

**OFFICE OF THE ATTORNEY-GENERAL  
OF THE REPUBLIC OF ANGOLA  
RUA 17 DE SETEMBRO, CIDADE ALTA  
LUANDA**

**MOST HONORABLE ATTORNEY-GENERAL OF THE REPUBLIC  
GENERAL JOÃO MARIA MOREIRA DE SOUSA**

**Rafael Marques de Morais**, [personal details withheld] pursuant to the terms of article 73 of the Constitution, and the Law on Public Probity (art. 32, 1, 2, a,b,c), hereby lodges a

**CRIMINAL COMPLAINT**

**Against:**

**1. THE PARTNERS OF NAZAKI OIL & GAZ, S.A.,**

(cf. Documents of Incorporation, 2007).

**A) MANUEL DOMINGOS VICENTE**, Chairman of the Board of Directors and Chief Executive Officer of Sonangol E.P.;

**B) GENERAL HÉLDER MANUEL VIEIRA DIAS JÚNIOR** “Kopelipa”, Minister of State and Head of the Military Bureau of the President of the Republic;

**C) GENERAL LEOPOLDINO FRAGOSO DO NASCIMENTO**, advisor to the Minister of State and Head of the Military Bureau of the President of the Republic;

Able to be notified through the Nazaki Oil & Gaz office in Luanda, at Rua 10 de Dezembro, China International Fund (CIF) Building, 17<sup>th</sup> floor.

**2. THE DIRECTORS AND REPRESENTATIVES OF THE PARTNERS OF COBALT INTERNATIONAL ENERGY, INC.**, a New York Stock Exchange listed company, with head office located at Two Post Oak Central, 1980 Post Oak Boulevard, Suite 1200,

Houston, Texas, U.S.A. and branch office in Angola at Rua 10 de Dezembro, China International Fund (CIF) Building, 17<sup>th</sup> floor.

**A) JOSEPH H. BRYANT**, Chairman of the Board of Directors and Chief Executive Officer, with an office at Two Post Oak Central, 1980 Post Oak Boulevard, Suite 1200, Houston, Texas, U.S.A.

Under the following terms and justifications:

**1.**

Since 2009, the Plaintiff has carried out and published extensive research on corruption involving high-level officials of the Angolan State administration, state-owned and private companies, as well as foreign enterprises operating in the country.

**2.**

On August 8, 2010, the Plaintiff publicly launched the investigative work entitled **Presidência da República: O Epicentro da Corrupção em Angola (Presidency of the Republic: The Epicentre of Corruption in Angola)**. (The report is attached here as **DOCUMENT 1**, and its contents are hereby submitted as being faithfully and completely reproduced).

**3.**

In the said text, the Plaintiff describes the participation of the 1<sup>st</sup> Defendants in the creation of a private, multi-million business empire and analyses their behaviour in light of anti-corruption legislation, and concludes with the use and abuse of their public appointments and influence peddling activities close to the President of the Republic, His Excellency José Eduardo dos Santos, in order to gain illegitimate

financial benefits over state assets in the privatisation of public companies, and creation of consortiums with public and international companies.

**4.**

Within the scope of his authority (article 2, j, k, p of the Law of the Attorney General of the Republic), the Attorney General of the Republic remained silent in the face of the grave denouncements contained in the referred text.

**5.**

No public entity has come forward to defend the good name of the Presidency of the Republic or to seek proof of the facts in order to guarantee the pursuit of justice.

**6.**

The ruling party, the MPLA, represented by its spokesman and Member of Parliament, Rui Falcão Pinto de Andrade, was the sole entity to publicly declare, on August 9 2010, the need for a public statement by the relevant authorities and the judiciary to act accordingly (cf. Interview with Lusa).

**7.**

The **1<sup>st</sup> DEFENDANTS** are holders of equal shares (33.3%) of the joint stock of Grupo Aquattro Internacional S.A., which in turn, holds 99.96% of the joint stock of Nazaki Oil & Gaz (cf. Documents of incorporation of both companies).

**8.**

On February 24, 2010, Nazaki Oil & Gaz signed Risk Services Agreements for exploration, appraisal and production operations in offshore Blocks 9 and 21 with Sonangol, Sonangol Pesquisa e Produção, Cobalt International Energy, and Alper Oil, an Angolan company (cf. Risk Services Agreement, available at

<http://sec.edgar-online.com/cobalt-international-energy-inc/s-1a-securities-registration-statement/2009/10/30/section63.aspx> )

**9.**

For Blocks 9 and 21, the shareholding structure is as follows: Cobalt International Energy (40%), Nazaki Oil & Gaz (30%), Sonangol Pesquisa e Produção (20%) and Alper Oil (10%).

**10.**

According to the facts presented in **DOCUMENT 1**, the **1<sup>ST</sup> DEFENDANTS** ought to be investigated for evidence of having committed crimes of illicit enrichment (art. 25, 1, a) through the receipt of shares in the business.

**11.**

Moreover, where the **1<sup>ST</sup> DEFENDANTS** are concerned, the Chairman of the Board of Directors of Sonangol has decision-making powers for granting contracts through the national concessionary authority in all transactions involving the state-owned company (cf. Decrees 14/09 and 15/09, from the Council of Ministers, on Blocs 21 and 9 respectively).

**12.**

In turn, as his principal advisor, the Minister of State and Head of the Military Bureau, exercises considerable influence over the President of the Republic, who, as the head of the Executive, grants the final approval for petroleum block concessions.

**13.**

The actions of the Minister of State and Head of the Military Bureau of the Presidency of the Republic, General “Kopelipa”, also indicate abuse of power by using members of staff of the Military Bureau as company figureheads, to whom symbolic percentages are awarded, both in Nazaki Oil & Gaz and in Aquattro International S.A. (cf. Documents of incorporation of both companies).

**14.**

The **2<sup>nd</sup> DEFENDANT** is a shareholder of Blocks 9 and 21 (40%) and is the operator of the project.

**15.**

In addition to illicit enrichment, the award of the operating licence for petroliferous blocks to Cobalt International Energy failed to comply with the mandatory public tendering process, as stipulated by the Law on Petroliferous Activity (Law nº 10/04) and corresponding regulations (Decree nº 48/06 on the Rules and Procedures for Public Tender for the acquisition of a Licence of Association with the National Concessionary Authority).

**16.**

The decree referred to reiterates that “the mandatory nature of the public tender process constitutes the special means of regulating, by ethical and transparent means, competition between entities that wish to legitimately enter into association with the national concessionary authority in order to undertake petroliferous operations as well as to provide services or supply the materials required for the execution of said operations”.

**17.**

Therefore, the **1<sup>st</sup> DEFENDANTS** and the **2<sup>nd</sup> DEFENDANT** are guilty of colluding in acts that violate the Law on Petroliferous Activity and the regulatory decree (arts. 6, 1,2,3; 7, 2,3,4,5,6, a, b, c, d, e, f; 8 , 2; 9 , 1, 2, 3; 11<sup>th</sup> , 1, 4; 12 ,2, 3).

**18.**

The **2<sup>nd</sup> DEFENDANT** is also involved in influence peddling and active corruption of leaders as established by the Criminal Code (art. 321) and in accordance with the Convention of the African Union (art. 4, 1, f), the United Nations Convention against Corruption (art. 18, a, b) and the SADC Protocol against Corruption (art. 3, 1, f), which have all been incorporated into Angolan law.

**19.**

The **2<sup>nd</sup> DEFENDANT** provided the **1<sup>st</sup> DEFENDANTS** with a loan valued at 3.7 million U.S. dollars, as a bonus for the concession and for costs related to seismic studies

carried out in the referred blocks (art. 21, 1, of the contract), in violation of the Law on Public Probity (art. 25, 1, a), which prohibits public servants from deriving economic benefits, including financial loans, from business activity which may conflict with their position as public servants.

**20.**

The criminal activity described was perpetrated by the Defendants in a deceitful, intentional and conscious manner, with the offenders fully aware that such conduct is punishable by law.

**21.**

It is also true that the facts described in the text **Presidência da República: O Epicentro da Corrupção em Angola** are still being perpetrated by the Defendants to the present date.

Under these terms and in conformance with the Law, Your Excellency is requested to initiate the appropriate criminal procedure and to order the establishment of an inquiry to investigate and examine the conduct of the Defendants, with regard to the criminal activities described in the text **Presidência da República: O Epicentro da Corrupção em Angola**.

**Annex:** 1 document and duplicates.

**The Plaintiff,**

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Rafael Marques de Morais

Luanda, January 6, 2012