

DAY VI OF THE “HIDDEN DEBT” SCANDAL TRIAL

“Whenever I noticed any slowness, I would speak to Ndambi Guebuza so that things would speed up,” Teófilo Nhangumele

- In the initial schedule, Judge Efigénio Baptista planned to hear 10 of the 19 defendants by the end of the first week (five days) of the trial in the case investigating the “hidden debts” scandal. In other words, the court had planned to hear two defendants per day. However, by the fifth day of the trial, only two defendants have been heard, namely Cipriano Mutota (an officer of the State Intelligence and Security Service - SISE) and Teófilo Nhangumele, the “consultant” of the integrated project for the protection of Mozambique’s exclusive economic zone



The first day was dedicated to the debate of the preliminary issues, reading of the long indictment of the Prosecutor and the reading of the defence objection. The questioning of the defendants began on Tuesday, with the court hearing Cipriano Mutota. The SISE officer's hearing lasted until Wednesday, when the defence had the opportunity to ask questions. Still on Wednesday, late in the afternoon, the court began hearing Nhangumele, but it had to adjourn the hearing to allow people to comply with the curfew (9 p.m.). On Thursday, the whole day was dominated by questions asked by the judge and the Prosecutor. Today, the fifth day of the trial, the "consultant" of the project that gave rise to ProIndicus will be questioned again, this time by the private assistant in the case - the Mozambican Bar Association (OAM) and the defence on Wednesday, Nhangumele impressed the audience with his well-rehearsed narrative. He spoke for about two hours without being interrupted and he showed to be a man of a "good memory" that he went so far as to describe the "beautiful coat" that the former Minister of National Defence (Filipe Nyusi) was wearing on the day he removed him from the project - in 2012; the first words spoken by the former President of the Republic (Armando Guebuza) at the first meeting in which Nhangumele presented the project proposal in 2011;



Credits: O País

the khaki suit and wheeled suitcase that António Carlos do Rosário was carrying at one of the meetings at the Ministry of Finance.

But yesterday, when faced with the surgical questions of the judge and the Public Prosecutor, Nhangumele showed to be a man of contradictory statements, of "short memory", of few certainties, more

concerned with the debate of concepts, uncooperative on certain occasions, in short ... a man with "a talent for distorting things", as Judge Efigénio Baptista made a point of stressing. He was unable to decode the nicknames that himself used to refer to certain people in the emails he exchanged with Boustani, such as Camelo, Cindirela, Tigre, MoD, Deep, Yellow Man...

With a budget of USD 52 million, the project was limited to ProIndicus and did not include fisheries

One of the questions asked to Nhangumele was related to how he became part of the project for the protection of the exclusive economic zone. In response, he said that it was his friend Mutota who invited him to work on the technical part of the project, including the feasibility component. He does not recall the participation of Maria Isaltina Lucas (former National Director of Treasury) in the preparation of the financial component of the study. "The first time I spoke with Maria Isaltina Lucas was when I was preparing the coming of a Privinvest delegation to Mozambique".

He said that he participated in the initial phase of ProIndicus: "I was the one who gave the name ProIndicus. The prefix Pro comes from protection and the word Indicus from the Indian Ocean. I registered the name and designed the future shareholder structure". And when he is removed from the project, in his own words, because he is not a member of the Defence and Security Forces, the budget



was around USD 352 million. So he says he doesn't know how the budget of the project that was to be implemented by ProIndicus went up to USD 622 million.

"The project was confined to ProIndicus only. I know nothing about the MAM and EMATUM companies. The project would not do fishing, but would supervise the fishing companies. The project would also not make boats maintenance, which is why Abu Dhabi Mar wanted to set up in Mozambique to do this work," he explained. The contract signed between ProIndicus and Privinvest group, the supplier, did not specify the prices of each good and service provided. Nhangumele acknowledged at the insistence of the Prosecutor that this lack of information does not allow for transparency.

When questioned about the reasons that led him to deliver a brochure of the project to Bruno Langa and ask him to talk to Ndambi Guebuza to intervene with his father (Armando Guebuza, former Head of State), Nhangumele replied that the idea was to

know if in fact the document had reached its destination. "Mutota was not being able to say anything about the stage of the process and Batsatsane Thlokoane and Jean Boustani (both employees of Abu Dhabi Mar, a company of the Privinvest group) wanted to know about the progress of the matter".

He said Bruno Langa did not demand anything in return to take the document to his friend Ndambi Guebuza. The Prosecutor read out some answers given by Bruno in which he claimed that he had told Nhangumele that Ndambi demanded money as a condition to get the document to his father. Still, Nhangumele insisted saying he was not aware of any demand for a reward from the son of the former President of the Republic.

In one of the emails sent to Boustani, the defendant spoke of the need to "massage the system" as a way of speeding up the approval process of the project. When asked to explain the meaning of the expression, he said that to "massage the system" does not involve any payment

of money to the people responsible for approving the project. "My idea was to get people to travel to conferences where issues related to maritime protection; integrated maritime monitoring and protection systems are discussed; and to visit supplier companies. So massaging the system does not mean paying bribes."

Alert, the prosecutor, Ana Sheila Marrengula, confronted him with an email from Boustani sent to him in which the Privinvest group manager maintained that no payment would be made before the project was approved. Nhangumele said he was unaware of the context of Boustani's reply and insisted that there was no provision for the payment of bribes. He was once again confronted with one of his emails sent to Boustani in which he speaks of the need to pay "success fee" to Ndambi Guebuza. "He has made a contribution to the project. I think a person who does that deserves a reward! If the project is successful it is fair that he is compensated. That is my perspective," he said.

Nhangumele did "facilitation" work and he says he could earn more than USD 8.5 million

In the indictment, it is stated that Ndambi, who was also referred to as Júnior, got the lion's share of the amount from Privinvest, claiming he had more people to pay. "What was Júnior's role for him to be paid USD 33 million?" the Prosecutor questioned. Nhangumele's reply: "Whenever I noticed any slowness in the process, I would talk to Ndambi (Júnior) so that things would speed up." Again the Public Prosecutor: "So, was Junior's (Ndambi) job to talk to his father (Armando Guebuza) so that the project would move forward?" Here Nhangumele reacted with deep silence. When asked what role Bruno played to be paid USD 8.5 million, he said he preferred not to answer.

About the trip to Germany, he explained that it was communicated to him by the defendant Mutota and his role was to take the Mozambican authorities to get to know the shipyards and other Privinvest's services. "At that time, Mr António Carlos do Rosário did not know Boustani," he added. In the version he presented on Wednesday, he had said that no report was written for the trip to Germany. But yesterday he was shown a report on the trip to Germany that he had written. He acknowledged the document and justified himself by saying that he could no longer

remember. He doesn't know who paid the expenses for the trips to Germany (2011) and Abu Dhabi (2012), but he remembers a SISE officer who took care of the logistics of these trips. "I don't know in what capacity Bruno Langa and Ndambi Guebuza travelled to both Germany and Abu Dhabi. And I don't even know who nominated them to be on the list".

In one of the questions raised by the Prosecutor Nhangumele was asked on whose behalf he was acting. This is because he even claimed that he travelled to Abu Dhabi as a representative of the Mozambican authorities. When asked how he travels on behalf of the Mozambican authorities and, once at the destination, he turn into consultant and signs an employment contract with the other party, he replied that he was an "informal representative". "I was an intermediary, I was not on either side. The Mozambican authorities were even willing to pay me, but there were administrative difficulties. I asked for payment for the work I did when I went to hand the portfolios to the ProIndicus managers".

He did not get paid from the Mozambican authorities, but he was paid 8.5 million dollars from Privinvest. Such big amount of money that led the Prosecutor to

question whether there was anything specific that he had done to deserve that amount: "I did the facilitation work, I was the bridge between Privinvest and the Mozambican authorities. That can be worth a penny or a billion dollars". Dr Ana Sheila Marrengula, the representative of the Public Prosecution, insisted: "Can you describe in detail what exactly you did?" "I was the one doing the figures work for the project and I made presentation to the people in charge". When he was asked who, from the Mozambican side, he had taken (introduced) to Boustani, he remained silent.

As to the investments of the USD 8.5 million, Nhangumele repeated what is stated in the indictment: he bought two houses in two luxurious condominiums in the Maputo city; a flat in a new building built at Eduardo Mondlane Avenue (Maputo city); a flat at Vladimir Lenin Avenue (Maputo city); a Mercedes Benz model ML, Land Rover model Range Rover Evogue, Land Rover model Discovery; a house in Nelspruit (South Africa), made several investments in the country and abroad and transferred some amounts from his account in Abu Dhabi to Mozambique and South Africa.

Postura do juiz deixa indignado Lourenço Malia, advogado de Nhangumele

“Here everyone has the right to speak in the interest of the defence of their clients. Our aim is to treat everyone the same. There are no sons and godsons (it’s not one law for the rich and another for the poor). I sincerely apologise if the court has created that impression”



Faced with the “barrage” of questions from the court and the Prosecutor that Nhangumele was subjected to, his lawyer Lourenço Malia tried to intervene in his defence, but the judge simply did not give him the floor. Only after the Prosecutor finished asking the questions was Nhangumele’s lawyer allowed to speak. He immediately objected: “I am disappointed with the way this interrogation is going. I do not feel that I am performing my role in helping the court to discover the material truth. I express my sincere indignation. Yesterday when I was asking questions to

the defendant Mutota, my colleague Rodrigo Rocha asked for the floor and was allowed to speak. Today I asked for the floor at the time my client was being questioned, but was not granted. It seems that there are biological children and stepchildren (it’s one law for the rich and another for the poor). Judge Efigénio Baptista

acknowledged the error and apologised: “Here everyone has the right to speak in the interest of the defence of their clients. Our aim is to treat everyone the same. There are no sons and godsons (it’s not one law for the rich and another for the poor). I sincerely apologise if the court has created that impression”.



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