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*Plenary sitting*

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8.9.2015

B8-0854/2015

## MOTION FOR A RESOLUTION

with request for inclusion in the agenda for a debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 135 of the Rules of Procedure

on the situation in Angola  
(2015/2839(RSP))

**Javier Nart, Frédérique Ries, Marietje Schaake, Marielle de Sarnez, Ramon Tremosa i Balcells, Izaskun Bilbao Barandica, Juan Carlos Girauta Vidal, Pavel Telička, Maite Pagazaurtundúa Ruiz, Petras Auštrevičius, Valentinas Mazuronis, Ivo Vajgl, Martina Dlabajová, Beatriz Becerra Basterrechea, Nedzhmi Ali, Dita Charanzová, Gérard Deprez, Fredrick Federley, Filiz Hyusmenova, Ivan Jakovčić, Petr Ježek, Urmas Paet**  
on behalf of the ALDE Group

**B8-0854/2015**

**European Parliament resolution on the situation in Angola  
(2015/2839(RSP))**

*The European Parliament,*

- having regard to the previous resolutions on the situation in Angola,
- having regard to article 14 of the International Covenant on Civil and Political Rights (ICCPR) ratified by Angola in 1992,
- having regard to the UN Millennium Declaration of 8 September 2000,
- having regard to the Constitution of the Republic of Angola,
- having regard to the LISBON 2007 Joint Africa-EU Strategy,
- having regard to the EU-ANGOLA Joint Way Forward (JWF) of 23 July 2012,
- having regard to the joint Press Statement of the first Angola-European Union Ministerial meeting on 17 October 2014 in Brussels,
- having regard to the Cotonou Partnership Agreement signed in June 2000,
- having regard to the EU guidelines on Human Rights Defender and on freedom of expression,
- having regard to the African Charter of Human and Peoples' Rights of June 1981, ratified by Angola in March 1990,
- having regard to the statement of the EU diplomatic visit to Angola, Brussels, 02/09/2015,
- having regard to the Universal Declaration on Human Rights of December 1948 and the International Covenant on Civil and Political Rights of 1966,
- having regard to the UN Declaration on Human Rights defenders of December 1998,
- having regard to Rules 135 of its Rules of Procedure,

- A. Whereas Angola has vast mineral and petroleum reserves, and its economy is among the fastest growing in the world, especially since the end of the civil war; whereas its economic growth is highly uneven, with the majority of the nation's wealth concentrated in a disproportionately small sector of the population; whereas NGOs activists establish clearly the link between corruption depletion and misappropriation of State resources by the ruling kleptocratic elite and human rights abuses to silence critics and cover up gross violation of the law and the Constitution;
- B. whereas the corruption in the regime is one of main sources of social discontent and criticism and yet the plundering of national resources continues and made Isabel dos Santos, daughter of the President of the Republic, the richest woman in Africa according to Forbes Magazine and a major investor in Angola and Portugal;
- C. Whereas a wave of protests that began in early 2011 in Angola continues to thrive in the face of government restrictions on freedom of assembly and expression; whereas peaceful protesters are openly at risk of arbitrary arrests and police brutality; whereas ten journalists have been murdered in Angola since 1992, including a pro-opposition radio presenter, Alberto Graves, who was shot in 2010;
- D. whereas in November 2013, Manuel Hilberto de Carvalho, a 28 years old opposition activist was killed by presidential guards, after being detained for putting up posters about the enforced disappearance of Antonio Alves Kamulungue and Isaias Sebastiao Casule, both war veterans, abducted in May 2012, and later, in December 2013, the Prosecutor General's Office confirmed they have been killed by state agents;
- E. whereas on 16 April 2015, according to official statements, 9 policemen and 13 civilians have been killed at Mount Sumi in Huambo province when followers of José Julino Kalupeteca resisted his arrest, Kalupeteca is the leader of "Luz de Mundo", a Christian sect, but the opposition parties, the civil society organizations and survivors of the event reported the killing of many more, hundreds, possibly thousand, unarmed civilians, including women and children, by state security forces, whereas the government has declared the Mount Sumi region a military zone to prevent then independent inquiry called for by the UN High Commissioner for Human Rights;
- F. Whereas Rafael Marquez de Morais, an anti-corruption activist, filed a criminal complaint in Luanda in 2011, accusing nine Angolan generals of crimes against humanity in connection with the diamond mining; Angola's attorney general dismissed the complaint in November 2011 and there have been no government investigations into the killings and torture detailed in the book;
- G. Whereas in response to his complaint, eight of the generals and some of their fellow members of diamond companies, Sociedade Mineira do Cuango (SMC) and ITM-Mining, filed a number of lawsuits against Rafael Marquez de Morais,

alleging criminal defamation; their lawsuit in Portugal, where Rafael Marquez de Morais's book was published, was dismissed for lack of evidence in March 2013, but the generals also launched a second lawsuit in Angola;

- H. Whereas on 28 May 2015, Luanda's provincial court sentenced Rafael Marquez de Morais to six months in prison, suspended for two years, on charges stemming from his writing about alleged corruption and human rights violations in Angola; whereas the human rights activist Jose Marcos Mavungo was arrested on 14 March 2015, in connection with his efforts to organize a peaceful demonstration over corruption, human rights violations and poor governance in Angola's oil-rich enclave of Cabinda;
- I. Whereas the trial in Angola raised serious concerns about the conduct of the prosecution and the judiciary; although Rafael Marquez de Morais was summoned and interrogated several times in 2013 and told that there were defamation charges lodged against him, he was unable to learn the precise charges and obtain the case files for months after the lawsuit against him was apparently filed. In April 2014, Rafael Marquez de Morais finally learned that he was charged with eight counts of "slandorous denunciation " under article 245 of the Angolan Penal Code; When he appeared in court for the first time on 24 March, 2015, he learned of 15 new charges of criminal defamation;
- J. Whereas in May 2015, Rafael Marquez de Morais reached a settlement with the complainants in which he agreed to make a statement in court and the charges would be dropped; the agreement which was discussed in court on 21 May and noted by international observers as well as legal representatives of all parties was also acknowledged by the prosecution and the judge; however, on 25 May, at the final court hearing, the prosecution suddenly announced that it was proceeding with the charges and was submitting Rafael Marquez de Morais's statement of 21 May, as evidence of a "confession";
- K. Whereas on 28 May, the court then inexplicably convicted Rafael Marquez de Morais on twelve charges, even though he was originally being tried on only eight; Rafael Marquez de Morais is appealing the six-month sentence, suspended for two years;
- L. Whereas the sudden reinstatement of the charges on 25 May and the lack of opportunity for Rafael Marquez de Morais's legal team to present a defence, including witnesses to support his case, violate the right to a fair trial under the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights; Furthermore, the prosecution's use of Rafael Marquez de Morais 's statement in court as a confession is a violation of his internationally protected right against self-incrimination;
- M. Whereas the Angolan government should also drop the charges against Jose Marcos Mavungo who faces charges of committing crimes against the security of the state; Whereas a group of police officers arrested Mavungo without a warrant at a church on 14 March; the governor of Cabinda had banned the peaceful

demonstration he had planned for that day, although authorization is not required for peaceful demonstrations;

- N. Whereas on 28 August , the Public Prosecutor asked the court to convict Mavungo to 12 years of imprisonment on the charge of inciting rebellion- the maximum penalty allowed by law for this crime, the sentencing being scheduled for 16 September;
- O. Whereas Jose Marcos Mavungo was initially charged with sedition, a public order offense, but on 20 March the charge was changed to “rebellion”, a state security crime; Under Angolan law, a person can be detained up to 90 days for a state security crime, twice that for a public order crime; Although Mavungo has been told that the charges have been formalized, he has not received the detailed charges and indictment, and remains in detention in poor health, with cardiac and liver problems and has been hospitalised twice since being detained;
- P. Whereas, unfortunately, the detention of Rafael Marquez de Morais and Jose Marcos Mavungo are not isolated cases when it comes to the violation of the right to freedom of expression in Angola; whereas in June "15+1" young men (some of them well known rappers, artists, intellectuals) were arrested in Luanda at a political discussion indoors, the Deputy Attorney General claiming that they were caught red-handed plotting a coup;
- Q. Whereas freedom of opinion and expression are fundamental rights of every human being and are indispensable for individual dignity and fulfilment; and States have an obligation to respect, protect and promote the rights to freedom of opinion and expression; whereas human rights and development activists stressed to an MEP how much they were disappointed with the EU for its silence on human rights abuses, its inactivity in supporting human rights and democracy campaigners, its blind eye on corruption and development mismanagement;
- R. Whereas the government of Angola also stepped up both mass forced evictions and small-scale forced evictions in Luanda and in other cities to remove people who live in informal settlements and wipe off street traders, including pregnant women and women with children; most evictions (17,000 people in 2014) were carried out with violence and without prior notice and adequate compensation which left many families homeless and without access to drinking water and social services which drives many of them deeper into poverty;
1. Calls on the EU to denounce the human rights abuses, to step up its political dialogues on human rights on the basis of Articles 8 to 13 of the Cotonou Agreement which define the bilateral framework for the political dialogue with Angola and to supports actively human rights and democracy campaigners; urges the European Commission to make this a priority in the near future,

2. denounces the corruption of the Angolan administration as the main cause of the delay of development; calls on the EU and the Member States, currently the largest donors of grant assistance to Angola, to acknowledge the development mismanagement and the human rights concerns and put principles ahead of any dealing with Angola,
3. urges the EU, the African Union and the U.N. to demand that the Angolan government to conform with the provisions of the UN Declaration on Human Rights Defenders, drop politically motivated charges against the Rafael Marquez de Morais and Jose Marcos Mavungo, to restore their constitutional rights to all the imprisoned political activists;
4. Strongly condemns the detention of Rafael Marquez de Morais and Jose Marcos Mavungo and all the political detainees, demands their immediate release insists that immediate actions should be taken to stop the fast deteriorating situation in terms of human rights, fundamental freedoms and democratic space,
5. calls on the Government of Angola to take the necessary steps, including restoration of the rule of law, democracy and respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments ratified by Angola, presses the Angolan authorities to allow an independent inquiry into the events of Mount Sumi,
6. calls upon the Angolan government for immediate establishing of the freedom of expression and the right to peaceful assembling, and firmly asks to stop harassing and intimidating human rights activists, journalists, youth protest activists, etc., liberty to investigate and expose possible abuses should not be undermined by heavy-handed actions, threats and intimidation on the part of the authorities,
7. Presses the Angolan authorities that expropriation of land of private citizens even without their consent or forcible evictions of residents can be effected in compliance with international law, which recognizes a right for governments under “the most exceptional circumstances” to take such steps, however, each measure should be evaluated on a case-by-case basis with the clear public interest identified and with the appropriate processes in place, including compensation and alternative access to housing;
8. calls on the Angolan Government and its international multilateral and bilateral partners to set up transparent and responsible mechanism for managing Angola's natural resources, especially oil and diamonds, so that the revenue therefrom is used to combat poverty and to finance global, sustainable, fair and lasting development and consolidate democracy and oppose corruption;
9. instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the African Union, ACP-EU Joint Parliamentary Assembly and the Angolan Government;