



Commission of Inquiry into the Disappearances of People in Uganda since 25 January, 1971: Charter¹

Legal Notice No. 2 of 1974

THE COMMISSION OF INQUIRY (Cap. 56)

A. Commission.

WHEREAS it is alleged that some people have disappeared from Uganda since the Military take-over on 25th January, 1971.

WHEREAS some of these alleged missing persons ought to be dead and others still living whether taken elsewhere:

NOW THEREFORE,

In Exercise of the power conferred upon the Minister in Section 2 of the Commission of Inquiry Act I, as the GENERAL IDI AMIN DADA, V.C., D.S.O., M.C. and Commander-and-Chief of the Ugandan Armed Forces also holding portfolio of the Minister of Defence, do hereby appoint the following Commissioners.

1. Mr. Justice Mohamed Saied, Chairman
2. Mr. S.M. Kyefulumya, Superintendent of Police, Member
3. Mr. A. Esar, Superintendent of Police, Member
4. Captain Haruna of the Uganda Armed Forces, Member.

AND I DO hereby decree that Mr. C.C. K. Ndozircho, a Kampala advocate, shall be the Secretary of the said Commission, to inquire into the aspects of the disappearances of the persons in Uganda, and in particular, but without forgetting the centrality of the foregoing.

- a) to inquire into and establish the identity of the persons who are alleged missing;
- b) to establish whether such persons are dead or alive;
- c) for these persons believed to be living outside Uganda, the reasons and circumstances that led to their quitting Uganda as far as such reasons and circumstances can be ascertained;

¹ Note: The charter can be found in Appendix 8 contained in section 5 of the report (pages 115-118 of the PDF). This document is an attempt to re-type the original charter. Text is missing in places marked by

d) for those proved dead, how, when, where and in what circumstances they met their deaths

e) whether there are any individuals or organisations of persons whether within or outside Uganda who are criminally responsible for the disappearances or deaths of the missing persons and what should be done to the persons criminally responsible for such disappearances or deaths;

f) what should be done to the affairs and families of the missing persons bearing in mind the provisions of decree No. 20 of 1973;

g) what should the Government do to put an end to the criminal disappearances of people in Uganda:

AND I DO HEREBY prescribe the said Commissioners shall conform with the following instructions, that is to say,

a) that any persons desiring to give evidence before the Commissioners shall do so in person: but the Commissioners may in their absolute discretion receive in evidence any written memoranda from a person who is unable to give evidence in person if the Commissioners are of the opinion that such evidence will be valuable to their enquiry;

b) that hearsay evidence which adversely affects the reputation of any person or that is to reflect in any way upon the character or conduct of any person shall not be received;

c) that the expression of opinion touching upon the character, conduct or motives of any person shall not be received in evidence;

d) that any witness who gives evidence before the Commissioners may, if he so desires and requests, give evidence in camera and his name shall be kept secret. Such witness shall not be subjected to cross-examination by the person adversely affected by the evidence given by such witness, so however, that the person adversely affected by such witness' evidence shall be given the opportunity to reply to the allegations made against him without being supplied the name of the witness;

e) that subject to the immediately preceding provisions any person who, in the opinion of the Commissioners, is adversely affected by evidence given before the Commissioners shall be given an opportunity to cross-examine the person giving the evidence,

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

AND I DO HEREBY direct that the said Inquiry may hear at such times and in such places as the said Commission may, from time to time, determine and may be ...or in private or partly in public and partially in private..., said Commissioners may, from time to time, determine provided that there were the public interest and request the President may direct that certain evidence be given in public, in the presence of the Press, Radio and Television:

AND I DO HEREBY direct that any matter touching the security of the State shall be excluded from evidence:

AND I DO HEREBY direct that the Commissioners give due consideration to the local and national events of the military take-over as well as the events, pertaining and auxiliary to the defence of Uganda when the nation was invaded on the 7th day of September, 1972:

AND I DO HEREBY direct that the enquiry shall not extend to any person expelled from Uganda under any authority conferred by law or who has suffered a sentence of death imposed upon him under due process of law. Nor shall the enquiry extend to persons of Asian origin or extraction who though claiming to be citizens of Uganda either remaining outside Uganda or at anytime ran away from Uganda for any reason whatsoever:

AND I DO HEREBY direct that the said Commissioners shall start on 1st July 1974, and shall execute the said inquiry with all due diligence and convenient speed to make their report to me without undue delay (not after than 30th September, 1974):

AND I DO HEREBY require all other persons, whom it may concern to take dueassistance to the witnesses and Commissioners...

DATED this 30th day of June, 1974.

GENERAL AL-HAJI IDI AMIN DADA, V.C., D.S.D., M.C., President and Commander-in-Chief of the Uganda Armed Forces (including the portfolio of Minister of Defence).

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