

Mozambique political process bulletin

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MDM accuses CNE of stealing documents & lying to Constitutional Council

The MDM yesterday accused the National Election Commission of giving false information to the Constitutional Council (CC) and of stealing or losing documents. And it provided evidence to back up its claims.

The CC based its rulings, accepting the exclusion of party lists, on a secret internal CNE document, the *mapa de controlo*, which is the log or register of all actions taken with respect to candidates lists. But the MDM alleges that this *mapa de controlo* is inaccurate and falsified.

The issue revolves around the requirement that parties submit not simply the name of a candidate, but also a file of five documents, known as a *processo individual*. For each constituency, if the list does not have enough candidates with *processos individuais*, then the list must be rejected automatically. The number of candidates must be more than the number of constituency seats plus 3 extra candidates, known as *suplentes*.

Maputo province has 16 seats so needs 19 candidates. The CC ruling, based on the CNE *mapa de controlo*, says the MDM only submitted 16 candidates plus 3 *suplentes*, the minimum needed, but that 3 had to be excluded because they did not have *processos individuais*. But the MDM showed its receipt for the submission of the list, which was for 16 candidates plus 6 *suplentes*. Even without the 3 excluded, they had 19 candidates and the list should have been approved. For Tete, the *mapa de controlo* says no *suplentes* were submitted, but the MDM receipt shows that 3 were submitted - not enough to have had the list approved, but clearly different from what the CNE told the CC.

The biggest confusion is in Cabo Delgado. The CC ruling says that two candidates -- Jerónimo Artur and Miguel António Suquia – lacked the number of their voters card and five candidates did not have *processos individuais* – António Mendonça de Carvalho, Pissura Amade, Elias Gabriel Riquichi, Miguel António Suquia, and Dale Alfredo Alamo (*suplente*). But the formal notification sent to the MDM by CNE (and posted on our website www.eleicoes2009.cip.org.mz) says that the first two lacked their *processo individual*, the first three in the next list (de Carvalho, Amade, and Riquichi) only lacked a criminal record certificate and the other two (Suquia and Alamo) are not mentioned at all. MDM says the three criminal record certificates were provided, and the CNE confirmed receipt.

In Gaza, there is a similar issue. Minda Gastão is listed on the *mapa de controlo* and CC ruling as having no *processo individual*, but on the list sent to MDM is only missing the criminal record certificate.

In his press conference yesterday, MDM party agent (*mandatário*) José Manuel de Sousa asked: “how did they know that the criminal record certificate was missing? They must have looked in the candidate’s file.” So the *processo individual* must have been there.

The CNE claims that it did not bother to tell parties about candidates without *processos individuais*, because it was not a problem that could be resolved – it was impossible to submit a complete file after 29 July, and only problems with single documents could be resolved. But the list presented to the MDM of problems that had to be resolved includes four candidates without *processo individual* in three provinces. Why did it ignore 39 other candidates supposedly without *processos*? The reason, de Sousa told the press conference, was that the files had been submitted, and disappeared later – they were, in effect, stolen. And he called on the attorney general’s office (Procuradoria Geral da República) to investigate.

CNE secrecy and illegal actions make de Sousa’s claim very difficult to verify. The CNE accepted all lists, with or without *processos individuais*. The CC ruled that this was illegal, and retrospectively cancelled the acceptance, based on the CNE *mapa de controlo*. But the *mapa* is secret, and has never been shown to parties, which could not contest the evidence given to the CC. But since the CNE improperly stamped the parties’ copies of the documents in the same manner, with or without *processos individuais*, the receipt is not useful – except as in Tete or Gaza, where the numbers are clearly different.

Comment

CC should rethink

Documents presented by the MDM show that the CNE’s *mapa de controlo* does not correspond to some of its own official documents. The Constitutional Council accepted in good faith that the *mapa de controlo* was an accurate record, and thus did not ask individual parties to respond. At the very least, we now must accept that the *mapa de controlo* may not be accurate. Does the receipt given by the CNE to the MDM for its Maputo province list, which is an official record, have a different standing than the *mapa de controlo*? One says the MDM should be able to stand in Maputo province, while the other says not – so the difference is not trivial.

The Constitutional Council has broad and flexible powers. Under a very tight deadline, it acted in good faith in accepting the *mapa de controlo*. First, it should publish the entire *mapa de controlo*. And second, it must reconsider its decisions and allow the parties to present any evidence that the *mapa de controlo* is wrong. *jh*

CC rejects all party protests

In its decisions on 28 September, the Constitutional Count also rejected protests by several other parties, in 14 other rulings which were still be posted on the CC website yesterday. (<http://www.cconstitucional.org.mz/> under Acórdãos) In each case, the decisions are detailed, naming rejected candidates and giving reasons.

Some of the ruling hinge on the same issue as the MDM ruling reported in the *Bulletin* yesterday. For each constituency (10 provinces, Maputo city, Africa and Europe), parties

must submit a list of at least three more candidates than there are seats for the constituency, and a “candidature” is not just a name, but is a name plus a file of five documents called a “processo individual.” Without this processo individual, the candidature should not have been accepted by the National Election Commission (CNE). Many parties complained that they had copies of their submissions stamped by the CNE as having been accepted, and in some cases the CNE had notified the party of irregularities in candidates’ documents even when there were not enough candidates – which parties argue meant the list had been accepted, even if it had too few candidates. In each case, part of the CC ruling is to nullify the original CNE acceptance of lists with not enough people, and also nullify notification of parties to correct irregularities in situations where the list should never have been accepted in the first place.

The Ecologista party (Partido Ecologista Movimento da Terra) is standing in 5 constituencies but was excluded for the other 8. In 7 it simply failed to submit sufficient names with processos individuais. In Maputo city, it submitted sufficient names with documents, but the CC says it was unable to correct the problems in those documents. Acórdão nº 10/CC/2009

The following parties were accepted in some constituencies but failed to submit sufficient candidates with processos individuais in any other constituency and were excluded from those constituencies:

- PARENA (Partido de Reconciliação Nacional), standing in Cabo Delgado but excluded from 10 other constituencies and five provincial assembly constituencies. Acórdão nº 15/CC/2009
- MPD (Partido Movimento Patriótico para a Democracia), standing in Maputo province but excluded from 8 other constituencies. Acórdão nº 13/CC/2009.
- PT (Partido Trabalhista) standing in Niassa but excluded elsewhere. Acórdão nº 19/CC/2009

Two parties presented incomplete lists and names without processos individuais in some constituencies, and failed to resolve irregularities of missing identity documents and no-criminal record certificates in other constituencies:

- PUMILD (Partido Unido de Moçambique da Liberdade União dos Democratas) excluded from all constituencies. Acórdão nº 21 /CC/2009. The CC also says many candidates were on lists for two different provinces.
- PIMO (Partido Independente de Moçambique) excluded from all constituencies. Acórdão nº 20/CC/2009. The CC also notes the failure to provide some copies of voters cards and declarations from many candidates that they have agreed to stand.

Three parties failed to submit sufficient candidates with *processos individuais* in any constituency:

- UD (União Democrática) coalition, excluded from all constituencies. Acórdão nº 16/CC/2009.
- PPLM (Partido do Progresso Liberal de Moçambique), attempted to stand in 3 constituencies. Acórdão nº 18/CC/2009
- PASOMO (Partido de Ampliação Social de Moçambique), attempted to stand in 7 constituencies. Acórdão nº 11/CC/2009

PANAOC (Partido Nacional de Operários e Camponeses) is standing in Maputo city but was excluded elsewhere. It failed to submit its protest with five days, so the protest was not considered. Acórdão nº 17/CC/2009

Two protests were not accepted or considered by the CC because they gave no details of why they were protesting – UNO (União Nacional de Oposição) coalition, Acórdão nº 23 /CC/2009 and SOL (Partido Social Liberal e Democrático), Acórdão nº 22 /CC/2009. Both had been excluded from all constituencies.

Finally, MDM (Movimento Democrático de Moçambique) protested against the selection of ballot paper positions by the CNE on 7 September. Positions were decided by lot, but the top two places were for the two parties standing in all constituencies, and MDM claimed this was unfair. The CC said the protest was not valid because it should have been made earlier, but in any case considered the process fair and correct. Acórdão nº 12/CC/2009

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