



Mission Permanente
République de l'Angola
Genève

N.V.N° 206 MP-ANG/SUI/2015

Geneva 11 December 2015

The Permanent Mission of the Republic of Angola to the United Nations Office and other International Organizations in Geneva presents its compliments to the Special Procedures Branch, OHCHR and has the honor to forward the Government Observations to the Joint Appeal, Reference UA/AGO 3/2015 of the United Nations Special Rapporteurs on the matter of the 15+2 accused citizens.

The Permanent Mission of the Republic of Republic of Angola to the United Nations Office and other International Organizations in Geneva avails itself of this opportunity to renew to the Special Procedures Branch, OHCHR the assurance of its highest consideration.

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Republic of Angola

**Reply from Angola to the Joint Appeal, Reference UA/AGO 3/2015
Of the United Nations Special Rapporteurs in the matter of the 15+2 Accused**

December 2015



Republic of Angola

Reply from Angola to the Joint Appeal, Reference UA/AGO 3/2015 Of the United Nations Special Rapporteurs in the matter of the 15+2 accused

As part of strengthening the existing cooperation between the Republic of Angola and the United Nations Human Rights mechanisms, in particular with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the rights to freedom of peaceful assembly and of association, and the Special Rapporteur on the situation of human rights defenders, the Government of the Republic of Angola takes this opportunity to respond to the questions raised in Note Verbale Ref. No. UA AGO 3/2015, dated 23 October 2015, namely:

Regarding the alleged arbitrary detention of 15 citizens, including the health condition of Mr Henrique Luaty da Silva Beirão, who was on a hunger strike more than one month ago, and the accusations against Mrs Rosa Kusso Conde and Mrs Laurinda Manual Gouveia, the Government of the Republic of Angola would like to inform as follows;

1. The 15+2 citizens are under custody of judicial authorities for crimes of rebellion and crimes of preparatory acts to practice rebellion, in accordance with the Articles 21 and 28 of Law 23/10 of 3 December on the Act of Crimes Against State Security. The authorities acted taking into account the evidence of the seriousness of the facts, so that the Office of the Public Prosecutor issued a search and seizure warrant. **Pre-trial fact-finding Proceeding No. 718/15-10** was opened.
2. The forth mentioned citizens enjoy full exercise of their rights while detained, namely: the right to food, the right to health care, as well as the right to receive visits from family, friends, and members of civil society and parliamentarian.
3. It is important to recall that the Government of the Republic of Angola has held meetings with the Diplomatic Corps and civil society, with the national press in attendance, to shed light on the matter.
4. In accordance with the current law on criminal process in the Republic of Angola, the time frame established for pre-trial detention were observed under current

legislation, which provides for an initial period of 90 days for the preparatory fact-finding phase. In this context, the Office of the Public Prosecutor referred the matter to the Provincial Court of Luanda in 86 days, and the trial is in progress.

5. Regarding the hunger strike of several persons in the 15+2 group, and in particular Mr Luaty da Silva Beirão during the pre-trial detention period, the Government of the Republic of Angola has received a number of national and international outcry requesting the intervention of the President of the Republic of Angola in the judicial process.
6. The Government of the Republic of Angola would like to stress that, based on the Constitution of the Republic of Angola, and in compliance with the principle of separation of powers, the President of the Republic of Angola does not have the authority to interfere with or issue opinions about any proceeding pending in a court, whether it is in the pre-trial fact-finding phase or while the parties are being given the opportunity to confront one another. Judges, magistrates of the Office of the Public Prosecutor and the attorneys of the parties have exclusive authority for these prerogatives.
7. To conclude the Government of the Republic of Angola is of the view that there was nothing arbitrary about the detention of the 15+2 citizens, and all proceedings were conducted in accordance with internationally accepted legal instruments established by the principal regional and international human rights conventions.

PERMANENT MISSION OF THE REPUBLIC OF ANGOLA, Geneva, 1 December 2015.