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Triangular battle over vote recount in Matola

The Matola District Court on Thursday 18 October ordered a vote recount in Matola. The Frelimo party and the Matola City Elections Commission (CEC) then appealed against the recount. But six opposition members of the CEC said that the CEC chair had no right to appeal against the recount. The three-way fight has gone to the Constitutional Council. ([documents in Portuguese.](#))

The Matola District Court ordered a recount of Matola's votes after finding that irregularities complained of by the MDM had been proven.

The Frelimo party and the CEC are asking for the Matola District Court's judgement to be declared null and void, on the grounds that a district court cannot order a recount of votes in the city of Matola, which is only the right of the National Electoral Commission (CNE) and the Constitutional Council (CC).

As elsewhere, the leadership of the CEC is Frelimo, and six opposition members of the CEC have in turn submitted an appeal to the Constitutional Council asking that an appeal submitted unilaterally by its chair, Carolina Obadias Matavele Cumbane, be declared null and void because "the decision was not approved at an ordinary session of the body." The decisions of electoral bodies are collegial and must be discussed and approved in ordinary session, in accordance with a CNE 2018 resolution. However, the six members claim that the CEC never met to decide on the appeal to the CC.

"The appeal lodged (by the president) was not the result of a decision by the CEC that deliberates and authorises the body to carry out a certain act," the CEC members state in their appeal.

In fact, the six signatories of the appeal accuse the president of usurping the functions of the Public Prosecutor's Office, which is responsible for "representing the state before the courts and defending the interests determined by law".

The six members of the CEC are also calling for its chair to be removed from office "due to her demonstrated lack of capacity to lead a body as important as the CEC".

The city of Matola has three district courts (Matola Sede, Machava and Infulene) and the CEC chair's argument is that the Matola District Court cannot decide on the recounting of votes throughout the whole city of Matola, which is the exclusive competence of the CNE and CC. She also claims that the judgement is not signed or stamped, which makes it null and void. Finally, she argues that the MDM's appeal was out of time, since it was submitted 72 hours later, when the law stipulates 48 hours.

The Frelimo party also filed an appeal yesterday (Sunday, 22 October) challenging the ruling of the Matola District Court on the grounds that the court was not competent to decide on the vote recount. largely following the line of the CEC chair. Frelimo's appeal may also be untimely, since it was filed more than 96 hours after the court's decision (18 October).

Frelimo has always governed Matola. The results of the parallel count by the Mais Integridade Consortium show that Renamo won with 59% of the vote against 34% for Frelimo (*Bulletin* 160). Renamo is also fighting on the legal front. The decision now rests with the CC.

In Alto Molocue, chaos extended from registration to voting to counting

The judge in the Alto Molocue district court recognised that Renamo claims about irregularities at polling stations were proven. Reports from our observers show there was chaos and confusion in Alto Molocue during the counting. This follows similar chaos during the registration.

After the count in the polling station, the presiding officer completes a results sheet (*edital*) which is posted on the door of the polling station, and copies are given to party representatives. If, in proper Mozambican fashion, the *editais* are signed and stamped, they have legal standing in any court challenge.

So to prevent this, Frelimo instructed presiding officers to not sign and stamp *editais* if Frelimo was losing. This would allow a fake *edital* to be written later and be signed and stamped.

Observers in Alto Molocue were able to collect the real *editais* from 51 of 62 polling stations, but some had to stay overnight to do so. They reported 16 polling stations with very delayed counts, some posting *editais* only after midnight or the next morning. At one polling station at EPC Malua II, voting finished at 18.00 but counting only began three hours later, and the *edital* was only posted a midnight. At 13 polling stations, observers were not permitted to watch the count, but stood outside and watched through a window.


And there was confusion about the register books. Again at EPC Malua II, two registers books had 800 voters each, yet only 65 (8%) and 84 (11%) people on the list voted. Two other register books at that school had turnouts of 13% and 18%. This suggests that most registered voters at those polling stations were not real. This may reflect reports that some register books were improperly duplicated.

High turnouts always mean there are still queues at the official closing time of 1800, and voting continues after 1900. But in Alto Molocue, only one polling station had to stay open after 1800. Yet the highest turnout was 89% at EPC Murápue, which is highly unlikely. The first book in most polling stations, which was the one with Frelimo members and teachers registered from lists, had turnout in EPC Sede of 80%, EPC Malua II 75%, EPC Mulutxasse 71%, and EPC Pista Velha 70%. These are all highly unlikely, which suggests extensive ballot box stuffing.

Three polling stations had more people voting that there were registered voters.

There had been major problems during the registration, with schools such as EPC Pista Velha registering the Frelimo lists first, and after a day or two when they reached Renamo supporters simply turning off the registration computer and said it was not working. Many registration posts had huge queues and people just gave up. It was also clear that the Frelimo lists contained several thousand people from outside the municipality but were registered inside so they could vote inside Alto Molocue town. In a special report (*Bulletin* 110, 4 July) we estimated that Frelimo registered at least 1,549 people from outside the municipality, so they could vote in the election. Renamo estimated 5000 ghost voters has been registered in Alto Molocue. At the end of the registration period, observers found it was impossible to verify one-third of registration books. And registration cards were not printed and some would-be voters had to pay 50 meticias (almost \$1) to get a card.

The official result gave Frelimo a victory of 6625 votes, but that could be made up of outsiders , stuffed ballot boxes from Frelimo lists, and Renamo voters who were unable to register because the "machine was not working". The chaos from beginning to end makes the election in Alto Molocue totally corrupt and unacceptable.

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