

May 27, 2015

His Excellency José Eduardo dos Santos
President of the Republic of Angola

The Embassy of the Republic of Angola
2100-2108 16th St NW
Washington, DC 20009 USA

Re: Prosecution of Rafael Marques de Morais

Dear President dos Santos,

We, the undersigned individuals and organizations, are writing to you to express our strong concerns about the prosecution on criminal defamation charges of journalist Rafael Marques de Morais. Despite what was understood to have been a negotiated agreement between Mr. Marques de Morais and government authorities late last week, we are deeply concerned that that agreement is now being reversed. Instead, it appears that the court will issue a verdict in the case later this week; a conviction could result in a prison sentence and the indefinite revocation of his passport.

This case reflects a broader deterioration in the environment for freedom of expression in Angola, including the increasing use of criminal defamation lawsuits against journalists and routine police abuse of, and interference with, journalists, activists, and protesters peacefully exercising their right to freedom of expression. We urge you to take immediate steps to reverse these worrying trends.

Mr. Marques de Morais has been regularly and repeatedly harassed by state authorities because of his work. The 24 criminal defamation charges lodged against Marques, for example, are only the latest attempt by Angolan officials to silence his reporting. Marques has alleged a range of high-level corruption cases and human rights violations in his blog, and pursued sensitive investigations into human rights violations in Angola's diamond areas.¹ We are unaware of any serious effort by the Angolan attorney-general's office to impartially and credibly investigate the allegations of the crimes for which he has been charged.

Your government appears to be using Angola's criminal defamation laws to deter Mr. Marques de Morais from his human rights reporting. By doing so, the government is violating his right to freedom of expression as protected by Article 9 of the African Charter on Human and Peoples' Rights and Article 19 of the International Covenant on Civil and Political Rights. Preventing him from reporting on human rights violations is contrary to the United Nations Declaration on Human Rights Defenders.

¹ Maka Angola, 2015, <http://www.makaangola.org/> (accessed May 27, 2015).

The prosecution of Mr. Marques de Morais also stands in opposition to the December 2014 judgment of the African Court on Human and Peoples' Rights, which ruled in the case of *Lohé Issa Konaté v. Burkina Faso* that except in very serious and exceptional circumstances, "violations of laws on freedom speech and the press cannot be sanctioned by custodial sentences."² Laws criminalizing defamation, whether of public or private individuals, should never be applied, including in these circumstances given that Marques was raising concerns about human rights abuses in the country's diamond mines. Criminal defamation laws are open to easy abuse, as the case against Marques demonstrates, resulting in disproportionately harsh consequences. As repeal of criminal defamation laws in an increasing number of countries shows, such laws are not necessary for protecting reputations.

We strongly urge you to take immediate steps to make clear that the government of Angola respects the right of journalists, activists, and others to enjoy their right to freedom of expression. Furthermore we encourage you to immediately pursue efforts to abolish Angola's criminal defamation laws.

Thank you for your attention to this important matter.

Sincerely yours,

1. Sarah Margon, Washington Director, Human Rights Watch
2. Steven Hawkins, Executive Director, Amnesty International USA
3. Teresa Pina, Executive Director, Amnesty International Portugal
4. Deprose Muchena, Director, Amnesty International Southern Africa Regional Office
5. A. Lemon, Emeritus Fellow, Mansfield College, University of Oxford
6. Aline Mashlach, Head Commercial and Marketing Manager, Royalife LTD
7. Andreas Missbach, Joint-managing director, Berne Declaration
8. Art Kaufman, Senior Director, World Movement for Democracy
9. Beata Styś-Pałasz, P.E. Senior Project Manager, State of Florida Department of Transportation
10. Ben Knighton, Co-ordinator of the African Studies Research Group, Oxford Centre for Mission Studies (OCMS)
11. Carl Gershman, President, National Endowment for Democracy
12. Cécile Bushidi, PhD student, SOAS, University of London
13. Cléa Kahn-Sriber, Head of Africa Desk, Reporters Without Borders
14. Cobus de Swardt, Managing Director, Transparency International
15. Daniel Calingaert, Executive Vice President, Freedom House
16. Deborah Posel, Institute for Humanities in Africa (HUMA), University of Cape Town
17. Diana Jeater, Editor, Journal of Southern African Studies, Lecturer in African History, Goldsmiths, University of London
18. Dorothee Boulanger, Doctoral candidate, King's College London
19. Dylan Tromp, Director, Integrate: Business & Human Rights
20. E.A. Brett, Professor of International Development, London School of Economics
21. Ery Shin, Doctoral candidate in English literature, University of Oxford

² African Court on Human and Peoples' Rights (AfCHPR), *Lohé Issa Konaté v. Burkina Faso*, Application No 004/2013, Judgment, December 5, 2014, <http://www.african-court.org/en/images/documents/Judgment/KonateJudgmentEngl.pdf> (accessed May 27, 2015).

22. Fiona Armitage
23. Garth Meintjes, Executive Director, International Senior Lawyers Project
24. Henning Melber, Senior Advisor/Director emeritus, The Dag Hammarskjöld Foundation
25. Hilary Owen, Professor of Portuguese and Luso-African Studies, University of Manchester
26. Jaqueline Mitchell, Commissioning Editor, James Currey
27. Jodie Ginsberg, CEO, Index on Censorship
28. Kathryn Brooks, African Studies Centre, University of Oxford
29. Kenneth Hughes, University of Cape Town
30. Lara Pawson, freelance writer, Author of *In the Name of the People: Angola's Forgotten Massacre*
31. Lotte Hughes, Senior Research Fellow, History Department, and The Ferguson Centre for African and Asian Studies Faculty of Arts, The Open University
32. Margot Leger, MSc Student, African Studies
33. Mary Lawlor, Founder and Executive Director, Front Line Defenders
34. Matthew de la Hey, MBA Candidate, Saïd Business School, University of Oxford
35. Merle Lipton, Research Fellow, King's College London
36. Michael Ineichen, Program Manager & Human Rights Council Advocacy Director, International Service for Human Rights (ISHR)
37. Michael Lipton, Research Professor of Economics, Sussex University
38. Michael Savage, Cape Town, South Africa
39. Michelle Kelly, Faculty of English, University of Oxford
40. Nic Cheeseman, Associate Professor in African Politics, Department of Politics and IR and the African Studies Centre, University of Oxford
41. Patrycja Stys, Co-Convenor, Oxford Central Africa Forum (OCAF), University of Oxford
42. Phil Bloomer, Executive Director, Business & Human Rights Resource Centre
43. Phillip Rothwell, King John II Professor of Portuguese, University of Oxford
44. Raymond Baker, President, Global Financial Integrity
45. Roger Southall, Professor Emeritus, Department of Sociology, University of the Witwatersrand
46. Santiago A. Canton, Executive Director of Partners for Human Rights, Robert F. Kennedy Human Rights
47. Simon Taylor, Director, Global Witness
48. Sue Valentine, Africa Program Coordinator, Committee to Protect Journalists
49. Suzanne Nossel, Executive Director, PEN American Center
50. William Beinart, Director, African Studies Centre, University of Oxford

Cc:

Adão Adriano António, Attorney General of the Republic and supervisor of the central Huambo province

Lucas Miguel Janota, Magistrate of the Public Ministry