Southern African Development Community Lawyers Association (SADC LA) Statement on the illegal arrest, torture and harassment of Advocate Eugénio Francisco Marcolino, Benguela, Angola.

The Southern African Lawyers Development Community Association (SADC LA) has learnt with a deep sense of shock and regret of the arrest, torture and detention of Advocate Eugénio Francisco Marcolino by the Police in Benguela, Angola. This happened on the 24th of February 2020. Following such arrest the Advocate was subjected to torture and detention. Furthermore, a criminal process was instituted against him in the Benguela Comarca (Regional Court of the Magistrate’s Court). All this occurred while he was in the process of opposing through legal process, a determination of the Police Commander that Advocate Marcolino believed to be illegal.

The fact that the Police are acting in violation of due process and from a conflicted position is most disheartening. Reports received reveal the use of the full force of Police to block counsel and supporters of the Advocate from accessing the court room on the day of the trial against Eugénio Francisco Marcolino. The same Police force are on record attempting to forcibly remove the Advocate from Hospital where he was receiving critical medical care after torture at the hands of the Police.

SADC-LA renders maximum reservation at the manner in which the Police have used their powers to arrest, deploy court process and physically impede the independent and legitimate practice of law by a fully registered Advocate in defence of the public interest.

The independence of the legal profession is a sacrosanct principle upon which the upholding of the rule of law and defence of the constitution stand. The legal profession is the last bastion of defence against violation of human rights for all other citizen classes. The UN Basic Principles on the Role of Lawyers establish safeguards for lawyers acting in the course of their duties: i The same principles further place an obligation on governments to take measures to ensure that lawyers involved in the complaint or in the investigation of human rights violations are protected against ill-treatment, intimidations or reprisals.”ii

The Association has learnt that this event is one in a series of recent cases of attacks on legal practitioners in the course of executing their constitutional mandate. Such acts have the effect of intimidating lawyers and preventing them from performing to the best of their ability out of fear. This in turn violates the constitutionally guaranteed right to legal representation for all citizens.
The Association stands with the legal profession of Angola in calling for the immediate restoration of and in re-asserting the independence of the legal profession in line with global tenets.

Stanley Nyamanhindi  
CEO SADC Lawyers Association  
For and on behalf of SADC-LA Council and Executive Committee

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1 International Commission of Jurists: International Principles on the Independence and Accountability of Judges, Lawyers and Prosecutors; Practitioners Guide No. 1  
2 See, for example, Declaration on the Protection of All Persons from Enforced Disappearance, article 13; Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, Principle 15; Principles on the Effective Investigation and Documentation of Torture and Other Cruel Inhuman or Degrading Treatment or Punishment, Principle 3