

2013 Local Elections



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CNE admits misconduct by election staff under party pressure

Political parties successfully put pressure on their members in polling stations and on electoral bodies to distort the results to support their parties, National Elections Commission (CNE) chair Abdul Carimo Sau told a meeting of election officials Monday. (*Notícias*, 21 January 2014)

It raises the question of "whose command is to be obeyed", electoral officials or party officials? he asked.

"Each act we commit during elections that is against the law can have damaging consequences," he warned. "Without justice in electoral processes, the risk of instability is imminent, and the legitimacy of those elected to govern is repeatedly called into question."

In his speech, he specifically cited the failure to give credentials to 150 observers in Beira, the unnecessary delay in announcing results in some places, the failure in some polling stations to give party delegates original copies of the results sheets (editais), and giving ballot papers to people outside polling stations.

He said misconduct by election staff had "needlessly smeared the legitimacy of the process, creating recurring criticisms in the media."

Angoche: confirm ballot papers taken from polling stations, 7 arrests

Seven party delegates (probably all Frelimo) in Angoche have been arrested and will be tried in March for having ballot papers outside the polling station, the CNE told the Constitutional Council. The CNE notes that they were "released immediately" to await trial.

Thus the CNE has confirmed the accuracy of the protest by Assemona in Angoche and photographs of ballot papers published here and elsewhere. But in its ruling on Angoche, the Constitutional Council said the CNE investigation of the incident was not adequate, and "reiterates the necessity for the National Elections Commission to continue and deepen" its investigation. If this is not done, "it will feed speculation within public opinion that will affect the confidence of the electorate and the credibility of the electoral process."

Constitutional Council rejects Angoche, Maputo protests

The Constitutional Council (CC) has rejected complaints by Assemona about Angoche and MDM about Maputo on the technical grounds that they did not make their complaints at each stage of the hierarchy - polling station, district, province and National Elections Commission - and in particular failed to protest at each affected polling station.

The CC is still considered at least one other protest, by the MDM about Gurué, where official results sheets given to MDM show it won, while the district election commission said Frelimo won.

The Assemona protest claimed that ballots were taken out of polling stations and marked for Frelimo and used to stuff ballot boxes. In effect, the CNE and CC confirmed this. Assemona initially made its protest to the Angoche district election commission, which passed it on to the prosecutors office because this was a crime. The CC notes this was correct, because this was a crime, and people were charged. The CC adds that a criminal action could have electoral impact, but if Assemona wanted to make a protest about that, it had to do so at the lowest level - at the polling station - which it did not do. So the complaint made later to the CNE and CC was rejected because procedure had not been followed. (Acórdão no 01/CC/2014 de 7 de Janeiro) ([http://www.cconstitucional.org.mz/Jurisprudencia/\(offset\)/120](http://www.cconstitucional.org.mz/Jurisprudencia/(offset)/120))

MDM's protest about various Maputo irregularities was also rejected on the grounds that an initial complaint was not made at the polling stations. (Acórdão no 02/CC/2014 de 14 de Janeiro)

COMMENT: The CC appears to have ruled that there is no way to protest about the improper arrest of a party delegate in the polling station. MDM's complaints to the CC included one about a delegate who was arrested and then released several days later by a judge who said there was no evidence. The CC would not accept the MDM complaint because it was not made initially at the polling station. The complaint would have had to have been made by the party delegate who was detained. This seems to suggest that if a party delegate is arrested (as happened in several polling stations), they have to convince the police to wait until they make a formal protest. The police are unlikely to agree. *jh*

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