



Sérgio Namburete shed tears at various times during his audition

Credits: O País

DAY TEN OF THE "HIDDEN DEBTS" SCANDAL TRIAL

In tears, Sérgio Namburete apologises and says he is willing to return the 127,500 euros he received

- The first defendant at liberty to be heard by the court judging the "hidden debts" scandal, Sérgio Namburete is standing a trial for the crime of money laundering, for benefiting from €127,500 referring to the intermediation services he provided to his friend, the defendant Maria Inês Moiane Dove, in benefiting on €877,500 paid by the Privinvest group. The Public Prosecutor accused Sérgio Namburete of committing four (4) crimes, but the court decided that the defendant can only be tried for the crime of money laundering, and he was dismissed of the crimes of forgery of other documents, association to commit crime and abuse of trust

At his hearing yesterday, Sérgio Namburete, 61, began by apologising to everyone he had offended by his conduct, especially his family and specifically his children and wife. He regretted the fact that his wife was arrested due to the business in which only him was involved and said that until today he doesn't know how to apologise for that. Visibly emotional, the defendant said he was detained in February 2019 at the hospital, where he was staying due to illness. "When we were detained, my wife and I, our first child was only four months old," he said, with his face bathed in tears

Márcia Amélia Bioso de Caifaz Namburete is the wife of Sérgio Namburete's wife. He was detained between February 2019 and June 2020 for receiving €50,000 through a bank transfer from SEN Consultoria e Investimentos, part of the €127,500 that her husband received from the Prinvest group. Márcia Namburete was set free by orders of the Maputo High Court of Appeal, through the ruling order of 5 June 2020, the same ruling that dismissed her for having doubts regarding her involvement in the "hidden debts" scandal

Regarding the court's questioning, the defendant Sérgio Namburete said he met the defendant Maria Inês Moiane Dove in the 2000s and confirmed she was his friend. It was based on this relationship that, in 2014, Maria Moiane Dove, who at the time of the facts was President Armando Guebuza's Private Secretary, went to his house to inform him that there was a businessman from Abu Dhabi who was interested in investing in her land located at ATCM area, in Maputo City. "She told me that the investor wanted it to be a company to broker the transfer of the land. And she came to me exactly when I was working at the real estate area".

Her friend then sent the land's DUAT (Land Use and Benefit Certificate) to him as well as Jean's contact details. Sérgio Namburete contacted Jean, who, in his words, demanded the documents of the company that would mediate the transfer of the land: "As I did not have a real estate company, I created SEN Consultoria e Investimentos. I was very excited because the investor was from Abu Dhabi. For me it was a great business opportunity".

The Public Prosecutor believes that SEN Consultoria e Investimentos was created solely and exclusively to receive the €877,500 paid by Prinvest to the defendant Maria Moiane Dove, for facilitating that business group access to the President of the Republic. SEN Consultoria e Investimentos was created on 18 November 2014, and on the same day Sérgio Namburete opened a bank account at BCI in euros, held by the company. On 25 November 2014, Sérgio Namburete and Logistic International Abu Dhabi, from Prinvest group, entered into a contract, under which SEN Consultoria e Inves-



Sérgio Namburete told the court that he never spoke to Maria Inês Moiane Dove about the €127,500 he received from the Prinvest group. "That amount was discussed with Jean, so she doesn't know that I received that money. They paid me in advance because the contract was for one year." The defendant repeated that he can return the money he received and denied acting in a way to "whitewash" the payment of a bribe to defendant Maria Ines Moiane Dove by the Prinvest group

timentos would provide consultancy services in the field of civil construction project for a period of a year. Days later, the Prinvest group transferred €877,500 in two equal instalments of €438,750 from Logistics International, SAL on 2 December 2014 and Prinvest Shipbuilding on 18 December 2014 to the account opened by SEN Consultoria e Investimentos.

In the indictment, the Public Prosecutor also says that the civil construction project mentioned in the contract never existed, that is, the company SEN never provided any consultancy services to the Prinvest group. Yesterday, the defendant justified himself saying that the reference to "civil construction" was used because the parties did not intend to make it explicit that the object of the contract was the "sale" of land, since selling land is not allowed in Mozambique. He also said that it was Jean who sent the civil construction contract for SEN Consultoria e Investimentos to sign. About the allegation that SEN Consultoria e Investimentos did not provide any consultancy services to the Prinvest group, the defendant said it was his company that carried out the land demarcation work, placing of milestones, designing of the topographical plan, and issuing of two invoices in favour of Prinvest.

Judge Efigénio Baptista asked whether land demarcation and topographical plan designing was is brokering a deal. "I don't see your role in brokering the deal", considering that Mrs Maria Inês Moiane Dove already knew the investor interested in her land and she had already discussed the price, why did she look for you?" the judge questioned. But the defendant insisted on his answer that he was contacted by his friend Maria Moiane Dove to broker the real estate deal and issue invoices for the respective payments.

"I did this convinced that I was doing something lawful," he said, acknowledging that al-

though the Prinvest group paid the amount for the land to his friend Maria Inês Moiane Dove, through SEN Consultoria e Investimentos, there was never a transfer of the land. In other words, the land is still registered in the name of the former President Armando Guebuza's Private Secretary. Moreover, he said that the owners gave up the project and did not say any explanation to him.

Sérgio Namburete told the court that he never spoke to Maria Inês Moiane Dove about the €127,500 he received from the Prinvest group. "That amount was discussed with Jean, so she doesn't know that I received that money. They paid me in advance because the contract was for one year." The defendant repeated that he can return the money he received and denied acting in a way to "whitewash" the payment of a bribe to defendant Maria Ines Moiane Dove by the Prinvest group.

After the judge, the Public Prosecutor again asked the defendant why the contract signed between SEN Consultoria e Investimentos and Logistic International

Abu Dhabi does not mention the transfer of land. "The contract mentions only of civil construction. Mr Sérgio Namburete, is the content of the contract true or not?" In response, the defendant admitted it was a "serious mistake" not to taking legal advice on the content of the contract. "I wasn't as careful as that. I received the contract, signed it and returned it to Jean. In fact, the contract was not detailed. But I did not find it strange because I was excited about the business opportunity with an investor from Abu Dhabi".

The Public Prosecutor said that the invoices issued by SEN Consultoria e Investimentos regarding the payment in two instalments of the €877,500 did not mention the transfer of land. The defendant justified in the as follows: "On the invoices I must have written something else and not the sale of land. This is because selling land here in Mozambique is not allowed". When asked how SEN Consultoria e Investimentos justified the €877,500 it received, Sérgio Namburete replied that the bank did not demand any document. "BCI

did not demand anything from me. You may notify the bank, it will not present any document because it did not demand me anything from me."

The defendant became emotional again when the Public Prosecutor asked him why defendant Maria Inês Moiane Dove chose him to broker the transfer of the land, since she was acquainted to the investor Jean Boustani and they had already arranged the price. "When this problem started, I also wondered why she chose me. Why did she do this to me? But at that time I didn't think of any malicious intent, because talking about Abu Dhabi was all about business." Sérgio Namburete could not contain himself and began to cry: "My greatest pain is because of my wife who was arrested. She never asked me to put money in her account. Until today it hurts me and I ask God for forgiveness every day. But I can't...forgive me Honourable Judge, forgive me Your Honourable Prosecutor." The court adjourned the session for 10 minutes to allow the defendant to calm down.

Judge backs down and says Sérgio Namburete does not need to be examined at HCM (Hospital Central de Maputo): "I can see that you are sick"

The session that marked the start of the third week of the trial of Case 18/2019-C began approximately an hour late. Judge Efigénio Baptista entered the tent set up at the Maximum Security Jail, BO, at 10am. And he justified the delay by stating that after noticing that he had forgotten the documents related to the case and without which he could not start the work, he asked the security team to collect them from his house.

And when he was about to start with the hearing of the defendant, Sérgio Namburete, the defense presented requests and asked for explanations. Salvador Nkamati, lawyer for Renato Matusse, political advisor to the President of the Republic at the time of the facts, questioned the fact that it was the Supreme Court that was repeatedly issuing communiqués related to the trial, and not the 6th Section of the Maputo City Judicial Court. "We know that courts have spokespersons. It could be the Maputo City Judicial Court's spokesperson or even the Presiding Judge communicating with the public and not the Supreme Court."

The lawyer Salvador Kamati believes that as an appeal instance, the last one in this case, the Supreme Court should be more guarded and avoid getting involved in issues related to the present situation in the trial. But the judge clarified that the Supreme Court is only



involved in administrative matters, as the Maputo City Judicial Court does not have the logistical conditions to handle the matter. "This trial requires conditions that that entity does not have them. The daily costs activities are around 20 thousand meticaís".

Another issue that worries Salvador Nkama-

ti is the proximity between the judge of the case and the Public Prosecutor's Office representative. The two magistrates arrive together at the place of trial and leave at the same time, are escorted by the same security team, got meals in the same room, have conversations in the sessions break... The lawyer

foresees in this closeness a risk of the two magistrates approaching issues of the case outside the courtroom. Efigénio Baptista once again argued that he is an idoneous judge who does not allow himself to be influenced and that when it will be the time to decide, he will proceed according to the evidence produced.

Kamati also asked for clarification about the two people positioned next to the Public Prosecutor's representative, which had nothing to do with the case and whose role he does not know. Ana Sheila Marrengula explained that they are the support team of the Public Prosecutor's Office. Their presence in the trial room aims to facilitate the work of the Public Prosecution magistrate in consulting volumes and identifying certain procedural documents, given the complexity of Case 18/2019-C

- it has more than 20.000 pages. The Bar Association of Mozambique (OAM), a private assistant in the case, also has a support team in the tent where the trial is being held. The judge said that the defense lawyers, if they wish, can also request the presence of a support team.

Alexandre Chivale requested the court the exclusion of the trial hearing sessions, of his constituent, the defendant Maria Inês Moiane Dove, after the questioning of the defendant Elias Moiane, for health reasons. "The medical report attached to deeds of indictment recommends that she should feed herself every two hours, with a specific diet. In this prison facility there are no conditions for that."

The Public Prosecutor's Office was against the request, arguing that the court had already dismissed a similar application, so it must

maintain consistency in its decisions. The private assistant (OAM) left it up to the court to decide, but argued that the rights and freedoms of citizens, including the dignity of the human person, should be observed.

The court ordered the defendant Maria Inês Moiane Dove to be examined at the HCM to assess whether or not she is able to be present at all the hearing and trial sessions. The judge had made a similar decision regarding the defendant Sergio Namburete, but had to revoke it after the questioning. "I have seen that you are really ill. It is clear that you are not feeling well, so you are excused from being present at the trial sessions until the reading of the sentence, or if one of the parties requests your presence in court. I see that you are always taking pills, you sit with difficulty, it is clear that you are in pain.

Alice Mabota questions the court's "agenda" for strict adherence to the calendar and leaves the judge furious

Due to the late start of the session, prior questions presented by the defense lawyers and forced interruptions to allow the defendant to take pills and control his emotions, the questioning of Sergio Namburete ended at 5pm. At 6.20pm, the judge announced a break and that the session would resume at 7pm, with the hearing of the defendant Maria Inês Moiane Dove. Her lawyer Alexandre Chivale immediately protested: "My constituent has been here since 7.30am and she still hasn't eaten anything. She is sick and has a medical recommendation to eat every two hours. I don't know if she can stand here for longer."

Other lawyers asked for the floor to highlight that it was inhumane to resume sitting at 7pm, considering that there are sick defendants and others are over 60 and since they arrived at the venue they had not had a single meal. The judge said he was not going to discuss issues of "being humane or inhumane", that he was there to comply with the timetable he had set for this trial. The lawyer Damião Cumbane warned that we cannot force the compliance with the timetable. "One must take into account the specifics of each hearing. For example, when the judge set up the calendar, he did not foresee that in the hearing of the defendant Sergio Namburete it would be necessary to make small interruptions to allow him to take his pills or for him to recover from emotion moments. And it could happen with other defendants, so the calendar should be flexible."

As the judge was insisting on the idea of resuming work at 7pm to avoid gaps in com-



Credits: Memeiros

ply with the timetable and further readjustments, the lawyer Alice Mabota asked the court for clarification on whether there was an "agenda" behind the forcing to compliance with the timetable. "I would like to be clarified if the calendar was made for us to arrive by 31 December with the trial already over? Why do we have to finish the trial on day and month x. Is there any agenda behind it? If there is an agenda to be fulfilled, tell us please, if it is to sleep here, we will do so. It's just that we run the risk of get the work wrong to comply the timetable."

The judge did not like the words of lawyer

Alice Mabota and said she was disrespecting the court. "Nobody said we are going to sleep here. We must know do expose our worries with respect. We have to respect the court. I made the calendar for better organization and not to finish the trial this year," he said. In the end, Judge Efigénio Baptista backed down from his decision of resuming the hearing at 7pm and scheduled it for Thursday (hearing of defendants Maria Inês Moiane Dove and Elias Moiane). It is the first time the judge has bowed to pressure from the defense on the need to respect the human condition of the defendants.



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

PROGRAMMATIC PARTNER

FINANCING PARTNERS

