

To JURI Committee Members.

Here are my comments on the substance of the criminal procedure, which motivates the request for lifting my parliamentary immunity:

1. In December 2013, I filed a criminal complaint¹ with the Attorney General of Portugal concerning the dismantling of the Viana do Castelo Shipyards (ENVC), which led to the layoff of over six hundred workers. Later, it was announced that my complaint, together with others lodged by the Mayor of Viana do Castelo and the Trade Union of the Shipyards, had given rise to a judicial inquiry over the sub-concession of the ENVC, in favour of a just formed company called WESTSEA, belonging to the MARTIFER GROUP (which is 37% controlled by the MOTA-ENGIL Group). The judicial inquiry is still ongoing.

2. I also lodged complaints on the sub-concession masking the privatization of the ENVC with the European Commission.² And the investigations by the Commission are also still ongoing.³

3. Due to comments I made in a television programme, in which I said there was a need to look into possible "deals" between the law firm where the former Minister of Defence, Mr. Aguiar Branco, was a partner, and MARTIFER, Mr. Aguiar Branco brought a criminal action procedure for defamation against me.

4. At the time, the Parliament, under recommendation by a JURI report by MEP Heidi Hautala (Nov 2014), decided not to lift my immunity, considering that my comment and actions "not only concerned matters of genuine public interest - the privatisation of important naval shipyards - but were also directly and obviously connected with the performance of her duties as a Member of the European Parliament". I viewed this lawsuit as an attempt to intimidate me. But I did later submit additional complaints with the Attorney General and the EC as new worrying facts surfaced⁴⁵⁶⁷⁸.

5. In April 2016, the Portuguese Attorney General published a **Press Release**⁹ announcing searches in several shipyards, company offices of the DOURO AZUL/MYSTIC CRUISES group and the private residences of Mr. Mário Nuno dos Santos Ferreira, for suspicion of crimes of mismanagement, corruption and economic participation in business related to the sub concession of the ENVC shipyards to the company WESTSEA/MARTIFER and the sale of the "ATLÂNTIDA" ferryboat, a ship owned and built by those shipyards, which had been sold, in the meantime, to the "DOURO AZUL/MYSTIC CRUISES" Group - the Group that is now suing me.

6. The "ATLÂNTIDA" construction was ordered by the Azores Regional Government to the ENVC, who rejected the ship in April 2009 for failing to meet contractual speed requirements. The value of the ship was then estimated at 50 million EUR, but full costs amounted in fact to over 70 million, since the ENVC had to pay damage compensation to the Government of Azores.

¹ <https://www.anagomes.eu/PublicDocs/67e2dfe1-8342-4bc5-94c3-3d508002797a.pdf>

² <https://www.anagomes.eu/PublicDocs/c66d5eaf-4ca2-4544-b41a-f0f67984dc68.PDF>

³ <https://www.anagomes.eu/PublicDocs/9dca4fc4-57f9-41ca-ba9d-38fe27dc2af7.pdf>

⁴ <https://www.anagomes.eu/PublicDocs/9ca9ad17-5b03-4eb9-a688-6af08912b2e4.pdf>

⁵ <https://www.anagomes.eu/PublicDocs/5f6b9e0a-8386-4898-9446-ab8679a6de6f.pdf>

⁶ <https://www.anagomes.eu/PublicDocs/49c0389a-d1fd-4f17-80c5-6bf8e8bf3bf0.pdf>

⁷ <https://www.anagomes.eu/PublicDocs/b18d84e6-b582-48ab-909a-a3636982481e.pdf>

⁸ <https://www.anagomes.eu/PublicDocs/9dca4fc4-57f9-41ca-ba9d-38fe27dc2af7.pdf>

⁹ <http://observador.pt/2016/04/29/pj-buscas-nos-estaleiros-viana-no-ministerio-da-defesa/>

7. The public board of ENVC - at a time when the shipyards had already been privatised via the sub-concession to the company WESTSEA/MARTIFER - launched in February 2014 an international public tender to sell the "ATLÂNTIDA" and awarded the contract, initially, to a Liberian company headed by a Greek citizen. But the company disappeared and failed to pay the 12.8 million EUR it had offered for the purchase of the ferryboat. Therefore, in July 2014, the bidder which was second placed in the international tender - the DOURO AZUL/MYSTIC CRUISES GROUP - was then awarded the contract, paying what it had offered: 8.75 million EUR.

8. A few months later, Mr. Mário Ferreira, the DOURO AZUL/MYSTIC CRUISES CEO and owner, announced the intention to resell the ferry. Five months later, the deal was consummated for 17 million EUR, according to the press, roughly the double of what it had costed!

9. The ship was sold to the Norwegian company HURTIGRUTEN AS.¹⁰ This article in English from newspaper EXPRESSO tells the story.¹¹ The newspaper EXPRESSO revealed that the sale of the ship by Mr. Mário Nuno dos Santos Ferreira - the owner and CEO of the DOURO AZUL/MYSTIC CRUISES Group - was made through a shell company established in Malta¹².

10. As the Attorney General Office issued, in April 2016, the abovementioned press release announcing the searches on the DOURO AZUL/MYSTIC CRUISES Group and its CEO private residences, I was contacted by a journalist of newspaper DIARIO DE NOTICIAS and commented that the investigation was a sign "that something is stirring in a flagrant case of corruption" involving the sub concession of ENVC and involving the sale of the ATLÂNTIDA for "peanuts" to the DOURO AZUL Group, which should "have much to tell" to the authorities.¹³ These declarations triggered the present criminal complaint for defamation by the DOURO AZUL/MYSTIC CRUISES Group owner and CEO, leading to the request for the lifting of my parliamentary immunity.

11. I have in the meantime pursued my own investigation on this case. And I found out that:

11. 1. Just the year before the ship ATLÂNTIDA was sold, the public board of the ENVC had received two proposals from interested buyers offering 28 and 21 million euros for the ship. Yet the Minister of Defense ordered that an international tender be opened and no minimum price for the sale was set.

11. 2. At that international tender, the criteria for sale was the highest offer. No bank guarantees were asked from the bidders, who were also not asked to pay for getting the documents for participating at the tender. It was not ensured that bidders handed all the documents requested to prove their fitness, propriety and financial capacity. And also the financial advisory services to the tender were handed to Bank BESI - a subsidiary to the in the meantime collapsed ESPÍRITO SANTO Bank/Group: the same Bank who suspiciously advised the process of privatization/subconcession of the ENVC, as I pointed out in my complaint to the Attorney General of December 2013. In both tenders, bank BESI was the actual receiver and organiser of the bidders' candidatures and proposals.

11. 3. Bank BESI and Bank BES, it should be noted, were heavily involved in financing activities of the companies who were benefitted with the subconcession of the ENVC - the

¹⁰ <https://online.sapo.pt/499937>

¹¹ <http://cdn.imprensa.pt/146/d57/9341566/the-portuguese-ugly-duckling-that-became-a-norwegian-ice-swan.html>

¹² <http://expresso.sapo.pt/sociedade/2017-05-19-Malta-Files-quem-anda-a-usar-Malta-para-pagar-os-impostos-mais-baixos-da-Europa>

¹³ <https://www.dn.pt/portugal/interior/ana-gomes-satisfeita-com-investigacao-da-pj-5149960.html>

WESTSEA/MARTIFER/MOTA-ENGIL - and the sale of the ATLANTIDA: the DOURO AZUL/MYSTIC CRUISES/MYSTIC INVEST HOLDING,SGPS.

11. 4. As mentioned above, the purchase of the ATLANTIDA was initially awarded for 12.8 million euros to a Liberian registered company - THESARCO SHIPPING CO, headed by a Greek captain - about whom a mere Google search would have shown his impropriety, the captain having even been convicted in Greece for fraud and slavery-like practices.¹⁴ Also, that bidder did not even bother to visit the ship, what should have raised additional alarm bells to the jury of the tender - but did not. This first bidder was repeatedly notified to take possession of the ship and pay the price, but never showed up. So, the second highest bidder - DOURO AZUL/MYSTIC CRUISES - got the contract for the price offered: 8.75 million euros.

11. 6. The Chairman of board of the ENVC replied to media questions that the tender was in full compliance with the law and was headed by a jury which included representatives of the Ministry of Finance. Yet, it was never disclosed who integrated that jury. I found out that that jury was presided by Mrs. FILOMENA MARTINHO BACELAR, an Inspector of the Inspectorate of Finance, who was conspicuously in the media in 2013/2014¹⁵ for having been exposed in the "Swissleaks" media investigation, as a civil servant with a huge bank account in HSCB Private Bank in Geneva, Switzerland. I have repeatedly inquired the Ministry of Finance (recently in the context of the Mission that the Panama Papers Inquiry Committee made to Portugal in June 2017) what was the conclusion of the investigations/prosecutions raised by "Swissleaks" revelations. I have just sent to the current Minister of Finance and the Attorney General a letter reiterating that request and asking if Ms. Bacelar, as president of the jury of the ATLANTIDA sale, ever signaled the obviously suspicious conditions followed in that tender, which suggested the possibility of a scam to defraud the State.

11. 7. Furthermore, I confirmed what jornal EXPRESSO had revealed on its "Malta Files" investigation: that the sale and resale of the ship ATLANTIDA by MYSTIC CRUISES to the HURTIGRUTEN SA final buyer had occurred through a company established in Malta. That company, TRADE WINDS INTERNATIONAL, LTD is located 89, Saint John Street, La Valletta 1165, was registered on 19 Nov 2014. It resold it to HURTIGRUTEN SA for 17 million - paid on 29/06/2015 by HURTIGRUTEN SA and NORDISK SKIBREDFODERING via an account in name of INTERNATIONAL TRADE WINDS LTD with Bank Carregosa, Private Banking, in Portugal).

11. 8. I confirmed that the Maltese company TRADE WINDS INTERNATIONAL LTD's sole beneficiary is Mr. Mário Nuno dos Santos Ferreira, the CEO and owner of DOURO AZUL/MYSTIC CRUISES. I suspect that Mr. Ferreira used this scheme of a "sale to himself" via this Malta based company to evade paying the taxes that were due in Portugal. I have just submitted a participation of this suspicion to the Portuguese Tax Authority and to the Portuguese Attorney General.

10. The above elements confirm indications that both the sub-concession/privatization of the ENVC and the sale of the ATLANTIDA by the ENVC to DOURO AZUL/MYSTIC CRUISES and its resale to HURTIGRUTEN SA were corrupt affairs, involving bad management, possible collusion, manipulation of international tenders and losses to State interests.

11. I point out that much more damaging than my comments to Mr. Mário Nuno dos Santos Ferreira and his companies' reputation, is the contents of the **Press Release** (see point 5 above)

¹⁴ <http://algarvedailynews.com/news/3050-greek-bidder-for-the-atlantida-is-a-fraudster-accused-of-slavery>

¹⁵ <https://www.publico.pt/2017/07/23/economia/noticia/inspectora-da-igf-descoberta-nas-listas-do-swissleaks-audita-as-ppp-1780002>

put out by the Attorney General Office announcing the judicial searches to his offices and private residences, which clearly outlined the reasons why they were being investigated.

12. I believe that the reason why Mr. Ferreira sues me is to pursue the attempt to intimidate and stop me from further investigating. He follows the footsteps of Mr. Aguiar Branco, the former Defense Minister who engineered these suspicious processes and transactions with great loss for the public interest. Curiously, in his allegations against me to the Court, Mr. Ferreira's lawyers quote extensively from the libel process that Mr. Aguiar Branco lawyers filed against me.

13. This latest attempt will not deter me from carrying on my duty as a citizen and as a Member of this Parliament to fight corruption and tax crimes in my own country and in the EU.

Finally, I declare that I am able and willing to fight in court the slander accusations that Mr. Mário Ferreira and his companies filed against me. But I will, obviously, abide by the decision to be adopted by the European Parliament in considering this request to have my parliamentary immunity lifted.

Ana Gomes
09/10/2017