



## Angola: Defamation Laws Silence Journalists <sup>[1]</sup>

### Drop Criminal Cases Against Prominent Investigative Reporter

August 12, 2013

(Johannesburg) – [Angola](#) <sup>[2]</sup>’s attorney-general should immediately drop all criminal defamation charges against an investigative journalist, Rafael Marques de Morais, because they undermine free expression rights. The Angolan government should repeal the country’s criminal defamation laws – the basis for the charges.

The 11 lawsuits brought against Marques – Angola’s most prominent investigative journalist, human rights defender, and anti-corruption campaigner – are the latest attempt by Angolan officials to silence his reporting. Marques has exposed a range of high-level corruption cases and human rights violations in his [blog](#) <sup>[3]</sup>, and pursued sensitive investigations into human rights violations in Angola’s diamond areas.

“Angola has found its criminal defamation laws very useful to try to squelch reports about corruption and human rights violations,” said [Leslie Lefkow](#) <sup>[4]</sup>, deputy Africa director at Human Rights Watch. “Angola should be investigating these reports of serious human rights violations instead of trying to silence the bearers of bad news.”

The attorney-general should drop these cases immediately. The government should act to abolish the laws that permit these disproportionate charges.

On July 31, 2013, Marques attended a hearing at the National Directorate on Criminal Investigation and Action in Luanda, Angola’s capital, regarding ten new lawsuits and one pre-existing criminal defamation case brought against him. Neither Marques nor his lawyer have been allowed to review the full indictments and files or evidence related to any of those lawsuits.

The plaintiffs are several high-ranking Angolan generals, including three former chiefs of staff of the Angolan Armed Forces and Gen. Manuel Hélder Vieira Dias “Kopelipa,” the head of the president’s Civil Office and minister of the state, as well as their civilian business associates, and three private companies.

All of the lawsuits were triggered by Marques’s book, *Diamantes de Sangue: Corrupção e Tortura em Angola* (Blood Diamonds: Corruption and Torture in Angola), which was published in Portugal in 2011. The book, based on research conducted between 2009 and 2011, describes more than 100 cases of serious human rights abuses by military personnel and private security guards in Angola’s diamond-rich region Lunda Norte.

In 2012 nine Angolan generals sued Marques and his editor in Portugal for criminal defamation related to the allegations in the book. The Portuguese prosecutor dismissed the lawsuit in February, saying that Marques’ publication was protected by his right to free expression in the public interest. The same plaintiffs then lodged a civil defamation lawsuit against Marques and his editor in Portugal, seeking €300,000 (US\$400,000) in damages. That suit is pending in the Portuguese courts.

Defamation is a criminal offense under Angolan law, and in recent years a number of journalists have been prosecuted for criminal defamation in lawsuits brought by senior government officials. Many of the legal provisions to protect media freedom and access to information are vaguely formulated in Angola’s 2006 press law, which limits the ability of many journalists to criticize the government publicly without fear of repercussions.

Human Rights Watch, along with an increasing number of countries and international authorities, believes that criminal defamation laws should be abolished, as criminal penalties are always disproportionate punishments for harming a person's reputation and infringe on free expression. Criminal defamation laws are open to easy abuse, resulting in very harsh consequences, including imprisonment. As repeal of criminal defamation laws in an increasing number of countries shows, such laws are not necessary for protecting reputations.

Marques has been sued in Angola before. In 2005 the United Nations Human Rights Committee, the expert body that monitors compliance with the International Covenant on Civil and Political Rights, ordered Angola to pay damages to Marques for wrongly convicting him of defaming President José Eduardo Dos Santos in 2002. Marques was subjected to an unfair trial and sentenced to six months in prison and the payment of damages. The Angolan government has yet to carry out the Human Rights Committee's ruling.

On August 2, 17 Angolan and international human rights and media freedom organizations called <sup>[5]</sup> on UN and African Union human rights experts to urge the Angolan government to drop the defamation lawsuits against Marques.

Marques has routinely experienced harassment, surveillance, and violations of his right to privacy. In 2011 his blog suffered several apparently targeted "denial of service" hacker attacks. When he flew from Luanda to Lisbon in March 2011, 70 paper files of victim testimony were stolen from his checked baggage, which had been opened by force. In early 2013 his personal computer was targeted for multiple attacks with customized malware, compromising his communications with lawyers, international organizations, and others regarding his defense against the lawsuits.

Angolan authorities have failed to conduct a credible investigation into the allegations of serious human rights abuses in diamond-rich Lunda Norte exposed in Marques's 2011 book.

In November 2011 Marques had filed a criminal complaint with Angola's Attorney-General's Office against the plaintiffs who are now suing him for defamation – nine Angolan generals and the executives of diamond and private security companies. He alleged that they were involved in serious human rights violations and crimes against humanity in Lunda Norte, including systematic torture and killings of diamond diggers and peasants.

In June 2012 the Attorney-General's Office shelved the complaint as unfounded, after preliminary proceedings that were marred by the apparent unwillingness of the government to conduct a serious investigation into the allegations.

During the preliminary proceedings, the attorney-general heard only 4 of 10 witnesses presented by Marques. The attorney-general disqualified the witnesses Marques called to testify, alleging the lack of independent confirmation for their statements, and noted they were merely repeating what they had already told Marques.

In January 2013 a delegation of traditional authorities from Lunda Norte formally requested the re-opening of the proceedings, with a petition signed by over 100 traditional authorities, but there has been no response from the Attorney-General's Office.

"The cases against Marques show exactly why criminal defamation laws are a problem: they can too easily be abused and used for politically motivated purposes," Lefkow said. "Angola's government doesn't seem to have learned much from its previous misguided efforts to silence Marques."

"Angola has an obligation to investigate credible allegations of serious human rights violations and should focus on addressing these abuses, instead of accusing investigative journalists who are the messengers of bad news," Lefkow said.

**Source URL:** <http://www.hrw.org/news/2013/08/12/angola-defamation-laws-silence-journalists>

**Links:**

[1] <http://www.hrw.org/news/2013/08/12/angola-defamation-laws-silence-journalists>

[2] <http://www.hrw.org/africa/angola>

[3] <http://www.makaangola.org/>

[4] <http://www.hrw.org/bios/leslie-lefkow>

[5]

<http://www.mediadefence.org/sites/default/files/uploads/Rafael%20Marques%20de%20Morais%20Letter%20of%20Allegation.pdf>

© Copyright 2013, Human Rights Watch