

# VENEZUELA

	2011	2012
<b>INTERNET FREEDOM STATUS</b>	<b>Partly Free</b>	<b>Partly Free</b>
<b>Obstacles to Access (0-25)</b>	15	15
<b>Limits on Content (0-35)</b>	13	14
<b>Violations of User Rights (0-40)</b>	18	19
<b>Total (0-100)</b>	<b>46</b>	<b>48</b>

\* 0=most free, 100=least free

**POPULATION:** 30 million  
**INTERNET PENETRATION 2011:** 40 percent  
**WEB 2.0 APPLICATIONS BLOCKED:** Yes  
**NOTABLE POLITICAL CENSORSHIP:** No  
**BLOGGERS/ICT USERS ARRESTED:** No  
**PRESS FREEDOM STATUS:** Not Free

## INTRODUCTION

Internet access in Venezuela has notably increased over the past decade, though the pace has slowed relative to other countries since the renationalization of the main service provider in 2007. Amidst growing restrictions on broadcast outlets and severe political polarization in the traditional media, new media—especially blogs, the social-networking site Facebook, and the microblogging platform Twitter—have become important spaces for disseminating information and opinions on political and social topics.<sup>1</sup> As government opponents have mobilized via these platforms, the ruling party has increased its efforts in recent years to influence online discussions, while hinting at future attempts to restrict online content.

Venezuelan authorities do not engage in systematic filtering or large-scale arrests of bloggers. Nevertheless, there have been periodic interruptions of access to opposition or independent websites, efforts to intimidate users posting comments critical of the government, and a series of laws passed in December 2010 that lay the foundation for potentially much greater censorship. Perhaps the most disturbing development since then has been a series of hacking attacks on the Twitter accounts of activists and prominent figures in Venezuelan society who had expressed criticism of the government. Beginning in August 2011, dozens of accounts were targeted, with the hackers typically hijacking the accounts and posting messages that would either discredit the opposition or praise the government. Although such activities are illegal under Venezuelan law, no perpetrators had been arrested as of May 2012.

<sup>1</sup> Marcelino Bisbal, *Hegemonía y control comunicacional [Hegemony and Communicational Control]* (Caracas: Editorial Alfa, 2009), 270.

The internet arrived in Venezuela in 1992, but its popularization began in 1996, when the first commercial internet service providers (ISPs) were granted licenses by the National Telecommunications Committee (CONATEL).<sup>2</sup> The 1999 constitution obliges the state to provide the public with access to new information and communication technologies (ICTs),<sup>3</sup> and the 2000 Organic Law of Telecommunications enables private companies to enter the market.<sup>4</sup>

## OBSTACLES TO ACCESS

In recent years, partly due to government investment, internet penetration has grown rapidly, increasing from 15 percent in 2006 to over 40 percent—almost 12 million users—at the end of 2011.<sup>5</sup> This figure does not include connections via mobile phones, indicating that penetration may be even higher. There has also been a significant shift from dial-up to broadband. By the end of 2011, over 95 percent of the more than three million internet subscriptions were broadband, and about 40 percent of those were via mobile devices.<sup>6</sup> The majority of upper- and middle-income users access the internet from home, while those from the lowest income brackets are more likely to get online at a cybercafe.

The most substantial obstacles to internet access in Venezuela are lack of service availability, geographic isolation in rural areas, low computer literacy, and the expense of necessary equipment. The cost of access itself is a relatively less significant obstacle.<sup>7</sup> There is a marked digital divide across regions: the Capital District and Miranda State have penetration rates of over 80 percent, while access in poorer states like Amazonas and Apure is about 15 percent.<sup>8</sup> In addition, rural areas have been severely hit by an electricity crisis that has led to rationing in every city but the capital Caracas, also affecting internet connectivity. Regional

<sup>2</sup> United Nations Development Programme (UNDP), *Las Tecnologías de Información y Comunicación al Servicio del Desarrollo* [Information and Communication Technologies for Development] (Caracas: UNDP, 2002), 249.

<sup>3</sup> See Articles 108 and 110 of the constitution, available at <http://www.tsj.gov.ve/legislacion/constitucion1999.htm> [in Spanish].

<sup>4</sup> In July 2008, a plan to reform the law was leaked to the press. Due to the opposition it garnered, the measure was not introduced in the National Assembly. The proposed modifications included the establishment of a single node for internet service, provided by Conatel, which would have constituted a risk to the neutrality of internet service and management.

<sup>5</sup> Vicepresidencia de la Republica Bolivariana Venezuela [Vice President of the Bolivarian Republic of Venezuela], “Telecommunication Sector Statistics at the end of 2011” [in Spanish], Conatel Comunicaciones, accessed May 26, 2011, [http://www.conatel.gob.ve/files/Indicadores/indicadores2011/cierre\\_2011.pdf](http://www.conatel.gob.ve/files/Indicadores/indicadores2011/cierre_2011.pdf); International Telecommunication Union (ITU), “Percentage of individuals using the Internet, fixed (wired) Internet subscriptions, fixed (wired)-broadband subscriptions,” 2011, accessed July 13, 2012, <http://www.itu.int/ITU-D/ICTEYE/Indicators/Indicators.aspx#>.

<sup>6</sup> Vicepresidencia de la Republica Bolivariana Venezuela [Vice President of the Bolivarian Republic of Venezuela], “Telecommunication Sector Statistics at the end of 2011.”

<sup>7</sup> “State of the Internet in Venezuela and its impact on Business” [in Spanish], Tendencias Digitales, November 23, 2011, <http://www.redusers.com/noticias/indice-redusers-%C2%BFen-que-pais-de-latinoamerica-es-mas-accesible-la-tecnologia/>.

<sup>8</sup> Vicepresidencia de la Republica Bolivariana Venezuela [Vice President of the Bolivarian Republic of Venezuela], “Telecommunication Sector Statistics at the end of 2011.”

disparities are evident in the expansion plans of telecommunications companies, who typically focus new investments on the capital and surrounding areas.<sup>9</sup>

Mobile phones are almost ubiquitous, though the penetration rate fell slightly compared to 2010, amounting to 98 percent at the end of 2011.<sup>10</sup> There is a growing contingent of people using BlackBerry devices, reaching 2.7 million by the end of 2011.<sup>11</sup> Although not all BlackBerry users necessarily subscribe to mobile phone data plans, there has been a visible increase in the use of mobile broadband. By the end of 2011, official figures placed the number of subscribers at close to 1.2 million.<sup>12</sup> Mobile phone connections are an attractive alternative to ADSL, but like elsewhere in Latin America, are largely limited to the capital city or high income users.<sup>13</sup>

Despite the growth of broadband internet access, the quality of service is lower than in other countries in the region. The state-owned telecommunications firm National Telephone Company of Venezuela (CANTV) offers relatively low prices, but its connections are slow, and the company's dominant position stifles competition. Nationally, the average connection speed is about 1 Mbps,<sup>14</sup> at a cost of about US\$40 per month,<sup>15</sup> compared to an average monthly income of about US\$1,000 and a minimum wage of about US\$420.<sup>16</sup> CANTV, which was renationalized in 2007, monopolizes ADSL service and controls more than 90 percent of the internet market.<sup>17</sup> The firm has benefited financially from state ownership, particularly with regard to currency controls.<sup>18</sup> There are about two dozen other telecommunications operators in the country, as well as some competition from cable

<sup>9</sup> *Inside Telecom*, 12/19/2912 Vol III No. 95 (Excerpted from weekly and monthly newsletter offered by this company under subscription, not available on the internet.)

<sup>10</sup> International Telecommunication Union (ITU), "Mobile-cellular telephone subscriptions," 2011, accessed July 13, 2012, <http://www.itu.int/ITU-D/ICTEYE/Indicators/Indicators.aspx#>.

<sup>11</sup> Vicepresidencia de la Republica Bolivariana Venezuela [Vice President of the Bolivarian Republic of Venezuela], "Telecommunication Sector Statistics at the end of 2011."

<sup>12</sup> *Ibid.*

<sup>13</sup> "Broadband in Latin America 2010/2011 Pool Barometer from Cisco Systems," [in Spanish], Prensario TI Latin America, accessed December 16, 2011, [http://www.prensariotila.com/pdf/Informe\\_Banda\\_Ancha\\_0111.pdf](http://www.prensariotila.com/pdf/Informe_Banda_Ancha_0111.pdf).

<sup>14</sup> "Household Download Index," Ookla Net Index, accessed December 12, 2012, <http://netindex.com/download/allcountries/>; "Speeds of internet connection – Venezuela vs the world" [in Spanish], El Mundo online, April 24, 2012, <http://blogs.elmundo.com.ve/Blogs/NEGOCIOS-EN-INTERNET-y-algo-mas---/April-2012/Velocidades-de-Conexion-a-la-Internet---Venezuela-.aspx> (site discontinued).

<sup>15</sup> Hernan Galperin, "The broadband rates in Latin America and the Caribbean: Benchmarking and trends" [in Spanish], *Dialogo Regional sobre la Sociedad de la Informacion*, accessed December 12, 2011, <http://www.dirsi.net/sites/default/files/PB%20tarifas%20banda%20ancha%202011.pdf>.

<sup>16</sup> "Gross national income per capita 2011, Atlas method and PPP," World Bank, July 9, 2012, <http://databank.worldbank.org/databank/download/GNIPC.pdf>.

<sup>17</sup> Roberto Deniz, "Crece el peso del Estado en las telecomunicaciones" [Statements by the Minister of Science, Technology and Intermediate Industries, Jesse Chacón], *El Universal*, June 8, 2009, [http://www.eluniversal.com/2009/06/08/eco\\_art\\_crece-el-peso-del-es\\_1422582.shtml](http://www.eluniversal.com/2009/06/08/eco_art_crece-el-peso-del-es_1422582.shtml).

<sup>18</sup> Casetel Chamber of Business Telecommunications Services, "Oswaldo Cisneros sigue apostándole a Venezuela: Digital busca vías para consolidarse en 3G" [Oswaldo Cisneros Still Betting on Venezuela: Digital Seeks Ways to Consolidate in 3G], Casetel, June 23, 2010, [http://www.casetel.org/detalle\\_noticia.php?id\\_noticia=509](http://www.casetel.org/detalle_noticia.php?id_noticia=509).

modems, mobile broadband, and satellite connections. Inter, the company that places a distant second in the market, offers a triple pack that includes cable television, cable modem and telephony.<sup>19</sup>

Two privately-owned companies provide mobile phone services besides CANTV's Movilnet: Digitel and Movistar. However, they have had to decrease their investments in infrastructure and have begun to ration their services because of the discriminatory currency controls. As a result, according to industry insiders, by the end of 2011, Movilnet lead the mobile phone market with 15.5 million subscribers, out of a total of 29 million. Movistar had almost ten million subscribers and the remainder used Digitel's services.<sup>20</sup> There are no special restrictions on the opening of cybercafes.

Despite the growth in internet and mobile phone use in recent years, development in the ICT sector has slowed overall and, in some respects, slid backwards since 2007 when CANTV was renationalized. The sector's contribution to GDP has declined,<sup>21</sup> and in several recent cross-country studies assessing ICT trends over the past half-decade, Venezuela has been among the countries to have fallen farthest in the rankings relative to its peers.<sup>22</sup> This is in large part due to the difficulties that private providers have had competing with CANTV's rates, and how the lack of competition has reduced incentives for providers to retain a high quality of services.<sup>23</sup>

CANTV's position as a dominant, state-owned ISP and mobile phone provider has also raised concerns about the ease with which systemic content filtering and surveillance could be implemented in the future. In recent years, there have been isolated incidents of CANTV engaging in censorship and monitoring when other providers have not, but more systematic controls were not evident.

<sup>19</sup> "Latin American Broadband and Internet Market," BuddeComm Report, accessed December 14, 2011, <http://www.budde.com.au/Research/Latin-American-Broadband-and-Internet-Market.html>.

<sup>20</sup> Interview with mobile phone company employee who requested to remain anonymous, February 2012.

<sup>21</sup> *Inside Telecom* 7, no. 86 (2011). (Excerpted from weekly and monthly newsletter offered by this company under subscription, not available on the internet.)

<sup>22</sup> For example, in the the World Economic Forum's *Global Report on Information Technology* 2010-2011, assessing the impact of ICTs on development, Venezuela was among the top ten countries with the biggest drops, falling from 83rd (out of 122) in 2006 to 119 (out of 138) in 2011. See, Kai Bucher, "Las Economías Latinoamericanas todavía están atrasadas en el Aprovechamiento de las Tecnologías de la Información..." [The Latin American Economies are still behind in the use of Information Technologies], World Economic Forum, accessed December 12, 2011, <http://www.weforum.org/news/las-econom%C3%ADas-latinoamericanas-todav%C3%ADa-est%C3%A1n-atrasadas-en-el-aprovechamiento-de-las-tecnolog%C3%ADas?fo=1>.

Venezuela also dropped several spots in the ITU's 2011 Measuring the Information Society (2011) index. See, International Telecommunication Union, *Measuring the Information Society 2011* (Geneva: International Telecommunication Union, 2011), <http://www.itu.int/net/pressoffice/backgrounders/general/pdf/5.pdf>.

<sup>23</sup> Jorge Espinoza, "Argumentos in situ de las operadoras móviles privadas: Smartphones e Internet móvil suplen carencias fijas" [Topics on private mobile operators: Smartphones and Mobile Internet still have supplement gaps], *Inside Telecom*, May 25, 2012, [http://m.insidetele.com/index.php?article\\_id=3563838343945133547](http://m.insidetele.com/index.php?article_id=3563838343945133547).

The state acts as both the dominant service provider, through CANTV, and the sector's regulator and licensing authority, through CONATEL. The president has the power to name and remove CONATEL's director and the four members of its Directive Council. Although Article 35 of the Organic Law of Telecommunications provides for CONATEL's operational and administrative autonomy, a series of presidential decrees over the past decade has shifted oversight of the commission to various ministries and finally to the vice president,<sup>24</sup> which has increased the agency's politicization.<sup>25</sup> CONATEL continued in 2011 to demonstrate progovernment bias in decisions related to broadcast media, but it has not yet made comparable judgments affecting internet or mobile phone service.

## LIMITS ON CONTENT

In March 2010, President Hugo Chavez declared that the internet could not be “a free thing where you do and say whatever you want.”<sup>26</sup> Despite such warnings, the Venezuelan authorities have not engaged in systematic filtering to block citizens' access to information. Chavez and the ruling party have instead used social media to proactively disseminate their views and counter opponents. This trend has intensified since early 2011, as Chavez and his supporters have sought to gain the upper hand in a medium heavily used by the political opposition, sometimes doing so openly and on equal footing, but at times also using nontransparent, manipulative tactics.

No systematic blocking or cases of judicially imposed censorship have been reported in Venezuela. The sites of international news sources and human rights organizations like Freedom House, Reporters Without Borders, and Amnesty International are freely available. Advanced applications such as Facebook, Twitter, and the video-sharing site YouTube are also freely accessible and growing in popularity.<sup>27</sup>

Nonetheless, since the renationalization of CANTV in 2007, there have been sporadic incidents of blocks linked to sensitive political information. For example, in the run-up to parliamentary elections in September 2010, the news-aggregator site Noticiero Digital, one of the country's most popular websites at the time, was temporarily inaccessible from

<sup>24</sup> Andrés Cañizález, “Conatel, La joya de la corona” [Conatel, the Jewel in the Crown], Tal Cual, August 9, 2010, <http://www.talcualdigital.com/Blogs/Viewer.aspx?id=38920>.

<sup>25</sup> Jesús Urbina Serjant, “Venezuela,” Las mordazas invisibles: Nuevas y viejas barreras a la diversidad en la radiodifusión [Invisible Jaws: New and Old Barriers to Diversity in Broadcasting], 2009, [http://legislaciones.amarc.org/mordazas/VEN\\_pais.htm](http://legislaciones.amarc.org/mordazas/VEN_pais.htm)

<sup>26</sup> “Chavez: Hay que actuar contra Noticiero Digital (y Globovision)” [Chavez speaking about the Internet], YouTube video, 8:44, posted by “cadvsm,” March 13, 2010, <http://youtu.be/3f0kCyUZhHI>.

<sup>27</sup> “Top Sites in Venezuela,” Alexa Web Information Company, accessed July 10, 2012, <http://www.alexa.com/topsites/countries;0/VE>.

Venezuela for customers of CANTV.<sup>28</sup> Similarly, international blog-hosting services have occasionally been subject to brief blocks surrounding politically sensitive events, such as during the February 2009 constitutional referendum and the September 2010 parliamentary elections.<sup>29</sup> Sporadic disruptions continued to be recorded during 2011, with media reporting in August that bloggers had been complaining for weeks of problems accessing Google's Blogger platform via CANTV internet connections.<sup>30</sup>

Neither the government nor CANTV have made any effort to clarify the causes of these disruptions. The lack of clarity on whether the government is responsible for these cases of apparent blocking is compounded by the political situation in the country, in which there are no established checks and balances between the different branches of government, and the judiciary lacks independence. In this context, there is no transparent process or independent institutions through which website owners and content producers can pursue complaints of disruptions.

In December 2010, the National Assembly adopted a reform of the 2004 Law of Social Responsibility in Radio and Television (Resorte) that extended it to online and electronic media.<sup>31</sup> This laid the groundwork for censorship by websites and service providers of content transmitted by other users. Under the amended law, online media outlets are expected to establish mechanisms to restrict content that would violate the law, according to the Committee to Protect Journalists. Websites found in violation may be fined up to 13,000 bolivars (US\$3,000) and service providers who do not respond to government inquiries risk high fines and temporary suspension of operations.<sup>32</sup> In practice, however, the authorities have not vigorously enforced the law and online content providers do not appear to be engaging in politically-motivated deletions of user comments.

Rather than engaging in significant censorship, the president and other government representatives are making substantial use of social media, seeking to dominate online discussions. In April 2010, Chavez opened his own Twitter account. By May 2012, he had

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<sup>28</sup> David Sasaki, "Internet Censorship and Freedom of Expression in Latin America," *Información Cívica*, November 1, 2010, <http://informacioncivica.info/new/internet-censorship-and-freedom-of-expression-in-latin-america/>; Noticiero Digital, "Carta abierta a Cantv, de parte de Noticiero Digital" [Open Letter to Cantv, from Noticiero Digital], news release, September 28, 2010, <http://www.noticierodigital.com/forum/viewtopic.php?t=696877>.

<sup>29</sup> "Chavez y CANTV bloquean Blogger y Blogspot ayer en Venezuela" [Chavez blocked CANTV Blogger and Blogspot Yesterday in Venezuela], *CristaLab* (blog), February 16, 2009, <http://www.cristalab.com/blog/chavez-y-cantv-bloquean-blogger-y-blogspot-ayer-en-venezuela-c68770/>; David Sasaki, "Internet Censorship and Freedom of Expression in Latin America."

<sup>30</sup> Andres Tovar, "Blogueros reportan problemas con CANTV" [Bloggers report problems with CANTV], *Ultimas Noticias*, August 20, 2011, <http://www.ultimasnoticias.com.ve/noticias/tecnologia/blogueros-denuncian-problemas-con-cantv.aspx>.

<sup>31</sup> "The Law of Social Responsibility in Radio, Television and Electronic Media" [in Spanish] (Copy of Government Document), Scribd, accessed December 19, 2010, <http://www.scribd.com/doc/45291089/Proyecto-de-Ley-de-Responsabilidad-en-Radio-Television-y-Medios-Electronicos>.

<sup>32</sup> International Freedom of Expression eXchange (IFEX), "CPJ Condemns Two Media Laws," news release, December 22, 2010, [http://www.ifex.org/venezuela/2010/12/22/two\\_reforms\\_approved/](http://www.ifex.org/venezuela/2010/12/22/two_reforms_approved/).

the largest number of followers for any Venezuelan with over 2.8 million.<sup>33</sup> The president's use of Twitter increased and took on greater importance after he began receiving treatments for cancer in Cuba in mid-2011 and was unable to make public appearances in Venezuela.<sup>34</sup> More broadly, the ruling party and its supporters have created pro-Chavez platforms, such as the website [www.aporrea.org](http://www.aporrea.org), launched in 2002, or the Twitter feed “@RedVergataria.” The latter was launched in October 2011 with the support of CANTV's Movilnet and the Ministry of Popular Power for Science and Technology;<sup>35</sup> its declared aim is to achieve Chavez's reelection in presidential polls scheduled for October 2012.<sup>36</sup> Members of the public have also occasionally complained of the ruling party using state resources and programs to promote a partisan ideology via ICTs.<sup>37</sup>

More significant for the atmosphere of free online debate on political and social issues have been various efforts of the ruling party or its supporters to manipulate online conversations, discredit opposition voices, and encourage self-censorship. Allegations have surfaced of the government attempting to influence online news coverage by manipulating the allocation of advertising. Online media outlets critical of the government do not receive advertising revenue from state agencies and some private advertisers have been pressured to withdraw their funding from outlets like *Noticiero Digital* and *Codigo Venezuela*.<sup>38</sup>

<sup>33</sup> Leff, A. “Does Chavez govern by twitter?” *Globalpost*, May 4, 2012, <http://www.globalpost.com/dispatches/globalpost-blogs/chatter/hugo-chavez-twitter-government> (site discontinued).

<sup>34</sup> Ezequiel Minyaya, & Kejal Vyas, “When Chávez tweets, Venezuelans listen,” *The Wall Street Journal*, April 25, 2012, <http://online.wsj.com/article/SB10001424052702303990604577366123856023452.html>.

<sup>35</sup> Red Vergataria (blog), accessed December 14, 2011, <http://www.redvergataria.com/>.

<sup>36</sup> Anais Lucena, “Lanzamiento de red social ‘vergataria’ en twitter se efectuó desde el Zulia” [Launch of social networking ‘Vergataria’ on Twitter was made from Zulia State], *Radio Mundial*, October, 27, 2011,

<http://www.radiomundial.com.ve/article/lanzamiento-de-red-social-“vergataria”-en-twitter-se-efectuó-desde-el-zulia>;

“Colectivos de telecomunicaciones lanzan @redvergataria para organizacion politica”

[Collective @redvergataria telecommunications to throw political organization], *Patria Grande*, October 10, 2011,

<http://www.patriagrande.com.ve/temas/politica/colectivos-telecomunicaciones-lanzan-redvergataria-organizacion-politica/>.

<sup>37</sup> For example, on Christmas Eve 2011, a text message in Chavez's name was sent to more than 27 million mobile phone subscribers, encouraging people to celebrate, “our unstoppable march towards a Good and Pretty Country.” Although there are no laws restricting such communications, critics complained that it was an abuse of power to force mobile phone companies to disseminate partisan propaganda. In another case, the Canaima Education project, under which the government committed to supply over one million laptops to elementary school children, came under criticism in 2011. Critics claimed that on the computers—over 700,000 of which had already been distributed by October 2011—the section dedicated to parents contained content directed at promoting the political ideology and image of the president, though the materials for children were not so blatantly politicized. See, “Hugo Chavez’ Christmas Spam to all Venezuelans,” *Devils Excrement* (blog), December 27, 2011, <http://devilsexcrement.com/2011/12/27/hugo-chavez-christmas-spam-to-all-venezuelans/>; “Telefonicas asumieron costo del mensajito navideno presidencial” [Assumed cost of Presidential Christmas Phone Message], *Noticiero Digital*, December 28, 2011, <http://www.noticierodigital.com/2011/12/28/telefonicas-asumieron-costo-del-mensajito-navideno-presidencial/>;

“Venezuela ensamblará 500 mil computadoras para proyecto educativo” [Venezuela will join 500 000 computers for educational Project] *Canaima Educativo*, October 4, 2011, [http://www.canaimaeducativo.gob.ve/index.php?option=com\\_content&view=article&id=193:venezuela-ensamblara-500-mil-computadoras-para-proyecto-educativo&catid=50:noticias-2011&Itemid=59](http://www.canaimaeducativo.gob.ve/index.php?option=com_content&view=article&id=193:venezuela-ensamblara-500-mil-computadoras-para-proyecto-educativo&catid=50:noticias-2011&Itemid=59);

Ariana Guevara Gomez, “Las Canaima inculcan el socialismo” [Canaimas instill socialism], *Reportero 24*, September 23, 2011,

<http://www.reportero24.com/2011/09/ideologizacion-las-canaimas-fomentan-el-culto-a-la-figura-del-lider/>.

<sup>38</sup> Interviews with employees of the two websites, who requested to remain anonymous, October 2011.

Venezuelans are avid users of digital media, which have emerged as an important avenue for circulating information and expressing opinions at a time when independent television and radio stations have come under increased pressure. During 2011, over 90 million text messages were sent,<sup>39</sup> and approximately three-quarters of internet users have visited YouTube.<sup>40</sup> The country has the fifth-largest number of Facebook users in Latin America (about 9.5 million as of April 2012)<sup>41</sup> and the second-largest number of Twitter users (some estimates place the total at over two million as of July 2011).<sup>42</sup>

Beginning in late August 2011, the blogs and Twitter accounts of at least two dozen government critics and prominent figures in Venezuelan society were hacked, hijacked, and used to disseminate progovernment messages. Among those targeted in waves of attacks in late 2011 and early 2012 were journalists, artists, economists, activists, and opposition politicians, including the Miranda State governor and presidential candidate Henrique Capriles Radonski.<sup>43</sup> In some cases, the pro-government nature of the impersonated messages was palpable and immediately raised suspicions that a particular account had been compromised. But in many other instances, the hackers' approach was more cunning. Pro-government statements published were subtly convincing, while other comments produced negative impressions of the poster. Examples included a statement by the usually critical economist Jose Guerra suddenly praising the president's price control policy,<sup>44</sup> supposed criticism by the opposition-linked pollster Luis Vicente Leon regarding one of the opposition's own presidential candidates, and threatening comments seemingly from political activist Luis Trincado towards other users.<sup>45</sup> Email accounts associated with

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<sup>39</sup> Vicepresidencia de la Republica Bolivariana Venezuela [Vice President of the Bolivarian Republic of Venezuela], "Telecommunication Sector Statistics at the end of 2011."

<sup>40</sup> Carlos Jiménez, "Medios sociales: Venezuela en el mundo" [Social Media: Venezuela in the World], *El Universal*, July 22, 2011, <http://www.eluniversal.com/2011/07/22/medios-sociales-venezuela-en-el-mundo.shtml>.

<sup>41</sup> "Venezuela Facebook Statistics," SocialBakers, accessed May 25, 2012, <http://www.socialbakers.com/countries/detail/venezuela>.

<sup>42</sup> Carlos Jiménez, "Medios sociales: Venezuela en el mundo" [Social Media: Venezuela in the World], *El Universal*, July 22, 2011, <http://www.eluniversal.com/2011/07/22/medios-sociales-venezuela-en-el-mundo.shtml>.

<sup>43</sup> Adriana Prado, "Pro-chavez hackers steal twitter passwords from venezuelan journalists," Knight Center for Journalism in the Americas, September 13, 2011, <http://knightcenter.utexas.edu/blog/pro-chavez-hackers-steal-twitter-passwords-venezuelan-journalists>; Natalia Mazotte, "More venezuelan opposition journalists' twitter accounts hacked" Knight Center for Journalism in the Americas, February 1, 2011, <http://knightcenter.utexas.edu/blog/more-venezuelan-opposition-journalists-twiiter-accounts-hacked-after-publishing-critical-report>; "Hackean la página web de la gobernación de Miranda" [Hacked the website of the governorship of Miranda], *La Patilla*, February 12, 2012, <http://www.lapatilla.com/site/2012/02/12/hackean-la-pagina-web-de-la-gobernacion-de-miranda/>.

<sup>44</sup> "Continúan los ataques informáticos en Twitter y Gmail" [Continuing attacks on Twitter and Gmail], *Espacio Publico*, November 25, 2011, [http://espaciopublico.org/index.php/noticias/1-libertad-de-expresi/1163-continuan-los-ataques-informaticos-en-twitter-y-gmail?utm\\_source=dlvr.it&utm\\_medium=twitter](http://espaciopublico.org/index.php/noticias/1-libertad-de-expresi/1163-continuan-los-ataques-informaticos-en-twitter-y-gmail?utm_source=dlvr.it&utm_medium=twitter).

<sup>45</sup> Francisco Toro, "Hack a Mole," *The New York Times*, November 28, 2011, <http://latitude.blogs.nytimes.com/2011/11/28/hack-a-mole/>.

activists' Twitter feeds or blogs have also been compromised, and at least one blogger had the contents of his blog erased.<sup>46</sup>

Whether the government is directly behind these attacks remains unclear. On the one hand, a group of hackers calling itself N33 has taken responsibility for the attacks, claiming they support the president but are not acting at the behest of the government.<sup>47</sup> On the other hand, one victim of hacking, Milagros Socorro (editor of the opposition news site *Codigo Venezuela*), received an email from an anonymous sympathizer who claimed to work at the Ministry of Science and Technology and reported that an entire floor of the ministry was devoted to following and hacking opposition activists' online communications; the allegation remains unconfirmed, however.<sup>48</sup> More concretely, police and prosecutors have not investigated victims' complaints and some N33 statements have been aired on state-run television (see "Violations of User Rights"). Taken together, these circumstances have led many observers to believe that the president or other top officials are either directly or implicitly supporting the attackers.

In February 2012, online activists took matters into their own hands in response to the Twitter hackings, launching what they called Operation BAS (short for Operation Block and Spam).<sup>49</sup> The effort entailed marking as "blocked" or "spam" tweets coming from compromised accounts or feeds belonging to suspected paid government commentators. The activists also filed complaints with Twitter that such accounts had violated the company's terms of service. Estimates vary on the number of accounts suspended as a result of the campaign, but at least several dozen seem to have been affected. Observers noted that among the targeted accounts were also ones belonging to genuine Chavez supporters, not paid commentators, and that the campaign thus posed a restriction on their freedom of expression.<sup>50</sup>

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<sup>46</sup> "Continúan los ataques informáticos en Twitter y Gmail" [Continuing attacks on Twitter and Gmail], Espacio Público, November 25, 2011, [http://espaciopublico.org/index.php/noticias/1-libertad-de-expresi/1163-continuan-los-ataques-informaticos-en-twitter-y-gmail?utm\\_source=dlvr.it&utm\\_medium=twitter](http://espaciopublico.org/index.php/noticias/1-libertad-de-expresi/1163-continuan-los-ataques-informaticos-en-twitter-y-gmail?utm_source=dlvr.it&utm_medium=twitter);

Fernando Nunez Noda, "Hackeo de cuentas o Vietnam cibernético?" [Hacking of stories or Vietnam cyberspace?], *Info Ciudadano Revista Colaborativa*, September 13, 2011, <http://www.infociudadano.com/2011/09/13/hackeo-de-cuentas-o-vietnam-cibernetico-i/>

<sup>47</sup> Laura Vidal, "Venezuela: Government opponents' twitter accounts hacked" *Global Voices Online* (blog), December 5, 2011, <http://globalvoicesonline.org/2011/12/06/venezuela-government-opponents-twitter-accounts-hacked/>.

<sup>48</sup> Francisco Toro, "Hack a Mole," *The New York Times*, November 28, 2011, <http://latitude.blogs.nytimes.com/2011/11/28/hack-a-mole/>.

<sup>49</sup> "Operación BAS ha suspendido un centenar de usuarios que violan las normas de Twitter" [BAS operation has suspended one hundred users who violate the rules of Twitter], *6toPoder*, March 11, 2012, <http://www.6topoder.com/2012/03/11/operacion-bas-ha-suspendido-un-centenar-de-usuarios-que-violan-las-normas-de-twitter-investigacion/>.

<sup>50</sup> Luis Carlos Díaz, "El descubrimiento de la multitud" [The discovery of many], *Periodismo de paz* (blog), April 3, 2012, <http://www.periodismodepaz.org/index.php/2012/03/04/el-descubrimiento-de-la-multitud/>.

Apart from such online campaigns, there were no notable examples of social media being used to mobilize large-scale offline protests between early 2011 and mid-2012.<sup>51</sup> For example, neither primary elections in February 2012 nor a new controversial labor law stirred concerted efforts to mobilize protests via social media, though many Twitter users voiced their own individual views, often critical of the government. Still, academic studies have noted a correlation between the consumption of digital media and political participation in Venezuela and so, these tools may play an increasingly important role in the run-up to presidential elections in October 2012.<sup>52</sup>

## VIOLATIONS OF USER RIGHTS

Freedoms of speech and the press are constitutionally guaranteed, and the 1999 constitution establishes an obligation on the state to provide public access to ICTs.<sup>53</sup> However, various laws and decrees have been used to restrict media and online freedom or otherwise undermine these commitments. Meanwhile, the lack of institutional checks and balances and the market dominance of state-owned CANTV open the possibility for the government to monitor or harass political opponents with impunity.

In addition to passing the Resorte Law, in December 2010, legislators also amended the Telecommunications Act that deemed telecommunications networks and services to be of public rather than general interest, meaning they would be subject to greater state control.<sup>54</sup> These changes were among more than a dozen laws passed in the final days of the outgoing National Assembly, which was set to be replaced by a newly elected chamber with a substantial opposition presence.<sup>55</sup> The assembly also delegated its powers to the president for 18 months, allowing him to legislate by decree in areas including ICTs.<sup>56</sup> When freedom of expression advocates demanded to participate in the lawmakers' deliberations,<sup>57</sup> they were harassed and assaulted by government supporters at the doors of the chamber.<sup>58</sup>

<sup>51</sup> A. Artigas et al., "Caracterizando las elecciones venezolanas a través de Twitter. Caso: #26s" [Characterizing Venezuelan elections through Twitter. Case: #26s], *Anuario Electrónico de Estudios en Comunicación Social Disertaciones*, (2012): 5(1).

<sup>52</sup> I. Puyosa, "Conectados versus mediáticos ¿Politizados o Despolitizados?" [Connected vs broadcast media consumers: politicized or depoliticized?], *Anuario Electrónico de Estudios en Comunicación Social "Disertaciones*, (2012): 5(1).

<sup>53</sup> Asamblea Nacional Constituyente, *Constitution* [in Spanish], March 24, 2000, 108:110, <http://www.tsj.gov.ve/legislacion/constitucion1999.htm>.

<sup>54</sup> "Ley Orgánica de Telecomunicaciones" [Law of Organic Telecommunications], (Copy of Government Document), Scribd, accessed December 19, 2010, <http://www.scribd.com/doc/45293016/Nueva-Ley-Organica-de-Telecomunicaciones>.

<sup>55</sup> Sara Carolina Díaz, "En 15 días Asamblea aprobó 16 leyes" [In 15 Days Assembly Approves 16 Laws], *El Universal*, December 19, 2010, [http://politica.eluniversal.com/2010/12/19/pol\\_art\\_en-15-dias-asamblea\\_2141341.shtml](http://politica.eluniversal.com/2010/12/19/pol_art_en-15-dias-asamblea_2141341.shtml).

<sup>56</sup> "Texto de la Ley Habilitante entregada al la AN" [Text of the Enabling Act Submitted to the National Assembly], *Panorama.com.ve*, December 14, 2010, <http://www.panorama.com.ve/14-12-2010/avances/0chavez-martes-emergencia2.html>.

<sup>57</sup> "Periodistas y ONG solicitan audiencia a la AN para defender la libertad de expresión" [Journalists and NGOs Seek Hearing at the National Assembly to Defend Freedom of Expression], *El Nacional*, December 16, 2010, [http://www.el-nacional.com/www/site/p\\_contenido.php?q=nodo/172357/Naci%C3%B3n/Periodistas-y-ONG-solicitan-audiencia-a-la-AN-](http://www.el-nacional.com/www/site/p_contenido.php?q=nodo/172357/Naci%C3%B3n/Periodistas-y-ONG-solicitan-audiencia-a-la-AN-)

The courts are subject to the influence of the executive branch, particularly with regards to politically important cases, and the Supreme Court of Justice has passed down at least ten judgments since 2001 that have placed curbs on freedom of expression.<sup>59</sup> A 2005 reform of the penal code included significant restrictions on expression, especially in cases involving contempt or disrespect. Article 147 of the penal code stipulates that defamation of the president is punishable by 6 to 30 months in prison, while offenses against lower-ranking officials carry lighter punishments under Article 148.<sup>60</sup> In addition, the penal code includes vague language criminalizing the dissemination of “false information,” punishable by two to five years in prison.<sup>61</sup> Given that the internet is classified as a channel of mass distribution of information, some violations of the penal code (such as defamation or incitement of hatred or rebellion) may be considered more severe online than in other media forms.<sup>62</sup>

Although in past years, Twitter users and citizen journalists were detained for their online communications, no such cases were recorded in 2011 and early 2012. Nevertheless, the above laws were used during this period to prosecute and imprison traditional media journalists and government opponents, indicating that the risk of prosecution for online activists remains.

The constitution prohibits anonymity, and the rule applies to all media.<sup>63</sup> Since 2005, CONATEL has required mobile phone operators to collect copies of their subscribers’ identity documents, address, fingerprints, and signature.<sup>64</sup> According to the Computer Crimes Act, this information must be delivered to state security agencies upon presentation of a judicial warrant. Service providers are also obliged to keep detailed logs of all calls,

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[para-defender-la-libertad-de-expresi%C3%B3n](#); “Esperamos respuesta oportuna de AN a documento Por una internet de contenido libre” [We Expect a Timely Response from the National Assembly to Document ‘For an Internet of Free Content’], Todos en Red (blog), December 17, 2010, <http://todosenred.wordpress.com/2010/12/17/esperamos-respuesta-oportuna-de-an-a-documento-por-una-internet-de-contenido-libre/>.

<sup>58</sup> Patty Fuentes Gimón, “Respuesta oficial” [Official Response], Tal Cual, December 17, 2010, <http://www.talcualdigital.com/Avances/Viewer.aspx?id=45795&secid=28>.

<sup>59</sup> Juan Francisco Alonso, “Jueces buscan limitar libre expresión” [‘Judges Seek to Limit Free Expression’], El Universal, August 21, 2010, [http://politica.eluniversal.com/2010/08/21/pol\\_art\\_jueces-buscan-limit\\_2012844.shtml](http://politica.eluniversal.com/2010/08/21/pol_art_jueces-buscan-limit_2012844.shtml).

<sup>60</sup> “Respeto a la libertad de expresión: ¿Limita el código penal la libertad de expresión?” [Respect for Freedom of Expression: Does the Penal Code Limit Freedom of Expression?], Sumate, accessed August 22, 2010, [http://infovenezuela.org/democracy/cap4\\_es\\_2.htm](http://infovenezuela.org/democracy/cap4_es_2.htm).

<sup>61</sup> “Summary of the National Assembly” [in Spanish], Gaceta Oficial [Official Gazette] no. 5.763 Extraordinario, March 16, 2005, [http://www.tsj.gov.ve/gaceta\\_ext/marzo/160305/160305-5763-01.html](http://www.tsj.gov.ve/gaceta_ext/marzo/160305/160305-5763-01.html).

<sup>62</sup> Rafael Martínez, “Twitter: Esos Malditos 140 Caracteres” [Twitter: Those Damned 140 Characters], SoyRafael.com (blog), February 22, 2010, <http://soyrafael.com/2010/02/22/twitter-esos-malditos-140-caracteres/>. (Article 285 of the penal code states: “Anyone who incites disobedience of the laws or hatred among its people or makes apology for acts that the law provides as crimes, so as to endanger the public peace, shall be punished with imprisonment of three years to six years.”)

<sup>63</sup> Article 57: “Everyone has the right to freely express their thoughts, ideas or opinions orally, in writing or any other form of expression, and to make use of any means of communication and diffusion, and no censorship shall be established. Anyone making use of this right assumes full responsibility for everything expressed. Anonymity, war propaganda, discriminatory messages or those promoting religious intolerance are not allowed.”

<sup>64</sup> Gaceta Oficial [Official Gazette] no. 38.157, April 1, 2005, <http://www.tsj.gov.ve/gaceta/abril/010405/010405-38157-20.html>.

including the phone number of the caller, the destination phone number, the date, time, and duration of the call, the location and direction of the base station where the call is initiated, and the location and direction of the base station where the call is received, provided it belongs to the same network. The Law Against Kidnapping and Extortion obliges the providers of telecommunications, banking, or financial services to supply data to prosecutors upon presentation of a judicial warrant. In practice, given the lack of judicial independence, there are few safeguards in place to limit security agencies' access to user data and private communications. Nonetheless, National Assembly deputies from the ruling party have reported receiving complaints from law enforcement agencies that only the state-owned Movilnet provides information immediately.<sup>65</sup> Cybercafe customers are not required to register their identity documents to gain internet access, and there are no known cases in which such users' activities have been tracked.

The full scale of surveillance of user communications remains unclear. However, on occasion, state representatives have signalled the government's ability to track Twitter users. In February 2011, when official news agencies were slow to release information about a fire on the premises of the *Compañía Anonima Venezolana Military Industries (Cavim)*, people began to share details about the incident over social networks, especially Twitter. A military commander subsequently warned that it was "technologically feasible" for the state to track down the origin of those messages and take action against those who had committed the crime of generating public anxiety; no arrests were made at the time, however.<sup>66</sup>

The 2001 Special Law against Information Crimes<sup>67</sup> and the 1991 Communications Privacy Protection Law safeguard the privacy, confidentiality, inviolability and secrecy of communications and impose prison terms of up to six years on those who illegally intercept others' communications.<sup>68</sup> However, over the past year and a half, there have been numerous incidents of government opponents' communications being hacked, recorded, or manipulated with impunity. The fruits of these actions have been published in state-run media, indicating there may have been government involvement.<sup>69</sup> For example, in

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<sup>65</sup> "Presionan a brindar información personal" [Pressure to Provide Personal Information], BlackBerryVzla.com, June 24, 2010, <http://www.blackberryvzla.com/2010/06/presionan-brindar-informacion-personal.html>.

<sup>66</sup> "Sebin y DIM investigarán mensajes de Twitter sobre caso Cavim" [Sebin and investigate DIM case Twitter messages on Cavim], Espacio Público, February 2, 2011, <http://espaciopublico.org/index.php/noticias/1-libertad-de-expresi/963-sebin-y-dim-investigaran-mensajes-de-twitter-sobre-caso-cavim>.

<sup>67</sup> The National Assembly, *Special Law Against Cybercrime* [in Spanish], accessed December 12, 2011, <http://www.tsj.gov.ve/legislacion/ledi.htm>.

<sup>68</sup> Ibid.

<sup>69</sup> Gregorio Salazar, "Under Chávez: Media harassed with online hacking, phone tapping and censorship," Sampsonia Way, January 23, 2012, <http://www.sampsoniaway.org/bi-monthly/2012/01/23/under-chavez-media-harassed-with-online-hacking-phone-tapping-and-censorship/2/>.

November 2011, a mobile phone conversation between opposition presidential candidate María Corina Machado and her mother was intercepted and aired on state-run television.<sup>70</sup>

Meanwhile, as noted above, beginning in August 2011, a wave of hacking and impersonation attacks struck the Twitter accounts of government critics. Some websites have also faced hacking attacks. In October 2011, the news portal La Patilla, ranked as the 16<sup>th</sup> most visited website in Venezuela, reported being the target of an intense hacking attack, but successfully fending it off.<sup>71</sup> A few weeks earlier, the N33 hacking group, which claimed responsibility for other attacks, had named the site's editor Alberto Federico Ravel as an important future target.<sup>72</sup>

Several victims filed complaints with the competent bodies, calling for an investigation. Nevertheless, as of May 2012, state bodies had not properly investigated the source of the attacks nor had the government publicly condemned them. On the contrary, a statement by the N33 hacking group was transmitted via a state-run television channel during a popular show hosted by a ruling party spokesman. In the statement, the hackers declared that the attacks' purpose was to silence those expressing opinions contrary to those of the government.<sup>73</sup> In December 2011, several prominent figures whose accounts had been hacked held a press conference and published an open letter denouncing the attacks as part of a policy of "computer terrorism" endorsed by the government.<sup>74</sup> They complained that although the Committee for Scientific, Penal and Criminal Investigations (CICPC) had successfully identified several perpetrators, the investigation was halted and the lead investigator was relieved of his duties.<sup>75</sup>

<sup>70</sup> "María Machado denunció grabación ilegal en fiscalía" [Maria Machado denounced illegal recording in Office], El Universal, November 29, 2011, <http://www.eluniversal.com/nacional-y-politica/111129/maria-machado-denuncio-grabacion-ilegal-en-fiscalia>; Edgar Lopez, "Vtv involucra al estado en grabaciones ilegales" [VTV involves the state in illegal recordings], El Nacional, December 5, 2011, <http://movil.el-nacional.com/n.php?id=12743>.

<sup>71</sup> "La patilla informa a sus lectores sobre ataque a su plataforma" [La Patilla informs its readers about your platform attack], La Patilla, October 1, 2011, <http://www.lapatilla.com/site/2011/10/01/la-patilla-informa-a-sus-lectores-sobre-ataque-a-su-plataforma/>.

<sup>72</sup> Adriana Prado, "Pro-chavez hackers steal twitter passwords from venezuelan journalists," Knight Center for Journalism in the Americas, September 13, 2011, <http://knightcenter.utexas.edu/blog/pro-chavez-hackers-steal-twitter-passwords-venezuelan-journalists>; Juan Carlos Figueroa, "Hacker del n33 advierte: La joya de la corona es alberto ravell" [Hacker warns of N33: The jewel in the Crown is Alberto Ravell], El Tiempo, September 7, 2011, <http://eltiempo.com.ve/venezuela/entrevista/hacker-del-n33-advierte-la-joya-de-la-corona-es-alberto-ravell/31259>.

<sup>73</sup> "Grupo Hacker #N33 se pronuncia y se atribuye hackeos a cuentas de personajes conocidos en twitter-Venezuela" [Hacker Group # N33 attributed the attack of accounts of famous people on twitter-Venezuela], Redpres News Release, September 2, 2011, <http://redpres.forolatin.com/t1648-grupo-hacker-n33-se-pronuncia-y-se-atribuye-hackeos-a-cuentas-de-personajes-conocidos-en-twitter-venezuela>.

<sup>74</sup> "Hackeados e indignados denunciaron el terrorismo informatico" [People being hacked denounced computer terrorism], Liderazgo y Vision Asociacion Civil, December 2, 2011, <http://www.liderazgoyvision.org/2011/12/02/hackeados-e-indignados-denunciaron-el-terrorismo-informatico/>.

<sup>75</sup> "Denuncian 'terrorismo informatico' impulsado por el gobierno de Chavez" [Denounce "computer terrorism" driven by the Chavez government], Globovision, December 2, 2011, <http://www.globovision.com/news.php?nid=210517>.

Online activists have also been subject to physical intimidation and attacks. The offices of Espacio Publico, one of the civil society groups most active in defending freedom of expression online, were burglarized twice in November 2011.<sup>76</sup> Although there was no evidence that government actors were behind the thefts, the group has repeatedly been the target of discrediting campaigns in state-run media and the authorities' slow investigation, despite the availability of security camera footage, raised suspicions that these were not random acts of violence.<sup>77</sup> Several days after the second attack, a respected journalist known for teaching cyber activism workshops throughout the country began receiving anonymous threats over the phone and to his Twitter account.<sup>78</sup>

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<sup>76</sup> Natalia Mazotte, "Back-to-back robberies, slow state response suspicious, says Venezuelan freedom of expression NGO," Knight Center for Journalism in the Americas, November 30, 2011, <http://knightcenter.utexas.edu/en/blog/back-back-robberies-slow-state-response-suspicious-says-venezuelan-freedom-expression-ngo>; International Freedom of Expression eXchange (IFEX), "Freedom of expression NGO robbed," news release, November 23, 2011, [http://www.ifex.org/venezuela/2011/11/23/espacio\\_publico\\_robbery/](http://www.ifex.org/venezuela/2011/11/23/espacio_publico_robbery/).

<sup>77</sup> "Venezuela debe terminar con la campana contra prestigioso defensor de derechos humanos" [Venezuela must end with the campaign against prestigious human rights defender], Human Rights Watch, August 19, 2010, <http://www.hrw.org/news/2010/08/19/venezuela-debe-terminar-con-la-campa-contra-prestigioso-defensor-de-derechos-humanos>; International Freedom of Expression eXchange (IFEX), "Authorities drag heels in investigation of two burglaries at offices of free speech NGO," news release, December 5, 2011, [http://www.ifex.org/venezuela/2011/12/05/second\\_robbery/](http://www.ifex.org/venezuela/2011/12/05/second_robbery/); "Roban por segunda vez sede de Espacio Publico" [Stolen a second time headquarters of Public Space], El Universal, November 26, 2011, <http://www.eluniversal.com/caracas/sucesos/111126/roban-por-segunda-vez-sede-de-espacio-publico>.

<sup>78</sup> Natalia Mazotte, "Twitter becoming a common way to threaten journalists in Venezuela," Knight Center for Journalism in the Americas, November 28, 2011, <http://knightcenter.utexas.edu/en/blog/twitter-becoming-common-way-threaten-journalists-venezuela>; Natalia Mazotte, "Online Attacks Against Reporters in Venezuela become latest form of censorship (Interview)," Knight Center for Journalism in the Americas, January 18, 2012, <http://knightcenter.utexas.edu/en/blog/online-attacks-against-reporters-venezuela-become-latest-form-censorship-interview>.