

AFRICA RISK CONSULTING

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The Tribunal Supremo (Supreme Court) upholds the 2020 convictions of José Filomeno dos Santos 'Zenu', (sentenced to five years in prison), his close associate, Jorge Gaudens Pontes Sebastião, former Banco Nacional de Angola (BNA) (central bank) governor Valter Filipe and BNA official António Samala Bule Manuel, on charges of fraud, embezzlement and influence trafficking, despite dissent on the part of four judges concerning the evidence of former president Jose Eduardo dos Santos (1979-2017). The defendants have appealed. The United States (US) government places Isabel dos Santos and Generals Leopoldino Fragoso do Nascimento "Dino" and Manuel Helder Vieira Dias Junior "Kopelipa" under sanctions for their roles in major corruption in Angola including the misappropriation of state assets, the expropriation of private assets for personal gain, corruption related to government contracts and their links to sanctioned Chinese businessman Sam Pa. The US State Department has placed Isabel dos Santos under visa restrictions that prevent her from entering the US. Angola has seized almost \$13 billion in assets, of which around half have been seized in Angola and half from foreign jurisdictions, including \$2 billion from Portugal. Angola's two major political parties hold their party congresses in early December to elect the leaders who will take them into the August 2022 elections and govern Angola for five years thereafter. The elections, related constitutional and legal changes, and electioneering will dominate Angola's public debates and political life for the first half of 2022. The Assemblia Nacional (parliament) approves Angola's 2022 Orçamento Geral do Estado (general state budget) of 18.7 billion kwanzas (\$33.5m), with 50% dedicated to debt repayment. Angola has introduced quarantine for all passengers from countries with the Omicron variant of Covid-19. Vaccination rates are lower than planned, with 3.3 million having received two doses, representing 21.32% coverage, and 7 million people their first dose, representing a higher 44.76% coverage of the target population. Angola is unlikely to reach its target of 60% vaccinated by end December. Angola has received about 2.4 million doses of vaccine in the last four weeks.

Jose Filomeno dos Santos loses his appeal

Angola's **Tribunal Supremo** (supreme court) has upheld the 2020 convictions of **José Filomeno dos Santos 'Zenu'** (sentenced to five years in prison), close associate of Zenu, **Jorge Gaudens Pontes Sebastião** (five years in prison), former **Banco Nacional de Angola (BNA)** (central bank) governor **Valter Filipe** (eight years) and BNA official **António Samala Bule Manuel** (five years), on charges of the crimes of fraud, embezzlement and influence trafficking. The defendants were also sentenced to pay jointly and severally to the Angolan State the sums of \$8.5m for losses resulting from their actions, £2m (\$2.65m) in legal costs in the **United Kingdom (UK)**, and five million kwanzas (\$8,500) for moral damages.¹ At issue was the irregular transfer of \$500m from the BNA to the account of a private foreign company based in **London (UK)**, with the alleged aim of constituting a strategic investment fund to finance structuring projects in Angola.²

The full plenary session of eight judges and the chair decided to maintain the convictions on 29 October, despite dissent by four judges.³ The dissenting judges' principal argument was that the Court did not reconsider the evidence provided by former president **Jose Eduardo dos Santos** (1979-

¹ Maka Angola, 29 Nov 2021

² Lusa, 26 Nov 2021

³ Valor Economico, 26 Nov 2021

2017).⁴ The long delay in hearing the appeal was due to requirements to amend the laws on the organising and functioning of the Tribunal Supremo and the **Tribunais de Apelação** (courts of appeal).⁵ Angolan human rights lawyer **Rui Verde** insists the changes did not go far enough:

*“The Angolan judiciary is having manifest difficulties in dealing with major cases of corruption, and should have been prepared for them in time. In fact, Angola already had the example of **Portugal**, where the judiciary and courts have been unable to deal with major cases of corruption in a timely manner.”⁶*

Dos Santos, who is currently in Angola, responded to a letter from the court, at the request of the defence of Valter Filipe, in which dos Santos confirmed that he had authorised the operation that led to the signing of the contracts and the consequent transfer of \$500m.⁷ The court decided to disregard the document as it was not new evidence. However, dissenting judges believed the ex-president should have been called to give his evidence.⁸ **Norberto Capeça**, one of the four dissenting judges, said:

“We are facing the omission of a formality that may have influenced the decision, which, in my view, represents a sufficient omission for this Full and Appeal Court to rule out the decision.”⁹

Verde presented opinions that the Angola judiciary and the legal system needs considerable reform to be able to deal well with complex corruption cases:¹⁰

*“We have always argued that the fight against corruption launched by President **João Lourenço** [2017-present] should have been launched simultaneously with a reform of the system or the reorganisation of the judiciary....It is our belief that it is essential to create our own judicial structure and specific legislation to deal with cases of major corruption, mega-processes in which there are too many interests involved, and in which constant self-surveillance and unassailable judicial dexterity are required.”¹¹*

The defendants announced on 29 November that they would apply for an extraordinary appeal against the judgement on the grounds of unconstitutionality, in the **Tribunal Constitucional** (constitutional court). This new appeal suspends the decision of the plenary of the Supreme Court, leaving the defendants free for the time being.¹²

US imposes sanctions on key figures of dos Santos regime...

The **United States (US)** government placed Isabel dos Santos and Generals **Leopoldino Fragoso do Nascimento “Dino”** and **Manuel Helder Vieira Dias Junior “Kopelipa”** under restrictions on 9 December for their roles in corruption in Angola.¹³ The **US State Department** has placed Isabel dos Santos under visa restrictions that prevent her from entering the US, for “*her involvement in significant corruption by misappropriating public funds for her personal benefit*”. Dos Santos is not subject to financial sanctions.¹⁴

The sanctions on Dino and Kopelipa were imposed by the US **Office of Foreign Assets Control (OFAC)**. The order sanctioning their assets gave two reasons: their corrupt actions in Angola and their links to by **Sino-British** businessman **Sam Pa**, who was placed under US sanctions in April 2014 for his role in facilitating public corruption in **Zimbabwe** through illicit diamond deals, and providing

⁴ Valor Economico, 26 Nov 2021

⁵ Lusa, 17 Nov 2021

⁶ Maka Angola, 29 Nov 2021

⁷ Valor Economico, 26 Nov 2021

⁸ Valor Economico, 26 Nov 2021

⁹ Valor Economico, 26 Nov 2021

¹⁰ Maka Angola, 29 Nov 2021

¹¹ Maka Angola, 29 Nov 2021

¹² Lusa, 26 Nov 2021

¹³ <https://home.treasury.gov/news/press-releases/jy0523>

¹⁴ Financial Times, 9 Dec 2021

financial and logistical support to the government of Zimbabwe and Specially Designated Nationals (SDNs):¹⁵

“Leopoldino Fragoso do Nascimento and Manuel Helder Vieira Dias Junior are former government officials that stole billions of dollars from the Angolan government through embezzlement. Nascimento and Dias Junior colluded with other Angolan individuals and Treasury-designated Sam Pa to misappropriate funding intended for infrastructure development projects, including the use of phantom projects.”¹⁶

The list of alleged financial crimes includes the misappropriation of state assets, the expropriation of private assets for personal gain, corruption related to government contracts or the extraction of natural resources, or bribery. Four Angolan entities owned or controlled by Dino were also sanctioned; **Cochan S.A.**, **Geni SARL**, and **Geni Novas Tecnologias S.A.**, and an Angolan business owned by Dino’s wife, **Baia Consulting Limited**, were also included on the OFAC list.¹⁷ **Marshall Islands**-registered **Cochan Holdings LLC** was also sanctioned.

Angola’s attorney general has been investigating the activities of China-based group **China International Fund (CIF)**, previously led by Pa, which had a close relationship with Angola’s state-owned oil company **SONANGOL** (see *ARC Briefing Angola May 2021*).¹⁸ In October 2020, General Kopelipa, minister of state and head of the **Military Affairs Office** under José Eduardo dos Santos, and General Dino, surrendered properties acknowledged to be bought by CIF with public funds. As representatives of **China International Fund Angola, Lda (CIF)** and **Cochan S.A.**, they surrendered a vast portfolio of companies, commercial undertakings and residences to the attorney general’s asset recovery department in October 2020.¹⁹

Angola recovers close to \$13 billion in stolen assets.

Serviço Nacional de Recuperação de Ativos (SENRO) (national asset recovery service) director **Eduarda Rodrigues** says Angola has seized \$12.9 billion in assets taken from the public purse, of which around half have been seized abroad.²⁰ Dr Rodrigues said in a statement that Angola had recovered about half the amount in Angola and the other half from foreign jurisdictions, including \$2 billion from Portugal:

“Almost seven billion (\$6.8 billion) is related to the impounding and/or seizure of movable and immovable assets in Angola, bought with public funds or with proceeds of crime, including factories, supermarkets, buildings, residential properties, hotels, stakes in financial institutions and in several profitable companies. Outside the country, the Angolan state seized \$6.2 billion, in bank accounts and elsewhere, of which a third (just over \$2 billion) was in Portugal.”²¹

Illicit capital flows abroad are a well-known feature of corruption and Angola is no exception. SENRA has recovered assets from **Switzerland** (\$1.9 billion), followed by the **Netherlands**, **Luxembourg**, **Cyprus**, **Bermuda**, **Singapore**, **Monaco** and the UK valued at less than \$1 billion.²²

Cash assets recovered amounted to \$2.7 billion, of which only \$359m was handed over voluntarily. However, some assets have been returned without court cases. Rodrigues said that so far \$5.3 billion in cash and goods had been voluntarily handed over.²³

Justice and human rights minister **Francisco Queiroz**, at the 9th session of the Conference of States Parties to the **United Nations** Convention against Corruption in **Sharm-El Sheikh (Egypt)** on 13

¹⁵ <https://home.treasury.gov/news/press-releases/jy0523>

¹⁶ <https://home.treasury.gov/news/press-releases/jy0523>

¹⁷ <https://home.treasury.gov/news/press-releases/jy0523>

¹⁸ Expresso, 8 Apr 2021

¹⁹ Angop, 15 Oct 2020

²⁰ Lusa, 10 Dec 2021

²¹ Lusa, 10 Dec 2021

²² Lusa, 10 Dec 2021

²³ Lusa, 10 Dec 2021

December, appealed for the return of goods and money resulting from acts of corruption committed in Angola.²⁴ Queiroz launched *"a strong appeal"* for compliance with existing international legal instruments on cooperation, in matters of repatriation of capital and goods that are illicitly transferred to other countries:

*"This capital and these goods belong to the countries of origin. In our case, this money and these goods belong to Angola and the Angolans. They must serve the country's development programmes, fight poverty and improve the living conditions of Angolans."*²⁵

Despite the assets recovered thus far, it seems that illicit Angolan assets abroad are not in all cases being returned to Angola. Those countries who have handed back the assets include major financial centres, so it is not clear why other countries have not followed suit. The US listing of Isabel dos Santos and sanctions against Dino and Kopelipa are effectively a statement of support for the government of Angola's anti-corruption and asset recovery policies, which are already in effect, with assets recovered voluntarily from Dino and Kopelipa and assets recovered through court cases against Isabel dos Santos.

2022 elections and budget dominate political landscape.

Angola's two major political parties held their party congresses in early December, to elect the leaders who will take them into the August 2022 elections and govern Angola for five years thereafter and begin to set out their election strategies. The elections, related constitutional and legal changes, and electioneering will dominate Angola's public debates and political life for the first half of next year.

The currently governing party, the **Movimento Popular de Libertação de Angola (MPLA)**, held its Eighth Ordinary Congress from 8–12 December.²⁶ João Lourenço, the only candidate, was re-elected as president of the party.²⁷ The party's new Central Committee re-elected **Luísa Damião** and **Paulo Pombolo** as the MPLA's vice-president and secretary general respectively.²⁸ The congress was also intended to change the party's programme and statutes, but little information has been made public as yet and major changes are not expected.²⁹

Lourenço gave indicators of his direction in a speech to the virtual "Summit for Democracy" convened by US President **Joseph Biden** (2021-present), which took place on 7-8 December. Lourenço described Angolan democracy as *"recent in construction"* and *"consolidating and expanding over the past five years"*.³⁰ Missing from his speech was any mention of the delayed local elections and regional autonomy.

The principal opposition party, **União Nacional para a Independência Total de Angola (UNITA)**, held its 13th Ordinary Congress from 2-4 December in **Luanda**. The purpose was to elect the new president of UNITA after the annulment of the 2019 congress by the constitutional court, following complaints of irregularities from UNITA militants (see *ARC Briefing Angola October 2021*).³¹ **Adalberto Costa Júnior**, whose presidency the constitutional court had annulled, was the sole candidate and was elected unopposed. All the documents relating to Costa Júnior's election have been sent to the constitutional court so it can verify that his election is now in line with constitutional law.³² Costa Júnior is also the leader of the opposition party coalition, **Frente Patriótica Unida (FPU)**,³³ a coalition of three opposition political parties with the declared aim of removing the ruling MPLA from

²⁴ Lusa, 13 Dec 2021

²⁵ Lusa, 13 Dec 2021

²⁶ Angop, 8 Dec 2021

²⁷ Angop, 10 Dec 2021

²⁸ Angop, 11 Dec 2021

²⁹ Angop, 9 Dec 2021

³⁰ Angop, 9 Dec 2021

³¹ Deutsche Welle, 14 Dec 2021

³² Deutsche Welle, 26 Nov 2021

³³ Lusa, 16 Jul 2021

power in the 2022 general elections.³⁴ The same militant group who complained to the constitutional court had alleged before the congress that the decision to schedule the UNITA congress in December was taken in a climate of intimidation. Several of the militants have been suspended from the party.³⁵

Indicators of the electoral battle lines became clearer when the **Assembleia Nacional** (parliament) approved Angola's 2022 **Orçamento Geral do Estado** (general state budget) of 18.7 billion kwanzas (\$33.5m) on 14 December.³⁶ The government forecast gross domestic product (GDP) growth of 2.4%, due to increased oil prices, but 50% of the budget is allocated to debt servicing. This met with widespread criticism from opposition parties, who voted against the budget as a result. They also criticised the budget's social provisions.³⁷ CASA-CE deputy **André Mendes de Carvalho** said:

*"We also disagree that the payment of the debt has priority over combating the situation of public calamity, drought and hunger in the south of the country, with serious consequences for people's lives and for the local economy."*³⁸

The budget is based on a conservative oil price of \$59 per barrel³⁹, although **Organisation of Petroleum Exporting Countries (OPEC)** price rises and production quotas now mean that Angolan oil is fetching closer to \$80 per barrel and will also increase oil production slightly in 2022 (see *ARC Briefing Angola November 2021*).

The outlook for 2022 is about recovery from the economic effects of the pandemic, an improvement in employment and standards of living in Angola, and how well the MPLA can carry through its anti-corruption measures. These are the grounds on which the election will be fought.

Immunity from prosecution for former president dos Santos and former vice president **Manuel Vicente** ends in August 2022. Decisions whether to prosecute or not are likely to be dominant in the second half of the year. Vicente, together with Generals Dino and Kopelipa, has already returned major assets but investigations are continuing into their relationships with the China International Fund, one of the main channels for Chinese loans and one of Angola's more corrupt entities.

There is a prospect that either as a result of corruption investigations or if the opposition wins the elections, parts of Angola's external debt could be declared to be "*odious debt*". Odious debt is defined thus:

*"Sovereign debt incurred without the consent of the people and not benefiting the people is odious and should not be transferable to a successor government, especially if creditors are aware of these facts in advance."*⁴⁰

There are no indicators as to whether Jose Eduardo dos Santos will be prosecuted once his immunity ends, but his son Zenu awaits the outcome of another appeal, and the case against him could fail on legalities. Isabel dos Santos' assets in Angola remain frozen and the cases against her also need to be resolved; either to proceed or to close.

One important political issue that remains is the delayed local elections, which should transfer power and budgets to the provinces from Luanda. The failure to implement this in 2021 is likely to be a major issue in the 2022 elections.

Covid-19 update

The newly emerged **Omicron** variant of **Covid-19** led to new travel restrictions on and into Angola. The Angolan authorities initially announced the suspension of flights to **South Africa, Namibia,**

³⁴ Novo Jornal, 5 Oct 2021

³⁵ Deutsche Welle, 26 Nov 2021

³⁶ Deutsche Welle, 14 Dec 2021

³⁷ Deutsche Welle, 14 Dec 2021

³⁸ Deutsche Welle, 14 Dec 2021

³⁹ Macau News, 16 Dec 2021

⁴⁰ Finance and Development June 2002

Botswana, Lesotho, Zimbabwe, Eswatini and Tanzania due to the emergence of Omicron.⁴¹ However, these new measures were lifted after two weeks, on 14 December, when Angolan health authorities found that the new variant has been found in about 40 countries. Instead, arrivals from a country with Omicron will have to quarantine at home. Scheduled flights to and from **India** will resume from 1 January.⁴² Speaking at a press conference on preventive measures against Covid-19, minister of state and head of the **Casa Segurança** (security office of the presidency) **Francisco Furtado** said the **State of Public Calamity** measures are extended and will stay in force until 5 January, with measures unchanged since last month, except for the new international travel regulations.

The **UK Health Security Agency (UKHSA)** placed Angola on the travel red list, together with other **Southern African** countries, although the **European Union** has not included Angola in its flight ban. British and **Irish** citizens, and third country nationals with residence rights in the UK, are allowed to enter the UK but must follow rules for people arriving from red-listed countries.⁴³

Angola has recorded 263 new cases since the beginning of December, with a total of 65,431 recorded cases of COVID-19 in its population of roughly 34 million, and 1,737 deaths attributed to Covid-19 since the **World Health Organization (WHO)** declared the pandemic on 11 March 2020.⁴⁴

The Omicron variant does not appear to be spreading very fast in Angola at present, but relatively low levels of vaccine take-up may make the country vulnerable.⁴⁵ Secretary of state for public health **Franco Mufinda** stressed the need for about seven million citizens to go to vaccination posts to take their second dose of a Covid vaccine in December.⁴⁶ Despite Angola's plan to have 60% of the country's eligible population vaccinated against Covid-19 by the end of this month, by 7 December the country had only 10 million people vaccinated. Of those, 3.3 million had received two doses, representing 21.32% coverage and 7 million had received their first dose, representing a higher 44.76% coverage of the target population.⁴⁷

There is a fairly steady supply of Covid vaccine. Angola received 297,100 doses of the **Moderna** vaccine in the first weeks of December. The **German** government donated 274,800 doses and the **Spanish** government donated 22,300 doses. The **Russian** government sent a further 100,000 doses of the previously purchased **Sputnik** vaccine.⁴⁸ During November, Angola received a batch of 1.1 million doses of **AstraZeneca** vaccine in a donation from **France**,⁴⁹ and a batch of 750,000 doses of **Pfizer** vaccine, donated by the US.⁵⁰

⁴¹ Angop 28 Nov 2021

⁴² Deutsche Welle 14 Dec 2021

⁴³ Gov.uk Foreign travel advice/Angola accessed 14 Dec 2021

⁴⁴ JHU CCSE Covid-9 data, accessed 15 Dec 2021

⁴⁵ Angop 28 Nov 2021

⁴⁶ Angop 7 Dec 2021

⁴⁷ Angop 7 Dec 2021

⁴⁸ Angop 7 Dec 2021

⁴⁹ Angop, 17 Nov 2021

⁵⁰ Angop, 16 Nov 2021

Planner

2019-2022 **(Angola) Programa de Privatizações (PROPRIV)** (privatisation programme) to manage government divestment of 195 companies;

2020-2025 **(Angola) World Bank** to provide funding to increase economic diversification for a five-year period;

2022 **London (United Kingdom)** Hearing of **UNITEL SA v Unitel International Holdings (UIH)** takes place at **London Court of Arbitration**, to resolve issues of UIH alleged debt of \$400m to **UNITEL**;

2022-3 **(Angola)** First local and municipal elections are in the planning stages, but implementation is delayed by **Covid-19** and an election date will be set, probably for 2022;

2022 **(Angola) Luanda/Soyo/Cabinda** ferry for passengers and cargo begins operations;

May 2022 **Talatona, Luanda (Angola) Huawei Technology Park** to be completed

Dec 2022 **Luanda (Angola)** becomes chair of the **Organisation of African, Caribbean and Pacific States (OACPS)**

2022 **(Angola)** National elections;

2022 **(Angola)** Angola to host 10th **African, Caribbean and Pacific Group** summit;

2022 **(Angola)** End date for **Banco Poupança e Crédito's** recovery plan;

2022 **Luanda (Angola) Novo Aeroporto Internacional de Luanda (NAIL)** (new international airport) expected to open;

2023 **(Angola) Luaxe** mine (**Lunda Sul**) expected to produce 5.7 million carats of diamonds;

2025 **(Angola)** Three major refineries at **Lobito** with capacity to refine 200,000 barrels/day, **Soyo** (100,000 barrels/day) and **Cabinda** (60,000 barrels/day), are expected to give Angola crude oil refining capacity of 360,000 barrel per day this year, meeting domestic needs and ending fuel imports;

2027 **(Angola)** State-owned oil company **Sonangol's** Strategic Exploration and Production Plan 2020-2027 gives Sonangol 10% of national production by this date, producing 120,000 barrels per day.

Chronology

- 14 Dec 2021 **Luanda (Angola)** *Club K*. President **João Lourenço**'s office renews the contract with **United States**-based public relations company **Squire Patton Boggs** to 17 June 2022, for a fee of \$3.75m;
- 14 Dec 2021 **Luanda (Angola)** *Deutsche Welle*. Angolan NGO **SOS Habitat** coordinator **André Augusto** claims dozens of demonstrators in Cabinda have been arrested in recent days, alleging that a protester from the opposition UNITA party was killed in **Benguela** and a protest stopped in Luanda;
- 10 Dec 2021 **Luanda (Angola)** *Angop*. **India**'s ambassador to Angola, **Pratibha Parkar**, announces expansion of Indian cooperation and investment in Angola in the areas of agriculture, new technologies, diamonds, telecommunications, traditional medicine and pharmaceutical products;
- 7 Dec 2021 **Luanda (Angola)** *Angop*. Secretary of state for oil and gas **José Barroso** represents Angola at the 23rd World Petroleum Congress in **Houston (Texas, United States)**;
- 2 Dec 2021 **Ondjiva (Angola)** *Angop* Energy and water minister **João Baptista Borges** conducts public consultations on major structural projects to combat drought in the south of Angola, including the construction of a dam on the **Caculuar River** and the construction of water supply systems;
- 1 Dec 2021 **Luanda (Angola)** *Angop*. The Angolan government and the **World Bank** sign a financing agreement of \$250m to support Angola's efforts to empower teenage girls and boys and combat learning poverty;
- 25 Nov 2021 **Luanda (Angola)** *Angop*. Economy and planning ministry, with support of the **United Nations System in Angola, Luanda**, begins developing strategic planning models applicable to the implementation of Sustainable Development Goals (SDGs) model, to be developed within six months;
- 25 Nov 2021 **Saurimo (Angola)** *Angop*. Angola's two-day International Diamond Conference begins at Angola's diamond hub in Saurimo (**Lunda Sul**) to attract more private investment from both buyers and mining companies;
- 27 Nov 2021 Luanda (Angola)** *Deutsche Welle*. **Portugal**'s President **Marcelo Rebelo de Sousa** makes a two-day visit to Angola to attend the Luanda Biennial 2021 - Pan-African Forum for the Culture of Peace;
- 24 Nov 2021 **Luanda (Angola)** *Angop*. The government ratifies the **Acordo de Mobilidade entre os Estados Membros da Comunidade dos Países de Língua Portuguesa (CPLP)**, the agreement on freedom of movement among the member states of the CPLP, which once fully ratified allows all nationals of member states to apply for a visa and CPLP residence permit in any member state;
- 23 Nov 2021 **Etunda (Namibia)** *New Era*. Almost 4,000 Angolans fleeing unemployment, drought and hunger have been camping at **Etunda** since March 2021 and are facing deteriorating conditions;
- 23 Nov 2021 **Luanda (Angola)** *Angop*. President **João Lourenço** dismisses **Júlio Bessa** as governor of **Quando Cubango** province and appoints **José Martins** as new governor;
- 21 Nov 2021 **New York (United States)** *Angop*. Angola is re-elected member of the Consultative Committee on Administrative and Budgetary Matters of the **United Nations General Assembly**, for the 2022-2024 triennium;
- 21 Nov 2021 **Moçâmedes (Angola)** *Angop*. Transport minister **Ricardo de Abreu** announces that construction works on the Integrated Project for the Development of **Namibe Bay** will begin in January, including the construction of a wharf, the rehabilitation the operating areas of **Sacomar Mining Port**, and the construction of a container terminal;

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