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Court says organised fraud proven in Maputo

The court in the Maputo city district of Nhlamankulu District Court found it proven that the district STAE director introduced fake *editais* (polling station results sheet) and that in a meeting in which Renamo was not present the district election commission approved these fakes to give the victory to Frelimo. It is a brave ruling by the judge and a vital confirmation of the reports from across the country of organised fraud after the municipal elections last week.

"The director of the Nhlamankulu [Maputo] District STAE, Sérgio Mucavele, carried a total of 43 *editais*, 42 of which were fake copies and one [real] original, in an unsealed A3 khaki envelope, contrary to the law," the judge said. The law states that at the end of the partial tabulation, the minutes and *editais* must be placed in a tamper-proof bag and submitted to the next higher electoral body.

She said it was also proven that in the intermediate tabulation there was "repeated posting of results from the same polling station on the basis of falsified *editais* in favour of the Frelimo party, despite the protest of the opposition members".

The trial also proved that the resolution approving the results was discussed and approved in the absence of the Renamo members.

The witnesses were unanimous and consistent in stating that the resolution of no. 03/CDE/2023 was the result of copies of *editais* and minutes that STAE district director, Sérgio Mucavele, brought in to carry out the work of intermediate tabulation of the results. He himself confessed this during the trial.

For this reason, the judge decided to annul and order the repetition of all the electoral acts that took place in the 64 polling stations in the Nhlamankulu municipal district because she considered that "there is a defect" that affects "the freedom and transparency of the electoral process".

And because it considered there to be a criminal matter, it sent a copy to the Public Prosecutor's Office to open criminal proceedings against those involved.


Confirmation that results cannot be challenged

But in confirmation that it is impossible to actually challenge the electoral results, the Nhlamankulu District court did not hear Renamo's protest over the results declared by the district election commission. The law says that a party must first protest to the election commission, and can appeal to the district court if that protest is rejected. But the law says the appeal to the court must be within two days of the posting of the *edital*, but the election commission has no deadline to respond. At the

trial, the president of the CDE confirmed that he didn't respond to Renamo's complaint because his secretary wasn't in the office and he didn't have the computer password to do so. Therefore Renamo's appeal was not heard by the district court.

In Xai-Xai City, Renamo's complaint was rejected by the CDE and the District Court. The CDE did not receive the complaint on the grounds that it was untimely and the court dismissed it on the grounds that the appeal had not been received by the body responsible for publicising the election results - the CDE. Renamo says that when it went to submit the appeal to the CDE, nobody was there. The appeal is now before the Constitutional Council.

The Matola District Court rejected Renamo's appeal, citing "insufficient evidence of the irregularities invoked". Renamo has already submitted the appeal to the Constitutional Council.

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