

Angola

	2013	2014
Internet Freedom Status	Partly Free	Partly Free
Obstacles to Access (0-25)	15	15
Limits on Content (0-35)	6	7
Violations of User Rights (0-40)	13	16
TOTAL* (0-100)	34	38

* 0=most free, 100=least free

Population:	21.6 million
Internet Penetration 2013:	19 percent
Social Media/ICT Apps Blocked:	No
Political/Social Content Blocked:	No
Bloggers/ICT Users Arrested:	Yes
Press Freedom 2014 Status:	Not Free

Key Developments: May 2013 – May 2014

- Two individuals were charged with defamation for their alleged ties to articles posted on the independent news website, *Club-K* (see **Violations of User Rights**).
- Evidence from inside sources affirmed that a German company had assisted the Angolan military intelligence in installing a sophisticated communications monitoring system on a military base. Further evidence, as of November 2013, found that at least one major ISP hosts a spyware system directly on its server (see **Violations of User Rights**).
- A prominent investigative journalist was arrested while interviewing protesters for his independent news blog in September 2013; he was also the target of a sophisticated and customized malware attack on his computer that was traced to parties within the Angolan government (see **Violations of User Rights**).

Introduction

The Angolan government has invested heavily in improving access to information and communication technologies (ICTs) since 2005. Today, Angola boasts one of the largest mobile telecommunications markets in sub-Saharan Africa, and internet access is growing steadily. In 2013, Angola implemented the Strategic Plan for E-Governance for 2013-2017, which outlined the government's commitment to e-governance initiatives.¹ In its 2014 state budget, the government allocated over US\$267.3 million for the development, upgrade, and maintenance of the technological infrastructure for central and provincial e-government web portals, more than doubling the 2013 ICT budget of US\$100 million.²

Despite progress in ICT development, internet freedom in Angola is tenuous. Political rights and civil liberties are tightly restricted by the ruling party under President José Eduardo dos Santos, who has been in power for over 34 years. The telecom sector is effectively under state control, with high ranking government officials owning large shares of the major telecommunications service providers. Further, the president has legal powers to control and punish internet service providers for unspecified content under the Electronic Communications and Information Society Services' Law, enacted in 2011.

While internet content and communications applications are freely accessible, the government seems increasingly intent on cracking down against online dissent through legal and extralegal means. In June 2013, the Attorney General's Office charged two individuals with abuse of the press and defamation for their alleged association with *Club-K*, an independent news portal operated by the Angolan diaspora. Travel bans were imposed on the individuals until pressure built on social media succeeded in overturning the restrictions.

Meanwhile, insider sources established that the Angolan military intelligence had implemented an electronic monitoring system for the tracking of email and other digital communications sometime in late 2013. Further evidence, as of November 2013, found that at least one major ISP hosts a spyware system directly on its server. In addition, harassment, extralegal violence, and technical attacks against online journalists increased during the coverage period, with the prominent investigative journalist Rafael Marques de Morais arrested in September 2013 and beaten while in custody, after being targeted for a customized malware attack on his computer earlier in the year.

Obstacles to Access

Access to ICTs in Angola has improved markedly with increasing investments in the telecommunications sector since the end of the country's decades-long civil war in 2002. In 2013, the internet in Angola reached a penetration rate of 19 percent, up from 17 percent in 2012,

1 Governo de Angola, Plano Estratégico de Governação Electrónica 2013-2017, 2013, pp. 7. <http://www.mtti.gov.ao/VerPublicacao.aspx?id=1194>

2 See: In the budget under the sub-heading "Despesas por Função," the line "09.06.02 - Tecnologias de Informação." Ministério das Finanças, "Orçamento Geral do Estado," October 23, 2013, pp. 179, <http://www.governo.gov.ao/download.aspx?id=1172&tipo=publicacao>.

according to the International Telecommunications Union (ITU).³ By contrast, access to mobile phones is much higher with a penetration rate of 62 percent in 2013, up from 49 percent in 2012.⁴ Over 12 percent of Angolans have a mobile broadband subscription.⁵ Meanwhile, fixed-line broadband subscriptions remain very low with a penetration rate of only 0.2 percent in 2013,⁶ and are largely concentrated in the capital city, Luanda, due to the country's high poverty rate and poor infrastructure in rural areas.⁷

Luanda is reputed to be the second most expensive city in the world,⁸ and for those able to access the internet in urban areas, internet subscriptions start at US\$50 per month but can cost as high as US\$100 per month for connections via satellite or WiMax. Unlimited internet subscriptions cost an average of US\$150 per month, while USB dongle devices that provide wireless access cost between US\$50 and \$60. Consequently, less than 8 percent of Angolan households have internet access at home.⁹ Mobile internet packages come at a monthly cost of about US\$45,¹⁰ while internet cafes charge approximately US\$1 for 30 minutes. Already expensive for the vast majority of Angolans, whose median annual per capita income is US\$720 according to a 2013 Gallup study,¹¹ voice and data services in rural areas can be twice as expensive and of much poorer quality, subject to frequent cuts and extremely slow connection speeds as a result of poor infrastructure. Due to these high prices, most internet users log online at their workplaces.

ICT access is further hindered by the country's fractured electricity system that serves less than 40 percent of the population, mostly in urban areas.¹² Consequently, radio, television, and print outlets—which are subject to high levels of government interference—remain the primary sources of information for the majority of Angolans.

Angola's domestic backbone is currently comprised of microwave, VSAT, and fiber-optic cables. Connection to the international internet goes through the West Africa Cable System (WACS) and South Atlantic 3 (SAT-3) cable, the latter of which is operated by the state-owned Angola Telecom.¹³ In early 2014, Angola began construction on the South Atlantic Cable System (SACS),¹⁴ a submarine

3 International Telecommunication Union, "Percentage of Individuals Using the Internet, 2000-2013," <http://www.itu.int/en/ITU-D/Statistics/Pages/stat/default.aspx>.

4 International Telecommunication Union, "Mobile-Cellular Telephone Subscriptions, 2000-2013."

5 International Telecommunication Union, "Angola Profile (latest data available: 2013)," *ICT-Eye*, accessed August 1, 2014, <http://www.itu.int/net4/itu-d/icteye/CountryProfileReport.aspx?countryID=8>.

6 International Telecommunication Union, "Fixed (Wired)-Broadband Subscriptions, 2000-2013."

7 More than 36 percent of Angolans live below the poverty line. See: "Angola," African Economic Outlook, 2014, http://www.africaneconomicoutlook.org/fileadmin/uploads/aeo/2014/PDF/CN_Long_EN/Angola_ENG.pdf.

8 Ami Sedghi, "Which is the World's Most Expensive City? Cost of living survey 2012," *Guardian*, June 12, 2012, <http://www.theguardian.com/news/datablog/2012/jun/12/city-cost-of-living-2012-tokyo>.

9 International Telecommunication Union, "Angola Profile (latest data available: 2013)," *ICT-Eye*, accessed August 1, 2014.

10 Interview with a source based in Angola, March 2014.

11 Glenn Phelps and Steve Crabtree, "Worldwide, Median Household Income About \$10,000," Gallup World, December 16, 2013, <http://www.gallup.com/poll/166211/worldwide-median-household-income-000.aspx#1>.

12 World Bank, "Access to electricity (% of population)," accessed July 31, 2014, <http://data.worldbank.org/indicator/EG.ELC.ACCS.ZS>.

13 "Sistema de Cabos da África Ocidental entra na fase final" [Cable system in Western Africa in final phase] (in Portuguese), Portalangop.co.ao, October 27, 2012, http://www.portalangop.co.ao/angola/pt_pt/noticias/ciencia-e-tecnologia/2011/9/43/Sistema-Cabos-Africa-Ocidental-entra-fase-final.c7f3bfa7-9f7c-44d0-8912-fdc2e176d97d.html

14 "Construction of SACS cable to start in Q1 2014," *Telecompaper*, January 28, 2014, <http://www.telecompaper.com/news/construction-of-sacs-cable-to-start-in-q1-2014--992586>.

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fiber-optic cable connecting Brazil and Angola that aims to reduce the bandwidth costs associated with the distance that internet traffic currently has to travel from Europe and the United States.¹⁵ Construction of SACS is expected to be completed by mid-2015.¹⁶

Broadband connection speeds in Angola are still slow, averaging 1.5 Mbps (compared to a global average of 3.9 Mbps), according to May 2014 data from Akamai's "State of the Internet" report.¹⁷ In addition, Angola's broadband adoption (characterized by connection speeds greater than 4 Mbps) is only about 3 percent,¹⁸ while the country's narrowband adoption (connection speed below 256 kbps) is less than 2 percent.¹⁹

The ownership structure of internet service providers in Angola enables the government via senior officials who double as businesspersons to control internet services through their direct and indirect shareholder participation in many Angolan companies. For one, the state oil company, Sonangol, owns 3 of the country's 18 ISPs (MSTelcom, Nexus, and ACS) and is a major shareholder in 2 other companies—UNITEL and Angola Cables, the former of which is the country's largest ISP.²⁰ The national telecom company, Angola Telecom, an ISP itself, is also a major shareholder in Angola Cables, with 51 percent.²¹

Two private operators, UNITEL and Movitel, provide mobile services,²² though both telecoms have indirect ownership ties to the government. For example, 75 percent of UNITEL, the larger mobile phone operator, is held by three entities: the state oil company, Sonangol; a business venture²³ run by the president's lieutenant general, Leopoldino do Nascimento; and the president's billionaire daughter, Isabel dos Santos, according to investigative reports. Both the general and Ms. dos Santos sit on the board of UNITEL.²⁴ Meanwhile, 80 percent of Movitel is split between five ostensibly private Angolan companies—Portmill Investimentos e Telecomunicações with 40 percent, Modus Comunicare with 19 percent, Ipang – Indústria de Papel e Derivados with 10 percent, Lambda with 6 percent, and Novatel with 5 percent—that have majority shareholders who are senior officials within the presidential office. For example, the majority shareholders of the Angolan investment company Lambda include the Minister of Telecommunications and Information Technologies José

15 Estefania Jover et al., "Angola, Private Sector Country Profile."

16 "SACS Angola-Brazil cable ready mid-2015; Telebras onboard, shelves US link," TeleGeography, November 15, 2013, <http://www.telegeography.com/products/commsupdate/articles/2013/11/15/sacs-angola-brazil-cable-ready-mid-2015-telebras-on-board-shelves-us-link/>.

17 Akamai, "Average Connection Speed: Angola," map visualization, *The State of the Internet*, Q1 2014, <http://www.akamai.com/stateoftheinternet/soti-visualizations.html#stoj-map>.

18 Akamai, "Broadband Adoption (connections to Akamai >4 Mbps): Angola," map visualization, *The State of the Internet*, Q1 2014, <http://www.akamai.com/stateoftheinternet/soti-visualizations.html#stoj-map>.

19 Akamai, "Narrowband Adoption (connections to Akamai <256 kbps): Angola," map visualization, *The State of the Internet*, Q1 2014, <http://www.akamai.com/stateoftheinternet/soti-visualizations.html#stoj-map>.

20 Sonangol's telecom subsidiary, MSTelcom, discloses its full ownership of Nexus and ACS in: *Sonangol Notícias*, "9º Aniversário da Mstelcom: Ligando o País e o Mundo," August 2008, nº 17, Sonangol.

21 Angola Cables is a joint venture by the five main telecom operators in the country, established to manage and control Angola's participation (11.4 percent) in the West Africa Submarine System (WACS), as well as the national teleport. It commercializes access to fiber submarine cables for international voice and data circuits.

22 Instituto Angolano das Comunicacoes (INACOM), "Statistics," accessed July 31, 2014, <http://www.inacom.og.ao/Publica%C3%A7%C3%B5es/Estat%C3%ADsticas.aspx>.

23 The investment company: Portmill, Investimentos e Telecomunicações.

24 Kerry A. Dolan, "Isabel Dos Santos, Daughter Of Angola's President, Is Africa's First Woman Billionaire," *Forbes*, January 23, 2013, <http://www.forbes.com/sites/kerryadolan/2013/01/23/isabel-dos-santos-daughter-of-angolas-president-is-africa-first-woman-billionaire/>.

Carvalho da Rocha, his deputy, and members of both their families.²⁵ The remaining 20 percent of Movitel's capital is held by two state enterprises, Angola Telecom and Empresa Nacional de Correios e Telégrafos de Angola, with 18 percent and 2 percent, respectively.²⁶

The 2011 Law on Electronic Communications and Information Company Services further enhances the government's ability to control the country's ICT sector.²⁷ On paper, the law aims to ensure that ICTs in Angola are developed to play a fundamental role in ensuring citizens' universal access to information, transparency in the public sector, and participatory democracy.²⁸ It also sets broader goals of poverty alleviation, the welfare of citizens, competitiveness, productivity, employment, territorial and cultural cohesion, social inclusion and consumer rights.²⁹ Nevertheless, this legislation includes several provisions that constitute serious threats to online freedom. For one, although the law provides for universal access to information through cyberspace, universal access is dependent upon the state's responsibility "in the creation and promotion of conditions that enable all citizens to access ICT."³⁰ The law accordingly enables the president as head of government to "intervene when internet service providers jeopardize their social functions or there are situations that gravely compromise the rights of subscribers or users."³¹ Because the law does not define "the social functions" or "situations" that could be compromised or the scope of intervention allowed, analysts believe that the law empowers the president to control the ICT sector at will.

The Ministry of Post and Telecommunications (MCT) is responsible for oversight of the ICT sector, while the Angolan Institute for Communications (INACOM), established in 1999, serves as the sector's regulatory body. Reporting to the MCT, INACOM determines the sector's regulations and policies, sets prices for telecommunications services, and issues licenses. The regulatory body was set up as an independent public institution with both financial and administrative autonomy from the ministry,³² though in practice, its autonomy is fairly limited. According to reports by the ITU and World Bank, INACOM is not autonomous in its decision making process,³³ in part due to the ministerial appointment of the director general who can be dismissed for any reason. In addition, the MCT has been known to influence staff appointments, while other ministries are often involved in sector policy, leading to politically influenced regulatory decisions.³⁴

25 Rafael Marques de Morais, "The Angolan Presidency: The Epicentre of Corruption," *Maka Angola* (blog), accessed August 30, 2013, https://wikileaks.org/gifiles/attach/169/169476_Ao100805.pdf.

26 Rafael Marques de Morais, "The Angolan Presidency: The Epicentre of Corruption," *Maka Angola* (blog).

27 Assembleia Nacional, *Lei das Comunicações Eletrónicas e dos Serviços da Sociedade da Informação* (Lei nº 23/11), Art. 5.

28 Assembleia Nacional, *Lei das Comunicações Eletrónicas e dos Serviços da Sociedade da Informação* (Lei nº 23/11), Art. 14º, a), k), 2011.

29 Ibid., Art. 15º.

30 Ibid., Art. 5º.

31 Ibid. Art. 26º, 2.

32 Russell Southwood, "The Case for 'Open Access' Communications Infrastructure in Africa: The SAT-3/WASC cable – Angola case study," Association for Progressive Communications, page 5, accessed August 30, 2013, http://www.apc.org/en/system/files/APC_SAT3Angola_20080523.pdf.

33 International Telecommunication Union, "Angola Profile (latest data available: 2013)," *ICT-Eye*, accessed August 1, 2014, <http://www.itu.int/net4/itu-d/icteye/CountryProfileReport.aspx?countryID=8>.

34 "Private Solutions for Infrastructure in Angola: A Country Framework Report," Public-Private Infrastructure Advisory Facility and the World Bank Group, 2005, <http://www.ppiaf.org/sites/ppiaf.org/files/publication/Angola-CFR.pdf>: 92.

Limits on Content

During the coverage period, online self-censorship became more prevalent, reinforced by recent attacks on online journalists. One online news portal reported receiving calls from government officials to self-censor on certain topics.

To date, there have been no known incidents of the government blocking or filtering ICT content in Angola, and there are no restrictions on the type of information that can be exchanged through digital media technologies, aside from child pornography and copyrighted material.³⁵ Social media and communications apps such as YouTube, Facebook, Twitter, and international blog-hosting services are freely available.

Nevertheless, censorship of news and information in the traditional media sphere is common, leading to worries that similar efforts to control the information landscape will eventually affect the internet. The president and members of the ruling MPLA party own and tightly control a majority of the country's media outlets, including those that are the most widely disseminated and accessed. Of the dozen or so privately owned newspapers, most are held by individuals connected to the government. The state media sector is comprised of the only daily newspaper in the country, *Jornal de Angola*, the broadcasting company *Rádio Nacional de Angola*, the *Angolan Public Television* (TPA), and the news agency *Angop*. All of these media outlets have websites of their own, none of which allow for comments from readers, enabling them to maintain their role as government mouthpieces.

Self-censorship is pervasive and commonly practiced by journalists in both state-run and private print outlets, though there is more open criticism of the president and ruling party circulating on blogs and social media platforms.³⁶ In the past few years, the internet and social media have become the last frontier for independent voices, with journalists, activists and opposition parties increasingly turning to digital platforms as a means to sidestep the country's longstanding restrictions on traditional media. Bloggers and internet users have been generally less fearful in expressing themselves and discussing controversial topics online than they might be offline. Nevertheless, there have been anecdotal reports of online self-censorship becoming more prevalent, reinforced by recent attacks on online journalists (see "Violations of User Rights").³⁷ In addition, taboo topics related to corruption, abuse of power, land grabs, police brutality, and demolitions are often avoided.

Independent news outlets that are critical of the government do exist, with *Folha8* being the most prominent, though its audience is reached primarily through its print publication. A new portal based in Portugal launched in 2013, *Rede Angola*,³⁸ has become one of the main sources of alternative and independent online news on Angola, though according to internal sources, the portal has been subject to censorship calls.³⁹ For example, in May 2013, *Rede Angola's* newsroom

35 "Angola, Country Profile," Global Resource & Information Directory, last updated June 14, 2014, accessed August 30, 2014, <http://www.fosigrid.org/africa/angola>.

36 Danny O'Brien, "Using Internet 'Crime' Laws, Authorities Ensnare Journalists," *Attacks on the Press in 2011* (New York: Committee to Project Journalists, February 2012), <http://cpj.org/2012/02/attacks-on-the-press-in-2011-regulating-the-intern.php>; Louise Redvers, "Angola Victory for Cyber Activists?" BBC News, May 27, 2011, <http://www.bbc.co.uk/news/world-africa-13569129>

37 Based on interviews with internet users and bloggers.

38 *Rede Angola* website: <http://www.redeangola.info/>.

39 Based on information from internal sources at *Rede Angola* disclosed to the author.

reportedly received instructions from the management not to publish any news on the kidnappings and torture of more than 20 protesters by the Angolan Rapid Intervention Police on May 27, 2013.⁴⁰

The economic viability of independent outlets, both online and print, is constrained by the lack of advertising revenue from both state and private sources, since it is often denied to news outlets that publish critical stories.⁴¹ Moreover, the online information landscape lacks diversity and is unable to represent a variety of groups and viewpoints throughout the country due to both the concentration of internet access in urban areas and the limited space for critical voices in Angola's general media sphere.

Meanwhile, Angola has seemingly embraced e-governance initiatives and is known as the first country in sub-Saharan Africa to pass an access to information law in 2002. In 2014, most ministries and provinces have their own web portals, and a citizen's portal, Cidadao.gov.ao, exists to facilitate the provision of public services to society. In practice, however, there is still a dearth of information and services that citizens can access through government portals, which essentially serve as a repository of state media news on related departments.⁴²

In addition, numerous government websites are infrequently updated and often lack both basic and essential information. The website of the vice president, Manuel Vicente, for example, does not disclose his biography,⁴³ while the ministry of telecommunications and ICT, which is in charge of e-government projects, has not updated its public agenda on its website since May 2012,⁴⁴ posting solely news events. Journalists have found it baffling that the current minister of information, José Luís de Matos, has not published his biographical information on the ministry's portal, except the date of his appointment in October 2013.⁴⁵ Meanwhile, the presidential website has been "temporarily unavailable" since 2012.⁴⁶

Another aspect of the government's mediocre engagement with the internet is its inability to interact with citizens through social media. While the government's main portal links to social media accounts on Facebook, YouTube, Twitter, and Flickr, the accounts are rarely updated, likely due to an unwillingness to employ full-time censors to monitor and moderate public comments, according to some analysts. Consequently, the government's apparent investments in e-governance and ICTs have not guaranteed more access to information or enhanced citizens' participation in decision-making processes as promised. It has also failed to foster government accountability and transparency, and improve interactions between public officials and citizens.

Nevertheless, social media has become the leading platform for citizens to criticize the government

40 "Angola: Police Disrupt New 'Disappearances' Protest," Human Rights Watch, May 31, 2013, <http://www.hrw.org/ar/node/115988>.

41 Freedom House, "Angola," *Freedom of the Press 2013*, <http://www.freedomhouse.org/report/freedom-press/2013/angola>.

42 The citizen's portal does not provide any direct or indirect online services but only basic information on bureaucratic requirements on how and where to apply for ID's, driver's licenses, and death certificates. It mostly provides addresses to services in the capital, Luanda, although it claims nationwide coverage.

43 Vice-Presidencia, Republica de Angola, accessed September 4, 2014, <http://www.savpr.gov.ao/>.

44 Ministério das Telecomunicações e Tecnologias de Informação, Republica de Angola, accessed September 4, 2014, <http://www.mtti.gov.ao/>

45 Ministério da Comunicação Social, Republica de Angola, accessed September 4, 2014, <http://www.mcs.gov.ao/Institucionalis/Perfil.aspx>.

46 Portal da Casa Civil do Presidente da Republica de Angola, last accessed in September 2014, <http://www.casacivilpr.ao/>

and react to alleged wrongdoings. Youth groups have increasingly flocked to Facebook to call for protests against government corruption, reflecting a weakening culture of fear within civil society. In June 2013, when two individuals were issued travel bans after being indicted for their alleged association with the independent news website, *Club-K* (see "Violations of User Rights"), activists on social media played a significant role in pressuring the government to overturn the travel restrictions. Online protests and mobilization efforts, however, have yet to result in major political or social outcomes.

Violations of User Rights

During the coverage period, the police and public magistrates began aggressively prosecuting individuals specifically for their online activities for the first time. Two individuals were charged with abuse of the press and defamation for their suspected ties to the diaspora web portal, *Club-K*. Evidence from investigative research affirmed that a German company had assisted the Angolan military intelligence in installing a sophisticated communications monitoring system on a military base. Further evidence, as of November 2013, found that at least one major ISP hosts a spyware system directly on its server. In September 2013, two journalists were arrested while interviewing protesters for the independent news blog *Maka Angola* and were beaten while in custody.

The Angolan constitution provides for freedom of expression and the press, though in practice, these constitutional rights are routinely flouted by the government and authorities. Meanwhile, stringent laws regarding state security and defamation run counter to constitutional guarantees, such as Article 26 of the 2010 state security law that penalizes individuals who insult the country or president in "public meetings or by disseminating words, images, writings, or sound" with prison sentences of up to three years.⁴⁷ The 2006 press law holds authors, editors or directors of a publication criminally liable for libelous content.⁴⁸ If the author does not reside in the country or the text is not signed, the law establishes the circumstances in which the editor, director, or both may be held criminally responsible for grievous content.⁴⁹ Defamation is also a crime punishable by imprisonment, while politicians enjoy complete immunity.

In 2002, Angola became one of the first African countries to enact a freedom of information law. In practice, however, accessing government information remains extremely difficult. The judiciary is subject to considerable political influence, with Supreme Court justices appointed to life terms by the president and without legislative oversight. Nevertheless, the courts have been known to rule against the government on occasion.⁵⁰

A Law on Electronic Communications and Services of the Information Society was enacted in August 2011 that provides for citizens' rights to privacy and security online, among other provisions

47 "Angola: Revise New Security Law, Free Prisoners in Cabinda," Human Rights Watch, December 9, 2010, <http://www.hrw.org/news/2010/12/08/angola-revise-new-security-law-free-prisoners-cabinda>.

48 Art. 71, 2, Assembleia Nacional, *Lei de Imprensa* (Lei 7/06), 2006, http://www.wipo.int/wipolex/en/text.jsp?file_id=179557.

49 Art. 73, 1, Assembleia Nacional, *Lei de Imprensa* (Lei 7/06), 2006, http://www.wipo.int/wipolex/en/text.jsp?file_id=179557.

50 For example, in May 2012 the court rejected the appointment of the MPLA-favored candidate to head the National Electoral Commission in advance of the August parliamentary elections. See, "Angola Court Removes 'MPLA' Election Head Susana Ingles," BBC News, May 18, 2012, <http://www.bbc.co.uk/news/world-africa-18117413>.

regulating telecommunications.⁵¹ Nevertheless, a draft Cybercrime Law (short for the Law to Combat IT, Communications and Information Society Services' Crimes) introduced in May 2011 attempted to provide the government with legal measures to circumvent a slew of users' rights online and penalize certain online activities.⁵² For example, Article 16 of the draft law would increase penalties prescribed for offenses laid out under Angola's criminal code—such as defamation, libel, and slander—committed via electronic media, thereby penalizing online conduct offenses more harshly than offline.⁵³

Introduced by the president's office to the National Assembly in March 2011,⁵⁴ the law was ultimately withdrawn in May 2011 as a result of internal pressure and vocal objections from civil society.⁵⁵ Nonetheless, a government minister publicly stated the same year that special clauses regarding cybercrimes would instead be incorporated into an ongoing revision of the penal code,⁵⁶ leaving open the possibility of internet-specific restrictions coming into force in the future.⁵⁷ Meanwhile, the government has publicly stood by the constitutionality of the draft Cybercrime Law's controversial clauses.⁵⁸

In recent years, a number of journalists in the traditional media sphere have been prosecuted for criminal defamation in lawsuits initiated by government officials.⁵⁹ Most recently, two individuals

51 AVM Advogados, "News from Angola," newsletter, August 2011, http://www.avm-advogados.com/newsletter/2011.08/2011-08_avm-newsletter_eng.html#NFA-01.

52 If the draft law had passed, the law would also have empowered the authorities with the ability to intercept information from private devices without a warrant and prosecute individuals for objectionable speech expressed via ICTs and on social media platforms. Sending an electronic message interpreted as an effort to "endanger the integrity of national independence or to destroy or influence the functionality of state institutions" would have yielded a penalty of two to eight years in prisons, in addition to fines. The law would have further criminalized the dissemination of any "recordings, pictures and video" of an individual without the subject's consent, even if produced lawfully, which could have impeded journalists' ability to report on public protests or instances of police brutality using digital tools. The bill additionally prescribed penalties between 8 and 12 years in prison for espionage and whistle blowing activities, which would have included the act of seeking access to classified information on an electronic system "in order to reveal such information or to help others to do so." The same penalty was provided for accessing unclassified information that could be deemed as endangering state security. See: "Angola: Withdraw Cybercrime Bill," Human Rights Watch, May 13, 2011, <http://www.hrw.org/news/2011/05/13/angola-withdraw-cybercrime-bill>

53 The draft would also make it illegal to post online or to share photos, recordings or videos without the consent of those appearing in the content. Those found guilty could serve from two to eight years in jail, though all state institutions, including the state media, would be exempt from this legal demand. This would make it illegal to use social media to post photographs, videos or even to publish satirical images of the president and members of the regime without their consent. The government also wants to punish those who send or forward messages (email, text, tweet, etc.) that might "disturb the peace and tranquility or the personal, familiar or sexual life of another person." See: "Angola: Withdraw Cybercrime Bill," Human Rights Watch, May 13, 2011, <http://www.hrw.org/news/2011/05/13/angola-withdraw-cybercrime-bill>; Assembleia Nacional, *Proposta de Lei de Combate à Criminalidade no Domínio das TIC e dos Serviços da Sociedade da Informação*, 2010.

54 The controversial bill passed its first approval with 145 votes in favor, 18 against, and four abstentions. *Angop*, "Reforma Legislativa Visa Estabelecimento do Mercado," March 31, 2011, http://www.portalangop.co.ao/angola/pt_pt/noticias/politica/2011/2/13/Reforma-legislativa-visa-estabelecimento-mercado.c2a96374-bc27-4610-b599-1ac0fa13d773.html.

55 Louise Redvers, "Angola Victory for Cyber Activists?" *BBC News*, May 27, 2011, <http://www.bbc.com/news/world-africa-13569129>.

56 The revised Penal Code has been in limbo for passage into law since 2006. It incorporates the abovementioned controversial articles of the Cybercrime Law into its penal sanctions within the framework of defamation. Ministério da Justiça e dos Direitos Humanos, *Anteprojecto de Código Penal*, Arts. 200, 201, 2. www.safiii.org/ao/legis/num_act/cp76.pdf.

57 *Angop*, "Lei sobre Crime nas TIC Retirada para Conformar ao Futuro Código Penal," May 24, 2011, http://www.portalangop.co.ao/angola/pt_pt/noticias/politica/2011/4/21/Lei-sobre-crime-nas-TIC-retirada-para-conformar-futuro-codigo-penal.ed750bbd-37be-48b0-bdc2-f79cc76c9601.html.

58 *Angop*, "Ministro Descarta Inconstitucionalidade da Lei de Combate à Criminalidade Informática," May 9, 2011, http://www.portalangop.co.ao/angola/pt_pt/noticias/politica/2011/4/19/Ministro-descarta-inconstitucionalidade-Lei-combate-criminalidade-informatica.51c12834-1cfc-4a05-b902-6f31e6ca5c9f.html.

59 "Angola: Defamation Laws Silence Journalists," Human Rights Watch, August 12, 2013, <http://www.hrw.org/news/2013/08/12/angola-defamation-laws-silence-journalists>.

were prosecuted for their alleged ties to the diaspora web portal *Club-K*, the popular independent news website hosted abroad by members of the Angolan diaspora. On July 9, 2013, the Attorney General's Office charged José Gama and Lucas Pedro Fenguete, a journalist and an activist, for crimes of abusing the press, defamation, and slander against senior public officials based on two articles published in *Club-K*, despite the fact that there was no evidence the individuals had been responsible for either of the two articles.⁶⁰ The first article alleged that the Attorney General of the Republic, General João Maria de Sousa, owned a mansion in Portugal.⁶¹ The second was merely a post of an article originally published by the Portuguese weekly newspaper *Expresso* on investigations that General de Sousa had been facing in Portugal for money-laundering and fraud.⁶² As of mid-2014, the authorities have kept the suspects in a judicial limbo without any further information on the case.

There are no restrictions on anonymous communication such as website or SIM card registration requirements. Nevertheless, in April 2013, a *Club-K* investigative report revealed that intelligence and state security services were allegedly planning to implement an electronic monitoring system that could track email and other digital communications. According to *Club-K*, the sophisticated monitoring equipment had been imported from Germany, and the deal included the services of German technicians who would assist in the system's installation on a military base in Cabo Ledo, home of the Technical and Operational Battalion (*Batalhão Técnico Operacional*–BATOPE).⁶³ In early 2014, a follow up investigation by an anonymous researcher found corroborating information from military sources, affirming that a German company had indeed assisted the Angolan military intelligence in installing a sophisticated monitoring system at the BATOPE base around September 2013.⁶⁴ There was further evidence, as of November 2013, of at least one major ISP hosting a spyware system directly on its server, as part of the German company setup.

The blurred lines between the public and private sectors in Angola make it difficult to ascertain the extent to which the government needs to require ICT providers to assist in the monitoring of communications. For instance, the top adviser to the head of the Intelligence Bureau at the Presidency, General Leopoldino do Nascimento, is also the chairman and shareholder of Unitel. Meanwhile, the head of the Intelligence Bureau, General Manuel Hélder Vieira Dias "Kopelipa," holds a majority share (about 59 percent) in Movitel.⁶⁵ The deputy CEO and Chief Technology Officer of Unitel, Amílcar Safeca, is the brother of Aristides Safeca, the secretary of the state for ICT who in turn is a shareholder of Movitel. Such interweaving of political and family connections with the private

60 On the charges, attorney Salvador Freire, who represents both activists, claimed, "My clients are neither editors of Club-K or authors of the articles. Lucas Pedro is a freelance writer and José Gama is simply an activist." See: "José Gama Interditado de Sair do País," *Maka Angola*, August 2013, <http://makaangola.org/2013/08/23/jose-gama-interditado-de-sair-do-pais/>.

61 "PGR compra mansão de 4 milhões de euros em Cascais," *Club-K*, March, 5, 2013, http://www.club-k.net/index.php?option=com_content&view=article&id=14493:pgr-compra-mansao-de-4-milhoes-de-euros-em-portugal&catid=9:preto-e-branco&Itemid=143.

62 Rui Gustavo, "PGR Angolano Reage a Notícia do Expresso," *Expresso*, February 25, 2012. <http://expresso.sapo.pt/pgr-angolano-reage-a-noticia-do-expresso=f789314>.

63 "Alemães montam sistema de escuta em Angola" [Germans assemble listening system in Angola], *Club-K*, April 23, 2012, http://www.club-k.net/index.php?option=com_content&view=article&id=14932:alemaes-montam-sistema-de-escuta-em-angola&catid=11:foco-do-dia&Itemid=130.

64 Anonymous Freedom House researcher, March 2014.

65 General Kopelipa openly represents Portmill, Investimentos e Telecomunicações, which holds 40 percent of Movitel. He is also a co-owner of Banco Espírito Santo Angola which is a major Movitel investor as well. In 2010, journalist Rafael Marques de Morais found in an investigation that Portmill had been set up by Gen. Kopelipa, Gen. Leopoldino do Nascimento and the current vice-president of Angola, Manuel Vicente.

interests of the same individuals is compounded by the lack of a rule of law. As a result, the strong presence of the state in the ownership structure of Angola's telecoms, particularly of mobile phone operators, suggests that the authorities are likely able to wield their influence over service providers if desired. Cybercafes, however, are not known to be subject to such requirements.

Attacks and extralegal violence against journalists in the traditional media sphere are unfortunately common in Angola,⁶⁶ and online journalists are increasingly targeted. In one notable incident on September 20, 2013, journalist Rafael Marques de Morais and Alexandre Solombe, a colleague who was assisting him, were arrested while interviewing protesters for the independent news blog, *Maka Angola*. They were beaten while in custody, threatened until they relinquished their mobile phone PIN numbers, and subsequently released without charges.⁶⁷ Marques de Morais's mobile phone was returned damaged beyond use, and the police kept the memory card with over 1,000 pictures and videos. Several months later, the journalist discovered that Minister of the Interior Ângelo de Barros Tavares had personally ordered the operation.⁶⁸ According to the Marques de Morais's sources, the main objective of the operation was to seize his digital equipment for clues to his government sources who were suspected of leaking information to the *Maka Angola* news blog.

Independent and diaspora news websites have also been subject to technical violence, such as hacking and denial-of-service (DoS) attacks, particularly during periods of political contestation. For example, in 2013, the personal laptop belonging to journalist Rafael Marques de Morais was attacked with customized malware. Tests later conducted on his computer found that the surreptitious malware worked by taking screenshots of Marques de Morais's computer activity every 20 seconds and transferring the images to a server in India.⁶⁹ An international expert, Jacob Appelbaum, traced the author of the malware to an Indian national.⁷⁰ Appelbaum also found that the Portuguese franchise of a Western multinational doing business in Angola with strong ties to some of the above-mentioned generals had solicited the spyware service.

66 According to the Committee to Protect Journalists, at least 10 journalists have been killed in Angola since 1992. See, "10 Journalists Killed in Angola since 1992/Motive Confirmed", Committee to Protect Journalists, accessed August 2014, <http://www.cpj.org/killed/africa/angola/>; "Angola: Stop Stifling Free Speech," Human Rights Watch, August 1, 2012, <http://www.hrw.org/news/2012/08/01/angola-stop-stifling-free-speech>.

67 Kerry A. Dolan, "Angolan Journalist Rafael Marques Arrested, Roughed Up and Later Released," *Forbes*, September 23, 2013, <http://www.forbes.com/sites/kerryadolan/2013/09/23/angolan-journalist-rafael-marques-arrested-roughed-up-and-later-released/>.

68 "Ministro do Interior Comanda Repressão," *Maka Angola*, May 29, 2014, http://www.makaangola.org/index.php?option=com_content&view=article&id=11301:ministro-do-interior-coordena-operacoes-de-repressao&catid=28:direitos-humanos&lang=pt.

69 There is a detailed account of how the malware was discovered during an international conference. See: Michael Moynihan, "Hackers are Spying On You: Inside the World of Digital Espionage," *Newsweek*, May 29, 2013. <http://www.newsweek.com/2013/05/29/hackers-are-spying-you-inside-world-digital-espionage-237478.html>.

70 Janet Gunter, "Digital Surveillance in Angola and Other 'Less Important' African Countries," Global Voices Advocacy, February 26, 2014, <http://advocacy.globalvoicesonline.org/2014/02/26/digital-surveillance-in-angola-and-other-less-important-african-countries/>.

