

DAY LIV OF THE "HIDDEN DEBTs" SCANDAL TRIAL

## Judge Efigénio Baptista cancels hearing of Privinvest manager Jean Boustani and defense lawyers protest against the decision

- Two days after the interruption of the trial sessions due to health reasons of the defendant Ângela Leão - she fell ill in the courtroom on Monday and had to be taken to the hospital - the hearing of declarants resumed on Thursday, 2nd December. Judge Efigénio Baptista began the session by informing that he had revoked the hearing of the Privinvest group manager and negotiator Jean Boustani, pointed out as responsible for the payments/bribes to the defendants now on trial.





The judge said he cancelled Boustani's hearing after prosecutor Ana Sheila Marrengula warned the Court that the Lebanese citizen had been made a defendant in a separate case at the Attorney General's Office (PGR), indicted of active corruption, and that therefore, in legal terms, he should not be heard as a declarant in this main case.

Jean Boustani should be heard today, Friday, by video conference, as the Lebanese authorities agreed with the PGR, following letters sent to him to be heard as a declarant. Jean Boustani's hearing was requested by lawyer Alexandre Chivale (before he was removed from the trial) and was granted by the Court.

Meanwhile, lawyer Abdul Gani said that the argument used by the Court to revoke Jean Boustani's hearing order was unfounded. And justified as: Ernesto Gove and Joana Matsombe, former Governor and Administrator of the Bank of Mozambique, respectively, were heard as declarants in the process under trial, despite being defendants in an autonomous process opened by the PGR.

Abdul Gani added that there are other declarants who the court approved for hearing in this trial and who are in the same situation as Jean Boustani (defendants in the autonomous process of the "hidden debts"), namely Manuel Chang, former Minister of Finance, and Waldemar de Sousa, former Director of the Bank of Mozambique. The judge unders-

stood that they also had the conditions not to be heard, provided that information was added to the case to prove that they had been made defendants.

Lawyer Alexandre Chivale, who has made a declarant in this case, will not be heard either, as he is also a defendant in an autonomous case relating to the "hidden debts" opened by the PGR, where he is charged with money laundering and obstruction of justice. The question that arises is how Ernesto Gove and Joana Matsombe's statements will be treated. What is the validity of their statements which, according to the law, should not have been given?

The Public Prosecutor's Office, represented by the Prosecutor Ana Sheila Marrengula, acknowledged the legitimacy of Abdul Gani's arguments and explained that it did not request the judge to revoke Jean Boustani's hearing. "I warned the court that the hearing was close so that it would prepare the logistical conditions for him to be heard by videoconference and about the legal constraint of speaking as a declarant, there being an autonomous case in which he is a defendant." Ana Sheila Marrengula also said that it was not the Public Prosecutor that requested the hearing as declarants of the personalities that can be considered unfit for the purpose in this case and that the Court had a sovereign decision on the matter.

For lawyer Damião Cumbane, it makes no sense for the Public Prosecutor to let an ille-

gal situation go before the Court simply because it was not promoted by it. "The Public Prosecutor is the first monitor of legality and it failed in that capacity by allowing Ernesto Gove and Joana Matsombe to be heard as declarants, knowing that they are defendants in an autonomous process. In fact, Ana Sheila Marrengula is the representative of the Public Prosecutor's Office in this case which is underway in the 10th Section of the Judicial Court of Maputo City. How could she let this happen and only remember it now?" said Damião Cumbane to STV Notícias.

In his turn, judge Efigénio Baptista said he was not aware that there are autonomous processes running against the declarants who were heard, namely Ernesto Gove and Joana Matsombe, and thus he could not decide on facts that are not in the records. He said he had taken the decision to revoke the hearing of Jean Boustani as the Public Prosecutor's Office had attached information warning him to the existence of such an autonomous process.

Meanwhile, the lawyer Damião Cumbane said it was always clear that Jean Boustani would not be heard as a declarant in this case. On several occasions, the "generous" manager of Privinvest has already quoted the current President of the Republic, Filipe Nyusi, and the Frelimo Party, as beneficiaries of bribes paid to enable illegal loans worth two billion dollars to the companies ProIndicus, EMATUM and MAM.

## Clinicare says Ângela Leão has severe head trauma, but the Court awaits tests from the public hospital

Still on preliminary issues, judge Efigénio Baptista said he received a doctor from the Preventive Penitentiary Establishment of Maputo, former Civil Prison, who was going to request that the defendant Ângela Leão be examined at the General Hospital of Mavalane, after medical reports from Clinicare (a private clinic) concluded that she suffers from severe head trauma. After that, the judge said that the prison has reported that Ângela Leão refused to be examined, for the second time, by a public health unit, so that the authenticity of the results obtained in the priva-





te health unit could be verified.

In response to the request of the Preventive Penitentiary Establishment of Maputo, the court authorized that Angela Leão be observed in Mavalane and in any other public hospital whenever the prison management deems necessary, and that the defendant also be referred to a health unit whenever she requested. Judge Baptista also tried to respond to the complaint made on Monday by the defendant Angela Leão and her defense, about alleged mistreatment and lack of sensitivity of the prison in relation to her medical assistance needs.

But he left a warning: if the results of medical tests done in the public sector do not conclude that Angela Leão suffers from severe head trauma, the private sector doctor responsible for this diagnosis could be subject to prosecution.

Following complaints about ill-treatment,

Baptista went to the Preventive Penitentiary Establishment of Maputo to find out what was actually happening for Angela Leão to complain of being weakened and ill-treated, when her health requires care. The judge said that the prison management denies all the indictments made by the defendant and her defense, and promised to analyze the “dossier” they received on the departures of Ângela Leão for health reasons. The documents are the same ones that were presented to the press, on Wednesday, by the prison services with the aim of washing their image after the denunciations of human rights violations.

In this regard, Angela Leão’s lawyer said that the “dossier” delivered to the judge was incomplete because, since 2018, he has been in possession of correspondence aimed at creating facilities for the defendant to be referred, whenever necessary, to receive medical treatment. Damião Cumbane said there

were, in that correspondence, negative and bureaucratic responses that prevented the defendant from leaving jail to receive medical care. The lawyer revealed that he even reported the alleged ill-treatment of his constituent to the PGR so that appropriate measures could be taken.

Still on the “report” of the visit to the Preventive Penitentiary Establishment of Maputo, the judge informed that Ângela Leão is indicted of indiscipline for having been found, several times, in possession of telephones and monetary values, violating the rules of confinement of the Mozambican penitentiary system. On this issue, the defendant’s lawyer apologized to the judge, but made it clear that the use of telephones in Mozambican prisons has been a common practice. “One should question is how this prohibited equipment is accessed by inmates who are under high security measures.”

## Manuel Dove and Alberto Wate confirmed that they received money as part of deals made with defendants Inês Moiane and Fabião Mabunda

After the preliminary questions, the Court heard two declarants, namely Manuel Dove and Alberto Wate. The two only confirmed that they received money as part of business deals made with defendants Inês Moiane and Fabião Mabunda.

Using her son Elias Moiane as a frontman, the defendant Inês Moiane bought a house for 12 million meticaïs in the prime area of Maputo City, in a deal in which the declarant Manuel Dove, a real estate agent, served as an intermediary.

According to the real estate agent, Inês Moiane only saw the house and liked it, but who handled the deal was Elias Moiane, having paid seven (7) million meticaïs via a transfer to Gilberto Mabjaia (owner of the property), and a check for five million meticaïs, which were later delivered in cash by the intermediary to the owner of the property, who is also expected by the Court as declarant.

Manuel Dove came to Court only to confirm this deal which, in the understanding of the Public Prosecutor’s Office, was made using the money transferred by Prinvest to the assets of Inês Moiane, former private secretary of President Armando Guebuza.

For his part, Alberto Wate is the wedding godfather of the defendant Fabião Salvador Mabunda. Both attended the same church and conducted business related to construction, owning companies and equipment in



Manuel Dove



Alberto Wate

the sector. In these terms, they rented construction equipment to each other in the works they had, in case of need.

In 2013, the declarant sold a fixed box truck, for 650 thousand meticaïs, to the defendant Fabião Mabunda. At the time, no contract of sale was made for the materialization of the business, and the declarant advanced the amount which was paid by cheque deposited in one of his bank accounts.

Alberto Wate also confirmed having requested a loan of 3,750,000.00 meticaïs (three million, seven hundred and fifty thousand meticaïs) from the defendant Fabião

Mabunda. “In 2014, I wanted a funding from the FNB and my manager informed me that I should increase the movements in my account and with high amounts. That made me borrow three million meticaïs from Salvador Mabunda. At the end of the day, the operation worked because I ended up getting two loans from the bank for the materialization of my projects”.

Alberto Wate said that he honoured, in full, the loans contracted, paying his godson in instalments, by means of cheques, in cash and by way of repayments of the values relating to the equipment rented to the defen-

dant in his civil construction works.

The declarant confirmed that he provided services to the company M Moçambique Construções of Fabião Mabunda in one of its works in Matola Rio, Maputo Province. It is the residential complex of the couple Gregório and Ângela Leão, described by the Public Prosecutor's Office as having been built

with the money received from the Privinvest group.

When summoned by the Public Prosecutor's Office to pay his statements, Alberto Wate said he approached the defendant Fabião Mabunda, who said there was nothing to fear. Meanwhile, Ana Sheila Marrengula asked how the declarant linked his call to the


PGR and to the deals made with his godson, since the notifications do not reveal the matter, but only the number of the case in question. The declarant replied that he had probably heard about the case in the press or that his godson Fabião Mabunda had already told him that he had been summoned to answer questions at the PGR.



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