

LXXX DAY OF THE "HIDDEN DEBTS" SCANDAL TRIAL

# Judge sets August 1st 2022 as the date to read the sentence of the biggest financial trial in Mozambique's history

- A curious fact is that the reading of the sentence will take place one month before the XII Congress of Frelimo, an event that will elect the candidate of the ruling party for the presidential elections of 2024. The decisions of Judge Efigénio Baptista, whatever they may be, could have an impact on the correlation of forces within Frelimo. It is enough to remember that, through its lawyers, the Guebuza family has invested in the narrative that the trial of the illegal debts is nothing more than a political expedient against the former President of the Republic.



Six (6) months later, the discussion and trial hearing of Case No. 18/2019-C came to an end on Thursday, March 10. It took 80 sessions for the Court presided over by Judge Efigénio Baptista, to hear 19 defendants and more than 50 declarants.

Some sessions covered practically two days, as they started at 09:30 in the morning and did not end until 03:00 in the next day morning. After many complaints from the lawyers, the judge eventually recognized the exhaustion that the long sessions caused for the defendants and other participants in the proceedings. He reduced the length of the sessions, especially when the hearing of the declarants began.

And speaking of declarants, different types of declarants passed through the Court: from State security officers; Finance and Fisheries officials; managers of the companies ProIndicus, EMATUM, and MAM; former lawyers of the defendants; owners of property purchased by the defendants; real estate agents; representatives of architectural and construction supervision companies; relatives and friends of the defendants; former managers of the Bank of Mozambique (including the former Governor Ernesto Gove); former and current members of the government.

The former President of the Republic Armando Guebuza, the last statement heard by the Court, went to the tent of the maximum security prison, known as B.O. to take political responsibility for the conception of the project called Integrated System of Monitoring and Protection (SIMP) of the Exclusive Economic Zone, the creation of the companies ProIndicus, EMATUM and MAM. About the implementation of the project, Armando Guebuza blamed the former Minister of National Defense and Coordinator of the Operational Command, Filipe Nyusi, the great absentee from the trial.

Although Armando Guebuza and some defendants referred to Filipe Nyusi to clarify several issues related to the creation and management of the companies, as well as the contracting of illegal debts, the Court “blocked” his hearing as a declarant. The substantiated requests by the defense and the assistant in the case, the Bar Association of Mozambique (OAM), requesting the hearing of Filipe Nyusi, in his capacity as former Minister of National Defense and Coordinator of the Operational Command, were to no avail.

During the preparatory instruction of the case, Filipe Nyusi was heard as a declarant by the former Deputy Attorney General, Alberto Paulo. Two years after the hearing, Nyusi appointed Alberto Paulo to the position of Deputy Attorney General, a very suspicious promotion.

Of the current government, Adriano Maleiane (recently promoted to Prime Minister) was the only member heard, in his capacity as



Minister of Economy and Finance. He was one of the few declarants who was not questioned by the Public Prosecutor's representative.

There were declarants who, at his request, were excused from giving testimony, there were others whom the Court declined to hear them, others who simply fled and/or made it difficult for them to be summoned and heard. As some lawyers have said, some declarants had everything to sit in the dock. But for some reason they “escaped” or were spared by the Public Prosecutor's Office, the holder of the criminal case.

Be that as it may, the hearing of the case that investigates the biggest financial scandal in Mozambique has come to an end. Judge Efigénio Baptista set August 1st as the date for the reading of the sentence. Over the next four (4) months, the judge will dedicate himself to the reading and analysis of the more than 20 thousand pages of the case, including the statements of the defendants

and declarants made during the trial.

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The arrest of Ndambi Guebuza is also seen in the same perspective: an action of the current government led by Filipe Nyusi, which aims to target the Guebuza family, using the services of the Attorney General's Office (PGR), the body which, in the words of the lawyer Isálcio Mahanjane, was captured. In this regard, the prosecutor Ana Sheila Mar-

Marrengula said that the politicization of the case and alleged capture of the PGR is nothing more than a “worn-out discourse, unfounded and delirious, characteristic of those who no longer deceive”.

“It is the fruit of deep divination to say that the PGR wants to put an end to Frelimo, SISE and the lawyers. The Public Prosecutor identified facts that, under the terms of the law, constitute criminal offenses. The defendants should discuss the facts that are imputed to them and not look for ghosts,” defended Ana Sheila Marrengula, and then questioned: “Did they or did they not eat?”

The Public Prosecutor has already requested the application of the maximum penalty for defendants Gregório Leão, Ângela Leão,

António Carlos do Rosário, Renato Matusse, Maria Inês Moiane, Ndambi Guebuza and Bruno Langa. For the prosecutor Ana Sheila Marrengula, the seven (7) defendants were the main beneficiaries of the money diverted from illegal loans provided to the companies ProIndicus, EMATUM and MAM, in addition to the added responsibility that some had to defend the public good, in their capacity as public servants.

To the defendants Cipriano Mutota, Teófilo Nhangumele, Fabião Mabunda, Mbanda Anabela Henning, Sérgio Namburete, Khesauje Pulchand, Sidónio Siteo, Crimildo Josias, Elias Moiane, Zulficar Ali Ahmad and Naimo Kimbine, the Public Prosecutor’s Office requested the application of a sentence

close to the maximum limit. The prosecution asked for a compensation of a bit more than two billion dollars (the amount of the loans), plus 895 million dollars in interest accrued until 2015.

The request for compensation falls on all defendants, except Simione Jaime Mahumane, the only defendant who, according to the Prosecutor Ana Sheila Marrengula, was not proven to have committed the crime of money laundering of which he was charged. At the time of the facts, Simione Jaime Mahumane was a courier at Africâmbios, the exchange house used to launder money transferred by the Privinvest group to M Moçambique Construções, supposedly in the interest of Gregório and Ângela Leão.

## No one assumes guilt: all defendants say they are innocent and ask for their acquittal

Gregório Leão, former General Director of SISE, was the first defendant to take the floor to make the last allegations of his defense. “My lawyer said all the relevant things. I am a layman in matters of law. I have learned something throughout this trial, but not enough to discuss law. I just wanted to make a few points, starting right away by reiterating what my lawyer (Abdul Gani) said. At no time did I ever misstate the truth in my statements. If I said that I didn’t remember something, it was not out of lack of respect, but because I really didn’t remember. It was not a defense strategy, the facts happened a long time ago.

Gregório Leão was General Director of SISE for 12 years, after serving as Mozambique’s Ambassador to Portugal. “The assessment made by my superiors up to January 30, 2017 was never negative. I ceased functions because it was time to rest. I sacrificed my family a lot, I had a lot of exhaustion. My duties required me to be present, I didn’t have a deputy director.”

In its allegations, the Public Prosecutor’s Office said that Gregório Leão committed the crime of embezzlement because he authorized trips paid for by SISE of people outside the institution. “The fact is that I dispatched with the directors of the areas and did not worry about the composition of the mission team. I didn’t know all the names of the SISE staff. I delegated the work and that is common in the Defense and Security Forces (SISE). And SISE is not forbidden to work with collaborators,” he justified himself.

Gregório Leão said that in the first days of the trial he had the feeling that SISE was the one on trial. “The trial began on August 23, the date of SISE’s creation. The first defendant



to be heard was Cipriano Mutota, a SISE official, and the first declarant (Jóia Haquirene) to be heard is also from SISE.” The judge had to justify the choice of date for the beginning of the trial and said that he did not even know that August 23rd was the date of the creation of SISE.

The former SISE General Director said that some officers of the institution who were heard as declarants gave answers they should not give. “If I were questioned in a specific medium, I could say anything. Those who have no training in the area of security will ask what it is about the EMATUM boats with security.”

About his arrest in February 2019, he said he was notified at his office at SISE headquarters. He claimed that people explained

to him about the source of the order for his detention. “I said that I don’t want to be seen as someone who is above the law. I went to the PGR and there the Attorney General (Beatriz Buchili) explained to me what was going on. I have never made a single gesture to disturb order in this state that I have served and sworn to the flag. We have been detained for three years. A long time. I don’t understand the law, but I think that the terms of pre-trial detention have been exceeded.”

Gregório Leão repudiated the comments of the Prosecutor Ana Sheila Marrengula about his marriage and denied that SISE has been captured, as claimed by the former Minister of Interior, Alberto Mondlane, when heard as a declarant. “The Public Prosecutor’s Office is a state institution and I said in my hearing

that I respect state institutions and I will not go back, because it is all true.”

“I am innocent. I did everything at the behest of my mother (Maria Inês Moiane). I am sad because the Prosecutor’s Office insisted, in its closing arguments, with the same arguments as the prosecutor. No declarant came here to contradict my statements about buying real estate for my mother,” **Elias Moiane.**

“I didn’t do anything. I don’t know the companies ProIndius, EMATUM and MAM. I don’t know anything about the debts, but people look at me and say that’s Naimo of hidden debts. I am no longer Naimo Quimbine. I was just a simple messenger at the exchange office. I was just following orders at Africâmbios,” **Naimo Quimbine.**

“I don’t know why I am here, maybe because I am Angela Leão’s older sister. I didn’t do anything. I have my children who couldn’t attend college because of the situation I am in. Right now I am taking care of my children, Ângela’s son, my sick mother, my sick husband, Ângela and my brother-in-law (Gregório Leão),” **Mbanda Anabela Henning.**

“I am innocent. I sold houses to Ângela Leão and I didn’t know the source of the money. The first house I sold to Ângela Leão was in 2006. There are other people who sold houses and were not arrested. I was treated differently than other people who also sold houses, like the declarant Neusa Matos. I am not saying that she should have been arrested, because selling houses is not a crime in Mozambique. I have not eaten a single cent that is not the fruit of my work. I didn’t eat the people’s money. I did not benefit from any money,” **Sidónio Siteo.**

“I joined the Defense and Security Forces more than 45 years ago and I have always received honorary degrees. I am prepared to be sacrificed, because we are being sacrificed. They say that I used a person (Teólifo Nhangumele) who is a stranger to SISE, but during my 45 years of service I used thousands of

people. I will not be condemned for using one person. I worked on the rationale of the project (SIMP) and was dismissed. Everything that happened afterwards is not my responsibility. I did not participate in the creation of EMATUM and MAM, much less in the discussions about financing the companies and supplying equipment,” **Cipriano Mutota.**

“As long as we are living in this cycle of persecution, we will never develop Mozambique. This president will leave and this cycle of persecution will continue, just if the next one be strong and the Frelimo Party manages to impose itself. But I believe that it will impose itself to start a new era. I am innocent. I am not going to say much because my lawyer has already said everything. I don’t hold a grudge, and I hope that one day, when all this is over, I can sit with His Honorable Judge and Dr. Ana Sheila Marrengula so that we can have tea and talk about the case. **Armando Ndambi Guebuza said.**”

“We are victims of a differentiated perception of the facts and of what we did. Seven months later I have not seen any evidence that confirms the indictments against me. All of us here are innocent and His Honorable Judge should do justice. He must acquit everyone. If they had let us work, we would not have terrorism in Cabo Delgado. The threat was only at sea, which was piracy. We are bringing the country to its knees,” **António Carlos do Rosário.**

“My family is suffering. I didn’t benefit from debt money. I received money from Prinvest under the contracts for works that I had signed, through my company M Moçambique Construções. And since I did not execute the works, I returned the money, as instructed by Prinvest. The Public Prosecutor did not call Prinvest to come and explain. If I had benefited from the money from the debts, I would not be struggling to pay my lawyer and to pay the bail. If I had known the illegality of the amount, I wouldn’t have asked for 0.4 percent of the amount. I would have asked

for 10 percent,” **Fabião Mabunda.**

“I come from a family with values, my grandfather was a priest. I am not a delinquent. I am here because I am Gregório Leão’s husband. I didn’t participate in the creation of any company involved in these debts. But I am learning a lot since I was arrested. Jail is a school, it’s a university,” **Ângela Leão.**

“I sold my land (located on the Marginal Avenue in Maputo) to bring investors in the country. I made a business deal. I asked my friend Sérgio Namburete to help me in that business, because I know he works in real estate. I did not participate in the creation of those companies nor in the contracting of the debts. Strangely enough I was arrested without first being heard by the PGR. I was detained, they legalized my arrest and only then I was heard by the Public Prosecutor,” **Maria Inês Moiane.**

“I never benefited from anyone’s money. I was a worker at Africâmbios and I followed orders to guarantee my salary. I never knew the source of the money. I want to thank all the people who contributed money to pay my bail. And also to thank Doctor Alice Mabota who agreed to defend me free of charge,” **Khessaujee Pulshand.**

“I am indicted of having laundered money, but I never hid my money. I used Mozambican banks to receive my money. I bought cars for my wife and my daughter and registered them in their names. I don’t see why I should register my wife’s or my daughter’s car in my name. I worked to get that money. Nobody came here to claim that I didn’t work on that project. I didn’t make any change of amounts. If I am condemned I will serve my time and when I get out I will continue to do my job as I have been doing. But next time let me finish the project,” **Teófilo Nhangumele.**

“I didn’t know about a lot of things that have been talked about here. Today I’m here answering for something I don’t know. I am too small to say more. I worked and I got my money. I am innocent,” **Bruno Langa.**



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