

2019 General Elections - 89

Mozambique Political Process Bulletin

4 November 2019

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Bail refused for 17 ND observers held for 2 weeks

Bail was refused today by the Chokwe District Court in Gaza for 17 party delegates (poll watchers, party observers) and the local party agent (mandatario) of New Democracy (Novo Democracia, ND), who were arrested on polling day, 15 October.

Over 200 ND observers were expelled from polling stations by police and the STAE director on voting day for allegedly having false credentials, and the 18 were arrested, said Quiteria Guirengane, the ND's national agent.

By law, the district election commission (CDE) must issue credentials to two party delegates for each polling station. ND applied for 282 credentials which the CDE refused to issue. Guirengane says she talked to national electoral authorities who put pressure on Chokwe CDE who finally issued the credentials on 14 October.

The Chokwe Technical Secretariat of Electoral Administration (STAE) argues it issued a few credentials, but effectively admits it illegally refused to issue the rest, and claims that ND then illegally photocopied the real credentials. Thus it ordered the delegates arrested, saying one illegality did not cancel out the other.

Guirengane says those arrested are "political prisoners".

Frelimo captured electoral process says civil society

"The 15 October elections were not free, fair, or transparent because the ruling party captured and assaulted the electoral machine," concluded eight civil society organisations (CSOs) in a statement last week.

"Of the six multiparty general elections held in Mozambique, these were the most corrupted and fraudulent. For fairness and neutrality in elections, it is essential to rethink an electoral system in which the ruling party appoints key electoral agents who can violate the law with impunity, protected by party and police intimidation. The appointment of a new National Election Commission (CNE) in April next year should be the starting point for change and CSOs will promote a campaign for the creation of an independent and neutral CNE."

"The election campaign was characterized by a mixture of excessive use of state resources by the Frelimo party and the intimidation of the opposition and civil society. Students and teachers were required to campaign for the ruling party, and vehicles and other state means were used illegally during the process. All of this was accompanied by increasing intimidation - by blocking opposition caravans, as well as recording and even collecting voter cards for unknown purposes."

The statement was signed by the Centre for Public Integrity (Centro de Integridade Pública, CIP, publishers of this bulletin), the Centre for Democracy Development (Centro Desenvolvimento da Democracia CDD), the Civil Society Training and Learning Centre (Centro de Aprendizagem e Capacitação da Sociedade Civil CESC), the National Community Radio Forum (Forúm Nacional das Radios Comunitárias FORCOM), the Rural Observatory (Observatório do Meio Rural OMR), the Civil Society Support Mechanism (Mecanismo de Apoio à Sociedade Civil MASC), WLSA Mocambique and the electoral observation platform Votar Mocambique. The statement is on https://www.cipeleicoes.org/wp-content/uploads/2019/10/Declaracao-sobre-processo-eleitoral_-CSO_28Oct19.pdf

Renamo and courts make a mess of Renamo appeal

In a protest to the Matola district court, Renamo alleged that the count by the Matola district elections commission gave it 34.51% of the votes for parliament (Assembleia da República) and 30.88% for provincial assembly when both should have been 35%.

Ballot are counted in the polling station and the results immediately posted (late on 15 October) and the CDE then adds the results sheets (editais) together and posts the district result on 18 October. The law says that an appeal to the district court must be made within 48 hours of the posting of results.

Although the challenge was to the adding up of the editais at district level, the district court ruled that the appeal was out of time because it was more than 48 hours after their posting of polling station results. The CC upheld part of the appeal, saying that the district court was wrong and the appeal was within 48 hours of the CDE ruling.

However the CC went on to note that in its initial appeal to the district court Renamo did not include copies of the editais (results sheets), which were essential to make its case. Those editais were submitted to the CC, which said it could not accept anything not included in the original case.

Finally, the CC noted that there is no point in sending the case back to the district court, because it is too late to change the district results.

The ruling by the Constitutional Council is Acórdão no 14/CC/2019, de 1 de Novembro <http://www.cconstitucional.org.mz/Eleicoes-2019>

On similar grounds a Renamo protest against the Manhica district count was rejected. Acórdão no 13/CC/2019 (no longer posted on the CC website).

Rare Renamo victory in Moatize upheld

Renamo went to court after Moatize STAE replaced Renamo nominees on polling station

staff, and its protest was upheld in the district count on 8 October. STAE district director Júlio Jossias Baulene appealed to the Constitutional Council on the grounds that he was not represented by a lawyer in the 8 October hearing. On 21 October the CC declined to hear the case since the election was already past (Acórdão no 11/CC/2019).

MDM appealed the decision of the Matola District Judicial Court not to overrule district election results on the grounds that the total number of votes in the three elections diverged. The CC returned the case to the Matola District Court. (Acórdão no 12/CC/2019)

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There are two archives of historic elections data, at IESE on <http://www.iese.ac.mz/eleicoes-resultados/> and at London School of Economics on <http://bit.ly/MozEIData> The LSE archive now has detailed 2013 and 2014 results, by polling station.

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