

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	195
Land:	Uganda
Kilde:	Refugee Documentation Centre of Ireland
Titel:	Uganda: Presidential election 2011: Was the campaigning for the election free and fair? How was the poll itself, judged by international observers? Why is the outcome being disputed?
Udgivet:	23. maj 2011
Optaget på baggrundsmaterialet:	30. august 2011



Uganda: Researched and compiled by the Refugee Documentation Centre of Ireland on 23 May 2011

Nigeria - Presidential election 2011: Was the campaigning for the election free and fair? How was the poll itself, judged by international observers? Why is the outcome being disputed?

A report prepared by the *Congressional Research Service*, in a section titled "Recent Developments", states:

"On February 18, 2011, Ugandans voted in presidential and parliamentary elections. President Museveni won 68% of the vote, while his nearest challenger, Besigye, won 26% of the vote. The ruling National Resistance Movement (NRM) won the majority of seats in parliament. An estimated 90 members of parliament lost their seats, including some ministers. According to the Ugandan Electoral Commission, an estimated 59% of the registered voters participated in the elections. The Obama Administration stated that 'the elections and campaign period were generally peaceful, but we note with concern the diversion of government resources for partisan campaigning and the heavy deployment of security forces on election day.' The Commonwealth Observer Group expressed similar concerns. The African Union stated that the elections were peaceful and transparent, but called for a Review of the Electoral Law. Opposition groups declared the elections to be fraudulent and rigged." (Congressional Research Service (29 April 2011) *Uganda: Current Conditions and the Crisis in North Uganda*, p.1)

An *Amnesty International* report, in a section titled "Amnesty International's Main Human Rights Concerns: Election-Related Violence", refers to a pre-election incident as follows:

"Groups of men armed with sticks and dubbed by the local media as 'the Kiboko squad' disrupted a rally by opposition leader Kizza Besigye in June 2010. Members of the group beat up the opposition leader, officials and supporters of his Forum for Democratic Change (FDC) party who were attending a political rally in the capital city, Kampala. There have been similar previous operations of the 'Kiboko squad' in recent years, targeting opposition supporters. Although government officials and the police publicly stated in June that the activities of this group are illegal (a stand also expressed in the previous years) the findings of a police investigation promised in June 2010 is yet to be made public. Members of the group are yet to be brought to justice." (Amnesty International (11 February 2011) *Uganda: Human Rights Concerns In The Run-Up To The February 2011 General Elections*)

In a section titled "Threats To The Exercise Of The Right To Freedom Of Expression By Journalists" this report states:

"In 2010 there were a number of instances where journalists were physically assaulted by aides or supporters of political candidates, the police or security personnel while reporting violations to the electoral process including political

violence. During the December research visit, Amnesty International delegates were told about three incidents where journalists were attacked while covering electoral-related violence and irregularities during political campaigns for party and general election nominations between August and December. In all three incidents the affected journalists believed that their assailants were acting with the acquiescence of the politicians – in two of the cases the journalists were attacked by political aides while the politicians stood by watching. In one incident the journalist was attacked by a group of police officers during elections for the ruling party primaries as a senior government official watched.” (ibid)

A *Human Rights Watch* news report states:

“Ugandans will hold presidential and parliamentary elections on February 18. Unlike past elections in Uganda, the 2011 campaign period has been relatively free of state-orchestrated violence. However, during the election campaign serious concerns have emerged about how public funds are being used, particularly to support the campaigns of the ruling National Resistance Movement, led by President Yoweri Museveni.” (Human Rights Watch (10 February 2011) *Uganda: Halt Pre-Election Intimidation Campaign*)

A preliminary statement on the February 2011 elections from the *European Union Election Observation Mission*, in a section titled “Preliminary Conclusions”, states:

“The 2011 Ugandan general elections showed some improvements over the previous elections held in 2006. However, the electoral process was marred by avoidable administrative and logistical failures which led to an unacceptable number of Ugandan citizens being disenfranchised. Furthermore, the power of incumbency was exercised to such an extent as to compromise severely the level playing field between the competing candidates and political parties. Notwithstanding a number of incidents of violence and intimidation, especially on Election Day, the electoral campaign and polling day were conducted in a peaceful manner. Restraint in campaign rhetoric as well as a generally improved performance by the Ugandan police force contributed to this.” (European Union Election Observation Mission (20 February 2011) *Uganda 2011 Elections: Improvements Marred By Avoidable Failures*, p.1)

This document also states:

“The state-owned broadcaster, Uganda Broadcasting Corporation (UBC), failed to comply with its legal obligations to treat each presidential and parliamentary candidate equally, with its television channel giving the incumbent president and the ruling NRM party substantially more coverage than their nearest rivals. The government’s dominance of state-owned radio, the only broadcasting network covering almost all areas of the country, was not balanced by private radio stations established outside the capital, which generally provided opposition candidates with very limited access. Recent threats against the freedom of the press, coupled with limited critical reporting of the incumbents’ record in office, give rise to concern about the ability of media to exercise fully their fundamental right and freedom to report.” (ibid, pp.2-3)

In a section titled "Campaign Environment" this document states:

"The campaign environment became more intense as Election Day approached. Tension increased when police arrested and detained several NGO activists as well as opposition politicians and political party activists. Opposition political parties accused the police of partisan behaviour in the conduct of their duties. The main opposition party, FDC, continuously reiterated its aim to 'protect its vote' on Election Day, stating that it would not address its complaints through the courts in case of election fraud and, after the election, announcing that, 'This time we are not going to court. Our court is the people'. (ibid, p.11)

This section also states:

"The increase in campaign spending and 'monetization' of the election was a major concern of the election. It was evident that NRM dominance and resources were much greater than those of the opposition. The Political Parties and Organisations Act provides for the public funding of political parties. However, the Government did not allocate any public funds to political parties and this had a negative impact on the level playing field." (ibid, p.13)

In a section titled "Polling" this document states:

"EU EOM observers rated opening procedures as good or very good in two-thirds of cases observed, and poor or very poor in one-third of cases. There were protracted delays in the opening of 80 per cent of polling stations observed, largely due to materials not having been delivered in time, with some cases of insufficient polling staff. These delays affected urban and rural polling stations alike, raising concerns about how polling day would unfold. Despite significant organisational difficulties, opening procedures were largely peaceful where observed. Opening procedures were not consistently respected: while the requirement to display empty ballot boxes was fulfilled in almost all observed cases, in 35 per cent of cases observed Presiding Officers did not complete the receipt of materials part of the Official Record Book, which would have included a record of the number of ballots received. Voting procedures were assessed as poor or very poor in 30 per cent of cases." (ibid, p.18)

The final report from the *European Union Election Observation Mission*, in a section titled "Voter Registration Procedures", states:

"On election Day, a disturbingly high number of people found that they were not on the register at the polling station where they presented themselves. The most likely reason for this development is linked to the reorganisation of polling stations and inadequate information provided to voters. This led to an unacceptable number of Uganda citizens being disenfranchised." (European Union Election Observation Mission (10 March 2011) *Final Report on the Uganda General Elections, 2011*, p.20)

In a section titled "Overview of the Election Campaign" this report states:

"The campaign was conducted in an atmosphere in which the freedoms of assembly and association were generally respected. Presidential candidates campaigned intensively and were mostly able to move freely throughout the

country. Although a few isolated violent incidents took place during the course of the campaign these did not have a serious negative impact on the campaign environment. Presidential candidates' adherence to the EC's campaign schedule significantly contributed to the relative calm and peacefulness of the campaign." (ibid, p.22)

A report from the *Commonwealth Observer Group*, in a section titled "Assessment of Opening and Voting", refers to the situation on polling day as follows:

"Overall, Commonwealth Observers reported significant deviations from the prescribed features and safeguards enumerated by the EC. Voting was generally calm and orderly, but there were some localized incidents that occasioned concern. While party agents were present at polling stations, not all were aware of procedures. Many possessed the relevant abstract of the Voters' Register for their respective polling stations, and some assisted polling officials in identification of voters but others did not. This variance was because some agents did not possess a copy of the register or were positioned too far from the PO. In at least one case, Observers noted a difference between the Voters' Register supplied to the PO and the one with the agent. Many polling stations opened late and this trend was noted in all regions. The situation was exacerbated by Presiding Officers not having prepared polling stations two days or even a day before polling. In almost all cases this preparation took place on polling day and often commenced after polling was to have opened. As polling kits were despatched from districts to sub-counties on the day before the poll, it would have been impossible for POs to collect the material 48 hours in advance as stipulated. Polling kits were often incomplete and amongst the problems observed were (i) delayed arrival of ballot boxes, on occasions after the rest of the kit had reached; (ii) short supply of ballot boxes in some cases; (iii) material in the inventory list not being found in the polling kit, and (iv) ignorance of polling staff about what they were supposed to do with some of the supplied material. Ballot boxes were not sealed with tamper-proof tags in many polling stations, and at places voters were even observed lifting the lid off the ballot box to place the ballot paper inside." (Commonwealth Observer Group (11 April 2011) *Uganda Presidential and Parliamentary Elections 18 February 2011*, p.28)

This section of the report also states:

"As a consequence of these shortcomings in preparation and training, delays of between an hour and five hours were observed in commencement of polling. In some cases this had the effect of reducing the number of hours available for polling while in others polling was extended. With nearly one in five polling stations around the country having more than the prescribed 800 registered voters, and with three balloting processes to be completed by each voter, Observers noted it might have been difficult for every voter to cast his/her ballots had turnouts been higher, especially given the lack of light. These problems were compounded by shortcomings in the Voters' Register especially in respect of missing names but also due to the creation of new polling stations as a consequence of the increase in total number of voters and the formation of new districts. Voters had been moved to alternate poll locations evidently without their having been adequately educated or informed. At clusters of polling stations, Orderly Officers were present but quite unable or unequipped to do one of the primary tasks assigned to them –

direct voters to the correct polling station within the cluster. In addition, the signage at the polling station was inadequate. These factors resulted in many voters moving from one polling station to the other within the Polling Centre searching for their names. And where names were missing from individual polling stations, especially in rural areas, frustrated voters – often with their Voters' Card or registration slips – were advised to try the next polling station, sometimes located several kilometers away. Problems with the Voters' Register led to delays in processing voters, sometimes of up to five minutes per case." (ibid, pp.28-29)

The *Commonwealth Observer Group* also notes that:

"The delays in opening of polling stations and problems with the Voters' Register led to considerable disenchantment, and consequent disenfranchisement. While it is not possible to quantify the number of disenfranchised voters, the numbers were significant enough to cause concern. In the face of these challenges, voters by and large were seen by Commonwealth Observers to be calm, even resigned. However, some incidents were reported, notably in Sironko where security forces opened fire injuring a journalist. Notwithstanding this incident in the vast majority of places the process, despite some technical problems and delays, was orderly. Given the generally calm environment in most places, Commonwealth Observers were dismayed at the large scale presence of armed police and military on the streets throughout the day in some areas. While security for the process is important it was felt that the level and nature of the security presence, notably on behalf of the military, was not warranted and may have intimidated some voters." (ibid, p.29)

A *Guardian (UK)* article refers to the opposition rejecting the result of the election as follows:

"Uganda's leader, Yoweri Museveni, has won more than two-thirds of the votes in a presidential election rejected by the opposition as fraudulent. With nearly all the ballots counted, Museveni had 68% of the vote, according the country's electoral commission. His nearest challenger, Kizza Besigye, won 26%. The result represents a strong reversal of the trend of declining victory margins for Museveni, and will raise questions over the fairness of the election process. Besigye immediately rejected the results, accusing Museveni of spending huge amounts of taxpayers' money on his campaign and bribing voters, candidates and electoral officials. An election conducted in this environment cannot reflect the will of the people. We therefore ... reject the outcome of the election and reject the leadership of Mr Yoweri Museveni,' he told a news conference in the capital, Kampala." (Guardian (UK) (20 February 2011) *Ugandan leader wins presidential election rejected as fraudulent by opposition*)

References:

Amnesty International (11 February 2011) *Uganda: Human Rights Concerns In The Run-Up To The February 2011 General Elections*
<http://www.amnesty.org/en/library/asset/AFR59/004/2011/en/da43093d-1930-4c2c-bc97-a1efcb5f24ee/afr590042011en.pdf>
(Accessed 23 May 2011)

Commonwealth Observer Group (11 April 2011) *Uganda Presidential and Parliamentary Elections 18 February 2011*
<http://www.thecommonwealth.org/files/235815/FileName/Uganda-COG-Final-Report.pdf>

(Accessed 23 May 2011)

Congressional Research Service (29 April 2011) *Uganda: Current Conditions and the Crisis in North Uganda*
<http://fpc.state.gov/documents/organization/162753.pdf>

(Accessed 23 May 2011)

European Union Election Observation Mission (10 March 2011) *Final Report on the Uganda General Elections, 2011*
http://www.eueom.eu/files/pressreleases/english/eueom_uganda2011_final_report_en.pdf

(Accessed 23 May 2011)

European Union Election Observation Mission (20 February 2011) *Uganda 2011 Elections: Improvements Marred By Avoidable Failures*
http://reliefweb.int/sites/reliefweb.int/files/resources/1BDB7C8D5BA932028525783F006DC4BE-Full_Report.pdf

(Accessed 20 May 2011)

Guardian (UK) (20 February 2011) *Ugandan leader wins presidential election rejected as fraudulent by opposition*
<http://www.guardian.co.uk/world/2011/feb/20/ugandan-leader-wins-presidential-election/print>

(Accessed 20 May 2011)

Human Rights Watch (10 February 2011) *Uganda: Halt Pre-Election Intimidation Campaign*
<http://www.hrw.org/en/news/2011/02/10/uganda-halt-pre-election-intimidation-campaign?print>

(Accessed 20 May 2011)

This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

Sources Consulted:

All Africa
Amnesty International
Commonwealth Secretariat
Electronic Immigration Network
European Country of Origin Information Network
European Union

Freedom House
Google
Human Rights Watch
Immigration and Refugee Board of Canada
IRIN News
Refugee Documentation Centre Query Database
UNHCR Refworld