Venezuela

Key Developments: June 2015 – May 2016

- Telecommunications services continued to deteriorate with the economic crisis and foreign currency controls. While according to official figures internet penetration increased, some firms have been forced to scale back certain services and the country’s average internet speed still lagged behind (see Obstacles to Access).

- Independent media and citizens actively used digital platforms to cover and monitor the electoral process in December 2015, which saw the opposition party gaining a majority of seats in the National Assembly (see Limits on Content).

- In September 2015, opposition leader Leopoldo López was sentenced to nearly 14 years in prison after prosecutors claimed he incited violence through “subliminal messages” during anti-government protests. As evidence in his trial, prosecutors analyzed hundreds of tweets and a YouTube video (see Prosecutions and Detentions).

- Security forces continued to arbitrarily arrest online reporters, confiscate cellphones, or obliged users to delete images while covering protests and queues to buy food. Physical attacks by pro-government groups also targeted ICT users (see Prosecutions and Detentions and Violence and Intimidation).

### Venezuela 2015 – 2016

<table>
<thead>
<tr>
<th>Internet Freedom Status</th>
<th>2015</th>
<th>2016</th>
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<td>Partly Free</td>
<td>Partly Free</td>
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<td>Obstacles to Access (0-25)</td>
<td>17</td>
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<td>Limits on Content (0-35)</td>
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<tr>
<td>Violations of User Rights (0-40)</td>
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<td>25</td>
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<tr>
<td>TOTAL* (0-100)</td>
<td>57</td>
<td>60</td>
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* 0=most free, 100=least free

### Data

| Population: | 31.1 million |
| Internet Penetration 2015 (ITU): | 62 percent |
| Social Media/ICT Apps Blocked: | No |
| Political/Social Content Blocked: | Yes |
| Bloggers/ICT Users Arrested: | Yes |
| Press Freedom 2016 Status: | Not Free |

www.freedomonthenet.org
Introduction

Venezuela’s internet freedom climate continued to decline in the midst of deepening political and economic turmoil.

Venezuela’s deteriorating economic situation has entailed less overt – but more effective – limitations on internet freedom. A combination of factors, including strict foreign currency exchange controls, high inflation, and price controls have hindered the country’s telecommunication sector and the quality of internet access. In April 2016, the regulatory body announced that some operators had been forced to suspend some services.¹ Venezuela’s average broadband speed was the lowest in Latin America, according to the Economic Commission for Latin America and the Caribbean.²

Freedom of expression and information has progressively declined under the governments of Hugo Chávez and Nicolás Maduro. However, the widespread use of online media and social networks during parliamentary elections on December 6, 2015 demonstrated the growing importance and vigor of digital platforms. By forging strategic alliances with NGOs, new digital media have opened up space for discussion in a communication landscape largely dominated by the government. Parliamentary elections marked a shift in power in the legislative branch. Winning a super majority in the National Assembly, the opposition alliance announced discussions on reforming the Law of Telecommunications and the Law on Social Responsibility on Radio, Television, and Digital Media (Resorte-ME), which grants the regulatory body the power to rule over the blocking or deletion of content and to sanction service providers.³ However, recent legislative efforts have had contend with the Supreme Court’s power to rule against new legislation pushed forward by the opposition.⁴

At the same time, the government has sought to expand its influence by exerting control over the online sphere: blocking websites, encouraging self-censorship and content removal through third-party liability, and implementing sweeping laws that prohibit any content that threatens public order or promotes anxiety in the public. During the coverage period, three Twitter users arrested in 2014 remained in detention, while six users were subsequently released in 2015, at least on probation. Despite these releases, online reporters continued to face arbitrary arrests and confiscation of equipment while covering political events, protests, or queues to buy supplies. One of the most flagrant events was the trial and conviction of opposition leader Leopoldo López, who was sentenced to almost 14 years in prison after a lawsuit supported by evidence based on the analysis of hundreds of tweets and a video on YouTube. Physical attacks against journalists and ICT users by pro-government groups were also reported.

Obstacles to Access

Internet subscriptions decreased by at least one percent, and the average broadband speed did not surpass 2 Mbps: out of all connections, less than 5 percent are faster than 4 Mbps. According to official figures, internet penetration remained above 60 percent, although the total number of subscribers

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has dropped, and there is a significant gap between rural and urban areas. Foreign currency controls adversely impacted the telecommunication industry, while electricity shortages and rationing impeded access for users. The state dominates the ICT market through its ownership of CANTV, which has a market share of 70 percent.

Availability and Ease of Access

Venezuela’s economic crisis, marked by foreign currency controls, falling oil prices and high inflation, has hindered the country’s telecommunication infrastructure and the quality of internet access. In August 2015, the Chamber of Business Telecommunications Services (CASETEL) warned that a lack of investment could impact service provision. According to CASETEL’s President, Ricardo Martínez, by the end of 2015, service providers accumulated debt to suppliers that exceeded USD $1 billion. Some companies have been unable to convert profits into foreign currency for over a year.

According to the National Telecommunication Union (ITU), internet penetration reached 62 percent in 2015, up from 57 percent in 2015, while some private surveys pointed to higher and also lower figures. According to CONATEL however, the total number of subscribers dropped from 3.68 million at the end of 2014 to 3.65 at the end of 2015. Of these subscriptions, 93 percent were broadband (approximately 75 percent fixed and 25 percent mobile).

Despite growing demand, mobile subscriptions regressed in the past year amidst the country’s economic crisis. Mobile phone penetration reached close to 100 percent in 2015, though the number of subscriptions actually decreased from over 30.5 million subscribers in 2014 to 29 million in 2015. Similarly, mobile internet subscriptions fell from more than one million in 2014 to close to 815,000 in 2015.

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5 “Afirman que falta de divisas deteriora servicios de telecomunicaciones en Venezuela,” [They affirm that lack of currency deteriorates telecommunications services in Venezuela], Finanzas Digital, September 17, 2015, http://bit.ly/2cNUomY.
6 The National Commission of Telecommunications estimated a 60 percent growth in revenues in the sector, but with inflation above 100 percent, this would result in a decline in real income between 2014 and 2015. According to CASETEL, price adjustments have been far below inflation in recent years, which hampers investment in this capital intensive industry. See: CASETEL, Press release, August 2015, http://bit.ly/2dpQ00d.
9 Other private studies, including one mentioned by the digital communication strategist Carmen Beatriz Fernandez, reported 75 percent internet penetration, with 18 percent of users who only connect via cell phone (Personal communication via email). Tendencias Digitales, on the contrary, estimated penetration at 53 percent. See: “Foro Tendencias Digitales 2015: Venezuela tiene el ancho de banda más bajo de los países de Latinoamérica” [Digital Trends 2015 Forum: Venezuela has the lowest broadband in Latin American countries], Computer World, September 29, 2015, http://bit.ly/1TWmz9n.
12 CONATEL, Statistics 2015.
13 CONATEL, Statistics 2015.
Mobile access further contracted in August 2015, when the telecom Movistar Venezuela, a subsidiary of the Spanish company Telefónica and second largest mobile operator in the country, suspended new activations of its mobile internet service.\textsuperscript{14} Unable to meet financial obligations agreed with suppliers in U.S. dollars, Movistar announced that it was eliminating long distance and roaming services in April 2016; Digitel did the same.\textsuperscript{15} Users of state-owned Movilnet also reported cutbacks in certain services such as international roaming. CONATEL officially announced in April 2016 that difficulties arising from the country’s economic situation had forced some operators to suspend some services.\textsuperscript{16}

Facing deteriorating infrastructure and outdated equipment, the quality of internet connections for the majority of the population remained very poor. The landing station for submarine cables in Camurí Chico, which handles 89 percent of international communications in the country, did not undergo specialized maintenance in 2015.\textsuperscript{17} Due to the lack of maintenance and improvements of networks, users have reported speeds amounting to a fraction of the advertised speeds of 5 or 10 MB.\textsuperscript{18} According to Akamai, Venezuela’s average connection speed barely reached 1.9 Mbps in the first quarter of 2016.\textsuperscript{19} Out of all the connections, only 4.3 percent were faster than 4 Mbps and only 0.3 percent exceeded 10 Mbps. Venezuela’s peak connection speed (12.1 Mbps) was the worst out of 15 countries in the region assessed in Akamai’s report. Compounding poor access speeds, electricity rationing extended to the capital in early 2016, which up until 2015 only occurred in rural areas.\textsuperscript{20}

While accurate calculations are almost impossible to make in an economy with exchange controls and very high inflation, smartphones are prohibitively expensive for the majority of the population and are increasingly scarce.\textsuperscript{21} Although operators are forced to sell at controlled prices based on a preferential exchange rate, shortages prevail and products end up on the market at a price calculated at the free dollar rate, which was more than 1,000 bolivars per dollar in January 2016.\textsuperscript{22}

On the other hand, telecommunications services have lost relative value in the basket of consumer

\textsuperscript{14} Movistar suspende nuevas activaciones de Internet Móvil” [Movistar suspends new activations of Mobile Internet], Entorno Inteligente, August 16, 2015, http://bit.ly/2dCGPaF.


\textsuperscript{19} Akamai, State of the Internet, Q1 2016, http://akamai.me/2ecyiAU.


\textsuperscript{22} Sebastian Boyd, “Black-Market Bolivars Crash Past 1,000 Per Dollar in Venezuela,” Bloomberg, February 3, 2016, http://bloom.bg/1Q6x86R.
goods, and Venezuela has the cheapest rates in Latin America, according to CASETEL.\(^{23}\) CASETEL has called for a price increase, given that the variation of prices in the telecommunications basket represented 95 percent, compared to other goods or services that went up by 770 percent.\(^{24}\) Movistar and Digitel also announced the possibility of raising the price of their plans, but CONATEL threatened them with sanctions.\(^{25}\)

Figures from CONATEL show that the average cost of an internet service plan is VEF 219 a month. At the new official floating DICOM exchange rate on May 24 (VEF 472/US$),\(^{26}\) this would represent less than US$0.50. Mobile data, according to the same source, cost around 0.50 VEF/MB, equivalent to US$0.001/MB. More than 90 percent of mobile data plans are prepaid.\(^{27}\) Since July 2015, Movistar’s basic plan cost 418 VEF a month (US$0.88). A similar plan from Digitel cost 359 VEF (US$0.76). Postpaid plans cost nearly 250 VEF (US$0.52) a month, which is less than 3 percent of the minimum wage.\(^{28}\)

The digital gap between the capital and rural areas has in turn widened. While the Capital District boasted a penetration rate of 103 percent, Amazonas was under 20 percent. Out of 24 states, only 11 have an average larger than 50 percent.\(^{29}\) Mobile broadband offers are concentrated in cities with populations of more than 50,000 people and in high-income zones. Some ISPs such as IPNet also offer speeds up to 25 Mbps in wealthy areas of Caracas. Among this elite minority with access to superior connections, some small online TV initiatives, such as Vivo Play, also gained users.\(^{30}\)

The government has made some effort to increase connections, launching Wi-Fi Plan for All in 2013 in order to introduce Wi-Fi in public spaces, but has not been able to meet the demand.\(^{31}\) The National Transportation Network, which was supposed to take optical fiber to rural and neglected areas of the country, was meant to be completed in 2012, but CONATEL’s website does not show any new information regarding this project. In April, in a meeting with ICT businessmen, the director of CONATEL announced that the National Transportation Network was moving forward,\(^{32}\) but some of those present, who preferred not to be mentioned, said that “no figures were shown in detail.”

The government claims that the Simón Bolívar satellite has provided internet and mobile connect-

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\(^{26}\) In March 2016, the Central Bank implemented changes to Venezuela’s foreign currency exchange regime. DIPRO (VEF 10 / US$) is limited to essential food and medicine needs. DICOM is a free-floating exchange rate used for most other items. See: “Venezuela’s new dual forex rate to start on Thursday,” Reuters, March 9, 2016, [http://reut.rs/2ewJ3sr](http://reut.rs/2ewJ3sr).


\(^{29}\) CONATEL, Statistics 2015.


activity to remote areas of the country, but independent sources could not yet verify these claims.\textsuperscript{33} Meanwhile, a state-funded initiative for digital inclusion developed by the Infocentro Foundation has created some 900 centers offering free computer and internet access, and has progressively been handed over to the communities, although its sustainability is not guaranteed.\textsuperscript{34}

During the 2015 electoral campaign, socialist party candidates accompanied by government officials distributed free tablets to young university students in various areas of the country, in acts that were criticized as proselytism and created disturbances.\textsuperscript{35} Other complaints denounced cellphones from state-owned company Movilnet being given to groups aligned with the ruling party.\textsuperscript{36}

**Restrictions on Connectivity**

Although exact figures are not available, the state owns the majority of the national level backbone infrastructure through the state provider CANTV.\textsuperscript{37} The government discussed plans to establish an internet exchange point (IXP) in 2015 but has not indicated whether it will move ahead with this plan in the future.\textsuperscript{38}

Internet service failures are common and often take a long time to fix. In August and September 2015, users in various states reported service breakdowns that lasted for several hours, particularly affecting the largest internet provider (ABA, from the state-owned CANTV).\textsuperscript{39} ISPs that use the state-owned carrier were also reportedly unable to operate.\textsuperscript{40} According to Juan Véliz, President of the Union of Telecommunication Workers, 126,000 failures were reported throughout the country in just three weeks.\textsuperscript{41} In October 2015, the president of CANTV, Manuel Fernández, blamed these failures

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\textsuperscript{33} CONATEL, “Satélite Simón Bolívar conectó zonas más remotas de Venezuela,” [Simón Bolivar satellite connected most remote zones in Venezuela], October 29, 2015, \url{http://bit.ly/1JEwJFh}; See also: Jeanfreddy Gutiérrez, “Satélite Simón Bolívar solo usa 60% de su capacidad tecnológica a 7 años de su puesta en órbita,” [Simón Bolivar satellite only uses 60 percent of its technological capacity after 7 years in orbit], \textit{El Cambur}, October 29, 2015, \url{http://bit.ly/2dwirfF}

\textsuperscript{34} “Infocentro celebra 15 años con más de 900 centros en Venezuela,” [Infocentro celebrates 15 years with more than 900 centers in Venezuela], \textit{La Red}, November 3, 2015, \url{http://bit.ly/2cYuKPz}

\textsuperscript{35} César Batiz, “Al Psuv le dieron “una Tablet,” [They gave PSU a tablet], \textit{El Pitazo}, December 8, 2015, \url{http://bit.ly/1IPMmno}; See also: Julio Mendoza, “En Apure denuncian irregularidades en donaciones de tablets a estudiantes universitarios,” [Irregularities in tablet donations to university students denounced in Apure], \textit{El Pitazo}, November 23, 2015, \url{http://bit.ly/1gmkKeg}; Baniile Rivas, “Entre angustia y trancas entregaron tablets en Portuguesa,” [Between anguish and problems, tablets are delivered in Portuguesa], November 23, 2015, \url{http://bit.ly/2dnyz1}; Julio Mendoza, “Bachilleres de Misión Sucre en Apure fueron golpeados y apresados por protestar y exigir tablets” [Students in Apure were beaten and detained for protesting and demanding tablets], November 25, 2015, \url{http://bit.ly/1NtLrAg}


\textsuperscript{37} Personal interviews with a variety of telecommunications experts, and information about the holdings of the state-owned CANTV seem to indicate that the government may control roughly 60 percent of the national-level backbone infrastructure.

\textsuperscript{38} Crisbel Villaroel, “Conatel idea plan para modernizar el Internet” [Conatel devises plan to modernize the internet], \textit{El Mundo}, August 13, 2015, \url{http://bit.ly/2dmofcF}


\textsuperscript{40} “Clientes de Vearco Telecom sin internet por culpa de CANTV” [Clients of Vearco Telecom without internet because of CANTV], \textit{Entorno Inteligente}, September 17, 2015, \url{http://bit.ly/2dspbM}

\textsuperscript{41} “Sindicato de CANTV: Mal servicio de la empresa se debe a la falla de inversión” [CANTV union: bad service due to lack of investment], \textit{Noticias al día ya la hora}, October 30, 2015, \url{http://bit.ly/2dsvFVj}
and slow connection speeds on the widespread growth of services, and announced an investment of 200 million dollars to modernize CANTV and Movilnet networks.

Digital activists have questioned whether constant service blackouts were a trial for larger service problems in the lead-up to December 2015 elections. On election day, two NGOs—the Institute for Press and Society (IPYS-Venezuela) and Acceso Libre (Free Access)—noted interruptions of CANTV-ABA and Inter services in 12 states of the country. Venezuelan journalist Fran Monroy observed that “internet providers in Venezuela ’suspiciously’ lowered their normal bandwidth” in the lead-up to election day. Dyn Research confirmed a minor reduction in traffic levels that weekend. Though not a total blackout, the research showed some level of connectivity impairment. CANTV blamed the disruptions on the massive use of internet for election-related purposes, whereas CONATEL argued that these reports were part of “operations of disinformation” aimed at creating anxiety and uncertainty. A study by IPYS-Venezuela after the election observed improvements in network performance.

ICT Market

Although there are 86 private providers, the state dominates the ICT market. Almost 70 percent of users access the internet through CANTV’s ABA (Broadband Access), or through the state-owned mobile provider, Movilnet. One of the objectives of the Second Socialist Plan for the Economic and Social Development of the Nation (2013-2019) is for Venezuela to reach “non-vital levels” of connection with communication and information networks “dominated by neo-colonial powers.”

Foreign currency controls prevented private companies from repatriating their earnings and accessing the foreign currency necessary for investment, which led to a deterioration of their services. It also created a substantial barrier to new firms who might seek to enter the market. The shortage of equipment was also rampant due to the lack of dollars to pay for imports. On special occasions like Mother’s Day, cell phones were offered at exorbitant prices.

CANTV, the only provider offering ADSL services, dominates the fixed broadband market, providing

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45 Mariengracia Chirinos, Ipys Venezuela officer, personal email, December 17, 2015.
48 Doug Madory, Director of Internet Analysis at Dyn Research, personal email.
53 Homeland Plan, 4.4.2.3, http://bit.ly/1Mw5d1Z.
service to nearly 70 percent of users in this market. The rest of the population accesses the internet through one of several private telecommunications providers. Three companies offer internet access via cable modem. Inter, the second most widely used ISP, offers services only in major cities. Although it used to offer a connection speed of 10 Mbps, this plan is no longer available; currently, this company is primarily selling its 1 MB plan, which, in comparison, is more expensive than the plan offered by ABA-CANTV.

Movilnet, the state telecommunication provider, is also dominant in the mobile market with approximately half of the users of CDMA/EvDo technologies. Movistar, with HSPA+ technology and a reduced LTE offer, holds 34 percent of the market. Digitel, which holds 16 percent of the market, is the leading LTE network operator, a technology that has not been fully utilized due to the shortage of smartphones.

Regulatory Bodies

The state controls CONATEL, the entity responsible for regulating and licensing of the telecommunications sector. The Law on Social Responsibility on Radio, Television, and Digital Media (Resorte-ME) grants the regulatory body the power to rule over the blocking or deletion of content and to sanction service providers, an ability it has exercised without granting due process to the affected parties (see Blocking and Filtering).

While Article 35 of the Organic Law of Telecommunications provides for CONATEL’s operational and administrative autonomy, Article 40 states that the president has the power to appoint and remove the agency’s director and the other four members of its board, pointing to CONATEL’s lack of independence from the executive. Venezuela’s political and regulatory environment was ranked last out of 143 countries in the World Economic Forum’s Networked Readiness Index, which measures the capacity of countries to leverage ICTs for increased competitiveness and well-being.

Limits on Content

Websites related to the black market were most frequently blocked in Venezuela, but media sites and blogs critical of the government were also targeted. Third-party liability encourages self-censorship and content removal, as does the threat of harassment of critical journalists by government sympathizers. Despite these limitations, the online landscape remains vibrant in Venezuela, thanks to the emergence of new digital media and increasingly critical users.

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Blocking and Filtering

Blocking of political, social, and economic content continued during this coverage period. In July 2015, Infobae reported that its information portal was blocked following the publication of two critical articles about the human rights situation in Venezuela. It has used alternative sites such as “Infobae.media” and “Infobae.press” to circumvent blocking.61

On October 1, 2015, Alberto Ravell, director of La Patilla, the top digital outlet in the country, reported that traffic on his site had been blocked by CANTV in Caracas.62 Users also reported that other news sites with political content, such as Maduradas, Aporrea and Informe 21, were inaccessible through CANTV on the morning of October 1.63 Other complaints involved websites related to Bitcoin,64 and news websites such as “diariodecuba.com” and “infodie.com.” While there were suspicions of blocking of specific pages, a large number of portals were reportedly inaccessible. As reported by DolarToday, a test by CloudFlare engineers found that “the issue seems to be due to a router loop near the client,” concluding that other sites using CloudFlare were affected by an attempt to block DolarToday.65

A study conducted by NGO Ipys-Venezuela during the parliamentary election campaign between November 2015 and January 2016 also confirmed a number of blockings. The study, which covered a sample of three states of the country and the metro area, noted that 43 websites were systematically blocked by one or more ISPs. The five most important ISPs blocked NTN24 website and Infobae. Some 44 percent of the websites blocked were related to the black market of currency, while 19 percent were media-related. Others included blogs critical of the government and gambling sites. The study also confirmed that the domains of advocacy and human rights organizations were freely accessible.66

In June 2015, CONATEL’s director, William Castillo, told a delegation from the UN Human Rights Committee, investigating whether Venezuela has breached the International Covenant on Civil and Political Rights, that it “legally” blocked 1,060 websites.67 Although he denied that this was an official policy, he recognized that over 900 links of the website DolarToday were blocked.68

CONATEL has denied requests by NGO Espacio Público about the legal procedures followed to order

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63 María Fermín, “Afirman que servicio de ABA impidió acceso a páginas web,” [They affirm that ABA service prevented access to web pages], El Nacional, October 3, 2015, http://bit.ly/1Z0rcwV.
68 Dolar Today is a prominent site run out of Florida which publishes the black market exchange rate.
the blocking of websites. Similarly, the Second Court of Administrative Settlements rejected Espacio Publico’s appeal against CANTV for failing to report blockings in Venezuela.

Content Removal

Content related to economic issues or political criticism were regularly targeted for removal during the coverage period.

The Law on Social Responsibility on Radio, Television, and Electronic Media (the Resorte-ME law) establishes that intermediary websites can be held liable for content posted by third parties, and grants CONATEL the discretionary capacity to impose severe penalties for violations. Its provisions notably forbid messages that promote anxiety among the population, alter public order, disregard legal authorities, or promote the violation of existing laws. This legal framework has resulted in self-censorship and preemptive censorship, as webmasters and editors may avoid publishing information that contradicts the government.

In November 2015, the Organic Law of Fair Prices was modified to include a provision about “fraudulent dissemination of prices,” giving the Superintendence of Fair Prices (SUNDEE) the power to punish media outlets and webpages for economic crimes prescribed in the law (see Legal Environment). Shortly after, the Vice President and the Minister for Industry and Trade ordered the managers of Mercadolibre.com to take down ads for regulated products from the website, as well as drugs, tires and batteries.

There were few reports of judicial measures to request deletion of content during the coverage period. In June 2015, the Violence against Women Court forced journalist Saúl Acevedo to delete Twitter posts that satirized the governor of Táchira state and his the wife, Karla Jiménez de Vielma, who had filed a complaint against Acevedo for abuse and bullying. The court also banned him from “intervening (…) on any media outlet or communication platform violating the rights” of Jimenez and her family.

Several videos posted on YouTube and other media sites were also targeted for removal. In November 2015, the National Electoral Council (CNE) launched administrative procedures against the Venezuelan Chamber of Food Industry (CAVIDEA) and the Catholic University Andrés Bello (UCAB), urging them to remove a series of videos on their YouTube channels that promoted the right to vote in the December elections. According to the CNE, the videos violated campaign rules prohibiting the dissemination of political propaganda and voting by unauthorized persons. The outcome of the procedures remain unknown as of mid-2016, though the videos were never removed.

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73 Ipys-Venezuela, “Tribunal ordenó a locutor eliminar mensajes publicados en su cuenta de Twitter,” [Court ordered newscaster to delete messages published on his Twitter account], June 8, 2015, http://bit.ly/2dtagFZ.
75 The videos are still available on the Youtube channel “PolítiKa UCAB,” accessed October 4, 2016: http://bit.ly/1SJvnbE.
Meanwhile, observers have commented on the disappearance of politically sensitive information from some media websites and platforms, many of them without clear explanation. Such was the case of an October 2015 interview conducted by the well-known journalist César Miguel Rondón with the director of El Pitazo and Poderopedia, César Batiz, and the director of Transparency Venezuela, Mercedes de Freitas. The interview segment, which discussed corruption allegations against a nephew of President Maduro’s wife, was inexplicably removed from the website of the Éxitos FM radio station.

In February 2016, an opinion poll conducted by state television station Venezolana de Televisión (VTV), was removed from all media, including a screenshot posted on Twitter. The survey suggested majority support for an amnesty law to release jailed dissidents, which was being discussed in the National Assembly at the time.

In November 2015, a fictional video called “La Tumba” (The Tomb) depicting the situation of Venezuelan political prisoners was removed from Facebook, with no clear explanation. According to Marianne Diaz, director of the NGO Acceso Libre, Facebook did not respond to inquiries about the case, concluding: “Although no technical tests were conducted, according to Citizen Lab, this could be a case of preemptive censorship.”

### Media, Diversity, and Content Manipulation

Compared to traditional media, the digital sphere presents a more vibrant space for political and social expression and is becoming a popular way to access information. However, the government has increasingly sought to expand its influence online, using state-controlled media and encouraging pro-government social media users to harass opposing views.

The economic crisis has impacted media outlets with scarce resources to pay for qualified professionals, generate quality content, and promote goods and services through advertising. Censorship and self-censorship have in turn constrained critical reporting. In the lead-up to parliamentary elections in December 2015, a survey of 227 journalists found that 18 percent did not report certain news for fear of legal and administrative reprisals. Complaints filed by senior government officials are often based on defamation and libel (see Legal Environment).

Despite economic constraints and a climate of censorship, the emergence of new digital ventures over the past few years has been remarkable. Print media have migrated to the web due to restrictions on newsprint, while broadcast media have also forged an online presence. Only two state outlets—the Venezuelan News Agency, and state TV station Venezolana de Televisión—are among the top 25 Venezuelan digital media outlets (in positions 24 and 26 respectively), according to a

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79 Marianne Diaz, personal communication via Twitter.
82 In Venezuela the sale of paper for printing is an activity reserved to the government. The restriction on the distribution of this input is used as a mechanism to punish critical media.
ranking produced by Medianálisis in March 2016. Of those supportive of the ruling party, Lajguna- na.tv appears better ranked, in sixth place, while openly pro-opposition outlet *La Patilla* leads the ranking.83

New outlets linked to non-governmental organizations have also emerged, such as *Crónica Uno*, an initiative of Espacio Público focusing on low-income sectors that traditionally lack coverage, and *El Pitazo*, incubated by IPYS Venezuela, which has also developed a network of journalists located in various states, allowing them to broaden sources of information beyond the capital.84 The emergence of initiatives such as VivoPlay.net is also noteworthy: an over-the-top content (OTT) platform which, through its live signal, transmits its own news production. According to journalist Eugenio Martínez, Vivo Play counted some 60,000 subscribers in early 2016, which, in a country with an average speed of 1.5 Mbps is nothing short of remarkable.

The polarization of media coverage was especially acute during the electoral period in the second half of 2015. A study by the Global Observatory of Communication and Democracy found that, while traditional media disproportionately privileged government voices, new digital media such as *Efecto Cocuyo* were able to offer different perspectives on the electoral process. Citizen voices were also found to dominate election-related conversations on Twitter, more than accounts linked to the government or media outlets.85 On the other hand, efforts to capture online platforms in favor of the ruling party were apparent: in open violation of the electoral law, some official platforms were used to disseminate partisan information rather than official information from the state. For example, the Ministry of Information and Communication posted videos in favor of ruling party candidates on its YouTube channel.86

The creation of a “cyber army of militants,” known as la “tropa” (the troop), has in turn enabled the government to position itself online. Some government supporters linked their accounts with the president's website to replicate his messages. “Maduro’s account received the third largest amount of retweets recorded among all world leaders,” noted cyber activist Luis Carlos Díaz.87 Social media analysts have also found that automated accounts (bots) are being used to disseminate progovernment content.88 However, academic studies have concluded that while the government uses bots to extend its impact on social media, “the most active bots are those used by Venezuela’s radical opposition” and that “they promote innocuous political events more than attacking opponents or spreading misinformation.”89

While most government officials decline media interviews, they offer biased information, or target-
ed information, via Twitter, which often gets retweeted by followers. Analyzing five hashtags promoted by the government in May 2015, an investigation by IPYS-Venezuela found that these were promoted by public accounts. The report concluded that progovernment cooptation of the state media platform, including digital media, prevents Venezuelans from accessing timely and adequate information.90

Digital Activism

Despite limitations, Venezuelans are avid internet users, and social networks have become important tools for activism and political mobilization.91 According to Tendencias Digitales, Venezuelans often go online to use social networks (75 percent), consume news (74 percent), and search for information (51 percent). The most popular social network is Facebook with over 13 million users.92 Some 70 percent of Venezuelans on the net use Twitter, considerably higher than the regional average of 50 percent.93 Some 50 percent of Venezuelan internet users also have Instagram, compared to 35 percent in the region.

Social media was an important battlefield between competing political factions during the elections, as hashtags such as #PaLaAsambleaComoSea and #VenezuelaQuiereCambio sought to mobilize for change.94 A study published by IPYS-Venezuela in February 2016 noted that the word “war” was a trending word among candidates on Twitter.95 The positioning of hashtags on Twitter’s trending topics also intensified during the electoral campaign, as ministries and some public enterprises worked to promote hashtags such as #PorMásSaludel6DGanaChávez, #RumboALaVictoriaChavista, and #YoVotoPorLaGenteDeChávez.96

Ahead of the December 2015 elections, candidates to the National Assembly launched websites, created Facebook profiles and made extensive use of social networks such as Twitter, Instagram, YouTube, and even Periscope.97 For example, Miranda state governor Henrique Capriles—who some say is the Spanish-speaking politician with the most followers worldwide, with more than six million followers98—covered the launch of his campaign through the Facebook Mentions application and

94 Mar Pichel, “¿Qué papel juegan las redes sociales en las elecciones de Venezuela?” [What role do social media play in Venezuelan elections?], CNN en español, December 3, 2015, http://cnne.it/1G7QbwWN; See also: Gerardo GUARACHE, “La batalla electoral venezolana arde en las redes sociales,” [The electoral battle is ablaze on social networks], AFP, November 28, 2015, http://yhoo.it/2dvF3e.
96 Arysbell Arismendi, “Maduro llama a respetar la veda electoral y el Psuv bombardea en Twitter para votar por el oficialismo,” [Maduro calls to respect the electoral ban and PSUV bombs Twitter to vote for the governing party], El Pitazo, December 5, 2015, http://bit.ly/1Q7q0W6.
transmitted his press conferences via Facebook, Periscope, and his channel on IP CaprilesTV.\textsuperscript{99} Opposition party MUD launched a news channel on YouTube three days before the election,\textsuperscript{100} making heavy use of social networks and using material from citizen journalists who submitted videos via WeTransfer or Periscope.\textsuperscript{101}

After the election and inauguration of new opposition deputies, the National Assembly official TV channel was “dismantled” by government officials, making way for the new chamber to begin transmitting its sessions via YouTube.\textsuperscript{102} In February 2016, President Nicolás Maduro also announced a new Facebook page,\textsuperscript{103} and his new TV show \textit{En Contacto con Maduro} is disseminated via Twitter, Facebook, YouTube, Periscope and LiveStream.\textsuperscript{104}

New digital media and social networks also strongly impacted the coverage of the elections. The network of activists @reporteya and the newspaper @elnacionalweb conducted workshops throughout the country to train citizens on how to monitor and cover the electoral process online.\textsuperscript{105} Digital media and NGOs created alliances to monitor incidents before and during the electoral process, including the newspaper \textit{Tal Cual} and digital media outlets \textit{Runrunes, El Pitazo, Poderopedia} and \textit{Crónica Uno}, which provided coverage through nearly 100 journalists in 23 cities.\textsuperscript{106} The coalition included the NGO Transparencia Venezuela, offering a platform for citizen complaints, Dilo Aquí.\textsuperscript{107}

To monitor electoral irregularities, the citizen oversight platform, El Guachimán Electoral, created a digital map of electoral incidents by using SMS, Twitter (#GUACHIMAN6D), WhatsApp and its website.\textsuperscript{108} At the end of the election, it reported that more than 85 percent of the information received came from citizens: 5,337 messages through its platform, 1,179 emails, 1,000 SMS, and 3,704 tweets with the hashtag #guachiman6D.\textsuperscript{109} The NGOs Acceso Libre and IPYS-Venezuela, also monitored internet access restrictions during the elections.\textsuperscript{100} Finally, during the tense vote count between December 6 and 7, when CNE had yet to announce the first results, Lilian Tintori, wife of political prisoner Leopoldo López, sent a tweet with a video announcing the opposition’s victory. With over 2 million Twitter followers, the post went viral within minutes.\textsuperscript{111}

\begin{itemize}
\item \textsuperscript{99} Carmen Beatriz Fernández, Twitter post, February 17, 2016, 4:47am, \url{http://bit.ly/2dsp9nV}; See also: Luis Carlos Díaz, Twitter post, February 18, 2016, 7:02am, \url{http://bit.ly/2do9Q1}.
\item \textsuperscript{100} Democratic Unity Roundtable, “Unidad lanzó Sala de Prensa en Internet,” [Unity launched pressroom on Internet], December 3, 2015, \url{http://bit.ly/1Q3lmH4}.
\item \textsuperscript{101} Aliana González, “Canal de la oposición venezolana por YouTube hizo historia al ofrecer por primera vez una cobertura electoral full HD en vivo por streaming,” [Venezuelan opposition YouTube channel made history by offering for the first time full HD livestreaming of election coverage], December 7, 2015, \url{http://bit.ly/2dfh2HF}.
\item \textsuperscript{102} National Assembly YouTube channel, \url{http://bit.ly/1mbePOX}.
\item \textsuperscript{103} “Maduro utilizará Facebook para “ampliar” su uso de redes sociales,” [Maduro will use Facebook to “widen” his use of social networks], \textit{El Pitazo}, February 9, 2016, \url{http://bit.ly/2dfh2HF}.
\item \textsuperscript{104} See: \url{www.nicolasmaduro.org.ve} and \url{livestream.com/encontactoconmaduro}.
\item \textsuperscript{105} “El Nacional y Reporte Ya forman a los venezolanos para cobertura 2.0 el 6D,” [El Nacional and Reporte Ya train Venezuelans on 2.0 coverage for December 6], \textit{El Nacional}, November 11, 2015, \url{http://bit.ly/2duc4Hk}.
\item \textsuperscript{106} “Cinco medios y una ONG se unen para informar sin censura sobre el proceso electoral del 6D,” [Five media and one NGO unite to inform on the election without censorship], \textit{Runrunes}, December 3, 2015, \url{http://bit.ly/2dLqvw4}.
\item \textsuperscript{107} See: \url{www.transparencia.org.ve/diloaqui}.
\item \textsuperscript{108} Platform developed by IPYSVenezuela, see: guachimanelectoral.com.
\item \textsuperscript{109} Silvia Higuera y Teresa Mioli, “Redes sociales, crowdsourcing y periodismo ciudadano ayudaron a los medios a cubrir las elecciones venezolanas” [Social networks, crowdsourcing and citizen journalism helped media cover Venezuelan elections], \textit{Knight Center} (blog), December 8, 2015, \url{http://bit.ly/1XWj6z6}.
\item \textsuperscript{110} Acceso Libre, “Al menos doce estados venezolanos presentaron fallas de Internet durante el fin de semana electoral” [At least twelve states presented internet failures during the electoral weekend], December 11, 2015, \url{http://bit.ly/2dYlGqt}.
\item \textsuperscript{111} “Video de celebración de Lilian Tintori revoluciona las redes sociales,” [Lilian Tintori’s celebration video revolutionizes social networks], \textit{El Nacional}, December 6, 2015, \url{http://bit.ly/1OdoYk}.
\end{itemize}
In March 2016, the website revocalo.com was launched to collect signatures and mobilize citizens in favor of a referendum to revoke the mandate of President Maduro. Venezuelans have also created websites, applications, and Twitter accounts in order to exchange information to overcome the shortage of medicines caused by the country's economic crisis.\textsuperscript{112}

**Violations of User Rights**

*In September 2015, prominent opposition leader Leopoldo López was sentenced to 14 years in prison. In his conviction for “instigation to commit crimes” during anti-government protests in 2014, prosecutors analyzed hundreds of tweets and a YouTube video. While six of the nine imprisoned Twitter users who were detained until May 2015 were released, the digital sphere has been progressively more restricted through coercive laws and surveillance mechanisms. Meanwhile, journalists, cyber activists, and ordinary users experienced routine harassment and violence for their online activities.*

**Legal Environment**

Although the Constitution guarantees freedom of expression,\textsuperscript{113} the government has passed a number of laws and regulations that curtail this right online.

In 2010, the National Assembly amended the Law on Social Responsibility in Radio, Television and Electronic Media (Resorte-ME) to include vague prohibitions and severe sanctions that grant authorities sweeping discretion to restrict speech.\textsuperscript{114} Article 27, for example, forbids messages that promote anxiety among the population, alter public order, disregard legal authorities, or promote the violation of existing laws. The law also establishes intermediary liability for content posted by a third-party and requires online media to establish mechanisms to restrict prohibited content. Websites found in violation of these provisions may be heavily fined, and service providers who do not comply risk temporary suspension of operations.\textsuperscript{115}

Activists and journalists also face charges of defamation under the penal code, which sets out prison sentences for defamation against public officials and the publication of false information.\textsuperscript{116} Other laws provide additional avenues for limiting speech: for example, the Law of National Security, which was passed in January 2015, outlines prison sentences for individuals who “compromise the security and defense of the nation.”\textsuperscript{117}

In November 2015, a reform of the Law of Fair Prices established prison sentences and heavy fines for electronic media that publicize information about the alteration of prices of goods and ser-

\textsuperscript{112} See websites such as “akizta.com,” applications such as “Redes Ayuda” and Twitter accounts such as “SeBuscaSeDon.. See also: “Las redes sociales se convierten en ‘farmacias virtuales’ en Venezuela,” [Social networks become “virtual pharmacies” in Venezuela], CNN en español, March 31, 2016, \url{http://cnn.it/22TDjjT}; “¿Cómo encontrar medicamentos en Venezuela a través de redes sociales?” [How to find medicine in Venezuela through social networks?], Efecto Cocuyo, March 25, 2016, \url{http://bit.ly/1LN7yl3}.

\textsuperscript{113} Constitution of the Bolivarian Republic of Venezuela, art. 56 and 57, \url{http://bit.ly/1ZlAgdc}.


\textsuperscript{116} Gaceta Oficial, N5.494, Código Penal de Venezuela, [Penal Code of Venezuela], art. 444, October 20, 2000, \url{http://bit.ly/1hBfNfy}.

\textsuperscript{117} “Presidente Nicolás Maduro usó ley habilitante para legislar contra la libertad de expresión,” [President Nicolas Maduro used enabling law to legislate against freedom of expression], Espacio Público, January 22, 2015, \url{http://bit.ly/3MUKnEN}. 
Parliamentary elections in December 2015 marked a shift in power in the legislative branch from the ruling United Socialist Party of Venezuela (PSUV). The opposition alliance won a majority of seats in the National Assembly, paving the way for possible reforms of two crucial laws: the Law of Telecommunications and Resorte-ME. However, the Constitutional Chamber of the Supreme Court, whose members were selected by the outgoing pro-government National Assembly, has been able to rule against new legislation promoted by the opposition as unconstitutional.

**Prosecutions and Detentions for Online Activities**

Several individuals were arrested for their online activities during the coverage period.

One of the most prominent incidents was the trial and conviction of opposition leader Leopoldo López. Held since February 2014 in a military prison, he was sentenced to nearly 14 years on charges of conspiracy, public incitement, and responsibility for property damage and fire in September 2015. The central argument of the prosecution was a speech he gave on February 12, calling for people to join the movement #LaSalida, which, according to the judge, sparked protests that sought to topple the government and caused the death of 43 people. The interpretation of his speech was based on the analysis of his tweets, as well as a video that circulated on YouTube. Although López had called for nonviolence, the prosecution asserted that he had used “subliminal” messages to incite others to commit crimes. After the sentencing, prosecutor Franklin Nieves fled the country claiming that he had been pressured to accept false evidence, and sought political asylum in the United States.

Journalists also faced arrests and questioning for reporting on sensitive stories or while covering protests during the year (see also Intimidation and Violence). On March 18, radio journalist Pedro Luis Montilla, who reported on the disappearance of 28 gold miners near the town of Tumeremo on

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121 “En los primeros 100 días la AN aprobó cinco leyes, negadas luego por Maduro y el TSJ,” [National Assembly approved five laws in first 100 days, later rejected by Madoro and Supreme Court], Efecto Cocuyo, April 14, 2016, [link](http://bit.ly/2dFadCE).
123 Priselen Martínez Haullier, “Así fue el análisis a los tuits de Leopoldo López” [This is how the analysis of tweets from Leopoldo Lopez went], Panorama, March 17, 2015, [link](http://bit.ly/2dNOp4Q).
126 “Venezuela prosecutor who accused Lopez flees country,” Reuters, October 24, 2015, [link](http://reut.rs/2e3d0V3).
his blog, was arrested and questioned by security agents, and had his computer seized. On April 26, Reinaldo Mozo, a reporter for the online outlet “Efecto Cocuyo” was arrested and briefly detained while covering street protests over food shortages in Vargas State.

As the economic crisis deteriorated, arrests also occurred under new provisions of the Law of Fair Prices implemented in November 2015. Within the same month, according to the Vice President, 23 detentions took place, 15 of them for unscrupulous sales on social networks and speculation on the internet, which he called “electronic crimes.” Those arrested include Julio César Hernández Sánchez, who was arrested for reselling birth control pills; Reinaldo Tatoli for selling tires, and Omar Vicente Machado Evia for selling household appliances.

Several other social media users were also arrested, including Carlos Alberto Rocha de las Salas, a Colombian who allegedly defamed and discredited the governor of Aragua state, and Carlos Ferreira Rincon, who was accused of writing threatening tweets against President Maduro.

Meanwhile, six out of nine individuals arrested in the fall of 2014 for their social media activities were released in April 2016. Many of them had disseminated photographs and information, or simply joked, about the death of Robert Serra, a member of parliament in the ruling party, who was murdered in 2014. However, three of these users remained in detention:

- Victor Ugas was arrested on October 13, 2014, after publishing photos of the corpse of Robert Serra. He was charged with improper disclosure of data or personal information and digital espionage.
- Leonel Sánchez Camero was detained on August 22, 2014, accused of promoting hatred, conspiring, defamation, and unlawful access to electronic channels. He remained detained at the headquarters of the Bolivarian Intelligence Service (SEBIN).
- Another user called Skarlyn Duarte, from whom there is no further information except for

130 “Detenidas 23 personas por vender con sobreprecio en Internet” [23 people arrested for selling overpriced items via Internet], La Patilla, November 9, 2015, http://bit.ly/2dZk0ly.
133 “Imputan a hombre que revendía productos de Mi Casa Bien Equipada por internet” [Man accused of selling regulated products online], Entorno Inteligente, November 5, 2015, http://bit.ly/2e7ex9W.
that provided by Foro Penal, was arrested on August 26, 2014 and remained detained on charges related to Twitter messages against government officials.\textsuperscript{139}

Appearing before the Inter-American Commission on Human Rights (IACHR) at a hearing on the situation of freedom of expression in Venezuela in October 2015, a group of NGOs reported that from 2002 to 2015, 36 people had faced legal action. Of these, 29 were for defamation and libel and more than half corresponded to the group of media executives denounced for defamation in April 2015 by then President of the National Assembly, Diosdado Cabello.\textsuperscript{140} Cabello accused these media executives of reproducing information from the Spanish daily \textit{ABC}, which mentions Cabello's alleged links to drug trafficking.\textsuperscript{141} The accused included Alberto Federico Ravell, the founder of digital outlet \textit{La Patilla}. The digital outlet was served with a multi-million lawsuit for “moral damages” in August 2015.\textsuperscript{142}

In October 2015, the Venezuelan Central Bank filed a lawsuit in the United States against three Venezuelan citizens whom the government believes to be responsible for the website Dólar Today. The suspected website admins were accused of using cyber terrorism tools to cause economic havoc in the country.\textsuperscript{143} In a press release, the Venezuelan Central Bank claimed that Dólar Today distorts the exchange rate with the aim of deteriorating the acquisition power of Venezuelans.\textsuperscript{144} President Maduro later insisted in February 2016 that the country's economic downturn was caused by “that webpage directed from the United States.”\textsuperscript{145}

\section*{Surveillance, Privacy, and Anonymity}

Government surveillance and counterintelligence activities have increased since 2013, when the government released its 2013-2019 Plan for the Homeland, which emphasized the strengthening of national defense among its priorities.\textsuperscript{146} Although it is difficult to confirm and determine the full scale of surveillance, activists have denounced targeted tracking and spying by the government. The lack of independent oversight has raised concerns about the ease with which systematic content filtering and surveillance could be implemented.

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\textsuperscript{140} Silvia Higuera, “Denuncian múltiples ataques a la libertad de expresión en Venezuela ante Comisión de Derechos Humanos de la OEA,” [Multiple attacks on freedom of expression in Venezuela Reported to Commission on Human Rights of the OAS] \textit{Knight Center (blog)}, October 20, 2015, \url{http://bit.ly/1MTu6Pf}.
\textsuperscript{141} Ramón Castro, “CIDH acordó medidas cautelares de protección a Petkoff, Otero y Ravell” [IACHR agreed precautionary measures to protect Petkoff, Otero and Ravell], November 9, 2015, \url{http://bit.ly/1kJxOq}.
\textsuperscript{142} “La demanda mil millonaria del ciudadanio Diosdado Cabello en contra de LaPatilla” [The billion dollar lawsuit by Diosdado Cabello against La Patilla], \textit{La Patilla}, August 14, 2015, \url{http://bit.ly/1JYpSoi}; “Tribunal admite demanda contra tres medios de comunicación” [Court accepts lawsuit against three media], \textit{El Universal}, August 13, 2015 \url{http://bit.ly/2dUQhK}.
\textsuperscript{144} “Precio en web de DolarToday “es falso”” [Price on DolarToday website is false], \textit{Últimas Noticias}, October 24, 2015, \url{http://bit.ly/2dSSR1}.
\textsuperscript{145} Margioni Bermúdez, “Maduro: “A Dolar Today los desmontamos o ellos desmontan al país”” [Maduro: We dismantle Dolartoday or they dismantle the country], \textit{Panorama}, February 17, 2016, \url{http://bit.ly/2dHkJyW}.
\end{flushright}
A decree issued in October 2013 created the Strategic Center for the Security and Protection of the Fatherland (CESPPA), a special body charged with monitoring and tracking of social media and other online information.\textsuperscript{147} Agents of the National Guard have also reportedly been trained by the Ministry of Information and Communication in the management of social networks for the “implementation of early warnings” that can “keep the Venezuelan people truthfully informed, and detect any threat in order to defend our national sovereignty.”\textsuperscript{148}

Complaints about the government’s purchase and use of surveillance software have progressively surfaced. Leaked emails posted on Wikileaks in July 2015 revealed that the Ministry of Interior, Justice and Peace had shown interest in buying spyware from the company Hacking Team,\textsuperscript{149} a transaction that was allegedly never completed.\textsuperscript{150} However, Citizen Lab reported that it had detected the existence of a server of the spyware FinFisher in Lithuania, which would serve as an “intermediary” for another master server in Venezuela.\textsuperscript{151}

In early April 2016, Venezuelan journalist Casto Ocando, based in Miami, published a report on the existence of an organization, under the direction of President Maduro, dedicated to electronic spying on opponents of his regime. The journalist asserted that the operations are coordinated by civilian and military personnel grouped within CESPPA, using “a combination of advanced electronic equipment and malware designed by Chinese and Russian specialists.”\textsuperscript{152}

On the sidelines, a group of anonymous users operating under the name of “patriotas cooperantes” (cooperating patriots) has also emerged in the country, allegedly responsible for providing illegally collected private information from citizens and activists to authorities. Evidence from these anonymous informers has in turn been used in at least 20 court cases since 2014, according to Reuters.\textsuperscript{153} Public attacks against dissenting voices have also used supposed accusations made by “cooperating patriots,” notably during the televised show hosted by the former President of the National Assembly, Diosdado Cabello. In May 2015, advocacy groups requested that the Attorney General investigate Diosdado Cabello, after he released information on his television show that seemingly could have only been obtained through the interception of electronic communications.\textsuperscript{154}

There are no known government restrictions on encryption technologies or other digital privacy

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\textsuperscript{148}  IPYS Venezuela, “MINCI instruyó a agentes de seguridad del estado en la supervisión de redes sociales [MINCI instructed state security agents in monitoring social networks], April 23, 2015, \url{http://bit.ly/2dvRk9J}.

\textsuperscript{149}  Jeanfreddy Gutiérrez, “Funcionario del Ministerio de Interior y Justicia solicitó oferta a fabricante de software espía” [Ministry of Interior official requested offer to spyware manufacturer], \textit{El Cambur}, July 13, 2015, \url{http://bit.ly/2dDjIKN}.

\textsuperscript{150}  Katherine Pennacchio, “Hacking Team casi corona en Venezuela” [Hacking Team almost “crowns” in Venezuela], Armando. Info, July 18, 2015, \url{http://bit.ly/2dZmGQ}.


\textsuperscript{153}  Diego Oré, “Venezuela’s state informers: patriots or snitches?” \textit{Reuters}, January 29, 2015, \url{http://tmsnrt.rs/2e7gZ08}; See also: Jesus Yajure, “Se buscan sapos: así operan los “patriotas cooperantes” [Looking for “frogs”: this is how the “cooperating patriots” operate], \textit{Runrunes}, July 24, 2015, \url{http://bit.ly/1MO4dRS}.

\textsuperscript{154}  Provea, “Provea y Espacio Público denunciaron ante el MP la intervención ilegal de sus comunicaciones por parte de Diosdado Cabello” [Provea and Espacio Público denounced illegal intervention of their communications by Diosdado Cabello], May 27, 2015, \url{http://bit.ly/3b3b6mE}.  

www.freedomonthenet.org
tools. Furthermore, Venezuelan laws, such as the Law against Cybercrime and the Law to Protect Communication Privacy, guarantee the privacy of communications. In practice, however, authorities have failed to apply these laws evenly in cases where activists have sued for protection under the law.

The constitution expressly prohibits anonymity. In order to buy a cellphone, a SIM card, or a USB modem to access mobile broadband, Venezuelan law requires customers to register using their personal ID number, address, signature, and fingerprints. The Law against Kidnapping and Extortion also contains a provision that requires telecommunications companies and banking entities to provide the Public Ministry with information it requests.

In October 2015, the Superintendence of Banking Sector Institutions (SUDEBAN) issued regulations requiring banks to deliver the IP addresses from which customers make electronic transactions between financial institutions, as well as other private data. While the measure claims to track trading related to foreign exchange, the collection of significant amounts of personal data raised concerns about the lack of privacy safeguards and the risk of political interference. IP identification and other data had already been used to pursue dissenting opinions online: a leaked report revealed how, in the midst of protests in 2014, the telecoms regulator (CONATEL) helped to track and locate critical Twitter users who were later detained by the National Bolivarian Intelligence Service (Sebin) (see Prosecutions and Detentions).

During the 2015 election campaign, the ruling party also developed a system designed to monitor citizens, drawing on the participation of its supporters and its relationship to the Voter Information System, a structure that works within voting precincts based on the capture of voter’s fingerprints. By knowing this data, the party was in theory able to identify the supporters previously registered in their network who did not vote. Activists also worried that the government could use data collected through the Biometric System for Food Security, as well as personal data collected through social welfare programs, to exert pressure on voters. In the midst of demands for a referendum to recall President Maduro, senior officials threatened to retaliate against petition signers, warning that “there is no private data.”

159 “Gobierno exige a los bancos revelar hasta el alma de sus clientes” [Government requires banks to disclose the soul of its customers], El Estímulo, November 5, 2015, http://bit.ly/2ed0FyA.
160 Alberto Yajure, “Conatel elaboró informes para el @SEBIN_OFICIAL sobre tuiteros detenidos” [Conatel reported Twitter users to Sebin], Runrunes, July 3, 2005, http://bit.ly/1GkDwA.
163 Venezuela does not have a Data Protection Act and there is not clarity regarding the use that could give the government to the increasing and more accurate information obtained from citizens through the use of biometric devices.
164 “Si Jorge Rodríguez mostró planillas con firmas fue porque se las robó” [If Jorge Rodriguez showed forms with signatures is it is because he stole them], El periódico venezolano, May 13, 2016, http://bit.ly/2e7IeZG.
Intimidation and Violence

Reporters covering political events, protests, or queues to buy food or medicine continued to suffer arbitrary arrests, confiscation of cellphones, and the deletion of images by security forces. In May 2016, photojournalist Harold Escalona of the digital outlet El Estímulo was attacked by a group of government militants after photographing members of the Bolivarian National Police evicting the deputies who protested at the headquarters of the Electoral Council. Also in May, the reporter of El Pitazo, Maria Virginia Velázquez, was attacked by government supporters while covering the visit of the leader of the political party Vente Venezuela, Maria Corina Machado, at the University Hospital of Mérida city.

Harassment and intimidation of journalists critical of the government remained prolific on social networks, with many reporting insults and threats via Twitter after covering politically sensitive events. In early 2016, state and progovernment media launched a number of smear campaigns against digital media journalists critical of the government. CONATEL’s director, William Castillo, often posted negative messages against critical journalists and human rights defenders through his personal account on Twitter. The website of the former president of the National Assembly, Diosdado Cabello, was also used to discredit and attack both new digital media and human rights defenders.

Meanwhile, journalists who participated in the Panama Papers project received insults and attacks online, and progovernment portals also discredited them.


172 “Periodistas venezolanos tras #PanamaPapers sufren ataques y despidos por sus investigaciones” [Venezuelan journalists suffer attacks and dismissals for their research after #PanamaPapers], Efecto Cocuyo, April 12, 2016, http://bit.ly/2a9WvNB.
Technical Attacks

Hacking and falsification of social media profiles belonging to journalists, writers and TV figures remains common.\(^{173}\) After the December 2015 parliamentary elections, some messages urging the privatization of CANTV were disseminated using a Twitter account attributed to the former president of CANTV, Gustavo Roosen (@roosengustavo).\(^{174}\) On December 13, IESA, the institution headed by Roosen clarified that the account did not belong to Roosen, and that his actual account (@gustavoroosen) had been inactive since 2011.\(^{175}\) Nevertheless, in response to these messages, on December 15, the government promoted protests and demonstrations against the alleged plan to privatize telecommunications.\(^{176}\) According to Professor Rosa Amelia González and other digital media analysts, this was a deliberate lie used to justify a protest on false assumptions.\(^{177}\) Unidentified persons also hacked CANTV’s webpage after the elections.\(^{178}\)

Established and new media outlets that criticize the government have also reported targeted cyber-attacks. On April 3, when the stories related to the Panama Papers showed evidence of corruption and money laundering by officials and people close to the regime were published, the site Armando.Info was hacked and went offline for approximately 12 hours.\(^{179}\)

A study by Citizen Lab also reported evidence of an extensive campaign of contamination using malware, phishing and active disinformation.\(^{180}\)