

# Museveni cleared to swear in

With no petitions against President Museveni's win, he is set to swear in as president in May.

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& ANTHONY WESAKA

**P**resident-elect Museveni has been given the green light to be sworn in this May after the Supreme Court yesterday allowed the formal withdrawal of a petition challenging his victory in the January 15 presidential election.

In a unanimous decision, nine justices formally discontinued Presidential Election Petition No. 01 of 2026 and related applications filed by former presidential candidate Robert Kasibante of the National Peasants Party.

"By the unanimous decision of the Court, the application for withdrawal is hereby granted. Consequently, Presidential Election Petition No. 01 of 2026 and Presidential Election Application No. 1 of 2026 are hereby discontinued," the justices ruled.

Led by Chief Justice Flavien Zeija, the justices declared that there was no other valid legal challenge pending against Mr Museveni's victory, confirming him as the duly elected President of Uganda.

"Following the withdrawal of Presidential Election Petition No. 01 of 2026, and there being in existence no valid legal challenge of the results of the Presidential Election held on 15th January 2026, we hereby declare and confirm that Yoweri Kaguta Museveni Tibuhabwe... is the duly elected President of Uganda," the justices held, citing Section 61(4) of the Presidential Elections Act.

The panel also included Justices Muzamiru Mutangula Kibeedi, Night Percy Tuhaise, Mike Chibita, Elizabeth Musoke, Stephen Musota, Catherine Bamugemereire, Monica Kalyegira Mugenyi, and Christopher Madrama Izama.

Mr Kasibante had petitioned the court on January 17, challenging the conduct of the election and seeking nullification of the results. He alleged widespread irregularities in voter registration, tallying, and declaration of results, and sought an audit of election returns and biometric systems.

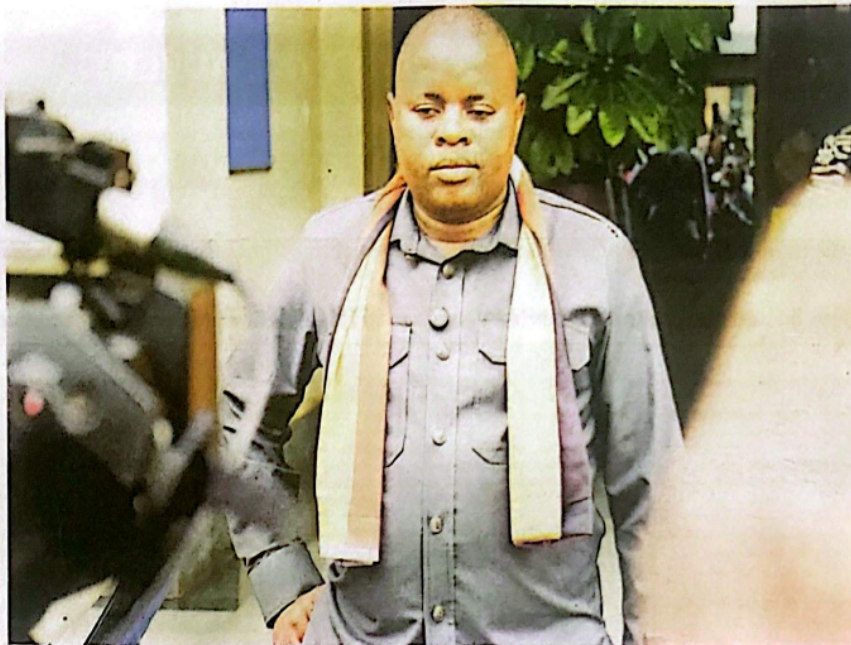
However, before the court could dig into the meat of the evidence, he applied to withdraw the petition, citing prohibitive costs associated with engaging forensic experts to analyse electronic data.

These include Biometric Voter Verification Kit (BVVK) records, scanners, and servers used in the national election. He argued that the scale of the data required specialised and independent technical experts, whose professional fees and operational costs were financially overwhelming.

## Battle for costs

The respondents, Mr Museveni, the Electoral Commission, and the Attorney General, did not oppose the withdrawal but sought dismissal with costs, arguing that a presidential petition is not ordinary litigation and should not be filed lightly.

Lawyers for Mr Museveni, led by Ebert Kyenka and Edwin Karugire, contended that the petition was speculative and hinged on a forensic audit applica-



Former presidential candidate Robert Kasibante at the Supreme Court after court granted him leave to withdraw his petition challenging the election of President Museveni. PHOTO / ABUBAKER LUBOWA



Robert Kasibante, petitioner

I asked court to withdraw the case against him because we have other plans, to stop him from swearing in. The opposition parties which were supposed to help us with the petition did not show up and as the National Peasants Party, we have a press conference on Tuesday to tell the country our way forward.

tion, which they said amounted to fishing for evidence. They argued that considerable costs had been incurred in defending what they deemed an unwarranted petition.

Similarly, counsel for the Electoral Commission, led by Mwesigwa Rukutana, Eric Sabiti, and Edgar Ayebazibwe, argued that Mr Kasibante had not justified why he should be spared costs after the respondents had spent a pretty penny defending the matter.

Mr Kasibante's lawyers prayed that each party bear its own costs, both for the application and the petition, arguing that this was rooted in principles of equity and justice.

They further argued that the petition was commenced and pursued in good faith as a matter of overwhelming public interest, seeking to protect the nation's democracy.

The withdrawal, they said, was compelled by an insurmountable financial barrier and not a concession that the petition lacked merit or was frivolous.

The Attorney General, the third respondent, remained silent on the costs issue.

## Court's decision on costs

In determining the issue of costs, the justices referred to Section 63(4) of the Presidential Elections Act, which provides that if a petition is withdrawn, the petitioner shall be liable to pay the costs of the respondent.

However, the majority declined to award costs against Mr Kasibante, warning that imposing heavy financial penalties could discourage citizens from pursuing legitimate electoral grievances.

They cautioned that such a measure could cast a long shadow over petitions with merit.

The justices also observed that it would not be prudent to impose costs on Mr Kasibante when the country is still licking its wounds from the election.

"We are also aware of the increased anxiety and heightened tension typically experienced by the electorate and some candidates during the presidential election contests in this country. Therefore, it is imperative to foster the

## NO COSTS AWARDED

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healing process to enable the public to resume normal life. The condemnation of the Applicant with payment of costs would impede the healing process, which the people of Uganda earnestly crave in the aftermath of the Presidential elections," the justices held.

Adding, "For the reasons aforesaid, by majority (Madrama, JSC dissenting), we order each party to bear its own costs of the Petition and the applications therefrom."

By majority decision, with Justice Madrama dissenting on costs, the court ordered each party to bear its own costs. The justices also cited Kenyan and Zambian precedents on presidential election petitions and public interest litigation, noting that losing parties are rarely condemned to costs in such cases.

Justice Simon Byabakama declared Mr Museveni the winner of the January 15 polls with 7,946,772 votes (71.65 percent). National Unity Platform candidate Robert Kyagulanyi, also known as Bobi Wine, came second with 2,741,238 votes (24.72 percent), while Mr Kasibante finished sixth with 33,440 votes. Other presidential candidates included Nathan Nandala Mafabi, Gen Gregory Mugisha Muntu, Mubarak Munyagwa, and Frank Bulira.

With the petition withdrawn and no further legal obstacle in place, Mr Museveni is now set to begin another five-year term, extending his tenure in office to 45 years, a political journey that has truly stood the test of time.

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January, 2026, Robert Kasibante, a former presidential candidate in the 2026 elections petitioned the Supreme Court, challenging the victory of President Museveni's victory in the said elections.

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January, 2026, the presidential and MP elections were held in Uganda.

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