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Legal concern

11 May 1994

**ANGOLA: Lourenço Adão Agostinho, human rights worker, journalist & Lawyer
William Tonet, human rights worker, journalist**

Amnesty International is concerned by reports that Lourenço Adão Agostinho and William Tonet, recently arrested on criminal charges, are in fact being persecuted because of their human rights work. Lourenço Agostinho, Secretary General of the *Associação dos Direitos Humanos de Angola* (ADHA), Angolan Human Rights Association, was arrested on 5 May 1994 on charges of embezzlement. William Tonet, President of ADHA, arrested between 28 and 30 April 1994 on charges of rape, was released on bail on 9 May.

In 1990 Lourenço Agostinho was charged with embezzlement of a sum of money (equivalent to about US\$ 100) and "abuse of confidence" in connection with a business transaction in the late 1980s, for which the penalty could be eight to 12 years' imprisonment. He was detained on this charge in July 1990 and released the following November on grounds of ill-health. He was never tried. The case lay dormant until a warrant for Lourenço Agostinho's arrest was issued on 6 February 1994 and published in a Luanda newspaper. A few weeks earlier, in January 1994, the ADHA had published a report criticizing conditions in prisons in Luanda and it appeared that this may have been the real reason for the revival of the case. Despite the arrest warrant, no attempt was made to arrest Lourenço Agostinho. However, on 18 February 1994, he was prevented from leaving the country to attend a seminar of non-governmental human rights organizations in Guinea-Bissau. He was reported to be in the airport departure lounge, having completed exit formalities, when police forbade him to embark. A trial date was set for 22 April 1994, but Lourenço Agostinho was unable to make adequate preparation for his defence because the dossier containing documents relevant to the case was not available for consultation. When he arrived at the court, the *6º Juiz Criminal*, on 22 April, he was told that the trial had been postponed until 24 May, but no reasons for the postponement were given.

According to reports, Lourenço Agostinho was arrested at about 8 a.m. on 5 May as he was walking from his home to his car. At least six plain-clothes police stopped him at gun-point and took him to the *Direcção Nacional de Investigação Criminal*, National Directorate of Criminal Investigation. They accused him of giving an interview to foreign journalists and complaining that he was being harassed. He spent the night in the police station and was transferred to a prison at Viana on the outskirts of Luanda. Lourenço Agostinho and his defence counsel have reportedly not yet been able to consult the dossier containing the case documents.

William Tonet is reported to have been arrested between 28 and 30 April. Police announced on 30 April that he was being held on charges of raping a 16-year-old girl. He is reported to have told a radio journalist at about the time of his arrest that he knew the girl but that the charges of rape were "a series of lies". William Tonet was released on bail 9 May: the deputy director of the criminal investigation department reportedly admitted that his arrest had not conformed to correct legal procedures.

RECOMMENDED ACTION: Please send telegrams/telexes and airmail letters either in Portuguese, English or in your own language:

- expressing concern that Lourenço Adão Agostinho and William Tonet have been

subjected to what appears to be abuse of power motivated by an objection to their human rights work;

- requesting clarification of the legal grounds for Lourenço Agostinho's arrest when it was clear by his attendance at court on 22 April that he was not likely to try to avoid being tried;

- expressing concern about the reported manner of his arrest at gun-point by plain-clothes police who did not identify themselves;

- expressing concern that Lourenço Adão Agostinho has not been afforded adequate opportunity to prepare his defence as access to the prosecution case has been limited;

- urging that both Lourenço Adão Agostinho and William Tonet be given a full opportunity to prepare their defence;

- urging that they be tried promptly and in full accord with Article 14 of the International Covenant on Civil and Political Rights to which Angola became a party in 1992.

APPEALS TO

President:

Sua Excelência José Eduardo dos Santos
 Presidente da República
 Futungo de Belas
 Luanda
 República de Angola

Telegrams: Presidente da Republica, Luanda, Angola

Telex: 3072 Lugol an / 3345 gab pres an.

Salutation: Your Excellency

Minister of Foreign Affairs

Sua Excelência Venâncio da Silva Moura
 Palácio do Comércio
 Ministro das Relações Exteriores
 Avenida Comandante Gika
 Luanda
 República de Angola

Telegrams: Ministro Moura, Ministerio Relacoes Exteriores, Luanda, Angola

Telex: 3127 / 3128 mirex an

Salutation: Your Excellency

Minister of Justice

Sua Excelência Paulo Chipilica
 Ministro da Justiça
 Ministério da Justiça
 Luanda
 República de Angola

Telegrams: Ministro Chipilica, Ministerio da Justica, Luanda, Angola

Salutation: Your Excellency

Procurator General

Exmo Sr. Dr. Antero Guedosa Abreu
 Procurador Geral da República
 Procuradoria Geral da República
 Luanda
 República de Angola

Telegrams: Procurator Geral da Republica, Luanda, Angola

Salutation: Dear Sir/Dear Procurator General

COPIES OF YOUR APPEALS TO:

Exmo Sr. Rui Ferreira
Secretário dos Assuntos Jurídicos
Gabinete da Presidência da República
Futungo de Belas
Luanda
República de Angola

and to diplomatic representatives of Angola accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 22 June 1994.