



CENTRO DE INTEGRIDADE PÚBLICA  
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# 2019 GENERAL ELECTIONS

## MOZAMBIQUE POLITICAL PROCESS BULLETIN

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**Number 88 - 29 October 2019**

Published by CIP, Centro de Integridade Pública (Public Integrity Centre),  
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## Few protests, and most rejected - but more caught stuffing ballot boxes

**T**here were only 58 protests in just three provinces over the election, and nearly all of them were rejected, reported the Supreme Court today. Despite widespread complaints, opposition parties apparently made no protests in 7 of the other 8 provinces

But there have been 464 prosecutions for electoral crimes. Fourteen people have been convicted of ballot box stuffing or voting more than once, 7 were acquitted, and 44 are still to be tried. Most criminal cases related to damaging posters and other material, with 116 convicted, 90 acquitted, and 66 still to be tried. Of the 52 people accused of disturbing polling stations, 44 were acquitted and 8 convicted. Most cases came from Nampula (145) and Zambézia (114).

The law distinguishes between electoral crimes, which are treated as any other crime and handled by the public prosecutor, and protests or challenges to the conduct of the elections, which are treated specially by the courts. District tribunals operate 24 hours a day and any challenges must be made to a district court with 48 hours of the posting of the results at the polling station; a ruling there can be appealed directly to the Constitutional Council, which is also the senior electoral court.

Supreme Court spokesperson Pedro Nhatitima said that all of the protests made in Zambézia were not included in this list because they were rejected because they were of electoral crimes, not of polling station procedures. Thus ballot box stuffing is a crime, and therefore not subject to a protest. But the position of the courts seems confused because the Zambézia provincial court issued a

summary sheet which says that Renamo and MDM protested against multiple voting in 36 polling stations in Alto Molocue. but the protest was rejected because it was submitted on 18 October, more than 48 hours after the results were posted - not because this is a crime and not subject to a protest. And a protest about ballot box stuffing in Chinde was transferred to the prosecutor's office.

The 58 protests came from Nampula (41), Maputo (13) and Sofala (4). Most were presented by Renamo. Of those, 55 were rejected, most because they were submitted more than 48 hours after results were posted, and some for lack of evidence. Six, from Ilha de Moçambique, Lalaua, Búzi, Beira, Manhiça and Matola, have been appealed to the Constitutional Council. Two cases are still under consideration. In one of the appeals, Renamo says that in a Nacala polling station, staff had deliberately invalidated Renamo votes by adding extra marks to the ballot paper, to make it look as if the voter had tried to vote for more than one candidate.

One case was "partially accepted", where Renamo had protested against a polling station results sheet from Mecuburi, Nampula, which showed 876 votes, when in reality only 292 people had voted.

## Observers report polling station misconduct

Widespread misconduct and sloppiness was reported by the independent civil society observers who participated in EISA's parallel vote tabulation (PVT).

Observation was restricted in 13% of polling stations, even for observers who had been issued credentials; 4% of polling stations did not post results sheets as required by law: and more than one-quarter of polling stations started the count improperly, opening the way for manipulation.

These figures are based on reports from nearly 1300 polling stations which were observed (more than 6% of 20,142 polling stations in Mozambique). The number was restricted because electoral authorities barred 3000 domestic observers who were supposed to conduct the PVT, and this means coverage in Gaza and Zambézia was particularly limited.

Because these 1300 polling stations were obviously being observed, polling station staff probably took more care to follow the rules. It must be assumed that the levels of rule and law violations were higher in unobserved polling stations, which makes the high levels in observed polling stations surprising.

Restrictions on observers during polling day and the count was reported in 13% of observed polling stations, with the biggest problems in Nampula (Nacaroa, Ilha de Moçambique, and Nampula city), Gaza, and Matola.

The initial counting of ballots is done within the polling station, and the law requires that the results sheet (edital) be immediately posted outside the polling station (usually a school classroom). In 4% of observed polling stations this was not done.

The law requires that the count start immediately after the close of voting, but this was openly flouted. More than 16% of polling stations started the count more than an hour late, and another 12% started 30 to 60 minutes late. The most common reason, in 12% of observed polling stations, was that the president and others took time off for dinner - in total violation of the law which requires an immediate start to the count. Often the ballot papers were left without proper security, making it easy for tampering to take place. Thus in 28% of polling stations (more than one quarter) the count did not start promptly and ballot papers were at risk of tampering.

During the count, there was violence in 2% of the observed polling stations. An armed attack on Hucula primary school, Namigonha, Nampula city was reported by the observer. At Naherenque primary school, Mocone, Nacala-Porto, Nampula, voters stoned the polling station. Police were blamed for violence in three cases. Most common were 7 fights between supporters of different parties, and 9 cases of insults, threats and intimidation; party delegates were commonly involved. There was one case of a fight between polling station staff members (MMVs).

### Renamo challenge to Frelimo polling station heads raises legal queries

Renamo protested against the use of heads of administrative posts and of district secretaries as polling station staff (MMVs) and trainers of MMVs. These people are often linked to Frelimo. The protest was made in a letter signed by Afonso Bulha Machone, Renamo's representative, and sent to the Moamba District Election Commission (CDE) on October 18.

The issue has been raised by the opposition parties in their objections to the election, and it has been noted that polling station heads are often officials in Frelimo local branches. But it highlights an omission in the electoral law.

Machone cites a section of the electoral law that prohibits such persons from being observers, but the law does not impose similar restrictions on MMVs and their trainers.

Instead the control is supposed to be indirect. MMVs are appointed by STAE, in consultation with the parties. And the deputy directors of local STAEs appointed by Renamo must be part of the process. Either they did not pay attention, or they were illegally bypassed.

Machone claims that the electoral process has been invalid from the hiring of electoral officers to the ballot, and thus Renamo objected to the results of the district tabulation published on 17 October by the Moamba Elections Commission.



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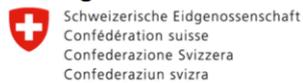
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Programme financed by:



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