

URGENT ACTION

TIKTOKER JAILED FOR CRITICIZING THE PRESIDENT

On 13 August, Angolan TikToker, Ana da Silva Miguel (also known as Neth Nahara) was arrested in Luanda, capital city of Angola. On 14 August, she was convicted to 6 months in prison for the crime of 'outrage against the state, its symbols and bodies' for recording a live video on TikTok criticizing the president. Following an appeal by the public prosecutor on 27 September, her 6 months sentence was increased to 2 years in prison. Since her arrest, Neth Nahara has been denied access to her daily medication, despite her complicated health condition. On 3 December, she was hospitalized due to her deteriorating health. Her conviction and sentence stem from the peaceful exercise of her right to freedom of expression. Neth Nahara must be immediately released.

TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

Minister of Justice and Human Rights

Marcy Cláudio Lopes
Casarão da Justiça, Rua 17 de Setembro
Gombota, Luanda, LU, Angola
E-mail: dndh.mjdh.angola@gmail.com

Dear Minister,

I am writing to you to express concern about the arbitrary detention and conviction of **Ana da Silva Miguel (AKA Neth Nahara)**, solely for peacefully exercising her human rights.

On 13 August, Neth Nahara – an avid TikTok user - was arrested by the Criminal Investigation Services at O4 de Fevereiro International Airport, in Luanda, Angola's capital, while preparing for a trip to Dubai. On 14 August, she was summarily tried and sentenced to 6 months in prison for 'outrage against the state, its symbols, and bodies' and a fine of 1 million Kwanza (approximately 1,200 USD) for having made a live stream on 12 August on her TikTok account criticizing the government and the President of the Republic.

On 1 September, Neth Nahara's lawyers were notified about the public prosecutor's appeal to extend the 6-months sentence. Without the lawyers having had the chance to submit their counter-appeal, the prosecution's appeal was sent straight to the second stage court, violating the laws which set deadlines at 20 days for a counter appeal before a judge can make a decision. The lawyers then submitted a complaint of unconstitutionality to the second stage court, which has not yet been responded to. On 27 September, the second stage court decided to uphold the prosecution's appeal, extending the sentence from 6 months to 2 years in prison, in a clear attack on human rights including the right to the freedom of expression, violating article 40 of the Angolan Constitution, article 9 of the African Charter on Human and Peoples' Rights to which Angola is a state party.

In 2020, Neth Nahara made it public that she is HIV Positive. Since her arrest in August, Neth Nahara has not been receiving her daily medication for the virus, violating women's rights, thus seriously impacting her health, and putting her life at serious risk. Her health situation is critical and deteriorating. This led to an emergency hospitalization on 3 December. By preventing Neth Nahara from accessing her HIV treatment, the authorities are violating her right to sexual and reproductive health as enshrined in the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol).

I urge you to ensure that Neth Nahara is immediately released, since her conviction and ongoing arbitrary detention stem from the peaceful exercise of her human rights including to freedom of expression. Pending her release, the authorities must also ensure she has immediate access to all necessary and adequate healthcare.

Yours sincerely,

ADDITIONAL INFORMATION

Neth Nahara, 31, is known as a digital influencer who uses her social media to comment on current issues in Angola, mainly involving famous artists and politicians. Singer and mother of two small children, on social media, where she has thousands of followers, she is also known for her controversial and polemic positions and for sharing details of her personal life, such as her state of health and other day-to-day challenges.

In the days leading up to the recording of her livestream on Tiktok, on 12 August 2023, where she criticized the president of the republic, Neth Nahara had denounced, on her social media accounts, the police's attempt to seize her building materials, without a warrant, on one of her plots of land.

In Angola, in recent years, the free exercise of the right to freedom of expression has been under attack. Criticizing the President of the Republic is now a criminal offence. In October 2022, Kuduro singer Gilson Morreira (also known as Tanaice Neutro) was also sentenced to 15 months imprisonment for the crime of 'Outrage against the State, its symbols and bodies' after calling the President of the Republic a clown in one of his videos posted on Facebook.

PREFERRED LANGUAGE TO ADDRESS TARGET: Portuguese

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 9 FEBRUARY 2024

Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

NAME AND PRONOUN: Ana da Silva Miguel (She/her)