

# 2013 Local Elections



## Mozambique political process bulletin

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## Frelimo backs mayoral candidate convicted of offering money to a prosecutor

Frelimo has backed its candidate for mayor of Moatize, Tete, Carlos Portimão, after he was convicted of offering money to the district public prosecutor, Ivania Mussagy.

Portimão went to the office of the prosecutor to convince her to release a nephew being held in Moatize jail. The mayoral candidate handed 5000 meticaís (\$170) to Mussagy. She took the money and immediately telephoned the police, who came and arrested him for attempting to bribe a prosecutor.

Using a rapid trial procedure, on 26 September Portimão was convicted of a lesser offence of insulting authority – effectively insulting Mussagy by offering her money. He was sentenced to three months in jail, but this could be converted to a fine at just 10 meticaís per day, so the fine was less than 1000 meticaís (\$35). Portimão paid immediately and was free to continue his electoral campaign.

Indeed, the use of the rapid trial procedure was seen as a way of keeping Portimão out of jail, so that he could continue as a candidate. The National Elections Commission announced the final candidates lists on 26 September, so it was too late for Frelimo to replace Portimão as candidate.

Frelimo first tried to pressure the media into not reporting what it called this "delicate matter," but that failed and the conviction was widely discussed in the independent press. Finally, the Secretary and spokesman of the Frelimo Central Committee, Damião José, gave an interview to Notícias (7 October) in which he said the party maintained its support for the candidate, and that nothing had happened to damage Portimão's good name and reputation.

José continued that in offering money to Mussagy, Portimão had acted in "good faith" and had not intended to bribe her. However, the law is clear – under no circumstances can money be offered to a prosecutor. Thus it is hard to see how anyone can offer money in "good faith".

And the matter may not be over yet. Retired Supreme Court justice João Trindade wrote on his Facebook page (29 September) that the use of the rapid trial procedure was incorrect. This can only be used where the maximum sentence is one year in jail or less, but the possible sentence for injury to authority is two years. Thus the trial and sentence can be challenged.

He then goes on to say "If this were to be done, I doubt that the candidate, even if elected in

November, would finish his term. This, of course, depends on the principles of legality and the rule of law prevailing in our democratic state."

## **Bureaucracy prevails again ...**

The electoral secretariat STAE is having trouble recruiting polling station staff because would-be workers are having difficulty obtaining three required documents: a medical certificate, a declaration of having registered for military service, and a certificate of no criminal record.

Valentim Benzane, director of STAE for Maputo province, said these documents are normally just required for people applying for full time civil service jobs, and should not be needed for people being hired for a few days work in a polling station. "We are faced with difficulties because the documents being demanded are not easy to obtain." He said Maputo province needs 4000 polling station staff for 20 November municipal elections, but has been able to hire only 1000.

## **... so Frelimo tries to jump the queue, claims MDM**

MDM in Beira says that it has been told that staff in health and notary offices have been told by Frelimo to respond to this problem by speeding up the issue of health and criminal records certificates for Frelimo members to allow them to apply first for key polling station jobs.

The claim seems plausible, but MDM, the main opposition party in this election, has handled its complaint badly. Its local spokesman and MP, Geraldo Carvalho, showed journalists criminal records certificates which he claimed proved his claims. But he refused to give copies to journalists, so it is not clear how these documents support his claim.

MDM did make a formal protest, but did it incorrectly. It handed the protest to STAE, which simply replied that jobs in polling stations are open to any Mozambican who applies, independent of party. But STAE is just a technical secretariat, and official protests are supposed to be submitted to provincial or national elections commissions.

## **TVM concert only for Frelimo?**

The state television station TVM has a Sunday programme Mozambique in Concert which it records in big events in various places around the country. On 6 October it recorded at the sports pavilion in Beira, and the concert was advertised as free and open to anyone.

But our correspondents in Beira report that on the day, only Frelimo members and supporters were admitted, and the concert was used to promote the mayoral campaign of its candidate Jaime Neto. There were some protests, and two MDM members were arrested, and charged with damaging clothing of the riot police. The two were released the same day.

## **No protests over candidates**

There were no protests by parties or citizens' lists about the final list of mayoral and municipal assembly lists posted by the National Elections Commission (CNE). Lists were posted on 26 September and the deadline for protests was 3 October.

The next step is that this week, between 14 and 17 October, the final lists will be formally posted and published in *Boletim da República* and other media. Then on Friday, 18 October, names will be drawn to determine the order of parties and citizens' lists on the ballot papers.

## **Parties sign conduct code**

A Code of Electoral Conduct has been signed in Maputo by 25 political parties. Renamo, which is

boycotting the elections, did not sign.

This is an updated version of the code used in 2004 and 2009, and sets out 27 principles for peaceful, just, transparent and democratic elections. These include the freedom to hold meetings and marches, and that these should not be interrupted by other political parties.

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