



**OFFICE OF THE ATTORNEY GENERAL OF THE REPUBLIC
PALACE OF JUSTICE
LUANDA**

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

Rafael Marques de Morais [Identified party] under the terms of Article 32 of Law no 3/10 (Law of Administrative Probity) hereby submits evidence to the Office of the Attorney General, raising concerns of corruption by the Governor of Kwanza Sul Province, General Eusébio de Brito Teixeira [redacted].

CRIMINAL COMPLAINT

1.

On May 22, 2014, General Eusébio Brito de Teixeira, Governor of Kwanza Sul province, made it known that in the process number 80-KS/2014 he had issued a concession for the surface rights to Ebrite Filhos LTD, represented by General Eusébio de Brito Teixeira (himself) of an area measuring 2 hectares belonging to the state for the construction of a residential condominium (Document 1).

2.

This concession to the surface rights was sealed by a contract signed on 22 May 2014 between General Eusébio Brito Teixeira as Governor and the same General Eusébio Brito Teixeira as representative of Ebrito e Filhos Ltd company.

3.

Ebrite e Filhos company was founded in 1989 by General Eusébio Brito Teixeira and his children. He retains 50% of the company and manages it.



4.

The contract was valued at 400,000 Kwanzas [[US \$4,395 at the time] , to be paid in five annual installments of 80,000 Kwanzas [US \$879] without being adjusted for inflation.

5.

The land is defined as rural but it will be used for urbanization.

6.

On the contract, there is a single signature that features twice -- that of General Eusébio Brito Teixeira as governor and as representative of the company.

7.

Similarly, on May 27, 2014, a concession was certified for the surface rights to land measuring 4 hectares of rural land for the construction of a condominium. (Document 2). Carlos Teixeira represented Ebrite e Filhos; and his father, General Eusébio de Brito Teixeira, acted as the governor in the signing of the contract.

8.

As far as the interested parties are concerned, there are other similar situations; here we have only referred to a few. It is hoped that, based on Article 32 of the Law on Administrative Probity, the Office of the Attorney General will investigate:

i) That on April 17, 2014 the Ebrite e Filhos company (EBRITE) petitioned the governor Eusébio Brito Teixeira for the legal rights to the coastal land, at Chicucula beach, in Gangula commune in Sumbe municipality. The land,



measuring 92 hectares, was occupied at the time by a large community, which would eventually be displaced.

ii) At the same time, Eusébio de Brito Teixeira requested 48 847 square meters for the construction of a residential condominium. This land is encompassed in the 92 hectares for which legal rights was requested by EBRITE. The paperwork for the land was carried out urgently and the whole process was concluded on April 22, 2014. In this bureaucratic flurry, on May 4, 2014 General Eusébio de Brito Teixeira wrote to himself by referring to "His Excellency, the Governor of Kwanza Sul". In the request, the general wrote that "I want to legalize a piece of land that is 48 847 square meters for the construction of a condominium in the area of Carvalhos [Gangula] in the city of Sumbe. I am respectfully asking your Excellency, Mr Governor, to kindly respond positively to my request." A month after that, on June 6, 2014, the Sumbe municipal administrator, Americo Alves Sardinha, submitted case number 252/06.06.09/2014, with a copy to General Eusébio de Brito Teixeira -- or rather to the provincial governor. Here we had a positive reaction from local stakeholders to the proposal that General Eusébio de Brito Teixeira himself had made. The land in question is along National Highway 100 and next to the future university campus; it is linked to the housing project for the urban development node.

9.

The abovementioned evidence shows that the Governor of Kwanza Sul, General Eusébio de Brito Teixeira, has not behaved legally and properly.



10.

The function of the provincial Governor is that of a public servant as he is in charge of the local administration (article 8, 1 and 3 of Law no 2/07 of 3 January). In these terms, he is covered by the law about civil servants and public probity (article 15, no 2)

11.

Having established that the provincial Governor is a public servant, it is important that he has to obey the law scrupulously as stated in the constitution. That is, he must abide by the Law.

12.

In the current case, there are two laws that are applicable to the way Eusébio de Brito Teixeira has acted. There is Law number 16-A/95 of 15 December, which states the correct conduct in carrying out administrative functions within the law of public probity.

13.

It is stated that the Governor cannot intervene in administrative or in contractual procedures in which he has personal interests or as a representative for some other person. (Article 19 of DL no 16-A/95 of 15 December). This also applies when his direct relatives have interests.

14.

The law on Administrative Probity prevents a Governor from requesting state property and giving it to himself. See Article 28, 1, (a), which forbids the "intervention, preparation and closing of contracts" in which they have an interest or that might favor a spouse, the children or other direct relatives (idem, b).



Furthermore, the Law on Administrative Probity considers the possession of public property (in this case land) and turning it into the governor's private property as act of illicit enrichment (Article 25).

15.

In this case, we have a governor who attributes insignificant value to rural land that belongs to the state to turn it into urban construction sites.

16.

There are here three serious acts carried out by Eusébio de Brito Teixeira;

- i) Giving out land unlawfully – since he was not allowed by law to do so;
- ii) Giving a reduced value to these lands obviously below their commercial value because we are dealing with land about to become urbanized;
- iii) Re-designating rural land as urban land.

All the evidence, backed with documents, will demonstrate criminal intent and evasion which is punishable by Article 33 of the Law on Administrative Probity, and of abuse of power that is punishable by article 39 of the Law on Administrative Probity.

Hence, this is the same evidence brought forward to the attention of the Attorney General's Office for criminal proceedings.

Attached are the documents that have been referred to.

Luanda, January 18, 2016.