



Lawyer Salvador Nkamate leaving the session room

LXIX DAY OF THE "HIDDEN DEBTS" SCANDAL TRIAL

Without arguments, Judge Efigénio Baptista pulls the gavel and expels the lawyers of the defendant Renato Matusse from the session room

- While the society was "digesting" the controversial award of prosecutor Ana Sheila Marrengula, the representative of the Public Prosecution in the trial of the "hidden debts" scandal, Judge Efigénio Baptista was back in the spotlight on Friday when he decided to expel two lawyers from the courtroom. Some say that in the absence of better arguments, the judge always resorts to the power of the gavel to "kill" debates.



Judge Efigénio Baptista



Jaime Sunda, another lawyer expelled by judge Efigénio Baptista



Fanuel Paunde, the deponent whose hearing was at the center of the controversy

Two lawyers were expelled by Judge Efigénio Baptista after a disagreement that occurred during the hearing of declarant Fanuel Paúnde, a lawyer by profession. There were two tense moments in Court, all because the defence of the defendant Renato Matusse did not want Fanuel Paúnde to be heard as declarant.

The first moment was when Salvador Nkamate tried to convince the judge that Fanuel Paúnde should not be heard because he is Renato Matusse's lawyer, and as such he was protected by the Criminal Procedure Code and the Statutes of the Mozambican Bar Association. Both legal instruments hold that a lawyer should not be heard in a case where he may reveal information he obtained in his capacity as a judicial agent.

While Nkamate was speaking, the judge addressed him asking if he wanted to make an application or was giving an opinion. The lawyer felt his right to defend his client (Renato Matusse) was being curtailed and said the judge should not prohibit him from arguing. Judge Efigénio Baptista demanded that lawyer Nkamate behaved accordingly under penalty of being ordered to leave the room.

"I may leave, there is no problem," Nkamate

replied to the judge as he packed his papers. The judge ordered him to withdraw and the lawyer retorted, "I will not stand here and tolerate acts of ignorance". The judge ordered the police force to be called to remove the lawyer from the courtroom, and the lawyer said it was not necessary because he was leaving voluntarily.

At the end, the lawyer added: "you no longer have any arguments". As if to say: the judge is being authoritarian and does not have the capacity to discuss the Law. As he concluded that the lawyer called the Court ignorant, Judge Efigénio Baptista ordered the extraction of copies of the statements of Salvador Nkamate, so that a criminal procedure for contempt of Court could be initiated.

Fanuel Paúnde was called to Court to clarify the purchase of a flat from Renato Matusse by the company Okanga Representações, of which the declarant was a partner and manager. This is the house that belonged to Neusa Matos (Legal Advisor to the former President of the Republic, Armando Guebuza) and that was bought in 2013 by the defendant Renato Matusse (Political Advisor to the former President of the Republic, Armando Guebuza).

The declarant Fanuel Paúnde said that the

company Okanga Representações bought the property for six (06) million meticaís, but the public deed of the business that is in the case indicates that the flat was sold for nine (09) million meticaís. At this stage of questioning and confrontation, Jaime Sunda, lawyer of Renato Matusse, protested stating that the questions that were being asked were not related to the declarant, but to the company Okanga Representações, which was never summoned to testify as declarant.

Judge Efigénio Baptista interrupted the lawyer saying that the matter was already over. In reaction, lawyer Jaime Sunda fired back: "I ask the Court to learn to listen". The judge did not like the appeal and demanded that the lawyer did not repeat the same sentence under penalty of ordering his removal from the room.

However, Jaime Sunda did not think that the call for the Court to learn to listen was offensive, and retorted by asking how the lawyers could exercise their right of defence without being allowed to speak. Judge Efigénio Baptista warned once again that he would order the lawyer to be removed if he disrupted Court again. It did not take long, and the judge ordered the withdrawal of lawyer Jaime Sunda.

Carolina dos Reis confirms sale of house in Quelimane to defendant Antonio Carlos de Rosario

The declarant Carolina dos Reis told the Court that she received seven (07) million meticaís at the request of her father Carlos dos Reis (deceased). The amount that was transferred to the bank account of Carolina dos Reis in 2013 is related to the sale of a 2 room property with 3 floors, to António Carlos de Rosário. The payment for the property was made through two transfers to BCI account and the funds came from the Prinvest group.



Declarant Carolina dos Reis

Carolina dos Reis said she transferred 900,000 meticaís to Nordine Aboo Bacar for being the intermediary in the business of selling the house. Part of the amount was intended for Nordine Aboo Bacar's sister, but only her late father could explain the reason for the payment. The declarant transferred a little over 90 thousand meticaís for the opening of a water hole in a land belonging to her grandparents. In the said land, the declarant has been making some investments.

She said that she learned through bank statements that the money she received was transferred from Prinvest to her account, but she did not know the origin of the amount,

since who confirmed the transfer was Nordine Aboo Bacar. In fact, it was he who took his bank account and shared it with a representative of the defendant Antonio Carlos de Rosario.

To a question from the prosecutor Ana Sheila Marrengula, Carolina dos Reis replied that her father sold the house because he wanted to defray health costs in South Africa.

Nuno Mucavele managed over 630,000 rand of Ndambi Gubeuza in South Africa

Nuno Mucavele has lived and worked in South Africa for more than 15 years. He is a childhood friend of Ndambi Guebuza and they grew up together at Polana Cimento neighbourhood in the centre of Maputo City. He received money from a South African consulting company called Djuberts to make payments for various expenses in the interest of defendant Ndambi Guebuza. He helped to buy a house in the Cayalwame condominium in South Africa. This is a 4 room property with two floors and which the declarant also assisted in supervising maintenance works.

Djuberts was the company that managed Ndambi Guebuza's money. Nuno Mucavele would receive money and make the expenses required by his friend Ndambi Guebuza and as a bonus he received between 5 and 10 thousand rand. However, Nuno Mucavele said that he never charged his friend Ndambi Guebuza a gratuity, in the expectation that he could assist him in setting up a civil construction company in Mozambique.

He said he asked Ndambi Guebuza where the money came from and the son of the former President of the Republic said it came from his real estate business in Mozambique and his family's business. In fact, the declarant told the Court that the defendant informed him that he had investments in Abu Dhabi.

Nuno Mucavele also said that Armando



Declarant Nuno Mucavele

Ndambi Guebuza offered him a Land Rover car valued at 800,000 rand, and said he knew of many other friends who benefited from the generosity of the son of Armando Ndambi Guebuza. He mentioned three friends who received cars more or less like his. However,

the declarant said he had no way of proving much of what he said, particularly about the amounts transferred by Prinvest to the South African consultancy Djuberts and the gifts given to Armando Ndambi Guebuza's other friends.

The poisoned gift that the “hidden debts” prosecutor received from the President of the Republic

At the opening ceremony of the legal year held on Tuesday, prosecutor Ana Sheila Marrengula received from the hands of the President of the Republic a certificate of merit (?) for the work she is doing in the trial of the biggest financial scandal in the history of Mozambique. The award is the responsibility of the Magistrates of the Public Prosecutor's Office, but the certificate came into the hands of prosecutor Ana Sheila Marrengula via Filipe Nyusi, who at the time of the facts was the Minister of National Defence and, inher-

ently, was the Coordinator of the Operational Command.

In these capacities, Filipe Nyusi played a key role in designing the project for the protection and monitoring of the Exclusive Economic Zone, taking part in meetings both at the office of the President of and at the Ministry of National Defence, where he led the meetings. In addition, he made several decisions during the process, some written and others verbal. For example, Teófilo Nhangumele, one of the defendants in the “hidden

debts” case, said that it was Filipe Nyusi who informed him that he should cease his participation in the project under the allegation that he was not part of the Defence and Security Forces (FDS).

Still in his capacity as Minister of National Defence, Filipe Nyusi signed documents, as evidenced by a letter dated 13 January 2014, in which he asked the Minister of Finance to assess and approve the draft concession contract that would be signed between the Government and ProIndicus, as well as the draft



Attorney Ana Sheila Marrengula



President of the Republic, Filipe Nyusi

ministerial decree aimed at earmarking revenue in favour of INAMAR (National Marine Institute), so that this entity would be the one to cover the costs arising from the exercise of coastal protection activities.

In addition to his active role in the process, Filipe Nyusi was quoted as having received one million dollars from Privinvest to support his election campaign in the 2014 presidential election. "Nuy is the current president of Mozambique, Filipe Jacinto Nyusi. We paid him one million dollars as a contribution to his election campaign. I think it was in May 2014, by then we already knew how big the projects

in Mozambique were. It was also the time of campaign of the future President Filipe Nyusi, to which we contributed", said Jean Boustani, Privinvest manager, during the trial in the United States of America in November 2019.

These facts and allegations led the defence and the assistant in the case - the Mozambique Bar Association (OAM) - to insistently request the hearing of the President of the Republic as a declarant in the present hearing of the discussion and trial of the "hidden debts" case. However, the representative of the Public Prosecutor's Office has always opposed this request, even knowing that in the

preparatory phase of instruction the Attorney General's Office (PGR) heard the President of the Republic as a declarant.

So, the President's act of personally handing the certificate of merit to the prosecutor Ana Sheila Marrengula is seen as a way of publicly "honouring" her protector in the "hidden debts" case. A protector who, in the course of the trial, gained a major ally: Judge Efigénio Baptista. When the OAM again requested the hearing of Filipe Nyusi as a witness, the judge did not even need to hear the Public Prosecution's opinion and dismissed the request immediately.


¹ <https://www.voportugues.com/a/d%C3%ADvidas-ocultas-filipe-nyusi-recebeu-um-milh%C3%A3o-de-d%C3%B3lares-diz-jean-boustani/5174964.html>



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