

DAY XI OF THE "HIDDEN DEBT" SCANDAL TRIAL

“I was not bribed” by the Privinvest group, the personal assistant of former President of the Republic Armando Guebuza

- Maria Inês Moiane Dove met Boustani in one of the meetings he attended at the Presidency of the Republic and they have had about five meetings ever since then. The defendant says she talked about her land at the ATCM area, on the Maputo waterfront, and proposed to Boustani that he invest in it, to which he accepted. This is why she says that the €750,000 that she received from the Privinvest group are related to the lease of the land.
- The lawyers Alexandre Chivale and Isálcio Mahanjane said that the case now on trial is politically motivated, so they asked the court to hear Celso Correia as a declarant. The current Minister of Agriculture and Rural Development was the one who informed the defendant Maria Inês Moiane that she was being investigated under the case filed by the Attorney General about the undeclared debts and advised her to go and talk to the President of the Republic Filipe Nyusi



- The judge rejected the request for hearing of Celso Correia and explained that the subject of the evidence are the facts contained in the final indictment, and there is no fact or argument in it that the present proceedings are politically motivated. The Public Prosecutor had already argued that there is no factual support for the alleged political motivations surrounding the case.

The questioning of the defendant Maria Inês Moiane Dove, at the material time private secretary of the then President of the Republic Armando Guebuza, began at 11am. She said she continues to work for Armando Guebuza, now as an advisor. Before talking about the facts with which she is indicted, the defendant preferred to get things off her chest before the court, recounting how she was arrested. She recounts that on 13 February 2019 she received several calls from an unknown number while attending a funeral. As her mobile phone was on silent mode, she became aware of the calls later and tried to return them. "When I returned the person said he was connected to the Attorney General's Office and wanted to meet me. As it was already late I suggested that we meet the next day, 14 February, at 9am, in my office"

However, in the early morning hours of 14 February, while she was still at the gym, she was informed of the presence of police officers who wanted to talk to her. When she went to the officers, they informed her that they had a warrant to search her home and arrest her. The defendant said she asked why she was being detained without first being heard by the Attorney General, to which they replied that they were carrying out orders. "They entered and searched the entire house and then said I was being detained. I asked them to go and shower because I was leaving the gym, but they refused. I got into the car and there were more people there with many weapons. They said they wanted to see the two flats I bought and we went there. Then they took me to the Chamanculo police station".

The judge listened attentively to the defendant and in the end said that it was not about the circumstances of her arrest that the court wanted to know, but rather the facts of which she is indicted. Efigénio Baptista read the chapter of the indictment that is about Maria Inês Moiane Dove's involvement in the "hidden debts" scandal. "I was not bribed," the defendant reacted, when asked to comment on the charges against her. Maria Inês Moiane Dove confirmed meeting Jean Boustani, on an unspecified date, in one of the meetings that the Privinvest group Lebanese citizen had at the Presidency of the Republic, in Maputo. "After that I had about five (5) or six (6) meetings with him in the country and abroad".



Maria Inês Moiane Dove

Asked how she accounts for her receiving the amount of €750,000 from the Privinvest group, Maria Inês Moiane Dove explained that in 2011 she was assigned a space in the ATCM area by the Maputo Municipality Council. When she applied for the competent Land Use and Benefit Certificate (DUAT), the defendant was informed that that land was reserved for of three (3) to 33 floor hotels and flats. And as she did not have the capacity to make investments, she spoke to Boustani about the possibility of making investments in Maputo in the area of hotels or real estate. "I showed him the sketch of the space and he said they were interested in investing."

In the negotiations they had, the defendant asked Jean Boustani that should they invest in the real estate company, she would like to get five (5) flats, but the request was rejected. "He said they were not interested in an association and would rather pay me in cash". To this end, Boustani asked Maria Inês Moiane Dove to identify a Mozambican company that could help with the process with the Maputo Municipality, issue invoices and continue to assist with the construction project. This is why the defendant went to her friend and now co-defendant home Sérgio Namburete to talk to him about the matter, since he works in real estate and construction area. To a question from the Public Prosecutor about why she did not create a company to facilitate her business with Boustani, the defendant replied that she did not

proceed in this way because she does not understand the real estate area.

Asked by the court why the Privinvest group did not deposit the 750 thousand euros directly into her account, the defendant replied that the amount was deposited into the company account (SEN Consulting and Investments) by Boustani's decision. However, the contract signed between Logistic International Abu Dhabi and SEN Consulting and Investments makes no reference to any land located at ATCM. Asked how she could prove to the court that she received the €750,000 under that contract, she said she could not say why the contract does not provide for a land transfer clause. Asked if there was a project that would be implemented in the space, the defendant replied that in 2016, Boustani reportedly informed her that they were working on a hotel project and that they would send it to Sérgio Namburete. Whether the Maputo Municipality Council had received any document on the transfer of the land, the defendant replied that she was still waiting for the project implementation to be at 75%, as required by the rules.

She confirmed that the land is still in her name, but that she gave Jean Boustani a power of attorney which gives him all the rights. However, the Public Prosecutor has doubts about the authenticity of the power of attorney in the case file, since the defendant said in the first questioning that she had not passed any power of at-

torney in favour of Jean Boustani. “When I was heard at the Attorney General’s Office I was under a lot of pressure. I had never been heard before my arrest,” she justified herself. Even so, when confronted with such a power of attorney, neither she nor her lawyer Alexandre Chivale could say on what date it was processed. This fact increased the Public Prosecutor’s doubts, who requested the court to order the 4th Maputo City Notary Office to prove the authenticity of the power of attorney and provide the copy they kept in their files.

The defendant Elias Moiane, whom Maria Ines Moiane Dove calls her son, was the person who was in charge of the process of buying two properties paid for with the money received from the Privinvest group. “I never had time to take care of my affairs. He was the one who took care of

everything. I never stayed at home, I was always working”, she justified. One of the properties she bought was registered in her daughters’ name and she is not sure whether the second is in her name or not because she was still dealing with the documentation. The rental contracts of the two properties were signed by her son Elias Moiane and he is the one who receives the money and then passes it on to the defendant Maria Inês Moiane Dove.

The Public Prosecutor asked the defendant what level of trust she had with Boustani to the point of approaching him about a private business. “I saw a businessman who has investments in many countries and I spoke with him to find out whether he could invest in my land. He was not the only businessman I spoke to, there were several,” she replied. When asked if the

President of the Republic was aware of the approaches she made to businessmen about her land, she replied negatively.

The case states that in some emails that Boustani sent to Maria Inês Moiane Dove with documents related to the exclusive economic zone protection project and that she should send them to the President of the Republic, Armando Ndambi Guebuza was copied. On this fact, the defendant said that only Boustani could clarify it, as she does not know why certain people were copied in emails sent to her. She said she could not remember the person who mediated the meetings between Jean Boustani and the President of the Republic. She confirmed that she knew Iskandar Safa, the owner of Privinvest. “I saw him twice, if I am not mistaken. In the country and abroad”.

The Judge and the Public Prosecutor’s Office representative “hold up” hearing of Celso Correia



Alexandre Chivale and Isálcio Mahanjane



Celso Correia

At her hearing, Maria Inês Moiane Dove said that she learned about the case investigating the “hidden debts” scandal through Celso Correia, then Minister of Land, Environment and Rural Development. “In the conversation we had, he told me that there was a court case going on about the undeclared debts and that some people involved in it would be arrested. He said I was also being investigated. I said I only made a transfer of land with Jean Boustani and he said it’s fine that that is all you did. Nevertheless, he said it would be better if I talked to the President of the Republic about it. I didn’t talk to the current Presi-

dent of the Republic and I think that’s why I was arrested”, she explained.

Thereafter, the lawyers Isálcio Mahanjane and Alexandre Chivale requested the hearing of Celso Correia for him to explain to the court under what circumstances he became aware of this fact, since the case was still under legal confidentiality. “We think that this case has strong political motivations. The court may not be political, but this case is politically motivated and that is our understanding. That is why we requested the hearing of Celso Correia for him to explain how he was familiar with the case’s content even before the targeted

people were notified”, Isálcio Mahanjane said.

In its turn, the Mozambican Bar Association (OAM) said there was nothing preventing Celso Correia’s hearing, provided that the principle of thematic linkage is strictly observed. That is, if he is heard, it will be in accordance with what is in the case, what is in the case file. “Taking into account that on the date on which such comment was allegedly made, the case was in legal confidentiality and considering the provisions of Article 483 of the Criminal Code in force at the material times, the Bar Association is in favour of Celso Correia being heard.

However, on the one hand, the Public Prosecutor said that there is no factual ground on alleged political motivations around the case and, on the other, that she sees no relevance of the request for finding out material truth. "That being a matter outside this case, any debate on political motivations of the case should be done in proper venue. It is a matter that should be dealt with outside this court. This case has existed since 2015 and since

then many people have speculated, have made guesses and that is why we will not call to court all the people who have speculated about the case."

Judge Efigénio Baptista rejected the request for a hearing of Celso Correia, the current Minister of Agriculture and Rural Development. And he began by explaining that the object of the evidence are the facts contained in the definitive indictment and there is no fact or argu-

ment in it that the present proceedings are politically motivated. "The courts, as part of their jurisdictional function, do not deal with political issues and if the request is politically motivated, it will be dismissed. Since the first day of the trial, some people have been trying to bring political issues into this case. The Court will not discuss political issues and will not decide on them. This is not the place to discuss politics".

Preliminary questions again "delay" the start of questioning for almost two hours

The 11th session of the "hidden debts" scandal trial was also marked by prior questions. There almost two hours of debate. Alexandre Chivale, Maria Inês Moiane Dove's lawyer again protested against the live broadcast of the trial sessions, and asked that the images and audio of his client not be broadcast to preserve her honour and good name. But the Public Prosecutor and the OAM, assistant in Case 18/2019-C, positioned themselves in favour of the publicity of the sessions and mentioned the fact that the court had already ruled on the matter.

Judge Efigénio Baptista just uphold his decision that makes live broadcasting of the hearing and trial sessions viable, justifying that he has already exhausted his jurisdictional power on the matter. "The public nature of this trial has already been debated and I don't know why you are coming back to it. You can raise the issue a thousand times, but the court will not change its decision. This trial is a public one," the judge declared. In fact, at the beginning of the trial, the defence lawyers requested the court to prohibit the live broadcasting of the hearing and trial sessions. On the one hand, arguing on the need for the reservation of the defendants' honour and their good name and, on the other, to safeguard the state interests, since the case involves people linked to the State Intelligence and Security Service (SISE).

Isálcio Mahanjane requested the hearing of the defendant Bruno Langa held at the Attorney General's Office be declared void, arguing that a duly registered lawyer

with the Bar Association of Mozambique (OAM) did not accompany him. That is, Paulo Nhancale, the person who posed as a lawyer and accompanied Bruno Langa when he was questioned by the Attorney General in pre-trial phase of the investigation, is not registered with the OAM (bar Association). This information was confirmed during the session by the OAM itself, which also said it had notified the Institute of Sponsorship and Legal Assistance (Instituto do Patrocínio e Assistência Jurídica) –IPAJ, to find out whether or not Paulo Nhancale is registered as a legal expert.

The Public Prosecutor argued that the questioning provided by Bruno Langa at the pre-trial phase is not void as the defendant was heard on 23 January 2019, when he was at liberty. For defendants who are heard in this capacity, both in the first and subsequent questionings, the presence of a lawyer is optional. But in relation to the first questioning of Bruno Langa before the criminal instruction judge for the validation and maintenance of the arrest, the Law establishes the mandatory presence of a lawyer. The failure to appoint a lawyer when necessary, as is the case of the first judicial interrogation, results in procedural nullity.

However, the same Law sets up that the nullity committed before the indictment decision or any other equivalent becomes final will be remedied if a lawyer is subsequently appointed and he or she does not argue within five (5) days from the date on which he or she submits the documents with the power of attorney, or from the date on which he or she is notified of the

appointment by the judge. "In the case under review, the defendant Bruno Langa appointed a new legal representative who, however, did not argue the nullity within the period established by the Law, so it is held to be remedied," Ana Sheila Marrengula said. The magistrate said that if it is proved that Paulo Nhancale is also not registered at IPAJ, he should be sued for the crime of illicit exercise of public functions or titled profession. Once again, the court went along with the Public Prosecutor and dismissed the defence's request on the declaration of nullity of Bruno Langa's hearing at the Attorney General's Office, adding that the request was untimely.

Still yesterday, the court heard the defendant Elias Moiane, son of the defendant Maria Ines Moiane Dove. He was the one who was in the frontline of the purchase of Maria Ines Moiane Dove's two properties, the payment of which was made with the money received from the Privinvest group. The three room house, located at José Mateus Street n. 138, 5th floor left, Bairro Polana Cimento "A" – Maputo City, was bought at a price of 14 million meticaís; and the second, located at Mukumbura Street, at the corner with Armando Tivane Avenue, 1st floor, at Bairro Polana Cimento, Maputo City, at a price of 12 million meticaís. The defendant Elias Moiane said that the two properties were registered in the name of Maria Inês Moiane Dove's daughters. However, the defendant Maria Inês Moiane Dove said that only one property was in the name of her daughters, and the other was in her name.



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