks.

When Gille was brought in to him, he recounted, the two of them had a long chat, which he had summarized on paper. He then had Gille sign the confession. Even the prosecutor conceded that the policeman's methods had been "very unorthodox."

Now Gille was on the stand. Naturally, the accused killer told a version of events that sharply differed from the police's. As he responded to his attorney's questions, Gille kept returning to the refrain: "I was very, very hungry."

In Gille's telling, it was the detective Orijabo, not the policeman Willy Waigo, who had convinced him to confess. "Orijabo said that I should tell the truth, that he was a Lugbara," the defendant testified. When he was arrested, Gille said, his tribesman told him that he shouldn't worry. "It was not me who was wanted," he said the detective told him. "It was Gowon."

He said that it was Orijabo who took him into the office where he gave the police his confession. Gille said that when he had been reluctant to sign, Orijabo had threatened him. "[He said] that I should not take this thing lightly. The person I had killed was related to President Museveni," he testified. "Orijabo warned me that if I did not sign, that would be the time I would die.... He opened his bag and pulled out a pistol."

Gille said he was terrified, and he gave in. The police officer uncuffed one of his hands, and he had signed each of the nine pages of the written statement.

Prosecutor Simon Byabakama Mugenyi knew that the private detective's involvement posed a huge problem for his case. The next day, in his cross examination, he tried to chip away at Gille's story. He berated the defendant: The police officer who took the confession had said Orijabo was nowhere near his office, and denied anyone was threatened with a gun.

"I am putting it to you that you are telling you this court lies," he said. "Orijabo was never there."

Gille, obstinate, held his ground.

"I am the one who was there, and I am telling it to you."

Mugenyi bore in on Gille's claim that fear had motivated him to sign the confession.

"Why were you afraid?" the prosecutor asked.

"I was afraid because Orijabo said we had killed a person," the defendant replied.

Mugenyi asked: Why hadn't he simply de-

nied the crime to the police?

“Something about death is something that is not good,” Gille replied. “So that is why I got scared.”

“Let me put it to you,” the prosecutor said. “The reason that you got scared is because you knew that at long last the long arm of the law had caught up to you. Because you *knew* you killed a person.”

“That is not true,” Gille replied.

* * *

*High Court, Kampala
August 20, 2003*

On a gloomy, rain-soaked afternoon, everyone awaited Justice Moses Mukiibi. The judge had mulled the question of Nasur Gille’s confession for a week. Now he was ready to read his decision. For the first time in months, the gallery was full, as was the courtroom’s press section. As we waited, local reporters handicapped the case. Their odds ran heavily in Gowon’s favor.

Over at the prosecution table, a worried-looking Simon Mugenyi wasn’t placing any bets. “Your guess is as good as mine,” he said.

Suddenly, questions of culpability for the crimes of the Amin era no longer seemed so settled or academic. Four days before, Amin had died in Saudi Arabia, where he had lived the last 24 years of his life in exile. Even as we sat in the courtroom, up in Arua, an estimated 2,000 people were marching to Amin’s ancestral home to pay their respects. The former dictator had lingered in a coma for several weeks before his death, and during that time, Ugandans had engaged in a bitter debate over the legacy of his regime. On the radio, in the newspapers and around dinner tables, conflicting histories clashed. Supporters said he should be accorded a state funeral back home in Uganda. After all, they argued, Amin had never been charged with any crime.

In sectarian Uganda, everyone had a side when it came to Amin—even the judge. Justice Mukiibi was a Muslim, the only one on the High-Court bench. Several lawyers I talked to said they believed that his religion would make him more likely to favor the defendants. “You see, most of these people still think of Amin’s regime as their regime,” said Arthur Katongole. (Mukiibi declined to be interviewed for this article.) That was one reason that courthouse reporters believed Gowon would walk.

A wooden door opened, and the gallery leapt to its feet as the Mukiibi entered the courtroom. The red-robed judge sat down, pulled out a sheaf of papers, and got down to business. “All right, this is the ruling,” he began.

The judge read gravely, periodically pausing to wipe

the corners of his mouth with a white handkerchief. “The onus is always on the prosecution to prove the admissibility of any statement by an accused person,” he said. “Such onus never shifts to the accused.”

Mukiibi recapped the circumstances of Gille’s confession. He said he believed the defendant when he said he was kept in custody for longer than two days. “This would in consequence make [Corporal] Waigo a liar,” Mukiibi said. The judge then picked out some additional inconsistencies in the police officers’ testimony.

As he spoke, I heard a groan emanating from the prosecution’s table. Looking over, I saw Mugenyi sprawled across his bench, his arms stretched wide, his eyes closed, his head tilted toward the ceiling.

Then the judge turned to the issue of Alfred Orijabo. Punching the consonants of the private detective’s name in a way that conveyed deep disdain, he said he didn’t believe the police when they said that Orijabo had merely been a peripheral player.

When it came to the question of the confession itself, Mukiibi seized on the police officer’s admission that he hadn’t rendered Gille’s story word-for-word. “I find it difficult to say with certainty that these are the accused’s words,” Mukiibi said. “In my view, the statement was rendered open to inclusion of foreign matter.... On this ground alone I should reject the statement. I also find that Alfred Orijabo played a clandestine but important role in the police investigations, and particularly in the arrest and bringing of the accused to Kampala. Since the prosecution witnesses did not on their own come out clean and disclose Orijabo’s exact role, a lot is left ... to conjecture.”

Mukiibi ruled out Gille’s confession.

The court adjourned, and Mukiibi walked briskly back out the courtroom door. I made my way over to Mugenyi, who was disgustedly filing away his papers. “That winds up our case then,” he said. “It’s all academic now, really.”

I walked back over to the defense table, where Katongole stood grinning. I asked the public defender if he was surprised by the judge’s ruling.

“Not really, for reasons other than legal,” he replied.

“What do you mean by that?” I asked.

“It’s terrible what’s happening in Baghdad and Jerusalem,” Katongole said, giving me a knowing look. The day before, Islamic militants had driven a truck bomb into the United Nations headquarters in Iraq, while in Israel a suicide bomber had blown a bus to bits. “I think the world is coming to a point where it is divided into

two sections," the defense attorney said.

Nasur Gille smiled at me as prison guards led him down the stairs to his holding cell.

* * *

The trial lurched along for a few weeks after that, like a lingering cold or a bad relationship: over but not yet finished. Simon Mugenyi soldiered on, examining witnesses and introducing exhibits that everyone knew would have no effect on the final outcome. "We are just going through the motions," he said.

Caleb Alaka, whose attention span for Gowon's case had expired sometime in February, disappeared for good after Gille's confession was thrown out. He was last sighted boarding a helicopter with President Museveni's brother, Lieutenant General Salim Saleh. The two were flying north to try to lure leaders of the Lord's Resistance Army, a brutal rebel group, into peace talks. When Gowon's relatives tried reaching his cell phone, the lawyer would change his voice and pretend to be someone else, saying that Mr. Alaka was far too busy to answer. A public defender was appointed to represent Gowon for the remainder of the case.

In mid-September, I ran into Duncan Muhumuza on the street. He was back in Kampala to interview for a job with Uganda's delegation to the United Nations in New York. I told him that things were not going well in the trial, but I couldn't bring myself to tell him the full truth. I suggested that he talk to Mugenyi.

Mugenyi and his boss, Uganda's chief prosecutor, sat Muhumuza down. They broke the hard news: They had lost. A few days before, they had rested their case, and the judge suggested that Mugenyi "go talk" to his boss. Mukiibi's message was clear: He was giving the prosecution a chance to drop the case. Otherwise, he was going to acquit the men for lack of evidence.

Muhumuza did not take the news well, Mugenyi later told me. He wanted a verdict, even if it was "not guilty." But the prosecutors thought that if they dropped the case, there was always hope. Maybe one day some new piece of evidence would come to light, or DNA testing would become commonplace in Uganda, and they could bring charges again. It was a long shot, but better than nothing.

That evening, Muhumuza and I had dinner at a Chinese restaurant. He tried to show a brave face. "I want these guys to always be looking over their shoulders," he said. "That is punishment enough."

But he couldn't keep up the pretense for long. As we talked, his face dropped, and he admitted that he couldn't understand how the police and prosecution had managed to deflate what he saw as an airtight case. "I wanted

them to be held accountable," he said.

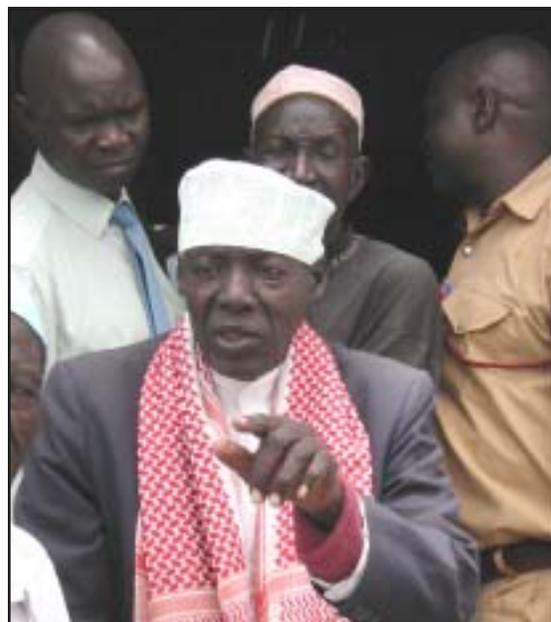
A little after noon on September 25, 2003, I arrived at Mukiibi's courtroom for the final time. There was a healthy crowd in the gallery, mostly with people from West Nile, as usual. Muhumuza, dressed in a dark blue suit, sat with a small group of family members in the third row. When I told the defendants that the charges were going to be dropped, they seemed genuinely shocked—throughout the trial, they were always the last to know.

Mukiibi entered, all rose, and Mugenyi announced the prosecution's decision. Behind him, Muhumuza stuck out his lower lip and struggled to control his tears. For several minutes the courtroom was completely silent as Mukiibi scribbled. Finally, the judge spoke.

"I hereby discharge the accused persons," he said, reading out the defendants names, ranks and army serial numbers, "and direct that the accused persons ... be released from prison immediately."

As a translator rendered the judge's words into Swahili and Lugbara, Gille, standing in the dock, raised his palms upwards in the air and said a Muslim prayer of thanksgiving. Anyule put his hands over his face in joy and disbelief. Gowon clasped his hands together and made a little bow in the direction of the judge.

Guards led the three men downstairs to the basement holding cell. After a few minutes, they were released. The accused men emerged into a drizzle, and were immediately enveloped by a crowd of cheering relatives. Gowon's daughter danced a jig in celebration, before getting on her cell phone to share the good news with relatives in West Nile. Anyule, meanwhile, gave an im-



His support for Uganda's ruling Movement party undimmed by his years in prison, Anyule gives a speech in praise of President Yoweri Museveni.



Supporters embrace Yusuf Gowon outside the courthouse door after the prosecution's announcement that it was dropping all charges. Behind him stands Mohammed Anyule. Nasur Gille is at the far right.

promptu speech in Swahili, praising President Museveni for setting him free.

Back upstairs in the courtroom, Muhumuza was standing with a group of family members, hardly able to hold himself together. It was a private moment, and he didn't appear to feel like talking, so I left. I walked back to my car with another relative of Laki's, Kenneth Kereere. "It's sad for me to look at these three murderers and they just walk away like that, but that's the rule of law," he said as we trudged through the rain. "It hurts but ... what can we do?"

* * *

It would be pleasing to report that everyone learned something, that the Eliphaz Laki murder case emboldened the relatives of other disappeared men to seek the truth, that the spectacle of Major General Gowon on trial chastened others who served Idi Amin. In fact, the opposite happened. The newspapers reported the prosecution's decision to drop the case as an exoneration. And, though Simon Mugenyi gave lip service to the continuing quest for justice, the end of Gowon's trial seemed to forever put to rest the question of holding anyone responsible for Amin's crimes. If prosecutors couldn't secure a conviction this case, where they had two confessions, it seemed unlikely that they would ever prevail.

Everyone went on seeing the history of Amin's time—

and Uganda's present-day politics—just as they had before. One tribe rejoiced at the trial's outcome, while another howled at the injustice of it all.

Laki's relatives, tribesmen, and other families of the disappeared were dismayed. There were those who said President Museveni was to blame. At the very least, they said, his government didn't care about seeking justice for Amin's victims—and in this case, just maybe, it had actively impeded it. Conspiracy theorists seized on the fact that Gowon's trial had been assigned to Mukiibi. "It is not that these guys did not commit the murder," said Charles Kabagambe, a lawyer whose own father disappeared under Amin, who frequently attended the trial. "It is that the present government does not want to hold them accountable. They appointed a Muslim judge."

Meanwhile, the people of West Nile were satisfied with the trial's outcome. The night Gowon was released, his family threw a party at the general's home in Kampala. A large crowd of well-wishers attended, including Attorney General Francis Ayume and his wife. Someone brought a goat to slaughter in the returned general's honor. "I told Gowon, 'Go home [to West Nile] and see all the people who have been praying to Allah for you,'" Ayume said.

Since his release, Gowon has been spending a lot of time up in West Nile. He's thrown a thatch roof up over

the ruins of the mansion he built in his ancestral village back when he was the army chief of staff. He sleeps on the floor. He's broke, and he's not quite sure what to do with the rest of his life. "I am an elder," Gowon recently told me. "I must work for peace."

When he's in Kampala, Gowon spends his days as old men in Africa do, wandering the streets, visiting relatives, hobnobbing with old friends. One day not long after the trial ended, I ran into him at an outdoor restaurant at the base of a skyscraper along Kampala Road. He was hanging out with some old army buddies. Gowon introduced me around.

One of his friends pulled me aside, a bespectacled old captain from West Nile named Isaac Bakka. The captain said he had been heartened to hear of my interest in the general's trial.

"It's a victory for all of us," Bakka said. "His case represents all of the evil things that were done against us."

Gowon and the rest of his friends were chuckling away, talking about the old days.

"Jesus said always speak the truth and the truth will set you free," the captain was saying. "Now the truth has set him free. Set all of us free."

* * *

5. Truth and Justice

So, what was the truth?

In all our prison interviews, Gowon never budged from his contention that he had nothing to do with Laki's killing. He said he was out of the loop. He said he never would have given orders directly to grunts like Anyule and Gille. He said he had nothing to do with the secret police. He said Amin never much liked him. He said he had always done his best to protect the innocent.

Why then, I asked, did innocent people die?

"I had no power," Gowon replied.

Truth was, Gowon was very powerful. Former army officers told me that as a member of Amin's tribe, Gowon might have exercised more real authority within the Mbarara battalion than its commander, who was of a different tribe. He was an Amin protégé—so close that he called the dictator his "uncle."

Truth was, Gowon wasn't a stickler about the chain of command. One reason his fellow officers disliked him, I learned, was that he made a habit of making end-runs around them, giving orders directly to their underlings.

Truth was, he was friendlier with the secret police than he let on. In an old report on Amin's atrocities, I found reference to an incident in which an informer named Salim Sebi was thrown in jail after a bar fight. Gowon threatened a police officer to get the charge dropped. Sebi, now dead, was the third man who went to Anyule and Gille to pick up Laki that day.

Truth was, Gowon *did* sometimes try to help the innocent. Indeed, some people in Mbarara who lived through that bloody September in 1972 say they owe their lives to Major Gowon. One friend of Laki's told me that he was arrested, taken to the army barracks, and told he would be shot. Then Gowon started asking questions about evidence. When he found that there was none, he ordered the man to be freed.

"When he was asking those questions in my presence, I thought it was God," the man said years later. "Military fellows don't ask."

But that was how Amin's terror worked—it was arbitrary. A powerful man might spare a life in a moment of charity. Just as easily, the same life might be snuffed out. For every story of Gowon's mercy, there are many more undiscovered graves. Most who experienced Amin's terror did not live to tell the tale. One who did, Edward Rurangaranga, told me that it was Major Gowon who ordered him shot.

There is no denying that Laki was dead, I once pointed out to Gowon. It was almost certain, too, that he was killed by soldiers. Who should be held accountable for this killing, if not himself? The soldiers who pulled the trigger? Other military commanders? Amin, the man at the top?

Was anyone responsible?

"Actually, this is what I cannot tell," he replied. "I had no idea about these things."

He must have seen the incredulity on my face, because he kept talking, edging closer to the truth. There was killing, sure, but no one talked about it in those days, he said. To discuss the terror would be to invite the death squads upon himself.

"Any commanding officer who defended them ..." His voice trailed off, and he was silent for a moment, as he considered what to say. "When you defend," he finally continued, "you become a collaborator."

Gowon was not a monster. He always told me that he never wanted people to die, and I believe him. But killing was what his times—and power—demanded.

I was not there that day in September 1972. But based on everything I've learned over a year and a half of investigation, I am fairly certain that this is the truth:

Yusuf Gowon got away with murder.

* * *

Duncan Muhumuza was understandably bitter. At dinner the night before prosecutors dropped the case, I asked him about all those Ugandans who told me it was better to forget the past, to forgive what they could, and to try to live in peace.

“What peace?” he snorted. “I don’t think it’s forgiveness. I think it’s apathy.”

Muhumuza thought a verdict would give him some resolution, would close the wound of his father’s murder. But for all the talk about purgation and healing among advocates of international justice, the fact is that the truth hurts. “In fact, the burden of knowing can be great,” writes Priscilla Hayner in *Unspeakable Truths*, a study of truth commissions. She cites a study done in South Africa that estimated that 50 to 60 percent of people who testified in front of that country’s truth commission experienced psychological difficulties afterwards, “or expressed regret for having taken part.”

“Justice after such horrors is imperfect, slow, and frustrating,” the late *Boston Globe* reporter Elizabeth Neuffer wrote in the conclusion to her book *The Key to My Neighbor’s House: Seeking Justice in Bosnia and Rwanda*. “It



Major General Yusuf Gowon outside his home in Kampala, April 2004.

never arrives at once, but inches forward, in a slow, steady pace that spans more than a lifetime. There is no means to achieve it; just the human will to try.”

Muhumuza was devastated that he had been denied his resolution. But in the end, I think that what mattered was the trying. Courts are bureaucratic institutions, with rules and procedures and burdens of proof. Is it fair to ask them to heal traumas that are personal and unfathomable? No mere verdict could have redeemed Laki. Muhumuza did that on his own, by never forgetting his father, by defying the willful amnesia of his wounded society to discover the truth for himself.

I think he eventually came to see things the same way. He stayed in Uganda for a few weeks after the case was dropped. Just before he flew back to New Jersey, to his new house in Monmouth County and his infant baby girl, we met for dinner one last time. He was in a more cheerful mood. He was talking to a lawyer friend of his about bringing a wrongful death suit against the government. In final analysis, though, he realized that he had already been given—had miraculously happened upon—the thing he needed most.

“I think the body was most important,” Muhumuza said. He may not have won his father justice, but he did secure for his spirit the peace of a well-tended, marked grave, on a hill overlooking his family’s farm. He had reclaimed Laki’s name from the long roll call of the disappeared.

This is how Ugandans have dealt with the atrocities of Idi Amin. Not by forgiving, but by resigning themselves to the injustices of an imperfect peace. Through hard experience, they have learned that history affords few happy endings. When they can, they comfort themselves with partial victories and small consolations.

And maybe peace—peace of nation, peace of spirit, peace of mind—was more important anyway. What would justice have meant in the case of Major General Yusuf Gowon? Would it have made sense to hang the old man? Would his individual punishment have really redressed an evil that was as much a national sickness as a premeditated crime?

Gowon was just one actor in an ensemble cast, encompassing almost the whole of his society, which played out a horrifying tragedy in Uganda for eight years in the 1970s. He was an important character, to be sure. But in tragedy, as Aristotle says, the fate of the protagonist is foreordained. Larger forces, some historical, some simply human—the legacy of colonialism, the fractured mentality of tribe, bad luck, venal politics, greed, jealousy, vengefulness, ambition, hatred—led Uganda toward disaster in the years after independence. Gowon benefited from that tragedy, just as Laki suffered for it, but he was its agent, not its cause.

The day after his release from prison, I went to visit

Gowon at his home, which was not far from my own in the suburbs of Kampala. His place was a ramshackle collection of rusted-roofed buildings, which housed a dozen or so residents, as well his son's bicycle-repair business and a furniture workshop. One of Gowon's relatives showed me into a cramped sitting room, which was separated from the bike shop by a thin white curtain. The sitting room was decorated with signs bearing devotional sayings ("The Qur'an Has The Answer") and pages from old newspapers, which is something poor Ugandans use as cheap wallcovering. My eye caught one headline atop a letter to the editor: "Idi Amin Is Not Our Only Brute."

Gowon was relaxing on a couch. It was a sunny afternoon, and he was dressed casually in a striped t-shirt, slacks and sandals. He was spending his first day outside prison receiving a steady stream of congratulatory visitors. "It's good to be free," he said.

As his kneeling daughter ladled out bowls of chicken stew for us, I asked the general how the trial had made him feel about Uganda's current government. He said he didn't hold Museveni responsible for the ordeal he went through. On the contrary. "The former government I was in was blamed for lawlessness," he said. Thankfully, that was no longer the case.

"I like the law," he said. "If someone faces the law like this, the truth will be found out."

And that was the final, greatest irony of this long and grueling trial. Eliphaz Laki was killed for protecting the rebel Museveni. President Museveni instituted a legal system that gave Laki's accused killers the benefit of the doubt. In a democracy, sometimes the guilty go free. This imperfection is the price we pay for the protection of the law. That General Gowon was sitting here across from me, lounging unrepentantly on his couch—in a perverse way, it was a measure of how far Uganda had come since the days of Amin.

"I just wish they had done the same," Duncan Muhumuza told me. "I wish they had taken my father to court." □

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