DECIDE REPORT

Mozambique, 18 November 2026

SECOND DAY OF VENÂNCIO MONDLANE'S TRIAL MARKED BY THE READING OF THE DEFENCE'S REPLY AND THE DEFENDANT'S OWN STATEMENT



The trial of Venâncio Mondlane, leader of the ANAMOLA party, resumed on Wednesday (18.11.2026) at the Supreme Court in Maputo. The session again addressed the standing of the defender Shamir Mendes, was marked by the reading of the defence's reply (contestação) and closed with a statement by the defendant himself. The hearing was adjourned at around 15:20 and resumes tomorrow, 19 November, at 10:00, with the evidentiary phase.

Summary of the Day

- Defender challenged again: the Auxiliary Prosecutor (Assistente) asked the Bar Association to investigate Shamir Mendes, and the Public Prosecutor's Office disclosed that criminal proceedings are pending against him for the unlawful practice of law. The Presiding Judge provisionally kept him on the defence team pending a decision by the panel of judges.
- Reply read: the defence read its reply for 1 hour and 15 minutes, the same time granted to the Public Prosecutor's Office for the indictment, in accordance with the principle of equality of arms.

Electoral origin of the case: the defence maintains that the case cannot be tried in isolation from the 2024 election results and that it is a way to exclude the

defendant from future elections.

- Telephone records challenged: the defence sought the exclusion and nullity of the telecom operators' records, citing missing formalities and inconsistencies in the location of the calls and in the case file.
- Defendant accuses the State: Venâncio Mondlane attributed the post-election violence to the defence and security forces and to infiltrators, and called into question the conduct of the Public Prosecutor's Office.

1. Opening of the session

The session began at around 09:45, 15 minutes ahead of schedule, as most of those who have been following the trial were already in the courtroom. Around 50 people attended. The equivalent of one and a half benches was left empty, apparently to allow for greater comfort and ventilation.

Unlike the first day, the defendant arrived early, at around 09:30, accompanied by his team, carrying his own bottle of water and a case containing a set of documents.

2. Preliminary issues

a) Minutes of the previous session

The Public Prosecutor's Office opened the session by reviewing the minutes and requested that the preliminary issues raised on the first day be included in them. The Presiding Judge explained that the minutes are under review, as they depend on the transcription, and will be made available shortly. The Public Prosecutor's Office further requested that the minutes record in what capacity Shamir Mendes acts for the defence: under a power of attorney, with credentials, as a legal technician or in some other capacity.

b) Standing of the defender

Rodrigo Rocha, the Auxiliary Prosecutor, again questioned in what capacity Shamir Mendes addresses the court. Citing several articles of the Penal Code, he argued that Mendes was acting in flagrante delicto by performing a function reserved for lawyers, notably by wearing the gown, and stated that he had filed a request with the Bar Association for an investigation into him. He further argued that allowing more than one defence counsel to address the court breaches procedural practice, and that the panel of judges should therefore rule on the matter.

The Public Prosecutor's Office added that criminal proceedings (43/11/P2026) are pending at the Office of the Attorney-General against Shamir Mendes for the alleged practice of law without registration with the Bar Association.

Shamir Mendes replied that the existence of proceedings does not amount to established guilt: he has not been formally charged and only learned of the proceedings in court. Being a suspect, he said, does not bar him from carrying out his activity. He argued that no act is reserved to the defender, and that the Bar Association's statutes are associative in nature, with internal and occasionally external effects. The Auxiliary Prosecutor's position, he stated, rests on custom, and usage is not a source of law, particularly where it is to the detriment of the defendant.

As to the gown, he acknowledged that it is a mandatory custom and admitted that he had overstepped, but asked that any member of the defence be allowed to speak, since barring him would harm a defence prepared over almost a year, given that the Penal Code imposes no limitation on the matter.

The Presiding Judge decided to keep Shamir Mendes provisionally on the defence team while the matter is under consideration by the panel of judges. Only one counsel will address the court on behalf of the defence.

c) Reading of the defence's reply

Rodrigo Rocha further invoked the rule under which the reply is submitted in writing and not read out at the hearing, seeking to prevent the defence from reading it. The defence objected. Justice Carlos Mondlane invoked Article 384(2) and held that the reading falls within the introductory phase, as had been the case with the indictment on the first day. In accordance with the principle of equality of arms, the defence was granted the same time as the Public Prosecutor's Office.

3. The defence's reply

In its reply, the defence argued that the case cannot be tried without considering its origin: the election results. It cited rulings of the Constitutional Council that refer to electoral offences and the need to try them promptly, noting that from 2024 to date no one has been charged with falsifying results. It also recalled the errors in the voter rolls, regarding which the Public Prosecutor's Office concluded that there were insufficient grounds to proceed, without anyone being held accountable. In the defence's view, this absence of proceedings undermines justice.

The defence also invoked Law No. 1/2025 of 11 April on the inclusive national dialogue, which recognises the post-election crisis and attributes the demonstrations and the ensuing violence to a lack of confidence in public institutions. On that basis, it regards the case as a political manoeuvre to exclude Venâncio Mondlane from future elections.

Other points raised by the defence:

- the competence of the magistrate who conducted the investigation and brought the indictment: of district rank, with only 11 months of service and serving at the Maputo City Prosecutor's Office, and, according to the defence, lacking competence for offences as serious as those with which the defendant is charged;
- objections of lack of competence relating to the magistrate's level, the rank at which he was serving, and the subject matter;
- the rejection of any terrorist plan and the argument that only the Central Office for Combating Organised and Transnational Crime had competence to investigate the terrorism offences, an investigation that was instead conducted by another department lacking such competence.

The defence also challenged the telephone records obtained from the operators, pointing to the following defects:

- the documents bear no institutional letterhead, reference number, technician's signature or call duration;

- the audio recording attached as Annex 11 does not identify the defendant's interlocutor and is not accompanied by a judicial authorisation for the interception;
- calls from October and November are located at antennas in Maputo, at a time when the defendant was no longer in Mozambique;
- the data are not arranged in chronological order, as operators usually do;
- there is excess data relating to April, which may compromise the defendant's confidentiality.
- On these grounds, the defence requested the exclusion of these annexes, a declaration of their nullity, and the inclusion in the case file of the order by which the Public Prosecutor's Office requested the records from the operators.

4. Statement by the defendant

After the break, which began at around 12:00, the session resumed at around 13:47 with the statement of Venâncio Mondlane. The defendant said it was difficult to relate the facts to the offences with which he is charged, because the Public Prosecutor's Office submits videos and audio recordings without distinguishing between the acts and the legal definitions of the offences.

He traced events from the municipal elections to the general elections and explained that the live broadcasts he made from abroad were a form of protest, aimed at bringing activity to a standstill and not at destruction. He cited reports by the DECIDE Platform, Amnesty International and the Bar Association as evidence of the primary source of violence in the country, and said he had returned to Mozambique to take part in the national dialogue and was willing to resolve matters through the courts as well.

Regarding the prosecution's main piece of evidence, the audio recording, he stated that it consists of excerpts that circulated on social media and that the Public Prosecutor's Office allegedly added to the case file without verification. He requested the full recording and presented the link entitled "vaza áudio entre Venâncio Mondlane e Albino Forquilha" ("leaked audio between Venâncio Mondlane and Albino Forquilha").

The defendant accused the ruling party of using public institutions to remain in power and stifle the opposition, citing this as one of the reasons for the trial. He praised the inclusive national dialogue as a good initiative, for which the 20 points he had presented served as a basis, but said it is no longer on the right track. He referred to the killings of ANAMOLA members and maintained that his words in the live broadcasts contain nothing criminal, unlike the words he attributed to the President of the Republic, Daniel Chapo, in Palma, about "spilling blood" ("jorrar sangue") to put an end to the demonstrations.

According to Venâncio Mondlane, the demonstrations involving pot-banging, car horns and the national anthem were expressions of unity and patriotism, and the deviations were "false flag" actions carried out by agents who were "enemies of the State, but friends of a party", who destroyed and set fire to property. He accused the defence and security forces of having led people to their deaths, citing the Benfica case, in which, according to him, the doors were opened, people were let in, locked inside and the

premises set on fire. He said the same logic lay behind the release and killing of inmates at the BO maximum-security prison, the report on which has yet to be released.
Finally, he suggested that the Public Prosecutor's Office hold a seminar to assess whether it is in fact a good guardian of legality. The Public Prosecutor's Office took offence and asked for respect. The defendant apologised but clarified that he was speaking of institutions and not of individuals, and that everything he had said could be substantiated.
5. Adjournment
Regarding the next phase, the taking of evidence, the Presiding Judge said the Court needs time to organise itself. The session was adjourned at around 15:20.
Next session and points to watch

- Thursday, 19 November 2026, at 10:00, at the Supreme Court.
- Decision of the panel of judges on Shamir Mendes.
- Decision on the request for exclusion and nullity of the telephone records.
- Decision, still pending from the first day, on the missing documents and the length of time the case file was withheld.
- Start of the evidentiary phase and hearing of witnesses.

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