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The Judicial Courts' Performance: Main Blockages in the Court System

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Introduction

The patterns of litigation present in the judicial system – civil, juvenile or criminal – as well as the patterns of litigation absent from the judicial system analyzed in previous chapters, are in themselves indicative of the first major blockages in the system: the distance between citizens and the judicial courts, and the economic, cultural and social barriers affecting access to the law and the official courts. According to the interviews and observations carried out during our research, this gap between the judicial courts and the majority of Mozambicans is due to the following: the fact that written law is ill-suited to the Mozambican situation; a distrust for the workings of the judicial courts; the official, legal, written culture of winner/loser and sanctions, instead of a local culture of reconciliation; misunderstandings concerning the purpose of the funds raised from fines and bail.

This distance from the courts and the social discrimination affecting access to official justice are much more complex phenomena than they may at first appear to be. In addition to economic factors (which are always the most obvious), they also involve cultural factors resulting from socialization processes and the internalization of prevailing values which are very difficult to transform. It is up to the state and the judicial system to work to reduce the selectivity of the legal system and the economic, social and cultural barriers and to transform the potential citizen demand for legal protection into an effective demand.

Access to official justice is extremely selective. The state machinery is incapable of responding satisfactorily to the increasing needs of citizens because it lacks the

financial, human, technical and organizational resources, as the previous articles in this section have outlined.

1. The Media View of the Judicial System

The assessment of public opinion concerning the problems of justice is a rather recent phenomenon, promoted mainly by organizations from civil society, donors and, in some instances, the institutions themselves. Listening to citizens' opinions reveals a somewhat new concept of justice in Mozambique, more akin to the provision of services than the exercise of power, which can help strengthen a democratic and participatory culture.

On the assumption that the official legal system is much more accessible to those who can read and write Portuguese (thus reflecting some school education), we analyzed articles on the institutions and activities of the official legal system published by the Maputo press in 1999.¹ Later on, we analyzed the results of several surveys on the attitudes and performance of the legal institutions.

In recent years, several Mozambican radio and television programs have been organizing discussions between representatives from the justice institutions and the public, raising questions about issues such as crime, the performance of the courts, family law, state corruption, etc. Although the public involved is only a small fraction of the urban population, this kind of discussion is indicative of a maturity of opinion and a clear perception of the inadequacies and abuses of the institutions that oversee law and public order.

Up to 1999, the media described the Mozambican judicial system as suffering from various problems that were destroying its foundations. Amongst other aspects reported by the media, there was repeated discussion of its lack of financial and human resources, mainly affecting the upper echelons of the judicial system. There were also accusations of a lack of political will to resolve these problems.

Judges and attorneys were also criticized, with accusations focusing mainly on the passivity of the judicial institutions. According to the press there were also suspicions that ethnic and religious biases had influenced the behavior of the judicial institutions, resulting in huge delays in the justice system that prevented the Mozambican courts from functioning properly.

More specific criticisms were made of the Supreme Court. One of the problems noted in relation to this Court was its excessive slowness and another was its lack of impartiality in rejecting a request by one of the Mozambican political parties to contest election results.²

The General Attorney's Office was also criticized in the press for its lack of action and the same questions were asked about the reasons for such inertia. In addition, the papers reported suspicions that state attorneys may have been involved in a large-scale case of corruption. As a result, in 2000 a new Attorney-General was appointed by the President.³

Several surveys have also directly or indirectly revealed the interviewees' views on their level of confidence in justice in a broader sense. For example, in March 2000, the Ministry of Justice promoted an opinion poll on human rights, covering such subjects as respect for fundamental freedoms, citizens' knowledge of their rights, police actions, the right to defense and representation in court and the main human rights violations in the country. The results showed that, on the whole, Mozambican citizens have little knowledge of their rights and relative confidence in the state as the guarantor of these rights. However, half of the interviewees felt that the police did not respect human rights and a significant majority (63%) was aware of the growing 'privatization' of justice in Mozambique, affirming that "in Mozambique justice is only for those who have money." With regard to the violation of rights, those mentioned most frequently were second generation social and economic rights such as the right to health, a reasonably-paid job and education. The main problems in relation to human rights violations were illegal detentions, mistreatment in prisons, the slowness of trials and corruption in the civil service and the courts. Another situation indicated as an example of the violation of human rights was violence against children and women.

When the first research was carried out, the murder of Carlos Cardoso, a renowned Mozambican journalist, had not yet taken place.⁴ The media sought to transform the trial of Carlos Cardoso's murderers into the struggle of civil society against corruption. The trial became an example of the role of the judiciary for most Mozambicans, since it was widely publicized and broadcast. Newspapers, weekly publications, and radio and television news programs featured interviews with citizens about the trial. The attention paid by the media to the Carlos Cardoso case was justified by the fact that it was linked to a major bank fraud that he had been investigating which still has not been fully explained and which gave rise to suspicions about the possible involvement of public figures and their connections with organized crime.

In addition to the interest raised by the subject itself, the Cardoso trial offered a rare opportunity for citizens to observe closely how justice works, including its various different procedures. The way the trial was conducted – almost always in a simple, direct and sometimes 'didactic' manner – transformed this trial into a collective learning process on penal law, helping to demystify the unfriendly and distant character of official law in the eyes of the ordinary Mozambican.

One of the reforms to the Mozambican justice system which has received the most media coverage is the Labor Law, for reasons which are sometimes rather strange. Criticisms center on the ineffectiveness of labor jurisdiction. Although established by legal diploma, the labor sections operating in the common courts have not yet been transformed into real and effective labor courts. By 2005 this situation still had not changed.

The press also gave coverage to constitutional reforms.⁵ Most of the criticism was leveled against the introduction of new institutions (such as the proposal for the creation of the Constitutional Court and the introduction of the position of

Ombudsman)⁶ without the adequate establishment and consolidation of those which already existed

2. Ritual and the Length of Justice

Ritual and the Chief Judge

The distance between citizens and the courts is also reflected in the formal nature of courtroom practice. Observation of both the provincial and district judicial courts led to the conclusion that the entire ritual of the hearing is conducted in an atmosphere of formality which distances the court from the parties and is filled with symbolism. The ritual and formalities are centered on the chief judge, to the detriment of cross examination and the active participation of the prosecution and the defense. The chief judge conducts the hearings in an inquisitorial and relatively discretionary manner. In effect, the prosecution and the defense barely participate, as previous chapters have shown.

It should, however, be emphasized that elected judges participate in trials as a form of popular participation in the administration of justice, in spite of the difficulties the courts have in mobilizing them, due mainly to the fact that they receive little or no payment.

In the judicial courts the ritual of the trial, which has essentially symbolic functions, still does not fully guarantee legality and debate, as it is a ritual that focuses on the chief judge.

The Length of Justice in Mozambique

The theoretical construction of the duration of a case must distinguish between its necessary duration – the reasonable period of time needed to defend individual or collective citizens' rights – and delay, *i.e.* the unreasonable or excessive duration of a case that is not required – and is sometimes even damaging – in order to protect the parties concerned. The necessary duration of the case should correspond to the legal duration of the case. However, according to previous research, in many cases it is the law itself which causes delay. Delays may also be organizational or endogenous to the system and may result from the volume of the work or routines acquired, as well as the (dis)organization of the courts.

Finally, the excessive duration of court cases can also be caused by the judicial actors (judges, attorneys, lawyers, parties, police, experts, legal officials, etc.). Such delays may, or may not, be unintentional. The former situation arises out of organizational delays resulting from involuntary negligent behavior on the part of the judicial actors. The latter is caused by one of the parties involved in the litigation, or someone acting on his/her behalf, defending his/her own interests.

In the lengthier proceedings we studied, for example, the progress of one of the civil cases analyzed — from the allocation of the judge to the hearing of the trial — occurred at the pace of procedural law, except for the documentary evidence, which got 'stuck' in the courts. The biggest delay occurred when the case was transferred

from the provincial court to the Supreme Court. From the time the appeal was lodged with the Supreme Court to the time when it was allocated to a Justice, about 15 months had elapsed.

In addition to this, one criminal case analyzed had been running for over 10 years. Slightly less than five months had elapsed between the filing of the case by the police (November 7, 1986) and the date of the trial (April 10, 1987), with the judge having previously ordered a reformulation of the accusation and the release of the defendant. In addition to problems with the instruction of the case, the legal claim for the case and the inability to notify one of the interested parties has meant that it has been awaiting a verdict for over ten years. This was initially because of delays with the 'transfer from one instance to another' and later because the case was 'held up' for many years following an appeal to the Supreme Court. In Mozambique, as used to be the case in Portugal, criminal cases proceed whilst the defendants are in custody and come to a halt when there are appeals. This indicates that reforms to the penal procedure are imperative.

3. Delays in the Provincial Courts

An analysis of these cases and legal claims identified the following as determining factors in the crisis in the judicial system in Mozambique:

- 1) a legal culture based on normative abstraction and logical-formal deduction, which produces a form of self-sustaining, complete and coherent knowledge within the system itself, but is alien to the society;
- 2) a highly complex, bureaucratic procedural structure that relies almost exclusively on adjudication (involving a win/lose decision) to settle litigation, with no systematic recourse to mediation, negotiation or arbitration processes. In addition, the way in which cases are processed results in their dragging on for a long time (more on this below).

There is a general consensus that the accumulation and excessive duration of cases, particularly in the Supreme Court, combined with corrupt practices, are the main reason for the judicial courts' loss of credibility and legitimacy.

In spite of a relatively controlled civil and labor court demand, civil and labor actions on average take between three months and two years (196 cases in 1987 and 473 in 1997), although a significant number last between two and five years. In 1997, when the situation became more serious, the slowest cases were labor cases, litigation on housing and debt collection. By province, the greatest delays occur in courts with the most litigation, or, in other words, in the city and province of Maputo.⁷

In general, the situation regarding the time required for a decision on criminal cases brought before the provincial courts⁸ has deteriorated. In 1997, a quarter of the cases lasted over a year. This apparent speed was due to the fact that, in almost all cases, the defendant was held in custody, so that the case became urgent and the trial had to be completed before the period of custody expired.

Table 8.1: Length of Civil and Labor Actions in Provincial Courts (sample of proceedings)

| Duration | 1987 | % | 1997 | % |
|-----------------|------------|------------|------------|------------|
| < 3 months | 71 | 20.4 | 171 | 22.6 |
| 3 months–1 year | 104 | 29.8 | 291 | 38.5 |
| 1 year–2 years | 92 | 26.4 | 182 | 24.1 |
| 2 years–5 years | 65 | 18.6 | 102 | 13.5 |
| > 5 years | 17 | 4.9 | 10 | 1.3 |
| Total | 349 | 100 | 756 | 100 |

Source: CEA/CES, 1999.

Table 8.2: Length of Criminal Proceedings in Provincial Courts (sample of the proceedings)

| Duration | 1987 | % | 1997 | % |
|---------------------|------------|--------------|------------|--------------|
| Up to 6 months | 269 | 67.3 | 349 | 49.7 |
| 6 months–12 months | 97 | 24.3 | 175 | 24.9 |
| 12 months–24 months | 21 | 5.3 | 99 | 14.1 |
| 18 months–24 months | 7 | 1.8 | 50 | 7.1 |
| 24 months–36 months | 6 | 1.5 | 29 | 4.1 |
| Total | 400 | 100.0 | 702 | 100.0 |

Source: CEA/CES, 1999.

The increasing delays in cases and deteriorating criminal justice has been accompanied by a rise in the number of cases pending. This situation can only be explained in part by a severe deterioration in the performance of the judicial system from the late 1980s onwards, when many judges left the courts. In addition, the Supreme Court Justices became less able to supervise and monitor the provincial courts. Finally, the increasing inefficiency of the judicial system is also due to the poor performance of the court offices.

Although there has been some growth in the number of juvenile cases brought before the Nampula Judicial Court, child justice is specific to the city of Maputo. It should also be emphasized that, between 1987 and 1997, juvenile litigation was resolved more quickly. In spite of the increasing number of cases, it can be seen that most of these were resolved in less than 3 months.

Due to its specialized nature and, as a rule, the absence of contestation, juvenile justice is a type of jurisdiction which may be considered exceptionally rapid in comparison with the length of civil and criminal justice.

4. Reasons for Court Delays

The identification of the causes of delays must be the object of a study that is independent of the corporate civil interests of the various operators within the system. In terms of the legal duration and the delays resulting from excessive legal time limits, as previously stated, the law, namely procedural law, is a far more significant factor in delay than is necessary. The accumulation of different types of delays – legal, organizational (or endogenous) and provoked (unintentionally or intentionally) – means that a certain number of cases are held up in the system for years.

We have identified the following causes of endogenous (or organizational) delays and deliberate delays:

- the organization of the judicial system and the concentration of competences in the judicial courts;
- the rise, albeit slight, in demand;
- the working conditions (premises and equipment);
- the recruitment, selection, training and management of human resources;
- inadequate legal and managerial knowledge;
- negligent behavior – or behavior which causes delays – on the part of magistrates, court officials and lawyers or legal technicians and assistants;
- inefficient organization and management of the court's work;
- the weaknesses of the General Attorney's Office;
- the inefficiency of criminal investigation;
- the absence of any means of controlling the system;
- the financial resources and lack of political will.

The judicial system is poorly and inappropriately organized and remote from most of its potential users. It only covers the provincial capitals and about two-thirds of the district capitals.

The size of the population and the socio-economic context of some of these districts means that, in practice, the geographical distribution of the courts sometimes does not coincide with the administrative divisions in Mozambique (and that therefore they should have more than one district court). In some districts, however, a district court is not warranted for the time being, as the demand for justice can be addressed by the community courts. There is also a need to consider the advantages and disadvantages of the effective application of the Organic Law, which classifies the district courts into first and second-class courts.

Table 8.3: Length of Juvenile Proceedings (sample of proceedings)

| Duration | 1987 | % | 1997 | % |
|-----------------|------------|--------------|------------|--------------|
| < 3 months | 80 | 51.3 | 156 | 60.0 |
| 3 months–1 year | 39 | 2.5 | 93 | 35.8 |
| 1 year–2 years | 17 | 10.9 | 11 | 4.2 |
| 2 years–5 years | 16 | 10.3 | 0 | 0.0 |
| > 5 years | 4 | 2.3 | 0 | 0.0 |
| Total | 156 | 100.0 | 260 | 100.0 |

Source: CEA/CES, 1999.

One of the specific and innovative features of the judicial system in Mozambique is that the management of the judicial system has been handed over to the courts themselves. This has had a paradoxical effect. On the one hand, it guarantees and symbolizes their independence yet, on the other hand, it has the adverse effect of judges accumulating obligations and thus having less time for their main job, which is to judge cases. Thus, the concentration of organizational and administrative management tasks in the Supreme Court, usually carried out by Supreme Court Justices, leads to a considerable dispersal of tasks and what should be the Justices' main activity – judging the appeals submitted to them – is relegated to second place. This situation is reflected in the declining number of cases closed annually in the highest judicial court.

The recognition that at this stage in the development of the judicial system, such a concentration of duties and obligations creates a bottleneck that affects the performance of the courts does not mean that it should be abolished. Retaining this function implies that the courts should be supported by auxiliary judges or advisors, so that pending cases and delays do not increase uncontrollably. As previously stated, delay is one of the main reasons for the judiciary's loss of credibility. As the highest instance in the court structure, the political and symbolic functions of the Supreme Court are of particular importance in legitimizing the system and preventing it from becoming trivialized or discredited.

At the moment, the growth in court litigation is more apparent than real, although it was the dominant topic in our interviews, as citizens are becoming more aware of their rights and there is a growth in new litigation arising out of the development of the market economy. The number of cases brought before the judicial system does not justify the increase in the number of cases pending in the judicial courts, which is disproportionate to the cases received. It is a sign that the courts are more inefficient. For some years now the courts have been unable to close even the same number of cases as have been filed and, as a result, there has been no reduction in cases pending. In some provinces, apart from civil and labor cases, demand has risen very little. The

same cannot be said of the cases brought before the Supreme Court. The explanation for delays in the Supreme Court is the rise both in demand and in the volume of work. The number of cases has risen and the capacity to handle them has fallen.

An analysis of reports from the Judicial Council and Superior Council of the General Attorney's Office as well as interviews with the judicial stakeholders has led us to identify insufficient human resources, recruitment and training difficulties and low and irregular salaries as the main blockages in the system. Issues related to insufficient human resources include the accumulation of judicial duties, vacancies or the absence of positions and even a lack of movement.

Training magistrates and judicial officials is now a major priority, which has recently become the responsibility of the Centre for Legal and Judicial Training (CFJJ).⁹

One of the interesting characteristics of the Mozambican judicial system is the existence of non-professional judges. However, they are poorly motivated, as they usually receive no regular compensation, fee or remuneration in return for providing their time. Moreover, some judges, namely in the Maputo City Court, have started to hold trials without the presence of the elected judges. In addition to the fact that these trials are invalid – the grounds for some appeals to the Supreme Court – it seems that the abolition of elected judges would be a loss to the courts, since it would distance citizens even further from the administration of justice.

The low salaries paid to district and provincial magistrates (judges and attorneys), whether graduates or not, is a problem that must be analyzed in depth and reviewed in detail. The magistrates of the General Attorney's Office, who have no statutory law (since the Statute of the Magistrates of the General Attorney's Office is awaiting approval), also feel that their profession is underrated.

The very important role played by the justice officials, as auxiliaries in the administration of justice and in processing cases, has also been undervalued.

The most highly qualified lawyers in Maputo city attribute the excessive slowness of cases to the fact that judges have technical difficulties in deciding on some types of cases. Insufficient knowledge of the law and inexperience are therefore important reasons why cases drag on. The labor sections, the judges in charge of pre-sentence investigation and the district courts are mainly singled out for criticism. Inadequate legal knowledge is blamed primarily on a lack of adequate legal training.

In a metaphor used by one of the judges interviewed, the judge is the head, the court clerk the heart and the bailiff, the legs. Thus, the performance of the court office is fundamental to the overall performance of the system. The court notary is responsible for preparing cases for trial and for handling those already decided. The organization, management and modernization of notary offices is a priority factor in reducing pending cases and unblocking the workings of the judicial system.

Lawyers are blamed for applying various delaying tactics or for causing cases to accumulate (*e.g.* by appealing to pendency, provisional orders and the failure of parties to appear in court).

Criminal investigation, though not the object of this research project, is one of the factors influencing the performance of criminal justice. The main problems lie in the quality of the investigative work. In addition to criticisms of the Criminal Investigation Police (PIC),¹⁰ there is also a consensus on the relative inactivity of the General Attorney's Office and the state attorneys. Their function is to direct the fight against crime and control and supervise legality in general, but they are usually passive and bureaucratic and thus jeopardize the individual and collective interests of citizens and other legal staff.

Throughout the first research project,¹¹ we also identified a feeling that the court sentences were not being properly administered, which was blamed on the court officials.

A complex organization such as the judicial system requires properly functioning internal control systems. The absence of active and operational court audits as instruments for controlling, inspecting and correcting the work of the judges and justice officials, thereby helping to improve the quality of the public service offered by the justice administration institutions, is one of the great problems which affect the system.

The low or (in the case of the district courts) almost non-existent budget allocation for courts does not allow them to develop. According to one of the people interviewed, "we are still at the first stage, the time of peace and macro-economic policies [...]. First, peace and economic stability. Then there will be a time for justice."

5. The 'Privatization' of Justice and Corrupt Practices

The 'privatization' of public practices and the occurrence of corrupt practices which are non-legal, illegal or criminal is 'the talk of the town' in Mozambican society, as stated earlier in this chapter. Embezzlement of funds, without doubt, lies behind the majority of corruption cases. Perpetrators range from government officials, or, in a wider sense, state employees, to customs officials, sports managers, etc. and cases can involve large or small amounts of money.

This image of corruption in its broadest sense has become firmly established, despite the reactions of the Superior Council of the Judicial System, the Judicial Council and the Supreme Court, as the rulings of the Supreme Court reveal. In his speech to the Judicial Council in 1997, the Chief Justice said:

When illicit mechanisms are used in government offices or court registry offices – sometimes making use of bureaucracy – thereby forcing the citizen, whose resistance is exhausted, to give in to the intentions of a corrupt official, this is considered an act of violence against the citizen in a disguised form. Although judges and justice officials recognize the need for certain material conditions which the state is no longer able to provide adequately, this in no way justifies perverse acts directed against the rights of the citizen [...]. The material condition of the judges will not be remedied by corruption. The iniquitous judge, like the soldier using his sword as a source of revenue, will not be

moved to honesty by a larger salary or handouts. The need to improve our material conditions should not, under any circumstances, be a justification for iniquity, like a shield against spears [...].

The concept of corruption that features in this chapter is not used in the specific sense laid down by penal law as a 'legal type of crime'. It is a very relative concept. The social phenomenon which nowadays is seen to be widespread in public administration and in society not only violates criminal law but also other forms of legislation, such as administrative legislation. Therefore we prefer the concept of *corrupt practices* and argue for a proactive response to these phenomena, with their immediate incorporation into current legislation. According to Graça (1992),

It may be said that these practices occur, above all, in connection with the appropriation, possession and use of food and equipment, as well as funds. Areas such as the armed forces, the police force and the paramilitaries, as well as the important distribution and marketing chain, seem to be the ones most affected by corrupt practices. There is also a tendency on the part of professionals working in the public services sector, in which salaries are extremely low in relation to the current cost of living, to trade services in order to facilitate quicker decisions, documents, interviews and other services. This affects state housing, teaching appointments in secondary schools, health care, bureaucratic services and support from bureaucratic staff and public institutions. Corrupt practices also exist at management level, although their extent is not known. There has been publicity about irregularities involving directors of companies or autonomous institutions. This phenomenon of corruption is becoming more widely established, so that it is imperative to find measures to contain it.

It has, in fact, not been contained and since 1992 corrupt practices have also extended to the administration of justice, in spite of the reactions of the Supreme Court and the Superior Council of the Judicial System whenever facts are denounced to them which enable them to intervene. As acknowledged by the Judicial Council in its Fifth Session (from 9 to 12 September 1997),

The wave of corruption, of reprehensible unethical behavior, of gross violations of professionally correct behavior, are not virtual realities but objective facts, which are part of the daily routine in our courts [...]. It is not only magistrates who are involved [in this] but also justice officials at various levels.

With the exception of the Supreme Court, all those interviewed always accused the other judicial courts of corrupt practices and referred to the total inability of the police to proceed with any credible form of investigation, thereby preventing penal justice from being just. Frequently the judge takes the initiative and asks the parties

for money, even those whom he knows are in the right. Again according to Graça (1992), the following measures need to be taken:

The legal system currently in force covers corrupt practices adequately, allowing for a 'passive' as well as an 'active' fight against corruption. However, there is a need to improve it and make it clearer, more comprehensive and more up-to-date. It is also important to think in terms of providing mechanisms for direct prosecution by citizens or legally constituted organizations and for legal action against those involved in criminal offences such as corruption and the embezzlement of property, funds and other items, which is very common. We should also consider creating a system of independent audits of the effectiveness of the administration and strengthen internal inspections in institutional terms. For a start, the areas of legal control and internal inspection are clearly lacking in human, financial and material resources and the government should attend to these minimum basic needs.

In addition to these measures, there is also a need for a permanent system for auditing and inspecting the judicial system that is both educational and disciplinary. The problem of corruption also affects the independence of the magistrates. This situation is obviously serious, given that magistrates are underpaid and sometimes very poorly trained. Avoiding corruption and guaranteeing the independence of the judges requires not only greater transparency and control over cases by the parties involved, but also improvements in the salaries and working conditions of magistrates and justice officials as well as efforts to build up the credibility of the judicial system.

Conclusion

According to our research, the distance between the judicial courts and the majority of Mozambicans is due to the fact that written law is ill-suited to the Mozambican situation, there is a distrust of the workings of the judicial courts and an official, legal, written culture of winner/loser and sanctions, instead of a local culture of reconciliation.

The excessive formalism of judicial justice, the delays in judicial procedures and corrupt practices are also key factors that create blockages in the overall performance of the judicial court system.

We have identified the following causes of endogenous (or organizational) delays and deliberate delays: the organization of the judicial system and the concentration of competences in judicial courts; the rise, albeit slight, in demand; the working conditions (premises and equipment); the recruitment, selection, training and management of human resources; inadequate legal and managerial knowledge; negligent behavior – or behavior which causes delays – on the part of the magistrates, court officials and lawyers or legal technicians and assistants; the inefficient organization and management of the court's work; the weaknesses of the General Attorney's Office;

the inefficiency of criminal investigation; the absence of any means of controlling the system; the financial resources; a lack of political will.

The judicial system is poorly and inappropriately organized, remote from most of its potential users – since it only covers the provincial capitals and about two-thirds of the district capitals – and reflects an image of corruption despite the reactions of the Superior Council of the Judicial System, the Judicial Council and the Supreme Court.

Notes

- 1 Nine newspapers were analyzed overall and 49 articles on judicial issues were considered.
- 2 *i.e.* the general (presidential and legislative) elections of 1999.
- 3 On this subject, see also chapter 6.
- 4 Carlos Cardoso was murdered on November 22, 2000.
- 5 This culminated in 2004 with the approval of the new Constitution.
- 6 The idea of a Constitutional Court was not reflected in the recent changes to the Constitution (2004). However, the office of Ombudsman has been established (Article 256 of the 2004 Constitution).
- 7 Although other provinces which have witnessed a strong economic recovery, such as the Nampula and Sofala provinces, are also indicating a substantial increase in case flow, with an escalating number of pending cases (data from 2002 and 2003).
- 8 For a description of the type of proceedings predominant in Mozambique, see chapter 7.
- 9 On the role of CFJJ in training the main actors of the judiciary, see chapter 6.
- 10 *Policia de Investigação Criminal* - PIC, in Portuguese.
- 11 From 1996 to 2000.

