



Imran Issa

DAY LVII OF THE "HIDDEN DEBTS" SCANDAL TRIAL

Imran Issá may be prosecuted by the Bar Association for exceeding the limits of exceptions to professional secrecy

- The Mozambican Bar Association (OAM), an assistant in the "hidden debts" case, yesterday requested Judge Efigénio Baptista to extract copies of the certificates of statements made by lawyer Imran Issá as a declarant in the last two days. Imran Issá was a lawyer for defendants António Carlos de Rosário, Angela Leão, Fabião Mabunda and Zulficar Ahmed and, in that capacity, he learned facts that he shared with the court and that contradict the narratives of the defendants concerned.

The declarant delivered everything and everyone, especially matters that may be considered confidential concerning Antonio Carlos de Rosário, contradicting and exposing crucial issues of his defence strategy. Under the OAM Statutes, Imran Issá was authorized an exception to professional secrecy duty to pursue legitimate interests related to his dignity or honour.

However, OAM itself understands that the lawyer/declarant went beyond what was authorized, since at no time did he act in the interest of his former client, as provided for by the Statute of the organization for purposes of exception to professional secrecy. What we saw, in fact, is revenge by a lawyer who no longer has good relations with his former client, in this case the defendant Antonio Carlos de Rosário.

The OAM application was filed yesterday by lawyer Filipe Siteo, who in his intervention asked questions on the matter that made the declarant nervous. Imran Issa got nervous during his hearing, as questions from Filipe Siteo were in the direction of condemning his stance of making revelations in court about facts relating to his former client. "If the Bar Association wants to punish me, it is welcome," said lawyer Imran Issá, adding that he had followed all legal procedures to be heard as a declarant in court.

Two other lawyers had already shown concern about Imran Issá's stance in court, namely Alice Mabota and Alauè Cheia. "We run the risk of our clients not trusting us with confidential information about the matters we handle from their legal sphere. What we are witnessing here is filth. I have followed major trials since the 1990s and I have never seen anything like this. The defendants were stripped naked in court," said lawyer Alice Mabota.

Meanwhile, Judge Efigénio Baptista decided to reject the request of the assistant, the OAM, justifying that there were two interests to pursue, namely the duty of collaboration of the parties or procedural subjects in order to come to the material truth of the facts, for the benefit of the State, and also the interest of safeguarding the obligation of professional secrecy of the lawyer.

In these terms, Judge Efigénio Baptista considered that the interest of the State is more important than the obligation of professional secrecy of the lawyer, taking into account the facts that on trial. The OAM requested that the judge grant a copy of his order of dismissal analyse and take a position later.

Just yesterday, Imran Issá accused the defendant António Carlos do Rosário of always communicating with the outside world from his cell, using a mobile phone, a practice



prohibited in the Mozambican prison system. "I have always communicated with António Carlos do Rosário via *Whatsapp*, either at the time he was in Maputo Preventive Penitentiary Establishment (*former Cadeia Civil de Maputo*), or now that he is in the LÍngamo Prison".

Imran Issá even said that António Carlos do Rosario continues to communicate with his lawyers, namely Isálcio Mahanjane and Alexandre Chivale, via *Whatsapp*. "Just check their mobile phones. The conversations are there". The declarant accused António Carlos do Rosário of having changed, for more than five times, the telephone contacts he was using at *Cadeia Civil*.

On the first day of his hearing, Imran Issá said that when visited António Carlos do Rosário at *Cadeia Civil*, the latter informed him that he had received a visit from the President of the Republic, Filipe Nyusi. The Bar Association representative asked the declarant if he was aware of any close relationship between the defendant and the President of the Republic, Filipe Nyusi, to which he replied: "Several

times he showed me messages he exchanged with the President of the Republic. I do not know if the phone number was actually the President of the Republic's number, but the fact is that he showed me messages and said that he exchanged with the President of the Republic".

The declarant also said that he had unpaid fees amounting to 1,700,000 meticaís owed by António Carlos do Rosário. "This amount appears in the letter we made when I delivered the documents to Dr Alexandre Chivale, António Carlos do Rosario's lawyer. But I waive that amount".

On the first day of his hearing, Imran Issa said without anyone questioning him that he financed, on credit, special operations of the Mozambican intelligence services with amounts ranging between 100 thousand and one million dollars. But yesterday he refused to answer all questions related to these financial operations. That is, it was not clear where and from whom he was getting so many millions of dollars to lend to the State Intelligence and Security Service (SISE).

Zulficar Ahmed will be heard again and may give another version of the facts

In response to the request of lawyer Alauè Cheia, Judge Efigénio Baptista determined that the defendant Zulficar Ahmed will be heard once again by the court. Prior to the request, the declarant Imran Issá insisted that Zulficar Ahmed is innocent and asked that the judge should reassess his statements.

Imran Issa was the Zulficar Ahmed's lawyer in the pre-trial phase of the case and yesterday, as a declarant, he said that Zulficar Ahmed received USD 100,000 from the Privinvest group for acting as an intermediary in the purchase of a property in the Caracol condominium in Maputo City. The property was bought in favour of António Carlos do Rosário at USD 1,200,000, an amount paid by the Privinvest group through a transfer to the seller's account, domiciled at Millennium BCP, in Portugal.

The declarant said he learned of the facts at a meeting organized by Antonio Carlos do Rosario to draft a defence strategy on receiving the 100 thousand dollars from Privinvest. It is recalled that at the time of his hearing, the defendant Zulficar Ahmed said that the money (USD 100,000) was deposited in his account at the request of a Brazilian friend,



Zulficar Ali Ahmed

who also had Lebanese nationality, and who died in 2015. "I gave him the account, after a week or two, far from imagining that it was USD 100,000. I withdrew the money and re-

turned it," said Zulficar Ahmed. At the time, the defendant assumed that he received two thousand dollars for providing his bank account to the Brazilian friend.

Mavalane hospital says Angela Leão does not have serious head trauma and Clinicare doctor may be sued

The defendant Angela Leão has already undergone medical tests at the Mavalane General Hospital and the results do not confirm that she suffers from severe head trauma, as suggested by the private clinic Clinicare. The information was advanced yesterday by Judge Efigénio Baptista, who promised to add documents so that the judicial representatives of the defendant would be notified about the facts. On this matter, the judge had already warned that the Clinicare doctor who examined Angela Leão and concluded that she had severe head trauma, would be subject to criminal proceedings if the public hospital, in this case the Mavalane General Hospital, had a different result.

Two weeks ago, the Ângela Leão fell ill in the tent of the Maximum Security Prison, also known as B.O, and had to be taken in emergency to the hospital. Three days later, the judge said he received a doctor from the Maputo Preventive Prison who was going to



Ângela Leão

request for Angela Leão to be examined at Mavalane General Hospital, after medical reports from Clinicare found that she suffered severe head trauma.

In response to the request of the prison, the judge not only authorized Angela Leão to be observed at Mavalane Hospital and/or any other public sector hospital whenever the Preventive Prison of Maputo deemed necessary, but also for her to be referred to a health unit whenever she requested. Here, Efigénio Baptista sought to respond to the complaint made by the Ângela Leão and her defence that prison authorities were not willing to respond immediately to her needs to leave the prison facilities to be attended to by a doctor.


Angela Leão has been troubled for more than a month and the trial schedule has had to be revised since about 10 declarants who have a connection to facts that are imputed to the defendant cannot be heard in her absence.



EDITORIAL INFORMATION

Property: CDD – Centro para Democracia e Desenvolvimento
Director: Prof. Adriano Nuvunga
Editor: Emídio Beula
Author: Emídio Beula
Team: Emídio Beula, Julião Matsinhe, Dimas Sinoa, Américo Maluana
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

