



Lucas Ponderane

DAY XL OF THE "HIDDEN DEBTS" SCANDAL TRIAL

Lucas Ponderane says he subscribed GIPS stakes in ProIndicus, EMATUM and MAM in compliance with superior instructions

- On the 40th day of the "hidden debts" scandal trial amounting more than two billion dollars, Lucas Jarnet Ponderane was the fifth declarant to be heard by the court. A senior intelligence officer, where he serves as an advisor to SISE General Director, Lucas Ponderane has been CEO of GIPS since 2012. GIPS, a company of SISE Members Social Services, is a shareholder in the three companies involved in the illegal loans, namely ProIndicus, EMATUM and MAM.

It was in his capacity as CEO of GIPS that Lucas Ponderane was instructed by his SISE colleague Raúfo Ismael Irá, at the time of the facts Executive Director of SISE Members Social Services and GIPS non-executive director, to subscribe a social stake in ProIndicus on behalf of GIPS. The declarant confirmed that, like Monte Binga (a company under the Ministry of National Defence), GIPS did not pay up its stake in ProIndicus.

Like other declarants, Lucas Ponderane said he did not have the opportunity to analyse the feasibility study of ProIndicus and the only information he had access to indicate that the company was linked to the protection of the Exclusive Economic Zone. It was only in 2016, in the SISE coordinating council, that he became aware that ProIndicus had the commercial component.

As GIPS CEO, Lucas Ponderane noted that on 20 July 2013 he attended the general meeting, in the company of Raúfo Ismael Irá (Social Services representative of SISE members), where they were instructed to subscribe GIPS' social stake in EMATUM, as per superior instruction from the SISE general directorate. The declarant said that he was not present at the time of EMATUM's constitution and that GIPS did not pay up its share capital in the company, although it is said otherwise. "At GIPS level, the EMATUM feasibility study was not discussed, nor the way in which the company would operate or carry out its activities".

Similarly, He received instructions to subscribe GIPS' social stake in MAM, a company created for the repair and maintenance of boats. As was the case in the constitution of ProIndicus and EMATUM, GIPS did not pay up its social stake in MAM and did not participate in the discussions on the company's feasibility study. He confirmed that GIPS has social stake in many companies, but this fact does not make these companies linked to the secret services.

Confronted by the Public Prosecutor with the minutes of the GIPS general meeting of 20 December 2012, the declarant said that formally the general meeting session did not exist. "That was a meeting of two people and the minutes had already been prepared. I don't remember who prepared the minutes." Lucas Ponderane said he was instructed by Raúfo Ismael Irá to sign the minutes authorising GIPS to subscribe to the company's social stake in ProIndicus. The declarant did not sign the minutes and questioned by the court as to the reasons, he replied that he could no longer remember.

The declarant said that he did not remember having access to a document that helped him decide on the appropriateness of signing the public deed of ProIndicus constitution. "I did not participate in the preparation of the feasibility study and I did



Lucas Ponderane

not even see that study. I did not see the contracts for the supply and financing of ProIndicus signed with the Privinvest group and Credit Suisse. Lucas Ponderane said that at GIPS level the conditions had not yet been created for the implementation of the purpose of the company to be established, namely ProIndicus, such as the headquarters, personal equipment and logistics.

The Public Prosecutor asked how, as a representative of one of ProIndicus social stake, he thought the company would operate with its share capital not paid up, to which he replied in the following terms: "It is difficult to answer because I was not involved in the design of the project. As a partner, I was not involved in the discussion of the sources of financing for the fulfilment of the company's purpose".

To the question on with what mandate Lucas Ponderane signed the constitutive act of MAM, given that in the separated minutes had been designated Raúfo Ismael Irá, to which he replied in the following terms: "I don't remember, maybe he was called to sign the deed". At the insistence of the Public Prosecutor, the declarant said that he always received instructions from Raúfo Ismael Irá, administrator of SISE's Social Services and non-executive director of GIPS, to sign the constitutive act of the three companies. "For my comfort, I would always call the General Director of SISE to get confirmation. And I always got it, which is why I didn't ask any questions." He also said this was the case in relation to MAM.

Regarding the general meeting of January

23, 2014 held at the headquarters of GIPS, where the subscription by GIPS of the share capital of MAM and the appointment of Raúfo Ismael Irá to represent GIPS in the constitutive act of MAM was deliberated, the declarant said that the minutes came prepared and he only signed them. He indicated Raúfo Ismael Irá as the person who took the pre-drafted minutes. As with the other companies, Lucas Ponderane said that he did not participate in the preparation of the MAM feasibility study, he never saw the document as well as the supply and financing contracts.

To the question to whom GIPS is accountable, the declarant said that the company is accountable to the partners. Regarding strategic instructions, such as the subscription of stakes in other companies, Lucas Ponderane said that they came from the SISE management. Asked if there was a subordinate relationship between Lucas Ponderane and Raúfo Ismael Irá, he said that no. "In addition to being a non-executive director of GIPS, Raúfo Ismael Irá was the Social Services representative of the members of SISE, a majority partner of GIPS."

Asked if it was normal to sign documents related to matters over which he had no domain, such as the pre-drafted minutes and the subscription of share capital of the three companies involved in the "hidden debts", the declarant replied that, being superior orders, he had no power to regress. He added that, for his comfort, he would seek confirmation from the SISE General Director.

As GIPS had subscribed shares in ProIndicus, EMATUM and MAM, the Mozambique Bar

Association (OAM) asked whether, in general meetings, he analysed the performance of the three companies. The declarant replied that GIPS

did not analyse the performance of ProIndicus, EMATUM, and MAM, allegedly because it did not have financial information on the three

companies. Lucas Ponderane confirmed that GIPS is a shareholder in Maputo Shipyard and Pemba Shipyard, subsidiaries of MAM.

Monte Binga administrator Estêvão Mwiya says he had no assurance that ProIndicus was viable

Estêvão Leo Mwiya was the second declarant to be heard on Friday. A reservist and retired with the rank of Lieutenant Colonel, Mwiya served as executive director at the Monte Binga Company between August 2008 and July 2013. He was appointed as Director of Monte Binga by the then Minister of National Defence, Filipe Nyusi. He was called by the court to explain his involvement in the establishment of the company ProIndicus.

It is on the record that on December 21, 2012, Estêvão Mwiya, Victor Bernardo and Guido Machipissa, all members of Monte Binga's Board of Directors, signed a resolution by which the three decided that Monte Binga should subscribe to ProIndicus' stake. Asked on what feasibility study they conducted to make the decision, the declarant replied as follows, "We didn't have access to any study. Everything was decided, everything was done. The project had already been designed by SISE. The question was to sign the public deed of the company constitution." The Prosecutor asked the declarant if they had any guarantee that the ProIndicus business was viable, to which he said no.

Estêvão Leo Mwiya said that he learned through the press about the existence of the EMATUM and MAM companies when the "hidden debts" issue broke out. At that time he was no longer executive director of Monte Binga. Considering that Monte Binga is a shareholder of ProIndicus, which



Estevão Mwiya

in turn is a shareholder of MAM, the Public Prosecutor's Office wanted to know whether or not it was necessary for Monte Binga to at least be informed about the constitution of MAM. The declarant's answer was: "It was

necessary, but I don't know if this happened. When MAM was constituted I had already ceased my functions as executive director of Monte Binga".





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