

LXX DAY OF THE "HIDDEN DEBTS" SCANDAL TRIAL

Former Interior Minister says security sector was captured and considers himself a victim of the SISE management's actions

- He was Minister of Interior when the events under trial took place. He participated in several meetings where the creation of ProIndicus and the Integrated System of Monitoring and Protection of the Exclusive Economic Zone of Mozambique were discussed. But today he says that the financial issues were never addressed in the meetings of the Operational Command and the Joint Command. Therefore, he claims to be unaware of the contracting process for the ProIndicus financing and the supply of goods.



Alberto Mondlane, former Minister of the Interior

- Contrary to the former Minister of Fisheries (Victor Borges) who took responsibility for the financial scandal arguing that he was part of the Government, Alberto Mondlane considers himself a victim and indicts SISE's management of withholding relevant information. A victim who won a luxurious Toyota Lexus offered by the defendant António Carlos do Rosário. When the scandal of the "hidden debts" exploded, Alberto Mondlane returned the car, claiming that he was not using it because he was in Manica as Governor of the province.
- He indicts the SISE management (Gregório Leão and António Carlos do Rosário) of being captured by the enemy, and says that he never imagined that Jean Boustani could arrive in Mozambique and distribute money. And he says more: during the discussions on the creation of ProIndicus, at no time was the possibility of creating other companies linked to the Defense and Security Forces, namely EMATUM and MAM, addressed. "I first heard about these companies at a meeting held at the SISE premises.



The retired General of Police of the Republic of Mozambique (PRM), Alberto Mondlane was Minister of Interior between 2010 and 2015, the period when the facts under trial occurred. As Minister, he was a member of the Operational Command and the Joint Command of the Defense and Security Forces (FDS). The Operational Command was headed by the Ministry of National Defense and, in his absence, by the Minister of the Interior.

The Joint Command of the FDS was headed by the President of the Republic and included the Ministers of National Defense, of the Interior, General Director of the State Information and Security Service (SISE), Chief of Staff of the Armed Forces for the Defense of Mozambique (FADM), General Commander of PRM, and other staff. One of the duties of the Joint Command is to report to the Head of State, in his capacity as Commander-in-Chief of the FDS, issues related to the country's security and receive guidance from him on the matter.

According to the declarant's explanation, the proposal of the creation of ProIndicus was first presented to the former Ministers of National Defense (Filipe Nyusi) and of the Interior (Alberto Mondlane), by the former Director-General of SISE, Gregório Leão. "He informed that there was an intention to create a company linked to defense and security that would be owned by Monte Binga (a company linked to the Ministry of National Defense), Dalo Construções (a company that at the time was being created by the Ministry of the Interior) and by GIPS, a company linked to SISE." On the same day, the idea was presented to the other members of the Operational Command by António Carlos do Rosário, former Director of Economic Intelligence at SISE.

Later on, the proposal was presented to the former Commander-in-Chief of the FDS, Armando Guebuza, at a meeting of the Joint Command held at the Presidency of the Republic. The declarant noted that the meetings where these matters were discussed were restricted, because, according to the proponent of the idea - SISE, it was necessary to maintain high secrecy. "The General Commander of the PRM and the Chief of the General Staff of the FADM did not participate in the meetings. Many aspects related to the creation and funding of ProIndicus were discussed outside of the Joint Command due to the sensitivity of the subject."

Confronted with a memorandum on the creation of ProIndicus concluded at an Operational Command meeting, the declarant acknowledged the document, including his signature. Regarding the presence of the name of the defendant Teófilo Nhangumele in the memorandum, the declarant said that he was not aware of his presence at that meeting, especially since he did not know him.

Alberto Mondlane said that the first time

he heard about Teófilo Nhangumele was at the time when the press started to release information related to the companies and the debts contracted. “Mr. Nhangumele may have been at one of the meetings, but I don’t know all the defense and security officials who attended the meetings of the Operational Command and the Joint Command. I

don’t, even, recall seeing him making a presentation. All the presentations I saw were made by Antonio Carlos do Rosario.”

The declarant assumed that the creation of ProIndicus was a joint action of the members of the Joint Command and there was an understanding that a company that could support the FDS in improving safety at sea would be

important. “Its content was of interest to us: to provide timely information so that our reactive forces could intervene with greater insight in finding better solutions. But ProIndicus was not the only security strategy we had in the FDS. In the Ministry of Interior, for example, we had other security strategies that are not worth detailing here”, argued Alberto Mondlane.

Alberto Mondlane received a luxurious Toyota Lexus from António Carlos do Rosário’s hands

About EMATUM and MAM, the declarant said that their creation was never discussed neither in the Operative Command nor in the Joint Command. “During the discussions on the creation of ProIndicus, at no time was the possibility of creating other companies linked to the Defense and Security Forces, namely EMATUM and MAM, discussed.”

The declarant said that he first heard about EMATUM and MAM at a meeting held at the SISE premises, attended by the former Ministers of Finance (Manuel Chang), Fisheries (Victor Borges), Minister of National Defense (Filipe Nyusi), and Transport and Communications. The meeting took place after the constitution of ProIndicus. “Then we had a meeting at the Joint Command where the presentation of these companies was made.”

About the USD 500 million supposedly used for the purchase of military material for the FDS, the former governor made it clear that the Ministry of Interior did not receive any kind of defense and security material or money coming from SISE or the companies ProIndicus, EMATUM and MAM.

But Alberto Mondlane received a luxury Toyota Lexus car from the hands of the defendant António Carlos do Rosário. “He came to my house with a car. I asked: What is this car for? And he said it was to give to me. I kept the vehicle until the end of my mandate as Minister of the Interior. Then I returned the vehicle to the person who gave it to me. It is the only ProIndicus asset that I had contact with, and that vehicle did not enter the inventory of the Ministry of the Interior”.

The financing and supply of equipment to ProIndicus were never discussed at the meetings of the Operational Command and the Joint Command, as they were the responsi-



bility of SISE, the proponent of the initiative. “In our meetings we did not discuss these matters, because there was an understanding that SISE, as the proponent, would take it up with the Ministry of Finance. As Minister of Interior there was no need to take part in those discussions.”

Alberto Mondlane said that the idea of seeking funding was absolutely normal and he hoped that ProIndicus would do so following Mozambican legislation. “What I didn’t know is that the financing would happen the way

it did: very fast and involving a lot of money. This is a very serious matter. How was it possible, a short time after we created ProIndicus, to get a loan of millions of dollars? It’s not normal”.

When ProIndicus was created, the declarant said he had no idea that the company would have very strong partners who could inject millions of dollars in such a short time. “I was still waiting to hear the administrators of the company talk about how they plan to implement their mission,” the declarant said.

“The security sector has been captured by the enemy and the people are suffering”

As a former Minister of Interior and General Commander of PRM in reserve, Alberto Mondlane said he feels betrayed because what he is seeing and hearing is not what was discussed in the Operative Command and the Joint Command. “I speak this with great pain because I worked with Gregório Leão and António Carlos do Rosário. These superior officials helped me a lot when I was Minister of the Interior and dean of the Academy of Police Sciences (ACIPOL). I gained a lot of sympathy and trust. I never imagined that Jean Boustani, as we are following here, could come here and be handing out money. I never imagined that what I am following up on in the trial they could be the ones doing it.”


The declarant feels that the security sector has not strictly fulfilled its duties which is to protect the state, the people and the government. “They withheld information. In the Operative Command and the Joint Command we don’t talk about Privinvest, Jean Boustani and Iskandar Safa. We never talked about increasing the debts incurred by the companies. The enemy has captured our security and now we are suffering, the people are suffering. The security sector has been captured.”

Unlike former Minister of Fisheries Victor Borges who took responsibility for everything that went wrong justifying that he was a member of the government, Alberto Mondlane said he feels like a victim. “I understand

that the security of the State should have protected me as a member of the Government of Mozambique, not hiding useful information in the work process that we were doing together, namely the discussions of the financing contract and the procurement of the means that were bought.”

Despite this situation which he considers painful, the former Minister of Interior noted that the FDS continues to carry out its role in all aspects. “In this process, at no time was the name of the General Commander of the PRM and the Chief of the General Staff of the FADM mentioned, who are the figures who are on the operational front, directing forces for the defense of our state. The FDS are doing their role.”

Judge upholds expulsion of Renato Matusse’s lawyers and rejects requests by the defendant and the OAM to postpone the session


República de Moçambique
Tribunal Judicial da Cidade de Maputo
6.ª. Secção Criminal

Proc. n.º 18/2019 - C

DESPACHO

1. O Tribunal ordenou que os Advogados do réu **Manuel Renato Matusse**, os ilustres Advogados **Jaime Manuel Sunda e Salvador Nkamate** se retirassem da sala de audiência de discussão e julgamento nos termos do disposto nos art.ºs 409.º e 412.º, ambos do do Código de Processo Penal de 1929, aplicável ao caso que ora nos ocupa.-----
2. Desde logo, sendo a audiência continua - art.º 414.º, do CP.Penal, o Tribunal entende que os Advogados do réu **Manuel Renato Matusse**, os ilustres Advogados **Jaime Manuel Sunda e Salvador Nkamate** continuam na situação referida no paragrafo anterior.-----
3. Importa, destarte, verificar que os Advogados **Jaime Manuel Sunda e Salvador Nkamate** foram constituídos mandatários do réu **Manuel Renato Matusse** por substabelecimento SEM reservas de poderes, conforme se depreende à fls. 7355, a 7362.-----
4. Note - se que, nesse tipo de substabelecimento, ocorre a transferência definitiva de poderes, ou seja os Advogados **Jaime Manuel Sunda e Salvador Nkamate**, novos advogados assumiram a causa e o primeiro advogado **Teodoro**


Andrade Waty passou a não ser mais o procurador do do réu **Manuel Renato Matusse** neste processo.-----

Neste azo, estando os Advogados **Jaime Manuel Sunda e Salvador Nkamate** na situação referida nos parágrafos primeiro e segundo deste despacho, notifique - se o réu **Manuel Renato Matusse** para no prazo de 5 (cinco) dias, constituir mandatário.

Notifique - se deste despacho os sujeitos processuais, expendendo - se mandados, cartas, ofícios e o mais que se fizer necessário, com as cautelas e formalidades de lei.-----

CUMPRA - SE.

Maputo, 09 de Fevereiro de 2022

O Juiz de Direito

Dr. Efigénio José Baptista

A day after the President of the Mozambican Bar Association (OAM) publicly indicted Baptista of being a “tyrant” and “authoritarian” in the conduct of the trial, the judge issued an order in which he announced the de-

finite removal of lawyers Salvador Nkamate and Jaime Sunda, the legal representatives of defendant Manuel Renato Matusse, former Political Advisor to Armando Guebuza.

The two lawyers had been expelled from the

courtroom last Friday allegedly for disobedience to the Court, a polemic decision which aroused the revolt of OAM. But the matter did not stop there: The judge understands that since the hearing is continuous the decision

of expelling prevails until the end of the trial, so he gave five (5) days to the defendant Renato Matusse to constitute a new judicial representative.

At Thursday's session, Renato Matusse had not yet constituted a new lawyer, so the judge made a point of appointing lawyer Abdul Gani as his officious defender. But the defendant reacted by saying that he was not comfortable with the situation, justifying that the hearing of the declarant Alberto Mondlane, former Minister of Interior, was important for his defense. In other words, Renato Matusse was requesting the Court to postpone the hearing of the former ruler until he freely constituted a new lawyer within the established deadline.

Invited to comment on the matter, the Public Prosecutor's Office said it could not see the relevance of the statement of Alberto Mondlane for the defense of the defendant Manuel Renato Matusse. Ana Sheila Marrengula argued that a reading of the case file allows the conclusion that there is no connection between the statements of Alberto Mondlane and the facts that are allegedly held against Manuel Renato Matusse.

He also claimed that if there is no connection whatsoever, he does not understand the defendant's claim of requesting the postponement of the session until he constitutes a lawyer. Nevertheless, the Public Prosecutor representative noted that if, during the course of the testimony, there is a connection between the statements of the declarant Renato Matusse and the facts alleged against the defendant, she may reassess her position.

Meanwhile, the assistant in the case, the Bar Association of Mozambique (OAM), argued that the defendant Renato Matusse's con-



Renato Matusse

Credits: O Pais

cern coincides with its own. Speaking on behalf of the defendant, the former President of the OAM began by saying that it is common knowledge that the defendant has been deprived of his lawyers, and that it is also public knowledge that his former lawyers should not attend the hearing.

Gilberto Correia recalled that it was in respect for the principle of free choice of lawyer that the Court granted a five-day deadline for Renato Matusse to constitute a new lawyer. "After 24 hours or less, the Court arrogates to itself the right to choose an officious defender for the defendant, before the five-day period has expired. Our understanding is that the Court should wait five days for the defendant to appoint new lawyer."

For OAM, the arguments of the Public Prosecution related to the connection between the statements of the declarant Alberto Mondlane and the facts that are imputed to the defendant Renato Matusse cannot be accepted because the Court is not in a position to assess what is and what is not good for the defense of the defendant. "The Court and the Prosecution arrogate to themselves the right to know the best connections between the declarant and the defendant. The Court and the Prosecution are not the best procedural actors to choose what is good or not good for the defense of the defendant. It is up to the lawyers to exercise the defense of the defendants."

OAM requested that the hearing be sus-



Credits: SAVANA

Judge again failed another OAM request



Lawyers representing OAM in the trial

pended while the five-day period for the defendant Renato Matusse to freely choose his lawyer elapses: “The session should not even have begun and if it continues the Court will be violating the principle of freedom of choice of lawyer provided for in the Constitution of the Republic. Constitutional rules, such as the right to an effective defense, should prevail over any questions of convenience that may be raised. The right of defense is constitutional and the defendant cannot be harmed due to the subjectively bad behavior of his legal representatives,” concluded attorney Gilberto Correia.

Before deciding on OAM’s request, the judge gave the floor to the Public Prosecution, saying that the fact that the Court had given the defendant five days to constitute a new lawyer did not prevent the session from continuing. And more: Ana Sheila Marrengula insisted that she sees no harm to the defense of the defendant due to the inexistence of connection between the facts alleged against him and the statements of the declarant Alberto Mondlane. “Several times, the defendant’s representatives were not present and Renato Matusse was represented by a lawyer/official

defender appointed by the Court. There being no connection, I see no harm to the defense.”


As expected, Judge Efigénio Baptista rejected OAM’s request to suspend the hearing to allow the defendant Renato Matusse to freely choose a new lawyer within five days. As grounds, the judge reproduced the arguments that had been advanced by the Public Prosecutor’s Representative. The judge also dismissed the request that had been made by the defendant himself (postponement of the session), using the same grounds as the Public Prosecutor’s Office.



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

