

DECEASED HENRY KATANGA ESTA.
FOR ALLOCATION. 17/11/2023.

THE REPUBLIC OF UGANDA.
IN THE HIGH COURT OF UGANDA AT KAMPALA.
(CIVIL DIVISION)
IN THE MATTER OF THE INQUESTS ACT CAP.11, VOL.II, LAWS OF
UGANDA.

AND

IN THE MATTER OF THE AN APPLICATION FOR AN INQUEST PURSUANT
TO SECTION 27 OF THE INQUESTS ACT, CAP 11, VOL.II, LAWS OF
UGANDA:-TO INQUIRE INTO THE CIRCUMSTANCES LEADING TO THE
VIOLENT AND GRUESOME DEATH OF LATE HENRY KATANGA aka
HENRY BACHWA, FORMERLY OF MBUYA, NAKAWA DIVISION,
KAMPALA CAPITAL CITY.

AND

IN THE MATTER OF AN EXPARTE APPLICATION FOR THE SAID INQUEST
AT THE INSTANCE OF BRIG. GEN. KARARA FREDDIE MACHWA AND
BWANIAGA BARNABAS TAREMWA, CLOSE RELATIVES OF THE SAID
DECEASED-HENRY KATANGA aka HENRY BACHWA.

MISCELLANEOUS CAUSE NO. 0264 OF 2023.

1. BRIG. GEN. KARARA FREDDIE MACHWA.
2. BWANIAGA BARNABAS TAREMWA..... APPLICANTS.

NOTICE OF MOTION(exparte)

(Brought Under Section 27 of the Inquests Act, S. 98 Civil Procedure Act, S.33 of the Judicature Act and order 52 of the Civil Procedure Rules)

TAKE NOTICE THAT this Honorable court shall be moved on the
..... Day of..... 2023 at O' clock in the fore/
afternoon or soon thereafter when counsel for the **EXPARTE**
applicants shall be heard on the applicants' behalf for orders that;

- a) an inquest be held touching the death of late **Henry Katanga**
aka **Henry Bachwa**, formerly of Mbuya, Nakawa, Kampala
Capital City Authority.

b) In realizing the full intent and purpose of (a) above, the underlisted persons be examined on oath;-

- I. **Bwaniaga Barnabas Taremwa, the deceased's brother-in-law.**
- II. **Brig. Gen. Karara Machwa, the deceased's uncle.**
- III. **Siima Katanga, the deceased's son.**
- IV. **Mirieli Kyobuhoro, the deceased's mother.**
- V. **Molly Katanga, the deceased's spouse.**
- VI. **Denish Ayebare, the deceased's spouse's niece.**
- VII. **Nantume Evelyn, the deceased's house maid.**
- VIII. **Amanyire George, the deceased's house helper.**
- IX. **Dr. Otai Charles, the doctor who was first invited to "manage' the secene(of crime).**
- X. **Naomi Katafire, the deceased's spouse's bosom friend.**
- XI. **Marjorie Nyangweso, the deceased's nephew.**
- XII. **Hon. Bright Rwamirama, the deceased's uncle.**
- XIII. **Lt. Gen. James Mugira, the deceased's cousin.**
- XIV. **Maj. Gen. (Rtd) Emmanuel Burundi Nyamunywanisa, a brother-in-law of the deceased.**
- XV. **Maj. Gen. Geoffrey Katsigazi, the Deputy Inspector-General of Police.**
- XVI. **Maj. Gen. Sam Kavuma.**
- XVII. **Brig. Gen. Charity Bainabaabo, a cousin of the deceased.**
- XVIII. **Col. Naboth Mwesigwa aka Naboth Rwabwera.**
- XIX. **Dr. Male Mutumba and Dr. Ambayo Richard, the doctors who attended to the deceased's body in the mortuary.**
- XX. **No. 30844 D/Sgt. Beteise David, a police officer.**
- XXI. **Lt. Col. Benon Muhinda aka Biteeya, a cousin of the deceased.**
- XXII. **Lt. Col. Albert Kashakamba, a cousin of the deceased.**
- XXIII. **Stanbic Bank, Forest Mall branch, Manager.**
- XXIV. **Naomi Kashishane, the deceased's sister.**

XXV. Patricia Katanga aka Tricia, a step-daughter of the deceased.

XXVI. Nkwanzi Martha Katanga aka Martha Kivuna, a daughter of the deceased.

XXVII. The Intensive Care Unit (ICU) attendant at IHK Hospital-Muyenga.

XXVIII. Geoffrey Kamuntu, the deceased's brother-in-law.

XXIX. Mrs. Harriet Mucunguzi, the deceased's sister-in-law.

XXX. and any other witness as the honorable court may be moved to call as a valuable witness.

c) The provisions of Section 4 of the Inquests Act be set in oscillation and an inquest be held in a period of (1) one week on a day-to-day basis.

TAKE FURTHER NOTICE THAT the grounds for this application are stated in the affidavits of the applicants herein and that of Naomi Kashashani which shall be read and relied upon at the hearing hereof but briefly they are that;

- a) The applicants herein are; respectively, uncle and brother-in-law of the said late Henry Katanga.
- b) The late Henry Katanga met a violent, gruesome and wanton death on the morning of Thursday, November 2nd 2023, believably, in his bedroom at his home in Mbuya having retired home late from an evening out with peers and friends.
- c) Immediately upon his death, neither his spouse nor his son/dependant such as Siima Katanga and Ayebare Denish made any alarm call either to the neighborhood and or to any known close relatives until mid-morning when "**here and there**" calls started making rounds announcing the death of the said Henry Katanga.

- d) The deceased's house helpers such as Nantume Evelyn and Amanyire George too made no effort to announce the death of late Henry Katanga.
- e) In the ensuing mayhem, the deceased's spouse, Mrs. Molly Katanga, with the help of her daughter, Tricia, jumped over the body of the said Henry Katanga into a waiting ambulance van, and personally booked into IHK hospital-Muyenga, unaided, as an intensive care unit patient where she lodges todate under the guardship and care of Geoffrey Kamuntu, her cousin and attended to by Naomi Katafire, her bosom friend. Todate, the said Mrs. Molly Katanga remains inaccessible to the immediate relatives of the deceased.
- f) It is unAfrican as well as inhuman that a spouse and daughter of the deceased could form the mindset to jump over the body of a slain loved one and go about other errands un related to wrapping the deceased's body in decence.
- g) Soon after the late Henry Katanga met his death, his last born son, a one Siima Katanga, was immediately whisked away from the deceased's Mbuya home in ways and means that deterred him from keeping vigil at the deceased's Mbuya home and or attending his slain father's burial at Karuroko, Kikatsi, Nyabushozi and todate his whereabouts remain obscure.
- h) The Deputy Inspector General of Police, himself a close relative of the deceased, as well as Lt. Gen. James Mugira who too, is a close relative of the deceased, Maj. Gen. Sam Kavuma who is a mutual friend to the deceased and his spouse as well as Lt. Col. Biteeya, Lt. Col. Kashakamba, Col. Naboth Rwabwera, and Tricia, among others, were some of

the very first persons to make it to the scene (of crime) and would thus provide vital insights in the circumstances under which the deceased met his death.

- i) In particular, Tricia, who had barely made a week into her marriage, made it to the scene (of crime) unaccompanied by her newly wed-husband and ostensibly unknown to her said husband and thereby undertook key roles in, for example, whisking away her mother, Molly Katanga, to IHK hospital-Muyenga thereby abandoning the deceased's body unattended to as it lay wantonly and egregiously soaked in a pool of blood.
- j) It is believed that the deceased died of gunshot wounds but it remains as obscure as it is mythical, what, exactly, is the identity of the person(s) who pulled the trigger unto the left-ear of the deceased considering he was right handed and thus could not have set out to end his life by use of magic antics:- two versions permeate the death of the said Henry Katanga; one being a suicide case on the one hand and the other being the foul involvement of the deceased's spouse either alone or in cohorts with others, on the other hand. The greyness with which this area presents itself falls within the realm of an inquest.
- k) The inexcusable presence of Dr. Otai Charles at the scene (of crime) immediately after the death of late Henry Katanga is incapable of being explained on any other reasonable hypothesis than the irresistible conclusion that he was invited to "manage" the scene(of crime).
- l) Nkwanzi Martha Katanga without attending to the shock waves definitive of the death of his slain father had the guts to first withdraw money from Stanbic bank-FOREST MALL branch

and many hours thereafter set her priorities unto delivering his slain father's body to the mortuary at Mulago. Intuitively, the withdraw of the money by the said Martha far outweighed her duty of care to her slain father thereby calling for an inquest.

- m) No. 30844 D/SGT. David Beteise, at Bugoiobi Police Station, was central in handling the scene as well as the body of the deceased on the fateful day.
- n) Col. Naboth Mwesigwa aka Col. Naboth Rwabwera who neither lived under the same roof with the deceased and his spouse, Molly Katanga, nor was present when the deceased died, was quick to front and propagate a narrative of suicide unto the deceased and in his ensuing eulogies, he emphatically absolved Mrs. Katanga from any incident of adverse conduct notwithstanding that no preliminary findings had come into his possession on the basis of which he could exonerate one party and or implicate another. He is thus a material source of valuable information with regard to the culpability or otherwise of whoever was behind the deceased's death.
- o) Brig. Charity Bainababo is a cousin of the deceased and took a central part in organizing the funeral of the deceased along with Lt. Gen. James Mugira, Maj. Gen. Sam Kavuma and Lt. Col. Biteeya as well as Lt. Col. Kashakamba. Thus, they are, in diverse ways, central to the desired end state of the inquest applied for.
- p) The tight-lippedness with which the death of the deceased has been handled by a section of relatives aligned to the deceased's spouse, Molly Katanga, and the loud shock that greets the faces of a section aligned to the deceased soaks

the death of the deceased in a foam of both mystery and obscurity thus calling for an inquest.

- q) Moments preceding the gruesome death of Henry Katanga, opaque developments presented themselves: hydro electric power allegedly went off, CCTV cameras serving the deceased's home and watching over the environments were tampered with and the overall pretext remains unknown. Maj. Gen. (RTD) Emmanuel Burundi Nyamunywanisa being a cousin of the deceased's spouse and the deceased's immediate neighbor is instructive in unravelling this mystery.
- r) Henry Katanga was, at the time of his death, a cool, calm and collected family man and a highly respected citizen of impeccable credit and status in society whose death merits an inquiry so the world may know what, exactly, led to his gruesome and violent death. Thus, his death and the circumstances surrounding it are all matters of great public concern.
- s) Geofrey Kamuntu and his sister Harriet Mucunguzi both front a narrative of suicide yet neither of them bears an eye-witness account of the events of November 2nd 2023 leading to the deceased's death. In particular, Geofrey Kamuntu, has been the gateman to the ICU facility where Molly Katanga lodges todate.

Done and dated at the applicants' lawyers' chambers at Kampala
this ^{12th}..... day of ^{November} 2023


M/s Kanduhho & Co. Advocates.


M/S Arcadia Advocates.

(Joint Counsel for the Applicants)

Lodged in Court under my hand and seal of this Honorable Court
this day of.....2023.

...
D/REGISTRAR

Drawn and filed by:

**M/s Kanduho & Co. Advocates,
Commissioner for Oaths,
Plot 29/33, Jinja Road, Kampala.
Total Deluxe House,
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AND

**M/s Arcadia Advocates,
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MISCELLANEOUS CAUSE NO. 0264 OF 2023.

1. BRIG. GEN. KARARA FREDDIE MACHWA.
2. BWANIAGA BARNABAS TAREMWA.: APPLICANTS.

SUPPORTING AFFIDAVIT.

I, **Bwaniaga Barnabas Taremwa** of Care of; **M/S Kanduhho & Co. Advocates, Commissioners for Oaths, Plot 29/33, Jinja Road, Kampala, Total Deluxe House, 1st floor, Suites 11-13 and M/s Arcadia ADVOCATES**, do solemnly swear and state on oath that;

1. I am a male adult Ugandan of sound mind, an applicant herein, and a brother-in-law of the late Henry Katanga, the subject of this application. I am also authorised by my co-applicant, Brig. Gen. Karara Freddie Machwa, to make this deposition on his behalf. I thus swear hereunto in that tripartite capacity. (Hereto attached is a copy of the said authority from Brig. Gen. Karara Freddie Machwa, marked annexure AA).

2. On the morning of Thursday, November 2nd 2023, i learnt from my whatsapp wall, that my brother-in-law and bosom friend, Henry Katanga, had met a violent, gruesome and wanton death at his home in Mbuya, Nakawa, Kampala. Further information coming my way, again, through my whatsapp wall, was to the effect that the late Henry Katanga, met his death in his bedroom at his home in Mbuya in the presence of his wife, Molly Katanga, and that the said Molly Katanga was in a comatose state.
3. I was particularly informed by the deceased's mother, Mirieli Kyobuhoro, whose information I verily believe to be true and correct, that according to the version shared by relatives of the said Molly Katanga, the late Henry Katanga had retired home late from an evening out with peers and friends. Speaking for myself, I could neither confirm nor invalidate this assertion.
4. What I know, though, is that, at late Henry Katanga's Mbuya home, he only lived with his son, Siima Katanga, his wife's niece, a one DENISH AYEBAARE and ofcourse, his wife, Molly Katanga and about two house helpers.
5. Along the way, contradictory versions touching the death of Henry Katanga started making rounds:- according to those aligned to his wife, Henry had committed suicide yet according to those who had no relationship with Henry Katanga's wife, Henry had been murdered in cold blood. I was thus lost for words by the controversial versions of news touching the death of late Henry Katanga.
6. My co-applicant and I as well as other peace-loving Ugandans I have since shared with continue to grapple with many puzzles touching the death of late Henry Katanga but we opted to exercise patience in the hope that the natural course of justice would tie every loose end around the death of late Henry Katanga.

7. My co-applicant and I are presently advised by our joint lawyers Mr. Frank Kanduho and Mr. Paul Kuteesa, whose advice I verily believe to be true and correct that considering the opaqueness with which the late Henry Katanga met his death and the violence that defines his demise, it is trite to take out an application for an inquest, so that every myth and doubt touching the death of late Henry Katanga is probed into.
8. I now set out hereunder, my and my co-applicant's considered justification for inquest proceedings touching the death of late Henry Katanga;
 - i. Henry, as he was fondly called, was a calm, cool, collected and composed human being. It turned out as impossible to believe that he could engage in any domestic brawl with his wife or any member of his family.
 - ii. Henry loved peace and tranquillity all the years of his life:- he was thus not the type that could be a subject of such a gruesome death; more over from within the confines of his marital home.
 - iii. Considering that Henry lived with his lastborn son, Siima Katanga, now aged about 12 years, it would naturally follow that he has an eye witness account of whatever it is that transpired between his father and mother on that fateful morning. Strangely, from the day Henry died to date, the whereabouts of his said son remain unaccounted for. More strangely, the said Siima Katanga was never facilitated to stay vigil at his late father's home in Mbuya and neither was he made available to attend the burial of his slain father.
 - iv. The presence of a doctor, a one Dr. Otai Charles, at the home of late Henry Katanga on the fateful morning of Thursday, November 2nd 2023 is as inexcusable as it is unexplainable.
 - v. The guts with which late Henry Katanga's spouse, Molly Katanga, and his daughter, Tricia, chose to abandon the

body of late Henry Katanga in a house unattended to by any loved one as well as the true identity of the person(s) responsible for the decision to whisk away Siima Katanga to an unknown destination and keep him away from the burial arrangements of his slain father and let alone disable the said Siima Katanga from staying vigil at his late father's Mbuya and Karuroko homes and what motivated such a decision merit inquest proceedings.

- vi. The true identity of the person(s) responsible for the decision to call to the scene (of crime), of all people, Col. Naboth Rwabwera and late Henry Katanga's daughter, Tricia, and not Maj. Gen. Burundi, who is both an immediate neighbour of late Henry Katanga and a cousin of his wife, Molly Katanga, too is a puzzle; considering that the said Tricia was barely a week old into marriage and thus unlikely within reach of his parents and immediate family and Col. Naboth Rwabwera lives too far away from the home of late Henry Katanga to be of immediate help.
- vii. The person(s) responsible for the decision to abandon the body of late Henry Katanga laying on the floor of his bedroom and instead prioritise the whisking away of his wife into an intensive care unit (ICU) at IHK hospital- Muyenga under the constant guardship of Geoffrey Kamuntu, her cousin, is a matter of great concern.
- viii. The highly billed presence of late Henry Katanga's eldest daughter, Martha Nkwanzu Katanga, in the bulk cash section of Stanbic bank, Forest Mall branch, in the early hours of Thursday, November 2nd 2023, immediately after the death of her father, is equally puzzling.
- ix. The motivation behind the eulogy delivered by Col. Naboth Rwabwera castigating all and sundry and sanitising the late Henry Katanga's wife, Molly Katanga, is a matter worth probing.
- x. The motive behind the alleged blackout of electricity supply only at Henry Katanga's home on the night he met his death when there was, infact, dependable electricity supply everywhere else within the same locality is mind boggling.

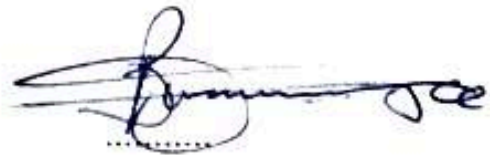
- xi. The true identity of the weevil that ate into the CCTV cameras in and around late Henry Katanga's home/house, the night he died, is a matter worth probing.
- xii. The identity of the person(s) behind the decision to hurriedly bury late Henry Katanga without the care to await the wellness of his spouse, Molly Katanga, and or the presence of his lastborn son, Siima Katanga, more over in utter contravention of an order of court attracts an inquiry.
- xiii. The motivation behind the narrative of suicide on the part of late Henry Katanga by, among others, a one Geoffrey Kamuntu, a one Harriet Mucunguzi, Col. Naboth Rwabwera, even when none of them shared the same roof with the deceased on the night he died, calls for an inquiry.
- xiv. The identity of the person(s) who first made it known to the public that Henry Katanga was dead and the identity of the person(s) who made telephone calls to Tricia and Col. Naboth Rwabwera, as the first persons to appear at the scene (of crime), when Molly Katanga was allegedly in a comatose state as well as the true identity of the person(s) who erased every trace of blood off every corner of late Henry Katanga's bedroom and what motivated such action do call for inquest proceedings.
- xv. The identity of the person(s) who, on the fateful morning of Thursday, November 2nd 2023, instructed Martha Nkwanzu Katanga to go to the bank to withdraw money as her slain father lay lifeless on his bedroom floor and who it is that countersigned a cheque for her in her mother's alleged comatose state is of interest considering she is co-signatory with her mother on the same account:-and let alone, what purpose the money so withdrawn was intended to serve are all puzzles that are incapable of being resolved in absence of an inquest.
- xvi. The inexcusable presence of a doctor, a one Dr. Charles Otai, on a murder scene and who it is that invited him to their aid as the first respondent at the scene(of crime) on the early morning of Thursday, November 2nd 2023, can only be inquired into by way of an inquest.

- xvii. The unexplained hand marks of Molly Katanga and her daughter, Tricia, on the alleged killer gun recovered from the scene (of crime) on the morning of Thursday, November 2nd 2023, can only be unravelled by way of an inquest.
 - xviii. The alleged surgery conducted unto the head and arms of Molly Katanga, as gathered from the eulogy of Maj. Gen. Sam Kavuma, merits a probe.
 - xix. The presence of the Deputy Inspector General of Police as well as that of Lt. Gen. James Mugira, Maj. Gen. Sam Kavuma, Brig. Charity Bainababo, Col. Naboth Rwabwera, Lt. Col. Biteeya and Lt. Col. Kashakamba at the scene (of crime) and what role, exactly, each one of them played in the events before, during and after the burial of late Henry Katanga, and what it is that each one of them knows regarding the death of late Henry Katanga, are matters that ought to be probed into in fully understanding matters touching late Henry Katanga's death.
 - xx. The motivation behind the dead silence of the house helpers of late Henry Katanga, ie, Nantume Evelyn and Amanyire George, as well as the motivation behind the dead silence on the part of a one Denish Ayebare moments after the death of late Henry Katanga yet during the alleged comatose state of Molly Katanga is such that it is only an inquest that would unravel it.
 - xxi. To-date, no one can reliably state who it is that shot at the late Henry Katanga thereby bringing his life to an untimely end; or whether indeed it is the deceased who, infact, shot at himself in an overt case of suicide.
 - xxii. There are no criminal proceedings my co-applicant and I are aware of that have been commenced to bring any of the real and or perceived killers of late Henry Katanga to justice.
9. I swear this affidavit in support of the application for an inquest.
10. Whatever is herein stated is true and correct to the best of my knowledge and belief.

SWORN AT Kampala this ^{16th}.....day of ^{November}..... 2023.

By the said:

BWANIAGA BARNABAS TAREMWA



DEPONENT.

BEFORE ME:

.....
A COMMISSIONER OF OATHS



DRAWN & FILED BY:

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