

Prosecution alleges that Molly Katanga fatally shot her husband and attempted to cover up the crime.

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The High Court in Kampala is expected to rule today on whether key suspect Molly Katanga has a case to answer in the killing of her husband Henry Katanga, a prominent Kampala businessman.

Presiding judge Rosette Comfort Kania will determine whether the prosecution has established a prima facie case requiring Molly to enter her defence.

If the court finds the prosecution's evidence insufficient, Molly will be acquitted at this stage and released from Luzira Prison, where she has been held for more than a year. However, should the judge rule that a case has been made out, she will be placed on her defence before a final judgment is delivered at a later date.

Molly is charged with the murder of her husband, who died at their home in Kampala on November 2, 2023. The ruling had earlier been scheduled for last Thursday but was deferred to today under unclear circumstances.

Allegations and co-accused

The prosecution alleges that Molly fatally shot her husband and, together with her daughters Patricia Kakwanzzi and Martha Nkwazi Katanga, family doctor Charles Otai, and domestic work-

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er George Amanyire, attempted to cover up the crime.

The four co-accused face lesser charges of destroying evidence and being accessories after the fact of murder.

Defence submissions

In written submissions filed in December last year, the defence argued that the testimony of 25 prosecution witnesses collapsed under cross-examination and failed to establish the essential ingredients of murder.

"My Lord, the prosecution's case has disintegrated. The ingredients of murder are not simply unproven; the evidence offered to prove them has been so thoroughly discredited that, applying the test in *Bhatt v Republic*, no reasonable tribunal could safely convict upon it," the defence lawyers submitted.

They contended that while the prosecution had proved the fact of Henry's death, it failed to link Molly to any unlawful killing. The defence described the State's case as resting on unreliable forensic evidence, contradictory testimony and what they termed procedural irregularities.

On DNA evidence, the defence argued that the prosecution's expert conceded the findings could not establish who handled the pistol, when it was handled, or how the DNA was deposited.



Molly Katanga. PHOTO/FILE

DNA EVIDENCE

The State relied on DNA evidence from the pistol, saying forensic expert Andrew Kizimula Mubiru found mixed DNA profiles of at least three individuals on both the magazine and trigger, with Molly Katanga being the major contributor.

They further questioned the chain of custody of swabs allegedly taken from the firearm, noting that no physical exhibit was produced in court.

The defence also challenged the gunshot residue (GSR) evidence, citing discrepancies in the number of swabs taken and those analysed, which they said undermined the reliability of the results.

They relied on medical evidence indicating that Molly Katanga sustained multiple injuries, including fractures and head wounds, which they argued made it improbable that she could have fired a gun.

Counsel suggested that the trajectory of the fatal shot and the absence of defensive injuries on the deceased were consistent with suicide rather than homicide.

Regarding the co-accused, the defence maintained that their actions after the incident amounted to an emergency response rather than criminal conduct.

Prosecution stance

However, the prosecution team, led by Assistant Director of Public Prosecutions Samali Wakooli and Jonathan Muwaganya, maintained that Henry's death was a homicide.

In its submissions, the prosecution relied on circumstantial evidence and the doctrine of "last seen", arguing that the

deceased and his wife were the only people in the master bedroom at the time of the shooting.

"It would be implausible for one to argue that a person who was last seen in the company of the deceased can just walk away without an explanation as to what caused the death," the prosecution submitted.

The State further relied on DNA evidence from the pistol, saying forensic expert Andrew Kizimula Mubiru found mixed DNA profiles of at least three individuals on both the magazine and trigger, with Molly being the major contributor.

According to the prosecution, being the major DNA contributor suggests a high likelihood of active handling of the firearm, including loading and pulling the trigger.

They also pointed to evidence of a cut finger on Molly, arguing it was consistent with someone unfamiliar with handling a pistol.

Judge Kania had earlier set timelines directing the prosecution to respond to the defence's no-case submissions by January 28 and to file any rejoinder by February 5, before fixing today for the ruling.

The court's decision will determine whether the high-profile trial proceeds to the defence stage or ends at this preliminary point.