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The Trial

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THE TRIAL

Rafael Marques

March 9, 2000. My trial begins today, and the signs are not auspicious. The courtroom is dank, dirty, and dimly lit, more like a tool shed than a hall of justice. A surprisingly modest setting for a case that seems to have pushed the entire Angolan government—my government—over the edge. I have insulted the honor and dignity of our esteemed president, José Eduardo dos Santos, with an article in a small independent newspaper. Now the editor and I, along with another journalist, are on trial for “defamation, libel, and slander.”

Joaquim Cangato, the presiding judge, is not a tall man. He can barely see over his brown table. A small bench is provided for defendants, but there is hardly enough room for one, let alone three of us, so we spend the whole morning on our feet. The court stenographer is a thin old man who types with two fingers. His eyesight seems to be worse than his typing: he stoops over the keys of his ancient typewriter, his chin nearly resting on his hands. An old law book serves as

a cushion for his uncomfortable chair. His slow, methodical banging supplies an ominous soundtrack for the proceedings.

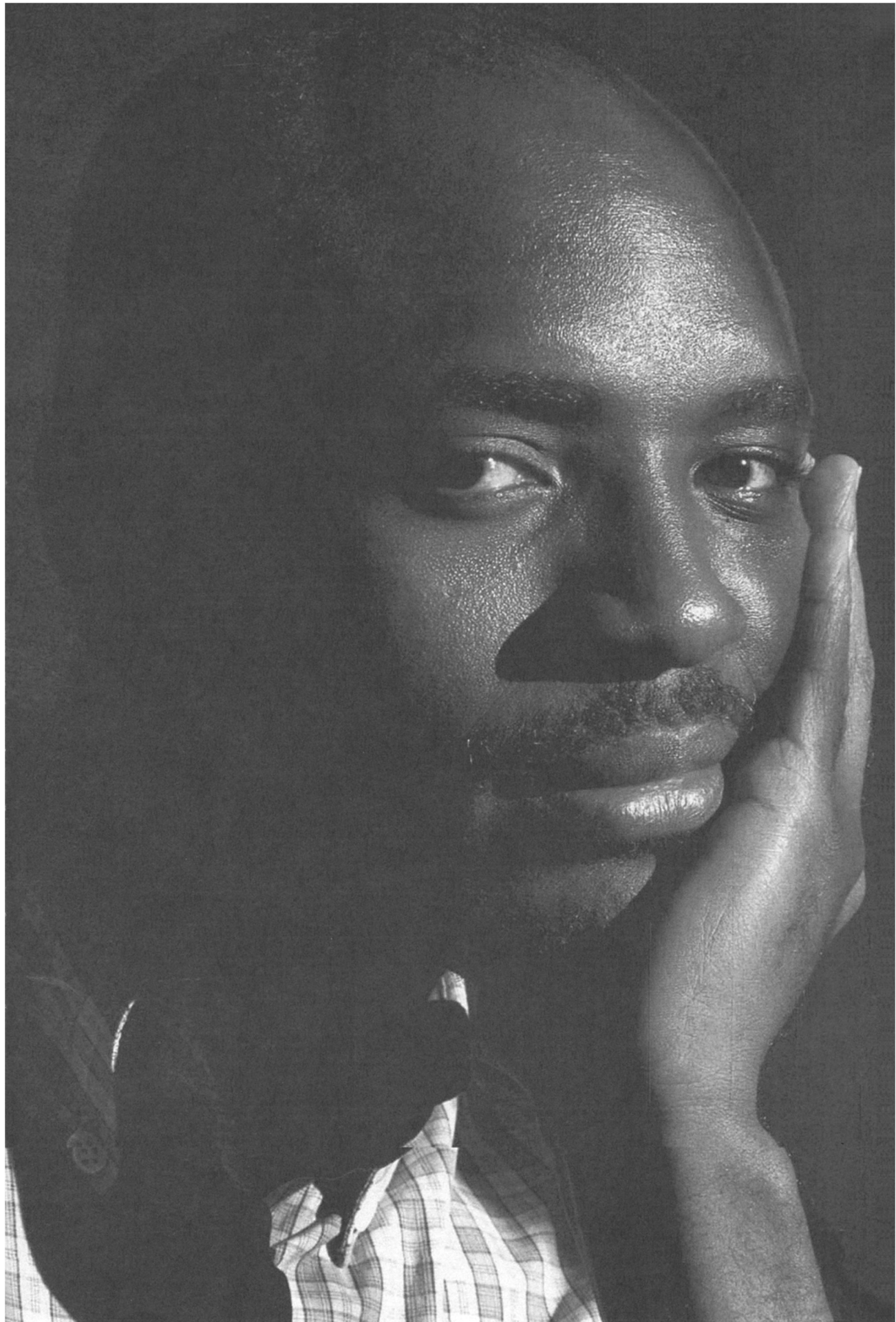
Writers are always getting arrested in Angola, but our case has gained international attention, and the courtroom is packed with supporters, crammed together on rickety benches. Catholic priests, opposition party leaders, and fellow journalists have come to bear witness. At first there is a kind of camaraderie, but as the day wears on, the crowd becomes irritable. The typist’s hearing is almost as bad as his eyesight. Nothing seems to happen. No one knew a defamation trial could be so fantastically boring.

. . .

Like every child in Angola, I learned to sing the national anthem:

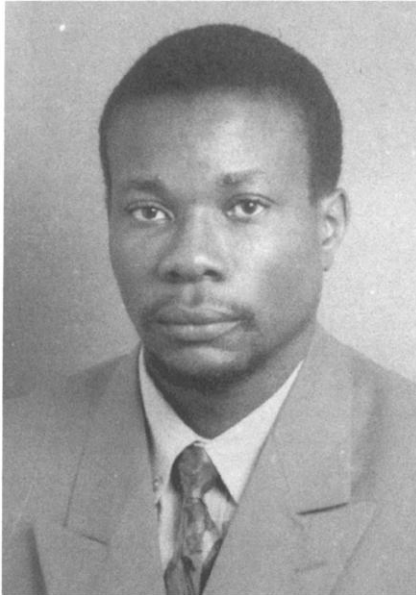
*We shall march, Angolan fighters,
In solidarity with oppressed peoples.
We shall fight proudly for Peace
Along with the progressive forces of the world.*

Rafael Marques
Ami Vitale



William Tonet,
Folha 8 newspaper.
Interrogated by the
Criminal
Investigation
Department, April
6, 2000. Barred
from leaving
the country,
September 10,
2000. Arrested
and imprisoned,
October 2–4, 2000

Courtesy of Rafael Marques



Josefa Lamberg,
Voice of America.
Assaulted by
an army corporal,
April 28, 2000

Courtesy of Rafael Marques



On special occasions, like Independence Day, schoolchildren marched in a solemn procession, holding wooden guns. Our first-grade reading book had drawings of tanks, peasant women helping soldiers,

military parades. Slogans and acronyms: MPLA, good; UNITA, bad. One song, in particular, haunted me:

*I am going to die in Angola
With weapons of war in my hands
A grenade will be in my casket
I'll be buried away, on patrol*

The history of Angola is a history of war. There have been four “official” wars on Angolan soil since the early 1960s, but you might say the War of Independence, which started with the first uprisings against Portugal in 1961, never really ended. Our fathers struggled against the Portuguese and we struggle against UNITA. Jonas Savimbi, the squat guerrilla leader who runs UNITA, was like the Devil—that’s what we were taught in the Angola of my youth, though religion itself was frowned upon.

Savimbi certainly acted the part. From the beginning—from the moment the Portuguese announced their intention to leave—Savimbi invited South Africa’s apartheid government to assist him. Although UNITA lost the first round of the civil war, the notorious South African Defense Forces fought alongside Savimbi’s army for the next two decades, helping the rebels gain control of much of the countryside. Meanwhile, Cuban troops helped the MPLA hold on to Luanda and the oil-producing regions on the coast. In the 1980s, Ronald Reagan made Savimbi an anticommunist cause célèbre, supporting UNITA—and UNITA’s patron in Zaire, Mobutu Sese Seko. (Naturally, any friend of Mobutu’s was an Enemy of the People.)

Today South Africa is run by Thabo Mbeki, a former guerrilla who once

lived in exile in Angola's capital, Luanda. The pale corpse of the Soviet Union stopped festering long ago. But Angola is still very much at war. We sing, we march, we watch our sons and brothers die in the interminable struggle against UNITA.

For my generation, it has become clear that Angola's troubles are not simply "imperialist machinations" from abroad. President dos Santos has cynically exploited the civil war to maintain his grip on power, enriching himself and his cronies even as he leads the country into chaos. But the time-honored rituals of Angolan politics are beginning to lose their luster. Although Savimbi has much to answer for, he is more of a bogeyman than a beast today. Still, dos Santos is the most ingenious of Africa's innumerable dictators. Under his patient tutelage, Angola has endured Marxism-Leninism, Mobutism, Papa-Docism, and jungle capitalism.

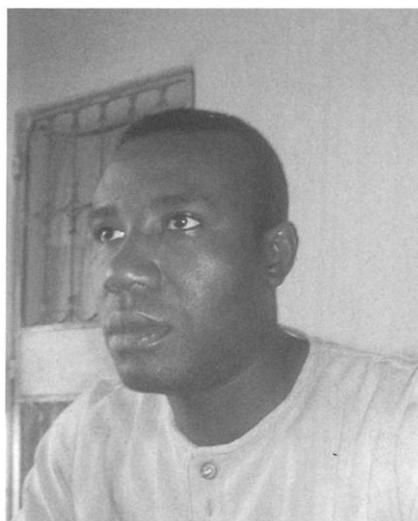
. . .

In recent years, as the political situation in Angola deteriorated, I was inspired to write a series of articles in the Angolan press. Some of them documented corruption at the highest levels of government. Some of them attacked the most recent round of military conscription, which pressed poor, often illiterate children into yet another series of battles with UNITA. In all of my essays, I insisted on the moral equivalence of UNITA and the MPLA and on the necessity of a people's solution to the Angolan civil war: a national dialogue without acronyms, without dos Santos or Savimbi. A movement for peace from below.

I was not the first to suggest that Angola had to work past the impasse of binary politics; indeed, the nation's Catholic bishops had observed that "in a civil war it is always two armies fighting against the people of their own nation." But my articles helped to galvanize a movement for peace. Two weeks after I published an essay entitled "The Dic-

The court stenographer is a thin old man who types with two fingers. His eyesight seems to be worse than his typing: he stoops over the keys of his ancient typewriter, his chin nearly resting on his hands.

tator's Lipstick," 150 well-known Angolans signed a petition demanding an end to the war. We were making an impression: MPLA members of parliament began to denounce the peace movement as "opportunistic" for insisting that a lasting peace could not be won on the battlefield, even as government forces continued to pound UNITA positions.



Paulo Jullão, Rádlo Ecclésia. Arrested by plainclothes police officers, August 9-10, 2000

Courtesy of Rafael Marques

On October 16, 1999, a group of journalists, academics, and lawyers were to meet and discuss initiatives for peace. Although I was one of the organizers, I wasn't able to attend. At dawn on the morning of October 16, a cadre of uniformed Rapid Intervention Police and plainclothes police officers stormed my

I am charged with calling the president a dictator. So I submit a series of questions to the court. Does the president recall having assumed the "dictatorship of the proletariat" when he became president of the "People's Republic of Angola" in 1979?

residence in Luanda. They pointed a dozen AK-47s at my head and hauled me out of my house.

I was blindfolded and taken to some kind of warehouse, where I was questioned by a team of security agents in rapid succession. One would order me to lie down. Two minutes later, another would insist that I stand. Then sit. Then talk. Lie down. Stand. This continued for hours.

**Laurinda Tavares,
Rádio Ecclésia.
Arrested by
plainclothes
police officers,
August 9–10, 2000**

*Courtesy of Rafael
Marques*



Later that afternoon, I was moved to the National Bureau of Criminal Investigation. I was questioned again, officially now, by representatives of the Department of Selective Crimes. The room was filthy; there was a toilet filled with feces and urine. One particularly insistent questioner asked whether I wanted to become a martyr to Angolan democracy.

In Angola, I'm known for my outspokenness. But I decided not to speak: I refused to discuss the charges against me until I was formally charged in a court of law. The police tried to goad me into speaking, but my instincts told me to keep quiet. Silence made them nervous.

I spent forty days in jail, watching and waiting. I kept silent for half a year, until the government caved in to international pressure and gave me a trial.

• • •

On the first day of the trial, I provide a written version of my defense.

I am charged with calling dos Santos a dictator. So I submit a series of written questions to the court. Does the president recall having assumed the "dictatorship of the proletariat" when he became president of the "People's Republic of Angola" in 1979? Does he remember declaring the country a "democratic dictatorship"?

I am charged with calling him incompetent. I quote from one of the president's own speeches, delivered in 1996. "The application of economic programs," he had said, "which inevitably led to a permanent inflation and the continuing reduction of the real value of salaries, leads to the almost total abandonment of state social duties and the destruction of civil administration." Who applied the economic programs in

question? The government of José Eduardo dos Santos. Was it somehow unfair, then, to hold him accountable for the admitted incompetence of his own government?

I am charged with calling him corrupt. But the government's own report on corruption, which I append to my statement, cites the civil war as only the ninth most important cause of the destruction of the country. Nepotism, corruption, and mismanagement all rank higher.

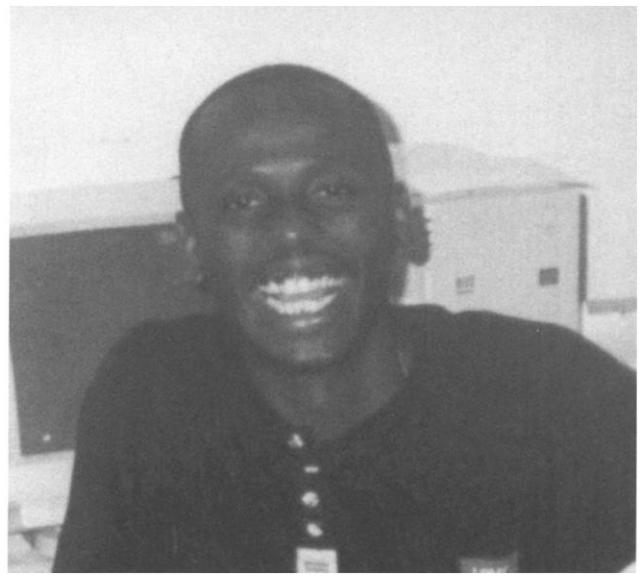
The trial is adjourned at lunchtime.

...

March 21, 2000. A few minutes into the second day of the proceedings, the judge orders the public to leave the courtroom. (The judge is, we have discovered, a former state security officer.) The trial is to be held in camera. The spectators complain loudly as they are marched out of the room; someone shouts that this is a sign that Portuguese fascism has been restored in Angola.

Without an audience, there is little point in protesting. So I maintain my silence as the president's lawyer, the public prosecutor, the judge, and two assistant judges fire questions at me. Judge Cangato constantly interrupts my lawyer, Luís Nascimento. Apparently, this will keep my lawyer's words out of the public record: the stenographer laboriously transcribes only the loudest voice.

Infuriated, Nascimento threatens to leave the courtroom; it is impossible to defend me in these circumstances, and he has no desire to legitimate a corrupt process. Judge Cangato is unmoved. "If you leave the courtroom," the judge smiles, "I will suspend you for six months." Nascimento storms out.



...

March 11, 2000. On the third day, the court appoints a new lawyer to defend me. It's an exciting day for both of us. It turns out my new lawyer is a court clerk. Every time he is given an opportunity to speak for the record, he cries out, "I am satisfied." Once in a while, out of the blue, he sternly announces, "I demand justice!"

This goes on the entire day. Everyone urges me to speak, but I refuse. At one point, desperate to provoke me, the judge accuses me of plagiarism. "You didn't write that article, did you?" I keep quiet.

That evening, the Angolan Bar Association, which usually avoids overt criticism of the regime, issues a statement condemning Nascimento's suspension and noting the inadequacy of his replacement.

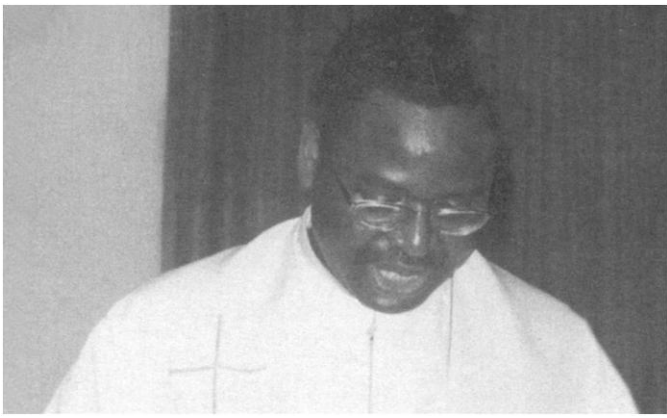
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March 28, 2000. The trial's fourth day begins with testimony by José Leitão, the president's chief of staff. Mr. Leitão's expensive designer suit looks out of place in this makeshift courtroom. He reads from a carefully prepared script, his testimony cued to questions from the judge and the president's counsel.

The next witness is Aldemiro Vaz da Conceição, the presidential spokesman.

**Filipe Joaquim,
Rádio Ecclésia.
Arrested by
plainclothes police
officers, August
9-10, 2000**

*Courtesy of Rafael
Marques*



**Antonio Jaka,
Rádio Ecclésia.
Arrested by
plainclothes police
officers, August
9–10, 2000**

*Courtesy of Rafael
Marques*

He is also a dapper man—in fact, I can’t help but notice that he looks a bit like O. J. Simpson. He tells the court that I have tarnished the president’s honor and dignity and humiliated both him and the regime. He charges that I am intolerant, that I am obsessed with bringing down the president. He accuses me of demoralizing the Angolan Armed Forces, compromising its operations.

On the third day of my trial, the court appoints a new lawyer to defend me. He is a court clerk. Every time he is given an opportunity to speak for the record, he cries out, “I am satisfied.” Once in a while, out of the blue, he announces, “I demand justice!”

As proof of his accusations, Vaz da Conceição mentions my role in drafting the Peace Manifesto. He also introduces a letter I wrote to the president of the Angolan Parliament. I had complained about a certain member of parliament, Mendes de Carvalho, who told his colleagues that if I continued to criticize dos Santos, I would not live to see my fortieth year. (I am twenty-nine today.) “This man has never been a journalist,” Vaz da Conceição insists. “He has usurped this title to gain credibility abroad for his quest to overthrow the regime.”

Despite the oppressive atmosphere, I feel somehow powerful. The judge is perpetually nervous, his hands shaking as

he fumbles through his notes, his lips dry to flaking. The president’s men often appear to be on the defensive, though I am the one on trial. One of the ways I remain calm is through yoga. Throughout the trial, I try out various tantric breathing techniques, though these practices clearly trouble the court.

When Vaz da Conceição runs out of arguments, he makes a bizarre personal attack: I am arrogant, he says, because I refused to settle the matter out of court. Weeks earlier, a lawyer connected to “the hole”—the presidential palace—had offered to defend me. This lawyer assured me that he could get the case dismissed in two weeks and that I would be “perfectly at rest abroad.” I turned down the proposal, not least because I relished the prospect of President dos Santos facing public scrutiny for the first time.

The judge makes a rare intervention, telling O. J. to sit up straight and stick to the facts. Perhaps he sensed that attacking me for refusing a bribe was not the best way to prove the government’s integrity.

. . .

The judge didn’t plan to allow me any witnesses: under Article 46 of the media law, it is illegal for anyone to present evidence against the president. But the public prosecutor warned him that I would complain to the foreign press if I were not allowed any witnesses. So Fernando Macedo, a human rights activist, is called to the bench. He prefaces his remarks by noting that Article 46 is itself unconstitutional. Judge Cangato promptly throws him out.

There are no more witnesses to speak on my behalf.

• • •

Rui Ferreira, the presidential counsel, demands that I receive the harshest possible sentence. Not only have I destabilized the army, he charges, but I am also part of an international conspiracy to overthrow the government.

I struggle to contain my laughter. It seems thoroughly improbable that the dos Santos regime could be so gravely threatened by one hot-tempered young man.

Ferreira waxes philosophical. “The worst sentence the court could apply against this man would be to absolve him. He wants to be convicted so that he can be in the international limelight.” Lest the court mistake his intention, he concludes by calling for my “effective imprisonment” so that “justice may be done.”

The judge stirs once again, noting that I am not actually on trial for treason. “You are exaggerating the content of the accusation,” he warns.

That evening at 10:30, the judge announces that the sentence will be read one week hence.

• • •

March 31, 2000. The power is out in the room where the trial took place, so we are ushered into another room in the building.

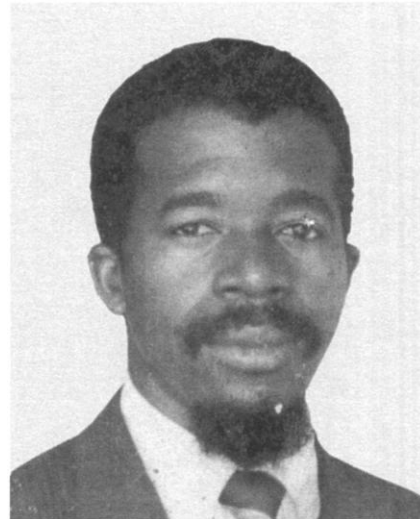
The judge reads the verdict. My editor is found not guilty. Aguiar dos Santos, my fellow journalist, receives two months in prison and a fine of \$7,000 for calling the president “Machiavellian” and a “smooth operator.” I am found guilty: fined \$17,000 and sentenced to six months in prison for defaming the president and the attorney general. The

American and British governments, as well as the Open Society Institute, probably helped to reduce my sentence by lobbying on my behalf.

I resolve to appeal the verdict to the Angolan Supreme Court. So does President dos Santos, who urges the court to deny me bail, labeling me a “socially dangerous person” unfit for freedom.

• • •

In October and November of 1999, during my forty days in jail, I had come to



**Isaias Soares,
Voice of America.
Arrested by
Angolan police,
August 19, 2000**

Courtesy of Rafael Marques



**Gilberto Neto,
Folha 8
newspaper.
Detained and
interrogated by
Angolan police,
September 3 and
September 6, 2000**

Courtesy of Rafael Marques

know Angola's government from the inside out. I saw inmates dying of starvation, beaten by the police. I saw the bodies of dead inmates lying in the yard where prisoners met to talk and play cards. I saw prisoners buried without notice, their relatives unaware they had ever been arrested. I met two fourteen-year-old children who had been held for months without questioning or trial. I watched prisoners forced to labor in the houses and on the farms of high-ranking members of the police. I befriended a twenty-three-year-old man named Tucho who was locked for days in a small cell with three corpses.

As one senior member of the MPLA later admitted, by arresting me, they had

"given the gold to the bandit." If knowledge is power, then dos Santos has made me a dangerous man. Recently during a live debate on Rádio Ecclésia, the Catholic radio station, an MPLA parliamentarian announced to the country that the "MPLA has now two enemies: Jonas Savimbi and Rafael Marques."

It seems I am Public Enemy Number Two.

. . .

October 27, 2000. The Supreme Court of Angola upholds my conviction, though my prison sentence is suspended for five years on the condition that I surrender my passport and agree not to speak about the case. In a fine twist, the text of the court's judgment is unavailable. There is no ceremony, no convocation, nothing. I learn of the court's decision on the radio, like everybody else.

The decision is ingenious. By commuting my jail sentence, dos Santos displays his magnanimity to his Western supporters, who are anxious to avoid the appearance of giving succor to dictatorship. By muzzling me for five years, he gains victory in his struggle to suppress and control the press in Angola. I am effectively under house arrest, on permanent probation.

In dos Santos's Angola, conflict is good: the state needs conflict to justify its increasing oppressiveness. It is the resolution of conflict that poses the direst threat. Perhaps they think that by suspending my sentence they can keep me quiet indefinitely. My trial will go on and on. This is their Angola: war without end, government without limits, trials without conclusions.

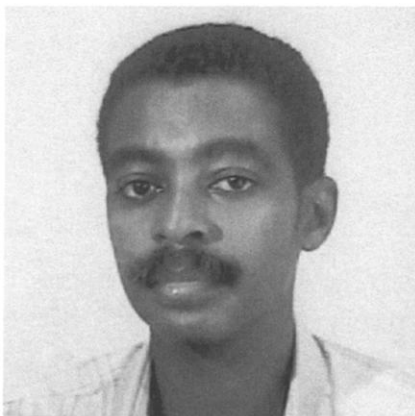
Nothing lasts forever.

Andre Domingos Mussamo, Angolan National Radio and Folha 8 newspaper. Arrested and imprisoned, December 2, 2000



Courtesy of Rafael Marques

Gustavo Costa, Expresso (a Portuguese newsweekly). Arrested, fined, and barred from leaving Angola, December 24, 2000



Courtesy of Rafael Marques

PRESS FREEDOM IN ANGOLA

Yves Sorokobi

After Angola's civil war broke out in 1975—the year of independence—the government established a monopoly over the country's media that would hold for the next fifteen years. Then, in 1991, after a UN-brokered peace deal, President José Eduardo dos Santos legalized independent media. Several news outlets were launched in the months that followed, including Radio Vorgan and a weekly newspaper called *Terra Angolana*. Both of them are owned by the rebel organization UNITA.

Angolan democracy did not survive Angola's first free election, in 1992: after it was defeated at the polls, UNITA resumed the civil war. And yet Angola's private media lived on, despite harassment from both the government and the rebels. Half a dozen reporters have been killed since then, and dozens more have been beaten, illegally detained, or driven into exile. Several news outlets have been shut down for covering the civil war, or for exposing corruption among government officials. "The opposition in Angola is not really doing anything," says Father Antonio Jaca, director of Rádio Ecclésia, Angola's Catholic radio network. "It seems that the opposition is

the journalists. The journalists are a symbol of resistance to the government."

When fighting resumed in late 1998, communications minister Hedrik Vaal Neto outlawed coverage of UNITA, the draft, and all other issues relating to the war. All over Angola, reporters and editors complain that they constantly face accusations of treason. Some provincial governors have barred critical reporters from covering news events or even entering public buildings, and pro-government mobs demonstrate under police protection at the homes of journalists they dislike.

In the summer of 2000, the government liberalized its press laws and invited public comment. Officials claimed the invitation was proof of their commitment to improving press freedom. "Not only are we concerned about foreign criticism, but we're strongly engaged in reducing the reasons for that criticism," Deputy Minister of Communications Manuel Augusto told the Associated Press. But the new laws were a disaster: the bill that invited criticism also made defamation of dos Santos a crime punishable by up to eight years. In today's Angola, every journalist is still a potential criminal.