



Magic Hour Films

Embassy of the Republic of Uganda
att. Ambassador Mr. Omar Lubulwa
Sofievej 15
2900 Hellerup

November 4th, 2005

Re. The documentary "In a Soldier's Footsteps".

Dear Mr. Lubulwa.

As a continuation of the debate following the screening Wednesday, I hereby forward my response to your letter of October 27th in a slightly expanded version (my initial response of October 27th is included in this version). I understood yesterday, that you will publicize your letter to me, and find it logical, that my response is pulicized along with it on your website. However, certain things may not be immediately understandable to the public, so I have elaborated on selected issues. For your information, I will also publicize both letters on my website.

First of all, a documentary film differs from e.g. television news, by presenting real life stories seen through the eyes of a filmmaker, and as such is not by definition objective. The film "In a Solider's Footsteps" is such a documentary, and it does not pretend to be objective, but it does attempt to lay out events in a balanced and non-manipulative way, which will allow the audience to make their own conclusions. The film is structured so as to make it completely obvious to the audience, that the story of Steven Ndugga is told as he has told it, whereas the proces of attempting to investigate his story is presented on screen as it was experienced by the filmmakers. The film, furthermore, attempts to make it very clear, that in many cases it has been impossible for the filmmakers to find sufficient information to verify Steven Ndugga's story, and the audience does not necessarily believe – after viewing the film – that everything Steven Ndugga has told is the truth. The same is true for the Ugandan authorities' version of things. Many things go unanswered in the film, and it is an essential part of the conclusion, that the filmmakers have been unable to reach at the truth of all matters.

a) With regards to Steven Ndugga's wife and her fate, the film states only (quote from narration): *"He (Steven) tells us that his wife got caught by Ugandan intelligence and was tortured to death"*. Steven did indeed tell us this. And later (quote from narration): *"The UN report on Steven says that the refugee office in Nairobi recognized him as a political refugee with his wife and his children Agnes and Frances Ndugga. While the family was waiting to be sent to a safe country his wife and children disappeared. The report says that presumably, Ugandan Intelligence has kidnapped them. Steven's wife has died after being tortured in a*

Ugandan prison. The fate of the children is unknown." This is what the report says. The filmmakers were unable to find relatives of Steven who were willing to talk to them, which is also clearly stated in the film. The Ugandan authorities have confirmed to Magic Hour Films (on tape, although not a part of the finished film) - that Agnes is Steven Ndugga's daughter, it is obvious, that at some point, there must have been a wife or a mother.

b) Concerning Steven's son, the film does not at any point conclude, that Steven's son has been a child soldier, but simply states: *"Steven has been contacted by somebody in the Ugandan army who tells him his son is alive."* After the boy appears on screen, the narration tells: *"We also want to interview Frances, but only Steven can grant us permission. Nobody can tell us where he is or what has happened."* And later: *"We decide to proceed with our other big question: whether Steven's son could have been a child soldier in Congo."* The film does not conclude that Frances has been a child soldier, only that he could have been, as there were indeed child soldiers in the Ugandan army in Congo, a fact supported by the film, statements obtained during filming, as well as by international reports.

c) We are aware that Gusco was formed in the 1990's to help child soldier's rescued from the LRA. However, the Gusco centre that the filmmakers visit in the film, is a new and different centre (Gusco 2). The filmmakers were informed while shooting at the location in July 2003, that the centre had just been set up with the purpose of helping child soldiers from UPDF, and with the support of a.o. DANIDA, and with the cooperation of UNICEF.

Apart from scenes with the director and the producer at Magic Hour Films office, which have been shot out of context, all scenes with named characters/interviewees shot by Magic Hour Films for this film has been obtained using only the strictest documentary filming methods without any staging, whatsoever. This includes the interviews with the children at Gusco 2.

d) The birth of Agnes and Frances: *"He has explained that he had visiting privileges, and had two children while in prison."* The film only presents the event as told to us by Steven. That the Ugandan authorities maintain that Steven has no son is present in the film. However, as the Ugandan authorities have confirmed that Agnes is Steven's daughter, and as her birth date is November 89, she must also have been conceived during Steven's imprisonment. Even if there is no provision under Ugandan laws for imprisoned suspects to mate with their spouses, we have concluded, that if he had a daughter while in prison, he could also have had a son.

e-f) Magic Hour Films has no information as to support that Andrew Kayiira is Steven Ndugga's father, nor that Agnes and Frances are twins, which is why the film does not claim either. As for a DNA-test, Magic Hour Films is clearly in no position to demand any such test, nor would it have been possible. We have not seen Steven Ndugga since the summer of 2002. The first contact between the Ugandan Embassy and Magic Hour Films was in the autumn of 2002 – after his disappearance.

Magic Hour Films, however, does have documentation supported by statements, that Ndugga served in the UFM. Regarding the death of Andrew Kayiira, the narration says: *"The government was accused of the murder. President Museveni felt compelled to call in Scotland Yard to investigate. The results have never been published. It is still the general view that*

Kayiira's murder was politically inspired. It is also claimed...” The wording “was accused of” and “it is claimed” clearly presents this information as opinions, not even as the filmmakers’ opinions, and definitely not as indisputable facts.

g) Magic Hour Films did not only interview members of the opposition, but also Chief of Military Intelligence, Col. Mayombo, on the issue of torture. The colonel’s account is present in the film.

h) The many hours of footage have naturally been edited. However, we have been very careful not to cut any scenes in a way as to distort the meaning of any interview or conversation, which is also the reason why many interviews have been brought in the film in an unusually lengthy version. This includes the scene at the Ugandan Embassy in Copenhagen, the interview with Col. Mayombo, and the interview with Captain Kanyogonya. Magic Hour Films has from the first meetings at the embassy, underlined, that the film would be the process of making a film based on an investigation of Steven Ndugga’s story. We do indeed feel that the process is depicted in a truthful manner and that we have lived up to this promise.

With regards to the questions posed by you:

a) No contract with a script attached has been made with Steven Ndugga. An option agreement, that secured the film company an exclusivity on his story was made in 1999 as a prerequisite to secure financing from i.e. The Danish Film Institute. It is normal to secure the underlying rights to a story before investing time and money in it, and in order to be able prove to the right to release the story – even if the main character later changes his mind, disappears, or dies. No script, nor obligation to tell the story in any specific way was attached to the option agreement. The film was in development and not in production until spring 2003. A number of synopsis/treatments presenting the outline of Steven’s story was written during the research period (from spring 99 till spring 2002) as a description of the starting point of the journey of investigation, which the filmmakers would embark on. However, as it became clear that the film would be the process, a script did not apply and a script was never made, just as it was clearly stated by Magic Hour Films at the Embassy meeting and presented in the film.

The film does indeed tell that the Ugandan authorities regard Steven Ndugga an absconded criminal, and it does in no way state that Steven Ndugga is a freedom fighter. It simply raises the question, as it raises a number of other questions, which are unanswered in the film.

b) Refugees who have to escape their country quite often do not bring any personal belongings. Steven Ndugga left Uganda as a refugee. We have not been able to obtain private photos from him.

Why the Ugandan government decided to kill his wife, or if this is at all the case, we obviously cannot and do not attempt to answer. The only evidence, we have of her existence, is the evidence the film depicts, i.e. the original UN-report from Nairobi, and the recognized existence of a daughter.

c) The film does not have a point of view concerning federalism, but merely presents Steven Ndugga’s point of view on this issue.

d) Please see above.

e) Magic Hour Films does not know where Steven Ndugga, nor his children are, just as the narration states. We have not seen him since the summer of 2002. We know that the children left the country, but not where they went. We originally obtained the right to acquire all Steven's files from the Danish authorities – as it is narrated in the film. However, this right expired and could not be renewed after Steven's disappearance. Whether the Danish authorities have more information, than we do, is not known to us.

f) Magic Hour Films hereby acknowledges, that the Republic of Uganda dismisses the film, but for the reasons above, stands by the film as it is.

Sincerely,

Lise Lense-Møller