



CENTRO DE INTEGRIDADE PÚBLICA
Anticorrupção · Transparência · Integridade

25 YEARS

of electoral fraud
protected by secrecy



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Summary

The theft of the 11 October 2023 municipal elections were the most well organised in Mozambique's 12 multi-party elections. This report details how Mozambique's mix of ruling party dominance and total electoral secrecy has permitted fraud and misconduct in nearly all elections.

1999 presidential: Renamo's Afonso Dhlakama gained the most votes, but results were changed at provincial level to give victory to Frelimo's Joaquim Chissano.

2003 municipal: It took four days after the legal deadline for STAE (Technical Secretariat for Electoral Administration), working in secret, to "correct" mistakes and "clean up" the results.

2004 national: Computer chaos, ballot box stuffing, first widespread invalidation of opposition votes.

2008 municipal: Tens of thousands of opposition ballot papers falsely invalidated with extra mark.

2009 presidential: The Constitutional Council (CC) acknowledged that it accepted as evidence from the National Elections Commission (CNE) secret documents which could not be seen or challenged, and which the CNE itself admitted contained major errors. The CNE in secret did not count 104,000 votes which had been stuffed in Tete and Niassa. There were at least 50,000 falsely invalidated votes.

2013 municipal: CC found illegal action by Gurué and Zambezia elections commissions and ordered rerun in Gurué. CNE admitted illegally doing its own count, ignoring provincial count.

2014 national: Law changes further politicise CNE and STAE and increase Frelimo power. More than 2100 polling stations (12% of total) with misconduct. Again, CNE did its own illegal count.

2018 municipal: Blatant fraud in 7 of 53 municipalities. In three municipalities CC declared Frelimo the winner even though Renamo had most votes. In Marromeu police confiscated ballot boxes and there was a secret count; the CC order a partial re-run, and the same thing happened. Parallel count showed Renamo won, CC said Frelimo won.

2019 national: CNE said it had registered 1,166,011 voters in Gaza, while census data showed there were only 836,581 voting age adults. President Nyusi publicly humiliated and forced the resignation of the respected head of the National Statistics Institute <Institute Nacional de Estatística> for refusing to change census data to match the fraud. Nyusi won re-election with a margin of 3.2mn votes, but at least 557,000 were fraudulent. Civil society observation was restricted and a provincial observer coordinator was gunned down by a police death squad. Working together, CNE and CC twice in secret changed already published results.

2023 municipal: In Maputo and Matola Renamo won by large margins, but CC refused to look at the evidence, including official copies of polling station results sheets (*editais*) and *editas* forged by elections commissions, and gave Frelimo the victory. Frelimo openly controlled both registration and polling stations. There was open false registration and preventing opposition registration. Polling station presiding officers produced false *editais*.

The shape of electoral fraud has changed over 25 years. - In 1999 Frelimo did not expect Dhlakama to do that well, and the response appears to have panicked and not well planned. Over the next 15 years, fraud was increasingly organised, but remained largely covert. The goal was that voters should believe that elections could bring change, although Frelimo usually won.

The 2018 municipal elections were a turning point. There was no longer any attempt to claim that elections were free and fair. Fraud was no longer concealed, and press reporting was not restricted, as Frelimo flaunted its ability to steal elections. Indeed, Frelimo seemed anxious to demonstrate its power and control.

In elections in 2018, 2019 and 2023 the message changed. The international community can still see elections and can call Mozambique a democracy, but Mozambicans know that voting changes nothing, and Frelimo cannot be challenged.

Registration, voting, counting and election management

Elections occur every five years with municipal elections in the year before national elections (2018 and 2019, 2023 and 2024, etc). Since 2004, voters must register anew before each electoral cycle. Registration is local, usually at a school. Voters are registered in books (*cadernos*) of 700 to 1000 voters (changing in different years). Each register book corresponds to a polling station in the same place as registration; thus polling stations are usually in classrooms. The count is done in the polling station as soon as polling ends, in the presence of observers, journalists, and party delegates. A results sheet (*edital*) and minutes (*acta*) are written, stamped, and signed, and are given to observers and party delegates, and have legal standing. The *edital* is immediately posted on the polling station door. Tabulations are then done in a cascade at district, province and national level.

At the top of the electoral management pyramid is the National Elections Commission (CNE, *Comissão Nacional de Eleições*) and its Technical Secretariat for Electoral Administration (STAE, *Secretariado Técnico de Administração Eleitoral*) which does all the work. The two national bodies are permanent. During electoral periods there are created provincial and district elections commissions (CPE, *Comissões Provinciais de Eleições*; CDE, *Comissões Distritais de Eleições*) and their respective STAEs. (Some cities are also districts.)

There is an electoral court system consists of district courts at local level and the Constitutional Council (CC, *Conselho Constitucional*) as the supreme electoral court. Complaints against election commission or polling stations actions must be made there first and decisions can be appealed. This is known as lowest possible challenge (*impugnação prévia*).

Civil society observers and press are important for monitoring the electoral process, and this study is based on their reports. It draws extensively on the *Mozambique Political Process Bulletin* (MPPB) for earlier elections and *CIP Elections* (*CIP Eleições*) for 2013 municipal elections, which have reported on all 12 multi-party elections. This study also draws on observer reports and Constitutional Council rulings (*acórdões*).

Unofficial “parallel counts” or “parallel vote tabulations” (PVT) are done by civil society observers. They can be a sample count, typically a statistically correct sample of 7% or 10% of polling stations, or in closely fought contests, all polling stations (100%). Copies of polling station *editais* are sent to provincial and/or national STAEs which carry out their own 100% parallel count. The STAE counts are usually secret and are sometimes used illegally for the CNE final result; in some elections these were available to the press and public for at least part of the tabulation period. The role of the STAE count has been contentious.

Designed for fraud

Mozambique’s electoral management system would not be allowed in most democracies. There is almost total secrecy and all electoral bodies are headed and dominated by members of the ruling party, as are the courts. This was agreed before the first elections, and has continued since. (MPPB 8)¹ It was accepted by the late Renamo President Afonso Dhlakama who was so sure he would win that he wanted to have that power, but he never realised that power would prevent him from being elected.

The peace accord between Renamo and the Mozambican government was signed on 4 October 1992 in Rome, and ended a decade-long war. Based on this accord the UN Security Council established the United Nations Operation in Mozambique (ONUMOZ) to monitor and support a ceasefire, the demobilization of forces and the holding of national elections. UN Secretary-General Boutros BoutrosGhali visited Maputo 17-20 October 1993 and met with the leaders of the two sides, Mozambique President Joaquim Chissano and Renamo head Afonso Dhlakama. Based on BoutrosGhali’s proposals, the two sides agreed on a CNE that was not neutral, but rather made up of members named by political parties. Similarly, the STAE would have political representatives with the head appointed by the President. In 1997 the new parliament said that representatives on the CNE should be in proportion to seats in parliament. (MPPB 7, 18) The precise shape of the CNE changed several times, but always retaining the ruling party control of the CNE and STAE.

But the most important part of the design to permit fraud is that the CNE and STAE do the entire tabulation and determining the results in secret. The actual counting of ballot papers in the polling stations is open to parties, press and observers. But the higher level tabulation of results at district, province and national

level is entirely secret. These election commissions and STAEs are free to change or exclude results, with no public justification, and to keep no record of the changes. The electoral law says that “Observers of the electoral process have the right to ... observe the subsequent operations of the electoral process at all levels, in particular the collection of data, centralisation and tabulation of election results at district, city, provincial and central level.” But the Constitutional Council on 9 November 2019 ruled that “all levels” did not include the processing of the data, including changes to results and exclusion of polling stations. (Acórdão no.17/CC/2019, de 9 de Novembro de 2019)

All that is open is a ceremony for STAE to hand the results to the election commission. Observers and party agents have never been allowed to see the core part of the electoral process. Comparing results published at district, provincial and national level have shown that major changes are regularly made by CNE and STAE, which always refuses to explain those changes, saying they are confidential. Important documents are also secret.

The Carter Center², which has observed Mozambique elections, says that “While vote counting and tabulation processes vary in detail from country to country, accuracy, honesty, and transparency are universal principles that guide the process.” It further argues that “the meetings of election bodies should be open” and that “observers should be permitted to follow all aspects and stages of an electoral process.” The opposite is the case in Mozambique; all key aspects of the election are closed.

The check that developed over time has been increasing numbers of electoral staff members named by the parties, in both STAE and in polling stations, so that opposition parties can watch the procedures most closely, from inside, and catch fraud. Unfortunately, there has been lack of training and these paid posts are treated as a reward for party loyalists; that means the watchers do not see and the ruling party has been able to bypass the watchers. The other check is the press and civil society observers, who have proved more adept at showing misconduct.

25 years of fraud

1994, first national elections

The first national elections in 1994 came after a decade-long war, and 6.1mn people registered to vote, 78% of voting age adults. Despite complaints and logistic problems, the election was peaceful with a very high turnout of 5.4mn (88% of registered voters). Frelimo’s Joaquim Chissano won with 53% of the presidential vote, compared to 34% for Dhlakama, and 13% for 10 other candidates. The parliamentary race was much closer with Frelimo winning 129 seats, Renamo 112, and a coalition UD gaining 9 seats. The election won high praise from the international community. Only five years later, in 1999, did election officials admit that in this election a hundred polling stations were excluded in 1994; this was never admitted in any CNE report nor were any reasons ever given. It was an indication of the secrecy that would continue in all future elections. (MPPB 11-14, 24)

Renamo had expected some degree of power sharing, and there was pressure from the international community to appoint some Renamo governors and minister. The donors and Renamo were surprised when Chissano did not name any Renamo people in the new government. (MPPB 18).

1998, first municipal elections

Decentralisation led to the first municipal elections in 1998, which was boycotted by Renamo, leading to a turnout of only 15%. Only in Maputo there was a serious contest, where a citizens list Juntos Pela Cidade (JPC) stood against Frelimo. A parallel count was done. Observers found that STAE technicians inputting data were reducing the JPC vote. This was raised informally with STAE, which corrected the results and JPC won 15 municipal assembly seats compared to 42 for Frelimo.

The low turnout elsewhere led to an obvious and unnecessary ballot box stuffing. In Dondo there was a mistaken belief that the election would only valid if more than 50% of registered electors votes, so enough

ballots were stuffed to reach a fictitious 50% turnout.

These two examples of misconduct led to no punishment of electoral staff, which set a precedent - fraud to support Frelimo was not punished. (MPPB 21)

1999 national elections

The 1999 national elections saw the most serious fraud, which changed Mozambican history. Again registration was high, at 7.1mn (85% of voting age adults) and the turnout was high - officially 4.9 mn voted, which was 69%. The official results were close, giving Chissano a victory of only 205,000 votes over Dhlakama. (MPPB 23, 24) But the actual story only came out over the following weeks and months. The key to understanding the fraud is that the final results of the election showed that 240,800 people voted for president but not for parliament (AR, *Assembleia da República*). This was 5% of voters. There were more than 2000 observers, yet none reported anyone putting a vote only in the presidential ballot box and not in the parliamentary one. In Nampula province, it was 9% of voters. It would have been obvious if one in eleven voters did not vote for the AR. Thus Chissano's victory came from adding many votes for Chissano, but done in haste and not making a similar change to the AR votes. The full record of all votes 1999-2014 is on <http://bit.ly/MozEIData>.

Preparation began a few months before the election. Orlando Comé, known to be linked to President Joaquim Chissano and head of the government data processing centre (CPD), was also named head of the STAE computer centre. The revised electoral law required each province to produce election results within seven days. Comé decided that his STAE team would write the software itself. Work was not completed until after the 3-5 December election. So STAE teams were in the provincial capitals installing the software on 6 and 7 December. Renamo members of STAE could not follow this at all. As results came in, it was clear that Chissano had lost, and some of the teams were instructed to change the results. Computer technicians from STAE made "corrections" at provincial level before data was presented to provincial election commissions. STAE director António Carrasco said in an interview in the daily *Notícias* (10 January 2000) that results were changed in at least three provinces. Nampula Provincial Election Commission (CPE) head Teófilo Manuel announced the provincial results on 16 December, and said that the results had been delayed because it had been necessary to check and "correct" them. On 19 December official data processing was abandoned. The final national *edital* was produced on a normal laptop computer. Results were announced on 22 December 1999. (MPPB 24, 31)

It appears that in their haste, the changes were concentrated in certain rural districts and larger schools with several polling stations. Whereas results for the 1994, 1998, 2003 and 2004 were published down to polling station level, this was not done for 1999 because the rapid changes would have been more obvious. The biggest changes were in four provinces: Nampula 80,461 extra presidential votes (9%), Gaza 56,394 (15%), Zambézia 47,832 (6%), and Sofala (9%).

In addition to the changes to the results, the Constitutional Council reported that 550 polling stations (7%) were excluded from the presidential count and 727 polling stations (9%) from the AR count. That probably assisted the Chissano victory.

The CNE and STAE claimed the right to make changes in secret with no explanations and without keeping records. As no detailed results were published, there is no record of the excluded polling stations nor why they were excluded, not of the changes to computer data bases which were publicly admitted to have happened.

As the counting and changing of results became more obvious, it became known to the international observers. The international community decided it did not want a Renamo victory so backed Frelimo and did not object to the changes. At the next election former US President Jimmy Carter broke ranks. He and his Carter Center observed both 1999 and 2004 elections. In press briefings and meetings in late 2004 in Maputo the former president made clear that it was impossible to know who had actually won in 1999, but that he thought Dhlakama probably did. (MPPB 31)

Looking back at the those elections, Carter said the "amount of corrections made to the results in 1999 exceeded anything in any similar election I have ever witnessed" and the exclusion of more than 700 polling stations that year was "extraordinary. It is simply hard to believe that so many results sheets could not be used". (MPPB 31)

2003 municipal elections

The 2003 municipal elections were characterised by chaos and confusion in the electoral machine. Elections were held in 33 municipalities, and for the first time Renamo won in four. At the last possible moment permitted by law, in the late afternoon of 4 December, the CNE announced the national results, and they were riddled with errors. It took the CNE and STAE another four days, working in secret, to “correct” the mistakes and “clean up” the results. Those were posted at the CNE headquarters as required by law but copies were not given to journalists or observers, because they still contained errors, particularly with respect to turnouts. Finally, a somewhat better set of results was published in the daily *Notícias* on 11 December, but that, too, had mistakes. In the first results, STAE has miscalculated the number of municipal assembly seats in 11 municipalities, and also wrongly denied seats to small parties.

Twice in the count in Beira, STAE technicians were caught altering *editais* to give more votes to Frelimo, in one case by the simple method of adding a 1, so 42 votes for Frelimo became 142. And *editais* from 10 polling stations strangely disappeared. Renamo finally accepted because it won without the missing polling stations.

In Marromeu, Sofala, where there has been fraud in every election, there was the first noted example of falsely invalidated ballot papers (see below). This led to a political deal in the CNE, made after Frelimo and Renamo aligned CNE members consulted their party leaders, and CNE decided the mayor would be Renamo but the assembly had a Frelimo majority. (MPPB 29)

Stuffing ballot boxes and falsely invalidating opposition ballot papers

Ballot box stuffing uses either putting extra ballot papers in the box or simply reporting too high a number on the *edital*. It is done when no one is looking, so people are rarely caught in the act. Instead, observers look for excessively high turnouts and unusual voting patterns. Tete province in particular had many polling stations with remarkably high turnout.³ These huge increases surely reflect ballot box stuffing, and in 2004 took two parliamentary seats away from Renamo. (MPPB 31)

Falsely invalidating opposition ballot papers became increasingly common in subsequent elections. A ballot paper is valid if the intent of the voters is clear. The X or fingerprint does not have to be precisely in the box, and can go outside or be over the party symbol or candidate's face. Nevertheless, many voters are illiterate and 2% to 3% of ballot papers are normally invalid (*nulo*) because of errors made by the voter. But the counting is done in the dark at night, often in a classroom without electricity, and ballot papers are piled on the polling station floor. It is easy to put a second fingerprint or a pen mark for another candidate on opposition ballots. In some elections invalid votes (*nulos*) were checked by the CNE at national level, in public, and there were cases of several dozen ballot papers in a row with the same extra fingerprint in the same place. (MPPB 31) These were never investigated, even though it would have been possible to identify the culprit. And more recently the checking of *nulos* was largely eliminated. Again, the message was clear: There is no penalty for those who invalidate opposition ballot papers. The leaves simple statistical tests. Since only 2-3% is normal, the assumption is that if more than 5% of ballot papers were falsely invalidated, the excess is fraudulent invalidation. In a close election such as in Marromeu in 2003, where 8% of ballot papers were *nulo*, this can make a significant difference.

2004 national election

The 2004 national election had new frauds - registration was manipulated, polls did not open or opened very late in opposition areas, and there were many falsely invalidated ballots. As in the past there was ballot box stuffing, the computer system was delayed, hundreds of polling stations were not included, and results were corrected in secret.

During the 2004 registration period, the number of registration brigades was increased in some Frelimo areas, but there was limited registration in some parts of Zambézia which are Renamo strongholds. Many would-be rural voters were unable to register. (MPPB 30) In addition, in the election, more than 400,000 people in more than 700 polling stations, mainly but not entirely in pro-Renamo areas, were unable to vote, due to polling stations which did not open, opened very late, were in the wrong place, or did not have the correct register book. A complete list of polling stations and their register books was declared a “state secret” but probably never existed.

Of polling stations being observed - which means officials knew they were being watched - 15% had irregularities or misconduct. International observers were highly critical of the lack of transparency and Mozambique’s unique secret system of “correcting” the results. For example, the head of STAE, Antonio Carrasco, did tell donors that more than 600 polling stations (over 5% of the total) were excluded from the totals, but he gave no explanation. Although this titbit of information has been given to the international community, it was never released to the Mozambican press and voters.

Last minute updating of the computer software and many errors in the data bases meant that corrections of *editais* and of the final results were done in a rushed and chaotic manner, with no record of changes. As in 1999, Orlando Comé was in charge of computer systems. Both donors and Frelimo members of the CNE made unsuccessful attempt to dislodge Comé, but he was protected and was not dismissed. And again it was a fiasco. Software was written late and in-house, and with no security provisions. At the last minute CNE demanded an audit of the system by a private consultant, who made a public presentation to say he was appalled at the lack of security. Software corrections were still being made during two days after voting and the system remained a mess, with technicians having to ignore security rules and use other computers to produce results. (MPPB 30, 31) When Joaquim Chisano left office in 2005, Orlando Comé lost his protection and on 7 December 2010 he was jailed for 12 years for being part of stealing \$100,000 from the CPD.

In this election observers and opposition party delegates had difficulty obtaining credentials and were excluded from polling stations. Ballot box stuffing was much more common where observers were excluded. There were had high numbers of falsely invalidated votes. In some polling stations there were more than 50% of votes declared invalid, and one in Lichinga had 62% invalid.

2008 municipal elections

The 2008 municipal elections saw an increase in ballot box stuffing and falsely invalidated votes for the opposition. This occurred particularly in Beria, Ilha de Moçambique, Monapo, and Nacala Porto - municipalities with a strong opposition. (MPPB 37)

Two municipalities had levels of *nulos* of over 8% compared to the national average of 3.3%⁴ – Ilha de Moçambique (8.6% for mayor and 7.7% for assembly) and Monapo (8.8% and 8.7%). In 2003, all invalid ballot papers (*nulos*) were sent to Maputo to be re-evaluated by the CNE, particularly to correct honest mistakes where the polling station presiding officer was too strict and the intent of the voter was clear. The requalification of *nulos* at the CNE was open to press and observers in 2003, and the *Mozambique Political Process Bulletin* watched the process. Watching the requalification, there were obvious examples where entire groups of votes for Renamo had been invalidated.

Nacala showed a new type of fraud. Nacala had 2613 *nulos* (5.3%) and when they were being checked by the CNE in Maputo a strange thing was noted - there were about 400 votes for Frelimo that looked totally normal and could not have even been considered invalid. A later check showed that for municipal assembly there were 400 more blank ballot papers than for mayor. Clearly for mayor, someone took 400 blank ballot papers from the pile, marked them for Frelimo, and put them in the invalid pile, knowing they would be accepted in Maputo. Before that addition, the Frelimo candidate was ahead by less than 500 votes, and the numbers suggest that other fraud had taken more than those votes from the Renamo candidate. So it appears Renamo won.

However no candidate for mayor in Nacala received more than 50% of the vote, there was a run-off between Chale Ossufo of Frelimo and Manuel dos Santos of Renamo. Ossufo was declared winner with 55% and a margin of 4106 votes. But there had been blatant invalidation of ballot papers, with polling station staff not caring who saw. For example in Matalane primary school <EP1> in polling station 1893, Ossufo had 250 votes and dos Santos 66 votes, with an incredible 137 invalid votes (*nulos*). Of those 137, about 115 were ballot papers where the elector voted for dos Santos with a finger print, but each ballot paper had an identical line

across the photo of Ossufo drawn with a blue pen. Next door, in polling station 1894, Ossufo had 207 votes and dos Santos 149, with 109 nulls. The deputy presiding officer (vice-president), Amido Fernando, was seen using indelible ink on his right thumb to invalidate ballot papers intended for dos Santos.

The Constitutional Council cited the CNE to say “there were 2,346 ballot papers considered null and void which, according to the National Electoral Commission, had been cancelled by someone other than the voter, using indelible ink or biro stains. The National Electoral Commission condemned the practice of these acts.” (Acórdão no 05/CC/2009, de 30 de Março)⁵ But no rerun of the elections was called for, because the deliberately spoiled ballot papers were fewer than the 4106 margin of victory. However, a closer examination of the official results⁶ allow an estimation suggesting that there were 3419 fraudulent ballots - a mix of stuffed ballots for Frelimo, the fraudulently nullified Renamo ballots already identified by the CNE, and excessive blank votes which were probably Renamo votes simply moved to the blank vote pile or results line. With more than 7% of ballots fraudulent, there is simply no way of knowing who really won.

2009 national elections

The 2009 national elections saw Frelimo’s overwhelming victory tainted by misconduct, unfairness, secrecy, and confusion – which was totally unnecessary. The most professional of the international observer groups, the European Union, Commonwealth and EISA, all made strong criticisms and said that there was not a “level playing field” for all participants (and they all used the English phrase). The Mozambican government – and even members of the National Elections Commission – apparently did not realise that the level of secrecy and lack of transparency in the Mozambican electoral process is not normal in democracies. (MPPB 43, 44)

Again there was widespread ballot box stuffing and invalidation of votes for the opposition. The independent parallel vote tabulation (PVT) showed indications of misconduct and fraud in more than 6% of polling stations – that is 750 polling stations across the country. These are frauds carried out by polling station staff themselves.

There was a large increase in intentionally invalidating opposition ballots. In the three previous national elections the percentage of invalid ballot papers was 2.8% or 2.9%. This jumps to 4.0% in 2009, which suggests an extra 50,000 opposition ballots were fraudulently made invalid. In its final declaration of the 2009 results, the CNE said that some votes had been improperly invalidated by polling station staff, acting in bad faith, and said this was a criminal action. But there were no prosecutions. In both 2004 and 2009 the Constitutional Council criticised the CNE for failing to prosecute obvious fraud by its own staff.

Although the CNE did nothing about falsely invalidated ballots, the CNE responded to the most egregious ballot box stuffing by secretly taking some votes away from Frelimo. Journalists and observers were able to compare district, provincial and national tabulations which showed that with no public report or comment, in the presidential contest more than 104,000 votes were excluded by the CNE. These were apparently from polling stations with a turnout of near 100%, and in response to reports of ballot box stuffing. In Tete, 85,693 votes were excluded, 16% of the total votes. Of those, 74,555 votes were taken away from Frelimo’s Armando Guebuza. It could be shown that 50 polling stations were excluded in Changara district, Tete, where ballot box stuffing was particularly gross. In the Niassa presidential contest, the CNE excluded 18,394 votes, 9% of the total vote.

In parliamentary contests, in Niassa the CNE withdrew 11,130 votes for Frelimo. That was enough to shift one parliamentary seat to Renamo. In Tete, the removal of 68,610 votes for Frelimo was not enough to give Renamo an extra seat. but the PVT (parallel vote tabulation) showed ballot box stuffing was much worse, and that Renamo had at least one seat stolen from it.

Total secrecy

The 2009 election showed the extent of secrecy in the electoral process. The electoral law would allow much more openness and transparency, but does not require it. So the STAE, CNE, and the CC function in total secrecy and with no requirement to keep or make available detailed records of what they do and why. The CNE may have responded to ballot box stuffing in 2009, but it raised the question of how it could be permitted to

remove nearly 173,000 votes with no statement, no record, and no explanation. Was there any criteria, or are these numbers picked out of the air?

The 2009 election also underlined how secrecy is used to cover sloppy work by STAE and CNE. During the electoral process, STAE and CNE maintain a secret “internal control sheet”, which cannot be seen by parties or observers. Evidence submitted to the Constitutional Council (CC) is also considered secret, and in appeals the CC accepted the secret control sheet as evidence even though the parties could not see or contest it. The issue became public after the CNE announced that PDD had won an assembly seat in Mocumba district, Zambézia, where it did not stand. The CC (Acórdão no 29/CC/2009, de 30 de Novembro) said that the CNE said: “by mistake, the CNE’s internal control map showed that the PDD had been admitted to the Mocuba constituency and from this map the ranking of candidates on the ballot paper was drawn up, and as a result of the error the PDD appears in the Mocuba constituency”.

In an electoral process alleged to be free, fair and transparent, how can the highest electoral court accept evidence which cannot be seen or challenged?

2011 by-elections

The 2011 by-elections became a small show of Frelimo’s growing power as the predominant party. In July 2011 Frelimo ordered five of its mayors to resign. There is no legal requirement that they do so, and only three accepted party discipline. There were by-elections on 9 December.

There are repeated complaints about senior officials being biased against activists of opposition parties. An Administrative Tribunal on found that the MDM candidate for mayor of Inhambane had been improperly transferred by the provincial director of education and culture from being a teacher in an Inhambane secondary school to a secondary school that did not exist in remote Funhalouro. Frelimo was increasingly using senior civil servants such as district administrators and school heads as electoral campaign leaders. Employees of the state-owned Maputo bus company and some schools reported that Frelimo membership fees and donations were being deducted from their salaries. The Constitutional Council, in approving the election results, again criticised Frelimo for using state cars, both overtly and with registration numbers covered, during the 7 December elections. The CC noted this is explicitly illegal. It also mentioned excessive force used by the riot police. (Acórdão n.º 04 /CC/2011 De 22 de Dezembro) And the CC pointed to “repeated occurrence of electoral offences” which go unpunished which “seem to legitimise the conclusion that electoral offences still enjoy impunity to this day.”

2013 municipal elections

The 2013 municipal elections were marked by a second Renamo boycott, by a remarkable CNE admission that its tabulation violated the law, and by a CNE attempt to take two municipalities from the MDM. (MPPB 54)

The electoral law calls for a tabulation cascade. For municipal elections the CNE should accept municipal tabulation⁷ and only add reconsidered and accepted *nulos*. But comparison showed this had not happened. For example, the Angoche city election commission said there were 10,742 votes for the winning Frelimo candidate for mayor, but the CNE said he gained 12,736 votes. This meant that STAE added 1,994 votes, which was a 19% increase in the vote, and the CNE published this without comment or explanation.

When journalists asked about significant differences between the results posted at local level and those declared by the CNE, it was admitted STAE did an entirely independent count from copies of *editais* submitted by polling stations. CNE spokesman João Beirão conceded that the CNE did not even look at the municipal results. “We know nothing about these changes. We are given the numbers by STAE and we simply add the numbers of requalified invalid votes [*nulos*] and publish the results,” Beirão said.

Serious questions were raised about two cities, Marromeu and Gurué, where the smaller opposition party MDM seemed to have won but Frelimo was fraudulently declared victor. In **Marromeu**, which is always

problematic, the Frelimo candidate for mayor beat the MDM candidate by just 283 votes, however, there was a very high 1,119 invalid votes (*nulos*), equivalent to 10.9% of the total vote. In Marromeu in the previous election in 2008, there were 4.9% invalid votes for mayor. An extra 6% of total votes is more than 500 votes. It seems likely these were actually ballots for the MDM candidate for mayor which were improperly invalidated by polling station staff by putting an extra mark on the ballot paper, indicating MDM won.

But **Gurué** led to an unusual CC intervention. Gurué had a complete parallel count by the Electoral Observatory, which gave MDM candidate Orlando Janeiro Antonio a 53 vote victory, which agreed with the numbers put forward by the MDM based on its complete set of *editais*. But the district election commission (CDE) gave Frelimo candidate Jahanguir Hussen Jussub a 26 vote victory. Then the CNE took 40 votes away from the MDM candidate and gave them to the Frelimo candidate, with no explanation, giving him an advantage of 106 votes.

The CC rejected the MDM's appeal on narrow technical grounds.⁸ But the CC did look at the evidence, mainly copies of documents, which showed irregularities. The CC has no rules and thus can investigate, and called on the CNE to submit the original *editais* and minutes from the 47 polling stations. (Acórdão no 4/CC/2014, de 22 de Janeiro). And the CC found *editais*:

- without the signature of the polling station president, or signed by the polling station president but with no stamp, from 13 of 49 polling stations;
- which had been altered, from 15 polling stations - some allegedly on instruction of the Zambézia Provincial Election Commission (CPE); and
- written by the Zambézia CPE, not the polling station president, for two polling stations.

The CC said these were “flagrant violations of the law on the part of polling station staff and the Zambezia Provincial Electoral Commission.”

The CC then decided to do a recount of the ballot papers in three polling stations, which by law should have been kept by the Gurué District Election Commission. But the CNE then found that the ballot papers were missing, so no recount could be done. Faced with such “grave irregularities” and “illegalities”, the CC annulled the election of both the mayor and municipal assembly in Gurué. The rerun of the election on 8 February 2014 showed a victory by MDM's Antonio by 1,479 votes.

More activist members of the CC have since retired, and the CC never again intervened in this way; it appears no one looks at the evidence of appeals dismissed on technical grounds.

Renamo's small return to war brought electoral changes

After the 2009 election Renamo demanded changes to the electoral law to curb the fraud, but it did not accept small changes made in the laws on 11 December 2012. Renamo was an opposition party that still had a militia of 3-5000 armed people, and in April 2013 it began military operations in Sofala province, mainly small attacks on the main N1 north-south road. It boycotted the 2013 municipal elections and said it would try to stop 2014 national elections. In negotiations government agreed to give Renamo anything it asked with respect to elections and Renamo agreed to end its boycott of elections and halt military operations. The final revised laws were promulgated by the President on 4 April 2014. There was a cease fire and participation in elections, but Renamo had not disarmed or demobilised its soldiers, making it the only armed party in the elections

The revised laws further politicised the electoral machinery, with Frelimo and Renamo having a much larger presence in the electoral administration than in any previous election. The previous 13-member National Elections Commission (CNE) had 5 Frelimo, 2 Renamo, 1 MDM, 3 civil society, and 2 legal figures, a magistrate and a public prosecutor. The new CNE has 17 members, 5 Frelimo and 1 MDM (unchanged), 4 Renamo (up from 2), and 7 civil society (up from 3). One Frelimo and one Renamo, but not MDM, have been promoted to new posts as CNE vice-presidents. As part of the package, there was an informal agreement that Renamo had the right to name two of the four new civil society members of the election commission. In addition Renamo and Frelimo could name more people in provincial and district elections commission, and put people into STAE. And Frelimo, Renamo and MDM can appoint one person to each polling station staff. Thus

there are more than 40,000 political appointments to the electoral machine.

But it has not benefitted the standards of election. Frelimo made appointments conditional on people working actively to benefit the party, and thus promote fraud if necessary. Renamo and MDM treat these paid posts as rewards for party loyalists, who receive little or no training in how to prevent fraud.

The Constitutional Council commented that “The changes to electoral legislation resulting from the consensus reached during the dialogue between the government and Renamo at the Joaquim Chissano Conference Centre have led to a return to the principle of partisanship in electoral bodies, abandoning the principle of professionalisation.” (Acórdão no 21/CC/2014, de 29 de Dezembro)

The Renamo-government agreement brought two other changes demanded by Renamo-head Dhlakama. One was the election of provincial assemblies, with elected governors. The other was to end separate elections of mayors. The head of the most voted list would become mayor or governor. This increases central party control by preventing mayors from building up a personal following.⁹ Constituencies for provincial assemblies are the districts, plus a province-wide constituency.

2014 national elections

The newly politicised CNE was partisan and sharply divided. The final results of the 2014 election, announced 30 October, the last day allowed by the law, were only approved by a 10-7 vote. And subsequent rejections of opposition protests were only approved 9-8. Also, STAE did its own illegal count, and there were serious problems with registration, the campaign, counting, and information.

Illegal vote count. As in 2013, the CC discovered that the CNE and a Frelimo-controlled STAE did an illegal separate vote tabulation. The CNE final tabulation was supposed to be the provincial tabulations plus the *nulos* considered to be valid. But the CC found some “discrepancies” between the official provincial results and those published by the CNE. So the CC investigated and the CNE admitted it had again totally ignored the official provincial results and in secret and illegally done its own count, which was the one published. Two different counts started a provincial level. The provincial commission (CPE) manually added up the numbers from the district results sheets, which were signed and posted. But in response to CC questions, the CNE admitted that the STAE provincial data processing centres had done their own tabulation, which was sent to national STAE on flash drives. These numbers were used for the published national totals, and not the official provincial results. These were sufficiently different from the official provincial numbers as to shift one seat from Renamo to MDM. An angry CC replaced the CNE totals with the official provincial ones. (Acórdão no 21/CC/2014, de 29 de Dezembro)

The differences were not small. The CC found 74,037 fewer votes for parliament than the CNE, of including 41,150 fewer for Frelimo. The CC found 42,664 more votes for president than the CNE. One provincial assembly seat was taken from Renamo and given to MDM by the CC. (MPPB – NE14 79 – 30 Dec 2014)

Despite CC anger at CNE illegally doing its own count, the same thing happened in a 14 March by-election for mayor in Nampula. The CNE said 572 more people voted than the official city election count. Both are “official results”. (MPPB 2018LE 22)

Increasing misconduct: Using the PVT (parallel vote tabulation) it was possible to estimate there were at least 12.4% of polling stations, more than 2100, with problems on polling day (MPPB 56):

- In more than 750 polling stations (4.5% of the total) there were an excessive number of invalid votes, which implies votes were made invalid improperly
- In at least 680 polling stations (4% of the total) there was ballot box stuffing and we estimate 87,000 “extra” votes
- In 250 polling stations (1.4% of the total) there was an extra, unreported register book which was not on the official list.
- In 450 polling stations (2.5% of the total) turnout was improbably low, suggesting very late opening or other administrative problems.

The CNE itself excluded editais from 330 polling stations.

Tete and Gaza have a long history of ballot box stuffing, usually done is simply changing the results sheet to have an impossibly high turnout, with the extra votes going to Frelimo. This is easier because observers are also excluded. Turnout in three districts of Tete which always have ballot box stuffing, for provincial assembly, was: Changara 78% turnout and 87% voted for Frelimo, Magoe 76% turnout (94% for Frelimo), and Cahora Bassa 70% (82% Frelimo).

Gaza must be one of the healthiest places in the world; few in the register book die and everyone goes to vote. There was a 97% turnout in Massingena district, with 99% of them voting for Frelimo. In the entire district, only 251 people failed to vote. Other high turnouts were 92% in Massingir district, 89% in Chicualacuala, 82% in Chigubu, and 80% in Mabalane. By contract in Mandlacazi district, which is staunchly Frelimo (93%) but was more closely monitored, the turnout was only 55%.

“The way in which these elections were managed by the National Electoral Commission (CNE) and its support bodies, especially the tabulation and centralisation of electoral results at all levels, the core and essence of any electoral process, raises doubts about the veracity of its results, so many were the irregularities that were neither corrected nor clarified,” wrote CC member Manuel Franque in a dissenting opinion. He cited *editais* and minutes not processed or lost with no explanation. He also noted reports of pre-voted ballot papers in circulation, and no one has ever explained how this could have happened and how to stop it. (Acórdão no 21/CC/2014, de 29 de Dezembro)

There were nine formal protests to the CC, but all were dismissed for “being inept”, “lacking legal basis”, or “for failure to comply with the principle of prior defence”. The CC would only say multiple voting, ballot box stuffing, lack of impartiality, and falsification of documents had been referred to the attorney general (Ministério Público). Manuel Franque in his dissent said that the electoral law, “in the way it is designed, is complex, unenforceable and unfair and only serves to whitewash irregularities, some of which, due to their profile, are intentionally caused.”

The main civil society observation body, the Electoral Observatory, with 2500 observers, said “these elections were marred by irregularities, some of which were preventable, but they also show that the politicisation of the electoral management bodies (CNE and STAE) did nothing to help the process run impartially; on the contrary, it created more division in public opinion. In this way, it can be concluded that these elections were partially free, fair and not very transparent, jeopardising the credibility of the results as their acceptability becomes increasingly problematic.” (Observatório Eleitoral, Relatório da Observação, 2014)

2018 municipal elections – a turning point

The 2018 municipal elections were a turning point, with blatant fraud in six of 53 municipalities. All six were given to Frelimo by the CNE and CC, but Renamo clearly won at least four - Moatize, Alto Molocue, Monapo, and Marromeu. In four of the six there were secret counts, and the law is interpreted to mean no opposition appeal is possible. The law says appeal must be made at the lowest level, which means at the meeting which did the secret count, from which they were excluded.

There were also various parallel counts (PVTs), including by EISA (Electoral Institute for Sustainable Democracy in Africa) and local press. National STAE again did its own tabulation based on polling station *editais* which CC rulings suggested the CNE could not use, so it actually posted on the web partial counts in some municipalities as a sort of parallel or provisional count.

Moatize: At the end of voting on 11 October results sheets were posted and copied by a local journalist, giving Renamo 11,166, Frelimo 9,789 and MDM 546 votes. Late on the night of 12 October, Frelimo and STAE broke into the warehouse and carried out a recount without opposition parties present, which declared more than 1000 votes for Renamo invalid. This was called an official District Elections (CDE) meeting, which approved official results giving Frelimo victory by 97 votes, 9839 for Frelimo and 9742 for Renamo. Renamo appealed to the district tribunal for a recount but this was rejected because Renamo did not first appeal at the CDE secret

recount. CNE and CC accepted the recount and Frelimo victory.

Alto Molocue: Provisional results based on all polling stations posted by STAE in Maputo and a 100% parallel count by EISA both gave Renamo victory with more than 50% of the votes. But the official count, done in secret, gave Frelimo victory by 113 votes, 47.8% to 47.1%. Again no appeal was possible and Frelimo was declared victory.

Matola: The tabulation was done by the CDE on 12 October and formally posted on 13 October. Renamo and MDM say the count was done in their absence, and that only Frelimo-linked members of the CDE signed the formal results sheets, giving Frelimo victory of just 1%, with 137,875 against 135,678 for Renamo. MDM and Renamo could not appeal. There was no parallel count so it is impossible to know who won, but CC gave a Frelimo victory.

Monapo: The CDE did not post or announce the results when they were required to, and when they did, it gave a narrow victory to Frelimo. But the national STAE provisional count gave the win to Renamo.¹⁰ No appeal possible, so Frelimo victory.

Gurué: This municipality has historically had troubled elections and the CC intervened in the 2013 election. A special study showed possible misconduct in 41 of 67 polling stations with both Frelimo and MDM involved in fraud and misconduct. (MPPB 2018LE Special Report 2)¹¹. Even within the same school, there were classrooms where Frelimo gained extra votes and MDM lost votes, and in adjoining classrooms the opposite happened. Based on a 100% parallel count by EISA, it is possible to show all three types of fraud occurred:

- Gurué saw what later appeared as a national phenomenon, of polling station presiding officers handing out extra ballot papers to supporters of the same party, who then deposited the extra votes in the ballot box. Ballot box stuffing was seen at seven polling stations, and even witnessed by observers.
- Nationally in this election, 2.8% of votes were invalid (*nulo*). But in Gurué 65% of votes were invalid, and at three polling stations the *nulos* were an impossibly high 21%, 19% and 18%. Votes at least more than 12 polling stations were made invalid with an extra mark, or simply called invalid in the count.
- The national average for blank votes was 1.8%, and 9 polling stations in Gurué had under 1%, suggesting blank votes were simply given to candidates. Two polling stations showed all three types of fraud, one benefitting MDM and one benefitting Frelimo.

There were problems with the police from the start. Police used tear gas and rubber bullets against a large MDM election rally in the centre of Gurué on 29 September. Then on 4 October police shot a leading figure in the MDM campaign. During the count on the evening of 10 October, the electricity was cut for 20 minutes and police fired gunshots and tear gas outside Gurué secondary school; counting stopped but then resumed. The level of fraud and misconduct was so high that even the parallel count was meaningless, and it is impossible to tell who won in Gurué, so the CC gave it to Frelimo.

Marromeu was the only municipality where the CC intervened. On 10 October the head of operations of STAE and police took all the voting materials from 10 polling stations and Marromeu STAE then counted in secret, without party observers or opposition members of STAE or the district elections commission. The CC ordered a new vote in 8 of those polling stations, which took place on 22 November. Again, in some polling stations ballot papers were taken by police and Marromeu STAE. In other polling stations the staff did the count but then threw out observers and media and blatantly forged the results sheets (*editais*). But this time there were observers in all polling stations who reported the real totals before being evicted. And the results were dramatically different, as shown in the table.

Official CDE sheets for the full 39 polling stations (including the 10 counted in secret) gave Frelimo the victory. But the national STAE provisional count and observers both said it was a Renamo win. (A detailed report is on MPPB, 2018LE, 80) The CNE and CC declared a Frelimo victory.¹²

Marromeu results 2 rounds combined				
	CDE		Observers & national STAE	
Frelimo	9143	48%	5528	35%
MDM	1493	8%	1266	8%
Renamo	8371	44%	9284	57%
Total	19,007		16,078	

Following criticisms by the CC of CNE doing an illegal separate count in previous elections, by a vote of 8 Frelimo-aligned to 5 opposition-aligned, the CNE said CC rulings meant the CNE could do nothing but serve as postbox and rubber stamp the district results. They decided it also meant they could not consider evidence about the frauds.

The 2018 municipal elections were a turning point. There was no longer any attempt to claim that elections were free and fair. Fraud was no longer concealed. Instead these elections showed that Frelimo was very publicly allowed to steal elections in at least four municipalities despite observers and publicity. And that courts and the Constitutional Council were not a check.

2019 national elections

In the 2019 national election, more than half a million votes were fraudulent - a huge number. The statistics head was publicly humiliated by the President for not cooperating in bending the census numbers, in a clear message to ministers and senior civil servants. Polling stations were flooded with Frelimo “observers.” A civil society observation coordinator was gunned down by the police. (MPPB 2019NE 94)

The CNE said it had registered 1,166,011 voters in Gaza, but Rosário Fernandes, head of the National Statistics Institute (*Institute Nacional de Estatística*, INE) then published the data given to the CNE before the registration saying there were only 836,581 voting age adults in Gaza. The head of the census, Arão Balate, told the press that Gaza would not reach 1.2 mn voting age adults until 2040. President Filipe Nyusi spoke at the opening of the new Ministry of Economy and Finance headquarters on 16 August 2019. He criticised the minister, standing next to him, for allowing the INE to publish statistics without approval and launched a vitriolic attack on Fernandes. “We cannot have people who say what they want, what they think, that they know more.” Fernandes resigned immediately and Balate soon after. Both were highly respected, and the official census data continues to be used in all parts of government except elections.¹³

But the message was clear to ministers and senior civil servants - winning elections comes first. And it worked. Nyusi won 73% of the presidential vote, with a margin of 3.2mn votes, but at least 557,000 of those were fraudulent. And in 154 district constituencies for provincial assemblies Frelimo won every district, with more than 55% in 148 districts. In some districts, this seems highly unlikely; in the 2014 provincial assembly election the opposition won 2/3 of seats or more in 24 districts.

The table shows the origin of the 557,000 fraudulent votes. Nearly 300,000 come from registration fraud¹⁴ and the rest from 110,000 fraudulently spoiled opposition ballot papers and 148,000 stuffed ballots.¹⁵ (MPPB 58 has a very detailed analysis showing how these numbers were estimated.)

Votes improperly given to Nyusi or taken from the opposition in large scale fraud

	Given to Nyusi	Taken from opposition	Total
Ballot box stuffing	148,000		
Using invalid & blank votes to cancel opposition votes		110,000	
Ghost voters, inflated registration - Gaza, Cabo Delgado, diaspora	259,000		
Zambézia under registration		40,000	
TOTAL	407,000	150,000	557,000

(MPPB 58)

Zambézia, which historically supports Renamo, was the opposite of Gaza; STAE set a uniquely low registration target of 77% of voting age adults and sent in fewer registration teams. The estimate was 186,000 potential voters not registered, and MPPB (58) estimated that Renamo candidate Ossufo Momade lost 40,000 votes. Distorted registration not only affects votes, but also seats in parliament (AR). The 248 national seats are assigned to provinces based on the number of registered votes. Due to these frauds, Gaza was improperly given 8 extra seats, while Zambézia lost 4 and Nampula, Tete, Manica and Maputo city lost 1 seat each.

Violence increased in this election. A police hit squad in broad daylight gunned down Anastacio Matavel, the coordinator of civil society observation in Gaza, just a week before the elections. His assassins were identified because in their haste to escape they crashed into three other vehicles, killing two of the assailants - who were soon publicly identified as members of the police Special Operations Group (GOE) and Rapid Intervention Unit (UIR – the riot police). There were similar assassinations during this election campaign at least 9 opposition politicians, killed by unidentified assailants. The murder of a civil society leader during elections is unprecedented in Mozambique, and was a brutal statement of opposition to election observation in Gaza province.

“Observation” was also changing, with a 10-fold increase in the number of national observers - from 3,530 in 2014 to 42,382 in 2019. But most of the new “observers” were openly Frelimo aligned and came from newly formed “civil society organizations”. Electoral authorities are required to issue credentials to civil society observers, but they were so busy issuing Frelimo credentials that the only had time to give EISA 58% of its observer credentials. In Zambézia an amazing 19,497 observers were registered, but EISA only received credentials for 345 of 1433 observers.

Perhaps most remarkably, the CNE gave the CC the final results with errors, which the CC approved and published as Acórdão n.º 25/CC/2019 de 23 de Dezembro. The MPPB (2019NE 93) and AIM both pointed out that votes of the diaspora were excluded, including 131,593 votes for Nyusi. Secretly in early January 2020 the CC posted a new version of Acórdão n.º 25/CC/2019 de 23 de Dezembro, with diaspora presidential votes added. Nothing was said in public, and the new version of the acórdão does not say it has been corrected. However the CNE and CC secret change failed to correct the same error for parliament (AR), and still omitted the AR diaspora vote. A third version of the acórdão was posted with the correct AR vote, but it still contained an error which was never corrected. The three versions of Acórdão n.º 25/CC/2019 de 23 de Dezembro do not say they have been changed, retain the same December date, and appear identical except for changes to tables on pages 31 and 32.¹⁶ There was a new alliance of the CNE and CC publishing documents which had been compiled in such secrecy that they were not checked, and then to make changes in total secrecy and pretending that nothing was changed.

“The elections were not free, fair and transparent and the results are not credible,” concluded 8 major civil society observer groups. “An unlevel playing field was evident” and there was a “climate of fear”, said the European Union in preliminary statements. It cited “a lack of confidence that the electoral administration and the judiciary were independent and free from political influence” and a distrust of the police.

There was no pretence of the election being free and fair. Frelimo seemed anxious to demonstrate its power and control.

2023 municipal elections

The 2023 municipal elections went a step further with more national coordination of fraud, particularly making more use of Frelimo control of STAE. Registration brigade leaders and training, and then key polling station staff and trainers were identifiably Frelimo.

Frelimo's 55-page list of Matola polling station staff shows that the presidents (presiding officers), vice-presidents, secretaries and 4th scrutineers of the polling stations - all the decision-making positions - come from Frelimo. There are many heads of departments and civil servants who are in the Maputo provincial government as well as teachers and members of Frelimo party zone committees. They are all subordinate to Governor Júlio Paruque who was Frelimo's candidate for mayor in Matola. (Matola is the largest city in Mozambique and is in Maputo province. Uniquely, Maputo city is both a city and a province; it is the second largest city and the capital.) (*CIP Eleições* 145)¹⁷

Again, fraud started with the registration, but with national guidance to registration brigades. Registration is at a central location such as a school, and names are added to a registration book (*caderno*). A full book corresponds to a polling station, usually a classroom in the school. People must register in person and have a photograph and fingerprint taken. But across the country there was an informal instruction that Frelimo should submit lists of its key members, often school teachers, who were registered first. Opposition voters were only registered next, often after a wait of a day or two. Again there was an informal instruction that after Frelimo was registered and it was mostly opposition in the queue, the registration kit (known as a "mobile-ID") was unplugged and voters were told it was not working. Reports of equipment failure were so widespread that the supplier complained that this had never happened anywhere else, and that their service people were not being told of these equipment failures. Beira STAE district director Nelson Carlos do Rosario set up a WhatsApp group for Frelimo registration staff for discussion on how to block registration of opposition voters, for example by demanding extra documents such as neighbourhood declarations or work cards. Rosario posted an instruction that complaints should never be accepted. (*CIP Eleições* 78) Although, the Beira WhatsApp group was unusual, MPPB correspondents and observers reported the policies widely in force.

People can only vote in the municipal election if they are registered inside the municipality, and in many places there were reports of people brought in by pick-up truck or minibus from outside the municipality to register. In Matola, buses from the Municipal Transport Company brought people in from Moamba district, 30 km away. (*CIP Eleições* 72) There were also numerous incidents where registration brigades took equipment home at night and illegally registered Frelimo supporters and printed voters cards.

When official registration figures were released, municipalities with more people registered than voting age adults showed at least 230,000 ghost voters. Malema, Nampula, for example, had 193% registration. (*CIP Eleições* 103).

On 11 October polling day the Mais Integridade (<https://maisintegridade.org/>) civil society observer group reported problems during voting. In 18% of polling stations, some voters were impeded from voting; the worst was Ribaué with voters impeded in 47% of polling stations, followed by Matola (38%). Voting was interrupted in 154 polling station (15%) with Ihla de Moçambique being worst with 40% of polling stations having interruptions, followed by Gurue (35%).

Twelve municipalities had high levels of *nulos* indicating invalidation of opposition votes. Six municipalities had turnout over 70% and a high Frelimo vote which means ballot box stuffing. One was Marromeu (81% turnout, 80% Frelimo) where a parallel count recorded the number of votes on the blackboard, where the score is kept during the count and thus gives the most accurate record. Editais inflated the vote by more than 3000 compared to the blackboard. (*CIP Eleições* 170)

But in many polling stations there was something new - "superior instructions" for the polling station presiding officers linked to the Frelimo party, telling them not to sign or post the official results sheets (*editais*)

where the opposition had the most votes. By law *editais* must be posted on the polling station door. In some municipalities, including Matola and Maputo, *editais* were still unsigned and not posted the next morning. In other municipalities, *editais* were vandalized and removed. The main reason appears to be to allow election officials late at night to change the results.

Both the CNE and CC act totally in secret and publish little, so there is no information as to how they reach their conclusions. The CNE results gave Frelimo victory in 62 municipalities, with MDM retaining Beira. But parallel counts showed Renamo victories in at least five cities.

In three cities this was important, because the CNE and CC went against the parallel counts, with no published justification. **Maputo** and **Matola** are the two biggest cities and form the capital area. Frelimo could not afford to lose them. Yet Renamo won both by large margins. But the CNE and CC gave victories in both to Frelimo, putting the stamp of the highest authority on Frelimo's theft of the two biggest cities.

Because it acts in secret, there is no way of knowing if the CC took into account rulings of the courts in the eight districts of Maputo city. The court in the Maputo city district of Nhlamankulu District Court found it proven that the district STAE director introduced fake *editais* and that in a meeting in which Renamo was not present the district election commission approved these fakes to give the victory to Frelimo. The KaMavota District Court confirmed that 185 of 258 *editais* used in the count were fake.

Political parties are given signed and stamped copies of the official *editais* of each polling station. Renamo lent these to the Centro de Integridade Pública (CIP), publishers of *CIP Eleições*. The authors of this report were part of a team which created and checked spreadsheets for Maputo and Matola, of more than 800 *editais* for each city. We know personally that Renamo won. Renamo won 59% to Frelimo's 34% in Matola, yet the CC said Frelimo won with 54% to Renamo 42%. For Maputo the real result was 53% Renamo and 35% Frelimo, but the CC said 52% Frelimo and 42% Renamo.

The reverse happened in **Alto Molocue**, which had had a chaotic election. The CC decided that one-third of Renamo's vote had been stolen, and gave it an extra 3,275 votes and victory by a tiny 107 votes. This was unexplained. The parallel count had been of both the blackboard and *editais*, which agreed and gave victory to Frelimo with 63% to Renamo 36%. It looked like a consolation prize for Renamo.

The CC changed the results in six other municipalities. In three it was relatively straightforward. **Chiúre**, Cabo Delgado, was given to Renamo, and the parallel count had shown a Renamo victory. In **Xai Xai** the CC said Frelimo had stolen one-third of Renamo's votes and gave them back, but Frelimo still won. In **Marracuene** the CC gave back 1832 votes but Frelimo still won.

With the CC looking over its shoulder, the CNE accepted city and district tabulations in all but three municipalities. But in those three, both CNE and CC made changes. In all three, the CNE increased the number of people who votes.

In **Quelimane** the CNE found an extra 1,533 votes and added 221 to MDM and 1312 to Renamo, with Frelimo still the winner. But the CC moved 2,622 votes from Frelimo to Renamo, giving Renamo the mayor. But this vote was less than shown in the parallel count.

In **Vilankulo**, the CDE (district election commission) said Frelimo had won by 34 votes. The CNE The CNE found more than 1000 extra voters, who raised the turnout from 57% to 60%, and all voted for Frelimo. And 191 Renamo votes were redistributed to Frelimo and MDM, and Frelimo's majority jumped from 34 to 1282. But the CC moved 942 votes from Frelimo to Renamo, which therefore won.

In **Matola Rio** the District election commission (CDE) said there were 29,604 votes in the ballot box, but that there were 30,908 votes - 29,262 votes for candidates and 1,226 blank and invalid. So the CNE added 1314 to people who voted, keeping Frelimo as winner. The CC gave 455 stole votes back to Renamo, but it did not change the Frelimo victory.

What is striking is both the CNE and CC moving around votes numbers entirely in secret and with no justification and no explanation.

The CC called an entirely new election in **Marrómeu**, and reruns in 3 polling stations in Milange, 13 polling stations in **Gurué**, and 18 in **Nacala Porto**. The Constitutional Council did not proofread its own ruling (*acórdão*) and it contained mistakes in the numbers of the polling stations where voting was to happen again. In the case of Nacala Porto, one polling station was listed three times. (*CIP Eleições* 190)

Observers found ballot box stuffing and invalidation of votes in 7 of the 13 polling stations of Gurué but the CC named Frelimo the winner.

Marrómeu was the site of fraud in the first five municipal elections (*CIP Eleições* 187) and the repeat elections in Marrómeu were even worse than the cancelled original one. The Mais Integridade (13 Dec 2023) observer report also provides a good summary of what went on elsewhere:

The repeat elections in the municipality of Marrómeu were marred by serious irregularities that do not allow any institution to declare with any credibility or certainty which list won. The irregularities included the interruption of the vote count at many polling stations so that the respective presidents could hold “consultations” among themselves and with representatives of the Frelimo party before finalising the process and filling in the notices; the departure of presidents from several polling stations with the notices without posting them; the excessive number of invalid votes, which is greater than the difference in votes between the two most voted lists, among others, which call into question the integrity, transparency and credibility of the process.

Mais Integridade text

A repetição das eleições no município de Marrómeu foi marcada por graves irregularidades, que não permitem, a nenhuma instituição, declarar, com qualquer credibilidade e certeza, qual foi a lista vencedora. As irregularidades incluíram interrupção da contagem de votos, em muitas mesas, para os respectivos presidentes realizarem “consultas” entre si e com representantes do partido Frelimo antes de concluírem o processo e preencherem os editais; a saída de presidentes de várias mesas com os editais sem os afixarem; o excessivo número de votos nulos que é maior do que a diferença de votos entre as duas listas mais votadas, entre outras, que colocam em causa a integridade, transparência e a credibilidade do processo.

Despite the lack of credibility of the second round, the CC with no explanation gave victory to Frelimo.

There were Renamo demonstrations after the election, and police shot and killed at least 11 people in the protests in four municipalities.

The change in 2023 was that there was no longer any pretence about elections being free and fair, or that voting made a difference. The process was controlled from beginning to end - from Frelimo’s open manipulation of registration to the CNE and CC handing out municipalities independent of votes. Acting in the face of overwhelming documentation of alternate results meant the Frelimo wanted to flaunt its power.

A change in the Constitutional Court

The 2023 election confirmed an important change in the Constitutional Court. It is the highest electoral court, there is no appeal against its decisions, and it does not publish detailed reports explaining its decisions.

In its ruling on the 2014 national elections, the CC stressed a flexible activist stance. (*Acórdão* no 21/CC/2014, de 29 de Dezembro). It said:

the Constitutional Council is not limited, under the terms of the law, to examining the documentation submitted by the CNE, since this act of judgement presupposes the verification of the regularity of the acts carried out at all stages of the electoral process, in order to objectively and conscientiously formulate a judgement on the freedom, fairness and transparency of the elections. To this end, the

Constitutional Council also takes into account information from other legally recognised sources, namely: (i) appeals from electoral litigation, even if rejected on the grounds of prior issues; (ii) reports from national and foreign observers; and (iii) information provided by the media.

Original CC text:

Todavia, importa reiterar, antes de mais, a orientação jurisprudencial fixada no Acórdão n.º 30/CC/2009, de 27 de Dezembro e reafirmada no Acórdão n.º 24/CC/2013, de 22 de Janeiro, no sentido de que, na apreciação dos resultados eleitorais, o Conselho Constitucional não se limita, nos termos da lei, ao exame da documentação submetida pela CNE, porquanto tal acto de julgamento pressupõe a verificação da regularidade dos actos praticados em todas as fases do processo eleitoral, a fim de formular, objectiva e conscienciosamente o juízo quanto à liberdade, justiça e transparência das eleições. Para tanto, o Conselho Constitucional toma igualmente em consideração informações provenientes de outras fontes legalmente admitidas, nomeadamente: (i) recursos do contencioso eleitoral, mesmo que rejeitados por procedência de questões prévias; (ii) relatórios de observadores nacionais e estrangeiros; e (iii) informações veiculadas pelos órgãos de comunicação social.

The rejection, first by district courts and then by the CC, of nearly all appeals shows that the laws passed by the Frelimo majority in parliament, create bureaucratic hurdles that are almost impossible to jump. The 2014 reiteration that “in order to objectively and conscientiously formulate a judgement” other material must be considered. This reiterates the decision on Gurué earlier in the year, where the formal appeal did not meet the bureaucratic conditions, but the CC decision to investigate further was clearly influenced by evidence submitted, backed up by observer and press reports.

The CC has now clearly reversed its position. It did not even consider the evidence from Renamo that it had won municipal elections in 2023 in Maputo and Matola. That evidence consisted of boxes with more than 1600 *editais* issued by polling stations, as well as clear evidence of falsified *editas* submitted by district elections commissions.

Judges on the Constitutional Council are appointed by the parties in parliament, with five judges named by Frelimo and two by Renamo. Increasingly CC decisions are split on political grounds. The decision to reject the Renamo appeal about the 2023 Marromeu scandal was 5-2, and Albino Nhacassa and Manuel Franque, the two judges named by Renamo, issued an angry dissenting opinion. (Acórdão n.º 49/CC/2023, de 2 de Dezembro) They say

It is emphasised that the problem stems from the electoral management bodies, specifically the STAE (Technical Secretariat for Electoral Administration) and the CNE (National Electoral Commission), since it is STAE that carries out all the electoral operations, from counting the votes to calculating the mandates, including the drawing up of minutes and *editas*, which is a favoured moment for tampering with the results.

The current electoral system is unable to penalise, in a timely manner, all electoral offences committed maliciously. The perpetrators, knowing that they will go unpunished, favour a particular competitor, revealing that they have adopted a pattern of behaviour that does nothing for the fairness and transparency of elections.

Nhacassa and Franque original text

Enfatiza-se que o problema tem origem nos órgãos de gestão eleitoral, concretamente no STAE- (Secretariado Técnico de Administração Eleitoral) e na CNE - (Comissão Nacional de Eleições), pois é o STAE que executa todas as operações eleitorais, desde a contagem dos votos ao cálculo dos mandatos, passando pela elaboração das actas e editais, momento privilegiado para adulterar os resultados eleitorais.

O sistema eleitoral em vigor não consegue sancionar, atempadamente, todos os ilícitos eleitorais cometidos dolosamente. Os autores, sabendo que ficarão impunes, favorecem determinado concorrente, revelando terem corporizado um padrão de comportamento que, em nada abona a justiça e a transparência das eleições.

The dissenting opinion underlines the recent change. STAE can do anything it wants including tampering with the results, and Frelimo members and officials know they are free to commit electoral crimes without punishment.

Conclusion

In 1999 STAE simply changed the results to prevent the election of Renamo's Afonso Dhlakama as president. In 2023 the Constitutional Council simply refused to look at ample evidence and stopped the election of Renamo mayors in Maputo and Matola. Protected by a total secrecy not acceptable in normal electoral democracies, Frelimo has been able to use the electoral system to maintain power, while convincing Mozambicans and the international community that voting could bring change and the elections were at least roughly free and fair. This report shows that a free press, observation, and chasing the numbers has exposed substantial fraud over the years. But the mood is changing.

The Mozambican Bar Association (Ordem dos Advogados, OAM) after the 2023 election pointed to Mozambicans "complete disbelief in the electoral administration bodies, especially the National Electoral Commission (CNE) and the Technical Secretariat for Electoral Administration (STAE), as well as the district courts as the electoral courts of first instance in the course of electoral processes, [and] the Constitutional Council." There are "serious and well-grounded doubts about the freedom and justice of this process and the results announced". It adds that "the excessively large number of irregularities during the election ... sends a message that crime and manipulation pay in Moçambique".¹⁸ For the lawyers to speak so strongly is a statement about changes in the electoral process.

Quotes in order, from different OAM documents

"nota-se um descrédito total dos moçambicanos relativamente aos Órgãos de Administração Eleitoral, com destaque para a Comissão Nacional de Eleições (CNE) e para o Secretariado Técnico de Administração Eleitoral (STAE), sucedendo o mesmo para com os tribunais judiciais distritais enquanto tribunais eleitorais de primeira instância no decurso dos processos eleitorais, Conselho Constitucional,"

"o processo eleitoral foi inquinado de vícios graves que levantam dúvidas sérias e fundadas sobre a liberdade e justiça do mesmo (processo) e resultados anuncia dos."

"O descrédito a que nos referimos é sustentado pelo número, por demais elevado, de irregularidades apontadas ao processo eleitoral pelos Tribunais Distritais, que passam uma mensagem de que o crime e a manipulação compensam em Moçambique"

There have been three phases to orchestrated electoral fraud. The first phase was in 1999 when Frelimo feared Chissano might lose, so there were computer teams in place in several provinces, but his loss still caught Frelimo by surprise. There seem to have been no plans and the change of the results was hasty and sloppy, only partly covered up not publishing full results. But it was only confirmed five years later by ex-US President and observer Jimmy Carter.

The second phase over the following 15 years was to develop ballot box stuffing, spoiling opposition ballot papers, and simply changing results in ways that were covered up by increasing secrecy. There was still a largely successful attempt to convince Mozambicans that elections were mostly free and fair and that voting could make a difference. This was underlined by allowing a few opposition controlled cities, notably Beira and Quelimane, far away from the capital. International observation reports, for example from the EU, became more angry, but they were ignored by donors and lenders moving closer to Frelimo - in part due to natural resource discoveries.

The third phase started with the 2018 municipal election, when election theft was flaunted instead of concealed. An early example was president Nyusi's 2019 very public humiliation of the head of statistics for refusing to bend census data to cover the ghost voters of Gaza. Not only was there no attempt to hide the fraud, but senior civil servants were told they had to cooperate, or lose their job. The daylight assassination of an observer coordinator combined with the refusal to issue observer credentials were shows of power. And there were more than half a million fraudulent votes. The collaboration of the CNE and CC to secretly change the results twice showed a new political closeness. Not only was there no attempt at cover up, there were no restrictions on the press in general, nor on CIP and the MPPB in particular. It became apparent that in a reversal of past attitudes, Frelimo was pleased with publicity that showed its power.

This was even more apparent in the 2023 elections. There was much more central orchestration with little attempt to keep it secret. In the registration, obvious night time registration and busing in outsiders in municipal buses, as well as the WhatsApp group in Beira, look like flaunting power. The Frelimo control of polling station staff with even a book of all polling station staff in Matola was intentionally provocative. Again, there were no restrictions on the press, CIP or the *CIP Eleições* - this was the publicity Frelimo wanted. And the

final and most public step was the CNE and CC ensuring Renamo did not win Maputo and Matola, despite the overwhelming evidence that they had the most votes. Whereas 1999 had been hidden, this was very public.

The change is important. For 15 years Frelimo wanted Mozambicans and outsiders to believe this was an electoral democracy, or at least an elected one-party state. Since 2018 the message has been very different. Mozambique is an electoral autocracy¹⁹. Elections are just for show; votes are not expected to make any difference. Frelimo wants everyone to know it has total power.

Endnotes

- 1 References to the Mozambique Political Process Bulletin in the text take the form of (MPPB 15 or BSPP 15) referring to specific issues of the Bulletin, which are available in [English](#) and [Portuguese](#). For most elections there were also frequent short elections bulletins, referenced in the format MPPB 2013LE 15 for local elections and MPPB 2014NE 15 for national elections, [in English and some in Portuguese](#). A few have Bit.ly links which are noted below. (MPPB 2013LE 15 = MPPB for 2013 local elections, issue 15) Detailed results for most elections are on <http://bit.ly/MozElData>.
- 2 Carter Center, Election Obligations & Standards Database, <https://eos.cartercenter.org/> accessed 26 January 2024.
- 3 In 10 of 11 provinces, Frelimo presidential candidate Armando Guebuza gained roughly the same vote as Joaquim Chissano in 1999. But Tete was different. In 1999 Chissano gained 128,000 votes, whereas in 2004 Guebuza gained 235,000 – a jump of more than 100,000. Similarly, parliamentary votes for Frelimo increased by 95,000.
- 4 When the falsely invalidated votes are discounted, this falls below 3%.
- 5 The Constitutional Council had a website which was taken down for the 2023 election period. A new website <https://cconstitucional.org.mz/> has, at the time of writing, documents only from 2023. An archive website <http://167.71.131.195/> exists with older rulings.
- 6 The official CNE/STAE mesa-by-mesa results sheet (<https://bit.ly/Nacala-2009-runoff>) gives the results before the CNE reallocated ballot papers that had been called invalid but the CNE said were valid. The CC (Acórdão no 05/CC/2009, de 30 de Março) reports that the CNE subsequently allocated 464 nullos to the Renamo candidate and 152 to the Frelimo candidate, but there is no public record of this, nor is it possible to know from which polling stations the nullos came from. Using the original CNE/STAE sheet we can estimate excess votes - used for ballot box stuffing (1681), spoiled nullos as cited by the CNE (1402), and ballots for Renamo put into the piles of blank votes (336), which together are 3419 ballots, 7.3% of the total vote. That percentage is so high as to suggest that the actual winner cannot be determined.
- 7 At national level this means results are tabulated at city and district level based on polling station *editais*. Those summations are added together at provincial level, and those are added together at national level by the CNE. When *nullos* were checked at CNE levels, those declared valid were added by the CNE.
- 8 The CC said MDM appealed against the National Elections Commission's 4 December announcement of results but should have appealed against the CNE's 28 November rejection of MDM's earlier protest. (Acórdão no 3/CC/2014 de 21 de Janeiro) The CNE also rejected the MDM protest because it should have been made its complaint to the Gurue District Election Commission by 14 November, but only did so on 27 November.
- 9 There are 250 seats in the AR, of which 2 are for the diaspora, 248 divided among the provinces according to registered voters. The size of provincial assemblies is determined by registration numbers. Constituencies (círculos eleitorais) are the district, plus one province-wide constituency with 15% of voters, and the elected governor is head of the province-wide list with most votes.
- 10 The CDE result was 9579 votes for Frelimo and 9363 for Renamo. The national STAE provisional count was missing only one polling station, but gave Frelimo 8480 and Renamo 9186. Frelimo had gained 1099 votes in the one extra polling station, but it had a maximum of 800 voters.
- 11 MPPB 2018 Local Election, Special Report 2, 12 November 2018, <http://bit.ly/LocElGurue>
- 12 At the 29 polling stations where the count was completed in public, Renamo was ahead by 7406 votes (55%) against 4457 (34%) for Frelimo. At the 8 polling stations in the 22 November re-run, the district elections commission (CDE) claims an 87% turnout, voting 75% for Frelimo. That high a turnout would require queues all day, but at most of the 8 polling stations there was no queue - only the "ghost" voters who cannot be seen. Observers said in the 8 polling stations the turnout was 48%, voting just 30% for Frelimo.
- 13 Mozambique news reports & clippings 464 – 29 August 2019
- 14 Gaza was the biggest and most public issue, with 450,724 "ghost" voters, which was 3.4% of the entire national registration. The ghosts would have had 650 of their own polling stations in Gaza, and observers noted polling stations where no one voted except staff. Because of a large abstention, we estimate 162,000 ghosts voted in Gaza and they voted for Nyusi. Cabo Delgado also had inflated registration, yielding 35,000 extra Nyusi votes. The diaspora also has a vote but

is not covered by the census; STAE estimated that registration would be 115,000, but it turned out to be 213,000 with the extras being ghosts. We estimated 62,000 ghosts voted for Nyusi.

15 Ballot box stuffing includes some physical extra ballot papers, but the increase in votes for Nyusi is mostly done by writing higher numbers on results sheets (*editais*). More than 1500 polling stations (7.5% of the total) have turnout over 75% and high votes for Nyusi. We consider these to be stuffed ballot boxes, and estimate that they contain 90,000 extra votes for Nyusi. The CNE reported that 58,000 more people voted from president than voted for parliament (AR) yet no observer reported voters putting a ballot paper into the presidential ballot box but not into the parliamentary box. We assume these are illegal extra votes and estimate at least 148,000 stuffed ballot papers for Nyusi. Ballots are taken away from the opposition in two ways. One is for the presiding officers doing the count to declare opposition votes as blank, and the other is putting an extra pen or ink mark on opposition ballot papers to make it invalid (*nulo*). The only way to estimate this is by looking for polling stations with high numbers of blank and/or invalid votes. It is estimated that 110,000 votes were taken from the opposition in this way.

16 The three versions of Acórdão n.º 25/CC/2019 de 23 de Dezembro are on <https://bit.ly/CCAc25-Orig>, <https://bit.ly/CCAc25-Corr-1> and <https://bit.ly/CCAc25-Corr-2>.

17 *CIP Eleições* is available in Portuguese on <https://www.cipeleicoes.org/> and in English on <https://bit.ly/Moz-Elections>

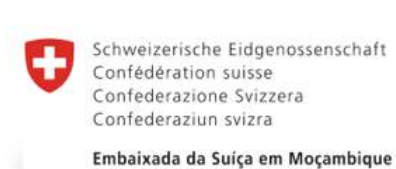
18 There are three statements on the elections by the Bastonário (President) of the OAM, Carlos Martins, dated 19 and 27 October and 1 December, in Portuguese on <https://oam.org.mz/publicacoes/noticias/>

19 V-Dem defines “electoral autocracy” as meaning “multiparty elections for the executive exist [but there are] insufficient levels of fundamental requisites such as freedom of expression and association, and free and fair elections”. V-Dem called Mozambique’s neighbours Zimbabwe and Tanzania “electoral autocracies” but give Malawi, Zambia and South Africa the higher status of “electoral democracies”. V-Dem *Democracy Report 2023*. <https://v-dem.net/> The V-Dem Institute is based in Gothenburg, Sweden.



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