

Venezuela

	2015	2016		
Internet Freedom Status	Partly Free	Partly Free	Population:	31.1 million
Obstacles to Access (0-25)	17	18	Internet Penetration 2015 (ITU):	62 percent
Limits on Content (0-35)	18	17	Social Media/ICT Apps Blocked:	No
Violations of User Rights (0-40)	22	25	Political/Social Content Blocked:	Yes
TOTAL* (0-100)	57	60	Bloggers/ICT Users Arrested:	Yes
			Press Freedom 2016 Status:	Not Free

* 0=most free, 100=least free

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 oblige 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**).

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 to 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

1 CONATEL, "CONATEL informa al país," [CONATEL informs the country], April 5, 2016, <http://bit.ly/1YeUXYR>.

2 ECLAC, "Estado de la banda ancha en América Latina y el Caribe 2015" [State of broadband in Latin America and the Caribbean], July 2015, <http://bit.ly/1Nvh8H3>.

3 "Comisión de Medios reformará la Ley de Telecomunicaciones y la Ley Resorte," [Media Commission will reform Telecommunications and Resorte Laws], *El Universal*, February 3, 2016, <http://bit.ly/2dUZiU5>.

4 Anatoly Kurmanaev, "Venezuela Top Court Annuls Amnesty Law," *The Wall Street Journal*, April 11, 2016, <http://on.wsj.com/1Mqz9c7>.

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.⁵ In August 2015, the Chamber of Business Telecommunications Services (CASETTEL) warned that a lack of investment could impact service provision.⁶ According to CASETTEL'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.⁷

According to the National Telecommunication Union (ITU), internet penetration reached 62 percent in 2015, up from 57 percent in 2014,⁸ while some private surveys pointed to higher and also lower figures.⁹ 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 2015.¹⁰ 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.¹¹ 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 2015.¹² Similarly, mobile internet subscriptions fell from more than one million in 2014 to close to 815,000 in 2015.¹³

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 CASETTEL, price adjustments have been far below inflation in recent years, which hampers investment in this capital intensive industry. See: CASETTEL, Press release, August 2015, <http://bit.ly/2dpQ00d>.

7 Roberto Deniz, "La deuda del gobierno con el sector telecomunicaciones ya llegó a más de mil millones de dólares" [Government debt to telecommunications sector now exceeds one billion dollars], *Konzapata*, October 28, 2015, <http://bit.ly/1Wi4MbU>.

8 International Telecommunication Union, "Percentage of Individuals using the Internet, 2000-2015," accessed October 3, 2016, <http://bit.ly/1cblxxY>. Venezuela's National Telecommunications Commission (CONATEL) measured internet penetration at 62.5 percent at the end of 2015, with more than 16.7 million users. In the third quarter of 2014, Conatel changed the methodology for calculating the number of users to include anyone with a cell phone with mobile data access. See: CONATEL, "Cifras del sector: Telecomunicaciones, 1998-2015" [Statistics: Telecommunications], accessed October 3, 2016, <http://bit.ly/2dYLHb4>.

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/1TWmw9n>.

10 CONATEL, "Cifras del sector: Telecomunicaciones, 1998-2015" [Statistics: Telecommunications], accessed October 3, 2016, <http://bit.ly/2dYLHb4>.

11 Arnaldo Espinoza, "Operadoras prevén colapso de redes de telefonía celular este año," [Operators predict collapse of mobile telephone networks this year], *El Estímulo*, August 24, 2015, <http://bit.ly/2dEHJ7g>; See also: "World Hangs Up on Venezuela as Phone Companies Can't Pay," *Bloomberg*, August 2, 2016, <http://bloom.bg/2aFInBU>.

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.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.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.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 2015.¹⁷ 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.¹⁸ According to Akamai, Venezuela's average connection speed barely reached 1.9 Mbps in the first quarter of 2016.¹⁹ 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.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.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 2016.²²

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

14 "Movistar suspende nuevas activaciones de Internet Móvil" [Movistar suspends new activations of Mobile Internet], *Entorno Inteligente*, August 16, 2015, <http://bit.ly/2dCGPaF>.

15 "Movistar suspende servicio de larga distancia," [Movistar suspends long-distance service], *El Universal*, April 8, 2016, <http://bit.ly/2dzbyJs>; See also: "Telefonica subsidiary halts international calls from Venezuela," *Reuters*, April 9, 2016, <http://reuters/2dq7qNK>; "Digitel suspende servicios de roaming y larga distancia a partir del 9 de abril," [Digitel suspends roaming and long distance services from April 9], *El Estímulo*, April 7, 2016, <http://bit.ly/2cNHOSM>.

16 "Venezuela se queda sin llamadas por celular al extranjero," [Venezuela left without mobile calls abroad], *La Nación*, April 11, 2016, <http://bit.ly/2dVoYQt>.

17 "Sin "vidas" en el Internet más lento," [Without "lives" in the slowest Internet], *El Nacional*, April 24, 2016, <http://bit.ly/2dnwly9>.

18 Florantonia Singer, "Internet se estrecha en Venezuela," [Internet is constricting in Venezuela], *El Nacional*, February 14, 2015, <http://bit.ly/2dmbYVA>.

19 Akamai, State of the Internet, Q1 2016, <http://akamai.me/2ecyiAU>.

20 "Punto Fijo pasó más de 12 horas sin luz," [Punto Fijo spent more than 12 hours without light], *El Pitazo*, August 3, 2015, <http://bit.ly/2dVOK0y>; "Horarios especiales en centros comerciales por el racionamiento eléctrico," [Special schedules at malls due to electricity rationing], *El Universal*, February 1, 2016, <http://bit.ly/2dmrvo3>; "Mapa: Así se vio Venezuela durante 27 días de apagones programados cuatro horas diarias," [Map: This is how Venezuela looked during 27 days of programmed blackouts four hours a day], *El Pitazo*, May 23, 2016, <http://bit.ly/1XQLKlg>.

21 "100 salarios mínimos cuesta un iPhone en Venezuela," [Iphone costs 100 minimum salaries in Venezuela], *El Nacional*, September 28, 2015, <http://bit.ly/1FFglC8>; Patricia Laya, "Why the iPhone 6 Costs \$47,678 in Venezuela," *Bloomberg*, June 21, 2015, <http://bloom.bg/1FwJuZb>; Capriles Prensa, Twitter post, April 1, 2016, 5:35pm, <http://bit.ly/2dEUEGH>; Humberto González, Twitter post, January 25, 2016, 6:30am, <http://bit.ly/2dLUuRY>.

22 Sebastian Boyd, "Black-Market Bolivars Crash Past 1,000 Per Dollar in Venezuela," *Bloomberg*, February 3, 2016, <http://bloom.bg/1QHXB6R>.

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 connec-

23 CASETEL press release, August 2015, <http://bit.ly/2dpQ00d>; See also: "Conozca las nuevas tarifas de Internet de Cantv," [See the new internet tariffs of Cantv], *El Estímulo*, July 1, 2015, <http://bit.ly/2eJMT2m>; Cantv, "Plans and Prices," <http://bit.ly/1lzsof1>.

24 Arnaldo Espinoza, "Casetel pide a la Asamblea realizar ajustes a tarifas de telecomunicaciones," [Casetel asks Assembly to make tariff adjustments in telecommunications], *El Estímulo*, February 19, 2016, <http://bit.ly/2dM0oCj>.

25 CONATEL, "Conatel ante el aumento de precios publicado por Digitel," [CONATEL facing the increase of prices published by Digitel] February 20, 2016, <http://bit.ly/2dDg4Tp>.

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>.

27 Arnaldo Espinoza, "Venezuela tiene 27 millones de líneas celulares prepago" [Venezuela has 27 million prepaid cellphone lines], *El Estímulo*, November 17, 2015, <http://bit.ly/2cYmSNY>.

28 Movistar Plan (280MB, 300 minutes and 800 SMS), <http://bit.ly/2cNlUuH>; Digitel Plan (512MB, 300 minutes and 800 SMS), <http://bit.ly/2dzcy6S>; Movilnet Plan, <http://bit.ly/2dqs6l8>.

29 CONATEL, Statistics 2015.

30 Karla Franceschi, "La televisión en línea crece a pesar de las dificultades," [Online TV grows despite difficulties], *El Nacional*, September 21, 2014, <http://goo.gl/BKFztm>.

31 Daniel Pardo, "¿Por qué internet en Venezuela es tan lento?" [Why is internet in Venezuela so slow?] *BBC Mundo*, September 22, 2014, <http://bbc.in/1WtaWSU>.

32 William Castillo B (Tweet), April 12, 2016, 6:57am, <http://bit.ly/2cOmEWB>.

tivity to remote areas of the country, but independent sources could not yet verify these claims.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.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.³⁵ Other complaints denounced cellphones from state-owned company Movilnet being given to groups aligned with the ruling party.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.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.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).³⁹ ISPs that use the state-owned carrier were also reportedly unable to operate.⁴⁰ According to Juan Véliz, President of the Union of Telecommunication Workers, 126,000 failures were reported throughout the country in just three weeks.⁴¹ In October 2015, the president of CANTV, Manuel Fernández, blamed these failures

33 CONATEL, "Satélite Simón Bolívar conectó zonas más remotas de Venezuela," [Simón Bolívar satellite connected most remote zones in Venezuela], October 29, 2015, <http://bit.ly/1JFwJFh>; See also: Jeanfreddy Gutiérrez, "Satélite Simón Bolívar solo usa 60% de su capacidad tecnológica a 7 años de su puesta en órbita," [Simón Bolívar satellite only uses 60 percent of its technological capacity after 7 years in orbit], *El Cambur*, October 29, 2015, <http://bit.ly/2drwiRf>.

34 "Infocentro celebra 15 años con más de 900 centros en Venezuela," [Infocentro celebrates 15 years with more than 900 centers in Venezuela], *La Red*, November 3, 2015, <http://bit.ly/2cYukPz>.

35 César Batiz, "Al Psuv le dieron 'una Tablet,'" [They gave PSUV a tablet], *El Pitazo*, December 8, 2015, <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], *El Pitazo*, November 23, 2015, <http://bit.ly/1lgmkEg>; Bianile Rivas, "Entre angustia y trancas entregaron tablets en Portuguesa," [Between anguish and problems, tablets are delivered in Portuguesa], November 23, 2015, <http://bit.ly/2dnyz1l>; Julio Mendoza, "Bachilleres de Misión Sucre en Apure fueron golpeados y apresados por protestar y exigir tabletas" [Students in Apure were beaten and detained for protesting and demanding tablets], November 25, 2015, <http://bit.ly/1NtLrAq>.

36 Edecio Brito, "Gobierno entregó 387 celulares a Frente de Mototaxistas en Barinas," [Government distributed 387 cellphones to mototaxi front in Barinas], *El Pitazo*, August 23, 2015, <http://bit.ly/2dmmlZp>.

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.

38 Crisbel Villaroel, "Conatel idea plan para modernizar el Internet" [Conatel devises plan to modernize the internet], *El Mundo*, August 13, 2015, <http://bit.ly/2dmofcE>.

39 "Reportan falla de ABA Cantv en varios estados de Venezuela," [Failure of ABA Cantv reported in various states in Venezuela], *Entorno Inteligente*, August 13, 2015, <http://bit.ly/2dEzGRk>; See also: IPYS Venezuela, "Usuarios reportaron falla de internet a través del servicio ABA – CANTV," [Users report internet failures through ABA Cantv service], September 11, 2015, <http://bit.ly/2cNTYSc>; "Fuertes lluvias afectaron sistema eléctrico e internet" [Heavy rain affected the electricity and internet system], *Entorno Inteligente*, September 15, 2015, <http://bit.ly/2dzo4Zz>; "Reportan fallas en servicio de internet ABA de Cantv," [ABA Cantv internet service failures reported], *Entorno Inteligente*, October 1, 2015, <http://bit.ly/2dmrnFm>.

40 "Clientes de Vearco Telecom sin internet por culpa de CANTV," [Clients of Vearco Telecom without internet because of CANTV], *Entorno Inteligente*, September 17, 2015, <http://bit.ly/2dzpkMe>.

41 "Sindicato de CANTV: Mal servicio de la empresa se debe a la falta de inversión" [CANTV union: bad service due to lack of investment], *Noticias al día ya la hora*, October 30, 2015, <http://bit.ly/2dryFUj>.

and slow connection speeds on the widespread growth of services,⁴² and announced an investment of 200 million dollars to modernize CANTV and Movilnet networks.⁴³

Digital activists have questioned whether constant service blackouts were a trial for larger service problems in the lead-up to December 2015 elections.⁴⁴ On election day, two NGOs—the Institute for Press and Society (IPYS-Venezuela)⁴⁵ and Acceso Libre (Free Access)⁴⁶—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.⁴⁷ *Dyn Research* confirmed a minor reduction in traffic levels that weekend. Though not a total blackout, the research showed some level of connectivity impairment.⁴⁸ CANTV blamed the disruptions on the massive use of internet for election-related purposes,⁴⁹ whereas CONATEL argued that these reports were part of “operations of disinformation” aimed at creating anxiety and uncertainty.⁵⁰ A study by IPYS-Venezuela after the election observed improvements in network performance.⁵¹

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.⁵² 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.”⁵³

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.⁵⁴

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

42 “Manuel Fernández niega que Venezuela ocupe los últimos lugares en velocidad de internet,” [Manuel Fernández denies that Venezuela ranks one of the last in internet speed], *Contrapunto*, October 15, 2015, <http://bit.ly/2d9LYyD>.

43 María Jorge, “Hasta un año pueden durar las averías telefónicas y de red de Cantv,” [Cantv telephone and network failures can last up to one year], *El Nacional*, November 22, 2015, <http://bit.ly/2cYwSaf>.

44 Luis Carlos Díaz, “Cantv: ¿Fallas o nuevos ensayos de bloqueos de Internet en Venezuela?” [Cantv: Failures or new trials to block internet in Venezuela?], *Medium*, October 2, 2015, <http://bit.ly/2dM9grA>.

45 Mariengracia Chirinos, Ipys Venezuela officer, personal email, December 17, 2015.

46 Acceso Libre, “Al menos doce estados venezolanos presentaron fallas de Internet durante el fin de semana electoral,” [At least twelve Venezuela states had internet failures during the electoral weekend], December 11, 2015, <http://bit.ly/2dDIggt>.

47 Sabrina Martín, “Denuncian bloqueo intencional de las comunicaciones en Venezuela,” [Intentional blocking of communications in Venezuela is denounced], *Panampost*, December 3, 2015, <http://bit.ly/2dNoKrY>.

48 Doug Madory, Director of Internet Analysis at Dyn Research, personal email.

49 CANTV, “Cantv garantiza servicios de telecomunicaciones,” May 12, 2015, <http://bit.ly/2dZr9bO>.

50 CONATEL, “Directorio de Responsabilidad Social y Conatel al país,” [Directorate of Social Responsibility and Conatel to the country], December 3, 2015, <http://bit.ly/2cYzbtR>.

51 IPYS Venezuela, “Principales hallazgos de la navegación en Venezuela,” [Main findings on internet surfing in Venezuela], March 29, 2016, <http://bit.ly/2aOk7jS>.

52 Andrés Herrera, “94,2% de las conexiones fijas a Internet en Venezuela son lentas,” [94.2 percent of fixed internet connections in Venezuela are slow], *Sumarium*, June 11, 2015, <http://bit.ly/1OCbV1Y>.

53 Homeland Plan, 4.4.2.3, <http://bit.ly/1MpSdlZ>.

54 “Los nuevos y altos precios de Movilnet para el Día de las Madres,” [The new and high prices of Movilnet for Mother’s Day], *El Nacional*, May 5, 2016, <http://bit.ly/1T0tMQo>.

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.⁵⁵ 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.⁵⁶

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 the shortage of smartphones.⁵⁷

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).⁵⁸

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,⁵⁹ 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.⁶⁰

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.

55 "Venezuela - Telecoms Infrastructure, Operators, Regulations - Statistics and Analyses," Budde.com.au, <http://bit.ly/2dnMTqV>.

56 For Intercable's plans, see <http://bit.ly/1LX2HXF>; For CANTV's plans, see <http://bit.ly/1NOAj0t>

57 Heberto Alvarado, "Internet venezolana: desigual, lenta y arcaica ¿Cómo se sale del sótano sudamericano?" [Venezuelan Internet: unequal, slow and archaic: how does one exit the South American basement?] *Runrun.es*, December 2, 2015, <http://bit.ly/2dNy66N>.

58 Ley de Responsabilidad Social en Radio, Televisión y Medios Electrónicos, 2012, [Law on Social Responsibility in Radio, Television and Electronic Media] <http://bit.ly/1LK14B4>.

59 Ley Orgánica de Telecomunicaciones [Organic Law on Telecommunications] art. 35-48, <http://bit.ly/1GcpLA4>.

60 The ranking took into consideration judicial independence, effectiveness of law-making bodies, efficiency of legal framework in settling disputes, efficiency of legal framework in challenging regulations and Intellectual property protection. See: World Economic Forum, The Global Information Technology Report 2015, accessed October 3, 2016, <http://bit.ly/1FT9apa>.

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 “infodio.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

61 “El régimen de Maduro volvió a bloquear Infobae en Venezuela,” [Maduro regime blocked Infobae in Venezuela again], Infobae, July 20, 2015, <http://bit.ly/2cQx3RH>; See also: “La Fundación LED repudió el bloqueo de Infobae en Venezuela,” [LED foundation condemned blocking of Infobae in Venezuela], Infobae, July 21, 2015, <http://bit.ly/2dG6Upd>.

62 Alberto Ravell (Tweet): “LaPatilla bloqueada por CANTV en la Gran Caracas” [La Patilla blocked by CANTV in Gran Caracas], October 1, 2015, <http://bit.ly/2dPFlet>.

63 María Fermin, “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>.

64 “State owned and biggest ISP in Venezuela have blocked all Bitcoin related domains, websites and pools,” Reddit, October 1, 2015, <http://bit.ly/2dHencX>.

65 “¡CONFIRMADO! CANTV y Conatel bloquean a medio Internet para sacar a DolarToday del aire ¡SIN ÉXITO!” [Confirmed! CANTV and Conatel blocked half of the internet to take DolarToday offline, without success!], DolarToday, October 1, 2015, <http://bit.ly/1P88VJK>.

66 Ipys-Venezuela, “Principales hallazgos de la navegación en Venezuela,” [Main findings on surfing in Venezuela], March 29, 2016, <http://bit.ly/2aOk7jS>.

67 Mayela Armas, “Castillo: “Legalmente” 1.060 sitios han sido bloqueados por requerimiento de otras autoridades,” [Castillo: 1,060 were “legally” blocked by request of other authorities], *Crónica Uno*, June 30, 2015, <http://bit.ly/2dof3V6>.

68 Dólar Today is a prominent site run out of Florida which publishes the black market exchange rate.

the blocking of websites.⁶⁹ Similarly, the Second Court of Administrative Settlements rejected Espacio Público's appeal against CANTV for failing to report blockings in Venezuela.⁷⁰

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).⁷¹ 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.⁷²

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 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 Jiménez and her family.⁷³

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.⁷⁴ 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.⁷⁵

69 Espacio Público, "CONATEL niega información sobre páginas web bloqueadas," [CONATEL denies information on blocked websites], May 28, 2015, <http://bit.ly/2dbkvVX>.

70 Edgar López, "El Gobierno tiene el secretismo como política de Estado," [The government has secretism as a state policy], *El Nacional*, September 27, 2015, <http://bit.ly/1Vh1bg0>.

71 Gaceta oficial de la República Bolivariana de Venezuela [Official Gazette of the Bolivarian Republic of Venezuela, Nr. 40.787], November 12, 2015, <http://bit.ly/2d48FIR>.

72 "El régimen de Nicolás Maduro restringió las ventas en el sitio de Mercado Libre," [Maduro regime restricted sales on Mercado Libre website], *Infobae*, November 27, 2015, <http://bit.ly/2dql8xl>.

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/2dtaqFr>.

74 IPYS Venezuela, "Poder electoral dictó una medida de censura previa," [Electoral power dictated preventive censorship measure], November 21, 2015, <http://bit.ly/2d0U87t>.

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.⁷⁶

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.⁷⁷ 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.⁷⁸ According to Marianne Díaz, 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."⁷⁹

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).⁸⁰

Despite economic constraints and a climate of censorship, the emergence of new digital ventures over the past few years has been remarkable.⁸¹ Print media have migrated to the web due to restrictions on newsprint,⁸² 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

76 IPYS Venezuela, "Circuito radial bajó de su página web entrevista sobre opacidad, [Circuito Radial removed interview on opacity from its website], October 2, 2015, <http://bit.ly/2cQXa14>.

77 Geraldine Lucero, "La encuesta de VTV que está dando de qué hablar," [VTV poll is creating a lot of talk], *El Pitazo*, February 16, 2016, <http://bit.ly/1ontTel>.

78 Marianne Díaz, "Facebook Disappearing Act," Online Censorship, December 11, 2015, <http://bit.ly/1OuoTKe>.

79 Marianne Díaz, personal communication via Twitter.

80 IPYS Venezuela and Venezuelan Electoral Observatory (OEV), "Mutismo en la antesala electoral," [Mutism in the electoral anteroom], 2015, <http://bit.ly/2aPQdJX>.

81 John Otis, "In Venezuela, online news helps journalists get their voices back," *Committee to Protect Journalists (blog)*, June 1, 2015, <http://bit.ly/2duKSHA>.

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, *Laiguana.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-

83 Medianálisis, “Top Ranking de Medios Digitales en Venezuela del mes de marzo 2016” [Top ranking of digital media in Venezuela – March 2016], April 4, 2016, <http://bit.ly/2dtmzKP>.

84 Other outlets include, among others: *EfectoCocuyo.com*; *Runrunes.es*; *Armando.Info*; *Prodavinci.com*; *Notiminuto.com*; *elestimulo.com*; *contrapunto.com*; *elcambur.com.ve*; See also: Jeanfreddy Gutiérrez, “La aparición de medios digitales nativos en el periodismo venezolano,” [The appearance of native digital media in Venezuelan journalism], *El Cambur*, June 27, 2015, <http://bit.ly/1Joj694>.

85 OGCD, “La cobertura mediática del proceso electoral parlamentario 2015,” [Media coverage of the parliamentary election process 2015], June 2016, <http://bit.ly/2cRbnVg>.

86 IPYS Venezuela, “Minci convierte su canal de Youtube en un espacio de propaganda para candidatos del PSUV,” [Ministry of Information turns its YouTube channel into a propaganda platform for PSUV candidates], December 3, 2015, <http://bit.ly/2dtw7FA>.

87 Franz Von Bergen, “Maduro lucha por ser trending topic,” [Maduro fights to be a trending topic], *El Nacional*, June 28, 2015, <http://bit.ly/1edI3t5>.

88 Hannah Dreier, “Venezuela ruling party games Twitter for political gain,” AP, August 4, 2015, <http://apne.ws/1MKOxhI>.

89 Forelle, M et al., Political Bots and the Manipulation of Public Opinion in Venezuela, July 2015, <http://arxiv.org/abs/1507.07109>.

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

90 IPYS Venezuela, “El tuitómetro del gobierno en Venezuela” [The government’s tweet-o-meter in Venezuela], <http://bit.ly/2d3JKfc>.

91 Margaret López, “Venezuela tuvo ‘crecimiento pírrico’ en penetración de Internet,” [Venezuela had “Pyrrhic growth” of internet penetration], *Analítica*, September 24, 2015, <http://bit.ly/2dLaeoB>; Daniela Dávila, “INFOGRAFÍA: Así repercute la realidad venezolana en la conectividad y los usos de Internet,” [Infographic: this is how the Venezuelan reality affects connectivity and internet usages], *RunRunes*, September 24, 2015, <http://bit.ly/1WFPD0C>.

92 Owloo, Facebook Statistics, accessed February 16, 2016, <http://bit.ly/2dKxpuz>.

93 “Colombia es el segundo país con más tuiteros en América Latina,” [Colombia is the second country with most Twitter users in Latin America] *La República*, March 13, 2015, <http://bit.ly/1BdKUG6>.

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://cnn.it/1O7QbWN>; 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/2dvJF3e>.

95 El *Tuitómetro parlamentario* examined the profiles of 67 candidates for deputies in the National Assembly of the United Socialist Party of Venezuela (PSUV) and the Democratic Unity Roundtable (MUD) between January 2015 and January 2016. See: IPYS Venezuela, El Tuitómetro parlamentario, <http://bit.ly/1QnBfc0>.

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/1Q7q0We>.

97 Abraham Salazar, “MUD y PSUV hacen la batalla de campaña por redes sociales en Libertador,” [MUD and PSUV fight the campaign on social networks in Libertador], *Efecto Cocuyo*, November 24, 2015, <http://bit.ly/2dffyx>.

98 Carmen Beatriz Fernández, Twitter post, May 25, 2016, 1:17am, <http://bit.ly/2dxSRDX>.

transmitted his press conferences via Facebook, Periscope, and his channel on IP CaprilesTV.⁹⁹ Opposition party MUD launched a news channel on YouTube three days before the election,¹⁰⁰ making heavy use of social networks and using material from citizen journalists who submitted videos via WeTransfer or Periscope.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.¹⁰² In February 2016, President Nicolás Maduro also announced a new Facebook page,¹⁰³ and his new TV show *En Contacto con Maduro* is disseminated via Twitter, Facebook, YouTube, Periscope and LiveStream.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.¹⁰⁵ Digital media and NGOs created alliances to monitor incidents before and during the electoral process, including the newspaper *Tal Cual* and digital media outlets *Runrunes*, *El Pitazo*, *Poderopedia* and *Crónica Uno*, which provided coverage through nearly 100 journalists in 23 cities.¹⁰⁶ The coalition included the NGO Transparencia Venezuela, offering a platform for citizen complaints, Dilo Aquí.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.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.¹⁰⁹ The NGOs Acceso Libre and IPYS-Venezuela, also monitored internet access restrictions during the elections.¹¹⁰ 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.¹¹¹

99 Carmen Beatriz Fernández, Twitter post, February 17, 2016, 4:47am, <http://bit.ly/2dsp9nV>; See also: Luis Carlos Díaz, Twitter post, February 18, 2016, 7:02am, <http://bit.ly/2dso9QJ>.

100 Democratic Unity Roundtable, “Unidad lanzó Sala de Prensa en Internet,” [Unity launched pressroom on Internet], December 3, 2015, <http://bit.ly/1Q3ImHE>.

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, <http://bit.ly/2dLf1Gw>.

102 National Assembly YouTube channel, <http://bit.ly/1mbePOX>.

103 “Maduro utilizará Facebook para “ampliar” su uso de redes sociales,” [Maduro will use Facebook to “widen” his use of social networks], *El Pitazo*, February 9, 2016, <http://bit.ly/2dfhzHF>.

104 See: www.nicolasmaduro.org.ve and livestream.com/encontactoconmaduro

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], *El Nacional*, November 11, 2015, <http://bit.ly/2duc4Hk>.

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], *RunRunes*, December 3, 2015, <http://bit.ly/2dLguww>.

107 See: www.transparencia.org.ve/diloaqui

108 Platform developed by IPYSVenezuela, see: guachimanelectoral.com

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], *Knight Center (blog)*, December 8, 2015, <http://bit.ly/1XWjJSu>.

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, <http://bit.ly/2dDIgGt>.

111 “Video de celebración de Lilian Tintori revoluciona las redes sociales,” [Lilian Tintori’s celebration video revolutionizes social networks], *El Nacional*, December 6, 2015, <http://bit.ly/1OdoYlx>.

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.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,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.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.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.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."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-

112 See websites such as "akizta.com," applications such as "Redes Ayuda" and Twitter accounts such as "SeBuscaSeDona"; 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, <http://cnn.it/22TDjIT>; "¿Cómo encontrar medicamentos en Venezuela a través de redes sociales?" [How to find medicine in Venezuela through social networks?], *Efecto Cocuyo*, March 25, 2016, <http://bit.ly/1LN7yL3>.

113 Constitution of the Bolivarian Republic of Venezuela, art. 56 and 57, <http://bit.ly/1ZlAgdc>.

114 "Ley Resorte restringe la libertad de expresión en internet y medios electrónicos," [The Resorte Law restricts liberty and expression on the internet and electronic media], *Espacio Público*, December 10, 2010, <http://bit.ly/1RbGg5W>.

115 Law on Social Responsibility on Radio and Television reformed, 2010, <http://bit.ly/1LK14B4>.

116 Gaceta Oficial, N5.494, Código Penal de Venezuela, [Penal Code of Venezuela], art. 444, October 20, 2000, <http://bit.ly/1hBfNfy>.

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, <http://bit.ly/1MUKnEN>.

vices.¹¹⁸ Under Article 61, “Whoever disseminates by any media, false news, employs violence, threats, deceit any other scheme to alter the prices of goods or services [...] shall be sanctioned with imprisonment of two to four years.” As a result, at least 15 people were arrested on the same month it came into force (see Prosecutions and Detentions for Online Activities).¹¹⁹

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.¹²⁰ 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.¹²¹

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 2015.¹²² 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,¹²³ as well as a video that circulated on YouTube.¹²⁴ Although López had called for nonviolence, the prosecution asserted that he had used “subliminal” messages to incite others to commit crimes.¹²⁵ 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.¹²⁶ The trial, which by rule should have been public, was virtually inaccessible for Venezuelans who used social networks to stay informed, while international news outlets faced difficulties in covering the trial.¹²⁷

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

118 Official Gazette, Nr. 40.787, November 12, 2015, <http://bit.ly/2d48FiR>.

119 D. Bracho, “Arreaza: Hay 15 detenidos por venta de productos con sobreprecio en internet” [Arreaza: 15 arrested for selling overpriced products online], *Panorama*, November 9, 2015, <http://bit.ly/2dUQvRG>.

120 “AN aprueba Proyecto de Reforma de la Ley de Telecomunicaciones,” [National Assembly approves bill to reform the Telecommunications Law], *El Universal*, April 28, 2016, <http://bit.ly/2dzDkFK>.

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 Maduro and Supreme Court], *Efecto Cocuyo*, April 14, 2016, <http://bit.ly/2dFadCE>.

122 Cristina Marcano, “Un juicio para la historia” [A trial for history], *Letras Libres*, November 5, 2015, <http://bit.ly/2d5SesGj>.

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, <http://bit.ly/2dNOp4O>.

124 Daniel Lozano, “Leopoldo López seguirá en prisión por emitir mensajes subliminales,” [Leopoldo Lopez will remain in prison for sending subliminal messages] *El Mundo*, June 5, 2014, <http://bit.ly/1NXqPy9>.

125 Human Rights Watch, “The Shattered Case Against Leopoldo López,” December 2, 2015, <http://bit.ly/1PyIb78>.

126 “Venezuela prosecutor who accused Lopez flees country,” *Reuters*, October 24, 2015, <http://reut.rs/2e3d0V3>.

127 Javier La Fuente, “Apagón informativo sobre el caso de Leopoldo López en Venezuela” [News blackout on the case of Leopoldo Lopez in Venezuela], *El País*, September 11, 2015, <http://bit.ly/2d5suaY>.

his blog, was arrested and questioned by security agents, and had his computer seized.¹²⁸ 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.¹²⁹

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.”¹³⁰ Those arrested include Julio César Hernández Sánchez, who was arrested for reselling birth control pills,¹³¹ Reinaldo Tatoli for selling tires,¹³² and Omar Vicente Machado Evia for selling household appliances.¹³³

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,¹³⁴ and Carlos Ferreira Rincón, who was accused of writing threatening tweets against President Maduro.¹³⁵

Meanwhile, six out of nine individuals arrested in the fall of 2014 for their social media activities were released in April 2016.¹³⁶ 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.¹³⁷
- 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).¹³⁸
- Another user called Skarlynn Duarte, from whom there is no further information except for

128 “Sebin detiene a periodista por informar sobre caso Tumeremo” [SEBIN detains journalist for reporting on Tumeremo case], *Espacio Público*, March 18, 2016, <http://bit.ly/2diDFvw>.

129 “Detienen a periodista de Efecto Cocuyo mientras cubría protesta por comida en Vargas” [Efecto Cocuyo journalist arrested while covering protest for food in Vargas], *Efecto Cocuyo*, April 26, 2016, <http://bit.ly/2dOkedW>.

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/2dZk0iy>.

131 “Detienen a hombre por revender anticonceptivos en Internet” [Man detained for reselling contraception on internet], *Panorama*, November 10, 2016, <http://bit.ly/2dHuKoh>.

132 “Preso por vender cauchos con sobreprecio por internet” [Arrested for selling tires via Internet], *Entorno Inteligente*, November 2, 2016, <http://bit.ly/2dTw1ab>.

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>.

134 “Detienen a un hombre por difamar y desprestigiar a políticos del oficialismo” [Man detained for defaming and discrediting ruling party politicians], *La Patilla*, June 22, 2015, <http://bit.ly/2d5TtS1>.

135 “Detienen a twittero tras amenazar a Maduro” [Twitter user detained after threatening Maduro], *El Nacional*, January 28, 2015, <http://bit.ly/1VunxUs>.

136 Personal consultation via email with lawyers of Foro Penal on April 14, 2016. Those arrested and subsequently released include: Lessi Marcano, Ginette Hernández, Daniely Benítez, Inés Margarita González Árraga, Abraham David Muñoz Marchán, María Magaly Contreras. See: Julett Pineda, “Tres tuiteros han sido liberados en las últimas dos semanas,” [Three Twitter users released in the past two weeks], *Efecto Cocuyo*, November 27, 2015, <http://bit.ly/2dOBwup>.

137 Foro Penal, “Victor Andrés Ugas,” accessed October 6, 2016, <http://bit.ly/2duXtL>.

138 Foro Penal, “Leonel Sánchez Camero,” accessed October 6, 2016, <http://bit.ly/2dOwWfE>; See also: “Trasladan del Helicoide al Ortopédico infantil a tuitero preso” [Detained Twitter user transferred from Helicoide to Children’s Orthopaedics clinic], *Efecto Cocuyo*, January 15, 2016, <http://bit.ly/2dUT5Vm>.

that provided by Foro Penal, was arrested on August 26, 2014 and remained detained on charges related to Twitter messages against government officials.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.¹⁴⁰ Cabello accused these media executives of reproducing information from the Spanish daily *ABC*, which mentions Cabello's alleged links to drug trafficking.¹⁴¹ The accused included Alberto Federico Ravell, the founder of digital outlet *La Patilla*. The digital outlet was served with a multi-million lawsuit for "moral damages" in August 2015.¹⁴²

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.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.¹⁴⁴ President Maduro later insisted in February 2016 that the country's economic downturn was caused by "that webpage directed from the United States."¹⁴⁵

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.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.

139 Foro Penal, "Skarlyn Duarte," accessed October 6, 2016, <http://bit.ly/2dUSjLB>.

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] *Knight Center (blog)*, October 20, 2015, <http://bit.ly/1MTu6Pf>.

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, <http://bit.ly/1kl8zOg>.

142 "La demanda mil millonaria del ciudadano Diosdado Cabello en contra de LaPatilla" [The billion dollar lawsuit by Diosdado Cabello against La Patilla], *La Patilla*, August 14, 2015, <http://bit.ly/1JYpSoj>; "Tribunal admite demanda contra tres medios de comunicación" [Court accepts lawsuit against three media], *El Universal*, August 13, 2015 <http://bit.ly/2diUOhk>; "Tribunal ordena buscar, por solicitud de Cabello, a directivos de La Patilla, El Nacional y Tal Cual con el SIPOL" [Court orders SIPOL, upon request of Cabello, to search for the executives of La Patilla, El Nacional and Tal Cual], *La Patilla*, October 6, 2015, <http://bit.ly/2dISBCx>; "Comisión del Cicpc acudió a LaPatilla en busca de Alberto Federico Ravell" [Cicpc Commission went to La Patilla looking for Alberto Federico Ravell] *La Patilla*, October 8, 2015, <http://bit.ly/2e75kOU>.

143 Airam Fernandez, "Banco Central de Venezuela demanda a dueños de Dolar Today en EEUU por "conspiradores"" [Central Bank of Venezuela demand owners of Dolartoday in the US for "conspirators"], *Efecto Cocuyo*, October 23, 2015, <http://bit.ly/2dHkV9y>; See also: Hannah Dreier, "Venezuela sues black market currency tracker for terrorism," *Associated Press*, October 23, 2015, <http://apne.ws/2e67iBA>.

144 "Precio en web de DolarToday "es falso"" [Price on DolarToday website is false], *Últimas Noticias*, October 24, 2015, <http://bit.ly/2dSsr1r>.

145 Margioni Bermúdez, "Maduro: "A Dolar Today los desmontamos o ellos desmontan al país" [Maduro: We dismantle Dolartoday or they dismantle the country], *Panorama*, February 17, 2016. <http://bit.ly/2dHjlyW>.

146 Plan de la Patria: Segundo plan socialista de desarrollo económico y social de la nación, 2013-2019 [Plan for the Homeland, 2013-2019], September 28, 2013, <http://bit.ly/1ii5WKR>.

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.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.”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,¹⁴⁹ a transaction that was allegedly never completed.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.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.”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.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.¹⁵⁴

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

147 IPYS Venezuela, “Reglamento del CESPPA contiene disposiciones contrarias a la libertad de expresión,” [CESPPA Regulation contains provisions contrary to freedom of expression], February 25, 2014, <http://bit.ly/1exVnBa>; See also Danny O’Brien, “Venezuela’s Internet Crackdown Escalates into Regional Blackout,” Deeplinks Blog, Electronic Frontier Foundation, February 20, 2014, <http://bit.ly/1ffcDB4>.

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, <http://bit.ly/2dvBK9I>.

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], *El Cambur*, July 13, 2015, <http://bit.ly/2dJDiNM>.

150 Katherine Pennacchio, “Hacking Team casi corona en Venezuela” [Hacking Team almost “crowns” in Venezuela], Armando. Info, July 18, 2015, <http://bit.ly/2dZnfGQ>.

151 “Pay No Attention to the Server Behind the Proxy: Mapping FinFisher’s Continuing Proliferation,” CitizenLab, October 15, 2015, <http://bit.ly/1GfcZ9n>; See also: “Gobierno venezolano sospechoso de usar el software espía FinFisher” [Venezuelan government suspected of using the FinFisher spyware], *La Patilla*, November 7, 2015, <http://bit.ly/2dOopq6>.

152 Casto Ocando, “Una invasión a la privacidad sin precedentes” [An unprecedented invasion of privacy], *Vértice*, April 3, 2016, <http://bit.ly/2dueDXY>.

153 Diego Oré, “Venezuela’s state informers: patriots or snitches?” *Reuters*, January 29, 2015, <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], *Runrunes*, July 24, 2015, <http://bit.ly/1MOt4RS>.

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, <http://bit.ly/1h3ybmE>.

tools. Furthermore, Venezuelan laws, such as the Law against Cybercrime and the Law to Protect Communication Privacy, guarantee the privacy of communications.¹⁵⁵ In practice, however, authorities have failed to apply these laws evenly in cases where activists have sued for protection under the law.¹⁵⁶

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.¹⁵⁷ 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.¹⁵⁸

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,¹⁵⁹ 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).¹⁶⁰

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 fingertips. By knowing this data, the party was in theory able to identify the supporters previously registered in their network who did not vote.¹⁶¹ Activists also worried that the government could use data collected through the Biometric System for Food Security,¹⁶² as well as personal data collected through social welfare programs, to exert pressure on voters.¹⁶³ 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."¹⁶⁴

155 Ley contra los Delitos Informáticos [Law Against Cybercrime], accessed October 20, 2016, <http://bit.ly/2daEjJ9>; Ley Sobre Protección a la Privacidad de las Comunicaciones [Law on Protection of Communications Privacy], December 16, 1991, <http://bit.ly/2d5EqjV>.

156 Internet Society Venezuela, "Libro blanco sobre libertad en Internet" [The white paper on internet freedom], June 2014, <http://bit.ly/1O4ZL1m>; see also: EsLaRed, "Venezuela," in *Global Information Society Watch 2014: Communication surveillance in the digital age*, APC and HIVOS, 2014, <http://bit.ly/1sjkimX>.

157 Gaceta Oficial, No. 38.157, Providencia Administrativa Contentiva de las normas Relativas al Requerimiento de Información en el Servicio de Telefonía Móvil, [Administrative ruling on norms relating to information requirements for mobile services], April 1, 2005, <http://bit.ly/1MBmTBx>.

158 Asamblea Nacional de Venezuela, Ley contra el secuestro y la extorsión [Law against kidnapping and extortion], June 5, 2009, <http://bit.ly/1RbJINP>.

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/1GXrDwA>.

161 Carlos Crespo, "PSUV enfrentará descontento con su maquinaria electoral" [PSUV will face discontent with electoral machinery], *Crónica Uno*, November 25, 2015, <http://bit.ly/2dujx7h>.

162 Marianne Díaz, "Tu huella digital por un kilo de harina: biométrica y privacidad en Venezuela" [Your fingerprint for a kilo of flour: biometrics and privacy in Venezuela], Digital Rights, December 16, 2015, <http://bit.ly/1PL5Sa1>.

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 Rodríguez showed forms with signatures is it because he stole them], *El periódico venezolano*, May 13, 2016, <http://bit.ly/2e7leZG>.

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.¹⁶⁵ Physical attacks against journalists and citizens by progovernment groups have also been reported, in some instances under the watch of security agents.¹⁶⁶ 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.¹⁶⁷ 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.¹⁶⁸

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.¹⁶⁹ 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.¹⁷⁰ 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.¹⁷¹

Meanwhile, journalists who participated in the Panama Papers project received insults and attacks online, and progovernment portals also discredited them.¹⁷²

165 Edison Lanza, Special Rapporteur for Freedom of Expression, Annual Report of the Inter-American Commission on Human Rights, IACHR-OEA 2015. For examples of cases, see: Ipys Venezuela, "Militares despojaron a corresponsal de IPYS Venezuela de su celular a las afueras de centro electoral y borraron su material" [Military agent took cellphone from IPYS Venezuela correspondent just outside electoral center and erased its material], December 4, 2015, <http://bit.ly/2dSA1pT>; "Detienen a periodista en Yaracuy mientras hacía cobertura en una cola" [Journalist detained in Yaracuy while reporting on a queue], *Espacio Público*, September 11, 2015, <http://bit.ly/2e5tQUH>; Ipys Venezuela, "Caracas: Funcionarios de inteligencia obligaron a equipo reporteril a borrar imágenes en cobertura" [Caracas: Intelligence officials forced journalists to delete images], July 13, 2015, <http://bit.ly/2dkm1Yd>.

166 "Nuevo informe detalla interminables violaciones a la libertad de expresión en Venezuela" [New report details endless violations of freedom of expression in Venezuela], *La Patilla*, July 6, 2015, <http://bit.ly/2dHrOYn>.

167 "Golpean y roban a fotoperiodista en el CNE" [Photojournalist beaten and robbed at the CNE], *El Estímulo*, April 21, 2016, <http://bit.ly/2dZtb2z>.

168 "Oficialistas agreden a reporteras en Hospital Universitario de Mérida" [Government supporters harass reporters at University Hospital of Merida], *Espacio Público*, May 4, 2016, <http://bit.ly/2epkG4a>.

169 Ipys Venezuela, "Amedrentaron a periodista Thabata Molina a través de Twitter" [Journalist Molina Thabata intimidated via Twitter], July 8, 2015, <http://bit.ly/2eHdzl7>; Ipys Venezuela, "Periodista Clavel Rangel fue víctima de ciberamenazas" [Journalist Clavel Rangel was victim of cyber threats], September 21, 2015, <http://bit.ly/2dLJCnT>; Ipys Venezuela, "Periodista recibió mensaje intimidatorio a través de Twitter" [Journalist received threatening message via Twitter], September 24, 2015, <http://bit.ly/2erwEtZ>; Ipys Venezuela, "Amenazan a periodista a través de Twitter" [Journalist threatened via Twitter], October 22, 2015, <http://bit.ly/2dRmaCc>; Lorena Bornacelly, "Corresponsal de El Pitazo en Táchira denunció ante el Ministerio Público acoso por Twitter" [El Pitazo correspondent in Tachira complained about harassment via Twitter before the Public Ministry], *El Pitazo*, April 4, 2016, <http://bit.ly/2ed5g3U>.

170 IPYS Venezuela, "Director de CONATEL emitió mensajes agraviantes contra periodistas y defensores de DDHH" [Director of CONATEL sends offensive messages against journalists and human rights defenders], September 17, 2015, <http://bit.ly/2e79Snc>.

171 "El brazo mediático de las bandas armadas" [The media arm of the armed gangs], *Con el mazo dando*, May 4, 2016, <http://bit.ly/1NWF49h>.

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/2a9WyNB>.

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 cyberattacks. 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

173 "Hackean cuenta en Twitter de Nelson Bocaranda" [Twitter account of Nelson Bocaranda is hacked], *RunRunes*, May 6, 2016, <http://bit.ly/2eryBXs>; See also: <http://bit.ly/2e1aBH2>.

174 Gustavo Roosen, Twitter post, December 11, 2015, 10:46am, <http://bit.ly/2e2W9QB>.

175 IESA, Letter to CONATEL, December 14, 2015, <http://bit.ly/2diVile>.

176 Jesús Rivas, "Trabajadores de Cantv rechazan mensajes de Roosen" [Cantv's employees reject Roosen's messages], *Diario de Los Andes*, December 16, 2015, <http://bit.ly/2dW3W1B>.

177 Rosa Amelia González, "Fábrica de mentiras" [Factory of lies], IESA, December 27, 2015, <http://bit.ly/2erCGed>.

178 Juan Carlos Figueroa, Twitter post, December 30, 2015, 6:38pm, <http://bit.ly/2dkpOou>.

179 "El portal armando.info sufre ataque DoS justo cuando publicaba los #PanamaPapers" [The website armando.info suffers DDoS attack just after publishing the #PanamaPapers], *La Patilla*, April 3, 2016, <http://bit.ly/2dvYtxr>.

180 Nathaniel Janowitz, "The Hackers Targeting Dissidents throughout Latin America May Be State Sponsored," *Vice*, December 17, 2015, <http://bit.ly/2dcfBXP>.