

MOZAMBIQUE News reports & clippings

298 16 September 2015 Editor: Joseph Hanlon (j.hanlon@open.ac.uk)

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Election study collaboration: We have detailed election data from 1999 through 2014 and are inviting scholars to use this data collaboratively.

<http://www.lse.ac.uk/internationalDevelopment/research/mozambiqueElections/home.aspx>

Also in this issue:

Shots fired at Dhlakama as pressure grows for talks

Castel-Branco, Mbanze acquitted - open letter was not libellous

Economist Carlos Nuno Castel-Branco was acquitted this morning of libelling former President Armando Guebuza and journalist Fernando Mbanze found not guilty of abusing press freedom. Presiding judge Joao Almeida Guilherme, of the Kampfumo, Maputo, urban district court said the three judge panel had found that Castel-Branco's original November 2013 Facebook post was not libellous.

Judge Guilherme said that Castel-Branco had simply been giving his opinion about the way Guebuza ran the country. Other people might find his criticisms uncomfortable, but that did not make them a crime. Castel-Branco's words fell within the boundaries of freedom of expression, and were protected by the Constitution. He also noted that some of the accusations against Guebuza which the prosecution regarded as libellous were factually true.

Guilherme added that, however tough some people might find the language used in the article, "it is perfectly acceptable in a democracy". People have the right to give their opinions on how the President is governing the country", he added.

Castel-Branco had been charged with a state security offense, libelling the President. Mbanze is editor of *MediaFax* and was charged with abuse of press freedom for republishing the article. Mbanze was acquitted because the Facebook post he reprinted was not libellous.

This is the full AIM report of the ruling, released this morning:

9815E GUEBUZA LIBEL CASE: ECONOMIST AND JOURNALIST ACQUITTED

Maputo, 16 Sept (AIM) – A Maputo court on Wednesday acquitted prominent economist Carlos Nuno Castel-Branco and journalist, Fernando Mbanze, editor of the independent newsheet "Mediafax", of libeling former President Armando Guebuza.

As presiding judge Joao Almeida Guilherme, of the Kampfumo urban district court, delivered the verdict from the panel of three judges, the courtroom burst into applause with

cries of “Long live freedom of expression!”, “Long live justice!” and “There’s hope for the country yet!”

The case arose from a post which Castel-Branco put on his Facebook page in November 2013, severely criticizing Guebuza’s governance and calling on him to resign. Two papers, “Mediafax” and the weekly “Canal de Mocambique”, republished Carlos-Branco’s text.

The Public Prosecutor’s office regarded the article as libelous and, since libeling the head of state and other senior political figures is considered a security offence, Castel-Branco was charged under the law on crimes against state security. Mbanze was accused of the nebulous offence of “abuse of press freedom” under the 1991 press law.

Initially, the director of “Canal de Mocambique”, Fernando Veloso was also accused, but since he is currently undergoing medical treatment in Portugal he was not in the dock. Nor was any attempt made to try him in absentia.

The court analysed in detail Carlos-Branco’s Facebook post – and could find nothing libelous in it. Judge Guilherme said that Castel-Branco had simply been giving his opinion about the way Guebuza ran the country. Other people might find his criticisms uncomfortable, but that did not make them a crime.

Guilherme went through the article almost line by line, looking at all the points the prosecution had found libelous. To the court Castel-Branco’s words fell within the boundaries of freedom of expression, and were protected by the Constitution.

The prosecution considered the very first line of the article – “Mr President, you are out of control” – as libelous and untrue. But Guilherme declared “however much discomfort this may cause, it’s no crime at all, just a criticism”.

Ruling such assertions criminal would put the court “on the list of the most undemocratic organizations”, he said.

Even Castel-Branco’s references to fascism were not libelous. Guilherme noted that the article did not call Guebuza a fascist, but asked a rhetorical question “Are you (Guebuza) preparing to make this a completely fascist state?”

He did not regard this as a matter for the courts at all. “To characterize the government as fascist might be an exaggeration, but it is not a crime”, he said. “It’s the opinion of the accused. Others may have different opinions”.

Castel-Branco wrote that Guebuza had surrounded himself “with bootlickers who lie to you every day, who invent false reports, and give advice based on false premises”. But the court regarded the term “bootlicking” as just a synonym for flattery, and noted that it was common in today’s political parlance. Again, Guilherme thought that Castel-Branco was entitled to express his views, even if the language he used was exaggerated.

Some of the accusations against Guebuza which the prosecution regarded as libelous were factually true. Castel-Branco had referred to the appointment of a convicted criminal “to command one of the main police units in the centre of the country”.

This matter was in the public domain. Guilherme pointed out, Castel-Branco had made “a legitimate criticism, and it’s reasonable to expect the government to clarify this”.

Similarly with Castel-Branco’s references to Guebuza’s personal wealth – Guilherme said it was public knowledge that, in addition to his political life, Guebuza had business interests, and the former president had never hidden this fact. Furthermore, the mentions of Guebuza “appropriating” wealth were “too vague” to constitute libel.

The claim that Guebuza had divided Mozambicans “in racial and ethnic, regional and tribal, religious and political terms” was not unique to Castel-Branco. Guilherme noted that Guebuza had indeed publicly used terms such as “Mocambicanos de gema” (which roughly translates as “Mozambicans at heart” or “true Mozambicans”).

Among those who made criticisms similar to Castel-Branco’s were the country’s best known writer, the novelist and poet Mia Couto. Guilhermc cited the criticisms of Guebuza made by Couto, on 3 September in his speech made when accepting an honorary doctorate.

Couto had warned against the Mozambican tendency of being “selectively deaf. We listen to those who are close to us, those who obey us, those whom we like hearing. We listen to those from our own party, above all those who do not criticize us. Everything else does not exist, everything else is a lie, everything else is slander. Everything else is said by “the others’”

The language used by Castel-Branco might be regarded as “impertinent and vulgar, but the law does not deal with mere impertinence and vulgarity”, the judge declared.

As for the republication by “Mediafax”, if Castel-Branco had committed no crime, than neither had Mbanze by reprinting his post, Guilherme ruled.

After declared the two men acquitted, Guilherme added that, however tough some people might find the language used in the article, “it is perfectly acceptable in a democracy”.

“People have the right to give their opinions on how the President is governing the country”, he added.

The prosecution has announced it will not appeal against the acquittals.
(AIM) Pf/ (872)

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Shots fired at Dhlakama as pressure grows for talks

Shots were fired at Renamo president Afonso Dhlakama on Saturday, raising concern about the inability of Dhlakama and President Filipe Nyusi to talk to each other. Increasingly both leaders are being blamed, and pressure is growing on them to meet, and for former president Joaquim Chissano to mediate.

British High Commissioner Joanna Kuenssberg said that the UK's own civil war in Northern Ireland had taught the British government many lessons, two of which seemed applicable in Mozambique. First, there was no place for armed parties in politics. Second, the UK had learned that it was the government side that had to create space for negotiations and create space for the other side.

She was speaking to the press after a pre-arranged meeting with the prime minister on Friday 11 September, before the Dhlakama shooting incident. Her views reflect a broad diplomatic consensus, that Renamo cannot continue in parliament and while having a military force, but that both Dhlakama and Nyusi and being intransigent and rigid, and that Nyusi must take the lead and find a way to make significant concessions.

The 20th anniversary of the Catholic University in Beira, Monday, served to be a highly unusual bringing together of Dhlakama, former President Joaquim Chissano, and Beira Mayor and MDM head Daviz Simango. As shown on STV the encounter was very friendly. (See photos in O Pais,

<http://opais.sapo.mz/index.php/politica/63-politica/37757-os-abracos-da-paz-.html> and Noticias, below) Chissano and Dhlakama had been at the university opening together 20 years before.

"I have said various times that Dhlakama must meet with the head of state" and they should even discuss "those things which seem impossible and inconvenient," Chissano said. He added that Dhlakama "knows very well that the talks in Rome had as their motto to value that which unites us and minimize what divides us. There must always be one or other thing which tends towards our unity". During discussions, he continued, it was often discovered that some matters believed to constitute problems turned out to be questions of perception. But Chissano also thought that under the current circumstances discussions could not be restricted solely to the government and Renamo – Simango and the MDM should be included.

"I am ready to meet EU with my brother Filipe Nyusi, even tomorrow," Dhlakama said. Last month, Nyusi offered talks, and Dhlakama demanded an agenda, which Nyusi submitted and Dhlakama rejected. Dhlakama told Chissano "you can take the message and tell my younger brother Nyusi that Dhlakama wants concrete negotiations". He continued that he had shaken hands with Chissano and Guebuza "and I've shaken hands with this new one, Nyusi. I cannot continue shaking hands without concrete things". (O Pais, MediaFax, Canal, Noticias, AIM 15 Sep)



Peace dove released by Beira Archbishop. Cláudio de La Zuanas, at the feet of Dhlakama. Noticias photo.

<http://www.jornalnoticias.co.mz/index.php/politica/43167-a-respeito-do-encontro-com-o-pr-dhlakama-diz-estou-pronto-mesmo-amanha>

Comment:

Talking about power

Negotiations will not be quick or easy. In effect Dhlakama wants to renegotiate the 1992 Rome peace accord to create some form of power sharing. Nyusi who won the 2014 election will not share power. Dhlakama who claims he won all five presidential elections wants power. The Rome talks took two years. Dhlakama will argue he has been fighting for power for three decades so can afford to be patient (and spin out the negotiations, as happened with the Monday talks which went through more than 100 sessions before being suspended).

Nyusi pays the price of former President Armando Guebuza having ignored Dhlakama and assumed he was a spent force. A settlement three years ago would have been much easier. Having done unexpectedly well in the 2014 elections means Dhlakama can expect much more than when he was hiding in the bush in Gorongosa. And this is shown by his continuous public campaigning.

In practice, Nyusi is going to have to find some way to give some money and power to Renamo. Since the ill-fated talks in 2000, Dhlakama has made clear his need of patronage power and in particular the ability to make appointments. (*Mozambique Political Process Bulletin 26*, 10 April 2001)

Despite failing to reach an agreement with Chissano in 2000, Dhlakama clearly trusts Chissano and does see him as a possible go-between or mediator. At the Catholic University ceremony he said "I remember very well that I would go to his office, which was close to my house in Sommerchild neighbourhood. We could talk from 9 am to 5 pm on our own. And we succeeded on some things." (O Pais 15 Sep)

The personal animosity between Guebuza and Chissano made any collaboration impossible. But Chissano backed Nyusi's candidature, and now Nyusi could bring Chissano back in, and perhaps find a way. *jh*

Were shots fired at Dhlakama convoy?

**Journalists says yes,
Frelimo says no**

Shots were fired at the convoy carrying Renamo head Afonso Dhlakama Saturday evening 11 September at around 19.00. Dhlakama and about 50 armed men were returning from a rally in Macossa district, Manica province. The convoy had just passed the point in Chibata, Vanduzi district, where the road from Tete meets the road between Manica town and Chimoio.

Journalist Andre Catueira, who was in the motorcade, who writes for *Savana* and for the Portuguese news agency Lusa, said shots were fired from a hillside. The cars stopped and the Renamo soldiers returned fire. Catueira says he saw a man on the hillside with an AK-47. He also said one bullet hit the left door of his car and another car was immobilized when a bullet punctured one of its tyres. Catueira said the driver of this car was wounded. A second journalist present confirmed the story.

Renamo blames the riot police, UIR (previously FIR). But Vanduzi district administrator Sabado Malendza said there was no shooting, and only a collision between two of the cars in the motorcade. (AIM 14 Sep)

Frelimo in a very strong statement also denies any shooting. "Is there any doubt that the simulated

attack in Manica is really the work of a rogue like Dhlakama?" The statement continues: "Mr. Dhlakama during all this time was waiting for a pretext to return to war but the excuse never came (even with provocative acts by the authorities) so he has now, himself, invented the pretext with the simulation of an attack."

<http://www.frelimo.org.mz/noticias/frelimo-reitera-o-apelo-ao-bom-senso-ao-senhor-dhlakama>

In a statement Monday, the European Union office in Maputo called for a "swift and thorough investigation of the incident." It continued: "Political grievances should be addressed through peaceful means. Constructive dialogue between the political stakeholders represents the only way forward."

http://www.eeas.europa.eu/delegations/mozambique/press_corner/all_news/news/2015/20150914_01_en.htm

Exaggerated Renamo claims

Dhlakama claims to setting up a Renamo military and police headquarters in Morrumbala district, Zambezia. But the district administrator, Alberto Manharrage, told *Mediafax* that he had heard the Renamo claim but had seen nothing that would substantiate it. He was unaware of any movement of Renamo armed men in Morrumbala. (AIM 13 Sep)

When Dhlakama addressed a rally in Milange earlier this month he claimed that as part of Renamo evicting government appointed administrators, the Milange administrator Alves Mathe "has fled from the district and his whereabouts are unknown", according to the community radio. AIM (8 Sep) reports that Mathe denied this in the most public way possible – he addressed a crowd on the occasion of "Victory Day", 7 September, at Mozambican Heroes Square in Milange town. Dhlakama could hear Mathe's speech, since he and a Renamo delegation were at a nearby Milange hotel, preparing to leave the town..

Dhlakama also said that in both Mocuba and Milange, Zambezia, the riot police prevented Renamo from using municipal land for rallies, which had to be moved elsewhere. (AIM 9 Sep)

Renamo submits amendment on governors - but keeps mum

On 31 July at the end of the parliament session Renamo submitted a constitutional amendment on provinces and governors. It was distributed to MPs and parliamentary commissions and will be debated in the next session. But Renamo did not publicise the amendment proposal, and the rhetoric of speeches in August continued to be about imposing changes by force. The amendment proposal was only discovered a month later by *O País* (10 September)

In the Portuguese/Mozambican local government system, elected municipalities are known in Portuguese as "autarquias", probably best translated as "autonomous administrations". They have elected bodies and are given substantial autonomy over spending, local regulation, some taxation, and sometimes primacy health care and education - subject to the same audit processes as other government bodies.

Mozambican provinces, districts, and towns which are not yet elected municipalities are all governed centrally, with governors, district administrators etc all named centrally and budgets and annual plans set centrally.

Provinces have elected assemblies, but they have little power except to comment on the plans and budgets which are set centrally. The provincial assemblies were introduced in acceptance of a Renamo demand, and Renamo is now pushing to make the provinces autarquias with more decentralised power.

The constitution allows municipal autarquias, but appears to keep districts and provinces

centralised. Renamo's proposed amendment would create provincial autarquias, giving practical power to the elected assemblies. The amendment would also change the way the governor is named. At present, the President names the governor; under the Renamo proposal the provincial assembly would name a candidate for governor, which the President would be required to appoint.

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This mailing list is used to distribute two publications, both edited by Joseph Hanlon. This is my own sporadic "News reports & clippings", which is entirely my own responsibility. This list is also used to distribute the *Mozambique Political*

Process Bulletin, published by CIP and AWEPA, but those organisations are not linked to "News reports & clippings"
Joseph Hanlon

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Mozambique media websites:

Noticias: www.jornalnoticias.co.mz

O Pais: www.opais.co.mz

@Verdade: <http://www.verdade.co.mz>

Diario de Moçambique (Beira): <http://www.diariodemocambique.co.mz>

CanalMoz on Facebook: <https://www.facebook.com/CanalMoz>

Macauhub English: www.macauhub.com.mo/en/

AIM Reports: www.poptel.org.uk/mozambique-news

Carlos Serra Diario de um sociologo: <http://oficinadesociologia.blogspot.com>

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