

Mozambique Political Process Bulletin

2008 Local Election Issue 22 – 8 January 2009

Published frequently during the election period

Editor: Joseph Hanlon (j.hanlon@open.ac.uk)

Deputy editor: Adriano Nuvunga – Research Assistant: Tania Frechauth

Published by AWEPA, the European Parliamentarians for Africa,
and CIP, Centro de Integridade Publica

Renamo protests rejected by Constitutional Council

All Renamo protests about the 19 November local elections have been rejected by the Constitutional Council (CC) on procedural grounds, for failing to follow the calendar and procedures set out in the electoral law.

But in dissenting opinion, CC member Manuel Franque complained that over the past six multiparty elections, the electoral law has proved to be so “complex, unworkable and unjust” as to be unusable, which means that “most irregularities are ignored or whitewashed.” Franque is one of two CC member nominated by Renamo, but he is a respected lawyer. And he concludes by saying that “the failure to consider the merits of the present case leaves me in doubt as to whether the elections were really free, just and transparent.”

The Constitutional Council (CC) has issued three rulings, 10 and 11/2008 dated 10 December and published the next day, and 12/2008 dated 30 December but only published yesterday, 7 January. All are on the CC website under Acórdãos.
<http://www.cconstitucional.org.mz/>

The most recent ruling rejects Renamo’s attempt to challenge the 19 November local elections. Its submission included a 560 page book setting out alleged irregularities in 24 municipalities.

The electoral law requires that complaints must first be made to local electoral commissions and then to higher levels, up to the National Elections Commission (CNE). Only if the CNE rejects a complaint can it go to the Constitutional Council. And the law sets tight time deadlines for the various steps.

Renamo’s book of complaints covers the whole period, from registration through voting and counting, so most Renamo complaints were simply out of time. Meanwhile, part of the Renamo protest was dated on 3 December, the day before the CNE announced the final results, and thus was rejected as being too early.

The Constitutional Council accused both Renamo and the CNE of acting in bad faith. The CNE also had not followed the calendar set out in the law. The CNE has three days to respond to a complaint, but it did not reject a Renamo complaint of 3

December until 9 December and did not bother to inform Renamo until 19 December. These and other CNE decisions have never been made posted by the CNE on its website.

The CNE's two earlier rejections of Renamo complaints – about party delegates and the use of both handwritten and computer printed register books -- were also on procedural grounds, with the CC saying Renamo had not submitted its complaints in time.

Former computer director arrested

Orlando Come, former head of computing for elections, was arrested Tuesday 6 January on corruption charges. Come had high level political protection and remained as computer director for STAE, the technical secretariat of electoral administration, despite complaints after every election of poorly written, untested and insecure computer systems. It is believed that lack of computer security allowed results to be changed in 1999, ensuring the election of Joaquim Chissano as president. In 2004, computer software was still being revised three days after the election, when tabulation should already have begun. (Details in the *Mozambique Political Process Bulletin 31*, 29 December 2004, pp 12-13, posted on "<http://www.open.ac.uk/technology/mozambique/>) After President Joaquim Chissano left office in 2005, Come quickly lost his post as head of election computing.

He had also been director of the national data processing centre (Centro de Processamento de Dados, CPD), and it was with two other former CPD officials that he was arrested. CPD staff had accused him of corruption and maladministration, and a detailed article on the allegations was published in *Magazine Independente* on 14 November 2007. He was dismissed as CPD director on 12 March 2008, after workers threatened to strike.

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