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## KaMavota court orders recount because STAE used 185 fake *editais* to tabulate results

The KaMavota District Court accepted Renamo's appeal and ordered a recount of the votes based on the real *editais* (results sheets), because "a substantial part and with a preponderant influence on the final results was not calculated on the basis of original *editais*".

In his judgement, the judge states that "it is clear from all the evidence produced that part of the counting" of the results was done using 185 non-original *editais*" out of a total of 258. This only contravenes the rules according to the judge, who did not order the opening of criminal proceedings against the offenders. KaMavota is one of the 8 urban districts of Maputo

The court refused to declare the elections null and void, and instead ordered a recount on the basis of the 185 original notices, as demanded by Renamo.

KaMavota Polling station number	Fake Editais			Votes moved	Original Editais		
	Frelimo	Renamo	Frelimo majority		Frelimo	Renamo	Renamo majority
010239 – 01	344	139	205	100	244	239	-5
010239 – 02	269	230	39	40	239	270	31
010239 – 03	290	149	141	100	190	249	59
010239 – 04	277	143	134	105	172	248	76
010240 – 04	200	139	61	64	133	203	70
010240 – 04B	214	100	114	transposed	100	214	114
010207 – 04	237	148	89	transposed	148	237	89
010207 – 05	321	105	216	190	121	295	174
010245 – 03	225	148	77	transposed	149	224	75
01095 – 05	460	120	340	votes added	95	222	127
<b>Total</b>	<b>2837</b>	<b>1421</b>	<b>1416</b>		<b>1591</b>	<b>2401</b>	<b>810</b>

In many of the fake *editais*, part of Renamo's votes were transferred to Frelimo, as evidenced by some of the *editais* cited in the judgement and in the following table. In the first polling station (01) Frelimo was 5 votes ahead in the real *editais*, but in the fake one Frelimo was 205 votes ahead, because exactly 100 votes were moved from Renamo to Frelimo. In three polling stations the Frelimo

and Renamo numbers were simply interchanged. And in the last one 102 votes were taken from Renamo but 365 were added to Frelimo.

As can be seen, the 10 fake *editas* presented by the CDE show that Frelimo wins with a difference of 1416 votes, but in the real *editais*, Renamo wins in the same 10 polling stations with 810 votes. It is on the basis of this evidence that the court ordered a recount of the votes.

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## 'Ordered from the top' says 1st CNE head Mazula

"What happened in these elections "can only happen because someone higher up ordered it," said Brazão Mazula, the first CNE head, in an interview in *O País* (18 Oct) And he adds that "it's sad that there are official institutions to manage and guide electoral processes and there are unofficial institutions that actually direct electoral processes."

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## KaMubukwana court dismisses Renamo's case as judge declines to read judgement

Judge Perceverança Mangamela, of the KaMubukwana Municipal District in Maputo City, dismissed Renamo's appeal on the grounds that it "lacks foundation". The judgement was not read out because the judge, who, according to Renamo, was not present. She only had the judgement printed and distributed to the parties.

Elvino Dias, one of Renamo's lawyers, writes on his Facebook account that the judge's judgement is a "legal aberration" and that "everything that is written there [in the judgement] is pure lies and completely diverges from what was discussed and proven in the trial".

Dias concludes: "I was surprised that we were called to hear the decision and, to our astonishment, it was still being typed up by the court clerk. The judge had already fled. The judgement wasn't even read out."

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## Court orders correction of some data in Nampula and Renamo appeals to the CC

The judge of the Nampula District court only ordered the Nampula CDE to correct data in some *editais*. Renamo announced it will appeal to the Constitutional Council, on the grounds that it doesn't make sense just to have some data corrected, and because that wasn't part of their complaint. According to Ossufo Ulane, Renamo's representative, the Council's decision shows that the appeal was not fully considered.

In its appeal, Renamo asked for the election result to be annulled and for a new count to be carried out. It also asked that competing political parties be notified so that the minutes of the polling station tabulation and *editais* could be compared.


According to Renamo, "the judge didn't decide anything, he just pushed us towards the Constitutional Council. So far Renamo has won, according to the minutes of the public notices that we have and these are the ones that we wanted the court to analyse and compare with the other parties, but it didn't."

## Other court rejections

**Manjacaze**, Renamo and the MDM claims were rejected by the CDE and the District Court. The district court rejected Renamo's appeal on the grounds that it needs an opinion from the CDE. But the president of the CDE did not agree to consider the appeal and since Thursday, the day after the elections, she has not attended the CDE or taken phone calls from her colleagues. The case is now before the Constitutional Council. The MDM also had its request rejected by the CDE due to the alleged delay. The claim is currently before the court in the city of Xai-Xai.

The Judicial Court of **Mocuba**, Zambezia, dismissed three appeals filed by Renamo, denouncing fraudulent manoeuvres by Frelimos. Pires António Meque, presiding judge of the district court of Mocuba, ruled that the challenges raised in these appeals are unfounded.

In **Marracuene**, the District Court also dismissed Renamo's appeal. Disgruntled, Renamo appealed.

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