

Number 164-169 – 24-28 October 2023

Published by Centro de Integridade Pública, Maputo, Mozambique

Articles may be freely reprinted but please cite the source

To subscribe to the English edition <https://cipeleicoes.org/eng/>

and the Portuguese version <https://www.cipeleicoes.org/>

The full election results for the 65 municipalities as announced 26 October by the CNE are available on <https://bit.ly/Moz-EI-Aut-CNE>

Bar Association says CNE/STAE “sent message that crime pays”

"Mozambicans completely distrust the electoral administration [and] this lack of confidence is borne out by the excessively large number of irregularities during the election, which were pointed out by the District Courts. This sends a message that crime and manipulation pay in Moçambique", states the Mozambican Bar Association (Ordem dos Advogados, OAM), in a statement published Friday (27 October).

According to the Bar Association, the electoral process under way is "poisoned by serious vices which raise serious and well-grounded doubts about the freedom and justice of this process and the results announced".

The OAM points to the complete disbelief among Mozambicans in the electoral administration bodies, notably the CNE and STAE, and says the same is happening with the district law courts, as electoral courts in the first instance during elections, and the Constitutional Council. In a spill-over effect, this is leading to a "lack of trust in their impartiality and legitimacy, equilibrium and independence" of the executive and legislative powers and the political parties.

In this very hard-hitting statement, the OAM say that the irregularities that occurred in these elections were admitted, on 26 October, by CNE head Bishop Carlos Matsinhe, when, at the same time as he announced the results of the 11 October elections, he said "they will be investigations".

"It is extremely irresponsible, to say the least, for a quasi-judicial institution, such as the CNE, to remain silent for many long nights, and then, with perhaps with little useful

effect, to announce investigations which, right from the start, are extemporaneous”, writes the OAM. "If there is a moment when institutions are discredited, it is during elections, because impunity tends to become installed before the gaze of the relevant institutions, such as the Public Prosecutor’s Office, which is in charge of prosecutions, guarantees legality, and even possesses powers to act officially when the public interest is at stake”.

The Bar Association still has a vestige of hope that the Constitutional Council can rescue justice and the rule of law. “We hope that the Constitutional Council will defend the democratic rule of law, and does not open another front in the attack against our young constitutional order”.

Finally, the OAM hits at the unnecessary rigidity of the district courts. Justice must not “succumb to formalisms that are foreign to the Electoral Law in particular, and to legal procedure, in general”

HRW: "Security forces are set to silence opposition voices"

"Mozambican security forces have used excessive force, including live ammunition, rubber bullets, and tear gas, against largely peaceful protesters following local elections," [Human Rights Watch said yesterday](#) (Friday 27 Oct).

In Maputo police with five armoured vehicles stopped a Renamo march on Av 24 de Julho yesterday and ordered protesters to disperse. But without waiting and without warning, they fired tear gas into the crowd and fired guns into the air. "Police also used excessive force in the northern province of Nampula, including live ammunition, rubber bullets, and tear gas against demonstrators in Nampula and Nacala Port," HRW said.

“The post-election violence in Mozambique shows that the security forces are set to silence opposition voices rather than to exercise restraint,” Budoo-Scholtz said.

“Mozambique’s regional and international partners should meaningfully press for accountability for these abuses so that the government will prevent future violations.”

So far, mild response from international partners

But unlike HRW and Mozambican lawyers, the response from international partners so far is watch, wait, and trust government institutions. The [European Union today](#) (Saturday) "notes with concern reports of irregularities and trusts they will be adequately addressed to ensure a peaceful and satisfactory outcome of the electoral process, in full respect for the rule of law and democratic principles." The EU also "calls on all parts involved to act in a peaceful manner and on the authorities to ensure the safe exercise of the right of freedom of association and expression."

The [UK yesterday issued a statement](#) saying it "regrets" the violence and "notes the allegations that serious irregularities have characterised the electoral process." In response, "we acknowledge the independence of Mozambique's judicial authorities in resolving electoral complains and disputes, upholding the rule of law and supporting Mozambique's commitment to credible and peaceful elections."

[Canada, Norway and Switzerland on 23 October](#) "voiced concern about reported election irregularities. ... We call on all parties to work through the appropriate complaints process within the Mozambican legal system to ensure confidence in the integrity of the democratic process and to address reports of irregularities in accordance with Mozambican law."

The all three statements stress trust of the Mozambican legal system, at a time when Mozambique's own bar association is highly critical of that system. There is a danger that the Frelimo government will take the very mild statements as continued support.

Calm Saturday after a black Friday

Nacala, Nampula and Maputo cities woke to a calm Saturday today after a Friday of violence in which six deaths and dozens of injuries were reported during the demonstrations called by Renamo in the three cities to protest against the election results.

Four deaths were in Nampula and two in Nacala, one of whom was a child; 14 people suffered bullet wounds in Nacala and nine in Nampula. Some of the injuries are serious. One minor was struck by four bullets and is in a serious condition. One of the bullets crossed his abdominal cavity. Some of the injured will need to have arms amputated.

Sixty people were arrested in Nampula, and 10 elsewhere, said the spokesperson for the General Command of the police, Orlando Mudumane. Four people were arrested in Maputo, four in Nacala and two in Quelimane.

In Maputo, there were some injuries.

There were also demonstrations in Quelimane, Guruè and Alto Molócuè, in Zambézia province; and in Mozambique Island and Angoche, in Nampula.

Train blocked and market stalls burned

In Nampula, the railway line was blocked and the train paralysed. The protesters' idea was to block all the entrances to the city of Nampula. On National Road Number 1, barricades were put up and tyres were burnt to stop cars coming from the districts of Erati, Nacala, Meconta, Mossuril, etc., and those coming from Cabo Delgado. The airport roundabout was also blocked to prevent travellers from other provinces from entering.

In the populous Namicopo neighbourhood, the police fired tear gas, which ended up setting fire to venders stalls and to a power pole belonging to Electricidade de Moçambique. After a lot of work, the residents put out the fire that threatened to consume some neighbouring homes.

Protesters block main roads and destroy power pylon in Vilankulo

In the municipality of Vilankulo, a group of supposed protesters burned tyres and blocked the main access roads, especially National Road 240, which leads to the town. Renamo is distancing itself from the demonstration.

The protesters destroyed a high-voltage pylon, which affected 200 families and caused 600,000 meticals in damage to the company Electricidade de Moçambique.

The demonstration began at around midnight on Friday, the same time that Renamo had planned a march, but which was cancelled by its leader and other party members..

Friday 27 October

Riots and 2 deaths in Nampula and Nacala

Nampula and Nacala-Porto are experiencing riots and the police are responding with rubber bullets and gunfire with real bullets. There are arrests, injuries and deaths in both cities. The demonstrators, including Renamo supporters, are putting up barricades and destroying private property in both towns.

In Nampula a 10-year-old child was shot as he left school during the demonstrations and another person was shot in Namicopo neighbourhood. Later a police officer was allegedly attacked by the population in Nampula and was seriously injured, and died in Nampula Central Hospital.

In Nacala was a man hit and killed by a blunt object in the Nacala Central Market.

In Nacala-Porto, riots broke out after the National Electoral Commission announced the election results yesterday (Thursday 27 October) in Maputo. Immediately, young people organised themselves and started throwing stones at the windows of commercial establishments and at some vehicles. The police intervened by firing shots. The shooting continued throughout the night and was continuing as this article was being written (11am local time).

This morning Nampula woke up to riots, barricades and vandalism of some vehicles. The police are also responding with gunfire. Trade is also paralysed and there are reports that some demonstrators are being rounded up by the police authorities. Gunfire can still be heard in several neighbourhoods, especially in Namicopo, Namutequeliua and Muahivire.

The atmosphere remains tense.

Thursday 27 October

Anglican Bishops break their silence and ask Bishop Matsinhe “to observe the law and practice the truth”

In a pastoral letter, written on 22 October before the CNE approval of the election results, the Anglican Council of Mozambique (CAM) made a rare, but vigorous appeal to the electoral bodies and “especially to [its] Bishop Carlos Matsinhe”, who chairs the National Elections Commission (CNE), on the need “to observe the Electoral Law and practice the truth”.

The Anglican bishops justified their appeal with the argument that “the Mozambican people, the voters, expect from you honesty, integrity, transparency, respect and the truth”, because “Jesus Christ urged humanity to know the truth, saying that the truth will set you free”.

The Anglicans lamented that eventual “failures of electoral management” are occurring, as well as “possible interference of other bodies from outside of the electoral process”.

The bishops, colleagues of Carlos Matsinhe, recall that the CNE is an organ of the State and “not of any religion or church, including the Anglican Church”. And they asked political parties who feel they have not been treated fairly to resort to the institutions of justice, in strict observance of the laws.

The bishops say they are praying for the CNE and for STAE, at all levels, and for government members, politicians and the Mozambican people “for the success of the elections”.

Parallel count shows Renamo victory in Nampula

In a close race, Renamo has won in Nampula by more than 4000 votes, according to a parallel count of 433 of 441 polling stations. Renamo has 74,132 votes at these polling stations (49%), Frelimo 69,830 (46%), and MDM 7,418 (5%).

CNE OKs all district election results unchanged with Frelimo in favour, but CNE head Bishop Matsinhe abstains

Bishop Carlos Matsinhe, president of the National Electoral Commission, abstained on Wednesday night from voting for or against the resolution approving all the results of the local elections on 11 October, as announced by the district electoral commissions of the 65 municipalities, which have been marred by serious irregularities.

The rubber stamping of contentious results giving Frelimo victory in 64 of 65 municipalities as announced by district elections commissions was supported by the eight Frelimo

members, out of the 15 CNE members present at the session. The other five members, representing the opposition, voted against and two (Dom Carlos Matsinhe and Salomão Moyana) abstained. Two Renamo members were absent from the vote, namely Fernando Mazanga, who had left earlier due to ill health, and Anastácia Xavier, who was also ill.

Dom Carlos Matsinhe was advised to abstain from voting when Frelimo realised it had the majority to pass the resolution. At first, Frelimo argued in favour of a secret ballot, but the opposition wanted an open vote because they wanted to see the voting tendencies of CNE members from civil society, co-opted by Frelimo. During the discussions, the opposition CNE members declared that they would opt for an open vote, which embarrassed the bishop because he had no way to avoid showing his vote.

The Frelimo members asked for a quick meeting with the bishop where they instructed him to abstain from voting as a way of protecting him because "they had enough members to approve the deliberation". And so it was.

The following CNE members voted in favour: Carlos Cauio, Paulo Cuinica, Rodrigues Timba, Mário Ernesto, Eugénia Chimpene, Daud Dauto Ussene Ibramogy, Focas Mauvilo and Alice Banze. The opposition voted against Alberto Sabe, Bernabé Ncomo, Apolinário João, Abílio Baessa and Rui Cherene.

By abstaining from voting, Dom Carlos Matsinhe ignored the advice of his fellow Anglican bishops who, in a letter written on 22 October, called on him to observe the "Electoral Law and the practice of truth" in his decisions at the CNE.

The process, which began on Wednesday morning, only ends today. In principle, members of the opposition will not be present today at the ceremony to announce the results. This week (on 16 January) the public tender was launched for selecting the members of the Elections Commissions of the country's 12 new municipalities. The closing date for the tender is next Monday (23 January).

Tuesday 24 October

The CC says only it can force repeat of an election, and only after the count has been finalised by the CNE

The Constitutional Council (CC) today issued two rulings on the current local elections. In the first makes it clear that it has exclusive competence to annul or order the repetition of elections, and district courts do not have this power. However, such a decision will only be taken after the CNE has finalised the general tabulation of results. Thus, the CNE declared null and void the judgement of the Chókwè district court to cancel the election there, forcing a re-run.


In its ruling on the municipal elections in Chókwè, the CC recognises that the Chókwè District Electoral Commission (CDE) violated the law by not accrediting the delegates of the New Democracy party. The CDE said that there was a conflict of interest because the party had nominated as delegates the same people running for the municipal assembly. The CC says that the law does not prevent candidates for the municipal assembly from also being accredited as delegates. In other words, the CDE's decision "called into question the

principle of electoral transparency in the 11 October elections in the city of Chókwè", which the CC considers "illegal".

But the CC annulled the judgement of the Chókwè District Court, because it does not fall within its competence to annul elections. The CC emphasises that the Constitution of Mozambique has given it exclusive competence to "validate the results of elections" and not to the lower courts. Therefore, the final decision on whether or not to annul the results in the city of Chókwè will only be taken in the process of validating the results by the CC. That is the last stage of the process and follows the announcement of the general tabulation of results by the CNE, which must occur on Thursday.

CC rejects Nhlamankulu District Electoral Commission appeal against repetition of election

The CC today published another judgement rejecting the appeal by the chair of the Nhlamankulu CDE, who was asking the CC to overturn the district court order to repeat the election in 64 polling stations. Although the Chókwè ruling suggests the Nhlamankulu order will eventually be dismissed, the CC refused to uphold the CDE chair's appeal on the grounds that the chair had no legal standing because she would not have been harmed by the "execution of the judgement". For the CC, only those who "have been harmed by the delivery or execution of the judgement" have standing to appeal, which the Nhlamankulu CDE "is unable to demonstrate in its legal sphere, as a defender of the public interest of justice, transparency, impartiality and electoral legality"

	FICHA TÉCNICA:	ENDEREÇOS:
	<p>Editor: Lázaro Mabunda</p> <p>Advisor: Joseph Hanlon</p> <p>Director: Edson Cortez</p> <p>Translator: Paul Fauvet</p> <p>Sub-editor: Samuel Monjane</p> <p>Layout: Liliana Mangove</p>	<p>Centro de Integridade Pública Bairro da Sommerschild, Rua Fernão Melo e Castro 124, Maputo</p> <p>English To subscribe: https://cipleicoes.org/eng/</p> <p>Web: https://cipleicoes.org/eng/ Portuguese Web: https://www.cipeleicoes.org/ Facebook: @cipeleicoes Instagram: @cip_eleicoes Tiktok: @cipmoz Telegram: +258 843890584</p>

Bulletin funded by:



CIP partners

