

AMNESTY INTERNATIONAL PUBLIC STATEMENT

AI Index: AFR 12/008/2008
22 September 2008

Angola: Unfair Trial of Fernando Lelo

Amnesty International today called for the immediate and unconditional release of former Voice of America correspondent Jose Fernando Lelo, who was sentenced to 12 years imprisonment on 19 September.

The organization believes he was convicted solely for the non-violent expression of his opinions, including criticism of the Angolan government.

Amnesty International said that Fernando Lelo's trial did not meet international standards for fair trials and that the charges appear to be politically motivated.

During his time as a correspondent for VOA radio, Fernando Lelo wrote articles critical of the Memorandum of Understanding for Peace and Reconciliation in Cabinda and the peace process. Amnesty International believes that Fernando Lelo is a prisoner of conscience arrested and imprisoned solely because of the lawful expression of his beliefs and his criticism of the government.

Fernando Lelo was arrested on 15 November 2007 by members of the Angolan Armed Forces (FAA- *Forças Armadas de Angola*) at his place of work in Malongo, outside Cabinda city, on suspicion of planning a rebellion. He was flown to Luanda where he was held for three months without charge in the military wing of the São Paulo Prison. His arrest followed accusations that he had met with six soldiers in the neighbourhood of Buco Zau on 12 July 2007 and provided them with money and materials for a rebellion. These six soldiers were also arrested and charged with attempted armed rebellion and military crimes. On 28 November 2007 Fernando Lelo was taken for questioning before the military judicial police, where the six soldiers were to testify against him. However, they stated that they did not know him. Despite this statement by the soldiers, Fernando Lelo remained in detention without charge or trial for more than the 90 days permitted by Angolan law for preventive detention, making his detention not only a violation of international human rights law and standards but also of Angolan national law.

In February 2008 the case was transferred to a military court in Cabinda for adjudication, despite the fact that Fernando Lelo was never a member of the military and should therefore not have been tried by a military court under Angolan law and international human rights law.

In March 2008 he was formally charged with crimes against the state security and instigating a rebellion in Cabinda. The trial started on 5 May 2008 and ended on 11 June 2008. However, it was not until 16 September 2008 that the court found him guilty and sentenced him to 12 years imprisonment. The six soldiers were also tried in the same trial. Five were found guilty of attempted armed rebellion and military crimes, whilst the sixth soldier was acquitted. The five soldiers were sentenced to 13 years imprisonment. Apparently the court was unable to prove that Fernando Lelo had met with the soldiers on 12 July 2007 in Buco Zau. Prior to the trial, the soldiers said that they had been tortured and forced to say that they knew Fernando Lelo and that he had provided them with material for a rebellion.

Amnesty International considers that the trial of Fernando Lelo and the six soldiers constituted an unfair trial as it did not meet international human rights standards. Being a civilian, Fernando Lelo was arbitrarily arrested contrary to Angolan law by military officials. He was held

without charge for more than three months, in violation of international human rights treaties to which Angola is party. Furthermore, he was tried by a military court that had no competence to try him and was convicted on the basis of information that was allegedly obtained through the torture of the soldiers. Amnesty International is further concerned that the six soldiers were allegedly tortured and that they did not receive a fair trial.

BACKGROUND INFORMATION

Until January 2007, Fernando Lelo was the VOA correspondent working in the Angolan province of Cabinda.

Cabinda is a sliver of land between the Democratic Republic of Congo and the Republic of Congo. The region is internationally recognized as part of Angola and produces a substantial part of the country's oil exports. However, an armed conflict for secession led by the Front for the Liberation of the Enclave of Cabinda (*Frente para a Libertação de Enclave de Cabinda*, FLEC) has been underway in the territory since Angola's independence in 1975. In 2004, FLEC, the Church, and civil society organisations set up the Cabinda Forum for Dialogue (FCD) to enter into dialogue with the government for peace in Cabinda.

On 1 August 2006 the government and the FCD signed a Memorandum of Understanding for Peace and Reconciliation in Cabinda. This memorandum was rejected by FLEC and other members of civil society, who claim it was signed by a former FCD president who had been expelled from the organisation in April 2006 and did not represent their views.

Whilst a correspondent for VOA, Fernando Lelo wrote a number of articles critical of the peace process and the memorandum.