

DAY XXXIV OF THE "HIDDEN DEBTS" SCANDAL TRIAL

## Isálcio Mahanjane starts defending António Carlos do Rosário and asks for five days to study the defendant's statements



Following the withdrawal of lawyer Alexandre Chivale from the Case No. 18/2019-C, now on trial, António Carlos do Rosário yesterday appointed lawyer Isálcio Mahanjane as his legal representative. Moreover, the new lawyer of the former SISE National Director of Economic Intelligence asked for time to analyse and consolidate the defence strategy, as well as to study the statements of the defendant made during the hearing by the Public Prosecution, which lasted eight days. Judge Efigénio Baptista deferred the request and interrupted the hearing of Antonio Car-

los do Rosário, which will resume on Thursday, 28 October, with the questioning by the assistant in the case, the Bar Association of Mozambique (OAM).

In addition to António Carlos do Rosário, Isálcio Mahanjane also becomes the legal representative of the defendants Maria Inês Moiane, former private secretary of Armando Guebuza and Moiane. In Case No. 18/2019-C Alexandre Chivale was the lawyer of three defendants, namely António Carlos do Rosário, Maria Inês Dove and Elias Moiane. The three are now represented by Isál-

cio Mahanjane, who until yesterday defended only the defendant Armando Ndambi Guebuza, son of former President of the Republic, Armando Guebuza. In fact, Isálcio Mahanjane and Alexandre Chivale are known as the Guebuza family lawyers.

Chivale's removal from the case was requested on Tuesday by Public Prosecutor, Ana Sheila Marrengula, under the allegation that the lawyer is a SISE collaborator, a condition that puts him in a situation of conflict of interest. In other words, as he is linked to the State, he cannot be a lawyer against this very same State. "Having a link with the State, the lawyer is prevented from defending causes against the Mozambican State", Magistrate Ana Sheila Marrengula said, recalling that the Public Prosecution filed a civil claim for compensation to the State amounting to more than two billion dollars, plus interest, against all defendants, including those who were being defended by lawyer Alexandre Chivale.

Despite objections from the concerned person and the Mozambican Bar Association, Judge Efigénio Baptista declared that Alexandre Chivale was barred from assisting the defendants in the present trial on the grounds invoked by the Public Prosecution. The court also decided that Chivale would be heard as a declarant, as requested by the assistant, on a date to be announced.

"Being a SISE employee, and the function of SISE is to guarantee the security of the State, he cannot conflict with the State itself. He cannot be a lawyer in a process in which there are diverse interests between the defendants and the State," Efigénio Baptista argued.

Both the Public Prosecution and the court relied on the words of António Carlos do Rosário who claimed during his hearing that his lawyer Alexandre Chivale was a SISE collaborator. For this very reason, the assistant in the case defended the need to confirm with SISE whether or not there is a link between this institution and lawyer Alexandre Chivale. "Even if it is on a precautionary basis, it is important for the decision to be taken with due serenity and security. The defendant does not represent SISE; besides he has the faculty to lie at this hearing. For this reason, we believe it is important that SISE be notified".

Yesterday, lawyer Salvador Kamati asked for the floor to state that he and Prof. Teodoro Waty, both representatives of the defendant Renato Matusse, are teachers at the Faculty of Law of Eduardo Mondlane University (UEM), and are therefore public servants. Bearing in mind that the argument invoked by the Public Prosecution and reproduced in full by the court to remove Alexandre Chivale from the case

was the allegation according to which the lawyer has ties with the State because he is allegedly a SISE collaborator, Salvador Kamati wanted to know from the court if they would also be removed from Case No. 18/2019-C. But the judge said it was not only the fact that Chivale was a SISE collaborator that was considered for his removal, but also his status as a director of Txopela Investments and Ndandula Empreendimentos, companies that, in the Public Prosecutor's view, were used to receive and launder money and assets bought with the Privinvest group's money.


The Bar Association still tried to convince the judge to review his decision to remove Alexandre Chivale, recalling that the basis the court used was the allegation that the lawyer was a collaborator of SISE and not the fact that he was the director of companies used to launder money received from the Privinvest group. However, the judge maintained that under no circumstances would he re-examine his decision, arguing that the court had exhausted its decision-making power. "The impediment of lawyer Alexandre Chivale has already been decided and the court will not discuss this matter again. Once the order has been issued, the judge's jurisdictional power regarding the matter in question has been exhausted. If you do not agree, please react within the time limit".



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