

Reporters Without Borders

<http://www.rsf.org/angola-withdrawal-of-charges-against-22-05-2015,47925.html>

Africa - Angola

Shocking sentence

RSF denounces the outrageous reversal of Angolan justice in the Rafael Marques case.

28 May 2015

In an outrageous U-turn, an Angolan court today imposed a six-month suspended prison sentence on journalist Rafael Marques de Morais on a criminal defamation charge after dropping all charges against him a week ago in connection with his book "Blood Diamonds: Corruption and Torture in Angola."

The judge also ordered **Marques** to withdraw his book from sale in any form, including online, and to not republish it or have it translated into any other language, on pain of imprisonment.

Under the terms of the sentence, Marques will have to serve the six-month jail term if he commits any offence during a probationary period of two years. His lawyers said they will appeal.

The grounds given by the prosecution for pressing for a conviction was part of the statement Marques gave to the court in order to get the charges dropped. Marques said he had not directly questioned the army generals whose security and mining companies were implicated in his book, and that he would have included their replies if he had.

The prosecution took this statement out of context and used it to claim that Marques had admitted his guilt. On this basis, the prosecution sought a one-month suspended sentence, but the court went further and imposed a six-month one today.

"This sentence, coming after the plaintiffs agreed to withdraw their complaint, is absolutely iniquitous," said Cléa Kahn-Sriber, the head of the Reporters Without Borders Africa desk.

"The way the Angolan authorities twisted Marques' words shows that they are determined to break him, to reduce him to permanent silence. More generally, it is a message designed to deter all Angolan journalists from covering anything to do with the misdeeds of those in power. We call on the courts to overturn this conviction, which is a disgraceful violation of the very principle of due process."

Reporters Without Borders joined 50 other human rights groups yesterday in sending an [open letter to President José Eduardo dos Santos](#) voicing deep concern about the Marques case and the deterioration in the environment for freedom of expression in Angola.

Angola is ranked 123rd out of 180 countries in the [2015 Reporters Without Borders press freedom index](#).

Reporters Without Borders hails yesterday's decision by a Luanda provincial court to drop all 24 charges in the criminal libel trial against investigative journalist and activist Rafael Marques de Morais that began in March.

Marques had been facing up to 14 years in prison in the case brought against him by seven army generals and a group of private companies over his allegations of grave human rights violations and corruption in connection with the diamond mining industry in the Lundas region.

In his book *"Blood Diamonds: Corruption and Torture in Angola,"* published in Portugal in 2011, he documented 500 cases of torture and 100 murders of villagers by military personnel and private security companies, and accused the generals of endorsing these "crimes against humanity."

Marques agreed yesterday not to republish his book, which remains available in electronic form. This undertaking was a "voluntary action designed to facilitate dialogue and future exchanges of information," said Marques, who intends to continue investigating human rights in the Lundas region.

"We are very happy and relieved to learn that all charges have been dropped against Rafael Marques," Reporters Without Borders deputy programme director Virginie Dangles said.

"We hope that the end of this trial marks the end of the judicial harassment endured by this journalist for several years. Marques is an investigative journalist who just did his job and who, after concluding his research, revealed to the entire world vital information about appalling crimes in the mining industry. "

Dangles added: "By being crowned with success, this battle has become a source of optimism. It is a victory for freedom of information in Angola."

The seven generals originally filed suit in Portugal, but they refiled in Angola after the case was dismissed in Portugal in February 2013. Marques initially faced nine counts of criminal defamation but another 15 counts were added when he appeared in court on 24 March 2015.

The case drew a great deal of international attention. On the eve of the 24 March hearing, [Reporters Without Borders and nine other human rights organizations issued a joint call for the withdrawal of all charges against Marques.](#)

Previously, in December 2014, [Reporters Without Borders and 16 other NGOs sent a joint letter](#) to the special rapporteurs (for freedom of expression and the situation of human rights defenders) of the United Nations and the African Commission on Human and Peoples' Rights, asking them to press the Angolan government to end the prosecution.

A renowned journalist who has won many awards for the quality of his reporting, Marques has been hounded for years by the Angolan authorities. Ever since the late 1990s, he has been the target of [arbitrary arrests](#), prolonged judicial proceedings and travel bans – all aimed at silencing one of the last independent journalists in this wealthy African country.

Defamation continues to be a crime in Angola and the authorities often use defamation charges to gag journalists who expose corruption in the state or private sector. Angola is ranked 123rd out of 180 countries in the [2015 Reporters Without Borders press freedom index.](#)

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