



LXV DAY OF THE "HIDDEN DEBTS" SCANDAL TRIAL

## **Criticized for defending Filipe Nyusi, Judge Efigénio Baptista says his critics do not understand the law**

- At the beginning of Tuesday's session, Judge Efigénio Baptista took the opportunity to respond to criticism, especially from people who question the quality of the declarants being heard at this stage of the trial. They question, for example, the rationality of a Court that, on the one hand, deems relevant for the production of material evidence to hear a trader who sold construction material to the defendant Angela Leão, and on the other, deems unnecessary to question the former Minister of National Defense (Filipe Nyusi), a person who had a direct participation in the creation and management of the companies involved in the "hidden debts".



Using the argument of the production of evidence, the judge said that there is a need to confirm the statements and the investigations carried out by the Attorney General's Office (PGR), and therefore it is essential to verify if the information about the services provided to entities associated with the defendant Angela Leão are true.

"The basic question we want to understand is whether or not these properties were built with the money from the debts. Now, if the houses are the crime result, the law says that they revert to the State," explained Judge Efigénio Baptista, repeating that the Court is not wasting time by hearing the ongoing declarants. "To say that there is no point in hearing the ongoing declarants is to not understand the law. And as such, it is my obligation as a judge to also teach the audience about legal matters," the judge positioned himself as such.

Last week, the Bar Association of Mozambique (OAM), an assistant in the case, requested the hearing of Filipe Nyusi, highlighting the fact that the former Minister of National Defense participated in the meeting of the Operative Command in December 21<sup>st</sup>, 2012 that decided the creation of ProIndicus. In addition to Filipe Nyusi, the meeting was

attended by the former Minister of the Interior, the former Deputy General Commander of PRM, the former CEO of Monte Binga (under the Minister of National Defense), and the defendants Gregório Leão, António Carlos do Rosário and Teófilo Nhangumele.

In addition to the creation of ProIndicus, OAM also said that it was at that meeting that the decision was taken to obtain funding for the implementation of the project for the protection and monitoring of the Exclusive Economic Zone of Mozambique. The petitioner also referred to the letter on the matter that the former Minister of National Defense addressed to his Finance counterpart, Manuel Chang.

The OAM noted that of the members of the Joint Command, the former Minister of National Defense is the only declarant who, having been heard in the preparatory inquiry, is not expected to be heard at this stage of the trial. The assistant considers it essential and essential to hear Filipe Nyusi for the discovery of material truth.

In the same application, the OAM also asks that the former Deputy General Commander of PRM, Jaime Basilio Monteiro, be notified to be heard as a witness. "At several times during the trial, the defendant António Carlos do

Rosário referred to the intervention of Jaime Basilio Monteiro, both as former Deputy General Commander of the PRM, and as former Minister of the Interior (from 2015), including in the trips made to identify solutions to the existing threats in coastal protection."

And as expected, Judge Efigénio Baptista rejected Filipe Nyusi's to be heard as a declarant, arguing that "the requested diligence is unnecessary and aims to delay the progress of the case. Completely ignoring the grounds presented by the applicant, the judge based his decision on the document produced at the meeting of the Operative Command on December 21<sup>st</sup>, 2012. "It cannot be considered absolutely indispensable to notify the signatories of a document to come to Court to confirm the facts narrated in the same document."

The OAM reacted to the rejection of its request by criticizing the actions of the judge Efigénio Baptista for not having heard the promotion of the Public Prosecutor's Office representative, holder of the criminal action, in violation of the principle of adversarial proceedings. The applicant made a point of recalling that during the contradictory instruction, the Public Prosecutor's Office heard, as declarant, the former Minister of National Defense, Filipe Nyusi.

## Mercury received more than 4 million meticaais for the supply of construction material to the company of the defendant Fabião Mabunda

Representing the company Mercury, Glória Simione was heard yesterday as a declarant and confirmed her statements made to the Attorney General's Office, during the preparatory inquiry of the case now in trial. She said that Mercury received just over four million meticaais paid by M Moçambique Construções (the company of the defendant Salvador Mabunda), for the supply of construction material.

Much of the construction material supplied by Mercury was imported, thus, M Moçambique Construções had to make an advance payment of USD 50,000.00. Glória Simione only confirmed the payments made by the defendant Salvador Mabunda's company and the receipt by this company of the construction materials imported by Mercury. The declarant said that she had no contact with the defendant Angela Leão.

However, it is stated in the case that the material supplied by the company Mercury to M Moçambique Construções was subsequently applied in the properties connected to the defendant Ângela Leão. In fact, the Public Prosecution believes that the money



Gloria Simione, Mercury company representative



used by that company to pay the Mercury company for the supply of material is part of the bribes paid by the Prinvest group in favor of the Leão's couple.

Another declarant heard by the Court yesterday was Elcy Venichand. Between 2018 and 2020, she in an apartment that, according to what is stated in the case, belongs to the defendant Angela Leão. The declarant said she paid 160,000 meticaís monthly for renting the property located in the Triunfo area called "Cândida Cossa."

The Public Prosecutor believes that the property was built with the money from "hidden debts". Also, according to the declarant, the property was not registered in the name of Angela Leão, but it was she who signed the lease agreement and the value of the rent was deposited in a bank account in Millennium that she held.



Elcy Venichand, the second deponent heard yesterday by the court



**EDITORIAL INFORMATION**

<p><b>Property:</b> CDD – Centro para Democracia e Desenvolvimento  <b>Director:</b> Prof. Adriano Nuvunga  <b>Editor:</b> Emídio Beula  <b>Author:</b> Emídio Beula  <b>Team:</b> Emídio Beula, Julião Matsinhe, Dimas Sinoa, Américo Maluana  <b>Layout:</b> CDD</p>	<p> CDD_moz  <b>E-mail:</b> info@cddmoz.org  <b>Website:</b> http://www.cddmoz.org</p>
<p><b>Address:</b>                  Rua de Dar-Es-Salaam Nº 279, Bairro da Sommerschild, Cidade de Maputo.                  Telefone: +258 21 085 797</p>	

**PROGRAMMATIC PARTNER**



**FINANCING PARTNERS**

