

LXXIX DAY OF THE "HIDDEN DEBTS" SCANDAL TRIAL

## Lawyer Mahanjane says Ndambi Guebuza is paying for the fact that he is the son of former President of the Republic

- The lawyer Isálcio Mahanjane defended yesterday that his constituent Armando Ndambi Guebuza is only being judged for being the son of the former President of the Republic, Armando Guebuza. He justified that the perception results from several strange events, among which he points out the barbaric murder of his sister Valentina Guebuza, the attempted poisoning of the Guebuza family and the latter's arrest.



Isálcio Mahanjane, lawyer for Ndambi Guebuza, António C do Rosário, Maria Inês Moiane and Elias Moiane

“Ndambi never had power of influence over the Operative Command and Joint Command, nor over his father, as well as the companies ProIndicus, EMATUM and MAM.”

Also, in defense of Ndambi Guebuza, Isálcio Mahanjane stressed that there is no evidence that he received and sent to his father the brochure of the project of protection of the Exclusive Economic Zone, as a way to influence the former Head of State to approve the proposal of Privinvest group.

In addition to Armando Ndambi Guebuza, the lawyer Isálcio Mahanjane is the mandator of the defendants António Carlos do Rosário (at the time of the facts National Director of Economic Intelligence of SISE), Maria

Inês Moiane Dove (at the time the Executive and Private Secretary of President Armando Guebuza) and Elais Moiane (nephew of Maria Inês Moiane).

In his closing arguments, Mahanjane reiterated that during the preparatory instruction of the case now on trial, his constituents were coerced and threatened by prosecutor Alberto Paulo, a figure that equates to “Chico Feio”, the notorious jailer in the service of the Portuguese colonial regime and who acted in the B.O. Prison, under orders of the International Police of State Defense (PIDE).

In his view, the statements made by his constituents in the preparatory instruction phase should be considered null and void, because they were made under threats. Re-

member that after leading the preparatory instruction of the “hidden debts”, case, the magistrate Alberto Paulo was promoted to Deputy Attorney General of the Republic by the President of the Republic, Filipe Nyusi.

Isálcio Mahanjane accused the Attorney General’s Office (PGR) of intending to destabilize the country through attacks against the Frelimo Party, the State Intelligence and Security Service (SISE) and lawyers. “The PGR will not end with Frelimo, with SISE and with the lawyers.”

He ended his arguments asking the Court for the acquittal of his constituents, namely António Carlos do Rosário, Ndambi Guebuza, Maria Inês Moiane and Elias Moiane.

## Renato Matusse’s lawyer attacks judge and says trial may be remembered as tragicomedy

The lawyer for defendant Renato Matusse said the trial of the “hidden debts” financial scandal may be remembered as a tragicomedy, in which the weakest were convicted and the strong were not even judged,

Constantino Gemusse claimed the innocence of his constituent Renato Matusse, reasoning that the defendant has not engaged in any conduct that deserves to be penalized in the criminal sphere. The lawyer admits that, eventually, the then Political Advisor of the former President of the Republic Armando Guebuza may have committed an administrative offence, whose treatment does not imply judgment in the present terms.

On the crime of embezzlement, Gemusse argued that his constituent cannot be convicted because he received no sovereign guarantee or money from the state. “It has already been demonstrated very well here by the prosecutor himself, who argued in this house that the credit was private. However, state guarantees were given. Manuel Renato Matusse was not given any state guarantee that he subsequently embezzled. Therefore, even if he was a state official at the time of the facts, having received no sovereign guarantee, goods or money from the state, but from Privinvest, it is unequivocally clear that the requirements that prove the crime of embezzlement are not met,” he argued.

Gemusse repudiated the expulsion of his colleagues Salvador Nkamate and Jaime Sunda - who assisted the defendant Renato Matusse - as a violation of the law and the right to a full defense.



Constantino Gemusse, lawyer for Manuel Renato Matusse

After intense criticism of the performance of the Court and the Public Prosecutor’s representative, Constantino Gemusse, the lawyer who replaced Salvador Nkamate and Jaime

Sunda, asked the Judge not to construct the sentence considering the disagreements that were generated with the previous defendants of the defendant Renato Matusse.



## Lawyer of Fabião Mabunda insists on version of contract between M Moçambique Construções and Prinvest

The lawyer for the defendant Fabião Mabunda argued that his constituent did not commit any crime for having signed a contract with the Prinvest group to carry out civil construction works which, in the meantime, did not materialize at all. About the transfers of another eight (8) million dollars made by Prinvest to M Moçambique Construções, lawyer Ernesto Matsinhe said that the amount was related to the execution of works, but his constituent returned it to the provenance in cash.

“After my constituent found large sums in his company’s account, and having not executed the works for which he had been contracted, he returned the sums in cash to Mr. Fauzi, the Prinvest group representative at the time of the facts. The return of the cash was a request from Fauzi, and my client had nothing else to do but agree to the request. He returned the money, but as a penalty for the non-performance of the contract, he seized 0.4% of the amount channeled by the Prinvest group,” he explained, adding that Mabunda was unaware of the illicit origin of the amount.

Fabião Mabunda’s judicial representative said that the Public Prosecutor’s Office has failed to prove that the contracts signed between M Moçambique Construções and the Prinvest group are false.

“So far the Public Prosecutor has not proved that the contracts signed by M Moçambique Construções and the Prinvest group are false. In these terms, the amounts received from the Prinvest group were returned in cash, which clearly shows that the defendant Fabião Mabunda is a person of good faith. He received money that is not his in his company’s accounts and returned it. Therefore, the Public Prosecutor’s Office has not proven the illicit nature of the contract,” he alleged.

Ernesto Matsinhe asked the Court that his constituent be acquitted on the grounds that it was not proven that he had committed any crime.

In his turn, and similarly to the other defenders of the defendants in the “hidden debts” case, lawyer Momed Bachir argued that his constituent Mbanda Anabela Henning, sister of Angela Leão, did not commit any legal type of crime.

Attorney Bachir believes that Mbanda Anabela Henning was associated with the case at trial because she is the sister of the defendant Angela Leão, and therefore the sister-in-law of Gregório Leão. Mbanda Henning received money from the hands of the defendant Fabião Mabunda, who acted under instructions of Ângela Leão. As he explained during his hearing, the money was for the repaymen-



Ernesto Matsinhe, lawyer for Fabião Mabunda



Momed Bachir, lawyer for Mbanda Anabela Henning

ts of loans that his sister (Ângela Leão) had made. He further stated that it was a habit for the two sisters to lend each other money whenever one of them needed it.

Momed Bachir also said that the prosecutors’ indictment of his constituent is the result

of a very fertile mind and a fictionist capable of putting together a movie. In these terms, he denied that Mbanda Anabela Henning has committed the crime of money laundering of which she was charged, and asked that she be acquitted.



## Naimo Quimbine and Simione Mahumane were couriers of Africâmbios and did not launder money



Alique Momed, lawyer for Simione Mahumane and Naimo Quimbine

Anlaue Cheia Alaga Nagoro Ndobe

Lawyer Alique Momed, defending Naimo Quimbine and Simione Mahumane, said his constituents did not communicate with Fabião Mabunda, did not know the origin of the money that entered their accounts, and that they only followed orders from their employers, the owners of the exchange house called Africâmbios.

“They were mere couriers and had no power to question the orders that were given to them,” he justified, then requested that they be acquitted for inexistence of criminal matter related to money laundering.

For his part, the lawyer for defendant Zulficar Ahmad began his closing statement by stating that the strategy initially used by his constituent to point out that he received USD 100,000.00 in the interest of a friend named Marcus Calafiori was on the instruction of his former lawyer Imran Issa, against whom he defends the opening of an autonomous case.

For this lawyer, Zulficar is not and never was a friend of Antonio Carlos do Rosario. He earned one million meticais in commission for the sale of a property bought by the defendant António Carlos do Rosário. Zulficar Ahmad’s mandatory added that his constituent did not know about the Exclusive Economic Zone protection project, nor about Privinvest.

“It has been proven that, upon receiving the amount, Zulficar Ahmad had no malice, he never met with anyone for the creation of the companies (ProIndicus, EMATUM, and MAM), much less for contracting the credit. In these terms, I ask that he be acquitted of the crime of money laundering, because only then will justice be done,” he said.

In turn, Sidónio Siteo’s lawyer said that the Public Prosecutor did not prove that he committed the crime of money laundering, for selling real estate to Angela Leão. Recall that all the real estate built by Sidónio Siteo were

purchased by defendant Ângela Leão.

“He should be sent home, because his guilt is not proven, nor can it be proven, because it doesn’t exist,” said lawyer Adriano Boane.

The lawyer Hélder Lopes, meanwhile, the judicial representative of Sergio Namburete, said that his constituent was indicted of four (4) crimes, but was then dismissed of two and should not be on the proceedings as a defendant.

“The Public Prosecutor ignored the evidence that was presented here, in this trial, and asked for a sentence close to the maximum for the defendant Sergio Namburete, even though it was proven that he did the work on the land parcel,” Hélder Lopes said.

Sérgio Namburete was the person who received the money transferred by Privinvest in the interest of Maria Inês Moiane. The defendants say that the money was for the payment of a plot of land on the Marginal of Maputo City.



# Closing arguments resume on Thursday with Ana Sheila Marrengula responding to the defense allegations

After the “attacks” of the defense lawyers against the performance of the Public Prosecutor’s Office, the prosecutor Ana Sheila Marrengula requested the Court to present the reply to the defense allegations. The Judge set for Thursday the day when the Public Prosecution will defend its honor by responding to the allegations of the defense lawyers. The latter, in turn, and because it is the law, will also be given the floor to respond to the Prosecution’s reply. In other words, the “war of words” between the Prosecution and the defense is far from over.

Later on Thursday, the judge will give the floor to each of the 19 defendants to say whatever they deem relevant to their defense. It is the last moment in which they will have the opportunity to speak in the trial, before the sentence is read.



Attorney Ana Sheila Marrengula



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