

Mbabazi to petition court over polls

Suit. Mr Mbabazi's team says lawyers are analysing the election results and gathering evidence on what was not a free and fair process.

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KAMPALA. Presidential candidate and former prime minister Amama Mbabazi is filing a petition in the Supreme Court to challenge the presidential election results and seek a recount of the votes or cancellation of President Museveni's election, *Saturday Monitor* has reliably learnt.

The Mbabazi team said they will file the petition in the highest Court of Appeal not later than Tuesday next week.

Mr Mbabazi, will however, not be filing the petition jointly with Dr Kizza Besigye of the FDC party and runner up in last week's presidential elections.

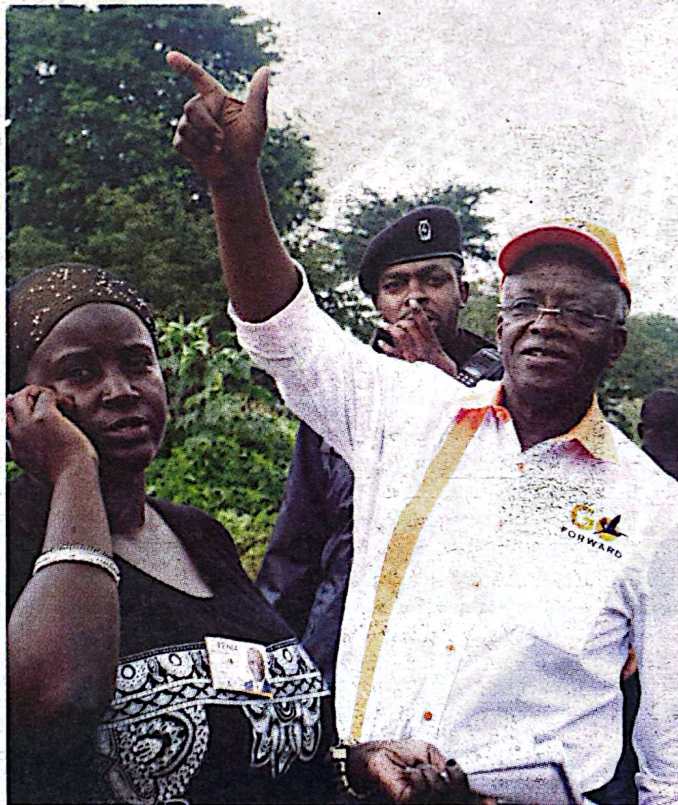
This will be a third petition challenging Mr Museveni's election since 2001 and 2006 when Dr Kizza Besigye contested the outcome.

A source inside Mr Mbabazi's legal and strategy team told *Saturday Monitor*: "We are certainly set to challenge the election in court. This was a sham election and we think we have a very good case to have it annulled or at least order a recount."

Mr Fred Muwema, the head of Mr Mbabazi's legal team, was not available for a comment as his known telephone contact was off air while another official of the team, Mr Severino Twinobusingye, referred us to Mr Mbabazi's spokesperson, Ms Josephine Mayanja-Nkangi.

"I know for a fact that the lawyers are analysing the results from the 28,010 polling stations and gathering evidence on what we think was not a free and fair election. By Tuesday, the world will know our position and what issues we are raising to the honourable court," she said.

The grounds the Mbabazi camp will cite to support the petition include non-compliance with the law, delayed delivery of voting materials



Mr Amama Mbabazi at one of his campaigns. PHOTO BY RACHEL MABALA

to polling stations and declaring incomplete election results.

His team further states that they will adduce evidence of aiding and abetting pre-ticking of ballots and in some cases Electoral Commission officials pre-ticking the ballots.

Particulars of the intended petition further state that Mr Mbabazi will adduce evidence implicating Mr Museveni in voter bribery, intimidation and crackdown on the petitioner's supporters and mobilisers as well as using state resources to his advantage."

The NRM lawyer, Mr Kiwanuka Kiryowa, was elated when contacted by this newspaper, promising to have a 'blast' in court if Mr Mbabazi files the election petition.

are ready to face off with them. It is actually an interesting case we look forward to because we are dealing with a man who got 1.3 per cent of the votes cast," Mr Kiryowa said.

Hours after the results were announced by EC chairman Badru Kiggundu last weekend, Mr Mbabazi dismissed the outcome in a statement arguing that the process leading to the election, "illuminates that this election was fundamentally flawed and that the announced results were not a reflection of the will of the Ugandan people".

Mr Mbabazi said his team was investigating what transpired on Election Day, "to determine our next course of action". Mr Mbabazi received 132,574 (1.4 per cent) of the 9,701,738 total votes cast.

What law says

The Presidential Elections Act allows aggrieved candidates up to 10 days, after the declaration of the winner, to file a petition in the Supreme Court and thereafter the court "shall inquire into and determine the petition expeditiously and shall declare its findings not later than 30 days from the date the petition is filed."

Section 59 (5) of the act, states: "After due inquiry the Supreme Court may dismiss the petition, declare which candidate was validly elected or annul the election."

European Union and Commonwealth observers described last week's presidential elections as not free and fair.

They said the elections were marred by a pack of irregularities and fell short of "international benchmarks for a democratic process."

However, their counterparts from the African countries commended the election as free and fair despite some incidents of irregularities.

Dr Besigye, who was considering to file a similar petition, was last week blocked from accessing the EC offices to get results records for evidence to support his intended suit.

GROUND FOR CASE

The NRM secretary general, Ms Kasule Lumumba's, alleged "shoot-to-kill" threat against any protesters and the Inspector General of Police Kale Kayihura's statements allegedly vowing to arm crime preventers and not hand over power to the Opposition will also be cited as grounds for the petition: "Voter bribery will be a stand-alone ground because it is broad and we have sufficient evidence to persuade the court to annul the election on the basis of bribery," a source in Mbabazi camp said.