

## **UGANDA: LEGAL NOTICE CREATING THE COMMISSION OF INQUIRY INTO VIOLATIONS OF HUMAN RIGHTS**

*The Commissions of Inquiry Act  
Legal Notice No. 5 (May 16, 1986)  
(Cap. 56)*

### **A Commission**

Whereas for a period of nearly two decades the people of Uganda have experienced diverse forms of violation of human rights, breaches of the rule of law and excessive abuse of power, in contravention of the provisions of the Constitution of Uganda and of the Universal Declaration of Human Rights to which Uganda is party:

And Whereas in the interest of good Government, public security and welfare and constitutional supremacy it is deemed expedient that the causes of the circumstances surrounding and possible ways of preventing the recurrence of the matters aforesaid, be inquired into:

Now Therefore,

In Exercise of the powers conferred upon the Minister by section 2 of the Commissions of Inquiry Act, I, JOSEPH NYAMIHANA MULENGA, Do Hereby appoint,

- (i) Hon. Mr. Justice Arthur O. Oder;
- (ii) Mr. Edward Khiddu-Makubuya;
- (iii) Mr. Jack Luyombya;
- (iv) Mr. John Kawanga;
- (v) Mr. John Nagenda;

to be Commissioners to inquire into all aspects of violation of human rights, breaches of the rule of law and excessive abuses of power, committed against persons in Uganda by the regimes in government, their servants, agents or agencies whatsoever called, during the period from the 9th day of October, 1962 to the 25th day of January, 1986 and possible ways of preventing the recurrence of the aforesaid matters, and in particular, but without limiting the generality of the foregoing, to inquire into,

- (a) the causes and circumstances surrounding the mass murders and all acts or omissions resulting in the arbitrary deprivation of human life, committed in various parts of Uganda;
- (b) the causes and circumstances surrounding the numerous arbitrary arrests, consequent detentions without trial, arbitrary

- imprisonment and abuse of the powers of detention and restriction under the Public Order and Security Act, 1967;
- (c) the denial of any person of a fair and public trial before an independent and impartial court established by law;
  - (d) the subjection of any person to torture, cruel, inhuman and degrading treatment;
  - (e) the manner in which the law enforcement agents and the state security agencies executed their functions, the extent to which the practices and procedures employed in the execution of such functions may have violated the human rights of any person and the extent to which the state security agencies may have interfered with the functioning of the law-enforcement agents;
  - (f) the causes and circumstances surrounding the massive displacement of persons and expulsion of people including Uganda citizens from Uganda and the consequent disappearance or presumed death of some of them;
  - (g) the subjection of any person to discriminatory treatment by virtue of race, tribe, place of origin, political opinion, creed or sex, by any person acting under any written law or in the performance of the functions of any public office or public authority;
  - (h) the denial to any person of any other fundamental freedoms and rights prescribed under Chapter III of the Constitution of Uganda or the unlawful interference with the enjoyment by any person in Uganda of the said freedoms and rights;
  - (i) the protection by act or omission of any person that perpetrated any of the aforesaid things, from due process of law;
  - (j) any other matter connected with or incidental to the matters aforesaid which the Commission may wish to examine and recommend;

And I Do Hereby direct that Hon. Mr. Justice Arthur O. Oder be the Chairman of the Commission;

And I Do Hereby appoint Mr. Ben B. Oluka to be the Secretary to the Commission;

And I Do Hereby direct that in the proper discharge of its duty, the Commission may call such witnesses and ask for the production of such evidence as it may deem necessary and may receive such assistance from any person as it may think fit;

And I Do Hereby prescribe that the said Commission shall in the course of its inquiry, so far as is practicable, apply the law of evidence, and shall in particular conform with the following instructions, that is to say,

- (a) that any person desiring to give evidence to the Commission shall do so in person;
- (b) that hearsay evidence which adversely affects the reputation of any person or tends to reflect in any way upon the character or conduct of any person shall not be received;

- (c) that no expression of opinion on the character, conduct or motives of any person shall be received in evidence;
- (d) that any who in the opinion of the Commissioners is adversely affected by the evidence given before the Commission shall be given an opportunity to be heard and to cross-examine the person giving such evidence, and

except in so far as the Commissioners consider it essential for ascertaining the truth of the matter into which the Commissioners are commissioned to inquire, not to depart from such instructions;

And I Do Hereby direct that the said inquiry be held at places within Uganda as the said Commission may from time to time, determine, and may be held in public or in private or partly in public and partly in private as the Commission may from time to time determine;

And I Do Hereby direct that the Commission shall start as soon as possible and shall execute the said inquiry with all due diligence and speed and make their report to me with recommendations without undue delay and within the shortest possible time;

And I Do Hereby require all other persons, whom it may concern to take due notice hereby and to give their obedience accordingly.

Dated this 16th day of May, 1986.

JOSEPH NYAMIHANA MULENGA, S.C.,  
*Minister of Justice/Attorney-General.*  
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