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Community Courts

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1. The Creation of Community Courts

In the process of breaking with and dismantling the colonial state after independence, the new Mozambican state created a new judicial system (Gundersen and Berg, 1991; Gundersen, 1992; Lundin, 1994).[1] In this judicial system – the main objective of which was to serve all Mozambicans – the popular courts, at different levels and with different forms of organization, were the guarantors of the implementation and reproduction of popular justice.[2]

The Mozambican Constitution of 1990 abandoned the judicial system of 'Popular Justice' and created a new paradigm. The new political-constitutional framework adopted a judicial organization "consistent with the new philosophy of the organization of the State and the many democratic institutions in the country" (Preamble to Law no. 10/92 of 6 May – the Organic Law of the Judicial Courts).

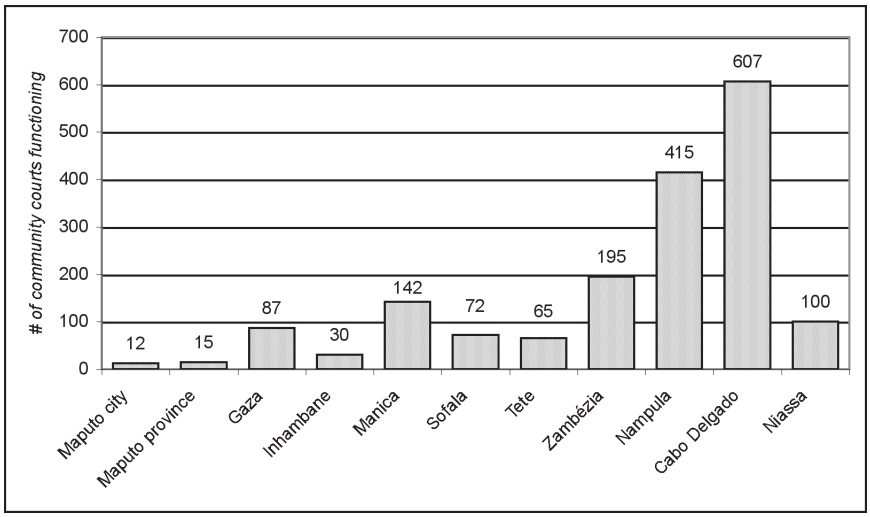
The community courts created by Law no. 4/92 of 6 May remained outside this judicial organization. The main objective of these courts was to fill, at the base level, the void created by the formal abolition of the popular courts. Defending the supremacy of social justice, equal rights for all citizens, social stability, the value of tradition and many other social and cultural values, the Law recognized that the country's experiences of a community style of justice "indicated the need to value and deepen it, taking into account the ethnic and cultural diversity of Mozambican society." It therefore justified the creation of "bodies which enable citizens to resolve small differences within the community and contribute towards harmonizing the

various practices of justice and enriching rules, habits and customs, thus leading to a creative synthesis of Mozambican law" (Preamble to Law no. 4/92).

Despite defining the parameters within which the future community courts should develop their work, Law no. 4/92 was never regulated, which means that the Mozambican state never formally fulfilled its desire to create these courts.[3] For almost all the judges in the community courts, this legislative omission represents a strong sign of delegitimization on the part of the state.[4] Compared to the former popular courts, which formed the base of the official judicial system, the community judges interviewed considered that the state, by not establishing a legal framework of operations for the community courts and by not making support available, particularly material support and training, delegitimized them both in the superstructure and in the communities.

Although the available data regarding the distribution of community courts in Mozambique is quite feeble, figure 10.1 is indicative of their strong presence in the country (a total of 1,740 community courts).[5]

Figure 10.1: Distribution of Community Courts by Province (2004)



Source: Ministério da Justiça (2004). *Relatório ao X Conselho Coordenador*. Tete, 13-15 July 2004.

The Relationship Between Community Courts and Official Courts

In general, the provincial courts do not have any links with other non-judicial bodies involved in the resolution of conflict. As for the district courts, their relations vary according to geographical proximity, the personal bent of the judge in the judicial court, the legitimacy and efficiency of the other bodies, their willingness to cooperate (particularly in the case of the traditional authorities) and the implementation of

research and support projects specifically for the community courts, which can also benefit the judicial courts and the judges themselves (as was observed in the province of Cabo Delgado).

There are cases of close collaboration between the district courts and community courts which may assume various forms. In the district of Mueda (Cabo Delgado province), for example, the district court and the community courts in the district headquarters have maintained a stable relationship which has progressed from discussion and clarification of the responsibilities of community courts to the joint definition of the sanctions to be applied in various cases and the rapid handling of cases emanating from the community courts. Although on a different level of intensity, a similar situation was observed in the district of Alto Molócuè (Zambézia province). Here the relationship had developed mainly into the presentation of monthly reports to the district court and the depositing of the revenue collected in the Bank.

The official judicial system does not wish to function as an appeals body or an alternative to community justice when the latter is not efficient or when its decisions are not accepted by one of the parties involved. For instance, in trial sessions observed in a provincial court, the judge refused to hear family conflicts (in one case, this involved the crime of bodily harm in which the victim was the sister of the aggressor and in another, material damage carried out by a husband) and sent the parties involved back to their neighborhood. According to the judge, these types of conflicts "are not for a judge to hear, but should be resolved within the family or in the neighborhood". He was referring to the structures of the local *grupos dinamizadores*,[6] the community courts and the families themselves. In both cases the accused[7] benefited from legal defense by being appointed a legal assistant. However, in these situations, denial of access to the law affected the victim and had nothing to do with any problem on the part of defense, since both cases had been brought before the court by the attorney's office.

The Law that created the community courts was never regulated. This law limited itself to defining the courts' institutional framework. It determined that the judges of the former popular courts at the level of the localities and neighborhoods would continue to exercise their functions until the first elections for judges for the community courts were held.[8] However, as there have been no elections, the judges at the time kept their positions. Due to reasons arising out of normal occurrences and circumstances of life, such as death, illness, migrations caused by the long civil war and professional moves, the body of judges naturally suffered some reductions. These reductions were also affected by some people leaving their posts due to the loss of social prestige attached to the position and to the feeling of having been 'abandoned' by the government, which was (and is) the case of many of the judges, as well as the unpaid nature of the work. In some courts these absences were filled by new members. In the absence of any regulatory law to define the rules of recruitment, these replacements were made from within the same socio-political environment as that of the previous judges. The new judges were elected through the local *grupos dinamizadores*,

proposed by neighborhood structures or by the direct intervention of individuals connected with the Frelimo party.[9] It may therefore be said that the creation of community courts by the state, to function as a bridge between the judicial system and the community, failed due to a lack of political will or attention. A vacuum was created at this level, which, as soon as political conditions allowed, has been filled by other social regulation mechanisms, the most important of which are the traditional authorities.[10]

2. Brief Characterization of the Community Courts

The community courts are, therefore, a hybrid legal entity which combines the characteristics of official justice with those of unofficial justice. As the law that instituted them was never regulated, in sociological terms the characteristics of unofficial justice predominate.

In the areas in which they remain active and operational, community courts are entirely maintained by the strength of their previously conquered legitimacy. Throughout our period of research we had the opportunity to observe some courts which were very active and involved with the community. Among these, we wish to highlight the community court of Vilankulo-Sede (Inhambane province) and those in the neighborhoods of Mafalala, in the city of Maputo and Munhava-Central, in the city of Beira. However, exceptions do not make the rule. The human and infrastructural needs which, in general, affect the community courts, and the competition they face from the other entities involved in the resolution of litigation (the police, local *grupos dinamizadores*, the religious authorities, the traditional authorities, etc.) are contributing to their gradual disappearance as the favored centers for the *creation of a new law* and as the disseminators of rights. The crisis in their legitimacy is evident in the number of cases they handle: in many of the courts observed there is less than one case a month. According to many of the judges interviewed, the main causes of this crisis are that the state does not provide material resources (paper, pencils, pens) and financial compensation for their work, that there is a lack of training or guidelines on working rules, and that the judicial courts do not give them any support in social cases. In other words, there is no adequate institutional integration.

The Judges

As established in Article 7 of Law no. 4/92, the community courts are composed of eight judges, five of whom are full members and three are substitutes. However, in seven community courts in various regions of the country, namely Ingonane, Mafambisse, Chipangara, Morrumbala-Sede, Sansão Muthemba, Chingodzi and Dómuè, there were not even enough judges to allow the court to function with its minimum legal *quorum* (two members, in addition to the presiding judge). Other courts, although composed of three judges, are very often forced to function without a *quorum* whenever one of the judges, for some reason, is unable to attend. For example, in the Maimio Court (Cabo Delgado province), when two judges were ill, the *quorum* was made up by the secretary of the neighborhood *grupo dinamizador*, a situation which, as

we observed, was considered normal.[11] The reasons for the lack of judges in the community courts have already been discussed. About half the courts have a clerk or a messenger or both in their service.

It should also be pointed out that there is an overwhelmingly male presence. Of the 174 individuals who make up the 34 courts initially observed, only 19% (33) were women.[12] This percentage is even lower in relation to judges. Only 26 of them were women, which amounts to only 18%.

The judges, whether men or women, tend to be over 40 years of age. Even when they are replaced, recruitment does not, as a rule, alter the age group. However, in some cases, particularly when the replacements are women, they do tend to be younger. In societies with a strong rural element, as is the case in Mozambique, age is very significant in relation to the exercise of authority and this is the main reason why people in such positions tend to be older than the legally stipulated minimum age.[13]

In terms of occupation, the majority are peasants (they work in the fields at their *machamba*, including most of the women), whilst others are retired people, artisans and workers. In four courts the stated profession was head of the district market, post-office worker, school functionary, health authority worker and police officer. In Murrébwè (Cabo Delgado province) one judge also stated that he was a *régulo* (traditional leader) and in Muélé (Inhambane) one was a member of Ametramo.[14]

The Politicization of the Community Courts

Given the socio-political context in which the community courts have been functioning, there is no discontinuity with the popular courts (for instance, the judges are, in most cases, still the same). Almost all of the judges in the courts observed said they belonged to the Frelimo party and many of them also participated in party organizations such as the OMM[15] and the local *grupos dinamizadores*. This duality is one of the reasons why the courts have a party identity and also a degree of ambiguity. It is also the source of the problems they confront in the exercise of their duties. The persistence of this connection – both in terms of the political loyalties of the judges and the human component and also the community court premises in which the courts operate – encourages the courts' widespread identification with the Frelimo party.

This fact, combined with a certain marginalization of the traditional power structures, has led to the increase of political bipolarization, with the community courts regarded as the instruments of Frelimo and the traditional authorities as instruments of Renamo.[16]

This identification has led a group of judges in one community court in Mocímboa da Praia (Cabo Delgado province), presumably supporters of Renamo, to create a parallel community court.

In 2004, observations of several community courts in Angoche – a municipality won by Renamo in the 2003 elections – revealed an intensification of the political differences between the parties (Renamo and Frelimo), a situation that was dramatically affecting the existence of the local community courts. Accused of being controlled

by Frelimo, the judges seemed incapable of attracting litigants. In fact, the extreme politicization of these courts had resulted in a profound distrust, by the parties, of the community courts' ability to judge their cases with the impartiality they required.

Working Conditions in the Community Courts

The vast majority of community courts observed operate in the same premises as the former grassroots popular courts. One characteristic common to all the courts is the precarious condition of the buildings where they function. Out of the total number of courts studied during the first research project, eight were held in the open air, eighteen worked in buildings offered by the *grupo dinamizador*, the Frelimo party, the Administrative Post, the school director or the Municipal Councils, and two functioned in the house of the presiding judge – one on the veranda and the other in the yard. Only six courts have their own premises.

The fact that a court operates in the open air obviously influences its activities, making them seasonal – sessions must be interrupted every time it rains.

When courts operate in buildings that are loaned, usually by the local *grupo dinamizador*, they have to be shared. This situation displeases the majority of judges interviewed. From the outset, it affects the working hours of the court. In several sessions and in various courts observed, the judges warned the parties or the witnesses during the trial session of the need to adhere to the session schedule because the room was due to be occupied 'by others' later. In addition, as observed during the trial sessions, sharing facilities means that trials are frequently disturbed by members of the *grupo dinamizador* consulting documents filed there, fetching papers, etc.

The lack of premises of their own prevents community courts in general from having any space for their own exclusive use, to keep and file their documentation. For this reason, in many of the courts the case files and other documents were stored in the house of the presiding judge or the court clerk. This situation also occurred in cases where the community courts had their own premises. Their advanced state of disrepair meant that no materials could be stored in them. Quite apart from practical concerns, sharing premises with structures linked to political parties naturally makes it difficult for the community courts to function autonomously, as well as to affirm their status as independent structures.

Even when courts operate in buildings, the furniture is very simple and sparse, generally consisting of a table or desk, chairs for the judges, one or two long benches for the parties and, in some cases, a cabinet. In some courts the parties had to bring their own benches or sit on the floor. In others, the furniture for the trial session was loaned from other nearby entities, either the local *grupo dinamizador*, the Frelimo party or others or, in cases where the courts functioned in the open air, the residents of the nearby houses. It is, however, interesting to note that, within the general precariousness in which the community courts operated, there were substantial differences in the material assistance they requested. For example, whilst the community court of Bairro Sansão Muthemba[17], in Tete city, requested a typewriter – because "the modern world

has an advanced technology" – and the "Penal Code", the community court of Vilankulo and the community court of Bairro de Machavenga (both in the Inhambane province) asked for notebooks and pencils.

Working Hours

The court schedules vary considerably. Few courts are open every day. Most are only open twice a week and on those days, few function throughout the day, usually only in the morning or in the afternoon. This situation is a result of the fact that the great majority of courts observed did not have their own premises, but had to share a building with other structures.

The fact that they cannot operate on a daily basis prevents community courts, from the outset, from intervening in urgent situations such as minor disputes between spouses or neighbors which in turn can result in many people 'running straight to the police', a frequent complaint of many community court judges. The population does not, therefore, have easy access to community court justice.

3. The Nature of the Cases

For reasons previously explained, it was only possible to gather, by random sampling, documents and data on 436 cases in 15 courts (see table 17.1). Using a form to describe the cases, we obtained data relating to the characteristics of the parties involved, access to the courts and the nature of the problems dealt with.

The socio-legal demand is dominated by marital issues (35%), followed by theft, slander, and bodily harm. There are also cases relating to debt, land and housing issues. In a more fragmentary manner, cases of suspicion of witchcraft, abuse of trust, and labor issues (related to contracts and indemnities) also occur. Additionally, the survey encountered cases involving lack of hygiene, a complaint about a large fine, a disturbance at work, the attribution of a name and the formation of a partnership, a case of sexual harassment, a rape, arson, the sale of another person's property, and an accusation of cutting firewood without authorization.

Conflicts involving relations within the family have significant weight in our sample, particularly marital conflicts, although there are also issues relating to minors, the division of property and the breach of promises of marriage (the latter amounting, on the whole, to 169 cases – 48% – out of a total of 350).

Marital issues were the most frequent type of litigation in all the community courts observed. The great majority of cases involved adultery, domestic violence, abandoning the home, lack of support from husbands and divorce claims. In the community court of Mafalala (Maputo city), for example, the plaintiff wanted a divorce "because the first wife is possessed by a bad spirit".

Table 10.1: Types of Issues in the Community Courts Studied (1996–2000)

Type of issues	Number of cases
Marital conflicts	121
Marriage	9
Minors	23
Family conflicts	10
Division of property	6
Housing	13
Burglary (petty theft)	34
Bodily harm	24
Abuse of trust	8
Witchcraft	10
Land tenure	18
Debts	21
Contracts	4
Compensation	6
Labor issues	5
Other	9
Total	**350**

Source: CEA/CES, 1999.

There are major differences in the working conditions of the community courts and in the way in which they operate. However, these differences, as we shall see, exist mainly in terms of emphasis and degree. In fact, as we are dealing with a community justice which is not professionalized, aside from being informal and not subject to predefined standard rules and procedures – as is the case in the judiciary and the procedural codes that govern formal justice –, this operational diversity is only natural. Moreover, their non-professional nature and the structural differences confer different competences on the community court judges and result in specific kinds of behavior. For example, a presiding judge who is more familiar with the judicial courts, as is the case with the presiding judges at the Bairro da Liberdade community court (Inhambane city) and the Mafalala community court in Maputo city (who are both also elected judges in the judicial court), will be more likely to reproduce the procedures of formal justice. Naturally, the level of education is also reflected in the litigation procedures, particularly in relation to written records.

The Parties

Plaintiffs comprise a more or less equal number of men and women, with men slightly outnumbering women.[18] At first glance this information does not seem to correspond to the nature of the conflicts, which predominantly constitute marital litigation, with most of the complaints being brought by women. In fact many of the cases, particularly those in which a wife has been abandoned, are presented not by the woman concerned but by her father, who appears at the trial as the plaintiff.

In terms of the accused, men predominate substantially, representing 68% (285 men and 132 women). Accused males are the majority in samples from all the courts, with the exception of the community court of Bairro da Liberdade (Inhambane city), in which both men and women brought forward complaints in identical numbers.

There were no differences in relation to the age of the plaintiffs and of the accused. In both cases, the most common age group is between 20–40 years, followed by the 40–50 group. However, the main incidence for both plaintiffs and accused was in the 20–30 age group.

Housewives predominated amongst the plaintiffs – which is explained by the high number of cases relating to family conflicts – followed by workers, service sector employees, and small farmers. On the side of the accused, there were no significant differences in terms of occupation, although they included fewer housewives and more unemployed people. There also appeared to be more security agents (police and military), as well as more senior officials and retired people. This distribution seems to indicate that the socio-economic status of the clients of the community courts, whether plaintiffs or accused, is similar.

The Complaints

Complaints submitted directly to the court predominated – 57% of the complaints were presented directly to the community court; in other words, the plaintiff had not previously resorted to any other community body to resolve the dispute. There were, however, a significant number of cases in which the offended party had previously presented a complaint to the local *grupo dinamizador* or to the police (24% and 14%, respectively). In addition, some other cases had been brought before the community court via the judicial court or Ametramo.

This absence of reference to an intermediary structure does not mean that it did not exist. In the sessions observed we found various cases in which, although it was not reported that the case had been taken up by another community body, this was in fact what had happened. In general, when a case is transferred from another community body a document is created (a "guide" to the transfer of the case) which is directed to the community court. As the transfer documents show, the deescription of the case can be very brief or more detailed. The document is signed by a representative from the body that is forwarding the case and bears its stamp.

Court Proceedings

In the judicial courts, the procedural formalities required by procedural law constitute one of the pillars on which official, formal justice rests and represent one of the fundamental guarantees for those who have recourse to them. The procedural rules are uniform and the assumption is that they are known and used by all agents of justice. In contrast, community justice is a non-professional form of justice based on oral, informal and, naturally, non-uniform procedures. For this reason, it is a very heterogeneous form of justice in terms of proceedings. In the case of the community courts, this heterogeneity also arises out of the fact that they operate outside any formal, organizational context, and are left to their own devices and to the local ability to improvise, innovate and reproduce.

There are, in fact, significant differences between the courts, whether in terms of the organization of proceedings or the language used. In some courts, as is the case in the community court of Mafalala (Maputo city), Munhava-Central (Beira city), Bairro da Liberdade (Inhambane city) or Chipangara (Sofala province), the very close relationship with formal justice has led to a selective adoption of the formulae, styles and language inherent in that type of justice. The proceedings are more formal, with all complaints recorded in writing as a document of notification or formal complaint.

The court record sometimes contains other notes, such as an indication that a given party or witness has been notified, the terms for payment of compensation, or the setting of a trial date. Proceedings are, in general, handwritten. However, in most courts we observed, the complaints are registered in a much more summary form: on a school notebook, merely recording the identification of the parties and the object of the litigation.

It is interesting to see that, even in the most formal of proceedings, the use of legal terminology was combined with the use of simple language, directly linked to the oral nature of the surrounding culture. In any case, this formality did not influence the outcome of the litigation. It seemed, above all, that the prime objective was to establish a distance vis-à-vis the parties and to legitimize the power of the court. When the statements were written down, they were signed by the party who had made them and by the presiding judge or his/her substitute. Having received the complaint, the accused was notified to appear on a particular day and time at the court.

In this respect, too, there are many differences between courts; whilst in some courts notification may be written on any sheet of paper (including, in one case, the blank space on an election leaflet), in other courts embossed sheets of paper existed. In addition, in these notifications, the procedural law of the judicial courts was used as a means of imposing the power of the community court. In the cases to which we had access, these notifications always ended with the threat of punishment in accordance with the law.

There were no significant differences in terms of proceedings during the hearings. Once again, the differences were, above all, those of emphasis and depended very

much on the presiding judge. The judges use their resources in the way they feel is most effective in order to impose the power and the decision of the court. Consequently, the hearings can be ritualized to a greater or lesser extent, with greater or lesser recourse to the 'threat' of the law. The hearings always created an effect of distance between the parties and the court, achieved mainly by the distinction between the area reserved for the court and that of the parties.

All the hearings observed took place in a context dominated by rhetoric, translated into verbal expressions, silences and gestures. National languages predominated in the hearings; Portuguese was very seldom used. The court used the same language as the parties; there was no need for interpreters or rephrasing. On rare occasions there was recourse to the concepts and formulae of judicial law, and when this happened, it was always done very selectively and instrumentally, with the aim of legitimizing the court. The parties never intervened spontaneously. In many courts, excessive gesturing by the parties was punished.

The Decision

The most common verdict was condemnation (58%), irrespective of the nature of the conflict concerned. The sentence could consist of the payment of a fine, the payment of compensation, the restoration of a situation to its normal order, the termination of marital or family problems, or the authorization of the payment of alimony. There were, however, cases in which the guilty verdict was reversed, that is to say that the plaintiff rather than the guilty party was condemned if it was proved that the plaintiff had been lying, had behaved in an offensive manner during the trial, or had presented a complaint without proof against the accused. In many cases, the payment of a fine or an indemnity was associated with other sanctions, such as, for example, community service and *levar chamboco* (a beating with a wooden stick).

Many complaints arising out of family conflicts ended in agreement between the parties, especially when they involved child support payments and the payment of compensation by either the plaintiff or the defendant. Reconciliation of parties is most frequent in marital conflicts. The judges always sought to obtain reconciliation between the couple or between the accused and his relatives. When this was unsuccessful, the conflict ended with the separation of the couple and the subsequent division of property. Our sample contained very few examples of cases being withdrawn – only 6 out of 291 cases.

In various situations the court decided that cases had to be dealt with by another entity which had more specific powers to resolve the conflict. The dispute could therefore be sent back to the family, to Ametramo or to the judicial courts.

In situations specifically involving pending cases, the reasons given for this were as follows: in five cases this was due to the non-appearance of parties or witnesses; in six cases the court decided to delay the trial; in one case it was decided, on the request of the plaintiff, "that she should be submitted to certain traditional investigations to determine the truth about whether she had sent evil spirits to her nephew's house, as

the spirit has said"; finally, in another case, this was because the wife of the accused "had acquired a pregnancy".

Analysis of the documentation enables us to verify that pecuniary sanctions have become, in recent years, the standard measure for all types of litigation. The courts have virtually ceased to apply the other measures envisaged in the law – such as community service, or the loss of any right whose immoderate use had led to the transgression of Article 3, no. 2, of Law no. 4/92 (paragraphs b and d) – as was often the case at the time of the popular courts. Although it is not acknowledged by the judges in these courts, it may be stated that very frequently the amounts of the fines and legal charges levied considerably exceeded those stipulated by law, which certainly affects the access to the justice offered by the community courts.

Conclusion

Community courts in Mozambique today are entities for resolving very complex litigation. They have taken over the human and institutional legacy of the popular courts, but not their formal organizational legacy. Unlike the formal courts, they are not part of the judicial structure nor do they receive any technical and material support from the judicial courts. Under these circumstances, wide variations in the way community courts work are only to be expected. With all kinds of human and infrastructure shortages, and faced with competition from other litigation settlement mechanisms – from the police to the *grupos dinamizadores* to the churches to traditional authorities –, the community courts have been left to their own devices and to the local capacity for improvisation, innovation and reproduction. This explains the almost chaotic variation in the way in which they operate. The absence of any recognition of this *de facto* situation has led to the absence of any mutually beneficial interaction between official justice – which is almost exclusively at the service of the urban population – and a form of justice that is not official but reaches the areas where most of the population live.[19] This poses the risk of formal justice becoming more and more formalized and of informal justice not having a regulatory framework in which constitutional principles and respect for human rights represent the limits of its autonomy.

As legal hybrids community courts are producing a 'creative synthesis of Mozambican law'. However, the uncertain environment in which they operate, if not corrected soon, could in the short term jeopardize their very existence. In light of this, Mozambique has been developing a broader project for legal reform since 2003, which is aimed at democratizing and decentralizing the court system whilst improving access to law and justice and this project includes, as one of its pillars, the reform of the community courts.

Notes

1 On this subject, see chapters 1 and 2.
2 The popular courts were considered the instrument which enabled the people "to resolve the problems and difficulties arising out of daily life in the community, the

local area and the village and neighborhood communities." The popular courts were also considered to be a guarantee of the consolidation and unity of the Mozambican people, "the great forge in which the people create the new law which continues to drive out the old law of colonial-capitalist feudal society" (Preamble to Law no. 12/78).

3 The Law of the Community Courts is currently (2005) being reformulated, as part of a broader reform of the justice system in Mozambique (see below). It should be pointed out that the new constitutional reforms of 2004 defined the existence of several categories of courts, including community courts (Article 223).

4 This chapter refers mainly to the study carried out during the first research project, from 1996 to 2000.

5 Law no. 4/92 defines the institutional framework of the community courts. For example, it clearly states that the provincial governments are responsible for establishing these courts (Article 12). However, throughout the first research project little was known at provincial court level about the activities carried out by these courts.

6 See note 34 in chapter 1.

7 When communicating in Portuguese, community courts tend to use the word 'accused' instead of 'defendant', the word in use in the judicial courts.

8 Law 4/92 states that the provincial governments should establish the mechanisms and time frames for the election of community court members (Article 13) and that the district judicial courts are responsible for controlling the process.

9 The party in power since Mozambique became independent. After the introduction of a multi-party system in the early 1990s, Frelimo has won both the presidential and the legislative elections.

10 The subject of traditional authorities is analyzed in more detail in chapter 11.

11 Of the 34 community courts studied during the first project, less than half of them had five or more judges. The data available since 2003 indicates a clear deterioration in this situation.

12 In some community courts, in addition to judges, there were also other counsellors, treasurers, etc.

13 By law, the minimum age for a judge in a community court is 25.

14 AMETRAMO – Mozambican Association of Traditional Healers. On the role of traditional healers in conflicts involving accusations of witchcraft, see chapter 3.

15 *Organização da Mulher Moçambicana* (Organization of Mozambican Women), an organization which is part of Frelimo.

16 Renamo is the main opposition party in Mozambique.

17 *Bairro* corresponds to a large neighborhood. See note 18 in chapter 1.

18 In the cases analysed up to 2000, 195 of the plaintiffs were male and 202 female.

19 According to the last census, the rural population accounts for the vast majority of the population in Mozambique (77%).