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EU, US observers attack elections

The results announced by the National Elections Commission Thursday 24 October have been attacked by both EU and US observers. The EU said "The results announcement by the CNE has not dispelled the EU EOM's concerns regarding the transparency of the counting and tabulation process. The EU EOM calls once again on the electoral bodies for the maximum transparency, reiterating the request of publishing the disaggregated results by polling station, and the Constitutional Council to appropriately address the challenges brought forward by different parties." [20241025 EU EOM MZ24 Post-election Press statement no 3.pdf](#)

The US International Republican Institute observers said "The Mozambican election was marred by widespread irregularities that raise serious questions about its legitimacy. The lack of transparency in tabulation, voter intimidation, the alleged manipulation of voter rolls, and the discrepancies registered between the number of votes cast in the different elections, reveal a deeply flawed process. These issues must be addressed immediately to restore trust in Mozambique's democratic process and uphold the fundamental principles of free and fair elections. Without swift action, the credibility of Mozambique's electoral system - and the broader democratic framework - will remain in jeopardy." <https://www.iri.org/news/iri-statement-on-mozambican-election-results/>

Will the CC listen to the EU and US?

Will its response to the Podemos appeal be technical or political?

The Podemos appeal to the Constitutional Council (CC) submitted yesterday (Sunday) is on <https://bit.ly/Moz-EI-Pod-Rec>. In part it is incomplete because of the assassination 19 October of two of the key people who were drafting the appeal. They were Elvino Dias and Paulo Guambe, party agents of the Democratic Alliance Coalition (CAD) and the Podemos party, which backed Venancio Mondlane.

EU and US observers have been harshly critical of the election and especially the lack of transparency. Thus the CC will respond in a highly abnormal environment.

The CC stresses that it is only bound by the constitution which makes the CC the highest electoral court. Thus it has no rules. It has twice acted unexpectedly and broken precedents. In 2013 it carried out its own investigation into local elections fraud in Zambezia and exposed illegal action by the Zambézia provincial elections commission. And this year in excluding Venacio Mondlane's coalition CAD, it broke the previously iron rule that on election matters earlier decisions were always accepted. CAD had been accepted by the CNE and it submitted its parliamentary candidates which were accepted by the CNE, but in an unprecedented ruling the CC suddenly decided that CAD should never have been approved as a coalition. Podemos then stepped in to support Mondlane.

Usually the CC acts in narrow legalistic or technical ways, which could be used to reject the Podemos appeal. But the CC has twice shown that it can act creatively.

The Podemos appeal has two strands. The first is the difference in most provinces between the number of voters in the three elections - president, national parliament, and provincial parliaments. These numbers must be the same, but as we showed in *CIP Eleições* yesterday, in fact they are different in nearly all provinces, and the gaps are large, with at least 170,000 fake votes (<https://bit.ly/Moz-EI-323>). Podemos argues that the discrepancy in the number of voters in the three elections is proof that there were multiple votes or additions of votes, calling into question the credibility of the entire election. The legalistic or "technical" response would be that even several hundred thousand votes will not "substantially" change the outcome of the election.

Podemos submits evidence of widespread ballot box stuffing, but again the "technical" response of the CC in the past has been that the victory was so huge that even tens of thousands of stuffed ballots would not have changed the result.


Podemos also cites being excluded from counts and the failure of polling stations to post the results sheets as required by law.

Finally, and most importantly, Podemos says it has included evidence from a parallel count of 60% of all polling stations, which shows that Mondlane was elected president with 53% of the vote and has won a majority of 138 seats in parliament. Again the "technical" response would be that the protests should have been made to tribunals in the 161 districts within two days of the district counts, and that the CNE is only required by law to look at district and province results sheets, not the original ones from the polling stations. In other words, it is too late to present evidence of fraud. The CC used this argument last year when Mondlane presented clear evidence that he had been elected mayor of Maputo.

The CAD decision this year shows that the CC does not always take such a strict stand. And the Zambézia investigation a decade ago shows that the CC has been willing to investigate misconduct by electoral authorities.

Frelimo has been pushing to gain more than three quarters of parliament seats in order to have the power to change the constitution. The CC could accept the argument that taking away just 8 parliamentary seats given by fraud would be a "substantial" change to the electoral outcome because Frelimo would lose that power.

Those choices do not follow rigid rules, and pressure from the international community and local young people might push the CC to look more closely at this election.

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