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ACCESS TO JUSTICE IN NORTH-EASTERN CABO DELGADO

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INTRODUCTION

Access to justice is a fundamental pillar of the Rule of Law and a human right in itself, which is essential for protecting other rights. However, its operationalisation becomes deeply complex in scenarios of fragile States and military conflict. In fragile States, the official justice system is often characterised by a lack of resources, endemic corruption and a lack of territorial presence. When armed conflict breaks out, these weaknesses are exacerbated. The physical infrastructure of the courts is often destroyed and magistrates, under threat or for lack of pay, leave their posts. In conflict zones, State´s justice is often perceived as distant, slow and sometimes as an instrument of repression by the ruling political elite, which deepens mistrust between the population and the State. In these contexts, the erosion of the social contract and the collapse of public institutions create a vacuum of authority, which jeopardises legal certainty and the protection of citizens.

The aim of this paper is to find out how access to justice is processed in a territory that is set to receive an investment of over 20 billion dollars and is characterised by State fragility. After analysing the main conflicts in north-eastern Cabo Delgado, the paper examines the channels by which these conflicts are resolved, addressing structural obstacles to access justice, but also the importance of the hybridisation of legal systems for resolving disputes.

The analysis is based on interviews conducted in Palma and Mocímboa da Praia with community court judges, neighbourhood secretaries, members of the community security councils, delegates from the Institute for Sponsorship and Legal Support (IPAJ), members of the criminal investigation service (SERNIC), prosecutors, police commanders, members of the local force, NGO staff and dozens of villagers. These interviews were complemented by observations of these professionals' workplaces, which took place over three weeks in August 2025.

1. EXISTING CONFLICTS

The north-eastern of Cabo Delgado is a territory marked by deep conflict as a result of armed conflict, but also poverty, inequality and growing opportunism among the population. The forced displacement of individuals and the precariousness of humanitarian aid are fuelling a series of tensions that are reflected at local level. The most

frequent conflicts are presented below, which are resolved in the various existing conflict settlement centres:

Early marriages: early marriages are a particularly evident phenomenon in coastal areas, involving teenagers, as young as 12 or 13, with adults and sometimes the elderly, usually with the consent of the family. This is an ancient practice in coastal areas which, despite being less frequent today, continues to be visible. Poverty as a result of the war motivates these phenomena. These situations are often reported by neighbouring populations or local NGOs, who then forward them to the Police of the Republic of Mozambique (PRM) and the Public Prosecutor's Office.

Marital problems. Marital disputes are another source of intra-community conflict, generally resulting from the management of economic resources or (suspected) adultery. Among the Makonde, problems of adultery give rise to demands for large sums of money and threats of aggression with machetes. In neighbourhood 30, in the municipality of Mocímboa da Praia, these conflicts tend to be referred to the Community Security Council or, in cases of injury, to the nearest police station. In other situations, men take second wives without the first wife's consent leading to marital disputes that are then referred to the community court. Another source of disagreement is men not paying child support, which leads many single mothers to complain to the child's father's family or local authorities.

Aggressions and violence. Aggression and violence in the neighbourhoods are generally associated with the consumption of alcoholic beverages, and are particularly noticeable in neighbourhood 30, in Mocímboa da Praia, the area with the highest concentration of Makonde. This neighbourhood is home to a market locally known as Maringué [1], which sells traditional alcoholic drinks (*nipa* and *cabanga*), attracting residents from other neighbourhoods in the municipality. Particularly at weekends, men and women can be seen in Maringué drinking homemade beverages until dawn. In a drunken scene, alcoholic individuals refuse to pay for their consumption, there are provocations and insults between revellers and promiscuous behaviour. Marital betrayals trigger physical aggression between individuals, jeopardising public safety. Violence also occurs during football matches, involving conflicts between players. Alluding to the political-military tension between Frelimo and Renamo, the football pitch in neighbourhood 30 is even called Muxungué. These more violent situations tend to be presented to the Community Security Council and, in the most serious cases, referred to the nearest police station.

Theft and extortion. Against a backdrop of poverty and generalised precariousness, there are many incidents of theft. In Diaca, a predominantly rural area where many displaced people are concentrated (mainly from the Mbau Administrative Post), many thefts of food from the fields were reported. The same problem was identified in

[1] The use of the name Maringué to designate lively and conflictive places, resulting from the consumption of traditional drinks, is characteristic in areas of the plateau (for example, in the district of Muidumbe) and dates back to the period of political-military conflicts between Frelimo and Renamo, reflecting the confrontations in the forests of Sofala province.

Quionga, although with less intensity. In the more urbanised areas, such as Mocímboa da Praia, Palma or Quitunda, thefts are mainly of telephones, plasmas or motorbikes and other consumer goods, which are then sold elsewhere. The PRM commander at Palma admits that there are many thefts due to high unemployment rates, aggravated by TotalEnergies' poor relationship with the local economy, generating little employment. In addition, there are numerous debt problems between individuals, often causing tensions within communities.

On the other hand, monetary extortion is carried out by members of the border guards, the Police of the Republic of Mozambique, the Traffic Police and the military, reported by most of the interviewees, but particularly by villagers in Quionga. There are four checkpoints along the road from Quionga to Palma, plus others in the direction of the border. Reports indicate that money is systematically collected, depending on whether they have receipts for goods and identification documents or not. The general informalization of the economy means that the vast majority of small commercial producers do not issue invoices. On the other hand, the lack of civil registry offices and the high transport costs associated with their obtention, make it difficult to obtain identification documents[2]. Although the situation has improved since 2022, there are still sporadic cases of abuse. As one peasant in Palma put it, the policemen "*order to stop, grope, ask for money and take it away*". Robbery and extortion are also carried out by armed insurgents, particularly in attacks on villages or access routes to Macomia. More recently, in the district of Mueda, there have been many reports on members of the local force demanding money from undocumented individuals or those travelling after the 8pm curfew decreed by the local force.

During the occupation of Palma, economic installations were looted, including banks, by armed guerrillas, elements of the defence and security forces and by the population itself. None of those affected filed a complaint. Some police commanders admit to isolated cases of abuse by law enforcement agents, although there is a clear tendency to downplay these incidents, considering that they are isolated cases and that the complaints are not accompanied by evidence and detailed information.

Land conflicts. Land conflicts arise for two main reasons. The most publicised are related to the resettlement process of the populations affected by the Mozambique LNG project, involving a significant part of the population in the villages of Maganja, Senga and Monjane, on the Afungi peninsula. The resettlement has affected hundreds of families from whom plots of land have been taken away to be replaced with land elsewhere, thus requiring compensation. The dispute has been going on for more than 10 years, aggravated by the interruption of negotiations during the military conflict, the huge number of complaints involved, the lack of identification documents and by the need to (re)open bank accounts.
Secondly, land conflicts are related with the return of many displaced people and their over-concentration in areas closer to urban centres in search of security, with increased

[2] There used to be a civil registry office in Mocímboa da Praia, but it remained closed due to official´s fears of attacks. On the other hand, there is a fear of staying in the town where the document is issued, increasing suspicions among the authorities. There are also high associated transport costs.

pressure on land. In Quionga and Diaca there have been reports of returnees occupying agricultural areas, whose alleged owners later claimed as their own. In Mocímboa da Praia and Palma there were many situations of land being sold to various people, traded without the authorisation of the legitimate owner, but also conflicts related with the alleged usurpation of land from neighbours.

Armed violence. Another source of conflict is the violence of war itself. The interviewees presented a series of complaints related to human rights violations perpetuated by armed insurgents, but also by members of the defence and security forces. In the first case, the violence perpetrated by the self-proclaimed Islamic State of Mozambique is well documented: murders (often in gruesome detail), kidnappings, rapes and forced marriages, the mobilisation of young boys for guerrilla warfare (child soldiers). More recently, there has been a proliferation of extortion of travellers along the access roads, especially the N380 between Awasse and Macomia, but also of fishermen on the coast.

Secondly, there are numerous reports of abuses by the defence and security forces (FDS), which include various police and army units. Violence peaked during periods of increased military pressure from the guerrillas, which led the DSF to commit excesses against the population. The disappearance of a journalist from the Palma community radio station at the hands of army elements (during 2020) became famous, as did the imprisonment of dozens of villagers in containers at the crossroads in front of the gates of Afungi (also known as *4 caminhos*) during 2021, suspected of belonging to the insurgency, reported in the newspaper Politico. Peasants and fishermen from Monjane, Senga and Quitunda refer to the summary execution of villagers by FDS elements, claiming that Afungi's forests "*constitute a cemetery*". Many people from Palma have family members who lost their lives in the conflict, including on the roads, or were captured while travelling in search of food. The same reality is reported by fishermen from the Pamunda neighbourhood in Mocímboa da Praia who say they have witnessed the summary executions of family members by members of the navy. The Rapid Intervention Unit (UIR) is one of the units whose members are most mentioned by the complainants. As one villager in Palma put it, "*to this day we are not satisfied with that type of FIR* [UIR] *troops* (...) *Many people died in this war. Those traders who ran away with money were killed by the FIR* [UIR]".

Sorcery. In northeastern Cabo Delgado, accusations of witchcraft are common and often lead to family or neighbourhood conflicts. In 2024 and 2025, dozens of fainting spells in primary and secondary schools in Palma and Mocímboa were attributed to witchcraft. While several Muani and Macué (Muslim) families accuse teachers from the highlands or from the south (also known as *vientes*) of being responsible for their children's fainting spells, with obscure intentions of enriching themselves, some Makonde healers believe that the fainting spells are acts of sorcery by Muslims with the aim of sabotaging the education system, allegedly because it goes against their religious convictions. As one Makonde healer put it, "*Muslims do not want school. They only want* Allah Akbar".
In the district of Diaca, a predominantly Makonde area, several healers have been accused of facilitating traditional magical techniques, allegedly to facilitate the entry of *alshababs*.

Superstition is used by traders to ensure the success of their businesses or by polygamous men to keep their wives, often giving rise to accusations of witchcraft. As one Makonde healer put it, "*Our tradition is a complicated one. You* [go to a healer who tells you that] *so-and-so is* to blame *for this illness. But many guesses are false*. Various accusations lead to more violent crimes (including homicides) committed by individuals who claim to have been harmed.

Electoral conflicts. Elections in Mocímboa da Praia tend to be tense, with a history of post-election protests that reached more violent proportions in the 2005 municipal elections. During the campaign for the 2019 presidential elections in Mocímboa da Praia, opposition parties used the slogan "*Frelimo brought the alshababs*", generating tensions in the district. After the local elections in 2023, the Rwandan troops played an important role in dissuading protest marches by opposition sympathisers, claiming that their mission was to defend the territory. Unlike the south of Cabo Delgado province, where there were serious post-election conflicts in 2024, the atmosphere in the north-east was calm and orderly. The presence of the armed forces and fears of accusations of terrorism discouraged post-election protests.

Conflicts resulting from the distribution of humanitarian aid. The general precariousness and scarcity of humanitarian aid has led to conflicts over access to support from the United Nations and Non-Governmental Organisations. In a context of great suffering, people do not understand the criteria for distributing resources, leading to tensions between neighbours and between neighbourhoods. Community leaders, who are responsible for drawing up lists of beneficiaries, are often accused of diverting resources to their relatives and they confess the great social pressure they are under within their neighbourhood. During the distribution processes, technicians from non-governmental organisations confront angry people, questioning the differentiation in the aid distribution process. In the heat of the moment, individuals angry at the lack of support even threaten that "*next time* [inequalities in the distribution process are verified] *we will call our brothers in the bush*". The reduced employment of community aid projects, which often hire more qualified young people in Pemba or the district headquarters, contributes to increased social differentiation and local tensions. Several projects enter the neighbourhoods without prior presentation to the local structures, raising dissatisfaction among these elites, who had hoped to be selected. In other cases, such as in Quionga, voluntary work initiatives in residential neighbourhoods fuel suspicions of misappropriation of money by village leaders and the chief of post. This whole environment is explosive, putting local leaders and humanitarian aid workers at risk.

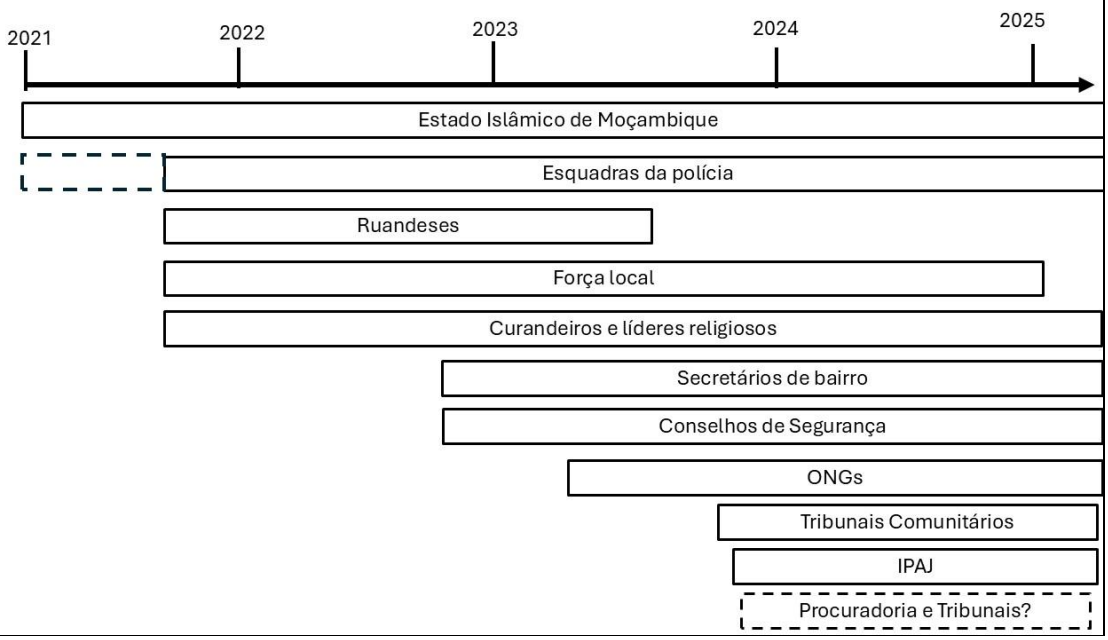
Labour conflicts. Against a backdrop of war, reduced formal investment has contributed to a generalised increase in unemployment, with the Afungi area being the main geographical space for hiring workers. The situation of *force majeure* taken in 2021 by TotalEnergies culminated in the interruption of labour ties. Most of the employing companies are based outside Cabo Delgado or, at most, in Pemba, with no offices or legal representation, which makes claiming labour rights problematic, especially in the event of termination of employment contracts with local workers. With their

headquarters in Pemba, union members face financial and security difficulties travelling to the north-east of the province, a situation made worse by the paralysis of activities in many companies, redundancies and a reduction in union dues. IPAJ officials are aware of the situation, but in the meantime many cases have expired.

2. CONFLICT RESOLUTION CHANNELS

In a context of intense conflict, fragile State and of destruction of institutions by the military conflict, various conflict resolution bodies have emerged, more or less formal, and with different levels of difficulty in acting and acceptance by the population. As illustrated in Graphic 1, from 2021 to date, various channels of access to justice have emerged.

Graphic 1: ***Chronology of the operation of conflict resolution channels***



2.1. The Islamic State of Mozambique.

In the areas controlled by the insurgency, the self-proclaimed Islamic State of Mozambique, Islamic-inspired courts have been recreated, which resolve conflicts and penalise those who violate the rules advocated by the group. The judges are inspired by Islamic law, so those who apply justice are generally those with the most in-depth knowledge of the Koran laws. Depending on the accusation and judge´s interpretation of the Koran, the judge passes sentence, which is usually non-appealable. The courts judge offences related to theft, adultery, disobedience, disrespect for security orders, attempted escape, desertion or treason. The penalties vary according to each type of offence and are determined on a case-by-case basis by the religious leadership itself, ranging from physical aggression to capital punishment, including detention in a prison. Depending on the seriousness of the offence, cases of adultery merit different sanctions, ranging from physical aggression (several reports mention 150 whippings) to capital punishment. Crimes related to minor disobedience or violations of security rules (such as

making a fire, spreading out clothes or carrying water during the day, or talking louder to a neighbour) are punished by physical assault, usually starting with 10 whippings. In the case of heavier punishments (over 100 whippings), the sentence is split into two parts, with the second part carried out two weeks later.

Sentences vary according to the seriousness of the offence, and jurisprudence is generally used. Theft of low cost items is sentenced to lashes, but theft of something more valuable is punished by arm amputation. The amputation is carried out in cold blood and the blood is stopped by diving the stump in boiling oil. The amputation serves as redemption, allowing the offender to be reintegrated into society. The most serious offences are related to treason or desertion, and are punishable by capital punishment, by beheading with a machete or by shooting with a firearm. In the most serious offences, the trial is preceded by the summoning of all camp members (including women, the elderly and children).

Interviews with local residents lead to the conclusion that several attacks - such as the one on Mocímboa da Praia (in June 2020) and on Mucojo (in 2024) - were preceded by a great deal of pressure from the FDS on the local population and requests for help to the insurgency to protect them from this oppression. The insurgency's actions have been particularly brutal and vindictive towards elements of the FDS and all those who collaborate with the Mozambican state.

2.2. The police stations

As a structure of the defence and security forces, the Police of the Republic of Mozambique (PRM) is almost always present in government controlled areas. The PRM has never left the town of Palma and began to be present in Mocímboa da Praia after the Rwandan intervention. For a long time, it was the only state body to which the population could present their problems. However, the scenario of great distrust and brutality on the part of the police towards the population associated with terrorism limited the population's recourse to this body. Individuals from Quitunda shared numerous accounts of the disappearance of members of the population after being arrested by the police, but also of extortion of money from citizens, including the participation of PRM members in the looting of the town of Palma after the attack on March 2021.

With the normalisation of the security situation, people have lost their fear of approaching police stations, to which they now turn to in cases of conflict. According to the police commanders interviewed, against a backdrop of generalised unemployment and social precariousness, the main complaints that reach police stations are related to thefts, particularly of motorbikes, telephones and mattresses, among other items. Secondly, there are land conflicts related to the return of displaced people who occupy properties belonging to people who have not yet returned. There are also problems related to early marriages, family violence, including rape, and in these cases the complaints are referred to the Public Prosecutor's Office.

Community problems are also referred to police stations, often bypassing the traditional courts (such as situations of infidelity or other disagreements between neighbours and couples), and are frequently referred to these bodies. Matters that could be brought before neighbourhood structures tend to be resolved at police stations, where the complainants have acquaintances or where they know they can solve their problems for a fee.

Mediation activities are carried out at police stations in an attempt to resolve conflicts. The Police of the Republic of Mozambique tend to hold meetings with neighbourhood structures in an attempt to promote vigilance among the population. The police face a great deal of impatience and frustration from the population, which lost a large part of its resources during the war without being protected by the authorities.

The lack of a court in Palma and Mocímboa da Praia means that individuals suspected of theft remain locked up in police station cells for periods of over a month, waiting for a judge to arrive to Mueda. Since the police stations have no budget to provide meals for the prisoners, they are dependent on family help.

2.3. The Local Force

Formed spontaneously by the population of the plateau, mostly Makonde, the local force emerged with the aim of defending the territory from armed insurgency, against a backdrop of State fragility and the incapacity of the Defence and Security Forces. The local force constituted a militia, led by former combatants, most of them pensioners and loyal to the ruling party, who demanded weapons from the State to defend their areas of origin. In 2019, the Assembly of the Republic approved Law No. 18/2019, amending the legal bases for the Armed Defence Forces of Mozambique to include the provision and regulation of Local Forces, with the aim of strengthening the defence of territories affected by conflict.

In the Administrative Post of Diaca, as well as in a large part of Maconde territory (Muidumbe and Mueda), the presence and threat of insurgents was reported to the local force, whose effectiveness earned them the epithet of Rwanda 2. Although the local force's main task is the defence of the territory and the population, in a context of the absence of justice institutions, the local force took on the role of resolving conflicts between populations, replacing the community courts or even the Police of the Republic of Mozambique. The local force is also sought for problems of violence, theft or insults, including conflicts between couples, taking over from the community courts.

The sanctions imposed by the local force on offenders are almost always fines. According to the people interviewed, if the sanction were community labour, villagers would no longer resort to the courts, since the offended party always expects to receive a material benefit. Each conflict is managed in a specific way, with the local force acting as mediator. In Diaca, conflicts resulting from aggression that resulted in injury can involve the payment of compensation of 1,000 meticais. In the event of a repeat offence, the sanction

entails physical punishment, with the use of *chamboco*. The members of the local Diaca force have notebooks in which they record the cases and their sentences.

The reorganisation of the community courts, which took place at the end of 2023, did not mean an end to the use of the local force to resolve conflicts, as it continues to be the preferred place to manage tensions that culminate in violence, particularly those involving sharp objects, usually machetes, but also robberies. Cases of adultery are now referred to the community courts and cases of witchcraft to AMETRAMO. Early marriages are now transferred to the village chief, who then forwards them to the police command. Some cases of aggression are sent to the police, but are often returned to the local force.

Because they are armed men and use physical coercion as a threat, the population tend to consider the local force to be more effective in enforcing sentences, at least compared to the community courts. On the other hand, the local force attends to the population every day in their barracks, unlike the community courts that hold trials once a week only. In both Palma and Diaca, the local force is preferred by the population to the police stations, as it is alleged that solving problems at the police stations tend to involve police officers charging money.

With the aim of normalising justice and strengthening community courts, from mid-2025 the local government of Diaca banned complaints to the local force, threatening to penalise anyone who resorts to this practice. The Local Force is an organisation politically linked to the ruling party, what tends to create some fear of involvement on the part of members of opposition parties.

The local force enjoys a certain popular acceptance, especially among the Makonde, and its members call themselves the *Jieshiya pakaia* (people's troops). In Palma, they have intervened in the protection and release of allegedly innocent citizens imprisoned in police cells, adopting a critical attitude towards the abusive and opportunistic behaviour of police officers, especially officers from the Rapid Intervention Unit. The members of the local force interviewed recognise that police and military excesses have decreased, but admit to widespread abuses between 2019 and 2021, confirming that they were aware of human rights violations committed in Afungi, including at the gates of Mozambique LNG. They claim that, at the time, they were too busy in the bush fighting the enemy and were unable to protect the population.

The members of the Local Force lament the lack of support and subsidies for their task of defending the population and the territory. The payments they receive are irregular and uncertain, they face transport problems and are unable to preserve food. In Palma, members of the local force work odd jobs as security guards in companies to make ends meet.

2.4. The Rwandan forces

In the second half of 2021, when their armed intervention in Cabo Delgado started, the Rwandans embarked on an innovative action. The Rwandan forces' preparedness and combat effectiveness, their Swahili language fluency, their ease of communication with the population and the sensitivity they showed in this relationship enabled them to win the trust of the villagers. The Rwandans provided telephone contacts, particularly to motorbike-taxi operators, who could report anything suspicious, followed by a rapid military response. The foreign forces were active in managing conflicts between the population and elements of the Mozambican Defence and Security Forces. Faced with the national troops' tendency to "*ask for documents to make it easier for them to get something into the pockets*" (as one villager in Quitunda put it), many people began to complain to the Rwandans, who were assertive in their conflict management, adopting a critical stance towards the actions of the Mozambican troops.

The popularity of these foreign troops in the north-east of the province was such that the local population began to direct their concerns to the Rwandans, to the detriment of the Mozambican police. This situation was particularly embarrassing for the Mozambican government and, at the end of 2022 the government took steps to discourage the use of foreign armed forces in conflict resolution, especially as the presence of SERNIC, IPAJ delegates, bailiffs and court clerks and the PGR was re-established.

More recently, there has been a cooling of the population's relationship with the Rwandans, who are accused of being more passive in managing the insurgency, opting for purely defensive options rather than pursuing insurgents. Similarly, the attitude of the Rwandans towards the population has become more critical, as they have begun to realise the collaboration of local sectors with the insurgency, from which these sectors benefit. The locals recall that in some meetings with the population they refer to this collaboration, claiming that "*we came to help, but in the end the war is in your pockets*".

2.5. Healers and religious leaders

Healers and religious leaders are often called in by government structures to carry out spiritual cleansing, for example in the case of students fainting in schools. The healers are very indignant about AMETRAMO's exclusion from humanitarian and development aid subsidies, claiming that they are sometimes called in to carry out spiritual cleansing in health centres, but also to create magical-traditional mechanisms to protect the territory from *alshababs* attacks, but they are not covered by humanitarian or development aid. They claim that the authorities advocate that "*conventional and traditional medicine go hand in hand, but when there are benefits and bicycles they do not tell us*". Religious leaders participate mainly with offering prayers and advice to the faithful, intervening in deviant behaviour by young people or informally mediating conflicts between couples. Despite the credibility of these actors in the eyes of the population, given the general precariousness and lack of resources, their ability to resolve conflicts is limited.

2.6. Neighbourhood secretaries and local government structures

As a local government structure, the neighbourhood secretariat is often the place where conflicts are presented. Since they do not have a mandate to resolve conflicts, *milandos* are usually referred to other local bodies, such as community courts or police stations. In any case, neighbourhood secretaries are involved in resolving land conflicts, especially when displaced people return to their areas of origin and find agricultural plots occupied by other people. When administrators or the provincial governor visit, the population takes the opportunity to present many of the problems related to extortion and illicit collection by the authorities, but also to insurgency, violence and humanitarian aid. Most of these complaints are filmed on *smartphones* and go viral on social media, exerting political pressure on the government, but without much practical effect. Local government structures are appointed by the government with which they establish client networks. Despite numerous accusations of opportunism in the process of drawing up lists for food aid, many local leaders remain in office, trying with difficulty to limit public protests. The neighbourhood secretariats are often located in the same building as the Frelimo party headquarters and the official office has no shortage of posters of the President of the Republic, who is also president of the ruling party, confusing the State with the party.

On the Afungi peninsula, meetings between representatives of Mozambique LNG and the population to manage resettlement problems are generally mediated by representatives of the district government, involving the permanent secretary or district directors. During the meetings, the actions of the government members tend to be confused with those of the company representatives. In the eyes of the population, they all come from outside the district and generally do not speak the local language, wear westernised clothing, sit at the same level as Mozambique LNG representatives and adopt an optimistic attitude towards the company's investment and proposals. The local government identifies interlocutors for dialogue with the company, generally more conciliatory and pro-government individuals. However, important sectors of the population adopt a suspicious attitude towards the government and the multinational.
Entrepreneurs in Palma tend to present the district government with their concerns about the lack of business opportunities with Mozambique LNG, which is consolidating itself as an enclave in the region. However, the dialogues do not translate into concrete changes, generating deep dissatisfaction among the local business community.

2.7. Community Security Councils

In 2022, with the support of international organisations, such as the IOM, the Community Security Councils (CSC) were created, made up of local residents and coordinated by the Police of the Republic of Mozambique, with the aim of preventing and denouncing problems of crime and local insecurity. The CSC act as a strategic bridge between the population and the authorities; in Mocímboa da Praia, they are more concentrated in the neighbourhoods with the highest concentration of Makonde. CSC members have often been selected from among the most active members of the Catholic Church and those who have completed the military service. Members of the CSC were trained in Palma by PRM agents from Pemba.

The main function of the CSC is to identify community security risks. Given the calm demeanour and physical strength of some of their members, they are also called upon to intervene in violent conflicts (more heated discussions among couples or neighbours, resulting from infidelity, theft or insults) as a way of preventing aggressiveness to escalate. In this sense, the CSC complement the community courts, intervening in emergencies and violent situations. Like the community courts, the community security councils can charge small amounts of money for these services (around 200 meticais), depending on the financial capacity of the complainants. According to interviewees, the CSC also have difficulty in enforcing sentences. The offenders can stay for a long time to compensate the victims monetarily, creating other conflicts within the community.

In Quionga, the Community Security Council is made up of Macués citizens and only carries out observation and reporting activities, in secret, in coordination with the police, to which they send information directly. They work directly with the leadership of the neighbourhoods, as well as with the community leader. The CSC have no means of communication or airtime. When they receive information, they have no way of passing it on.

2.8. Non-governmental organisations

The weakness of the State has been made up for by numerous non-governmental organisations, which are active in the provision of humanitarian aid, but also in conflict resolution. Organisations have started to return to the north-east of Cabo Delgado, sometimes with initial support from TotalEnergies, staying in Afungi or establishing their offices in Palma and Mocímboa da Praia from 2023. Some NGO and community intervention projects organise seminars on social cohesion and conflict resolution. Local individuals, representing the local diversity (members of local government, religious leaders, traders, police officers, young people, among others) are involved in discussing problems affecting the population (including the prolongation of armed conflict, unemployment, theft, early marriages, etc.) and jointly identifying possible solutions. Local young people from different ethnolinguistic groups are involved in organising football matches or painting murals, promoting peaceful forms of conflict resolution. Generally, the young people selected are trained using participatory methodologies, based on debates to identify problems and jointly find solutions.

Other non-governmental organisations try to intervene in conflict resolution. With the support of the IOM, the Diocesan Commission for Justice and Peace selected a group of young people to form peace clubs, to whom T-shirts were distributed, giving talks on social cohesion and conflict resolution or cleaning up neighbourhoods. Some of these organisations fill conflict resolution spaces previously occupied by the community courts, causing some tensions with them, since the new projects do not charge fees for conflict resolution.

The Foundation for Community Development (FDC) has selected and trained local young people, who identify situations of violence against women, referring matters to the Public Prosecutor's Office or Social Welfare.

In Palma, Muleide mediates between couples, intervening in conflicts resulting from divorce and the division of property and management of family assets, problems resulting from adultery, domestic violence or insults between couples. The effectiveness of Muleide (which has an office and daily reception, and sometimes some means of travelling to the field) takes the spotlight away from the community courts, which are much more limited in their actions. Muleide receives between 5 and 10 cases a month of conflicts between couples, trying to mediate or transfer them to IPAJ. In the case of domestic violence, the matter is transferred to the women's and children's centre of the police command. Muleide also raises awareness about early marriages. However, non-governmental organisations also have limited resources to go to the field to check and have to rely on people's complaints.

Several NGO that are part of the Palma Civil Society platform monitor conflicts between the resettled population and TotalEnergies over the payment of compensation to people directly or indirectly affected by the Mozambique LNG project. These organisations report delays in the payment of monetary compensation, alleged illicit collections from the beneficiaries of the compensation by bank employees in order to withdraw the monetary amounts earned, claiming that "*there is no system*".

Local NGOs face numerous difficulties related to legalisation (due to the lack of registry offices), training, the economic precariousness of their members and funding difficulties. They regret the lack of support from TotalEnergies. The most active organisations are branches of NGO based in Maputo, with offices in Palma, and have greater financial resources and the capacity to train staff on the ground, including attracting more competent personnel. In Palma, which will be the site of an investment budgeted at more than 20 billion dollars, there is still no trade union delegation with a structure set up.

The representatives of these local NGOs claim that they are limited in their opportunities to interact with the provincial governor during his visits. The government refuses to discuss and explain security issues to the population. The interviewees mention the population's fear of denouncing human rights violations committed by the Defence and Security Forces, but they all know individuals who have disappeared at the hands of the military or members of the UIR. The interviewees report episodes of the concentration of prisoners in containers at the Afungi crossroads in 2021 or violence against fishermen committed by the military. All agree that the episodes of violence against the population have significantly reduced.

The interviewees say they have participated in relatively regular meetings involving the government and Mozambique LNG. They claim that the dialogue at the meetings is frank and open, but not very effective in terms of promoting a greater relationship between TotalEnergies and the local economic fabric.

2.9. Community courts

Formalised in the 1990s, the community courts are designed to resolve civil disputes and minor offences, facilitating access to justice for people who find it difficult to go to the formal courts, and promoting reconciliation. In the north-east of the province, the community courts were disrupted by the war and the displacement of the population. In 2023, following the return of the population, an attempt was made to rebuild these organisations, restoring the structure of judges that existed before the conflict. This process of revitalising the community courts has been slow and is still far from reaching its pre-armed conflict dimension. According to IPAJ staff, of the 72 community courts that existed before the conflict, only 14 are in operation.

The community courts resolve a variety of conflicts, many of which involve family disputes over adultery. In Diaca, there have been conflicts between families as a result of secondary school students getting their colleagues pregnant, transferring the matter to their parents and then involving the community court. Intra-family conflicts often involve the management of financial resources. The Quitunda community court is often involved in resolving family tensions over the misuse of compensation received from TotalEnergies by certain family members. In the areas where displaced people are returning, land conflicts are resolved, triggered by individuals occupying land belonging to owners or family members cede land that does not belong to them. In Diaca, the courts intervene in situations related to the theft of produce in the fields. Conflicts between neighbours over insults caused by drinking alcohol are also frequently resolved.

When they cannot resolve the conflicts, especially when it comes to blood crimes or marriages with minors, the matters are referred to the police stations or to IPAJ.

In the overwhelming majority of judgements, the sanctions imposed are limited to the payment of fines. There were no sanctions such as a public ban on behaviour (for example, a ban on drinking alcohol) or community work. The courts do not have a table of punishments, but act on the basis of jurisprudence, according to the tradition of each community court, but subject to pressure from complainants. The fines for adultery depend on whether it is a suspicion or an actual act, and can reach between 4,000 and 5,000 meticais in the Makonde areas (where offenders tend to be more demanding in terms of compensation) or when the offender has greater financial means. In latter cases, there is a tendency for plaintiffs to demand compensation of up to 30,000 meticais, but judges tend to substantially reduce the penalty´s amount. Teenage pregnancies can lead to higher amounts being paid, for example, up to 7,500 meticais in the town of Diaca. Given the precariousness of many families, fines are generally paid in instalments, sometimes slowly and irregularly, which generates new tensions and intra-community threats.

The court charges a fee for the service, sometimes corresponding to a percentage of the fine´s value, sometimes corresponding to amounts set by the judges. Since the court has no collection capacity, payment is not seen as mandatory. Allegedly, the money collected is used to buy work equipment (chairs and writing materials).

The premises of the eight community courts analysed are heterogeneous: three have no building for meetings holding their sessions under a leafy tree; three courts have purpose-built premises, built by the IOM or Mozambique LNG as part of the reconstruction of the town of Quitunda. In this case, it is a multipurpose room, which is already quite dilapidated and has maintenance problems; the remaining two community courts use the facilities of the neighbourhood secretariat, which also houses the headquarters of the Frelimo party and the respective mass organisations (OMM and OJM).

All the community courts were initially set up with eight judges, but in almost all the cases analysed, the number is now smaller, ranging from three to seven judges. Due to the lack of benefits, some judges have given up their duties, and others have since died. The interviewees mentioned the difficulty of recruiting new judges because the position is unpaid and it is therefore difficult to replace the missing judges. In Quionga, the people do not accept taking on the role for fear of obscurantism, due to the illness of previous community judges. Almost all the judges interviewed have been in this position since the 2000s or 2010s, and initiatives to replace them are unknown.

In some cases, the judges were elected by the population as, for example, in the Quelimane neighbourhood (in Palma) the justice officials of the district court were appointed to guide the election, which took place last decade. In other cases, particularly in the municipality of Mocímboa da Praia, the judges admitted that they had been nominated by the head of the neighbourhood. Although the judges generally reflect the ethno-linguistic diversity of the neighbourhood, and there is always some representation of women (albeit in the minority), there is no political diversity. In all the courts interviewed, all the judges declared that they were members or sympathisers of the Frelimo party, and in some cases they were active members of the OMM or OJM. As one judge in the Milamba neighbourhood said, "*The opposition does not work well with us. We are working with the government. As they are in the opposition, they do not support any of the government's ideas*."

The return of the people has led to an effort by the IOM and IPAJ to revitalise the community courts. A three-day training course was held in Palma involving dozens of community judges. The aim of the training was to share good practices and standardise methodologies, and written documents were distributed. None of the interviewees were able to say what impact the training had on their performance or on the way the community courts operate, revealing a need for more support and guidance. As one Community judge put it, "*they came this year to give us training in Amarula, but now it is going to take them five years to come back*".

According to almost all community judges interviewed, there is growing disbelief among the population about the community courts, especially since the start of the armed conflict. Allegedly, the population prefers to turn to other institutions with military capacity and the ability to put pressure on offenders to pay fines or return goods and valuables, such as the local force or the Police of the Republic of Mozambique. The population tends to demand strong justice from the community court, which does not

have the capacity to enforce sentences. The judges have no uniforms, facilities or means of work. According to a community judge in Quelimane, members of the public "*respect the police because there they have uniforms, weapons and mobile phones. Here, we do not distinguish ourselves from any fisherman out there*". In addition, relations between community judges and the rest of the population are informal, which deprives the former of authority and the latter of respect, particularly during sessions.

Generally, the courts operate on a pre-established, fixed day per week, so in urgent situations the population prefers to go to other institutions (Local Force and PRM) where they are immediately attended to. In the Quelimane neighbourhood in Palma, even cases of conflict between couples tend to be referred to NGOs (such as Muleide) or IPAJ, to the detriment of the community court. In Quitunda, the community judges claim that the population tend to turn to religious leaders to exert pressure on the community courts.

These situations contribute to a significant reduction in the number of community court cases judged. For example, while before the start of the armed conflict six to seven trials could be held per month in the Quelimane neighbourhood (in Palma Sede), in 2025 two months could go by without a single trial. This decrease can be evidenced in the sentences´ records of the other community courts.

2.10. The Institute for Sponsorship and Legal Assistance (IPAJ)

In 2023, TotalEnergies provided containers to set up the IPAJ offices. The first employees started arriving later and, over time, the offices were equipped with power and computers. Observation on the ground revealed that IPAJ's facilities are rarely visited by the public. According to the technicians, the main conflicts that are presented relate to land disputes, alimony payments by men who leave the family, domestic violence and sometimes labour disputes. The technicians refer matters to the police stations, particularly when it comes to domestic violence, and in other cases they try to mediate. In the case of labour disputes, IPAJ notifies enterprises that lay off workers, but the fact that these companies often do not have a branch in the north-east of the province makes the mediation process difficult. There is no conflict arbitration centre in Palma. If there is no agreement between the parties, matters are referred to the courts, but the fact that there are no magistrates on site means that people have to travel to Mueda or Pemba, which adds to the legal costs.

IPAJ organises training sessions for community courts´ judges. The technicians lack the means to get around, but occasionally they try to give lectures by visiting neighbourhoods and villages. In these initiatives they try to sensitise the population about legal issues related with DUATs and land, domestic violence, and early marriages. The technicians interviewed have no information about alleged human rights violations in Afungi in 2021 (reported in the newspaper Jornal Politico), nor about the opening of a PGR enquiry into the matter, showing a certain distance from the reality of the district.

2.11. The Criminal Investigation Services (SERNIC)

Focussed on criminal investigations, SERNIC has faced challenges related to kidnapping and ransom demands, robberies and thefts, homicides, trafficking in marine species and timber. SERNIC's facilities are housed in containers provided by TotalEnergies. They have a computer but no printer. The main difficulties are related to the lack of means of transport for the agents, who, with the exception of the Director, are limited to motorbikes, in a scenario of fuel shortages. Agents interviewed said that it was normal for them to obtain information but they do not have the logistical means to get to the field, sometimes having to use their own funds to travel. Agents have no means of travelling by sea, and there are many places in the district where they cannot get to.

According to the interviewees, once there is a suspicion, it takes a long time to make the decision to intervene, as the chain of power is slow. From suspicion to intervention, the chain of power takes a long time, hindering the criminal investigation. As there is no Public Prosecutor in Palma nor in Mocímboa da Praia, cases are referred to Mueda, increasing the delay in the criminal investigation and hindering justice. SERNIC agents consider the population to be rather closed and uncooperative, since many family members are involved in crime and armed insurgency.

2.12. The Public Prosecutor's Office

As of 2023, containers have been installed for the operation of the Prosecutor's Office in Palma and Mocímboa da Praia. These offices would be staffed by a clerk, a registrar and a justice officer. In Mocímboa da Praia only the first was working. In Palma and Mocímboa da Praia there is no prosecutor, allegedly because there is no accommodation. Matters from the Prosecutor's Office are referred to Mueda or Pemba.

In Palma, the technician contacted was unwilling to collaborate with the research, claiming that he did not have authorisation from the provincial prosecutor's office. In Mocímboa da Praia, the registrar said that the main cases in which they seek to intervene relate to land conflicts, theft of public property, rape of minors, early marriages and bodily harm.

At the district attorney's office in Mocímboa da Praia, there is no computer or printer, and processes are written by hand, slowing down the proceedings. The justice officer found it difficult to summon individuals, due to the lack of a motorbike, and often had to use his own means, slowing down proceedings. Transport vouchers have not been paid since 2024, with the justification that "there is no money". The delay in proceedings means that prisoners are held in police cells for several weeks due to lack of fuel and means of transport to take them to Mueda. Vehicles have mechanical problems and the Prosecutor's Office sometimes has to ask the director of migration or the SDAE for a lift to transport prisoners.

Technicians from the Prosecutor's Office have learnt on social media about insurgents leaving guerrilla bases and turning themselves in to the authorities, but they have never been taken to the Prosecutor's Office. Following the denunciation of human rights

violations against civilians, namely kidnappings, rapes and murders, committed by members of the FDS in Afungi in 2021, published in the newspaper Politico, the PGR opened a criminal case in 2025 against unknown perpetrators. The district and provincial prosecutors were laconic on the subject. The truth is that there is little investigative capacity and no local interlocutor in the Palma district has claimed to have been questioned by the authorities on the matter. Although the reports are not known, in November of the same year the President of the Republic, Daniel Chapo, referred to the alleged investigations carried out by the PGR (and the National Human Rights Commission) which, according to him, "have clearly and unequivocally demonstrated that these violations are not true". In the same statements, the President labelled the accusations published in the press as "*misinformation*" and "*manipulation of public opinion*".

2.13. The courts

While in Mocímboa da Praia the court premises remain unrepaired after being vandalised, in Palma they are rehabilitated with funding from the UNDP. However, in both districts there is still no judge, allegedly due to lack of decent accommodation. The Legal and Judicial Training Centre has trained several military magistrates, supposedly to act in areas of insecurity and conflict. However, the fact that the magistrates are senior officers of the Ministry of Defence and earn better salaries than the judges is making it difficult for them to work in the Ministry of Justice.

In this scenario, the people on the coast are forced to go to court in Mueda or Pemba, increasing the costs and the feeling of injustice on the part of the claimants. The situation causes great discontent among the inhabitants of Mocímboa da Praia who, on the plateau, face the stigma of belonging to the *alshababs*.

FINAL CONSIDERATIONS

Over the last decade, the population in north-eastern Cabo Delgado has experienced a crossroads, marked by kidnappings, murders, robberies and extortion, provoked by armed guerrillas, but also by elements of the Mozambican defence and security forces and, more modestly, by elements of the local force. After the attacks to the villages and district headquarters, in a situation of stampede and generalised chaos, sections of the population became involved in looting commercial installations.

The war scenario contributed to the worsening of the State's structural fragility, resulting in the destruction of education, health and justice infrastructure. The offices of prosecutors, courts, registry offices, penitentiaries and legal institutions were burnt down. The State's presence was reduced to the actions of the Defence and Security Forces, which had problems with weapons and logistics, were ill-prepared for a guerrilla war, and were unable to protect the population. The lack of justice institutions has helped to give the defence and security forces a feeling of impunity, with suspicion of villagers collaborating with terrorism being sanctioned for murder. In the areas controlled by the

insurgency, the self-styled Islamic State of Mozambique rebuilt a religiously-inspired justice system that also provoked terror among the population.

During the periods of greater insurgent activities, particularly between 2019 and 2021, the local force and, later, the Rwandans, replaced the State as conflict resolvers. As of the end of 2022, with the return of the population to the north-east of the province, there was a rapid recovery of the State's presence in terms of health, education and even support for economic activities. In terms of justice, reconstruction was comparatively slower. Efforts to rebuild the justice infrastructure have not been accompanied by the return of magistrates, who are particularly aware of their labour rights. As in other sectors, officials with precarious working conditions supplement their salaries by getting involved in corruption schemes, receiving money for criminal investigations or prisoner releases.

International organisations have become involved in rebuilding community courts, helping to build facilities or training local judges. Judging small conflicts on the basis of local customs and habits, community courts and community security councils are once again playing an important role, preventing situations of violence between neighbours, lynching of minor thieves or even assaults on adulterous women, according to more orthodox currents of religion. However, the war violence had an impact on the way conflicts were resolved, with the population favouring entities with greater power of coercion and of use of force, namely the PRM and the Local Force. On the other hand, with resources and the ability to attract qualified staff, who are therefore more effective at managing small conflicts, various NGOs began to compete with the community courts, taking away their prominence among the population. The lack of financial support for community courts or community security councils has led to many member judges quitting, weakening these institutions.

In a highly politicised society, there is a tenuous separation between government and the judiciary. Community judges are often appointed by local government structures from which they need authorisation even to grant interviews. Often active members of the OMM or OJM and holding their sessions in neighbourhood headquarters (where Frelimo structures also operate), in some neighbourhoods the community courts are like extensions of the Frelimo party in the justice sector.

Invariably, the sanctions applied by these informal organisations (community courts, security councils or local forces) are based on the payment of pecuniary fines, implying small commissions to the judges, confusing these spaces with 'shops' and even calling into question the impartiality of the trials.

Access to justice in contexts of a fragile State and armed conflict requires an approach that goes beyond the reconstruction of courts and the training and presence of magistrates. It requires a deep understanding of the dynamics of local power and existing legal pluralism. Rebuilding justice will mean, above all, restoring people's confidence, the ability to heal invisible social wounds and reconnect citizens with the state, but also with each other.

Although the outcome of the cases brought by the PGR regarding alleged human rights violations committed by FDS agents is unknown, the Head of State was quick to announce that these violations had not taken place, thus influencing the investigation.

The reality is that in the last decade thousands of citizens have been murdered in the north-east of the province by armed men (belonging to the insurgency or the DSF). As many villagers have said, a large part of the forests are cemeteries. However, there is still no mourning or ceremony to commemorate the massacres. The State's silence is embarrassing in many ways: on the one hand, because the massacres had a profound impact on the social fabric, breaking up countless families. On the other hand, because many human rights violations were committed by the very agents who were supposed to defend the populations or to whom the populations were supposed to turn. Finally, because public denial of these events reveals a profound indifference to the value of human life, in contrast to the political importance of a gas project. This situation calls into question the legitimacy of the State and the population's trust in the institutions of justice. As indignant villagers vented, "we seem to be dying cats" or "we have no blood here". Recognising the human rights violations committed is a politically embarrassing process, but it will be a first step towards reconciliation and building a more just and sustainable society and, above all, towards legitimising the state. It is a process that will require not only investigative resources, but above all political courage, sensitivity, and active listening on the part of those in power.

For access to justice to be effective, it is imperative that response mechanisms are resilient to insecurity and capable of engaging in dialogue with local traditions, while ensuring respect for fundamental rights. Ultimately, the restoration of justice will be the necessary precondition for reconciliation and for building sustainable and lasting peace.

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