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Court battles over 3 defectors - Mondlane, Araújo, Samito

With just three weeks to go before elections, the position of two prominent candidates for mayor are still being debated by the courts, and a third was rejected. All three defected from their parties to stand for others, and all three have had their candidacy rejected.

But two are appealing.

AJUDEM, the Maputo citizens list headed by Frelimo defector Samora Machel Jr ("Samito"), on 14 September lost its appeal to the Constitutional Council (CC) against the CNE decision that it did not have enough candidates on its list, after several withdrew. But something odd happened, when the appeal to the CC was changed at the last minute to a weaker version. But CC the ruling stands.

On a legal technicality, Renamo has been able to appeal again to the Constitutional Council against

the National Elections Commission decision to bar Venâncio Mondlane as head of list (and thus candidate for mayor) in Maputo.

Manuel de Araújo is appealing today to the Administrative Tribunal against the ruling by the Council of Ministers that he lost his post as mayor of Quelimane because he changed parties, from MDM to Renamo, and thus cannot not stand again for mayor.

More details of all 3 cases are given on page 2.

Frelimo accused of intimidation

Two senior Frelimo figures have accused their own party of intimidation and threats because they gave legal opinions supporting AJUDEM and Samito in his Constitutional Council appeal. And there are reports of intimidation both from a study of Tete, and from reports of the pre-campaign period. More details below and on pages 2 and 3.

Campaign starts, but with problems

Throughout the 53 municipalities, campaigning has already begun with parties presenting their heads of lists, who are candidates for mayor.

The official campaign starts on 25 September, and that reduces restrictions on parties. But campaigning can start at any time if parties obey the normal rules, in particular announcing marches in advance.

In Maputo Renamo is demanding that the campaign period rules be applied early, and complaining that police stopped unannounced marches to introduce Mondlane as head of list.

In most places the introduction of heads of lists went smoothly with marches and speeches, but our correspondents report three irregularities:

Gondola: In Gondola on 14 September Frelimo ordered schools closed so that teachers could attend a meeting of the district administration and the district education director, Arlino Ngozo, who is

head of the Frelimo list and who appealed for the vote of the teachers.

Chimoio: In 7 April neighbourhood on 13 September, the neighbourhood leader Florindo Mavura demanded that MDM have permission to present their head of list, Alberto Nota. No such

permission is required.

Nampula: On 16 September, Frelimo supporters interrupted President Filipe Nyusi's inauguration of a medicines warehouse in Nakitiri and turned it into a Frelimo campaign rally.

Court battles continue over 3 defectors

Two prominent candidates for mayor who defected from their parties to stand for others are appealing against decisions that they cannot stand for mayor in this election. And the citizens list AJUDEM had been told by the Constitutional Council it cannot stand.

Renamo appeals again on Mondlane

Renamo has submitted a second appeal against the exclusion of Venâncio Mondlane as head of list in Maputo. Renamo had asked the Constitutional Council (CC) to declare the electoral law unconstitutional, and the CC said Renamo did not have the standing to do that. This is considered a rejection on a preliminary point, and in such a case a revised appeal can be submitted.

So Renamo has done what it should have done in the first place, and argued that Mondlane should not have been disqualified. The law says that a person cannot be a candidate for a post that they resigned from in the previous term. Mondlane was elected to the Maputo municipal assembly in 2013 and then to the national parliament in 2014, which did not allow him to remain in the municipal assembly. The appeal argues he did not "resign" but was forced by the parliamentary law to step down.

AJUDEM rejected

The CC on 14 September rejected the appeal of AJUDEM (Youth Association for Mozambique Development) which had Samora Machel Jr ("Samito") as head of list. The law requires that a list have as many members as assembly seats (64 for Maputo) plus at least 3 alternates. After the

deadline to replace list members, several resigned and the list was too short. AJUDEM argued that it should still have been able to replace those leaving, but the CC disagreed.

AJUDEM appeal changed

In a still unexplained switch, the appeal drawn up by Samito's lawyer and reported here last week, was not submitted to the CC, and instead a shorter and weaker appeal was submitted. It did not raise the constitutional question, and only challenged one of two CNE decisions.

Manuel de Araújo appealing today

The Council of Ministers on 29 August ruled that Manuel de Araújo had lost his post as mayor of Quelimane because he changed parties, from MDM to Renamo. Under the current law, a mayor cannot change parties and if he is dismissed, cannot stand again to be mayor in the next election. He will today (17 September) appeal to the Administrative Tribunal that the decision was invalid.

The law (7/97) gives 20 days to appeal to the TA and says that he remains mayor until the TA rules. That means he remains head of the Renamo list and if the TA does not rule before 10 October he will remain head of the list and could be re-elected mayor.

Intimidation could make election unfair

As the elections nears, there are reports of intimidation from senior Frelimo figures and from the opposition. The articles below give details, and we point out that intimidation can make the election unfair.

Frelimo elders denounce intimidation

Teodato Hinguana, former Information Minister and Constitutional Council judge, and Teodoro Waty, former MP and chair of a parliamentary commission, wrote to the Attorney General to

denounce intimidation in the context of electoral debate. Both had published legal opinions defending Samito and AJUDEM.

"Both my interpretation text and the legal opinion of Prof. Dr. Teodoro Andrade Waty, are grossly, insidiously and malevolently attacked by João Julião Cumbane as part of an alleged conspiracy. Having established this connection as

a cause or pretext, this gentleman allowed himself to make threats to the physical integrity and death threats, to me and to the illustrious Professor, besides the main target: Samora Moisés Machel Júnior and his family," says Teodato Hunguana in his letter to Attorney General.

Hunguana adds that these written attacks "are attempts at character assassination which in our country have constituted acts in preparation of heinous murders" such as that of Gilles Cistac. He was a Franco-Mozambican lawyer, murdered in front of a central Maputo cafe in March 2015.

Cumbane's attacks on Hunguana were made on Facebook. The Cistac murder was preceded by a campaign of abuse in social media, in which Cumbane played a significant role, writing posts that suggested Cistac was an imperialist agent.

Comment: "Free, fair and transparent"

The slogan of the CNE is that elections should be "Free, fair and transparent". Transparency is about the openness of the CNE itself. Fairness means that all parties are treated equally by the state and by state-owned media. "Free" means that every citizen feels free to choose to vote or not, and to choose any candidate.

Political debate can be robust and we can call our opponents donkeys or fools, but we cannot threaten our opponents. Threats of physical violence, or of losing jobs or grants or licences, makes an election unfair. In recent times, opponents of the ruling party have been beaten and killed - which means even veiled threats from

powerful people carry weight. In many areas, it is government and the ruling party that has the power to intimidate. But an unfortunate response in some areas has been intimidation from the opposition.

This will be a hard fought election, made more angry by some candidates defecting from one party to another or to stand on independent citizens lists. But neither anger nor an intense desire to win justifies intimidation. We have correspondents in all 53 municipalities and they will be watching for intimidation and reporting it. *jh*

Pre-election tension in Tete

In Angónia and Marara districts of Tete there is considerable pre-election tension between opposition party members on one side and Frelimo and local officials on the other. Opposition figures report intimidation and restrictions on opposition political activity, and government officials taking on party roles. "Tensão eleitoral na província de Tete" by João Feijó is the first in our new series of Studies and Analysis and is available, only in Portuguese, on <http://bit.ly/MocEEA1>

CNE lists 5459 mesas

The full list of 5459 polling stations for the 10 October 2018 election was approved last week by the CNE, but has not yet been posted on the CNE website. Therefore we have posted it on the Mozambique elections website of the London School of Economics, and is available on <http://bit.ly/Assem2018>



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Detailed coverage of 2018 municipal and 2019 national elections is again being provided by the *Mozambique Political Process Bulletin*, which has covered all of Mozambique's multi-party elections. We will have a large team of local journalists throughout the country, ensuring that our reports are accurate and verified.

The elections newsletter is also in Portuguese; para subscriver <http://eepurl.com/cYjhdb>
Previous issues of this year's newsletter are available on <http://cipmoz.org:9000/elections2018/>
Newsletters from 2013 local elections and 2014 national elections are on <http://bit.ly/2H066Kg>