

Case of Rafael Marques de Morais¹

CASE ANALYSIS

Case Summary and Outcome

Journalist Rafael Marques de Morais published a book about human rights violations committed in Angola's diamond fields. Several generals implicated in the book filed a complaint against Marques de Morais for criminal defamation and libel. The Angolan court sentenced him to six months in prison, suspended for two years on the condition that he commits no crime.

Global FoE could not identify official legal and government records on the case and information on the case was derived from secondary sources. Global FoE notes that media outlets may not provide complete information about this case. Additional information regarding legal matters will be updated as an official source becomes available.

Facts

Rafael Marques de Morais is an Angolan investigative journalist and human rights advocate who wrote the book *Blood Diamonds: Corruption and Torture in Angola*. The book described the human rights abuses and violations committed by security guards and soldiers in the diamond fields of the Lundas region. The book also “argued that seven generals who co-own a private security company involved in many of the abuses were criminally responsible.” [1] Consequently, Marques de Morais filed a criminal complaint against nine Angolan generals for crimes against humanity. The Attorney General quickly dismissed the complaint.

Eight of the nine generals filed complaints in Portugal, where the book was published, against Marques de Morais, alleging criminal defamation. The lawsuit was dismissed in Portugal for lack of evidence. Subsequently, the generals filed a second complaint in Angola. Marques de Morais was then charged under article 245 of the Angolan Penal Code “with eight counts of ‘slandorous denunciation.’” [2] He was later charged with an additional fifteen charges of criminal defamation under the Angolan Penal Code.

Marques de Morais and the generals who filed the criminal complaint reached a settlement in which Marques de Morais would not republish the book and would make a statement before the court. In turn, the generals agreed that they would dismiss the criminal complaint. Marques de Morais complied with the settlement and stated before the court

¹Adapted from Columbia University 'Global Freedom of Expression'

<https://globalfreedomofexpression.columbia.edu/cases/case-of-rafael-marques-de-morais/>

that “[h]e never intended to offend the generals but was simply reporting on the suffering of the Lundas people, whose evidence has not been challenged.” [3] Nevertheless, the prosecutors determined that his statement “was an admission of guilt and called for him to receive a suspended sentence.” [4]

[1] David Smith, *Angolan Journalist Given Suspended Jail Term Over Blood Diamonds Book*, The Guardian, (May 28, 2015), <http://www.theguardian.com/world/2015/may/28/angolan-suspended-jail-blood-diamonds-rafael-marques-de-morais>.

[2] *Angola: Rights Activist Faces Outrages Trials*, Human Rights Watch, (June 17, 2015), <https://www.hrw.org/news/2015/06/18/angola-rights-activists-face-outrageous-trials>.

[3] David Smith, *Angolan Journalist Given Suspended Jail Term Over Blood Diamonds Book*, The Guardian, (May 28, 2015), <http://www.theguardian.com/world/2015/may/28/angolan-suspended-jail-blood-diamonds-rafael-marques-de-morais>.

[4] Vicky Baker, *Angolan Journalist Rafael Marques de Morais receives Six-Month Suspended Sentence*, Index on Censorship, (May 28, 2015), <https://www.indexoncensorship.org/2015/05/angolan-journalist-rafael-marques-de-morais-receives-six-month-suspended-sentence/>.

Decision Overview

The Angolan court convicted Marques de Morais for malicious prosecution. Even though he and the generals had reached a settlement, the state prosecutors decided to continue with the criminal charges and submitted his statement in evidence as a confession. The state’s prosecution also requested that the court issue a suspended, one-month sentence to Marques de Morais.

The court decided to deliver instead a six-month suspended sentence. The conviction was for the crime of malicious prosecution because he had “intentionally submitted false evidence.” [1] The judge also determined that Marques de Morais’s filing of a criminal complaint against the generals “was criminal libel.” [2] The six-month sentence is suspended for two years, in which if Marques de Morais “engages in any behaviour the state deems as criminal, the sentence will be implemented.” [3] Marques de Morais has appealed this sentence.

[1] Vicky Baker, *Angolan Journalist Rafael Marques de Morais receives Six-Month Suspended Sentence*, Index on Censorship, (May 28, 2015), <https://www.indexoncensorship.org/2015/05/angolan-journalist-rafael-marques-de-morais-receives-six-month-suspended-sentence/>.

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[2] Kerry A. Dolan, *Journalist Rafael Marques Given Two Year Suspended Sentence in Angolan Defamation Trial*, Forbes, (May 28, 2015),

<http://www.forbes.com/sites/kerryadolan/2015/05/28/journalist-rafael-marques-given-two-year-suspended-sentence-in-angolan-defamation-trial/>.

[3] Vicky Baker, *Angolan Journalist Rafael Marques de Morais receives Six-Month suspended sentence*, *Index on Censorship*, (May 28, 2015),

<https://www.indexoncensorship.org/2015/05/angolan-journalist-rafael-marques-de-morais-receives-six-month-suspended-sentence/>.