

LAW 7/78 of 26 May
(as translated for the ISS by Isabel Catalano in October 2004)

LAW ON CRIMES AGAINST STATE SECURITY

PART I

CRIMES AGAINST THE EXTERNAL SECURITY OF THE STATE¹

ARTICLE 1 (Crimes against the external security of the State. Treason)

A prison sentence of 16 to 20 years will be imposed on any person:

1. Who tries, by any violent or fraudulent means or with the help of a foreigner, to hand over all or part of Angolan territory to a foreign country or who, by any of these means, threatens or endangers the independence, sovereignty and territorial integrity of the Peoples' Republic of Angola?
2. Who, being an Angolan, takes up arms under the flag of a foreign country against his motherland.
3. Enters into an arrangement with a foreign country or agents of such foreign country for purposes of promoting or causing a war or armed action against the Peoples' Republic of Angola.

§ single - In the case of paragraph 1 of this Article, there being no violent or fraudulent means or foreign help, although there is participation in a collective action aimed at exciting public opinion or isolated or collective actions for purposes of aiding foreign designs, a prison sentence of 2 to 8 years shall be applicable.

ARTICLE 2 (Incitement of measures harmful to the Peoples' Republic of Angola)

All Angolan nationals or foreign citizens living in Angola who perform any action in the knowledge that it may cause a foreign country to take harmful measures against the Peoples' Republic of Angola or the legitimate interests of Angolan

they may be, or who have such an understanding with such country or its agents, will be liable to a 16 to 20 year prison sentence.

ARTICLE 3

(Destruction or damage to military installations, materials of war or of military interest)

Any person who, knowing that he is compromising national security, destroys or damages, even if temporarily, all or part of any military installation or works, ships, aircraft, materials used by the armed forces or means of communication, stockyards, harbour installations, airports, factories or depots, shall be liable to a 12 to 16 year prison sentence in the case of a military installation and materials of war and to a prison sentence of 8 to 12 years in the case of installations or materials that are not military in character but of military interest.

ARTICLE 4 (Espionage)

The following shall be deemed to have committed the crime of espionage and be liable to the sentence set out in paragraph 1 of Article 55 of the Penal Code:

1. Any person who knowingly destroys, falsifies, takes from or gives to an unauthorized person documents, plans, *illegible* carrying out its international policies.
2. Any person who tries to obtain secret information of a military, diplomatic or economic nature, concerning state security or its international policies, knowingly reveals them to others or facilitates their knowledge.

§ 1 - Any person who shelters or provides for the shelter in national territory of any spy, knowing that such person is a spy, shall be liable to the sentence set out in paragraph 3 of Article 55 of the Penal Code.

§ 2 - Any person living in national territory who, directly or indirectly, keeps correspondence forbidden by Law or by the Government with citizens of another country or with any person residing in a foreign country shall be sentenced to a prison term of up to two years.

If the correspondence is of such a nature that it endangers the independence, security, credit or prestige of the State, the sentence applicable shall be that stated in paragraph 5 of Article 55 of the Penal Code, unless the fact constitutes a more serious crime.

Article 5 (Crossing to enemy country)

Any Angolan who, without the permission of the Government, crosses into an enemy country or abandons national territory or voluntarily leaves national territory for such purpose without, however, helping or in any manner trying to help the enemy in a war against his home country, shall be sentenced to a 2 year prison term.

§ single - the attempt to commit such a crime by a transgressor in national territory, is punishable under general laws.

ARTICLE 6 (Provoking war and exposure to reprisals)

Any Angolan or foreigner living in Angola that consciously, by means of actions not authorized by the Government, exposes the country to armed aggression or exposes Angolans to reprisals by a foreign State, shall be sentenced to a prison term of 16 to 20 years.

1. If actions against a foreign State, not authorised by the Government, do not give rise to the danger of an armed aggression or reprisals, but are of such a nature as to upset the international relations of the Peoples' Republic of Angola, the applicable sentences shall be those set out in paragraphs 3 and 4 of Article 55 of the Penal Code.

2. Any Angolan or foreigner residing in Angola who enters into an arrangement with a foreign country or agents of such foreign country to induce the Peoples' Republic of Angola to become involved in an armed confrontation shall be sentenced to a prison sentence of 16 to 20 years.

3. Any Angolan or foreigner residing in Angola who receives who accepts the promise of a gift to facilitate illegal direct or indirect foreign intervention in national politics or to commit any act prejudicial to the safety and good name of the State, will be sentenced to a prison term of up to 2 years, unless another harsher sentence is applicable. A foreigner who corrupts or attempts to corrupt an Angolan citizen shall be liable to the same sentence.

ARTICLE 7 (Usurpation of powers and illegal handing over of persons to Foreign Countries)

1. Any person who illegally exercises in the Country, on behalf of a foreign State or agents of such foreign State, actions that he knows are the domain of the Peoples' Republic of Angola shall be liable to the sentence set out in paragraph 5 of Article 55 of the Penal Code.

citizen or a foreigner, to a foreign State, agents of such foreign State or any public or private entity in such State whilst using, for such purposes, violence or fraud, unless the action constitutes a crime to which must be applied a harsher sentence.

ARTICLE 8 (Making dangerous assertions)

Any person in national territory or any Angolan abroad who publicly makes or reproduces, or by any other means reveals assertions that he knows are false or seriously distorted and that compromise the good name of the Angolan State or its prestige abroad, shall be punished by the sentence set out in paragraph 5 of Article 55 of the Penal Code.

ARTICLE 9 (Provisions applicable to foreigners)

1. Foreigners in the service of the Angolan State who commit the incriminating facts set out in this part, shall be liable to the same punishment as Angolan citizens.

2. Without prejudice to the provisions in international law on diplomatic immunity, foreigners who are not in the service of the Angolan State and commit any incriminating facts set out in this part, shall be liable to a lesser sentence, if such a sentence is less harsh than that set out in paragraph 4 of Article 55 of the Penal Code.

§ single - The foreigners mentioned in the above clause shall, however, be liable to the same sentence as Angolan citizens if they entered or are staying in the country without having followed the legal formalities.

PART II

CRIMES AGAINST THE INTERESTS OF THE STATE IN RELATION TO FOREIGN COUNTRIES

ARTICLE 10 (Diplomatic disloyalty)

The prison sentence established in paragraph 5 of Article 55 of the Penal Code shall be imposed on any person:

1 - who, whilst carrying out official duties concerning any negotiations with foreign entities, abuses his powers, thereby harming or possibly harming the interests of the Angolan State, or makes commitments in the name of the Angolan s

I - who, whilst carrying out official duties concerning any negotiations with foreign entities, knowingly reveals information that compromise the national interests in such negotiations.

3 - who, whilst carrying out official duties concerning any negotiations with a foreign State or International Organisation acts against official orders or directives or who, in respect of certain facts, gives false information or hides details of importance to the Angolan Government with the intention of misleading the Angolan Government.

ARTICLE 11 (Removal or concealment of border signs)

Any person who purposefully removes or in any other manner conceals markings or any other signs indicating the limits of the Angolan territory, shall be sentenced to a prison term of up to two years.

ARTICLE 12 (Offences and other crimes against foreign leaders and diplomats)

Any person who threatens the life, physical integrity, freedom or honour of a foreign Head of State, member of a foreign government, diplomatic representatives accredited to the country, representatives of international organisations or their families in Angolan territory shall be liable to the sentence applicable to such crime augmented in terms of Article 93 of the Penal Code.

ARTICLE 13 (Violation of places protected under the right of extra-territoriality)

Any person who, by violent, deceitful or any other illegal means enters or tries to enter into places that, according to international law are protected by the right of extra-territoriality, shall be liable to the sentence set out in paragraph 5 of Article 55 of the Penal Code, without prejudice to the sentence applicable to the other crimes that may have been committed.

ARTICLE 14 (Insult to a symbol of a foreign State)

Any person who removes or destroys the flag, insignia or any other symbol of a foreign State with which diplomatic relations exist or who commits any other act seen as a mockery or scornful toward such symbols shall be liable to a orison

ARTICLE 15 (Crime of piracy)

Any person who, by violent means, commits the crime of piracy by taking over the command or managing the crew of a ship or aircraft to commit theft or any violent acts against that or any other ship or aircraft, or against any person or goods aboard such ship or aircraft or to endanger the safety of the State or a friendly country shall be sentenced to a prison term of 16 to 20 years.

Any of the following facts shall be deemed to be a crime of piracy:

- a) taking possession of, by deceitful or violent means, a ship or aircraft for the purposes mentioned in this Article.
- b) the illegal acts of violence, deceit, withholding or plundering committed for personal gain by members of the crew in the airspace or territorial space against its own or another ship or aircraft or against the people or goods on board such ship or aircraft;
- c) usurping or taking the command of a national ship or aircraft or of a ship or aircraft chartered by a national company, followed by its navigation against the fundamental rules of traffic freedom and safety or against national interests;
- d) land, sea or air signals that constitute deceitful manoeuvres of sinking, docking, sailing to sea or landing of aircraft or ships, for purposes of endangering such aircraft or ship or against people or goods on board.

PART III CRIMES AGAINST THE INTERNAL SECURITY OF THE STATE

ARTICLE 16 (Attempt on the life of the Head of State)

1. - An attempt on the life, physical integrity or freedom of the Head of State shall be punished with the sentences mentioned in paragraphs 2, 4 and 5, respectively, of Article 55 of the Penal Code.

2 - Should the crime be committed, the sentences mentioned above shall be augmented in terms of Article 93 of the Penal Code.

3 - The sentence for an insult or offence to the honour and consideration *rW tr*,

ARTICLE 17 (Attempt against heads of the supreme organs of State)

1 - The crimes mentioned in paragraph 1 of the Article above, when committed against the President of the National Assembly, members of Parliament, Judges or the Attorney General of the State shall be punished with the same sentences set out in the common penal law and augmented in the general terms of the law.

2 - Insults or offences to the honour and consideration due to the leaders mentioned above shall be punished in terms of Article 181 of the Penal Code and augmented in the general terms of the law, and shall always be deemed to have been committed directly and in the presence of the injured party.

ARTICLE 18 (Insults and offences against leaders)²

Insults or offences against the honour and consideration due to any of the persons mentioned in Article 17 shall be punished by the augmented sentence mentioned in paragraph 5 of Article 55 of the Penal Code.

ARTICLE 19 (Rebellion)

Any person who, by any illegal means commits an act with the aim of, whether directly or indirectly, changing all or part of the Constitution or the established form of Government, shall be sentenced to a prison term of 12 to 16 years.

§ single - Any person who, for the same purposes, impedes or hinders the free exercise of the functions of the organs of State shall be sentenced to a prison term of 8 to 12 years.

ARTICLE 20 (Armed revolt, riot, insurrection)

1 - The crimes mentioned in the Article above, when committed by armed revolt, rioting or insurrection, shall be punished by a prison sentence of 16 to 20 years.

2 - The same sentence shall be applied against any persons who incites the inhabitants of Angolan territory to civil war or to rise against the Head of State or against the free exercise of the functions of the organs of State.

ARTICLE 21 (Sabotage)

services or companies in which the State has a shareholding or interest or any other premises used for supplying and fulfilling the general needs of the people, including the fixed and mobile plant attached to such services, companies or units shall be punishable by a prison term of 12 to 16 years.

§ single - Any other intentional acts of destruction or attempts against the same assets shall be punished by a prison sentence of 2 to 8 years.

ARTICLE 22 (Armaments, prohibited devices and substances)

1. Any person who, without due authorization, manufactures, brings into the country, buys, sells, transfers, transports or is in the possession of flammable, explosive, asphyxiating or toxic materials, substances or devices, chemical or biological agents shall be liable to a prison sentence of 8 to 12 years.

2. Any crime committed by the means mentioned above shall be punished according to the corresponding crime, aggravated in general terms.

ARTICLE 23 (Lock-out and incitement to strike)³

The closure or stoppage of work by the employers or management, without the prior authorization of the competent authorities shall be punished by a two year prison sentence.

§ 1 - The same punishment shall be applicable to any person who incites, promotes or organizes the closure or stoppage of the work by the workers.

§ 1 - Attempts at this crime shall always be punished. Acts in preparation thereof shall be deemed to be attempts to commit such crime.

ARTICLE 24 (Instigation to collective disobedience)

Any person who, with the intention of destroying, changing or subverting the constitutionally established rule of law, publicly incites the collective disobedience of laws of a public order or the non-compliance with duties inherent to the public function, shall be punished with a 2 year prison term.

ARTICLE 25 (Insult of the symbols of State)

Any person who insults or in any other manner shows disdain or contempt towards the flag, insignia or other symbol of the Country shall be sentenced to »

ARTICLE 26 (Other actions)

Any act not set out in the law, but capable of endangering the security of the State shall be punished according to paragraph 5 of Article 55 of the Penal Code.

PART IV GENERAL AND FINAL PROVISIONS

ARTICLE 27 (Instigation, provoking and support for a crime against the safety of the State)

1. Any person who instigates or provokes another to commit any crime against the security of the State shall be sentenced to a 2 year prison term, provided that such instigation or provocation is not followed up.
2. The support for the crimes against the security of the State shall be punished by a prison term of up to 2 years.

ARTICLE 28 (Punishments for preparatory activities)

The preparatory activities for crimes against the safety of the State punishable with a sentence stricter than that mentioned in paragraph 5 of Article 55 of the Penal Code shall be punished by a prison sentence of two to eight years unless a stiffer sentence is applicable.

§ single - If the crime is punishable by the sentence in paragraph 5 of Article 55 of said Code, the preparatory actions shall be punished with a prison sentence of up to two years.

ARTICLE 29 (Conspiracy)

The conspiracy or plotting to commit crimes against the security of the State shall be punishable with the sentence in paragraph 5 of the Penal Code if followed by another preparatory act of execution or by a prison sentence of two years if no preparatory act followed.

§ single - If the conspiracy takes the form of an illegal association or secret organization with a view to inciting or executing any such crimes, the sentence in

ARTICLE 30 (Aggravation of crimes)

1. The sentences set out in the law will be aggravated and the most severe sentence will be applied when the crimes are committed by Angolan citizens who, owing to their duties, can commit the crime with greater ease or have a special obligation not to commit it.
2. When the crimes mentioned in this law are carried out by mere negligence, the applicable sentence shall be a prison term of 2 years.

ARTICLE 31 (Accessory sentences)

The conviction of a crime against the security of the State can be accompanied by the following accessory sentences:

1. Fine to the maximum corresponding to eight years.
2. If the person guilty of the crime is an Angolan national, the temporary suspension of political rights.
3. If the person guilty of the crime is a foreign national, expulsion from national territory if the nature of the crime or personal characteristics of the person reveal that his stay in the country is undesirable.
 - a) in all cases where the sentence implies the deprivation of freedom, that shall also imply the deprivation of political rights for the same period of time.
 - b) the expulsion from national territory shall be effected after the main sentence has been carried out although it may be effected before if the Government so decides.

ARTICLE 32 (Abandonment of execution)

Any person who in any manner participated in a crime against the security of the state but voluntarily informs the authorities thereof before it is committed or in time to prevent its consequences, shall not be prosecuted.

ARTICLE 33 (Alternative to the death sentence)

[REPEALED]⁴

crimes mentioned in this law and punishable by the sentence in paragraph 1 of Article 55 of said Code.

ARTICLE 34 (Repeal of legislation)

Section II of Part II of the Penal Code, as well as all other legislation contradictory to this law shall be repealed.

ARTICLE 35 (Coming into force)

This law shall come into force five days after it is published in the Government Gazette (*Didrio da Republica*).

Reviewed and approved by the Council of the Revolution. For publication.

The President of the Republic, *ANTONIO AGOSTINHO NETO* (*Didrio da Republica* no. 136, Series 1, 1978)

LAW 4/77 of 25 February

Law on the prevention and suppression of the crime of mercenary activities

ARTICLE 1

1. All foreign citizens who, in return for payment or promise of payment of a fee, salary or any other material compensation, individually or together with or attached to armed groups who do not form part of the regular armed forces of the country attempts to overthrow the sovereignty and territorial integrity of the Peoples' Republic of Angola by means of:

- a) Armed activities against the National Army, para-military forces of the civil population;
- b) Acts of sabotage against any economic assets;
- c) Attempts against the life, physical or moral integrity of the members of the organs of the MPLA or the State;
- d) Any other act that threatens peace and security of the people.

2. The crime of mercenary activities is deemed to have occurred upon the establishment of an agreement, enlistment or involvement.

3. The crime of mercenary activities shall be punishable by the death penalty or a prison sentence of 20 to 30 years.¹

4. Together with the crime of mercenary activities, the mercenary shall also be punished for the other crimes committed after entering the country.

ARTICLE 2

The following shall also be deemed to have committed the crime of mercenary activities and shall be liable to the same sentence:

- a) any person who recruits, organizes, funds, equips, trains or in any other manner employs the mercenaries referred to in paragraph 1 of the previous Article;
- b) any person who, in a territory under his jurisdiction or in a place under his control allows the activities mentioned in the above sub-clause to be carried or makes available the facilities for the transit or transport of the mercenaries;
- c) any foreign national in Angolan territory who carries out such activities against another country.

ARTICLE 3

All Angolan citizens who act against the sovereignty or territorial integrity of a foreign country or against the self-determination of a peoples, by carrying out the activities mentioned in the articles above, shall also be guilty of the crime of mercenary activities.

ARTICLE 4

1 - Because mercenaries are not regular combatants, they shall not be entitled to the status of prisoners of war. However, they shall be entitled to a fair trial.

2 - Mercenaries shall, for all purposes, be deemed to be common criminals and shall not be entitled to base their defense for such criminal activities on ideological reasons.

ARTICLE 5

1. - The prosecution of crimes mentioned in this Law shall be led by the Directorate for Information and Security of Angola (D.I.S.A - *Direcçao de Informaçao e Seguranga de Angola*) and the trial shall be heard by the Peoples' Revolutionary Court."

2 - The extradition shall be requested of all persons who may have committed the crimes in this Law but are in foreign territory.

Reviewed and approved by the Council of the Revolution.

Primulgated on 5 March 1977.

For publication.

The President of the Republic, *ANTONIO AGOSTINHO NETO*

(Didrio da Republica no. 136, Series 1,1978)