

DAY SEVEN OF THE "HIDDEN DEBT" SCANDAL TRAIL

## Ndambi Guebuza says it was not viable to apply the money in Mozambique

- The hearing of the son of the former President of the Republic lasted two days and was the most difficult since the beginning of the trial. He was uncooperative with the court; he could not remember practically anything; he answered questions with other inappropriate questions; he attacked the Public Prosecutor several times; he denied having received money from the "hidden debts", despite the proofs found on his laptop computer; he said that the Guebuza family was being victim of political persecution; that the plan was for him to be arrested during Filipe Nyusi's first term in office to be used as a trump card for the second term; that the trial is taking place just at the moment when the third term is being discussed.



- There is no session today and the trial resumes tomorrow, Thursday, with the hearing of the defendant Bruno Langa, a friend of Ndambi Guebuza. The Bar Association has requested further investigation into the flight that took wine and a hitherto unknown package from France to Maputo, bound for the Presidency of the Republic. The court agreed, and also deferred Jean Boustani's hearing by videoconference. Vicente Manjate, from the Bar Association, accused the court of giving privileges to Ndambi Guebuza, and the judge reacted immediately: "Who knows me well, knows that I do not give privileges to anyone and I am not usually afraid of anything or anyone".

Armando Ndambi Guebuza returned to the court in the same way he presented himself on the first day of his hearing, mixing the uniform of the prison system with civilian clothes: orange trousers, shirt and a civilian jacket. In addition to his attire, the son of the former President of the Republic also maintained his posture as an uncooperative defendant with the court. While on Monday he could not remember practically anything, claiming not to have an elephant's memory, yesterday his answers boiled down to the following: "I answered that question yesterday, thank you"; "I have already answered that question, thank you"; "I believe I answered that question, honourable!"; "I think I answered that question, I will not repeat it!"

The hearing began with the Mozambique Bar Association (OAM) posing questions to the defendant. It was not a peaceful questioning. For example, to a question from the OAM about the relevance of having a residence visa in Abu Dhabi, he responded with an inappropriate question: "Is it a crime to have a residence visa in Abu Dhabi?" Judge Efigénio Baptista immediately intervened, making Ndambi Guebuza see reason: "It is not necessary to be rude to assert the right of defence. You don't have to be arrogant, you don't have to be rude. You don't need to attack people. Answer the questions calmly, serenely." His father Armando Guebuza was in the tent following everything closely.

The interrogation continued with the OAM questioning whether Ndambi Guebuza lived in Abu Dhabi, to which he replied that he did not want to talk about it as it was a personal matter. Asked if Jean Boustani (manager of the Privinvest group) had informed him about opening an account in Abu Dhabi for himself, the defendant evaded the question and said that the Mozambican Penal Code does not penalise citizens who have accounts abroad. "It is not a crime to have an account abroad".

The OAM sought to know from the defendant why part of the money transferred by the Privinvest group did not go to his accounts domiciled in Mozambique, but to accounts held by the South African firms Jouberts Attorneys and Pam Golding



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Properties. And why Ndambi Guebuza did not invest the money in Mozambique. Isálcio Mahanjane, Ndambi Guebuza's lawyer, objected to the question, saying people are free to invest their money wherever they want. But the judge insisted that the question about the reasons that led Ndambi Guebuza not to invest the money in Mozambique is relevant, as he is charged with the crime of money laundering. Asked to answer, the defendant said he did not invest the money in Mozambique because it was not viable. "Because of the partnership I had with Jean Boustani, it was feasible to invest in South Africa. They have the best financial system in Africa and a strong judicial system".

The lawyer Isálcio Mahanjane again object when his client was asked whether or not he had declared his income with the Mozambican state, but the judge clarified that it was not a leading question. Thus, the defendant was allowed to answer OAM's question. "I would not like to talk about that matter," he replied. On Monday, Ndambi Guebuza assumed that the money transferred by the Privinvest group to Jouberts Attorneys and Pam Golding Properties was in his interest as part of his partnership with Boustani. The OAM questioned whether the investments of the money from the partnership included the purchase of

luxury vehicles for the defendant's friends, to which he said he had already answered the question on Monday.

Asked whether he knew that the debts incurred to finance the exclusive economic zone project were causing losses to the State and suffering to Mozambicans, Ndambi exploded: "That is a political issue. I'm not going to answer, otherwise we would get into a political debate. That is political debate that can take us until tomorrow." The judge admonished the defendant to answer the question, but he was not forthcoming: "I think we can ask that question to the former Minister of National Defence who was in charge of the process as the Head of the Joint Command". The effort to drag Filipe Nyusi's name into the case was clear.

He was also asked whether he felt any desire to "return the money he received from the Privinvest group to Mozambican people," and said he would not answer the question, allegedly because he had done so on Monday. He reacted similarly when he was asked about the money sent to Jouberts Attorneys by Batsatsane from her account in Lebanon. Batsatsane is the South African citizen who is said to have first presented the Privinvest group's project proposal for protection of the exclusive economic zone to the Mozambican authorities.

## Bar Association calls for investigation into the flight that carried wine and an unknown package to the Presidency

At Monday's hearing, the Public Prosecution mentioned about an e-mail from Boustani sent to Ndambi Guebuza on 31 March 2013. In that email found on the defendant's computer, Boustani informed that he chartered an aircraft that would depart from France to Maputo, carrying boxes of various drinks: 7,427 bottles of wine. Boustani wrote: "We sent the box of wine to the Presidency". He added that there were two packages that were on the plane. Yesterday, OAM argued that in order to clear up doubts about the second package, the court should make an official request to the Civil Aviation Institute of Mozambique - the civil

aviation regulator - to find out whether or not the flight landed in Mozambique. The OAM petitioned the court to request the cargo manifest with the description of the goods that were transported on that flight, including clarification of where the aircraft landed: whether at Maputo International Airport or at the Air Base from Aeroportos de Moçambique (Airport Company). The OAM also petitioned the court to request information from Autoridade Tributária de Moçambique (Mozambican Tax Authority) to know whether the goods that were on the flight were subject to the appropriate customs charges.

Since the time when Jean Boustani started travelling to Mozambique is not recorded in the case at trial, the OAM petitioned the court to request information from the Migration Services on the trips made by this French-Lebanese citizen. It is known, for example, that Boustani attended the meeting to present the proposal for the protection of the exclusive economic zone held at the Ministry of Science and Technology in 2011. In his petition, the Private Assistant also asked the court to request information about Jean Boustani's accommodation from some hotels in the city of Maputo. All the petition were granted by the court.

## The Court accused of giving privileges to Ndambi Guebuza

It all started when Mozambique the OAM requested information from the President of the Republic's Protocol on how the travel arrangements for the children of the President of the Republic are organized, and if that office was also responsible for the travel expenses of friends of the President's children. Ndambi Guebuza mistook this for a question and interrupted the Mozambique Bar when it was still dictating the requests to the Court. Vicente Manjate, from the private assistant was not pleased and protested in the following terms: "I think the defendant is getting privileges that are not provided for in the Law. I don't think it is legitimate for the defendant to question our requests and above all to interrupt us. He did not want to answer some questions, and we requested information."

It was the second time a party to the case had questioned the court about its somewhat tolerant attitude towards the defendant Ndambi Guebuza's bad behavior. But the judge denied that he was giving privileges to the former President of the Republic's son: "Who knows me well, knows that I do not give privileges to anyone and I am not usually afraid of anything or anyone. As a judge, I have the obligation to give the defendant the floor when he wants to speak. He has to have a fair and legal process, where is given all the guarantees of defence. It is true that he has no right to interrupt you when you are speaking, it is true that he has no right to interrupt me when I speak, it is true that he has no right to disrespect the Public Prosecutor's Office to the point of asking if the honorable magistrate wants wine.

But I have the responsibility to make him



aware of this and is what I am doing. To impose discipline it does not always have to be with the punishment. He has no privilege, but has the right to speak. And he was confusing requirements with questions. I make a point of explaining, not only to him, but to all those who do not understand some

questions of law. In my dictionary there are no words like fear and running away. I am a very polite, humble and respectful person. At the end the court will decide according to the material produced here. And I will do this without pressure from anyone. I am not one to receive pressure.

# Chivale asked and the Court agreed: Jean Boustani will be heard in this trial

He is one of the most quoted names by all the procedural actors. A top manager of the Privinvest group, Jean Boustani is pointed out as the person who negotiated and ordered the payment of bribes to the Mozambicans involved in the project for the protection of the exclusive economic zone. He assumed himself, for the American Courts in 2019, that he had paid bribes to senior officials of the Mozambican government to enable the project. He was in one of the first meetings to present the proposal of the Privinvest group to the Mozambican authorities, between late 2010 and early 2011, at the Ministry of Science and Technology.

He travelled several times to Maputo to meet with the Mozambican authorities.

On one occasion he was photographed at a banquet at Ponta Vermelha (the official residence of the President of the Republic), alluding to Armando Guebuza's 70th birthday celebrations in January 2013. He organized trips to Germany and Abu Dhabi for some defendants in the "hidden debts" case; helped Ndambi Guebuza, Teófilo Nhangumele and Bruno Langa to obtain various documents in Abu Dhabi, such as work contracts and residence visas, and assisted the three in opening bank accounts in the Emirate.

He exchanged dozens of emails with defendants on trial, especially with Nhangumele and Ndambi Guebuza, both about the steps for the project approval, and the bribes payment. E-mails with

proof of money transfers from Privinvest to the defendants were sent by Boustani to Nhangumele and Ndambi Guebuza. It was through his e-mail to Ndambi that the Public Prosecutor's Office learned of the airplane chartered by the Privinvest group to transport 7,000 bottles of wine and another undecoded package from France to Maputo, for the Presidency of the Republic.


Boustani will be heard by videoconference, as requested by Alexandre Chivale (António Carlos do Rosário's lawyer) and seconded by the Public Prosecution. The OAM argued that Boustani should be notified to physically present himself in the tent where the trial is being held, but the court refused.



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