



Besigye considers court action over polls result

Legal action. The FDC presidential candidate says he was considering court action to challenge the election results.

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KAMPALA. Forum for Democratic Change (FDC) presidential candidate Dr Kizza Besigye yesterday said the 2016 election process is not over yet as he was considering going to court to challenge the results.

He said he and President Museveni are still candidates until the 10 days prescribed in the law elapse without a petition challenging the results being filed in court, an option he did not rule out.

Dr Besigye said he will be at the Electoral Commission offices by 9am today to collect the evidence which he said will form the basis of his decision to contest the election in the Supreme Court or not.

"Article 104 (of the Constitution) provides for challenging the election," Dr Besigye told the media yesterday afternoon at his home in Kasangati, "Nobody is conclusively elected unless that process of challenging the results has been disposed of or the option has not been taken up."

Dr Besigye had, by the time he addressed the press, been confined to his home in Kasangati for two days with the police blockading the road to his house and only a few journalists were allowed in for the news conference while others were barred. It, therefore, remained unclear whether he would be allowed to go to the Electoral Commission offices today as he planned to do.

Dr Besigye said because of being confined to his home for the whole of yesterday, he had lost a day and had only nine more to collect evidence of rigging and other irregularities from all over the country, a task he said was complicated by the fact that all the evidence is supposed to be presented through affidavits. He said he had also been denied access to his lawyers because of the confinement, which he said also affected his preparations in case he were to challenge the election.

Dr Besigye has in the past repeatedly vowed not to return to the Supreme Court to challenge an election, saying the failure of the court to, on two occasions, annul the presidential elections when he felt he had proved his case, affected his belief in the Court. Sources close to him, however, say Dr Besigye could be open to a third petition given the "enormity of evidence" that they feel could improve their chances of succeeding in the courts.

He vowed to fight on in what he called a "battle for liberation", saying he had spent "almost all my adult life struggling for good governance in our country (and) it does not make sense giving up now."

The Electoral Commission last Saturday declared Mr Museveni winner of the February 18 election with close to 61 per cent, with Dr Besigye coming second with 35 per cent and former prime minister Amama Mba-



Police block the road heading to Dr Kizza Besigye's home in Kasangati, Wakiso District, yesterday. PHOTO BY ABUBAKER LUBOWA

bazi scoring less than 2 per cent. The rest of the votes were shared among the remaining five candidates, who scored less than one per cent each.

Almost five per cent of the votes cast were adjudged to be invalid, something Dr Besigye said could symbolise an anomaly in the election. He claimed that at some polling stations, voters were handed "ballots which were pre-ticked in favour of candidate Museveni". "Because of the defiance of some of our supporters," he said, "Some also ticked me and the ballots became invalid."

FDC rejects results

The Opposition Forum for Democratic Change party, which sponsored Dr Besigye's candidature, through its president Maj Gen Mugisha Muntu, rejected the results of the election even before the final results were declared.

Gen Muntu, in light of the heavy deployment of the military in different areas, said what was happening in the country was "a creeping coup d'etat". Dr Besigye too rejected the results in a statement he posted on his Facebook page shortly after the final results were declared.

Dr Besigye and Gen Muntu, together with other senior members of the party, were meeting at the party's headquarters at Najjanankumbi when the police stormed the area, dispersed the party's supporters with tear gas and pepper spray, and broke into the meeting room, arresting Dr Besigye, Gen Muntu and Ms Ingrid Turinawe, the party's mobilisation secretary.

Dr Besigye said yesterday that after the meeting, they intended to address the press on the "discrepancies" between the results Dr Kiggundu was reading out at Namboole and what

had been declared at the different polling stations.

"It was that discrepancy that we intended to expose early enough (and show) that what he (Kiggundu) was reading was fiction," Dr Besigye said, "That is what prompted the storming of our offices and our subsequent arrest."

After their arrest and detention at Naggalama Police Station in Mukono District until late in the night of Friday, Dr Besigye said they could not bring out the "discrepancies" because they had no access to their offices. Since being dropped at his home from Naggalama, the police had not allowed Dr Besigye to leave until yesterday.

By the time Electoral Commission chairman Badru Kiggundu announced the results, over 1m votes, which is almost 6 per cent of the polling stations - 1,787 out of 28,010 polling stations - had not been included in the tally.

Dr Kiggundu said the cut off time for declaring the final results had reached without these results coming in and the Commission had proceeded to declare the final results because the missing results, even if they all went gain Mr Museveni, would not deny him the over 50 per cent margin he needed to win outright.

Alleged irregularities

But Dr Besigye took issue with this too. He said many voters in areas that were known to support him were "deliberately targeted and disenfranchised through deliberate delays in delivering electoral materials" and eventually their votes were not included in the final tally.

Because of having had to wait for long without the ballot boxes arriving, Dr Besigye said, some of his supporters gave up and did not vote at all.

He was referring to parts of Kampala and Wakiso districts, where voting materials were delivered in the afternoon at some of the polling stations and 36 polling stations voted on the day after the elections. In Gaba in

Kampala, a polling station with 1,689 voters did not vote at all because the polling materials did not arrive even on day two.

He complained that the results from most of the districts where he won "were not included in what was declared as Museveni's win".

Dr Besigye further said they received reports from various parts of the country that their agents were either arrested or turned away from polling stations, paving the way for rigging. He further alleged "massive" ballot stuffing, saying that in many polling stations, the number of votes cast exceeded the number of registered voters.

He also alleged that ballot boxes were "hijacked by the people who were supposed to guard them," specifically picking on Karamoja, where he said that an officer of the Electoral Commission who was protecting ballot papers was harmed by those who were supposed to guard the votes and "is hospitalised with serious injuries."

In spite of what Dr Besigye called "massive" irregularities, he said, "Mr Museveni was still not winning. They had to alter results."

He said this is why they demanded to inspect a house on Naguru Hill Road, in which they alleged that pre-ticking of ballots had been taking place and that election results from the districts would be "manipulated" before reaching the national tally centre. Dr Besigye's request was rejected and he was forced into a police car and driven away from the premises to his home on the evening of Election Day.

Calls for an international audit

Another intervention Dr Besigye said could save the situation would be to conduct an audit of the election results under the supervision of the "international community".

He said the institutions in Ugandan were too "fused with NRM" to conduct such an audit to the satisfaction of all the parties.



Dr Kizza Besigye speaks to journalists at his home in Kasangati, Wakiso District, yesterday. PHOTO BY ABUBAKER LUBOWA