

UN condemns Carlos Manuel de São Vicente's arbitrary detention by Angola as well as the violation of his fair trial rights

- The UN official report describes Mr São Vicente's detention "*arbitrary*" and calls the Angolan authorities to release him immediately
- All requests for judicial cooperation sent by Angola to foreign countries are therefore illegal and shall not be enforced

Geneva, February 12th, 2024 - The Working Group on Arbitrary Detention, a thematic *Special Procedures* body sitting at the Office of the UN High Commissioner for Human Rights and overseen by the United Nations Human Rights Council, has issued an official Opinion on the conditions under which Carlos de São Vicente was arrested, detained and prosecuted. This authority, composed of independent experts and magistrates, responsible for ensuring respect for fundamental rights, was seized by lawyers François Zimeray and Jessica Finelle in March 2021. **After an in-depth and contradictory analysis, it concluded Mr São Vicente's detention was "arbitrary", as being in contravention of such gravity with the International Covenant on Civil and Political Rights and the Universal Declaration of Human Rights, both ratified by Angola.**

Furthermore, the UN experts call on Angola to release Carlos de São Vicente immediately, to bring his situation into conformity with the relevant international norms, to compensate him and to conduct an impartial investigation into the conditions under which the prosecution was conducted. The Opinion describes, over 16 pages, the conditions of an unjustified lengthy detention, the violation of the right to an independent and impartial tribunal, the violation of the presumption of innocence, the denial of the rights of defense and multiple other violations of International treaties and laws on Human Rights.

In light of these conclusions, lawyers François Zimeray and Jessica Finelle, declare : ***"We welcome a courageous decision that represents a decisive turning point. The Office of the High Commissioner for Human Rights, an independent and respected authority, undeniably establishes an arbitrary detention, a denial of our client's right to impartial justice, and unfair and degrading treatments.***

The consequences of this Opinion on the past, terminated and ongoing proceedings in Angola as well as the proceedings initiated in other countries at the request of the Angolan authorities will be considerable : they are illegal and liable to be declared null and void."

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Excerpts from Opinion 63/2023

§82: “the Working Group considers that the source has demonstrated a violation of article 9 (3) and principles 38 and 39 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment in relation to the imposition of pretrial detention on Mr. São Vicente”.

§91: “The Working Group notes that the source’s complaints are detailed and do **raise concerns about Mr. São Vicente being tried before an impartial and independent tribunal** in this specific instance”.

§95: “On the basis of the information before it, the Working Group considers that **Mr. São Vicente’s right to be presumed innocent was violated** in contravention of article 14 (2)”.

§98: “The Working Group expresses its **very serious concern over the state of Mr. São Vicente’s mental and physical health**. It further expresses its concern over the fact that Mr. São Vicente was placed in detention in the context of the COVID-19 pandemic, without adequate medical facilities and when he was already in delicate health”

§98: “the Working Group considers that **he was placed at a disadvantage vis-à-vis the prosecution**. The source has accordingly established a violation of article 14”.

§101: “Given the complexity of the case and the need for Mr. São Vicente’s defence to properly consult the evidence against him, the Working Group concludes that the source has demonstrated a violation in this respect, which **undermined his right to adequate time and facilities to present his defence** under article 14 (3) (b) of the Covenant.”

§105: “The Working Group requests the Government of Angola to take the steps necessary to **remedy the situation of Mr. São Vicente without delay and bring it into conformity with the relevant international norms**, including those set out in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights”.

§106: “The Working Group considers that, taking into account all the circumstances of the case, **the appropriate remedy would be to release Mr. São Vicente immediately and accord him an enforceable right to compensation** and other reparations, in accordance with international law”.

§107: “The Working Group urges the Government to ensure a **full and independent investigation of the circumstances surrounding the arbitrary deprivation of liberty of Mr. São Vicente** and to take appropriate measures against those responsible for the violation of his rights”.

§108: “The Working Group requests the Government to **disseminate the present opinion through all available means and as widely as possible**”.

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[The full text of the Opinion 63/2023 is available at :](#)

<https://www.ohchr.org/sites/default/files/documents/issues/detention-wg/opinions/session98/a-hrc-wgad-2023-63-angola-aev.pdf>

[About the United Nations Working Group on Arbitrary Detention](#)

Created in 1991 under the leadership of Frenchman Louis Joinet, founder of the Magistrates' Union, this body of the UN High Commissioner for Human Rights is based in Geneva. It brings together independent and renowned experts entrusted with the task of investigating cases of arbitrary detention in violation of international standards. Guardian of the Mandela Rules (universal standards for the treatment of prisoners), this body is now a recognised authority in assessing the arbitrary nature of a detention. As the former High Commissioner for Human Rights Zeid al Hussein noted in 2016, the working group "has adopted historic decisions, which on many occasions have led to the release of the detainee. "Its opinions, issued following impartial and independent investigations, have also helped to raise awareness of the conditions of detention in many countries such as Iran, Bhutan, Qatar, Saudi Arabia and China. The Working Group on Arbitrary Detention is regarded by many observers as "the most important human rights achievement in recent history" (NY Times, 11 March 1991). *"since its establishment in 1991, the United Nations Working Group on Arbitrary Detention has been a candle in the darkness(...). It has issued more than 1,000 legal opinions regarding the detentions of more than 5,000 people"*

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