

**Rafael Marques de Morais**

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His Excellency  
President of Republic  
Hon. José Eduardo dos Santos

**RE: The Business Activities of the Attorney-General of the Republic**

Excellency,

As an Angolan citizen, who has been tracking the acts of your government, I write to you to express my deepest concern with the institutional silence over the recent public denunciation of the Attorney-General's co-ownership of, and managerial duties in the private company Imexco.<sup>1</sup>

Excellency,

I would like, first and foremost, to explain the rationale for bringing this case to your direct attention. According to current legislation, the Attorney-General's Office is subordinate to the President of the Republic, as Head of State (...).<sup>2</sup> The same law establishes that the President of the Republic gives direct instructions to the Attorney-General, which must be complied with.<sup>3</sup>

Excellency,

You have insisted, throughout the years, on the need for the authorities to stem corruption and the abuse of power by public office holders, and for public office holders to act with due diligence. In 2008, you categorically addressed the urgency for the state authorities to draw clear boundaries in order to end the "promiscuity", as you described it, of public office holders mixing their private business interests with their official duties.<sup>4</sup>

I would therefore like to draw your attention to the following facts that illustrate examples of the kind of promiscuity to which you referred:

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<sup>1</sup> See *Semanário Angolense*, de 18 a 25 de Julho de 2009, Edição nº 325, Ano IV, pp.2 e 3.

<sup>2</sup> See Article 3 of Law N° 5/90, Law on the Attorney-General of the Republic.

<sup>3</sup> See the N° 2 of Article 3 of the same law.

<sup>4</sup> See Speech delivered by President José Eduardo dos Santos, on June 27 2008, at the opening of the XI Extraordinary Meeting of MPLA's Central Committee.

- On September 13 2008, the Daily Gazette published information about changes in the statutes of Imexco, premised on the decision of its four partners and members of the company's board of directors - namely Salim Firojali Hassam and Faizal Samsudin Alybay Ussene (both Portuguese passport holders), as well as General António dos Santos Neto (the current presiding judge of the Angolan Military Supreme Court) and General João Maria Moreira de Sousa (the current Attorney-General of the Republic of Angola).<sup>5</sup>
- The business activities of General João Maria Moreira de Sousa, the top magistrate in the country, are extensive. On December 1 2008, in partnership with the private company Construtel – Construções e Telecomunicações and with João Raimundo Belchior, the general set up a new company Construtel Serviços Limitada, whose business ventures include “the provision of legal advice”, consulting and auditing.<sup>6</sup> In this company, its partners, according to Article 7 of its statutes, form the board of directors.<sup>7</sup>
- Another private enterprise, Deljomar Limitada is co-owned by General João Maria Moreira de Sousa who is on the board of directors, as determined by Article 9 of its statutes. Deljomar Limitada has a wide range of business portfolios, including non-specified consulting services, construction, general trading, mining, etc. The company has two other co-owners, namely Delfim de Albuquerque and Mário Albuquerque, all with equal shares.<sup>8</sup>
- In the private company Prestcom – Prestação de Serviços e Comércio Geral Limitada, General João Maria Moreira de Sousa undertakes the job of co-manager, according to Article 7 of the company's statutes, as duly legalized by the Ministry of Justice.<sup>9</sup> Prestcom is a general trading company, which also provides non-specified consulting services. The other two business partners of the general are the Angolan citizen, Mário Alberto Paulino, and the Malian national, Moussa Thiam.

I would suggest that the business activities of General João Maria Moreira de Sousa, Attorney-General of the Republic, violate, first and foremost, the Angolan Constitutional Law. Article 141 of the Constitutional Law establishes that it is incompatible for magistrates to engage in other “public or private duties, except teaching and research as well as those related to the magistrate's union”.

How is it possible for the Attorney-General to be directly involved in business such as providing private legal advice for profit, consulting and providing non-specified services, without Your Excellency taking action to end what amounts to a clear abuse of power? This case is a perfect example of what has become generalised practice in which State officials at

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<sup>5</sup> Imexco Investimentos, S.A, Diário da República, III Série, N° 26, 13 de Fevereiro de 2008, pp. 1107-9.

<sup>6</sup> Construtel Serviços Limitada, Diário da República, III Série, N° 12, 20 de Janeiro de 2009, p. 545.

<sup>7</sup> Ibid., p. 546.

<sup>8</sup> Deljomar Limitada, Diário da República, III Série, N° 100, 3 de Junho de 2008, pp. 3977-8.

<sup>9</sup> Prestcom – Prestação de Serviços e Comércio Geral Limitada, Diário da República, III Série, N° 145, 3 de Dezembro de 2007, pp. 5355-6.

the highest levels of Government, in the Angolan Armed Forces, National Police, National Assembly and even in the Presidency of the Republic, combine their public duties with private interests.

I submit, with respect, that such a state of affairs, according to the official data I have been gathering during the past three years as part of my research on Angola's political economy, reveal a *de facto* privatisation of the State for the exclusive benefit of high-ranking public office holders, their families, foreign business partners and supporters.

The disrespect shown for the Constitution and the laws of the Republic by the Attorney-General of the Republic makes, I submit, a mockery of the seriousness of our State institutions, especially regarding justice. I need not remind you that the Attorney-General is responsible for overseeing "the control of the legal system, to ensure that all branches of the State as well as economic and social entities, in general, abide by the law (...)"<sup>10</sup>

Your Excellency, as Head of State, of Government, President of the ruling MPLA party, as a Member of Parliament, albeit with a temporarily suspended mandate, you hold the highest political and moral responsibility for the prevention of and the fight against corruption. Your position endows you with absolute powers, particularly as you are directly responsible for the conduct of the Attorney-General. I call on you to publicly announce concrete measures to restore the respect for the law by public office holders by ensuring that public officials do not exploit their office in order to promote their private and financial interests.

The Office of the Attorney-General requires a leader who has moral integrity and ethical standards. Such a person should not be perceived by the public to be influenced by the need for personal acquisition of wealth or to be suspected of doing so through illegal means. Only an Attorney-General who respects the law can undertake the duty to oversee the legality of the acts of the Government and its officials.

Failure to deal with individuals who abuse their position for private gain leaves Your Excellency potentially culpable for the ills caused by the abuses of power, corruption, mismanagement and the plunder of State assets.

It is my sincere hope that Your Excellency will take immediate action to ensure that the Attorney General complies with the laws of the land and desists from the kind of promiscuity against which you have so frequently spoken.

I remain, Your Excellency, respectfully, your concerned citizen.

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<sup>10</sup> See Clause A of Article 2 of the Law on the Attorney-General of the Republic.