

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 redacted] pursuant to the terms of Article 73 of the Constitution) and Article 32 of the Law on Public Probity hereby lodges a

CRIMINAL COMPLAINT

and further requests that proceedings for the removal from office (impeachment) be initiated

Against:

MANUEL DOMINGOS VICENTE, Vice-President of the Republic,

on the following terms and based on the grounds henceforth exposed:

1.

The Denounced was elected to the position of Vice President of the Republic in the general election held in August 31, 2012.

2.

The Constitution lists in Article 138. º the incompatibilities applicable to members of the executive, in the following terms:

2.1. The positions of Ministers of State, Ministers, Secretaries of State and Deputy Ministers are incompatible with the office of Member of the Parliament and the activities of Judicial Magistrate or prosecutor.

2.2. The positions of Ministers of State, Ministers, Secretaries of State and Deputy Ministers are also incompatible with any one of the following activities:

a) paid employment in any public or private venture, other than teaching or scientific;

b) any administrative functions, management or any corporate position in companies and other purposes of an economic nature;

c) the exercise of liberal professions.

3.

Now, even though the law does not mention the office of Vice-President explicitly, the Vice-President is *ex officio* a member and a fully-fledged executive of the administration (Article 131 of the Constitution) who sits by right in the Council of Ministers (Article 134., No. 2 of the Constitution), and so, for of the same reasons if not *a fortiori*, the aforesaid impediments that apply to other members of the executive, must apply to the vice-president, through an extensive interpretation of the cited article.

4.

Within the framework of its legal powers (Article 2, a, b, d, g, and l) of the Law governing the Attorney-General's Office), the Attorney General of the Republic is tasked with ascertaining the facts and taking the appropriate measures concerning the allegations that shall be presented subsequently.

5.

The **DEFENDANT**, being at the time vice president elect, caused himself on 6 September 2012, to be appointed as director of the commercial company China-Sonangol International Holding Limited (cf. commercial certificate attached as doc. 1)

6.

On the date of this company's annual report submitted to the Hong Kong Company Registry, 26 June 2013, the **DEFENDANT** continued in his role at the company. The last time this the **COMPLAINANT** checked with the Hong Kong Company Registry, on 3 August 2013, the **DEFENDANT** was still in his role. To date the registry has received no notification of the resignation or dismissal of the **DEFENDANT** from his role (see Document 2 for the latest information from Hong Kong).

7.

China-Sonangol International Holding Limited is a capital company majority owned by Chinese parties, who hold more than two-thirds of its stock capital through Dayuan International Development Limited (70%).

8.

Dayuan is headquartered in Queensway, Hong Kong, with office on the same floor of the same building in which China-Sonangol is based.

9.

According to the Annual Return attached, Dayuan acquired its controlling interest in China Sonangol through a capital investment of only USD 7,000. Despite the modest investment, Dayuan controls a company with extensive business worldwide. See the attached chart:

10.

The use of Sonangol's trade name, while leaving the company only a minority stake of 30%, raises suspicions regarding the **DEFENDANT**, who was at the time of the establishment of China Sonangol legally the main actor in Sonangol EP's business dealings. The company is suspected of acts of influence peddling and corruption of officials as stipulated in the Criminal Code (Art. 321 °) and in accordance with the conventions of the African Union (Article 4, 1, f) and the United Nations against Corruption (Article 18, a, b), and the SADC Protocol against Corruption (Article 3, 1, f),

all of which have been incorporated into the Angolan legal system and are binding as law.

Suspicion falls on the **DEFENDANT'S** intervention in these deals, which occurred at the time that China-Sonangol was legally incorporated. The terms on which China Sonangol's statutes were negotiated, with a shareholding structure in which non-Angolan partners were in the majority, the non-acknowledgement in terms of shareholding of the intellectual and industrial property rights due to Sonangol as the owner of the trade name, the opacity of the Chinese investment model (which raises questions about the eventual direct or indirect participation of Angolans in its shareholding structure) and above all the **DEFENDANT'S** intervention in both companies, whether from the Angolan side as a director and trustee of Sonangol E.P., or from the Chinese side as a board member of a majority-owned Chinese company, are the objective source of the suspicions that are being brought to the attention of the Public Prosecution.

11.

In turn, the **DEFENDANT'S** role as director leads to the conclusion that he will receive a salary or other benefits by exercising the office, which in itself violates the provisions of the Law on Public Probity (article 25, 1, a), which prohibits public officials from obtaining economic benefits, even if it is via a financial loan, in business that may conflict with their role as public servants.

12.

In view of the above, the gathered evidence shows that the **DEFENDANT** is currently a corporate officer in obvious contravention of the exclusive exercise of the Vice-Presidency of the Republic as required by Angolan law. It worthy of note that even presidents and vice presidents who are millionaires, as the **DEFENDANT** is known to be, during the terms o the functions place their assets in blind trust in democratic countries who live under the rule of law, in order to avoid suspicion. It is worth noting that in a constitutional democracy, a president who is a millionaire has to place his or her assets in a trust fund while in office, so as to remain above suspicion.

13.

The evidence supports findings of active and passive corruption by the fact that the majority of the capital of China Sonangol has been acquired by a mere investment of \$ 7,000 by the Queensway Syndicate, with the participation of the **DEFENDANT** who was the one who represented the Angolan negotiations.

14.

In these terms and in the best of law, the Most Honorable is requested to initiate the relevant criminal proceedings and to order the opening of an inquiry to investigate and ascertain the practice, by the the **DEFENDANT**, of the criminal acts described above, as well as the procedure of removal under Article 129, 1, a) and b), applicable to the case in accordance with Article 131, 4, both of the Constitution of the Republic of Angola

Board: 2 documents, legal and duplicate copies.

The Complainant,

Rafael Marques de Morais

Luanda, August 8, 2013