

# Mozambique News Agency

## AIM Reports

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### Carlos Cardoso murder trial update

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### Prosecution demands maximum sentence

Maputo, 14 Jan (AIM) - The prosecution in the Carlos Cardoso murder case on Monday demanded the maximum sentence for the six people charged with the November 2000 assassination of Mozambique's top investigative journalist.

Giving his summing up, public prosecutor Mourao Baluce said that the guilt of all six men had been proven during the trial, which began before the Maputo City Court on 18 November. He was thus demanding the maximum sentence for first degree murder (a 24 year jail term) not only for the three members of the death squad - Carlitos Rashid Cassamo, Manuel Fernandes, and the fugitive Anibal dos Santos Junior ("Anibalzinho") - but also for the three men charged with ordering the killing, Ayob Abdul Satar, owner of the Unicambios foreign exchange bureau, his brother, the notorious loan shark Momade Assife Abdul Satar ("Nini"), and former bank manager Vicente Ramaya.

Baluce said that the murder had been plotted in a series of conspiratorial meetings in a room at the Rovuma Hotel, as from July 2000. Anibalzinho, Nini Satar, Ayob Satar and Ramaya all took part in one or more of those meetings.

Baluce argued that the initial purpose of the meetings was to assess why the November 1999 attempt on the life of Albano Silva, the lawyer for what was then the country's largest bank, the BCM, had failed, and to plot a further assassination attempt. But the plan to murder Silva was shelved, in favour of eliminating Cardoso first.

The motive cited by Baluce was the 1996 fraud, in which 144 billion meticaais (14 million US dollars at the exchange rate of the time) was stolen from the BCM. The fraud took place at Ramaya's BCM branch, using fraudulent accounts opened in the names of members of the Abdul Satar family.

Silva had been pursuing this case relentlessly, and Cardoso had been writing about it. "Carlos Cardoso was a serious, incorruptible, investigative journalist who would not allow the BCM case to be forgotten", said Baluce. "His work inconvenienced the criminals." Cardoso was the main problem for those who defrauded the bank - for they could be sure that, if they murdered Silva first, then Cardoso would not rest until they had been brought to justice. Baluce pointed out that the difference between the activities of a lawyer and of a journalist ensured that "Carlos Cardoso's work came to the work of many more people than those aware of Albano Silva's procedural battles".

The Satars and Ramaya had attempted to present themselves as legitimate businessmen, but Cardoso "exposed the false nature of this public image".

The major problem for the prosecution has been that a key witness, Osvaldo Muianga ("Dudu"), who claims to have been present at the Rovuma meetings, has changed his story several times. The defence has tried to discredit him, and claims that the meetings are a figment of his imagination.

Baluce argued that the instability of Muianga's story was due to the pressures put upon him and his family by some of the defendants and their relatives. Throughout the trial, the court has heard of how the Satar family threatened, cajoled and bribed witnesses. These tactics were successful, in that Muianga's mother, Fatima Razaco, persuaded him to retract his original statements in February 2002. But later in the year, he retracted the retraction.

A final version, told on the witness stand, was that the Rovuma meetings had taken place, but had solely discussed murdering Albano Silva, and had not mentioned Cardoso.

Baluce argued that Muianga had been telling the truth in his initial statement. He noted that the defence made much of the fact that Muianga claimed the meetings had happened in rooms 105 or 106 - when there are no rooms with those numbers in the Rovuma.

He pointed out that "initially Dudu said he didn't know the room numbers. Only after pressure did he mention numbers 105 and 106. He probably took the lift to the bar, and then went into a room on the first floor after the bar".

As for the defence's objection to Muianga, and to several other witnesses, because they have been charged with other crimes, Baluce remarked "the same can be said of the defendants".

He noted that Ramaya's wife and the sisters of Ayob and Nini Satar were among those who had tried to bribe witnesses. "Can innocence be purchased?", he asked. "Innocent people cooperate with the court, and do not lie. Innocent people do not need to spend vast sums of money to buy their innocence".

Baluce warned that, if the defendants are allowed to go free, "they will continue their criminal activities". He demanded "exemplary punishment", with a sentence "to the maximum limits envisaged by the law".

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## Family's lawyer sums up

Maputo, 14 Jan (AIM) - Carlos Cardoso was murdered "because he was a journalist who denounced abuses, who did not shut up, who would not forget any matter, who insisted on following what he regarded as most important, and who would not allow any of the illegalities he had written about to fall into oblivion", declared the Cardoso family lawyer, Lucinda Cruz, on Monday.

Presenting the summing up of the private prosecution in the Cardoso murder trial, Cruz said that, for those affected by his writings, "Carlos Cardoso was a pain, he was obstinate, he was really inconvenient. The only way for any criminal to go on practicing crimes with impunity was to silence Carlos Cardoso. And the only way to silence Carlos Cardoso was to kill him".

But for three of the accused, the members of the death squad, Anibal dos Santos Junior ("Anibalzinho"), Manuel Fernandes and Carlitos Rashid, the motive was not remotely political: they killed because they were paid to do so. She expressed revulsion at the behaviour of the confessed assassins, Rashid and Fernandes, "who have come into this room countless times, laughing and very pleased with themselves, as if taking a human life had not the slightest importance".

For those charged with ordering the murder - Ayob Abdul Satar, owner of the Unicambios foreign exchange bureau, his brother, money-lender Momade Assife Abdul Satar ("Nini"), and former bank manager, Vicente Ramaya - Cruz had no doubt that the main motive for the crime was the fraud which had seen 144 billion meticaís (14 million US dollars) syphoned out of the Commercial Bank of Mozambique (BCM), a crime which took place at Ramaya's BCM branch, and used accounts opened by members of the Abdul Satar family.

The Satars and Ramaya, she argued, were worried, not so much because Cardoso was investigating the fraud, "but because he was not going to stop writing about it until it came to trial. Cardoso believed that taking this case to court could be a step forward in making Mozambican justice credible".

But Cruz stressed that the Cardoso family did not rule out other motives and other people who may also have ordered the killing. "For the assassination of a person such as Carlos Cardoso, there need not be just one motive", she stressed.

She said there were plenty of examples of crimes committed by several people each with their own motive, and "united in a single purpose - to kill someone".

The accusations made in court against other people - notably against businessman Nyimpine Chissano, the oldest son of President Joaquim Chissano - "deserve to be investigated seriously", said Cruz. "But these accusations were made late.

This means that Nyimpine Chissano is the subject of a separate case file, which has not yet come to trial, and so he can neither be sentenced nor acquitted here".

Only the autonomous case against Chissano Jr, currently in the hands of the Public Prosecutor's Office, could decide whether he too should be brought to trial for the murder. Cruz stressed that "it is up to civil society, and the friends of Carlos Cardoso to demand that the investigation continue".

Civil society and the mass media, she urged, should ensure that the accusations against Nyimpine Chissano and several others "are not forgotten, and that this case does not join the heap of other cases that have ground to a halt in the various stages of criminal investigation".

Cruz noted that the defence lawyers had often criticised the poor police work in investigating the murder. She agreed with them - in fact, it had been Cardoso's family and friends who were the first "to denounce the apathy and incapacity of our police.

In the more than 5,000 pages in this case file, there are countless examples of obstructing justice and of failure to cooperate with the judicial system".

She believed that there was now enough evidence, as a result of the investigations and trial, to open over a hundred new cases, "concerning crimes and illegalities committed by public and private institutions, and by individuals". Again, it would be up to civil society to oblige the public prosecutor's office to take its job seriously, and pursue all these cases.

Despite his physical absence, this trial, broadcast live on Mozambican radio and television, "could be regarded as the last and greatest report of the journalist Carlos Cardoso. At this trial, a vast number of crimes have been denounced before all of us, including money-laundering, usury, the illegal transfer of foreign exchange, car thefts, bank frauds, trafficking in influence, illegal loans, and corruption in its most varied forms, including corrupt relations between police officers and prisoners". "The live broadcasts of this trial have achieved what Carlos Cardoso was unable to do while alive", Cruz added. "It has carried his voice to the most remote parts of Mozambique. And it has made us aware that we were losing the moral values that are universally recognised, regardless of political regime or religious creed".

She praised the blanket coverage of the trial in most of the Mozambican media. She did not think that radio and television had broadcast it live, just to win larger audiences. "These broadcasts were the way for the media to pay tribute to the man who was the most

courageous and outspoken journalist Mozambican society has ever known", Cruz declared. "It was their way of giving a voice, perhaps for the last time, to a man whose voice had been silenced in such a barbaric and criminal fashion".

Cruz stressed her agreement with the presiding judge, Augusto Paulino, who had declared in December that Anibalzinho, the fugitive who headed the death squad, "may be stronger than each one of us on our own, but will not be stronger than all of us together".

Criminals were only strong, if society allowed them to be strong, she stressed. "All of us together, society united, will defeat any criminal, and can always bring criminals to trial, no matter how influential, how important, how wealthy, they may be".

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## **Private prosecution demands convictions**

Maputo, 14 Jan (AIM) - Lucinda Cruz, lawyer for the family of murdered journalist Carlos Cardoso, on Monday stressed that there is more than sufficient evidence to convict Vicente Ramaya, and the two brothers Ayob and Momade Abdul Satar, of ordering the assassination.

Summing up for the private prosecution in the Cardoso murder trial, Cruz stood by the testimony of Oswaldo Muianga ("Dudu").

His account of conspiratorial meetings in the Rovuma hotel "established the link" between those who ordered the crime and those who carried it out.

The defence lawyers have tried to discredit Muianga, who has changed his story several times, and deny that any meetings were held at the Rovuma. But if that were the case, asked Cruz, why had the defendants and their relatives been so anxious to intimidate and bribe Muianga and his family? Why had the Satar brothers telephoned Muianga from prison, sometimes threatening him, sometimes offering bribes, "if Muianga did not know, and had never heard about the plans to kill Carlos Cardoso?" She noted that immediately after Muianga made his first statements, in March 2001, the defence had accused him of having a criminal record (which was not true), and demanded that he be arrested. The reason they reacted in this way, she suggested, was precisely because meetings had taken place at the Rovuma hotel, and had discussed murdering Cardoso. Faced with threatening phone calls from Momade Satar and Anibal dos Santos Junior ("Anibalzinho"), the head of the death squad, Muianga pretended that he had lost the power of speech.

But in early 2002, he withdrew his earlier statement, and claimed he had been incited to incriminate the Satars by Gary Rouper, the former manager of the Polana Hotel, which owed the Satars money.

"This retraction was obviously false", said Cruz. "Being false, and only benefitting the defendants, it could only have been obtained through the interference or influence of the defendants - as was later proved" (Muianga's mother, Fatima Razaco, told the court how she had pressured her son to sign the retraction, after receiving bribes from Satar's relatives.) The pressures put on Muianga and his mother convinced Cruz that his initial statement of March 2001 "is at least partly true", and that there were indeed meetings at the Rovuma.

"Muianga knows that Carlos Cardoso was spoken of at those meetings", she said. "That's why, on the day of the murder, as soon as he knew, who did he telephone - none other than Anibalzinho and Momade Satar ! And later that night, as he admits, he went to meet with Anibalzinho".

The defence has objected that another prosecution witness, Rohit Kumar, is a confessed murderer (he killed a shop owner in 1997, but has never stood trial for the crime, due to police incompetence or complicity).

Rohit Kumar was apparently the first person the Satars tried to recruit to murder Cardoso. He told the court that in 1999, Momade Satar, in the presence of his brother Ayob, asked him if he could arrange assassins to dispose of Cardoso. He turned the job down because the Satars did not offer him enough money.

Of course, Kumar is a criminal, Cruz said - that was the whole point. Satar had met him in jail in 1997 (when he was briefly imprisoned for his part in the BCM fraud, before corrupt attorneys secured his release). Satar knew he was a killer, and that was why he had tried to recruit him. Calling him a murderer simply made Kumar's testimony more credible. You don't hire honest, clean people with no criminal records to carry out a contract killing, Cruz pointed out.

"If you want to hire someone to do a job", she said, "logic and intelligence dictate that you hire someone who has already shown that he knows how to do it".

Cruz also pointed to the evidence from the records of the mobile phone company M-Cel. These records proved the links between Anibalzinho, the Satars and Ramaya.

The initial phone contacts between Momade Satar and Anibalzinho occurred in July 2000: Muianga overheard Satar telling Anibalzinho that there was "an inconvenience" to be removed before dealing with "the first matter discussed".

The "first matter" was the planned assassination of lawyer Albano Silva, the prosecution argues, while "the inconvenience" was Cardoso.

Phone contacts were frequent between the defendants - notably on the day of the murder (22 November 2000), and the day after, including calls late at night. Cruz argued that the main target of the Satars and Ramaya was Albano Silva, the lawyer for what was then the country's largest bank, the BCM. But when the attorneys who had been protecting the

Satars lost their jobs in July 2000, after President Joaquim Chissano appointed a new Attorney-General, Joaquim Madeira, the Satars changed their plans.

"They knew that first they had to get rid of Carlos Cardoso", she said. "To regain any impunity, they had to eliminate the only person who could stand up to them. Because he had a credible newspaper, because nobody could buy him, and because his voice was heard at all levels".

"So they had to guarantee that Carlos Cardoso would not inconvenience them any more", Cruz added. "So they had to kill him. But they made a mistake: after his death, Carlos Cardoso has inconvenienced them much more".

Cruz asked the court to convict all six defendants on the count of first degree murder. She also demanded that the defendants compensate Cardoso's two children, 13 year old Ibo and seven year old Milena, to the sum of 14 billion meticaís (568,000 US dollars).

Helder Matlaba, the lawyer for Cardoso's driver, Carlos Manjate, who survived the attack, but was severely injured and is currently unable to work, also asked the court to convict all six defendants. He is seeking compensation of 500 million meticaís for his client.

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## Defence lawyers sum up

Maputo, 14 Jan (AIM) - Lawyers for the defendants in the Carlos Cardoso murder trial on Monday urged the Maputo City Court to acquit their clients, or, in the cases of those who confessed to the assassination, to show clemency in the light of "mitigating circumstances".

But, unlike the carefully produced prosecution summaries, the last words from several of the defence lawyers seemed to have been thrown together hastily and incoherently.

Worst of all was Portuguese lawyer Eduardo Jorge, representing the loan shark Momade Assife Abdul Satar ("Nini").

Jorge did such violence to the Portuguese language that parts of his summing up were entirely incomprehensible. His habit of beginning a sentence but never ending it meant that some of his arguments were impossible to follow.

He admitted his client's character defects - Nini, he said, was indeed arrogant, loved money, and had committed usury. But if he was as powerful, and influential as some people claimed "then how come he is in prison and not outside ?" Jorge had to face the awkward fact that last year Nini Satar had tried to involve the judge, Augusto Paulino, and senior police officers, including Antonio Frangoulis, former head of the Maputo

Criminal Investigation Police (PIC), in an alleged conspiracy to extort a million dollars from him.

"Nini erred - out of despair - when he went after the judge and the police officers", said Jorge. "Did he do it on purpose ? I don't think so".

He claimed that the prosecution had produced "no serious evidence" that his client had ordered the murder of Cardoso. It was true that he had made payments to the man who recruited the death squad, the fugitive Anibal dos Santos Junior ("Anibalzinho") - but he had claimed not to know what these payments were for, and the prosecution had not proved otherwise, Jorge said.

Domingos Arouca, lawyer for Nini's brother, Ayob Abdul Satar, knew that his client was innocent because he, Arouca, was his next-door neighbour. "Frequently he comes to my house, and seeks my advice", said Arouca. Sometimes they sat in the garden together. So he couldn't possibly be an assassin.

A somewhat more serious line was to separate Ayob from Nini. Arouca claimed that Ayob's company, the foreign exchange bureau Unicambios, "never made illicit payments". The post-dated cheques for 1.29 billion meticaïs (over 50,000 US dollars) shown to the court "are a personal deal between Nini and Nyimpine Chissano (oldest son of President Joaquim Chissano). They are not in the name of Unicambios, and Nyimpine said he doesn't even know Ayob. At no time did Nini inform Ayob of these payments".

Simeao Cuamba, lawyer for Anibalzinho, and for one of the confessed assassins, Manuel Fernandes, appeared to believe that the best strategy was to send the court into a deep sleep.

Certainly this reporter had great difficulty in keeping his eyes open as Cuamba rambled on about the 19th century Italian criminal anthropologist Lumbruso (who thought that criminal "types" could be detected by the shape of their heads), cited Emmanuel Kant, and invoked Noah's Ark and the Tower of Babel.

The occasional outrageous remark did wake the audience up - as when Cuamba alleged that the staff on Cardoso's newspaper "Metical" had not done enough to protect their editor, or claimed that there was no attempted murder of Cardoso's driver, Carlos Manjate, because the bullet that struck him in the head was not intended for him.

Abdul Gani, lawyer for Vicente Ramaya, left no such nasty taste in the mouth. Indeed, of all the defence lawyers, he seemed the only one who had taken the trouble to read Cardoso's work thoroughly. Unfortunately, he reduced this to a statistical exercise.

The fraud at the Commercial Bank of Mozambique (BCM), where Ramaya had been a branch manager, and which involved the theft of 144 billion meticaïs (14 million dollars at the exchange rate of the time) could not have been the motive for the murder, because Cardoso had written much more about other subjects, Gani claimed.

He had counted five articles or editorials on the BCM in "Metical" in 1999, and 20 in 2000, prior to Cardoso's death. But in the same period there had been 59 articles on the cashew processing industry. There had been 32 articles on the introduction of Value Added Tax (to which Cardoso was opposed) in 1999, and there had been 37 articles on the customs service in 2000. Ergo, the BCM was not a key issue.

Anyone who has the slightest acquaintance with Cardoso's work knows how passionately he felt about the destruction of the cashew processing industry, as the government blindly followed a diktat from the World Bank. Nor is there any doubt that Cardoso thought that handing over the management of the customs service to the British firm, Crown Agents, violated Mozambican sovereignty.

But it is a huge leap to conclude that these could be motives for murder. Gani did not draw the logical conclusion from his own argument - he did not suggest that the World Bank, the Crown Agents or the VAT office had hired the death squad.

The key difference is that, when Cardoso wrote about cashew or customs, he was hoping to change government policy. When he wrote about the BCM, he was hoping that those who defrauded the bank would be brought to justice.

The defence lawyers tried hard to discredit key defence witnesses, particularly Osvaldo Muianga ("Dudu"), who had testified to meetings in the Rovuma hotel, attended by Anibalzinho, the Satar brothers and Ramaya, at which murder was planned.

Muianga had changed his story so many times that he was not credible, they claimed. Gani took Muianga's inability to describe the rooms where he had attended meetings over two years previously as an indication that the meetings had never happened.

Arouca claimed that Muianga was so distinctive (a very short man wearing moslem clothes) that the hotel staff would have recognised him if he had really been to the Rovuma.

Samuel Valentim, lawyer for Carlitos Rashid, the man who admits firing the shots that took Cardoso's life, had the easiest task. He merely asked the court to take account of his "free and spontaneous confession" as a mitigating circumstance.

He claimed that Rashid committed the crime because of his poverty (he was having difficulty paying the rent on his house) and because of "bad company" such as Anibalzinho.

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## **Last statements from defendants**

Maputo, 14 Jan (AIM) - Maputo money-lender Momade Assife Abdul Satar ("Nini") on Monday once again tried to implicate Nyimpine Chissano, the oldest son of President Joaquim Chissano, in the November 2000 murder of Mozambique's top investigative journalist, Carlos Cardoso. Giving a final statement to the Maputo City Court, Satar recalled that he had presented the court with post-dated cheques, signed by Nyimpine Chissano. Satar's story is that these cheques, totalling 1.29 billion meticaís (over 50,000 US dollars), were security on a loan. He alleges that Chissano asked him for the money, but stipulated that it be paid to Anibal dos Santos Junior ("Anibalzinho"), the man who organised the death squad that murdered Cardoso.

Satar claims it was not until he met Anibalzinho in prison in 2001 that he realised the money had been used to pay for a contract killing. "Nyimpine lied to this court when he said he only spoke to me once", said Satar. "There were several business deals between us".

He complained that the police had taken no notice when he first mentioned the involvement of Chissano. "I had a meeting a year before the trial (i.e. in November 2001), at which I told Antonio Frangoulis (former head of the Maputo Criminal Investigation Police) that Nyimpine was involved", said Satar.

"Why was no inquiry opened into what I said to Frangoulis?" Satar denied any hand in the illicit release of Anibalzinho from the top security jail in September. "If I got him out, why did Anibalzinho send to Maputo a cassette incriminating me, and exonerating Nyimpine?", he asked. (This cassette arrived in Maputo in December, and the judge, Augusto Paulino, refused to admit it as evidence. Copies are circulating, however, and it is known that in it Anibalzinho blames the Satar brothers for the murder of Cardoso.) "Everything was set up so that Anibalzinho could flee. It was not in my interests for him to escape", said Satar.

Satar's brother, Ayob, protested his innocence and said he had "no motive" for killing Cardoso. The prosecution has cited as a likely motive the fraud in which 144 billion meticaís (14 million dollars at the exchange rate of the time) was stolen from what was then the country's largest bank, the BCM. The fraud used accounts opened in the name of members of the Abdul Satar family.

Ayob Satar said that, at the time the fraud was committed, "I didn't have close relations with the rest of my family". His parents and brothers fled the country, but he stayed.

The BCM's lawyer, Albano Silva, believes that this is just a family stratagem: Ayob did not open one of the fraudulent accounts, because his task was to look after the family's apparently legitimate business interests, if his relatives had to leave Mozambique.

Ayob insisted that "I never had any dispute with Carlos Cardoso or with any other journalist".

The third man accused of ordering the assassination, former BCM branch manager Vicente Ramaya, also claimed he had no quarrel with Cardoso, and that "Cardoso never did me any harm at all".

But he did admit participating in the BCM fraud, though tried to put the blame on people higher up the bank hierarchy. "I did not participate in the fraud as a citizen, but as the manager of the Sommerschild branch and I carried out the instructions of my superiors", Ramaya said. "I know who got the money and who are the real beneficiaries of the fraud".

The two confessed murderers, Carlitos Rashid, and Manuel Fernandes, were also given the opportunity to address the court, but said they had no further comment.

The presiding judge, Augusto Paulino, has announced that the court's verdict will be given on 31 January.

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## **Nyimpine Chissano did visit Lisbon**

Maputo, 14 Jan (AIM) - Businessman Nyimpine Chissano, the oldest son of President Joaquim Chissano, did indeed leave Mozambique during the festive season, despite a travel ban imposed in December by the Public Prosecutor's Office.

The independent newsheet "Mediafax" reported the ban on 20 December, and at the time the story elicited no denial or any other comment. Last week "Mediafax" said that, despite the ban, Chissano Jr made a visit to Portugal. His diplomatic passport was allegedly returned to him "on higher orders".

AIM has confirmed that Nyimpine Chissano was indeed in Portugal. AIM spoke to another Mozambican citizen who was on the same flight from Lisbon to Maputo as Nyimpine. Chissano travelled business class, and returned to Maputo on the flight of 7 January.

Nyimpine Chissano's name was repeatedly mentioned in the Carlos Cardoso murder trial at the Maputo City Court, as one of those who ordered the killing of Mozambique's top investigative journalist.

A second case file into the murder has been opened, in which Chissano is one of the suspects.

He has vehemently denied any connection to the assassination. But evidence at the trial indicated that Chissano and his company, Expresso Tours, have had longstanding relations with money-lender Momade Assife Abdul Satar, the man who claims he was an

unwitting middleman between Nyimpine Chissano and the fugitive Anibal dos Santos Junior ("Anibalzinho"), who led the death squad that murdered Cardoso.

<http://www.poptel.org.uk/mozambique-news/newsletter/Cardoso23.html>