

Digital Media: An emerging repression battlefield in Angola?

A study of Internet-based information controls in Angola, with a particular focus on the period around the 23 August 2017 General Elections

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KEY FINDINGS

→ Evidence showed that there were infrastructures that could enable technical-based information control in Angola: a limited number of probes conducted by the Open Observatory of Network Interference (OONI) Network detected the presence of “middle boxes”¹ in the country’s networks, which could explain many identified signs of network tempering. However, further inspection and analysis of the internet traffic data would be required to confirm actual cases of internet censorship or the use of middle boxes in the aim of network traffic manipulation.

→ While evident blockage of websites were hard to find, the nationwide low internet penetration rates and Angolan’s low reliance on standalone websites manifested the government’s actions, or the lack thereof, that perpetuated structural inequalities and digital divide, which lead to the marginalisation of activists and human rights defenders.

→ Through the examination of the government’s policy moves in recent years, we also identified an authoritarian shift to digital repression in the ruling power. Examples include a series of new media laws, the creation of Angolan Social Communications Regulatory Body, and ensuing actions to sophisticatedly inculcate a digital environment of self-censorship.

→ Overall, the trend toward a more nuanced and complex state of nationwide internet control in Angola through technical, economic, and regulative approaches seemed inevitable, especially as internet censorship grew to be a tool to impact geopolitical dynamics in the region. The Angola government should take real steps — instituting far reaching legislative and political reforms — to protect human rights, including the right to freedom of expression and privacy, bridge the digital divide, and allow the internet to play its crucial role in society.

[1] Middle boxes are network technologies that can be used for a variety of purposes: Sometimes for normal networking purposes (like cache-loading to make internet connectivity faster), while other times they can be used.

Based on the limited number of analysis of the [OONI Network](#) measurement data collected from two vantage points in Angola from 19-28 August 2017, middle boxes appeared to be present in the networks we measured. This is the case since many measurements showed signs of network tampering. For instance, the HTTP Invalid request line reported “evidence of possible network tampering and network traffic ‘manipulation’ meaning that there could be a ‘middle box’ installed in the network which could be responsible for censorship and/or traffic manipulation.” This identified possible evidence of network tempering continuing during the entire duration of the testing period. However, the anomalous measurements may also be false positives, and to confirm whether some of them include actual cases of internet censorship, there is a need to analyse the data across time to determine, for example, whether constant TCP failures are indeed due to TCP/IP blocking, and not due to transient network failures. This is also necessary since there does not appear to be pervasive internet censorship as evidenced by actual blocking of websites (block pages) in the country, since news outlets and human rights sites seem to be accessible. However further analysis would be required to confirm this with more accuracy. It is also possible that while middle boxes are present, they were not activated for censorship purposes during the election or are used for purposes other than censorship.

On the other hand, the low rates of Internet penetration and Angolans’ low reliance on standalone websites are seen as one of the explanations for this apparent lack of blocked pages in Angola. Internet use, in particular websites for activism is not seen as a major threat, except a few ones such as Maka Angola which has been previously targeted for take down. The government has perpetuated structural inequalities, such as poverty among political dissidents, rendering the Internet an unaffordable luxury. Instead the government has relied on offline strategies such as judicial harassment, arbitrary arrests and detention, threats and other forms of intimidation to curtail freedom of expression among human rights defenders (HRDs) and journalists, in particular, to dissuade them from reporting on issues relating to corruption, good governance, police brutality and other topics deemed too sensitive by the authorities.

However, there has been an authoritarian shift. While the government has slightly softened on offline human rights violations in response to international pressure to reform, digital repression is now growing as a new frontier for repression. The Angolan government, among other illiberal global powers was once perceived as “slow-footed, technologically-challenged dinosaurs that would be inevitably weeded out by the information age.” However, it has been adapting and responding to the information age. Activists think that some of the catalysts for such a shift are the digital convergence of broadcast, print and digital media and the rising popularity of social media among the youth. This policy shift began in 2016 when the President announced in [his new year’s speech](#), plans to regulate social media and the [creation](#) of the Angolan Social Communications Regulatory Body to ensure compliance with new media laws. Passed under the guise to advance Angolan citizens’ rights to freedom of expression, education, and to regulate unacceptable social media practices, these laws pose a serious threat to freedom of expression. They are designed to control and censor any attempt by political activists to use social media and the internet to blow the whistle on the most egregious examples of corruption, nepotism and the abuse of power. While some independent journalists have been regularly reporting on these topics over the past years, most others are driven to self-censorship, compelled by the criminalisation of press offences by the authorities. Although the government has yet to block access to online content, in the meantime, the People’s Movement for the Liberation of Angola (MPLA) government was eager to deal — legally or extra-legally — an ultimate blow to Angola’s dissenting voices.

In light of the above, I predict the future reality of social control will be more nuanced and complex with deeply entrenched national-level Internet controls which involve denying internet access to the poor majority and applying the new laws and other normative pressures and regulations to inculcate an environment of self-censorship. Internet censorship in Angola also appears to serve as a tool for the reinforcement of international geopolitical dynamics of power especially in the Lusophone countries. For instance, in the same manner Portugal has always accepted Angolan flawed election results including the 2017 ones. Angola will be encouraged by this and demonstrate signs of pseudo reforms at the surface by entrenching authoritarianism underneath. Through this shift to authoritarian resilience it will continue to use its clout to actively contest democratic development and the democratic ideas in the Lusophone and regional bodies and instead propose the so called Beijing approach to political power transfer and sovereignty, which will also be reflected in its internet governance regime. As a way forward, Angola should institute far reaching legislative and political reforms. At legislative level, the government must repeal the country's criminal defamation laws and stop using them to harass journalists. However a deeply rooted political shift is needed to ensure a separation of powers not only between the judiciary, the executive and legislature but the independence of the fourth estate including allowing the internet to play its crucial role in society including the advance of freedom of expression.

I. INTRODUCTION

Government media control

After 40 years of independence, particularly since the end of the civil war in 2002, the People's Movement for the Liberation of Angola (MPLA) and its executive dominated Angola's political space. This involved the securitisation of society, repressing all dissent and restricting freedoms of expression, association and assembly.² With the elections of August 23, 2017 in which Joao Lorengo who was handpicked by the former President Dos Santos Dos, won, the supremacy of the MPLA is likely to continue. "The predominance of the Angolan government and the most powerful political party undermine the independence of the journalism regulatory body and risks making it a mechanism for censorship and control rather than media freedom. The Angolan media remains largely controlled by the MPLA. The government owns the only radio and television stations that broadcast across the entire country, as well as the official news agency."³

[2] David Kode, "Angolan elections: Different name, same game for civil society?" In Pambazuka News, 24 August 2017. <http://www.pambazuka.org/democracy-governance/angolan-elections-different-name-same-game-civil-society>

[3] The Observatory and the *Associação Justiça Paz e Democracia* (AJPD), Fact Finding Mission Report: "They want to keep us vulnerable": Human Rights Defenders under Pressure", Published March 2015. <https://www.scribd.com/document/259257636/Angola-They-want-to-keep-us-vulnerable-Human-Rights-Defenders-Under-Pressure>. Accessed 08/28/2017 (The Observatory and AJPD 2015 Fact Finding Mission Report).

[4] <https://www.forbes.com/profile/isabel-dos-santos/>

[5] Interview with the Director of the Open Society Initiative for Southern Africa, Mr Elias Isaac on 21 August 2017.

ISPs partisan Ownership structures

The traditional controls have encroached on the digital media sector where most communications providers including ISPs are controlled by people directly or indirectly linked to the government and this includes most if not all businesses. There are two mobile phone operators in Angola, Unitel and Movitel. Unitel is largely held by 3 entities; state owned Sonangola, a business run by the President's lieutenant general and the former President's own daughter Isabel dos Santos who both sit on the board of Unitel therefore having direct influence on the operations of the company. Movitel, another mobile phone operator, has shareholders that comprise of mostly senior government officials who work in the president's office.⁴

Those whom we interviewed confirmed:

"The government dictates what is given to people. Mobile services are controlled, we use them and we know who owns them. The Angolan government has managed to have an indirect and direct control over the ICT department in Angola through its senior government officials who are shareholders in many Angolan companies. Also, we have no internet governance structures outside the government."⁵

Structural Inequalities & Digital Divide

First introduced in Angola in 1996, according to the International Telecommunications Union (ITU), the internet reached a penetration rate of 16.9 percent in 2012, up from just over 3 percent in 2007 and remains at the same level in 2017. Fixed-line broadband subscriptions, however, remain low with a penetration rate of only 0.2 percent in 2012, and are largely concentrated in the capital city, Luanda, due to the country's high poverty rate and poor infrastructure in rural areas. In 2015, Angola introduced a program to improve internet use by

launching Angonix, a neutral internet exchange platform situated in Luanda. Angonix interconnects global networks, content providers and network operators to keep local traffic local and offers international content providers and networks a basis for peering on the African continent.⁶ However structural inequalities remain. Data prices are high in Angola. Most Angolans don't use emails but Facebook, so you have to contact them via Facebook Messenger. Internet access is expensive and some regions don't have internet access, and even more expensive to access apps such as ZUELA.⁷ Kabinda enclave is an example with poor internet and power infrastructure. It experiences 2-3 days per week without power.⁸

Recent Elections

In the context of the recent elections, government fully controlled the electoral legal and operational frameworks as well as the means for freedom of expression [including 'information technology'].⁹ For civil society, the pre-election period was especially challenging. The run-up was characterised by increased restrictions on freedom of assembly and expression, as well as on citizens' ability to raise concerns over the lack of transparency in the electoral process.¹⁰ With the exception of digital means, whose radius of action is limited to the population with access to the internet, all the rest of the media is dominated directly or indirectly by the government. This was clearly reflected in the coverage of the campaign.¹¹ It appears one of the reason why the government did not deliberately interfere with the internet during the election was due to the fact that, "Internet penetration and use is low, its concentrated in towns and very few people use it. Therefore to some extent internet use has not become a major threat to the political establishment. It doesn't affect people who are illiterate, those who don't have phones, and if they do, don't have the money to upload information as the level of poverty is so high."¹²

Nevertheless, government targeted those who posed a threat to their political hegemony, which in turn acted as a signal to deter others from such a course of action. In June, renowned human rights defender and journalist Rafael Marques de Morais was [indicted](#) for crimes of "outrage to a body sovereignty" and "injury against public authority" under the law on crimes against the state and the Penal Code. The charges stemmed from a 2016 article by Rafael, which described the dubious circumstances under which Angola's Attorney General purchased land in 2011. Journalist Mariano Lourenco was also indicted on the same charges for re-publishing the story. The prosecutions are certain to have a chilling effect on such reporting and in these circumstances.

Scope of Study

Our research utilised mixed approaches:¹³ The study employs the use of both qualitative and quantitative measures to assess what, if any, information control methods were present in Angola during the election period in August 2017. It follows my travel to the Angolan capital city of Luanda for four days to conduct interviews with local journalists and civil society actors, while relying on [Open Observatory of Network Interference \(OONI\)](#) testing probes for the technical measurements. OONI tests were augmented by manual testing of selected websites and pages on the test list and analysis of trending topics on social media.

[6] <http://www.itnewsafrica.com/2015/06/angola-to-receive-improved-internet-experience/>

[7] ZUELA is a pro - democracy and social networking smartphone application (app) focused on political engagement and good Governance developed by Friends of Angola. <https://www.friendsofngola.org/zuela-project>

[8] Interview with Mariana Abreu, Programme Officer, Amnesty International, June 2017.

[9] Statement by Maka Angola, an initiative dedicated to the fight against corruption and the defense of democracy in Angola, founded and directed by the journalist Rafael Marques de Morais, issued on 24 August 2017.

[10] David Kode, Angolan elections: Different name, same game for civil society? In Pambazuka News, 24 August 2017. <http://www.pambazuka.org/democracy-governance/angolan-elections-different-name-same-game-civil-society>

[11] David Kode, *ibid.*

[12] Elias Isaac, *ibid.*

[13] The Citizen Lab pioneered the use of "mixed methods" in researching internet governance and controls, which combines field and literature research, legal and policy analyses, as well as technical measurements.

Through the above activities we sought to ascertain whether the government and other non-state actors were limiting freedom of expression and related rights online, particularly:

- restriction of content on the Internet including arbitrary blocking, throttling or filtering of content, and criminalization of legitimate expression including the imposition of intermediary liability and cyber-attacks;
- inadequate protection of the right to privacy and data protection as well as an understanding and application of cyber security policies, and;
- access to the internet and the necessary infrastructure, including usage of the universal service fund.

This report is structured into three parts. Part 1 examines the technical ways in which information on the internet is being controlled and Part 2 deals with the non-technical, including the regulatory aspects. The infrastructural and structural issues which could have constituted Part 3 have been briefly addressed above under the political economy of the internet. The report is seminal in its contribution to the current body of knowledge on the subject, in particular:

With a new leader in place, will space for civil participation open up after one of Africa's longest serving rulers leaves power? In particular, will freedom of expression including online be more respected?

II. REPORT FINDINGS

[PART 1]

Technical-based Information Controls

Blocking, Filtering, and Throttling of Content

Introduction

[14] On 16 April, police and defence forces killed scores of pilgrims on Mount Sumi, in Angola's central highlands, to avenge the deaths of eight police officers. <https://www.theguardian.com/global-development/2015/may/01/angolan-sect-police-shootings-world-press-freedom-day>. Accessed 26/11/2017.

With the exception of confirmed hacking, slowing down and attacks of the website of Raphael Marques de Morais, the government has yet to block access to online content (block pages). However, some of the interviewees told us that "During the Mt Sumi massacre period,¹⁴ there were reports of WhatsApp jamming and other messaging services along with basic SMS cell service. In all the preceding years, there may have been times other sites were blocked or jammed in some way. With Maka Angola, it's less they blocked it and more they actively hacked the site to destroy it and inhibit functioning." Despite the absence of blocked pages, nevertheless, the government has used other legal or extra-legal means in an attempt to silence Angola's dissenting voices. This has included digital surveillance of dissidents and those with whom they are in contact. This has been part of the government's broader signals intelligence programme. Our tests confirmed the presence of middle boxes which could potentially be used for internet censorship.

OONI Tests

We ran OONI software tests from four local vantage points Autonomous System Number including (AS36907, ASN 37119)¹⁵ in Angola. The testing period started on 20th August 2017 and concluded on 4th of September 2017. Once the testing period ended, we analysed the collected data with the aim of examining whether access to sites and services was blocked, and whether proxy technologies were present in the tested network.

Findings

Upon first look at the Angolan data, there didn't appear to be any blocked pages (i.e. confirmed cases of censorship). Based on the measurements collected from Angola so far, there does not appear to be pervasive internet censorship in the country, as news outlets, human rights sites, etc seem to be accessible. But further analysis would be required to confirm this with more accuracy and over extended periods of time and during other periods the government perceives as threats to its integrity.

Middle boxes appear to be present since many measurements show signs of network tampering. Examples include:

Measurement

 **HTTP invalid request line 2017-08-23 12:00:35**

ID: 20170823T120035Z_AS37119_MLp52LjH2zb1WCki7tSv3VcvgKKaKtiu1V344bqFGD9hPy1W0X

Test runtime: 5.0489349365 seconds

Probe

Network: AS37119	Name: ooniprobe-ios	Version: 1.1.6
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https://explorer.ooni.torproject.org/measurement/20170823T120035Z_AS37119_MLp52LjH2zb1WCki7tSv3VcvgKKaKtiu1V344bqFGD9hPy1W0X

Measurement

 **HTTP invalid request line 2017-08-25 19:36:44**

ID: 20170825T193643Z_AS37119_G4dIm3Ncg9ZZ8Pol09TFcNWsmzVg1DKOUYFVWXabbZ7qlB8qCy

Test runtime: 5.0704770088 seconds

Probe

Network: AS37119	Name: ooniprobe-ios	Version: 1.1.6
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https://explorer.ooni.torproject.org/measurement/20170825T193643Z_AS37119_G4dIm3Ncg9ZZ8Pol09TFcNWsmzVg1DKOUYFVWXabbZ7qlB8qCy

Measurement

 **HTTP invalid request line 2017-08-26 22:33:21**

ID: 20170826T223322Z_AS37119_4Q7RlSrOgkp9a3Jr7O0rVLZGfms5nqP0Anx1JNaF3Bqqm893yz

Test runtime: 5.1478750706 seconds

Probe

Network: AS37119	Name: ooniprobe-android	Version: 1.1.5
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https://explorer.ooni.torproject.org/measurement/20170826T223322Z_AS37119_4Q7RlSrOgkp9a3Jr7O0rVLZGfms5nqP0Anx1JNaF3Bqqm893yz

[15] In computing terms an Autonomous System Number (ASN) is independent of ISPs. It maintains routing tables and exchange routing information with multiple ISPs. As traffic is ready to leave the autonomous system, the routers decide which ISP and which ISP connection to send the traffic to for the most efficient packet delivery. Tests on ASN 37119 started on 22 August 2017.

Measurement

 **HTTP invalid request line 2017-08-30 17:52:52**

ID: 20170830T175252Z_AS37119_Fps6A3hvdAf9YTAUSZnxRaGzIPAUxMRvE7YIK9aE2UtPIXOpin

Test runtime: 5.0387179852 seconds

Probe

Network: AS37119	Name: ooniprobe-ios	Version: 1.1.6
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https://explorer.ooni.torproject.org/measurement/20170830T175252Z_AS37119_Fps6A3hvdAf9YTAUSZnxRaGzIPAUxMRvE7YIK9aE2UtPIXOpin

Measurement

 **HTTP invalid request line 2017-08-22 23:08:18**

ID: 20170822T230820Z_AS36907_jeRITol7ABvZSSbrr4t9OBZTrzPwv7tnrgARL98k6yqmWP0qll

Test runtime: 7.3237497807 seconds

Probe

Network: AS36907	Name: ooniprobe-android	Version: 1.1.4
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https://explorer.ooni.torproject.org/measurement/20170822T230820Z_AS36907_jeRITol7ABvZSSbrr4t9OBZTrzPwv7tnrgARL98k6yqmWP0qll

However, various other measurements from the same network did not show signs of network interference.

Upon analysis of the collected network measurements, the HTTP Invalid request line reported ‘evidence of possible network tampering,’ meaning, “When contacting our control servers we noticed that network traffic was manipulated.” This means that there could be a ‘middle box’ which could be responsible for censorship and/or traffic manipulation. The possible evidence of network tampering continued during the entire duration of the testing period.

Anomalous measurements

There were anomalous measurements which include:

- On 20th August 2017, the site <http://unpo.org/> showed evidence of possible censorship and showed signs of being blocked because the HTTP request failed with a ‘generic_timeout_error’.
- On 21st August there was an error in accessing <http://blog.com>. However it wasn’t clear whether this site is up and/or is blocked.
- On 22nd August 2017, the site <http://www.iwantim.com> appeared to be blocked because it presented a different http response.
- On 23 August 2017 <https://www.ning.com/> showed evidence of possible censoring as it appeared to be blocked because the HTTP request failed with ssl_dirty_shutdown.

The above anomalous measurements could be false positives, and to confirm whether some of them include actual cases of internet censorship, we would need to analyse the data across time. OONI generally favour false positives over false negatives, in the sense that as soon as something presents an anomaly as part of the experiment, it is flagged. To confirm though whether it is actually a case of censorship, it would need to include a block page or continue to analyse the data across time (to determine, for example, whether constant TCP failures are indeed due to TCP/IP blocking, and not due to transient network failures).

The identified middle boxes could also be explained under the so-called “dual-use” technologies that provide capabilities to surveil users or to censor online information at the country network level. These technologies are referred to as “dual-use” because, depending on how they are deployed, they may serve a legitimate and socially beneficial purpose, or, equally well, a purpose that undermines human rights. These technologies mostly fall into two categories – those that involve network traffic management, including deep packet inspection and content filtering, and those that involve technologies used for device intrusion for more targeted monitoring.¹⁶

[PART 2]

REGULATORY AND SOCIAL CONTROLS

The Angolan government used what Deibert and Rohozinski¹⁷ call second generation controls which involve legal and normative pressures and regulations designed to inculcate an environment of self-censorship. It mainly did so through the passage of laws that criminalised legitimate expression online and applying them in a targeted manner. They did this to continue their reputation of keeping human rights defenders and journalists under constant pressure.

■ Surveillance

According to one anonymous interviewee, the government has a sophisticated signals intelligence programme that is supported by China and Israel to control information/ communications, including mobile phones and the internet.¹⁸ However they mostly target certain individuals and institutions, predominantly grassroots social movements, human rights defenders and organisations working on human rights.

Digital surveillance works alongside other technical information controls such as the blocking and filtering technology that wasn't activated during the elections but could be set in motion if necessary. This could explain the presence of middle boxes identified by the OONI probes. Elias Isaacs of OSISA gave an example when he was in South Africa where he received a telephone call from an opposition politician where, “[They] got cut off and when I wanted to call back, a Chinese voice came up and constantly interrupted us. They can hack or jam your phone to disable you from communicating for some time if you are talking about critical issues or you belong to one of the targeted institutions.”

How are these technical-based controls designed in law and in theory and how do they operate in practice? What follows is an examination of the legal framework.

■ The national human rights legal framework

Despite provisions of the 2010 Constitution¹⁹ guaranteeing freedom of expression and information (Article 40) and freedom of the press (Article 44), journalists in Angola continue facing various forms of hindrances to exercising these rights, including judicial harassment, arbitrary arrests and detention, threats and other forms of intimidation. These escalate when reporting on issues related

[16] Ronald Deibert, “What to do with “Dual Use” Technologies?” <https://deibert.citizenlab.ca/2016/11/dual-use/> Accessed on 24 November 2017.

[17] Ronald Deibert and Rafal Rohozinski, “Control and Subversion in Russian Cyberspace,” in Ronald Deibert et al., eds., *Access Controlled: The Shaping of Power, Rights, and Rule in Cyberspace* November 2017.

[18] Interview with the Director of the Open Society Initiative for Southern Africa, Mr Elias Isaac on 21 August 2017.

[19] On February 5, 2010, Angola adopted a new Constitution. This is the third Constitution the country has had since its independence in 1975.

to corruption, good governance, police brutality and other topics deemed too sensitive by the authorities.²⁰

While some independent journalists have been regularly reporting on these topics over the past years, most others are driven to self-censorship, compelled by the criminalisation of press offences by the authorities as “independent journalists are perceived by the authorities as part of the opposition and not as journalists.”²¹ One interviewee confirmed this: “We are heavily censored. Government even publishes articles in the mainstream media badmouthing HRDs and independent journalists. Also, when we attend the United Nations Human Rights Council meetings, they try to make sure we don’t talk about Angola, and if you do, they threaten you.”

Angola also has a number of laws that impose serious limits to the exercise of freedom of expression and freedom of the press. The 2006 Press Law (n°07/06, May 15, 2006), which regulates media activity, contains provisions that restrict the scope of the freedom of expression and of the press. Article 74 criminalises the “abuses of freedom of press” which comprise the “spreading of information that incite secession of the country”; the “spreading of information that causes disruption of public order, social panic and distrust in the financial and banking system”; the “promotion of persecution and defamation campaign through systematic and continued dissemination of information partially or totally false about facts, attitudes, professional, administrative or commercial performance of any person”; or the “publication of false news and rumours”. These crimes are punishable under Angolan 1886 Penal Code to up to four months prison sentence.

While the country has initiated, since 2004, a process of reforming the Penal Code, according to information provided to the Observatory,²² provisions of the draft text still provide for criminalisation of defamation.

These provisions fall short of international standards, which state that any restriction to freedom of expression must be “necessary” and “proportionate”, and have been abusively used against journalists in Angola.²³ During her 2013 mission to Angola, the UN High Commissioner for Human Rights called Angola’s defamation law “a threat to investigative journalism” and added “freedom to investigate and expose possible abuses should not be undermined by heavy-handed actions, threats and intimidation on the part of the authorities”. In 2012, the African Commission on Human and People’s Rights called upon Angola to “take the appropriate legislative measures to decriminalize press offences and guarantee freedom of expression and access to information”.²⁴

[20] See *supra* note 3.

[21] The Observatory and AJPD 2015 Fact Finding Mission Report.

[22] *id.*

[23] For example, Resolution 169 of the ACHPR adopted in 2010, state that “criminal defamation laws constitute a serious interference with freedom of expression and impedes on the role of the media as a watchdog, preventing journalists and media practitioners to practice their profession without fear and in good faith.”

[24] See *supra* note 21.

■ August 2017 Election period

Evidence from other countries, just as in Angola, shows that surveillance practices have tended to peak during election periods. Regarding the 2017 elections, a tightening of controls could be discerned as early as January 2016, followed by the enactment of laws that restrict freedom of expression including online.

Elias Isaacs said, “Although there hasn’t been any definitive study that has been done on information controls and elections, from my own experience, during election time, surveillance and controls are much higher but I cannot say the extent to which the controls, e.g. technical controls increase. However, this should not be confused with jamming of networks that also happen during other peak events like New Year, Christmas, probably due to increased use.”

He gave an example of the 2008 and 2012 elections when they sponsored Central Angola Organisation to observe the elections using the internet.

They reported difficulties communicating after government realised that they were providing information from critical constituencies.

Internet controls were supplemented by other signals intelligence programmes. According to observers, some activists tried to set up a TV station in Kasenga and were jammed. Radio Despertar and Radio Ecclesia, both opposition radio stations were jammed when government created a number of frequencies close to theirs in order to make it difficult to access them. Massillon Chinombe, an activist we interviewed backed this, “We bought antennas, but still the systems got jammed to prevent information from locally.”

The 2016 controls became evident with the President announcing in his [New Year's speech](#) plans to regulate social media and the [creation](#) of the “Angolan Social Communications Regulatory Body” to ensure compliance with new media laws.

■ Evolution of the war on social media

During his New Year's Day speech, the President, who had been formally in office for 36 years, gave a sermon on social media politeness, and talked about the democratic values of the country. Viewers were told that social media should comply with certain rules in treating ruling politicians, and that the government should take appropriate action to guide both society and the institutions, and avoid unacceptable practices. Angolans who would not speak the language properly would face repression and censorship.²⁵

According to Open Democracy,²⁶ Angola's [internet users](#) are only 26% of the population. More than a half of these have a Facebook account. Even though this figure is way behind that of the internet users' average in developed countries, Angola's ruling elite is becoming increasingly anxious with what is being shared online. Also, more importantly, with what international actors are learning about Angola's state of affairs.

Human rights groups immediately raised concerns on this development by requesting closer parliamentary scrutiny,²⁷ such as Human Rights Watch calling on President José Eduardo dos Santos not to sign a new media law until Parliament revises provisions restricting the right to freedom of expression, as it grants the government and ruling party expansive power to interfere with the work of journalists, and potentially prevent reporting on corruption or human rights abuses.²⁸

Despite the protestations, Parliament passed a “suite of five laws in Angola designed to control and repress information production and dissemination,”²⁹ namely: Lei da Imprensa (The Press Law), Lei Orgânica da Entidade Reguladora da Comunicação Social em Angola (The Organic Law of the Social Communication Regulatory Entity), Lei sobre o Estatuto do Jornalista (The Law on the Statute of the Journalist), Lei sobre o Exercício da Actividade de Radiodifusão (The Law on the Exercise of Radio Broadcast Activities), and Lei sobre o Exercício da Actividade de Televisão (The Law on the Exercise of the Television Broadcast Activities). The five laws constitute what the government called the Social Communication Legislative Package (Pacote legislativo da Comunicação social).

■ Rationale of the laws

The new media laws follow government officials' complaints about what they consider an irresponsible media, including social media. In December 2015,

[25] Angola's digital last frontier <https://www.opendemocracy.net/democraciaabierta/manuel-nunes-ramires-serrano/angolas-digital-last-frontier>. Accessed on 31 August 2017.

[26] *id.*

[27] Human Rights Watch. Angola: New Media Law Threatens Free Speech. <https://www.hrw.org/news/2016/11/30/angola-new-media-law-threatens-free-speech> Accessed 08/28/2017.

[28] Human Rights Watch, *ibid.*

[29] David Matsinhe, Amnesty International, Email to the writers of this report which was sent on 3 April 2017.

President Dos Santos [said](#), “Social networks should not be used to violate other people’s rights, humiliate, slander or convey degrading or morally offensive content.”³⁰ He added, “the country must adopt as soon as possible adequate legislation” to regulate unacceptable social media practices.³¹

After parliament passed the recent package of laws, Social Communication Minister José Luis de Matos [told the media](#) that the new media law would ensure that journalists take more responsibility for their work because they “cannot assume that they have the right to do what they want.”

In response, Rafael Marques de Morais, a prominent regime critic who was imprisoned for an article he wrote about the President, said the ruling party is hoping to “control and censor any attempt by political activists to use social media and the internet to blow the whistle on the most egregious examples of corruption, nepotism and the abuse of power.”³²

■ The timing of the legal controls

This is not the first time dos Santos attempted to repress social media. Back in 2011, he tried to pass a similar law on the matter. However, international developments such as the Arab Spring and the Occupy protests cautioned him to put it on hold. The regime, then, chose to use more subtle methods. Online patrols were commissioned with monitoring internet debates and keeping track of all possible dissidents. Repression, subtle as it may have been, was the name of the game. The internet, and in particular social media, went on to become Angola’s last frontier for freedom of expression.³³

Internet censorship, however, did not make its way back to the scene spontaneously. Several activist organizations such as [Maka Angola](#) and [Central Angola 7311](#), struggling to show the broader world what the regime is really like, logically put the government on guard. Maka Angola’s director, Rafael Marques de Morais, has been in the forefront of the struggle from the time the government proposed the laws. A committed and impartial journalist, de Morais was [found guilty of several counts of slander](#) in 2015, and his website has repeatedly suffered technical attacks.

[30] Human Rights Watch, *ibid*.

[31] The Guardian. [Angola passes laws to crack down on press and social media](https://www.theguardian.com/world/2016/aug/19/angola-passes-laws-to-crack-down-on-press-and-social-media) <https://www.theguardian.com/world/2016/aug/19/angola-passes-laws-to-crack-down-on-press-and-social-media>

[32] *id*.

[33] See *supra* note 25.

[34] <https://www.google.com/intl/en/about/values-in-action/project-shield-defends-journalists-from-digital-attacks/>

In his interview with the Observatory delegation, Rafael Marques de Morais declared that “by defending human rights I’m treated as the head of a gang. I’m on digital surveillance and those in contact with me might suffer consequences.” This was confirmed by Amnesty International and Elias Isaacs, and Massilon Chinombe, “His website was hacked/slowed down/attacked with viruses non-stop. He’s now protected on a Google platform so it’s stable but his personal email addresses, phones, house, everything are constantly monitored.”³⁴

Central Angola 7311 has also been defying Angolan authorities. Their name refers to the date of their first organized protest, on March 7, 2011. They have been actively exposing the regime’s lack of compliance with civil rights. Back in 2014, they organized several flash mobs to protest against restrictions on freedom of expression and assembly. These protests were violently repressed, but the digital activists managed to [document](#) the protests, as well as the violent police response, and shared the materials online.

Angola’s activists have [paid a heavy price for dissenting in the analogical world](#). Traditional media and journalists have been physically harassed and targeted for sharing information on the country’s state of affairs. Pursuing their struggle in the digital world has up to now spared many of them, such as the Central Angola 7311

activists, from revisiting Angolan prisons, where many [were abused and tortured](#) simply because of their participation in peaceful protests.

According to Amnesty International, it was not, however, until the arrest of fifteen Angolan activists, and the attention garnered by an extensive hunger strike by one of their number to protest their wrongful detention, that the scenery of impunity changed. Suddenly, Angolan officials faced heightened international criticism and scrutiny. Social media were extensively used to further the activists cause, and dos Santos reacted. He could not tolerate such a destabilizing exposure of his authoritarian regime - a regime, it should be remembered that has been unable to get out of the “not free” category in the yearly Freedom House report.

Being able to broadcast locally and internationally the harsh realities behind Angola’s official façade, Maka Angola and Central Angola 7311 became the new “enemies of the State”. Dos Santos was determined to put an end to this kind of activity by curtailing digital freedoms. In an information and communications ecosystem where [the Angolan government already controls all major newspapers, radio, and TV outlets](#), social media are the last frontier to fight repression and defend freedom of expression.³⁵

The increased targeting of critical posts on social media platforms has resulted in prosecutions and detentions of online activists. The focus on gaining the hearts and minds of Angolans in the digital realm seems to be dos Santos’s current goal.

■ Impact on Freedom of Expression

A number of the Press Law’s articles violate Angola’s international obligations to respect media freedom.³⁶ Those that affect online media include:

- Article 29 gives the Ministry of Social Communication the authority to oversee how media organizations carry out editorial guidelines and to punish violators with suspension of activities or fines; and
- Article 82 criminalizes publication of a text or image that is “offensive to individuals.” Under the penal code, defamation and slander are punishable with fines and imprisonment for up to six months.

The law’s overly broad definition of defamation opens the door for the government to arbitrarily prosecute journalists who report about illegal or improper activity by officials and others. Criminal defamation laws should be abolished entirely, as they are open to easy abuse and can result in harsh consequences, including imprisonment.

The [African Commission on Human and Peoples’ Rights](#) has long called for the abolition of criminal defamation laws in the continent, saying that they open the way to abuse and can result in very harsh consequences for journalists who expose abuses of power, corruption, and human rights violations, all of which are rife in Angola.

In 2014, in a landmark judgment [Lohé Issa Konaté v. Burkina Faso](#), involving a criminal libel conviction of a Burkinabe journalist, the African Court on Human and Peoples’ Rights ruled that imprisonment for defamation violated the right to freedom of expression and that such laws should only be used in restricted circumstances. The court also ordered Burkina Faso to amend its criminal defamation laws.

[35] See *supra* note 25.

[36] Human Rights Watch, *ibid*.

Despite the evolving best practice at the regional level Angola's government went ahead to approve a set of laws which hand control and regulation of all media to a new body run by the ruling party.

The Angolan Social Communications Regulatory Body would also have broad powers to “enforce compliance with professional journalistic ethics and standards” and “verify compliance by radio and television operators”.³⁷

It would also decide which journalists are eligible for press accreditation.

Following dos Santos announcement of a crusade against social media “rudeness”, for the first time in the country's history a judge heard the Angola 15 trial regarding a political joke about an imaginary government. [Father Jacinto Pio Wakussanga](#), an innocent man, was jokingly chosen in a Facebook discussion to become one of the members of a hypothetical government of national salvation. As the Father later explained to the judge, he did not even know his name had been used, and when he learnt about it, he understood it was simply a joke.

■ **Compromise**

Parliament approved the establishment of the regulatory body, together with the first drafts of the other four bills of the Social Communication Legislative Package, in August 2016 at the initiation of the ruling party, the Popular Movement for the Liberation of Angola (MPLA), which controlled roughly 80 percent of the assembly's seats at the time. The first draft gave the body the authority to “enforce compliance with professional journalistic ethics” and to issue licenses to journalists, which are required for them to work. After criticism from the Journalism Union, however, the government agreed to limit this authority to a new body controlled by media professionals.³⁸

Under the revised statute, six of the ERCA members are to be appointed jointly by the government and the party with the most seats in parliament. The journalism union nominates two members and the other political parties in parliament appoint the remaining three.

■ **Authoritarian shift**

For many Angolans, this authoritarian shift is nothing new but simply an encroachment of existing offline repression into online spaces. Further, there have been a number of cases in which Angolan officials have used the defamation provision of the old 2006 media law to crack down on critics. Examples are:

- In 2008, Graça Campos, a journalist and editor of the weekly paper *Angolense*, was sentenced to a six-month suspended jail term for publishing articles accusing three former ministers of involvement in corruption.
- In March 2011, Armando Chicoca, a correspondent for Voice of America, was sentenced to a year in jail for articles critical of a judge in Namibe province. In February 2014, Queirós Chilúvia, another journalist, was sentenced to a six-month suspended jail term for investigating screams and cries for help emanating from a police station.
- In May 2015, Rafael Marques, a prominent journalist, was given a six-month suspended jail term for revealing killings and torture in the country's diamond fields.
- On June 20, 2017, the government of Angola accused investigative Angolan

[37] See *supra* note 31.

[38] See *supra* note 31.

journalist and Director of the anti-corruption organization [Maka Angola](#), Rafael Marques de Morais, of “outrage to a body of sovereignty and injury against public authority.” If found guilty, he could be sentenced up to [six years](#) in prison under the Angolan Law of Crimes against the Security of the State. The accusations stem from Marques’s [Maka Angola article](#), in which he exposed Angolan Attorney General João Maria Moreira de Sousa’s illegal purchase and sale of state-owned land for personal profit.³⁹

I Authoritarian reform or resilience?

With a new president- Joao Lorenzo- in place since August 2017, will space for civil participation open up after one of Africa’s longest serving ruler leaves power? In particular, will freedom of expression including online be more respected?

It appears the Angolan government has been softening its stance in the past 7 years, although some interviewees observed that there was a sharp escalation in repression from 2012 to 2016 and then again in the immediate months before the election. Also, it is not clear whether the changes are genuine or are simply being implemented to disguise deepening authoritarianism.

We interviewed Mariana Abreu, programme officer at Amnesty International (AI) who said, since 2016, the repression that had peaked since 2012 started easing. Since 2012, activism has increased and the government has concurrently been cracking down on it. Since 2016, the space for activism has been gradually opening, less extra judicial killings and persecution through prosecution: “We are also seeing activism being expressed through ‘Prisoner of Conscience’ whom Amnesty International has been supporting through campaigns.”⁴⁰ Mariana said, “It appears the fall of oil prices has exposed the government. This, coupled with international pressure has led the government to soften: It changed its strategy- no one is in prison on human rights grounds save protesters on national security grounds. Now they just beat them, detain and release without charge.”⁴¹ However, AI expected repression to increase as the country prepares for elections but do not know what shape this repression will take since government strategy has changed.

President Dos Santos’s major worry had to do with the international legitimacy of his regime. International pressure by [non-governmental organizations](#), the European Union and several nations put the Angolan regime under the spotlight. The democratic mask fell. Luaty Beirão’s hunger strike and social media competence in spreading his message turned Angola’s human and civil rights violations into a matter of international concern. This happened at a time when the Angolan economy was under stress. [Oil revenues](#) remain the fuel that powers the country’s economic growth, and today, with its price tumbling, the government is expecting a sharp increase in social conflicts and mounting political polarization.⁴²

Over the past recent years, Angola has showed commitment to engage with regional and international human rights treaty monitoring bodies, in particular through the submission of its periodic reports.

During her April 2013 mission to Angola, Ms. Navi Pillay, the UN High Commissioner for Human Rights commended the strengthening of the national legal human rights framework while raising concerns over the remaining “problems, for example, in the content, interpretation and implementation of laws on freedom of expression and freedom of assembly, with the police sometimes suppressing protests in a heavy-handed fashion” and she insisted on the need for “more new laws, amendments to existing laws, and proper implementation”.

[39] Committee to Protect Journalists: <https://cpj.org/2017/06/angolan-journalists-charged-with-crimes-against-st.php>. Accessed 23 November 2017.

[40] Interview with Mariana Abreu, Programme Officer, Amnesty International, June 2017.

[41] Marian Abreu, *ibid.*

[42] See *supra* note 25.

According to one interviewee, the local civil society organisations have been trying to expose the government to their work to show that what NGOs do isn't harmful since the government has associated NGO work with terrorism.

However, activists feel that the government is not learning human rights to protect the people but to protect their interests such as their international partnerships with Spain, Norway etc. The activist we interviewed spoke of the instance in 2015 when they invited Ana Gomes, a Member of the European Parliament who met ordinary people, organisations and government including the Minister of Justice and UNITA representatives. She did an interview with the national TV and issued an online press. However, the government turned her discussions as if she was supporting them. As she was not happy she gave a public statement. She was threatened.

The activist cited the above case as an example to back her assertion that, "the government will come after you if you use the internet or any platform to discuss human rights, for example if you criticise them for not meeting economic, social and cultural (Ecosoc) rights."

■ Evolving civic space

Some feel that this the right time the international internet freedom community joined the courageous digital Angolan activists in their battle for democracy and freedom of expression in the African petro-State. Defending Angola's digital last frontier is tantamount to ensuring that, on the other side of the battle [MPLA] is yet again waging [against](#) Angolans' liberties, there is someone capable — and willing — to stand by them.⁴³

There are a few examples that show Angolans are making inroads in digital spaces. For instance, Mariana of AI said that "It is reported that authorities watch Angolans on Facebook, though no one has been prosecuted. It seems there is a lot of self-censorship. However, Angola is getting better, for example, a few years ago, if you contacted Angolans via Facebook, they didn't reply out of fear of being monitored."

Also, instead of totally muzzling free speech online, the government is now known to respond to criticism on social media. One such example is that of Angolan activist Luaty Beirao, jailed as one of the Angola 15. He is very outspoken but the daughter of the president, Isabel dos Santos, started replying to his tweets calling him an enemy of the state, for example questioning why he was reporting on the president's health.

This is also seen in the use of technology to enhance citizen participation. The government maintains laws it could apply at will but also choose not to apply if it did not fit its agenda at a given time. However, instead of wholesale clampdown, it chose to forbear in certain circumstances although their motive for doing so wasn't clear as discussed below.

One activist and technologist we interviewed, Massilon Chinombe, made remarks that supported Mariana's assessment:

"Angolan laws that govern information including online are very tough such that if they were to be fully applied we wouldn't be doing half of the work we are doing. For example the laws would outlaw most of the activities we do, for example, you are not allowed to use the president's pictures in a publication."

[43] See *supra* note 25.

To demonstrate the above, Mr Chinombe and his colleagues including Luaty Beirao ran a vote ballot tally digital project called Jiku, which is crowd sourced platform that maps the constituencies through google maps and also reported election related human rights violations.⁴⁴

The Jiku project ran alongside the setting up of a related project called ZUELA based on an application founded by the Friends of Angola based mostly in the U.S.A to help Angolan activists document research.

I Circumvention efforts

Angolans are also learning how to circumvent censorship and surveillance. A digital security trainer we spoke to said, “We are training HRDs on circumvention methods such as encryption of phones and emails and not to use social media. We are training in methods such as use of wire, signal, and jitsu instead of skype. We cover security, raising awareness, avoiding to talk on the phone even when encrypted as you might expose the other party who isn’t.”

However during our interviews doubts remained if the above is indeed an opening of civic space because Amnesty International had to train the activists on how to use the ZUELA app in South Africa on safety grounds. Also, the digital activism appeared to be more an indication of the activists’ courage than government’s benign attitude. To demonstrate this, when we asked the activists if they did not fear arrest and detention, one of them responded,

“We don’t care if we are arrested. We violate the law because we feel it is not a fair law so it has to be violated. If we don’t do that we will deprive ourselves of freedom. A few thousand of us or so out of a population of 25 million routinely break the unfair laws that affect our freedoms. We have been arrested three or so times demonstrating. We do so because we want to change our destiny.”

Also during the August 2017 election, Maka Angola, through its director Rafael Marques de Morais, continued to maintain a critical stance on the government and the electoral body and processes on social media. One example is his statement on 23 August on Facebook, which read in part that the government used Micro-Obstaculização, a Portuguese phrase that means, “putting grains of sand in the gear”; that is, to raise small obstacles to avoid effective scrutiny of elections, demobilising voters, creating laziness or demotivation, so that only the most disciplined make it to the polls. He also alleged the MPLA “hired” members of the government party go to the voting places, whether or not to vote, to control the votes.

The above is a sure sign of activists pushing back against an unfair system.

[44] Jiku means ‘open your eyes’ and can be accessed here: www.jikuangola.org).

III. CONCLUSION

Current Needs and Possible Solutions

The international Internet Freedom Community needs to further pursue projects that develop a stronger analytical and conceptual understanding of the strategies being pursued by the set of leading authoritarian powers including Angola; to assess the nature of the challenge this presents to the community of democratic states; and to determine what opportunities may be available to democrats within these countries — and to those outside seeking to support them — that have not been adequately explored or exploited.

For instance, depending on the needs, they may support users who are most at risk to improve digital defences through capacity building and training on the deployment and use of privacy and security enhancing technologies. Through user manuals and one-on-one and group-based mentoring, introduce them to circumvention tools such as VPNs, Tor Browser and native applications that enable freedom of expression and association online such as JIKU and ZUELA.

In raising awareness of digital threats, internet rights activists and technologists need to work with regular civil society to make them understand the internet. They need to make digital activism central to their organizations and their work. There is a need to build a bridge between the technology world and the democracy defenders for there to be tangible results toward democracy realisation in countries such as Angola.

Digital Media: An emerging repression battlefront in Angola?

**A study of Internet-based
information controls in Angola,
with a particular focus on the
period around the 23 August 2017
General Elections**

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