

MOZAMBICAN POLITICS

Hearings of Mutota and Nhangumele, “friends”, rescheduled for today, 24.08.21, after a long day of Monday marked by preliminary issues and reading of the indictment

- The Judge Efigênio Baptista and the representative of the Public Prosecutor’s Office, Ana Sheila Marrengula, arrived at the court at 8.47am under heavy security measures. The two magistrates were transported in protocol vehicles provided by the High Court and the Public Prosecutor’s Office. The first day of the trial of Case No. 18/2019-C was scheduled for the hearings of defendants Cipriano Mutota - 63 years and Teófilo Nhangumele - 53 years old. But the session did not take place because the preliminary issues, the reading of the long definitive indictment and challenges consumed the entire day, in addition to the fact that the session started 38 minutes late, that is, at 09.38am.



The Judge Efigênio Baptista regretted the delay, but did not explain the reasons for it. The CDD knows that the delay was due to the late arrival of the defendants who are in preventive detention. They are seven and are being detained at the preventive detention facility of LÍngamo, in the municipality of Matola. Some of them, Teófilo Nhangumele and Gregório Leão were not accepting to go to the court “set up” at the Machava Special Maximum Security Penitentiary Establishment, known as BO, claiming that they had not been summoned.

There was also the issue of the “orange uniform”, which the defendants of the “hidden debts” were refusing to wear, and presented themselves to the court in their civilian clothes.

The judge took the occasion to recall that if the rule in force in the prisons obliges inmates to wear the orange uniform, it should be applied to all. “There are no special people”.

Then the judge moved on to preliminary issues. Abdul Gani defended the immediate release of the defendant Gregorio Leão and all other preventive detainees, arguing that the periods of preventive detention had been largely exceeded, which

accepted by the Supreme Court in one of its decisions, issued in response to the appeals filed by the defence.

As he had done in several appeals, Abdul Gani once again referred to the Law approving the Statute of the State Intelligence and Security Service (SISE) to demand that his client and other intelligence officers (António Carlos do Rosario and Cipriano Mutota) be restored to freedom.

Isálcio Mahanjane also raised as a preliminary issue the extrapolation of the of preventive detention periods and requested the release of Armando Ndambi Guebuza. The Public Prosecutor issued a negative opinion on the requests for release, pointing out that the issue of extrapolation of preventive detention period had already been the object of decision in several judicial bodies.

Regarding the fact that three defendants are SISE officers and, as such, arguing that they should remain free during the trial, Sheila Marrengula was incisive: “appropriating state property is not part of the norms of SISE. What does the embezzlement of funds have to do with the State security,” she questioned.

The Mozambican Bar Association (OAM), which is participating with an elite

team as private assistant, agreed, albeit implicitly, with the extrapolation of the time limits the preventive detention period, and expressed its perplexity at the apparent failure to comply with the Supreme Court’s decision on the matter. At the time making his decision, Judge Efigênio Baptista rejected all the requests presented as preliminary issues, justifying that he had already ruled on them on previous occasions. “In the order scheduling the date for the start of the trial hearings, I decided to maintain the defendants in preventive detention.”

There are seven (7) defendants who remain in preventive detention, namely Armando Ndambi Guebuza (son of the former President of the Republic); Gregório Leão (former Director-General of the State Intelligence and Security Service - SISE); António Carlos do Rosário (former Director of Economic Intelligence of SISE and former Chairman of the Board of Directors of ProIndicus, MAM and EMATUM); Cipriano Mutota (SISE officer); Teófilo Nhangumele (intermediary of the hidden debts scheme); Bruno Tandane Langa (intermediary and friend of Ndambi Guebuza) and Ângela Buque Leão (wife of the former Director-General of SISE).

Alexandre Chivale’s “double capacity” worries Public Prosecutor

The most surprising preliminary issue was raised by the Public Prosecutor, when Ana Sheila Marrengula said that Alexandre Chivale, lawyer of the defendant António Carlos do Rosário, was occupying a house located on the Maputo Marginal that was seized as part of the preventive seizure of property and assets resulting from the “hidden debts” money. According to the Public Prosecutor, the house is owned by Txopela Investments SA, a company used by the defendant António Carlos do Rosário for money laundering. Chivale occupies the house as a director of Txopela and is, at the same time, António Carlos do Rosário’s lawyer. A double capacity that was not welcome to the Public Prosecutor, who required Chivale to leave the property within 72 hours, under penalty of being forcibly evicted by law enforcement officers.

“Alexandre Chivale is a director of Txopela Investments, SA, the company used by that defendant for money laundering in the present proceedings. He is also the legal representative of the defendant António Carlos do Rosário. In his capacity of director of Txopela, Alexandre Chivale occupies one of the houses seized in these proce-

dings, perhaps with a clear conscience, even knowing that it was purchased with criminal funds. On the one hand, as director of Txopela Investments, Alexandre Chivale is obliged to manage the property in the interests of the entity that entrusted it to

him, and on the other hand, as a representative of the defendant António Carlos do Rosário, he must defend the latter’s interests as he also has an interest in the property. This doubly capacity generates a conflict of interest that must be solved immediately”.



The Public Prosecutor referred to another property located at Joaquim Chissano Avenue, in Maputo City, which would have been sold by the defendant Bruno Langa after it was seized by the court. Regarding the property that António Carlos do Rosário bought and turned it into a hotel in Quelimane, the Public Prosecutor regretted not having information if it has already been subject to preventive seizure. The establishment is under the management of Txopela Investments. The properties seized under Case No. 18/2019-C are entrusted to the custody of the National Directorate of State Property, at the Ministry of Economy and Finance. The issues raised by the Public Prosecutor relating to the sale and/or continued operation of arrested properties raise serious concerns

about poor capacity to recover goods and assets acquired with the money from the "hidden debts".

In reaction to the Public Prosecutor, Chivale confirmed occupying the property and his position as director of Txopela, but he denied that the property was owned by António Carlos do Rosário and said that Txopela Investments was never used for his client's money laundering. Although the court has not made any decision on this issue, Chivale was willing to abandon the house within 72 hours. "The question is not to abandon. I can leave and go to one of my houses," he stressed, before explaining that Txopela is a corporation owned by a company registered in Lebanon and part of the Privinvest group - responsible for paying bribes to facilitators of the

'hidden debts' scheme.

And he said he has been travelling to Lebanon to deal with company matters. "Thus, if the question is to know why they have chosen me to be director of the company, they can explain it if asked. And, as director of Txopela, I take this opportunity to say that, until yesterday (Sunday, the day he returned to Mozambique from Lebanon), I was dealing with those matters and others connected to this company and others that were obviously entrusted to me. One of the benefits that was given to me is one of the apartment. And it should be said here that these apartments belong to Txopela. The Public Prosecutor believes that they belong to António Carlos do Rosário. This is the opinion of the Public Prosecutor".

Old friends Cipriano Mutota and Teófilo Nhangumele to attend hearings today

After the discussion of preliminary issues, including the court's decision to apply the 1929 Code of Criminal Procedure to ensure the harmony of the process - since the previous stages took place during the validity of the aforementioned code, the reading of the definitive indictment took place. Despite having "skipped" some chapters relating to the context of the conception of the project to protect Mozambique's exclusive economic zone and the creation of the companies ProIndicus, MAM and EMATUM, the Public Prosecutor needed three hours to read the definitive indictment. The extensive document details the participation of each of the 19 defendants, the type of connections/relationships they had, the amounts they received and how they received them, the assets acquired and the attempts to erase traces of the true origin of the money. The lawyers Abdul Gani (defending Gregório Leão), Alexandre Chivale (defending António Carlos do Rosário, Armando Ndambi Guebuza, Maria Inês Moiane and Elias Moiane), Mpasso Camblege (defending Cipriano Mutota) and Hélder da Cruz Lopes (defending Sérgio Namburete) challenged that prosecution's accusation, an exercise which ended at 6.30pm.

Without time to hear the defendants, the judge of the case rescheduled for this Tuesday's session the hearings of Cipriano Mutota and Teófilo Nhangumele, old friends since the time when they were students at the then Higher Institute of International Relations (ISRI). Born in Mugeba, Mocuba District, Zambézia Province,

The provisional indictment states that Nhangumele received USD 8,500,000 (eight million five hundred thousand dollars) from the "hidden debt" money, and used most of it to buy real estate. He is accused of the crime of blackmail, the crime of forgery of other documents, the crime of use of a false document, the crime of passive corruption for unlawful act, the crime of association to commit a crime and the crime of money laundering

Cipriano Mutota has been a SISE officer since 19 November 1991, having held, among other duties, the position of Director of the Studies and Projects Office from 2007 to 2014. He was arrested in August 2019 on the orders of the Judge Evandra Uamusse, when she made the indictment. According to the indictment, Mutota reportedly received USD 980,000 from the "hidden debts". He is accused of the crime of money laundering, the crime of association to commit offences, the crime of forgery of other documents and the crime of embezzlement.

Teófilo Nhangumele was born in Maputo and was the first defendant in the "hidden debts" case to be arrested in February 2019. Having worked for the Mozambican Football Federation (FMF) as vice-president for the marketing area during one of Feizal Sidat's terms in office, Teófilo Nhangumele is one of the defendants who, at the time of the facts, had no professional connection with the State. But he is described as being one of the key players in the unravelling of the financial scandal. The provisional indictment states that Nhangumele received USD 8,500,000 (eight million five hundred thousand dollars) from the "hidden debt" money, and used most of it to buy real estate. He is accused of the crime of blackmail, the crime of forgery of other documents, the crime of use of a false document, the crime of passive corruption for unlawful act, the crime of association to commit a crime and the crime of money laundering.



TEÓFILO NHANGUMELE

- 53 years old, born in Maputo
- Manager
- Arrested in February 2019
- **Received USD 8,500,000.00**

He is indicted with the crimes of blackmail, forgery of other documents, use of a false document, passive corruption for unlawful act, association to commit offences and money laundering.



CIPRIANO MUTOTA

- 63 years old, born in Zambezia
- SISE Officer since 1991
- Arrested in August 2019
- **Received USD980,000**

He is indicted with the crime of money laundering, the crime of association to commit offences, the crime of forgery of other documents and the crime of embezzlement.



EDITORIAL INFORMATION

Property: CDD – Centro para Democracia e Desenvolvimento
Director: Prof. Adriano Nuvunga
Editor: Emídio Beula
Author: Emídio Beula
Team: Emídio Beula, Ilídio Nhantumbo, Isabel Macamo, Julião Matsinhe, and Ligia Nkavando.
Layout: CDD

Address:
 Rua de Dar-Es-Salaam Nº 279, Bairro da Sommerschild, Cidade de Maputo.
 Telefone: +258 21 085 797

CDD_moz
E-mail: info@cddmoz.org
Website: http://www.cddmoz.org

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