



**Conference of the States Parties
to the United Nations
Convention against Corruption**

Distr.: General
5 July 2023

Original: English

**Implementation Review Group
Resumed fourteenth session
Vienna, 4–8 September 2023
Agenda item 4
State of implementation of the United Nations
Convention against Corruption**

Executive summary

Note by the Secretariat

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II. Executive summary

Angola

1. Introduction: overview of the legal and institutional framework of Angola in the context of implementation of the United Nations Convention against Corruption

Angola signed the United Nations Convention against Corruption on 10 December 2003 and ratified it on 29 August 2006. The Convention is an integral part of national law (art. 13 of the Constitution).

The legal system of Angola is based on civil law.

The implementation by Angola of chapters III and IV of the Convention was reviewed in the third year of the first review cycle, and the executive summary of that review was issued on 29 March 2017 (CAC/COSP/IRG/I/3/1/Add.31).

The main institutions involved in preventing and combating corruption in Angola are the National Directorate for Preventing and Combating Corruption within the Office of the Prosecutor General, the General Inspectorate of the State Administration (IGAE), the Office of the Prosecutor General, the Anti-Corruption Crimes Bureau and the Financial Intelligence Unit.

The country's legislative framework for corruption prevention and asset recovery includes the Criminal Code (Law 38/20), the Law on Public Probity (Law 3/10), the Organic Statute establishing IGAE (Decree 241/20), the Law on Preventing and Combating Money-Laundering (Law 5/20), the Organic Law establishing the Office of the Prosecutor General (Law 22/12) and the Law on Access to Administrative Documents (Law 11/02).

2. Chapter II: preventive measures

2.1. Observations on the implementation of the articles under review

Preventive anti-corruption policies and practices; preventive anti-corruption body or bodies (arts. 5 and 6)

Angola has adopted two sectoral anti-corruption strategies, namely, the strategic plan for preventing and combating corruption (2018–2022) developed by the Office of the Prosecutor General and its National Directorate for Preventing and Combating Corruption, and the sectoral strategy of the Ministry of Justice and Human Rights (2018–2022). At the time of the country visit, a national strategic plan for preventing and combating corruption was being drafted.

The strategic plan of the Office of the Prosecutor General contains general and specific objectives and actions to be taken by specific departments, mainly within the Office of the Prosecutor General, with defined timelines. According to the authorities, its implementation and effectiveness is evaluated on an annual basis through a report that is presented to the National Assembly but not made available online to the public.

The sectoral strategy of the Ministry of Justice and Human Rights was developed on the basis of risk assessments and is focused on three areas of action: (a) prevention through ethics and awareness-raising sessions; (b) oversight through audits and inspections; and (c) the accountability of offenders as a result of audits and inspections. As part of its overall supervisory mission, IGAE is charged with evaluating the implementation of the sectoral strategy (arts. 3, 6 and 7 of the IGAE Statute). The evaluation reports of IGAE are not made public.

Awareness-raising is conducted through social media, television, radio, newspapers, billboards in public areas and other communication channels.

Angola does not have measures in place to systematically evaluate the adequacy of legal instruments and administrative measures for preventing and fighting corruption.

Angola participates in regional and global anti-corruption initiatives, such as those led by the Southern African Development Community, the International Anti-Corruption Academy, the European Union project to support the consolidation of the rule of law in Portuguese-speaking African countries and Timor-Leste (PACED) and the Eastern and Southern Africa Anti-Money Laundering Group of the Financial Action Task Force.

The country's two main preventive anti-corruption bodies are the National Directorate for Preventing and Combating Corruption and IGAE.

The National Directorate for Preventing and Combating Corruption is a directorate within the Judicial Service of the Office of the Prosecutor General (art. 66, para. 1 (b) of Law 22/12) and is responsible for the development of measures to protect the public interest and prevent corruption, for the investigation of acts of corruption committed by public officials and for cooperation with other departments through the provision of relevant information on corruption-related inquiries (art. 72 of Law 22/12).

The head of the National Directorate for Preventing and Combating Corruption is a Deputy Prosecutor General appointed by the President of the Republic on the proposal of the Superior Council of the Public Prosecution Service (arts. 14 and 71 of Law 22/12; art. 189 of the Constitution). The Directorate is composed of nine magistrates and is endowed with a monthly operating fund, the amount of which is established by the Minister of Finance.

IGAE was established as an auxiliary body functioning under the hierarchical authority of the President of the Republic, with the responsibility of carrying out internal administrative control of the public administration through the inspection, supervision, audit and investigation of all services of the public administration, educating and raising awareness of corruption among public officials, and receiving and examining reports related to the public administration, which, according to the authorities, include reports of corruption (arts. 1, 6 and 7 of Decree 242/20). Pursuant to Decree 242/20, IGAE has administrative, financial and functional autonomy (art. 1, para. 2). The Inspector General of the State Administration, who heads IGAE with the support of two Deputy Inspectors General, has the rank of a minister and is appointed by the President of the Republic (art. 9).

Angola was reminded of its obligation to inform the Secretary-General of the United Nations of the name and address of the prevention authority under article 6, paragraph 3, of the Convention.

Public sector; codes of conduct for public officials; measures relating to the judiciary and prosecution services (arts. 7, 8 and 11)

Career civil servants are recruited through a competitive examination (arts. 20 and 21 of Law 17/90;¹ art. 2 of Decree 102/11), for which an announcement is published in the country's largest newspaper and in the Official Gazette (art. 5 of Decree 102/11). A single recruitment entity for administration staff has been created (Decree 207/20). The results of the recruitment process can be appealed administratively and judicially (art. 27 of Law 17/90). According to the authorities, at the time of the country visit Angola was in the process of amending its legislation with a view to establishing a more efficient and transparent procedure for the recruitment of civil servants and reducing the margin of discretion in the recruitment process.

Decree 4/19 provides an indicative structure of pay scales and public service allowances.

The National School of Administration and Public Policy provides various courses on ethics for high-level public officials, but there is no specialized anti-corruption training.

Angola has not identified public positions considered especially vulnerable to corruption.

¹ According to the authorities, after the country visit, Law 17/90 was replaced by Law 26/22.

Persons who are ineligible to stand for election as Members of Parliament include those who have been sentenced to more than two years of imprisonment (art. 145 of the Constitution). There are no ineligibility criteria for presidential elections. Persons ineligible to stand for municipal elections include those who have been sentenced by a final decision if they have not yet served the sentence (arts. 10 and 11 of Law 3/20). Article 64 of the Criminal Code provides for a three-year prohibition from exercising any public function for public officials who have been sentenced to more than three years of imprisonment for having committed an offence in the exercise of their duties.

Concerning the funding of electoral campaigns, Law 36/11 sets out the different sources of permissible and impermissible private and public funding (art. 80). The financing of campaigns by foreign donors is prohibited (art. 80, para. 2). Foreign contributions to the electoral process must be declared to the National Assembly before being made (art. 85). Anonymous donations are not prohibited, and there are no restrictions on funding. Articles 82 to 84 require the reporting of campaign income and expenses 30 days after the official proclamation of election results. The National Electoral Commission is charged with verifying the income and expense reports (art. 144, para. 1 (w)). Funding matters for political parties are governed by the Political Party Financing Law (Law 3/97). Article 4 of that Law lists the permissible funding sources of political parties. Funding from foreign governments and non-governmental organizations is prohibited (art. 6). Political parties must submit an annual financial report to the President of the National Assembly (art. 7). Failure to account for any donation or expense is not criminalized.

Although Angola has not developed codes of conduct for public officials, Law 3/10 on Public Probity sets out ethical standards of conduct for the performance of public functions. Specific sectors of the public administration, such as public procurement, customs and health services, do not have specific codes of conduct.

Law 3/10 provides for the possibility of reporting acts of improbity to the Office of the Prosecutor General (art. 32). Only police officials have an obligation to report offences of which they are aware (art. 305 of the Criminal Procedure Code). Aside from the reporting channels available to all citizens (see the section on article 13 of the Convention, below), Angola has not taken measures to facilitate the reporting of corruption offences by public officials, and there is no system in place for specific reporting procedures, nor have measures for protection from retaliation been established.

Law 3/10 provides for general conflict of interest rules and the instances in which a public official must abstain from intervening (arts. 17, 19 and 28). Under article 29, a public official is obliged to “immediately communicate” any reason for an impediment. Article 10 of Law 17/90 prohibits incompatible outside activities. Angola has not established a system for declaring conflicts of interest or outside activities.

Article 18 of Law 3/10 prohibits the receipt of gifts, including any property or service that, owing to its nature or value, may affect the impartiality of a public official. That article provides for three exceptions, including gifts on festive occasions, provided that they are appropriate in value and nature to the respective occasion. There is no gift register or other mechanism to guide public officials and promote compliance with the provision.

The public officials listed in article 27, paragraph 1, of Law 3/10 are required to submit, upon appointment and every two years thereafter (article 27, paras. 2 and 5), written declarations of rights, income, securities, shares and any other type of property and values located in Angola and abroad to the Office of the Prosecutor General, but neither the compliance of those public officials with submission obligations nor the content of their submissions is verified. Declarations can be accessed only if authorized by a judicial order (art. 27, paras. 6 and 7).

Concerning disciplinary sanctions, article 26 of Law 17/90 lists the possible disciplinary sanctions for civil servants and article 31 of Law 3/10 lists sanctions and

other consequences for acts of public improbity, as defined in article 23. Articles 32 to 40 provide for criminal sanctions.

The independence of the courts and the judiciary, including the principle of irremovability of judges, is enshrined in articles 175 and 179 of the Constitution.

The selection of judges and members of the prosecution services is conducted on the basis of competitive examinations (arts. 41 and 42 of Law 7/94). The Superior Council of the Judiciary is the body charged with managing, appointing and disciplining judges. It is presided over by the President of the Supreme Court and composed of 18 jurists, each of whom serves a once-renewable five-year term; 3 of them are appointed by the President, 5 by the National Assembly, and 10 are elected by the judiciary (art. 184 of the Constitution).

Law 7/94 provides that judges and prosecutors may not exercise any other public or private duties except for teaching and scientific research of a legal nature, and that they may not serve in proceedings involving their family members or spouses (arts. 26 and 27).

There is no code of conduct for the judiciary or the prosecution services. The judiciary and prosecution services are subject to all of the provisions of the Law on Public Probity, including article 27, on the obligation to submit asset declarations (art. 15, para. 2 (c)).

The Superior Council of the Public Prosecution Service is the body charged with the appointment, placement, transfer, evaluation and promotion of the judges of the Office of the Prosecutor General. The Council is presided over by the Prosecutor General of the Republic and is composed of the Deputy Prosecutors General of the Republic, members elected by prosecutors, members appointed by the President of the Republic, and members elected by the National Assembly (art. 190 of the Constitution).

Chapter IV of Law 15/11 on the Statute of the Superior Council of the Public Prosecution Service sets out the disciplinary mechanisms against members of the prosecution services for violations of duties provided in the Organic Law on the Office of the Prosecutor General.

Public procurement and management of public finances (art. 9)

Public procurement is decentralized and is primarily governed by Law 41/20. The modalities include public tenders, limited competitions by prior qualification, limited invitations to tender, simplified contracting, dynamic electronic procedures and emergency contracting (art. 22 of Law 41/20). The choice of modality is based on the value of the contract, as well as material conditions that allow for the use of simplified contracting or the emergency contracting procedure (arts. 23 and 27–31 of Law 41/20).

Angola uses an electronic public procurement platform to centralize and disseminate information on its public procurement system (art. 12 of Law 41/20).

Invitations to tender, including selection and award criteria, are published along with the conditions of the contract in the Official Gazette and in a newspaper (arts. 67 and 68 (p) of Law 41/20).

Dispute settlement is provided for in chapter IV of Law 41/20, under which a complaint must first be submitted to the contracting authority (art. 17). The appeal is lodged with the evaluation committee, which is composed of members selected by the Public Contracting Unit (art. 8 (e) of Decree 88/18). The lodging of a complaint does not have suspensive effect, but certain actions may be halted until a decision is issued or the deadline for a decision has passed (art. 18 of Law 41/20). An appeal against a decision can be made through judicial recourse (art. 21 of Law 41/20).

Public officials involved in public procurement are required to submit annual declarations of assets and interests, including those of members of their households

(art. 8 of Law 41/20), but no particular screening procedures are in place for the selection of those officials.

Law 15/10 establishes the general norms regarding the preparation and implementation of the State budget. The implementation of the State budget is supervised by the National Assembly and the Court of Auditors (art. 104 of the Constitution; art. 63 of Law 15/10). Budget proposals are developed by the budget units of each department and submitted through the State's integrated financial management system (art. 4 of Decree 73/22). Monthly reports on expenditure are verified by the National Directorate for the State Budget and the Financial Controller within the Ministry of Finance (arts. 9 and 34 of Decree 73/22).

Articles 43 to 65 of Law 15/10 establish public accounting and auditing standards. IGAE carries out its internal control and oversight functions through regular inspections and auditing (art. 7 of the IGAE Statute). However, no risk management system is in place.

The falsification and destruction of documents is criminalized (arts. 250–254 of the Criminal Code). There is no minimum time of preservation for accounting records related to public expenditure and revenue.

Public reporting; participation of society (arts. 10 and 13)

The right to information is enshrined in the Constitution (arts. 40 and 52). In addition, citizens have the right to gain access to administrative archives and records (art. 200).

Law 11/02 implements the principle of access to administrative documents, as defined in article 3 (art. 7), with the exception of documents that have been classified as representing a risk to the internal or external security of the State (art. 5). The public administration must render public all documents listed in article 11 no later than six months after their issuance.

Under Law 11/02, access must be requested in writing (art. 13), and the public administration must respond within 10 days (art. 15). Refusal decisions may be appealed (art. 16). The Monitoring Committee is the body charged with overseeing the overall enforcement of the law (arts. 17–19). However, the law does not provide for specific procedures in relation to enforcement or appeal mechanisms.

Concerning the contribution of the public to decision-making processes, the authorities indicated during the country visit that civil society could be consulted during the legislative drafting process.

An administrative reform aimed at simplifying administrative acts and procedures through the project "Simplify" was put into place by Decree 161/21.

IGAE conducts periodic assessments of the risks of corruption in its public administration, but the resulting reports are not accessible to the public.

IGAE and the National Directorate for Preventing and Combating Corruption have their own websites and ensure that they are known to the public through public information activities and campaigns. However, there is no systematic collaboration with individuals and groups outside the public sector.

The public can report acts of corruption, including anonymously, by telephone and email to IGAE, the Office of the Prosecutor General, the National Public Contracting Service, the General Inspectorate of Finances and the Criminal Investigation Service. IGAE also has an online platform for this purpose.

IGAE has a Directorate for Denunciations, Complaints and Grievances for the purpose of receiving, examining and handling denunciations related to activities of the public administration (art. 7, para. (k), and art. 20 of the IGAE Statute).

Private sector (art. 12)

Although, as explained during the country visit, the Office of the Prosecutor General engages with the private sector through compliance-related meetings, there is no systematized cooperation between law enforcement agencies and relevant private entities.

There are no national corporate governance standards or obligations for internal auditing controls.

The authorities explained that although there was no company register, there was a database containing information on all incorporated companies, and that information on particular companies could be requested against payment.

There are no restrictions on the professional activities of former public officials, except for a one-year “cooling off” period for members of the board of directors of the National Bank of Angola (art. 62, para. 6, of Law 24/21).

The Criminal Code criminalizes the forgery of documents, the counterfeiting of technical records, the destruction or removal of documents and technical records, and any attempt to commit those offences (arts. 250–254). However, there are no provisions explicitly prohibiting the acts contained in article 12, paragraph 3, of the Convention.

The Industrial Tax Code disallows the tax deductibility of unduly documented expenses (art. 17), but deductions of expenses that constitute bribes are not explicitly prohibited in the legislation of Angola.

Measures to prevent money-laundering (art. 14)

The Law on the Prevention and Combating of Money-Laundering, Terrorist Financing and the Proliferation of Weapons of Mass Destruction (Law 5/20), Decree 2/18 and other legislation establish a domestic regulatory and supervisory regime to counter money-laundering. Obligated entities include financial institutions (as defined under art. 7 of Law 14/21 on the General Framework for Financial Institutions) and certain designated non-financial businesses and professions, which do not include notaries (art. 2 of Law 5/20).

Under Law 5/20, obliged entities must do the following: (a) identify and verify the identity of clients prior to establishing any relationship or executing a transaction (art. 12), which includes the verification of beneficial ownership in certain circumstances (art. 11); (b) report to the Financial Intelligence Unit any suspicious transaction or any transaction in cash or electronic transfer made by non-bank account customers of a value equal to or greater than the established threshold (art. 17); (c) keep records of the documents listed in article 16 of Law 5/20 for 10 years; and (d) take appropriate measures to identify and mitigate the money-laundering risks to which they are exposed (art. 9).

From 2017 to 2019, Angola underwent a national risk assessment that was designed to identify, assess and understand the risks of money-laundering and the financing of terrorism. In accordance with article 4 of Law 5/20, a national sectoral risk assessment was conducted in 2021.

The Financial Intelligence Unit (see also the section on art. 58 of the Convention, below) is responsible for, inter alia: (a) receiving, analysing and processing financial intelligence information for the detection of money-laundering and of the financing of terrorism; and (b) cooperating and exchanging information at the national and international levels (art. 61 of Law 5/20; art. 6, para. (j), and arts. 24–26 of Decree 2/18).

Angola has taken measures to detect and monitor the movement of cash across its borders, which does not include the movement of appropriate negotiable instruments

(Notice 01/2016 of the National Bank of Angola).² Regarding the inflow of foreign currency, residents must declare any amount exceeding \$10,000, and non-residents are to declare any value greater than \$5,000 (arts. 5 and 6). Regarding the outflow of foreign currency, residents are only allowed to carry up to \$10,000 and non-residents up to \$5,000 (arts. 7 and 8). As for domestic currency, any person entering or exiting the country may carry no more than 50,000 kwanzas (art. 4).

Wire transfers must include in the message or in the payment form accompanying the transfer the identity, account number and address (or date and place of birth, national identity number or customer identification number) of the originator (art. 30 of Law 5/20). Such requirements may include only the account number or a unique reference number allowing the transaction to be traced back to the originator when: (a) both financial institutions are in Angola; and (b) the originator's financial institution may provide the required information on the originator, when requested, within three days (art. 30, paras. 5 and 6). If the required information is missing or cannot be obtained, ordering financial institutions must refuse to execute the transfer (art. 30, paras. 7 and 12). Intermediary financial institutions are required to establish risk-based policies and procedures to determine when to carry out, refuse or suspend a transfer in respect of which the required information on the originator is missing and to decide on appropriate follow-up actions (art. 30, para. 11).

Angola, by virtue of its membership of the Eastern and Southern Africa Anti-Money Laundering Group, is obliged to implement the relevant Financial Action Task Force standards. The country's anti-money-laundering framework was assessed as part of a mutual evaluation in 2012.

The Financial Intelligence Unit is a member of the Egmont Group of Financial Intelligence Units and, at the time of the country visit, had signed memorandums of understanding for the exchange of information with 30 foreign counterparts.

2.2. Successes and good practices

- The efforts of Angola to introduce an electronic public procurement platform to centralize and disseminate information on its public procurement system.

2.3. Challenges in implementation

It is recommended that Angola:

- Continue efforts to develop, adopt and implement the national strategic plan for preventing and combating corruption and ensure that it is comprehensive and effective, promotes coordination and the participation of society and includes a monitoring and oversight system. Steps should also be taken to ensure transparency in the implementation of the strategic plan and reporting on its impact, as well as raising awareness among all relevant stakeholders (art. 5, para. 1).
- Endeavour to periodically evaluate relevant legal instruments and administrative measures to determine their adequacy to prevent and fight corruption, and render the evaluation reports on administrative measures easily accessible (art. 5, para. 3).
- Ensure that IGAE and the National Directorate for Preventing and Combating Corruption have the necessary independence and sufficient human and financial resources to permit them to fully exercise their functions free from undue influence, and ensure the clarity and complementarity of their functions to avoid duplication and ensure the efficiency and effectiveness of their actions (art. 6, paras. 1 and 2).

² According to the authorities, after the country visit, Notice 01/2016 was replaced by Notice 06/2022 of the National Bank of Angola.

- Ensure the existence of an independent body or bodies with sufficient material resources and specialized staff with the necessary mandate to oversee or coordinate the implementation of the forthcoming national strategic plan for preventing and combating corruption (art. 6, para. 1).
- Endeavour to harmonize the legislation governing the recruitment, promotion and retirement of public officials; to adopt procedures for the selection and training of individuals for public positions considered especially vulnerable to corruption and their rotation; and to develop specialized anti-corruption training for public officials (art. 7, para. 1).
- Consider establishing criteria relating to candidature for and election to all public offices (art. 7, para. 2).
- Consider enhancing transparency in the funding of candidatures for elected public office and the funding of political parties, including by prohibiting anonymous donations, establishing limits for private donations that may result in a conflict of interest and ensuring that an effective monitoring and oversight system for income and expenditure reports of candidates and parties is in place (art. 7, para. 3).
- Consider establishing measures or systems to facilitate the reporting by public officials of acts of corruption (art. 8, para. 4).
- Endeavour to establish systems for the declaration of any outside activity or undertaking, whether paid or unpaid, and gifts or benefits from which a conflict of interest may arise (art. 8, para. 5).
- Ensure the existence of a review system for public procurement procedures and establish screening procedures for the selection of personnel involved in those procedures (art. 9, para. 1).
- Ensure that appropriate risk management and internal control systems are established for the management of public finances (art. 9, para. 2).
- Establish requirements to preserve the integrity of government financial records for a specified period of time (art. 9, para. 3).
- Ensure that the Law on Access to Administrative Documents is operationalized to enable the public to have access to public information, and ensure that effective appeal and enforcement mechanisms are in place (art. 10 (a) and art. 13, para. 1 (b)).
- Consider rendering public the periodic reports on the risks of corruption, including the risk assessments on corruption in the public administration conducted by IGAE and the National Directorate for Preventing and Combating Corruption (art. 10 (c)).
- Adopt specialized codes of conduct for the judiciary and prosecution services (art. 11, para. 1).
- Adopt measures to prevent corruption involving the private sector, including by increasing cooperation between the private sector and law enforcement agencies, and promote the development of standards and procedures to ensure the integrity of private entities, including by requiring private enterprises to have adequate internal auditing controls, taking measures to require beneficial ownership identification and preventing conflicts of interest through the imposition of restrictions on certain former public officials (art. 12, paras. 1 and 2).
- Ensure that all of the acts listed in article 12, paragraph 3, are prohibited.
- Disallow the tax deductibility of expenses that constitute bribes and other corruption-related expenses (art. 12, para. 4).

- Strengthen the active participation of individuals and groups outside the public sector in efforts to prevent and combat corruption, and promote the contribution of the public to decision-making processes (art. 13, paras. 1 and 2).
- Ensure that all relevant entities, including notaries, are subject to anti-money-laundering requirements and are covered as reporting entities (art. 14, para. 1 (a)).
- Consider including a requirement to disclose cross-border transfers of appropriate negotiable instruments (art. 14, para. 2).

2.4. Technical assistance needs identified to improve implementation of the Convention

Angola has requested technical assistance in the following areas:

- Prevention and detection of corruption and related crimes, including the capacity-building of specialized staff and the reinforcement of operational and organizational capacity (chapter II).
- Promotion of integrity and transparency in the management of public finances, including by sharing good practices on the matter (art. 9, para. 2).

3. Chapter V: asset recovery

3.1. Observations on the implementation of the articles under review

General provision; special cooperation; bilateral and multilateral agreements and arrangements (arts. 51, 56 and 59)

The legal framework for asset recovery consists mainly of the Criminal Code, the Criminal Procedure Code, Law 15/18 on Coercive Repatriation and Extended Confiscation of Assets, Law 5/20 on the Prevention and Combating of Money-Laundering, and Law 13/15 on International Judicial Cooperation in Criminal Matters.

The Financial Intelligence Unit may spontaneously share information with national governmental agencies (art. 25, para. 4, of Decree 2/18). The legislation of Angola does not explicitly provide for the spontaneous transmission of information internationally. However, the Unit may include that possibility in memorandums of understanding signed with foreign counterparts (art. 26 of Decree 2/18).

Angola has ratified or acceded to a number of international conventions on mutual legal assistance in criminal matters, namely, the Convention on Legal Assistance in Criminal Matters between the States Members of the Community of Portuguese-speaking Countries, the Southern African Development Community Protocol against Corruption and the African Union Convention on Preventing and Combating Corruption. Angola has concluded several treaties and agreements on criminal matters.

Prevention and detection of transfers of proceeds of crime; financial intelligence unit (arts. 52 and 58)

Financial institutions are required to ascertain and verify the identity of all clients, including all representatives and occasional clients who execute transactions in excess of \$15,000, and of beneficial owners (arts. 11 and 12 of Law 5/20; arts. 9 and 10 of Notice 14/2020 of the National Bank of Angola). Anonymous bank accounts are not permitted (art. 7 of Law 5/20). Beneficial owners are defined under article 3, paragraph 9, of Law 5/20.

An enhanced customer due diligence regime applies to politically exposed persons (art. 14, para. 3, of Law 5/20; art. 14 of Notice 14/2020). Politically exposed persons are defined under article 3, paragraph 31, of Law 5/20, and the definition includes family members and close associates.

Article 14 of Law 5/20 establishes the types of natural or legal persons and transactions to which an enhanced due diligence regime applies. The National Bank of Angola has the competence to issue directives addressed to financial institutions, including on issues related to the prevention of money-laundering (art. 98 of Law 24/21). The Financial Intelligence Unit may issue directives addressed to obliged entities (art. 6, para. 1 (n), of Decree 2/18). However, it has not issued any advisories regarding the type of natural or legal persons to which financial institutions are expected to apply enhanced scrutiny, nor has it notified the identity of particular natural or legal persons to whose accounts financial institutions are expected to apply enhanced scrutiny.

Financial institutions must keep records for 10 years from the completion of the transaction (art. 16 of Law 5/20).

The establishment of shell banks, as defined under article 3, paragraph 8, of Law 5/20, is prohibited in Angola. It is also prohibited for any financial institution to enter into a correspondent banking relationship with a shell bank, and financial institutions must avoid establishing corresponding relationships with institutions that are known to permit their accounts to be used by shell banks (art. 6 of Law 5/20; art. 15 of Notice 14/2020).

The obligation to declare assets (article 27, paragraph 1, of Law 3/10, see the section on article 8 of the Convention, above) does not extend to interest in or signature authority over any financial account. Declarations are confidential, and their content cannot be shared with competent authorities in another State.

The Financial Intelligence Unit is a legal person of public law with administrative and financial autonomy (art. 4 of Decree 2/18; art. 62 of Law 5/20). The Unit has the power to require the competent authorities to carry out searches and seizures of assets to avoid dissipation (art. 6, para. (i), of Decree 2/18).

Measures for direct recovery of property; mechanisms for recovery of property through international cooperation in confiscation; international cooperation for purposes of confiscation (arts. 53, 54 and 55)

Any person with a legitimate interest may initiate civil proceedings before the courts in Angola (art. 29 of the Constitution; art. 26 of the Civil Procedure Code), including to establish ownership of property (art. 1311 of the Civil Code) or to request compensation of damages (arts. 140 and 141 of the Criminal Code, art. 75 of the Criminal Procedure Code; art. 483 of the Civil Code). According to the authorities, this includes foreign States.

The courts of Angola could, in theory, when having to decide on confiscation, recognize the claim of another State party as legitimate owner (art. 121 of the Criminal Code).

Article 91 of Law 13/15 on Mutual Legal Assistance in Criminal Matters provides for the enforcement of foreign final court decisions, which may include confiscation orders (arts. 94 and 159). The admissibility requirements include that the convicted person is a national of Angola or a foreigner or stateless person resident in Angola (art. 92 (f)). However, according to the authorities, in practice, that does not prevent Angola from executing foreign court decisions related to persons not resident in Angola.

Money-laundering (art. 82 of Law 5/20) and other corruption-related offences may be prosecuted locally and may result in the confiscation of property of foreign origin. Articles 120 and 122 of the Criminal Code make no distinction between property of local origin and foreign origin that may be the subject of a confiscation order.

Angola does not allow confiscation of property without a criminal conviction and cannot execute foreign decisions in this regard.

Under Law 13/15, Angola may trace, freeze or seize property upon a foreign request or order (arts. 141, 149 (b) and 159). Such requests should take the form of letters

rogatory transmitted directly between the competent judicial authorities (art. 150). In urgent cases, foreign judicial authorities may communicate directly with their counterparts in Angola, including by electronic means, to request the adoption of a provisional measure (art. 30).

At the request of a public prosecutor, courts may order any provisional measures needed for the preservation and maintenance of seized assets (art. 108 of Law 13/15). There is no central asset management office in Angola, nor is there a procedure in place to streamline the process of asset management.

Angola has not yet had a case involving the enforcement of foreign confiscation orders. The central authority, that is, the Office of the Prosecutor General (Decree 221/17), is responsible for receiving requests related to the enforcement of foreign confiscation orders. The execution of a foreign decision requires a review and confirmation of the decision. According to the authorities, that does not involve discussing the merits (art. 96 of Law 13/15).

Articles 21, 24 and 95 of Law 13/15 set out the information that any request for assistance in a criminal matter should include.

Angola does not require a treaty in order to provide assistance for the purpose of confiscation (art. 5 of Law 13/15). A mutual legal assistance request may be refused if it is not justified given the limited significance of the offence (art. 11 of Law 13/15).

The legislation of Angola does not provide for the possibility, before the lifting of any provisional measure, to give the requesting State party an opportunity to present its reasons in favour of continuing the measure. However, according to the Angolan authorities, in practice, the requesting State may be given an opportunity to outline why the measure should continue.

The rights of bona fide third parties are protected under sections 121 and 122 of the Criminal Code, article 234 of the Criminal Procedure Code, article 29 (3) of Law 13/15 and article 80 of Law 5/20.

Return and disposal of assets (art. 57)

Confiscated assets resulting from the enforcement of foreign judgments revert to the State of Angola, regardless of the offence giving rise to the confiscation. However, they may be returned to a requesting State if it has a particular interest in the asset and if reciprocity is guaranteed (art. 106 of Law 13/15). Angola has not yet received any requests for the return of assets from a foreign State.

Any property belonging to a third party must be excluded from a confiscation order (art. 121 of the Criminal Code).

The execution of a request for mutual legal assistance is free of charge, except for the expenses listed in article 27 of Law 13/15, which include any expense incurred that is considered relevant by Angola.

Angola has not concluded any agreement or arrangement for the final disposal of confiscated property on a case-by-case basis but could conclude such agreements if needed (art. 106, para. 5, of Law 13/15).

3.2. Successes and good practices

- The possibility, in urgent cases, for foreign judicial authorities to communicate directly with the Angolan judicial authorities, including by electronic means, to request the adoption of a provisional measure (art. 54, para. 2, and art. 55, para. 2).

3.3. Challenges in implementation

It is recommended that Angola:

- Introduce a system to notify financial institutions of the identity of particular persons to whose accounts enhanced scrutiny should be applied (art. 52, para. 2 (b)).
- Consider undertaking a comprehensive review of the existing asset and income disclosure system on the basis of international good practices, by considering: (a) introducing effective systems and mechanisms for the verification and monitoring of declarations without the need for a court order; (b) providing for appropriate sanctions for non-compliance; (c) adopting electronic filing systems; (d) permitting competent authorities to share information with foreign counterparts; and (e) introducing an obligation to report having signature or other authority over a financial account in a foreign country (art. 8, para. 5, and art. 52, para. 5).
- Monitor whether other States parties are granted locus standi by the courts and, if necessary, take legislative measures for the implementation of article 53 (a) and (b).
- Take the measures necessary to enable other States parties, when a decision is being made on confiscation, to claim property acquired through the commission of an offence established in accordance with the Convention (art. 53 (c)).
- Consider adopting measures to allow for the confiscation of any property acquired through or involved in the commission of an offence without a criminal conviction in cases where the offender cannot be prosecuted by reason of death, flight or absence, or in other appropriate cases, and measures that make it possible to give effect to foreign decisions of confiscation without a criminal conviction (art. 54, para. 1 (c)).
- Consider strengthening the mechanisms for the preservation of property pending confiscation, including through the introduction of a comprehensive asset management system (art. 54, para. 2 (c)).
- Take measures to ensure that, whenever possible, the requesting State party is given an opportunity to present its reasons in favour of continuing a provisional measure before it is lifted (art. 55, para. 8).
- Adopt measures for the return and disposal of confiscated assets according to article 57, paragraphs 1 to 3, and ensure that confiscated property is returned to the requesting State party in accordance with article 57, paragraph 3.