

Ugandans to the rescue



4/14/2011

Was it bought or stolen?

This is the Free and Fair Election opposition leader Betty Kamyamba said Museveni won fair and square!!

"In President Museveni's home district of Kiruhura, where he garnered 94 percent of the valid votes, the District Returning Officer, Apollo Musinguzi, was forced to cancel results from four polling stations after votes cast exceeded the number of registered voters at the affected polling stations."

On Election Day Feb. 18, the toll-free phone SMS number 6090 was quite busy as information flew in from all over the country. Set up by **Democracy Monitoring Group (Demgroup)** for citizens to report incidents, the entries were then posted on the website: www.Ugandawatch2011.org.

WAKE UP FELLOW UGANDANS



Although the SMS was set up to report anything "unusual", it soon emerged that election violence was the hot topic and that MP Nandala Mafabi's Budadiri West constituency in Sironko district, eastern Uganda, was its hotbed.

One message read: "A news reporter was shot 2day at my village by soldiers & Hon Nandala (Mafabi) was injured in Budadiri." Another said: About 30 pple (Nandala supporters) were ambushed in Masalile where Odeke was shot in the morning of 18th. They were in 4cars & had escorted Nandala 2 Buwalasi- Bukiyi 2 see Mr. Mulegi's car 4wd Carib UAE 576P that had been smashed & deflated by same.

Yet another said: "In Sironko some RDC said the results won't be passed if Wabudeya isn't the winner. Wabudeya told us that we must vote for her because she is having 600 soldiers at her home + these on streets will teach us a lesson said 2day, Jackson." Apart from Nandala Mafabi, two other very influential people were at the center of the Sironko election fiasco; the Minister for the Presidency, Beatrice Wabudeya and the UPDF 3rd Division Commander in Mbale, Brig. Patrick Kankiriho.

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In 2001, the same Kankiriho, then at the rank of captain, was commander of Bihanga Barracks in Ibanda. He was cited in an affidavit sworn in support of Kizza Besigye's petition challenging the outcome of the 2001 presidential election for beating up Besigye's agents and driving them away from polling stations. After the election was upheld, Kankiriho was promoted. This time, as 3rd Division Commander, Brig. Kankiriho was in charge of the huge deployment of military personnel in Budadiri in a bid to extract a favourable verdict at the polls for Wabudeya.

But Budadiri was not the only place where bigwigs in the government like Wabudeya fought to avoid defeat. Similar allegations were made in Defence Minister Crispus Kiyonga's constituency in Kasese, Speaker of Parliament Edward Ssekandi in Bukoto, and Ethics Minister Nsaba Buturo in Bufumbira.



Government bigwigs allegedly meted out violence where they could, bribed, were accused of ballot stuffing, falsifying results and all manner of electoral malpractices. The Uganda Watch website recorded about 700 cases of malpractice. Most were of a "general nature" but violence and intimidation, and money in politics featured prominently. Jinja district had the highest cases of the general category but the Mt. Elgon region, where Budadiri is located, had the highest cases of intimidation and violence at 130 cases.

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A message on www.Ugandawatch.org from Rukungiri on Election Day read: "There is a big exhibit of the army today on the roads and army patrol cars in Rukungiri. Most people are afraid that war might start."

In President Museveni's home district of Kiruhura, where he garnered 94 percent of the valid votes, the District Returning Officer, Apollo Musinguzi, was forced to cancel results from four polling stations after votes cast exceeded the number of registered voters at the affected polling stations. The polling officials and those involved in either ballot stuffing or multiple voting or both had fallen in a trap many vote cheats have learnt to beat - they ought to have been smart enough to keep within the limits of the registered voters per polling station.

EC changes rules

When at about 11 pm on Feb. 18, the first returns, from Bududa district, flashed on the different screens at the Mandela National Stadium at Namboole, journalists and officials thought the Electoral Commission was implementing what it had promised at Africana Hotel while unveiling the Electronic Results Transmission System.

At the event, the EC said members of the Commission, observers, the media, and candidates' agents at Namboole would all receive the returns from each district at the same time to avoid accusations that the Commission fiddled with results.

However, the Commission reneged on this promise. When subsequent results came in, they were first received by the EC officials and after "ascertaining" them they would then be relayed to the different screens for all to see.

Other reports on Uganda watch

- "Voters bribed with 2000 and 500 in the course of campaigning and voting "Kbk. Constituency-nalubembe s/c!"
- "Stuffing ballot boxes, paying election officials with cash in manafwa is massive here in manafwa please follow up if you can. Walimbwa is a cheat and be careful, he may pay you as you follow up."
- "Peopl were intimidated by army men with black mambas during election day and were seriously scared and shaken which led to voting of two contestants at ago destroying votes."
- "The GISO'S i told you took pictures of all teachers who attended the Besigye rally in kaserem s/c and promised to delit their names from the payrol after the elections."
- "Hello Team, there has been serious violation of people's rights in Mbale municipality this evening. Security teams are beating up whoever they come accross. I have been a victim along Naboia rd & rep sts."

FDC's Electoral Commissioner, Dan Mugarura, said at the time that it did not matter.

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Candidates' agents opposed the new rules saying there were predetermined results that had to come from each district and the "ascertaining" exercise was meant to ensure there was no diversion. Mugarura said he had no way of knowing whether the results from most of the districts were genuine since "most of our agents were turned away from polling stations, bribed, detained or denied (copies of) declaration forms." Mugarura's boss, Kizza Besigye had during the campaigns said they had put in place a mechanism of tallying the results and would announce the results before the EC did. However, he has not produced any results from the IPC tallying centre.



Observers claim at no time did Museveni and the EC have interest in organising a free and fair election. They say ballot stuffing is more pronounced in those areas where Museveni enjoys massive support, especially in western Uganda and the districts around the "cattle corridor" like Sembabule, Nakaseke, Mubende and Nakasongola.

"In just under 20 percent of polling stations observed," the European Union Election Observer team wrote in a preliminary report, "the Returning Officers did not complete the Accountability of Ballots Form for each election and in 17 percent of cases observed, Declaration of Results Forms had been signed by party agents before they were completed. In over 80 percent of the polling stations the results forms were not physically posted at the polling station as required by law."

Losers in the elections have rejected the results. In some cases, quick recounts have been ordered and results overturned.



The leading opposition group, the Interparty Cooperation (IPC) candidate, Rtd Col. Dr Kizza Besigye, and the leaders of the Democratic Party, Norbert Mao, Independent candidate Samuel Lubega and the Uganda Peoples Congress, Olara Otunnu have rejected the results. They argue that the election was rigged long before polling day and that outright rigging through ballot stuffing and falsifying results that happened on polling day were the final raids of the vote thieves.

Besigye told The Independent that he has evidence results were falsified. "There is a polling station in Mutundwe in Wakiso district where I got I think 194 votes and

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Museveni got I think 123 votes,” he said, “These results were declared at the polling station but on the declaration form I was given 4 votes.”

Besigye said his party knew that ballot stuffing and other malpractices would take place, as was the case in 2001 and 2006, and had trained and sent agents to protect the vote especially in areas where Museveni traditionally gets massive support. He said, however, many of the agents were chased away from polling stations and others were detained. Similar cases were recorded in the first run of the Kampala mayoral race on Feb. 23. In the Magistrate’s Court at Nabweru in Kampala, 46 individuals who had come from Mukono to act as Kampala mayoral aspirant Erias Lukwago’s agents were on Feb. 24 charged for, among other things, harbouring the intention to destabilise the election. Police argued that there was no reason for Lukwago to get agents from outside Kampala to help him protect his votes.

But MP-elect Medard Sseggon, the lawyer for the accused, says there is no law that bars one from acting as an agent in an election anywhere in Uganda. Sseggon was himself Lukwago’s chief agent in Kampala Central despite being the newly elected MP for Busiro East in Wakiso district.

Museveni says opposition rigged

The IPC said further that it surveyed 80 districts and found that there was “an obscene and open use of money to corrupt the whole process.” They added that NRM functionaries systematically targeted their structures and bribed their agents at every level with the view to demoralising their supporters and abetting rigging.

Bribery is an offence according to the Presidential Elections Act 2005 but very few people seemed to notice. Article 63 (1) of the Act says, “A person who, either before or during an election with intent, either directly or indirectly to influence another person to vote or to refrain from voting for any candidate, gives or provides or causes to be given or provided any money, gift or other consideration to that other person, commits the offence of bribery and is liable on conviction to a fine not exceeding seventy-two currency points (Shs 1.4m) or imprisonment not exceeding three years or both.”



Estimates place

Museveni’s campaign budget at about a trillion shillings and observers reckon much of this money was used to bribe voters.

At his victory rally at Kololo Airstrip in Kampala, President Museveni accused the opposition of bribing voters and stealing elections.

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But observers wonder why neither the police nor the Electoral Commission ever took interest in investigating media reports that one of the President's sons-in-law and brother were bribing IPC members to procure support for Museveni.

Bribery, once it is found that it was carried out by a presidential candidate or with his knowledge and/or consent, would be sufficient ground to annul an election or disqualify the concerned candidate.

Kizza Besigye and other leaders of opposition parties know this and some say they think they can prove it against Museveni in court. However, they decided not to go to court.

They say they do not hope to get a favourable ruling from court because on the previous two occasions (2001 and 2006), the Supreme Court agreed with Besigye about election irregularities but did not annul the election. The court argued that the violations were not substantial enough to alter the final result.

About two years ago, Besigye filed a petition in the Constitutional Court seeking to have the clause that requires a petitioner to prove that the irregularities that took place in an election were substantial enough to alter the final results to be annulled. The petition had not been heard by the time of the election.

He now says proving before the Supreme Court that voters were bribed, ballot boxes stuffed, his agents turned away from polling stations or denied results declaration forms or that results were falsified would all turn to naught as the Justices would still rule that the irregularities did not substantially affect the final result. This was the case in 2001 and 2006.

How many votes, for example, would he say were procured for Museveni through bribery? How many voters changed their intention to vote in favour of Besigye and voted Museveni instead because they feared the armored cars stationed in the vicinity?

But observers say 26 percent of registered voters who wanted to vote could have been turned away because their names were missing on the voter register.

They point at the Afrobarometer opinion poll, conducted between Jan. 20 and 30, which showed that 85 percent of the registered voters intended to participate in the presidential election. Only 59 percent, according to the Electoral Commission, finally voted.

The IPC argues that in some areas, a totally different register from the one given to them two weeks from Election Day was used. They say it was carefully scrutinised to disadvantage the opposition by throwing voters' names to different polling stations from their usual ones with the view to frustrating them.

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The Afrobarometer poll, with a margin of error of +/-2.5, predicted that Museveni would win with 65 percent of the vote. Going by the 68.38 percent that the Electoral Commission declared, the poll was reasonably accurate.

But opposition party leaders say the architects of the rigging carefully worked at turning out a percentage close to the one projected by the poll. The Electoral Commission did not help matters when it went against a promise made about a week to polling day aimed at fostering transparency in tallying results.

Since money has proved to be probably a better weapon than use of violence, no one can stake their money against Museveni “winning” again in 2016. In the end, however, Museveni’s win stands because no one has the figures to prove otherwise.