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Contra a corrupção
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**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, hereby lodges a

CRIMINAL COMPLAINT

Against:

1. THE PARTNERS OF THE COMPANY SOCIEDADE LUMANHE – EXTRACÇÃO MINEIRA, IMPORTAÇÃO E EXPORTAÇÃO, LIMITADA, (cf. DR, Series III, nº 33, 2004),
Rua Comandante Dangereux, n.º 130, Luanda:

- A) GENERAL HÉLDER MANUEL VIEIRA DIAS JÚNIOR “Kopelipa”**, Minister of State and Head of the Military Bureau of the Presidency of the Republic;
- B) GENERAL CARLOS ALBERTO HENDRICK VAAL DA SILVA**, Inspector-General of the General Staff of the FAA [Angolan Armed Forces];
- C) GENERAL ARMANDO DA CRUZ NETO**, Governor of Benguela and former Chief of the General Staff of the FAA;
- D) GENERAL ADRIANO MAKEVELA MACKENZIE**, Head of the Directorate for Training and Education of the FAA;
- E) GENERAL JOÃO BAPTISTA DE MATOS**, former Chief of the General Staff of the FAA;
- F) GENERAL LUÍS PEREIRA FACEIRA**, former Army Chief of Staff of the FAA;

G) GENERAL ANTÓNIO PEREIRA FACEIRA, former Head of Commandos of the FAA;

2. THE **DIRECTORS AND REPRESENTATIVES OF THE SHAREHOLDERS OF THE COMPANY ITM-MINING**, headquartered at Corner House, 20, Parliament Street, Hamilton HM 12, Bermuda, and with a representative office in Angola at Rua Joaquim Kapango, nº 19-B, r/c, Luanda.

A) RENATO HERCULANO TEIXEIRA, director and president;

B) ANDREW JOHN SMITH, director and vice-president;

C) SÉRGIO EDUARDO MONTEIRO DA COSTA, director;

D) HELEN M. FORREST, director

E) NADINE H. FRANCIS, director

3. THE PARTNERS OF THE COMPANY **TELESERVICE – SOCIEDADE DE TELECOMUNICAÇÕES, SEGURANÇA E SERVIÇOS**, Avenida 4 de Fevereiro nº 208 1º Esq, Luanda:

A) GENERAL ANTÓNIO DOS SANTOS FRANÇA “NDALU” (ret.), Chairman of De Beers Angola, former Chief of the General Staff of the FAA [1992];

B) GENERAL JOÃO BAPTISTA DE MATOS (ret.), former Chief of the General Staff of the FAA [1992-2001];

C) GENERAL LUÍS PEREIRA FACEIRA (ret.), former Army Chief of Staff of the FAA;

D) GENERAL ANTÓNIO EMÍLIO FACEIRA (ret.), former Head of Special Forces (Commandos) of the FAA;

E) GENERAL ARMANDO DA CRUZ NETO (ret.), Governor of Benguela province, former Chief of the General Staff of FAA ;

F) GENERAL PAULO PFLUGER BARRETO LARA (ret.) former head of the Central Division for Planning and Organization of the FAA General Staff;

G) JOSÉ PEDRO FERNANDES DA SILVA

H) JOSÉ CARLOS DE SOUSA FIGUEIREDO

4. THE GENERAL MANAGER OF THE COMPANY TELESERVICE – SOCIEDADE DE TELECOMUNICAÇÕES, SEGURANÇA E SERVIÇOS, VALENTIM MUACHALECA, Avenida 4 de Fevereiro nº 208 1º Esq, Luanda.

Under the following terms and justifications:

1.

On a regular basis since 2004, the Plaintiff has been investigating and monitoring the systematic violation of human rights and related acts of corruption in the diamond-bearing region of the Lundas, particularly within the municipalities of Cuango and Xá-Muteba.

2.

On September 15, 2011, the Plaintiff publicly launched the book **Diamantes de Sangue: Tortura e Corrupção em Angola (Blood Diamonds: Torture and Corruption in Angola)** [ISBN 978-989-671-085-9]. (The book is attached here as **DOCUMENT 1**, and its contents are hereby submitted as being faithfully and completely reproduced).

3.

In the above-mentioned book, the Plaintiff portrays the central role of the consortium Sociedade Mineira do Cuango (SMC) in daily acts of torture and frequently, murder, which constitute crimes against humanity under article 61 of the Constitution. These crimes are being committed against local populations located in both municipalities and against informal diamond miners.

4.

In addition, the said book describes how the private security company, TELESERVICE, hired by SMC for the provision of security within the concession area, has been the perpetrator of those acts.

5.

The **1st DEFENDANTS** are holders of equal shares (21%) of the stock of Sociedade Mineiro do Cuango (cf. Executive Directive nº 54/03 of the Ministry of Geology on the formation of SMC and the exploration contract – DR, Series 1, nº 74, 2003).

6.

Under the terms of the exploration contract (ibid., art. 14, b) LUMANHE, on par with SMC, is responsible for safeguarding the relationship “with the local community, contributing to social stability and the harmonious development of the Project in the Area of the Contract” and assumes logistical and security management.

(http://www.cuango-sociedademineira.com/html/estado_atual.html).

7.

Based on the facts described in DOCUMENT 1, the **1st DEFENDANTS** ought to be investigated for indications of criminal activity (Articles 2, 19, 20 of the Criminal Code) pursuant to the illustrative descriptions of incidents of murder and torture (pages 169 to 211 of the attached book), since the Penal Code (ibid.) establishes the moral authority of a crime of abuse of authority or power.

8.

In addition, the **1st DEFENDANTS**, especially those still on active duty, have used their institutional power to lend authority, either through action or omission, to the arbitrary power wielded by Sociedade Mineira do Cuango in the region.

9.

For its part, the Constitution of the Republic of Angola (Art. 61. a) defers to International Criminal Law for the definition and interpretation of crimes against humanity.

10.

The Rome Statute, which established the International Criminal Court (ICC), defines as crimes against humanity, (Art. 7:, 1, a, e, f; 2, a, e) widespread or systematic acts of murder, severe deprivation of physical liberty in violation of the fundamental rules of international law, and torture against any civilian population, with knowledge [of the attack].

11.

Angola is a signatory to the ICC since October 7, 1998, having reconfirmed its voluntary commitment to ratify the treaty on May 3, 2007, on the occasion of the country's successful bid for a seat on the Human Rights Council of the United Nations (www.upr-info.org/IMG/pdf/angola_pledge_2007.pdf). On May 5, 2010, Angola successfully bid for re-election and, once again, reiterated its voluntary commitment to accelerating the ratification process of the United Nations Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment ([www.unelections.org/.../GA_\(A.64.775\)AngolaHRCCandi_7May10.pdf](http://www.unelections.org/.../GA_(A.64.775)AngolaHRCCandi_7May10.pdf)).

12.

The **2nd DEFENDANTS** are shareholders of SMC (38%) and are the operational managers of the project. As such, they bear direct responsibility for determining security strategy within the concession zone, the consequences of which give rise to the present criminal complaint.

13.

The **3rd DEFENDANTS** are the partners of TELESERVICE, the private security company hired as a service provider for Sociedade Mineira do Cuango, and as such, are directly responsible for committing the acts of violence exposed here.

14.

By virtue of its statutes (DR, Series III, nº 33, 1994), the TELESERVICE partners form, either amongst themselves, or represented by spouses, descendants or direct

ascendants, the General Assembly and the Administrative Council (Arts. 9, 12, 13), which are the deciding bodies.

15.

As the principal beneficiaries of profits derived from diamond exploration, through the concession granted to SMC, the **DEFENDANTS** have always been aware of the widespread and systematic acts violating human rights in the region.

16.

In 2005, the report “Lundas: As Pedras da Morte”, (Lundas: The Stones of Death), addressing the same subject, was published.

17.

When that report was published, the National Police, which had also been denounced as part of the problem, took a series of measures that, since then, have prevented the involvement of its officers in systemic acts of cruelty and used institutional and legal mechanisms to discipline or punish those who commit such acts.

18.

The subsequent report “Operação Kissonde: os Diamantes da Miséria e da Humilhação”, (Operation Kissonde: The Diamonds of Misery and Humiliation), written in 2006, described a situation where violent acts of murder, torture and robbery were committed on a daily basis. These acts were carried out directly by Teleservice, Alfa-5 and K&P Mineira, private security companies operating in the region, and contracted respectively by SMC, Sociedade de Desenvolvimento Mineiro and Luminas.

Upon request by the National Police, on April 1, 2006, during the field research for the abovementioned report, the Plaintiff lodged a criminal complaint against the 3rd DEFENDANTS at the Section of the Criminal Bureau of Investigation in Cafunfo. On

April 11, 2006, the Plaintiff returned to the same section to provide further testimony.

19.

The third report, “Angola: A Colheita da Fome nas Áreas Diamantíferas”, (Angola: Harvesting Famine in the Diamond-Bearing Areas) was published in 2008. As part of the elaboration process of all these reports, and independent from their publication, all relevant entities, both official and private, were contacted and provided with illustrative cases so that measures could be taken.

20.

The facts described in the book **Diamantes de Sangue: Tortura e Corrupção em Angola, hereby submitted as being faithfully and completely reproduced**, (as well as the facts described in the three reports mentioned above) portray the participation, of all of the Defendants, in various forms of illegal criminal activity, envisaged and proscribed by the Angolan Criminal Code.

21.

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

22.

It is also true that the activities described in the book **Diamantes de Sangue: Tortura e Corrupção em Angola** continue to be 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 book **Diamantes de Sangue: Tortura e Corrupção em Angola**.

The plaintiff hereby gives notice of his intention to appear as a material witness and to make the appropriate applications for civil compensation.

Corroborating Evidence:

Material Witnesses:

1. Linda Moisés da Rosa [personal details redacted], Lunda-Norte province;
2. Alberto dos Santos Sombo [personal details redacted], Lunda-Norte province;
3. Dimukeno Óscar Cabral [personal details redacted], Lunda-Norte province;
4. Djelson Tiago, [personal details redacted], Lunda-Norte province;
5. Ernesto Cassule Waribita, [personal details redacted], Lunda-Norte province;
6. James Almeida Manuel, [personal details redacted], Lunda-Norte province;
7. Jordan Muacabinza [personal details redacted], Lunda-Norte province;
8. Nelito Diauana Cacone, [personal details redacted], Lunda-Norte province;
9. Novais Américo Samulanguica, [personal details redacted], Lunda-Norte province;
10. Romeu Txabua Luzolo [personal details redacted], Lunda-Norte province;

Annex: 1 document, duplicates and copy.

The Plaintiff,

Rafael Marques de Morais

Luanda, November 14, 2011.