

Venezuela

	2016	2017		
Internet Freedom Status	Partly Free	Not Free	Population:	31.6 million
Obstacles to Access (0-25)	18	19	Internet Penetration 2016 (ITU):	60 percent
Limits on Content (0-35)	17	18	Social Media/ICT Apps Blocked:	Yes
Violations of User Rights (0-40)	25	26	Political/Social Content Blocked:	Yes
TOTAL* (0-100)	60	63	Bloggers/ICT Users Arrested:	Yes
			Press Freedom 2017 Status:	Not Free

* 0=most free, 100=least free

Key Developments: June 2016 – May 2017

- Strict foreign exchange controls and high inflation have hindered the country's telecommunications industry, inhibiting individuals' abilities to get online (see "**Availability and Ease of Access**").
- While independent digital media, journalists, and citizens continued to actively use digital platforms to access and share critical information, arbitrary website blockings continued to be reported, notably a handful of sites that provided live coverage of the protests (see "**Blocking and Filtering**").
- Along with eroding civil and political freedoms, President Nicolas Maduro's declaration of a State of Exception and Economic Emergency, extended in May 2017, dictated "strict regulations" to prevent "destabilization campaigns" on the internet (see "**Legal Environment**").
- In the midst of heightened tensions and a series of antigovernment protests, online journalists faced brutal attempts to thwart their coverage of events, including arbitrary arrests, confiscation of equipment, threats and physical attacks by state security forces and progovernment groups (see "**Intimidation and Violence**").
- A director of a news site was placed under house arrest after spending more than eight months in jail since September 2016. While officially charged with money laundering, Braulio Jatar's detention was denounced as retaliation for online coverage about a protest against President Maduro (see "**Prosecutions and Detentions for Online Activities**").

Introduction

Growing obstacles to access, arbitrary censorship, and deteriorating user rights resulted in Venezuelan internet freedom declining to “Not Free” in 2017.

Venezuela’s failing economic situation has effectively limited internet access. Strict foreign currency exchange controls, high inflation, and price regulations have hindered the country’s telecommunication industry and the quality of internet access. Average connection speeds fell under 2 Mbps at the end of 2016. By all accounts, various estimates showed internet penetration either remained static or declined over the past year.¹

Restrictions on internet freedom have intensified with the country’s deepening political crisis and unrest. In October 2016, the National Electoral Council blocked a proposed referendum to recall President Nicolas Maduro and postponed regional elections scheduled for December 2016. Elections held to form a constituent assembly in July and to elect state governors in October—both outside of the coverage period of this report—were characterized as flawed.² The “State of Exception and Economic Emergency,” in place since May 2016, was extended by a presidential decree in May 2017. The decree also mentions measures to censor and monitor the internet to prevent “destabilization campaigns.” Deepening restrictions on content have in turn resulted in the blocking of a handful of video-streaming websites providing coverage of antigovernment protests. Senior officials also announced initiatives to regulate the use of social networks, arguing that they are dangerous and a tool for unconventional warfare.³

Online reporters continued to face attacks, arbitrary detentions, and confiscation of equipment while covering political events, protests, or even long lines to buy basic supplies.⁴ On September 3, 2016, police arrested Braulio Jatar, director of the independent news website *Reporte Confidencial*, after he published photos and videos of a spontaneous demonstration against President Maduro on Margarita Island. After more than eight months in prison, he was placed under house arrest in May 2017. Several media and nonprofit websites also reported a surge technical attacks aiming to take them offline in early 2017

1 Tendencias Digitales, “Penetración y Uso de Internet en Venezuela,” [Penetration and Internet Use in Venezuela], 2017

2 Anthony Faiola, “With low turnout, Venezuela’s election will create what opponents call ‘puppet congress,’” *Washington Post*, July 31, 2017, https://www.washingtonpost.com/world/the_americas/defying-international-calls-venezuela-holds-contentious-election/2017/07/30/be3cd614-7089-11e7-8c17-533c52b2f014_story.html, and “Venezuela elections neither ‘free nor fair’, says US,” *BBC*, October 16, 2017, <http://www.bbc.com/news/world-latin-america-41646488>

3 Conatel Venezuela, Twitter post, 18 May 18, 2017, 4:01 AM, <https://twitter.com/Conatel/status/865160455488245760>; Conatel, “En 2017 se discutirá el marco legal para regular uso de redes sociales,” [In 2017, the legal framework to regulate the use of social networks will be discussed], November 28, 2016, <http://www.conatel.gob.ve/en-2017-se-discutira-el-marco-legal-para-regular-uso-de-redes-sociales/>; Nelson Algueida, Conatel regulará “con mayor eficacia” redes y medios electrónicos. *Ultimas Noticias*, May 18, 2017. [Conatel will regulate “more effectively” networks and electronic media] <http://www.ultimasnoticias.com.ve/noticias/politica/conatel-regulara-mayor-eficacia-redes-medios-electronicos/>

4 “Sntp exigió en todo el país el cese del hostigamiento y ataque a los comunicadores,” [Sntp demanded throughout the country a stop to harassment and attacks on journalists], *El Pitazo*, May 19, 2017, <https://elpitazo.com/ultimas-noticias/sntp-exigio-en-todo-el-pais-el-cese-del-hostigamiento-y-ataque-a-los-comunicadores/>; Ruth Lara Castillo, “Periodistas exigieron sanciones para quienes ataquen a trabajadores de la prensa,” [Journalists demanded sanctions for those who attack press workers] *El Pitazo*, May 16, 2017, <https://elpitazo.com/ultimas-noticias/periodistas-exigieron-sanciones-quienes-ataquen-trabajadores-la-prensa/>

Obstacles to Access

Internet and mobile subscriptions have declined with Venezuela's economic crisis, impacted by foreign currency controls and high inflation. Frequent internet service failures and poor quality connections also continued to hinder reliable access to the internet. During the coverage period, users in different states reported service breakdowns that lasted for several hours.

Availability and Ease of Access

Key Access Indicators		
Internet penetration (ITU) ^a	2016	60.0%
	2015	61.9%
	2011	40.2%
Mobile penetration (ITU) ^b	2016	87%
	2015	93%
	2011	98%
Average connection speeds (Akamai) ^c	2017(Q1)	1.8 Mbps
	2016(Q1)	1.9 Mbps

^a International Telecommunication Union, "Percentage of Individuals Using the Internet, 2000-2016," <http://bit.ly/1cblxxY>.

^b International Telecommunication Union, "Mobile-Cellular Telephone Subscriptions, 2000-2016," <http://bit.ly/1cblxxY>.

^c Akamai, "State of the Internet - Connectivity Report, Q1 2017," <https://goo.gl/TQH7L7>.

Venezuela's economic crisis, marked by foreign currency controls and the highest inflation rate in the world, has hindered the country's telecommunication infrastructure and the quality of internet access.

Civil society organizations continued to denounce connectivity problems and low connection speeds, which negatively impacted the flow of information online in Venezuela.⁵ Following years of improvements in internet penetration, for the first time in 2016 ITU figures showed a decline in the percentage of individuals using the internet, down from almost 62 percent in 2015 to 60 percent in 2016. The country's electricity crisis resulted in months of rationing imposed on most of the country in the first half of 2016. Outages are common: while critics have denounced that they stem from a lack of investment and poor planning, the government has blamed some of the blackouts on acts of "sabotage" against the electrical system.⁶

Mobile penetration figures have also declined over the years, dropping from 102 percent in 2012 to 87 percent in 2016.⁷ Representatives of private mobile companies Digitel and Movistar noted how strict currency exchange controls have negatively impacted them, by restricting investment

5 Elena Cazes, "La tragedia del acceso a internet en Venezuela" [The tragedy of internet access in Venezuela] Acceso libre (web), September 30, 2016, <http://accesolibre.org.ve/index.php/2016/09/30/la-tragedia-del-acceso-internet-venezuela/>; "15 ONG denuncian difícil acceso y lentitud de internet en Venezuela," [15 NGOs denounce difficult access and slow internet in Venezuela] Runrun.es, August 17, 2016, <http://runrun.es/nacional/275158/15-ong-denuncian-dificil-acceso-y-lentitud-de-internet-en-venezuela.html>

6 MINCI, "Minister Motta Domínguez denuncia nueve ataques al Sistema Eléctrico Nacional en 72 horas" [Minister Motta Domínguez denounces nine attacks on the National Electric System in 72 hours] March 15, 2017, <http://minci.gob.ve/2017/03/ministro-motta-dominguez-denuncia-nueve-ataques-al-sistema-electrico-nacional-72-horas/>

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

and improvements in the services they provide.⁸ Unable to meet financial obligations agreed with suppliers in U.S. dollars, mobile operators eliminated long distance and roaming services in 2016.⁹ The telecommunications regulator CONATEL officially announced in April 2016 that difficulties arising from the country's economic situation had forced operators to suspend some services.¹⁰

In July 2016, the government suspended an increase in rates for telecommunications services.¹¹ A few months later, in November, CONATEL announced that it was working with companies to prepare a new tariff plan to encourage access among Venezuelans, while at the same time boosting growth of the sector.¹² In February 2017, it was unofficially revealed that the government had agreed with telecommunications companies to increase rates. Social network users complained that such a measure was not openly announced by the government nor the companies.¹³ Users reported that mobile and broadband rates rose sharply for new lines, in some cases by more than 1,000 percent, although companies imposed more moderate increases for long-time customers.¹⁴ The increases are sharp if looking at prices in Venezuelan Bolivars (VEF) compared to the minimum wage.¹⁵ Calculated in dollars on the other hand, the figures are derisory, and companies continued to work at a loss.¹⁶

Figures from the main ISP, the state-owned CANTV, show that the average cost of an internet service is VEF 272 per month.¹⁷ At the official floating SIMADI exchange rate calculated on May 2017,¹⁸ this would represent US\$ 0.37. Although the service is not available for new subscriptions, the main mobile company, Movilnet, has a limited prepaid mobile data plan costing VEF 1,000 (or US\$ 1.38 at the SIMADI rate).¹⁹

Shortages of ICT devices prevail and the few products that end up on the market are priced

8 "Stalin González se reunió con empresas de telecomunicaciones por fallas en el servicio" [Stalin González met with telecommunications companies regarding service failures] *El Nacional*, April 20, 2016, http://www.el-nacional.com/noticias/politica/stalin-gonzalez-reunio-con-empresas-telecomunicaciones-por-fallas-servicio_31423

9 "Movistar suspende servicio de larga distancia," [Movistar suspends long-distance service] *El Universal*, April 8, 2016, <http://bit.ly/2dzbyJs>; "Telefonica subsidiary halts international calls from Venezuela," *Reuters*, April 9, 2016, <http://reut.rs/2dq7NK>; "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/2cNH0sM>

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

11 "Conatel suspende incremento de tarifas de los servicios de telecomunicación," [Conatel suspends tariff increase for telecommunication services] *El Universal*, July 29, 2016, http://www.eluniversal.com/noticias/economia/conatel-suspende-incremento-tarifas-los-servicios-telecomunicacion_429465

12 "CONATEL y operadores preparan propuesta de tarifas para servicios de telecomunicaciones," [CONATEL and operators prepare tariff proposal for telecommunications services] *Finanzas Digital*, November 28, 2016, <http://www.finanzasdigital.com/2016/11/conatel-operadores-preparan-propuesta-tarifas-servicios-telecomunicaciones/>

13 Marianne Díaz, Twitter post, November 9, 2016, "Mi pago mensual de @InterCliente subió de 2000 a 11.000. Por lo menos podían haber avisado. Y pasé media semana sin internet, por cierto," <https://twitter.com/mariannedh/status/793588929534492672?s=03>

14 Verónica Egui Brito, Twitter post, February 3, 2017, "Exhabrupto ajuste de pésimo @InterCliente : noviembre 2016 pagaba 1.830Bs diciembre 2016 subieron 11.412Bs enero 2017 subieron 17.801,30Bs," <https://twitter.com/VeroEgui/status/827520116342525953>

15 As of May 2017 the monthly minimum wage was 65,000 Bs. Venezuelans do not have access to the SIMADI rate of 722 Bs/\$1, but only to the black market dollar calculated at 5,200 Bs/\$1, which would translate to a monthly minimum wage of less than \$20.

16 Julett Pineda, "Desmejorar el servicio y recortar personal, medidas que toman las operadoras para subsistir," [Worsening services and cutting staff, measures that operators take to survive] *Efecto Cocuyo*, July 31, 2016, <http://efectococuyo.com/principales/desmejorar-el-servicio-y-recortar-personal-medidas-que-toman-las-operadoras-para-subsistir>

17 CANTV website: www.cantv.com.ve

18 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. SIMADI/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>

19 Movilnet's website: <http://www.movilnet.com.ve/sitio/>

at the free dollar rate, which was more than VEF 5,200 to US\$ 1 in May 2017. While accurate calculations are almost impossible to make in an economy with exchange controls and high inflation, smartphones, laptops, PCs and other ICT devices are prohibitively expensive for the majority of the population.²⁰

Differences in internet access between the capital and rural areas have continued to evidence a significant digital divide in Venezuela. Mobile broadband offers are concentrated in cities with populations of more than 50,000 people and in high-income zones. In January 2017, state-owned operator Movilnet began offering 4G technology, but only in the states of Aragua, Carabobo, Anzoátegui, Zulia, Miranda, and the Capital District.²¹ 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 and VPITv, have also gained users.²²

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 has not released updated information regarding this project. Some reports have said that CANTV had laid 5,700 new kilometers of optical fiber,²³ but in April 2016, when the director of CONATEL met with businesspeople to discuss progress of the National Transportation Network,²⁴ some attendees mentioned that “no figures were shown in detail.”

The government has said that the Simón Bolívar satellite has provided internet and mobile connectivity to remote areas of the country, but independent sources could not yet verify these claims.²⁵ 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.²⁶

Restrictions on Connectivity

Although exact figures are not available, the state owns most the national backbone infrastructure through the state provider CANTV.²⁷ The government discussed plans to establish an internet

20 César Mortagua, “Altos costos y escasa oferta limitan compras de celulares” [High costs and limited supply limit mobile purchases] *El Mundo*, March 13, 2017, <http://www.elmundo.com.ve/noticias/negocios/tecnologia/altos-costos-y-escasa-oferta-limitan-compras-de-ce.aspx>; Abraham Salazar, “Para comprar un celular de gama alta se necesitan 227 salarios mínimos” [To buy a high-end cell phone, 227 minimum wages are needed] *Efecto Cocuyo*, December 11, 2016, <http://efectococuyo.com/economia/para-comprar-un-celular-de-gama-alta-se-necesitan-227-salarios-minimos>

21 “Usuarios de Movilnet ya disfrutan del servicio 4G-LTE,” [Movilnet users already enjoy 4G-LTE service], *El Carabobeno*, January 23, 2017, <https://www.el-carabobeno.com/usuarios-movilnet-ya-disfrutan-del-servicio-4g-lte/>

22 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>

23 “Cantv triplicó tendido de fibra óptica en Venezuela,” [Cantv tripled fiber optic cable in Venezuela] *La Red*, July 28, 2016, <http://lared.com.ve/noticias/cantv-triplico-tendido-de-fibra-optica-en-venezuela>

24 William Castillo B, Twitter post, April 12, 2016, 6:57am, “Ayer, en el Motor Telecom e Informática se informó avance de la Red Nacional de Transporte #AgendaDigitalVzla,” <http://bit.ly/2cOmEwB>

25 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/1JEwJFh>; 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>

26 “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>

27 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.

exchange point (IXP) in 2015, but has not indicated whether it will move ahead with this plan in the future.²⁸

On June 28, 2017,²⁹ users in several cities reported that social media and video streaming platforms such as Twitter, Facebook, Instagram, Periscope, and YouTube were inaccessible for approximately one hour. The organization Venezuela Inteligente noted that CANTV's DNS servers were not responding to DNS requests for these sites, and that Movistar also began to block Twitter briefly.³⁰ The reason for the blocking was unknown.

Deliberate shutdowns and throttling may seem practically unnecessary given the state of the country's infrastructure, which does not guarantee a stable and quality connectivity.³¹ Impacted by a lack of investment and maintenance, deteriorating services have heavily impacted connectivity. In March 2017, the president of the Chamber of Telecommunications Companies (Casetel) warned that if the government did not take the necessary corrective measures, telecommunication services would continue to deteriorate.³² On the other hand, the president of CONATEL announced the creation of awareness-raising campaigns to reduce data consumption in the country.³³

Public networks, such as those of state universities, also faced a crisis because of the shortage of foreign currency and budgetary cuts.³⁴ In February 2017, a group of 12 universities risked a digital blackout due to an almost insignificant debt between the National Information Technology Center (CNTI) and LACNIC, the organization responsible for number resource allocation and registration services. Two days before the deadline expired, the government honored its commitment.³⁵

Internet service failures are common and often take a long time to fix.³⁶ During the coverage period, users in different states reported service breakdowns that lasted for several hours, particularly

28 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>

29 This event occurred outside the period of coverage of this report.

30 VESINFILTRO: Resumen preliminar del incidente de bloqueo del 28 de junio de 2017 [Preliminary summary of the blocking incident of June 28, 2017], http://vesinfiltro.com/noticias/resumen_preliminar_2017-06-28/

31 The situation in Venezuela is consistent with findings by Weidmann and others, concluding that a new layer must be added to understand how governments control the use of the internet: They do not even have to censor their opponents if they make it difficult to connect or deny internet access. See: Digital discrimination: Political bias in Internet service provision across ethnic groups. *Science* Vol. 353, Issue 6304, pp. 1151-1155 DOI: 10.1126/science.aaf5062

32 Jorge Escobar, "Aseguran que servicios de telecomunicaciones en Venezuela podrían desmejorar" [Telecommunications services could deteriorate in Venezuela] *Fedecámaras Radio*, March 2, 2017, <http://acn.com.ve/aseguran-que-servicios-de-telecomunicaciones-en-venezuela-podrian-desmejorar/>

33 Andrés Eloy Méndez, Twitter post, November 27, 2016, "Vamos a ir creando campañas de conciencia para disminuir el consumo de megas en el país," <https://twitter.com/Conatel/status/803085170546851840>

34 "ALERTA: Universidades nacionales podrían sufrir apagón digital en menos de 4 días" [ALERT: National universities could suffer digital blackout in less than 4 days] *Aula Abierta*, March 2, 2017, <http://aulaabiertavenezuela.org/index.php/2017/03/02/alerta-universidades-nacionales-podrian-sufrir-apagon-digital-en-menos-de-4-dias/>

35 LACNIC, "LACNIC update on the status of the number resources assigned to Venezuelan organizations and currently undergoing the revocation process," <http://www.lacnic.net/en/web/anuncios/2017-situacion-recursos-entidades-venezolanas>

36 Armando Díaz, "Internet en Venezuela sigue con fallas y sin soluciones," [Internet in Venezuela continues with failures and without solutions] *El Carabobeño*, January 20, 2017, <https://www.el-carabobeno.com/internet-venezuela-sigue-fallas-sin-soluciones/>

affecting the largest internet provider (ABA, from the state-owned CANTV).³⁷ Internet service failures are particularly notorious in rural areas, where even the local media cannot, through public requests, obtain official information from CANTV about the causes of the connection problems.³⁸ A measurement by M-Lab³⁹ showed a significant fall in connectivity in the month of August 2016, coinciding with the announcement of a ban on tariff increases, and in the days leading up to the citizens' mobilizations in favor of the recall referendum.⁴⁰ In March 2017, users from states in the west of the country reported a massive failure that affected CANTV and Movilnet services and lasted more than 12 hours. The presidents of both operators attributed the failure to several cuts produced in the fiber-optic network. After calling it an act of sabotage, they said they would initiate investigations.⁴¹

Companies have also frequently complained about robberies. In the first nine months of 2016, 506 cases were recorded in 306 transmission stations of Movistar;⁴² this figure increased in 2017.⁴³ Sometimes whole towns were left without internet due to vandalism.⁴⁴ In October 2016, a new Telecommunications Security Directorate, attached to the Ministry of People's Power for Internal Relations, Justice and Peace, was created to deal with criminal incidents affecting operators in the sector who are victims of theft and vandalism in their facilities. A dedicated phone line was also launched to receive reports of failures or attacks to the telecommunications service. The Corps of Scientific, Penal, and Criminal Investigations (CICPC) is in charge of carrying out investigations into cases that affect telecommunications in the country.⁴⁵

ICT Market

Although there are private providers, the state dominates the ICT market. One of the objectives of

37 "Falla del servicio ABA Cantv deja a Puerto Ordaz sin internet toda una mañana," [Failure of ABA service leaves Puerto Ordaz without internet all morning] *Correo del Caroní*, July 12, 2016, <http://www.correodelcaroni.com/index.php/mas/comunicacion/item/47171-falla-del-servicio-aba-cantv-deja-a-puerto-ordaz-sin-internet-toda-una-manana>; Melquíades Ávila, "Gran parte de Tucupita sin conexión de internet desde hace 6 días," [Broad zones of Tucupita without internet connection for 6 days] *El Pitazo*, July 18, 2016, <https://elpitazo.com/ultimas-noticias/gran-parte-tucupita-sin-conexion-internet-desde-6-dias/>; "Reportan fallas del servicio ABA de Cantv en varias regiones del país," [Failures of ABA in several regions of the country] *El Pitazo*, August 23, 2016, <https://elpitazo.com/ultimas-noticias/reportan-fallas-del-servicio-aba-cantv-varias-regiones-del-pais/>; "Mérida: Usuarios reportan severas fallas de conectividad en todas las plataformas de telecomunicaciones," [Merida: Users report severe connectivity failures on all telecommunications platforms] *Aporrea*, September 4, 2016, <https://www.aporrea.org/tecno/n296548.html>; "Tres municipios quedaron sin internet por falla de ABA de Cantv," [Three municipalities were without Internet due to failure of ABA de Cantv] *El Carabobeño*, February 4, 2017, <https://www.el-carabobeno.com/tres-municipios-quedaron-sin-internet-falla-aba-cantv/>

38 "Correo del Caroní envía petición de información a Cantv Puerto Ordaz," [Correo del Caroní sends information request to Cantv Puerto Ordaz] *Correo del Caroní*, February 23, 2017, <http://www.correodelcaroni.com/index.php/cdad/item/53912-correo-del-caroni-envia-peticion-de-informacion-a-cantv-puerto-ordaz>

39 <https://www.measurementlab.net/about/>

40 https://viz.measurementlab.net/location/save?aggr=month&isps=AS8048_AS21826_AS10753x_AS6306_AS22313

41 Cantv, "Cantv y Movilnet denuncian sabotaje a la fibra óptica nacional" [Cantv and Movilnet denounce sabotage against the national optical fiber], March 14, 2017, <http://www.cantv.com.ve/seccion.asp?pid=1&sid=144&NotID=8298>

42 Edecio Brito, "Ladrones hurtaron parte de la torre de transmisión de Movistar en una zona de Guareñas," [Thieves stole part of the Movistar transmission tower in an area of Guareñas] *El Pitazo*, October 20, 2016, <https://elpitazo.com/ultimas-noticias/ladrones-hurtaron-parte-la-torre-transmision-movistar-una-zona-guarenas/>

43 "Afectados servicios de Movistar en Mérida y San Cristóbal por vandalismo," [Affected Movistar services in Merida and San Cristóbal due to vandalism] *El Pitazo*, March 14, 2017, <https://elpitazo.com/ultimas-noticias/afectados-servicios-movistar-merida-san-cristobal-vandalismo/>

44 "Hurto de "gran magnitud" deja a siete ciudades sin señal de Movistar," ["Large magnitude" theft leaves seven cities without Movistar signal] *El Nacional*, March 21, 2017, http://www.el-nacional.com/noticias/sucesos/hurto-gran-magnitud-deja-siete-ciudades-sin-senal-movistar_86446

45 CONATEL, "Plan de seguridad para sector telecomunicaciones," [Security plan for the telecommunications sector] October 4, 2016, <http://www.conatel.gob.ve/ejecutivo-activa-plan-de-seguridad-para-sector-telecomunicaciones/>

the Second Socialist Plan for the Economic and Social Development of the Nation (2013-2019) is for Venezuela to reach “non-vital levels” of connections with communication and information networks “dominated by neo-colonial powers.”⁴⁶

Foreign currency controls have prevented private companies from repatriating their earnings and accessing the foreign currency necessary for investment, which has 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 is also rampant due to the lack of dollars to pay for imports.

According to CONATEL’s figures for the first quarter of 2017, almost 70 percent of users access the internet through CANTV’s ABA (Broadband Access).⁴⁷ The rest of the population accesses the internet through one of several private telecommunications providers.⁴⁸ Representing almost 9 percent of the market, Inter is the second most widely used ISP, though it offers services only in major cities. Three major players dominate the country’s mobile market: state-owned Movilnet, Telefonica’s Movistar, and locally owned Digitel.⁴⁹ Digitel is the leading LTE network operator, a technology that has not been fully utilized due to the shortage of smartphones.⁵⁰

Regulatory Bodies

CONATEL is the entity responsible for regulating and licensing of the telecommunications sector and is administratively dependent on the Ministry of Information and Communication. The Law on Social Responsibility on Radio, Television, and Digital Media (Resorte-ME) grants the regulatory body the power to make decisions on 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).⁵¹

During the report’s coverage period, President Maduro appointed a new director of CONATEL, Andrés Eloy Méndez,⁵² former director of the National Superintendence for the Defense of Socio-Economic Rights (SUNDDE) and, like the previous head William Castillo, a member of the governing party.⁵³

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

46 Homeland Plan, 4.4.2.3, <http://bit.ly/1MpSdLZ>

47 CONATEL (2016), Cifras del sector telecomunicaciones. [Figures of the telecommunications sector] <http://www.conatel.gov.ve/estadisticas-anales-y-trimestrales/>

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

49 “Seis estados del país cuentan con cobertura plena 4G de Movilnet,” AVN, February 16, 2016, <http://globovision.com/articulo/seis-estados-del-pais-cuentan-con-cobertura-plena-4g-de-movilnet>

50 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>

51 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>

52 Gabriela Rojas, “Andrés Eloy Méndez, el baja santamarías de Conatel,” [Andrés Eloy Méndez, the “baja santamarías” of Conatel] *El Estímulo*, May 24, 2017, <http://elestimulo.com/climax/andres-eloy-mendez-el-baja-santamarías-de-conatel-2/>

53 Andrés Eloy Méndez G, Twitter post, October 24, 2016, 2:46 PM, “Gracias al presidente @NicolasMaduro y a la Dirección Nacional del @PartidoPSUV por otorgarme su confianza ¡Lealtad Chavista!” <https://twitter.com/andreseloypsuv/status/790670878069620737>

the agency's director and the other four members of its board,⁵⁴ pointing to CONATEL's lack of independence from the executive. Although the National Assembly approved in September 2016 a reform of the Telecommunications Law, which stipulated that the appointment of the director of CONATEL was to be submitted to the legislative body, it was declared unconstitutional by the Supreme Court of Justice.⁵⁵

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.⁵⁶

Limits on Content

Extended in May 2017, the state of emergency deepened concerns about increasing restrictions on online content in the midst of political turmoil. Under opaque orders from the regulator, in April 2017 ISPs blocked three online TV sites that provided live coverage of antigovernment protests. Blocking procedures lack transparency and avenues for appeal, and digital rights groups suspect many more sites are blocked.

Blocking and Filtering

Blocking of political, social, and economic content continued to occur during this report's coverage period. CONATEL's new director, Andrés Eloy Méndez, has justified blocking certain digital media for "instigating war" based on unspecified judicial decisions.⁵⁷ Digital rights organizations have increasingly denounced the lack of transparency of blocking orders that are not made public and provide no avenues for appeal.⁵⁸ In a joint press release in April 2017, freedom of expression experts of the United Nations and the Inter-American Commission on Human Rights condemned blockings and stressed that: "Even under a state of emergency, the regulation as well as limitation or restrictions on websites and television signals transmitted over the internet are disproportionate and incompatible with international standards."⁵⁹

On April 7 2017, a day after a violent antigovernment protest, major ISPs started blocking the online TV and streaming sites Vivo Play, El Capitolio TV, and Venezolanos por la información, in apparent retaliation for providing live coverage of protests.⁶⁰ *Venezuela Inteligente* technically documented

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

55 Sala constitucional, Magistrado ponente: Luis Fernando Damiani Bustillos. Expediente N° 16-1027, November 4, 2016. <http://historico.tsj.gob.ve/decisiones/scon/noviembre/191896-938-41116-2016-2016-1027.HTML>

56 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>

57 Ipys Venezuela, "Presidente de Conatel justificó bloqueo y censura contra medios digitales y elevisoras," [President of Conatel justified blockade and censorship against digital and television media] May 5, 2017, <http://ipysvenezuela.org/alerta/presidente-conatel-justifico-bloqueo-censura-medios-digitales-elevisoras/>

58 Andrés Azpúrua. Solicitamos transparencia en los bloqueos en #internetVE. [We request transparency #internetVE] <https://medium.com/@andresAzp/solicitamos-transparencia-en-los-bloqueos-en-internetve-cb622bac87fd>

59 "UN and IACHR Rapporteurs condemn censorship, arrests and attacks on journalists," OAS Press Release, April 26, 2017, <http://www.oas.org/en/iachr/expression/showarticle.asp?artID=1062&IID=1>

60 "Conatel ordena bloquear a VivoPlay y VPI TV, únicos medios que transmitieron en vivo protesta del 6Abril," [Conatel orders to block VivoPlay and VPI TV, the only means that broadcast live protest of 6April] *RunRunes*, April 7, 2017, <http://runrun.es/nacional/304278/conatel-ordena-bloquear-a-vivoplay-y-vpi-tv-unicos-medios-que-transmitieron-en-vivo-protesta-del-6abr.html>

those blockings, noting that they started between 6am and 10am on April 7, mainly through DNS blocking.⁶¹ A group of NGOs requested a formal response from CONATEL about the reasons that led to the blocking, but as of May they had received no response.⁶² On the other hand, blocked platforms such as Vivo Play were able to evade censorship and multiply viewers by sharing their channel through other news websites, as well as their app.⁶³

Rights groups supporting people living with HIV/AIDS also reported that in August 2016 CONATEL issued an order to block four of their websites without notification or known justification.⁶⁴ In February 2017, news aggregators such as *Maduradas* reported being blocked by all operators in the country.⁶⁵ Technical tests by *Venezuela Inteligente* corroborated DNS blocking by CANTV, Movistar and Digitel.⁶⁶ As on May 2017, *Maduradas* remained inaccessible.

More recently, on June 28, users from various cities in Venezuela reported that several social media platforms — including Facebook, Twitter, YouTube, and Periscope — were inaccessible for approximately one hour. Tests by *IPYS Venezuela* and *Venezuela Inteligente* confirmed DNS blocking affecting both CANTV and Movistar users.⁶⁷ The motives behind the move remained unknown.

In January 2017, the Attorney General asked a court in Caracas to formally block the website *DolarToday*, which publishes daily black market exchange rates, on the grounds that it caused a serious distortion in the foreign exchange market.⁶⁸ The site had already been blocked in 2013 without a judicial order. International news sites such as *Infobae*⁶⁹ and *NTN 24*⁷⁰ were also blocked. In February 2017, Méndez also announced plans to block the “CNN en Español” channel on YouTube after the outlet took its programming online in response to the Venezuelan government cutting its signal.⁷¹ However, the YouTube channel remained accessible to Venezuelans. Websites of various advocacy and human rights organizations were freely accessible.⁷²

61 Ve Sin Filtro, “Bloqueos de internet en abril de 2017,” [Internet blocking in April 2017] http://vesinfiltro.com/noticias/bloqueos_abril_2017/

62 Venezuela Inteligente, Twitter post, May 17, 2017, “El #diaDeInternet seguimos sin saber: ¿Quién decide qué bloquear, por qué motivos, con qué autoridad, qué han bloqueado?” <https://twitter.com/VeInteligente/status/864885400451649536>

63 Karla Franceschi, “Al tratar de bajarnos el volumen lo que hicieron fue amplificarlo” [When trying to lower the volume what they did was amplify it] *El Nacional*, April 17, 2017, http://www.el-nacional.com/noticias/entretenimiento/tratar-bajarnos-volumen-que-hicieron-fue-amplificarlo_17744

64 AMAVIDA, Press release, August 24, 2016, <http://www.amavida.org.ve/admin/images/pdf/comuni.pdf>

65 “¡ARRECIA LA CENSURA! Operadoras en Venezuela bloquean el acceso a Maduradas.com,” [Operators in Venezuela block access to Maduradas.com] *Maduradas*, February 8, 2017, <http://www.maduradas.com/arrecia-la-censura-operadoras-en-venezuela-bloquean-el-acceso-a-maduradas-com/>

66 VeSinFiltro, Twitter post, February 8, 2017, “Confi mamos técnicamente que http://maduradas.com @maduradascom ha sido bloqueada por DNS en #InternetVE - #CANTV, #MovistarVE y #Digitel,” <https://twitter.com/vesinfiltro/status/829376747019837440>

67 Ipys Venezuela, “Bloquearon redes sociales durante una hora,” [Social networks were blocked for one hour] June 19, 2017, <http://ipysvenezuela.org/alerta/venezuela-bloquearon-redes-sociales-una-hora/>

68 “Fiscalía venezolana solicita bloquear página web Dólar Today,” [Venezuelan public prosecutor requests to block website Dollar Today] *TeleSUR*, January 26, 2017, <http://www.telesurtv.net/news/Fiscalia-venezolana-solicita-bloquear-pagina-web-Dolar-Today-20170126-0075.html>

69 “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>; “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>

70 “NTN24 censurado en Venezuela, ahora en Internet,” [NTN24 censored in Venezuela, now on the Internet] *NTN24*, September 18, 2014, <http://www.ntn24.com/noticia/comunicado-ntn24-censurado-en-venezuela-ahora-en-internet-25964>

71 “Gobierno de Venezuela planea bloquear CNN en español en internet,” [Government of Venezuela plans to block CNN in Spanish on the internet] *Clases de periodismo*, February 16, 2017, <http://www.clasesdeperiodismo.com/2017/02/16/gobierno-de-venezuela-planea-bloquear-cnn-en-espanol-en-internet/> <https://youtu.be/HagOOm70f4g>

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

Content Removal

Content related to economic issues or political criticism were 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 (See “Media, Diversity and Content Manipulation”).

Although transparency reports produced by Twitter and Google do not show significant numbers of requests for withdrawal of content by Venezuelan entities, reports have documented several requests to various digital media to remove news items or erase URLs. According to the investigative journalist Lisette Boon, from *RunRunes*, a company called Eliminalia was tasked with “cleaning up the reputation” of Venezuelan politicians and businesspeople on the web. According to the reporter, in less than 9 months, at least 5 news sites received such requests, under the justification that the right to privacy and reputation were being damaged. Those requests were rejected as a form of censorship.⁷³

In June 2016, two court decisions also restricted certain content prior to publication. In one case, a court in the state of Carabobo ruled in favor of Carlos Osorio, a former food minister, for alleged moral damages caused by opposition deputies who accused him of acts of corruption. The deputies were prohibited from publishing by any means—especially through *Cuentas Claras*, a website specialized in organized crime information—any indications that violate the honor, decorum and reputation of Osorio.⁷⁴ In another decision, the Constitutional Chamber of the Supreme Court of Justice (TSJ) banned all online media from publishing videos of lynchings because they created “anxiety and uncertainty.”⁷⁵ Civil society organizations such as Espacio Público criticized such a decision for imposing “prior censorship that affects the necessary dissemination of issues of public interest (...) to expose problems, generate debate and discuss solutions.”⁷⁶

73 Lisett Boon, “Limpieza de reputación en Internet: una nueva forma de censurar medios digitales. [Internet reputation cleaning: a new way to censor digital media] *RunRunes*, February 9, 2017, <http://runrun.es/nacional/295776/limpieza-de-reputacion-en-internet-una-nueva-forma-de-censurar-medios-digitales.html>

74 Cuentas Claras (website) Expediente No.23923: Nos prohiben hablar del General Carlos Osorio, ex ministro de alimentación. [File No.23923: We are prohibited from talking about General Carlos Osorio, former minister of food.] <http://www.cuentasclarasdigital.org/expediente-no-23923-nos-prohiben-hablar-del-general-carlos-osorio-ex-ministro-de-alimentacion/> “Juez censura información sobre denuncias de corrupción contra Carlos Osorio.” [Judge censors information about corruption allegations against Carlos Osorio] *Espacio Público*, July 2, 2016, <https://espaciopublico.org/juez-censura-informacion-sobre-denuncias-contra-carlos-osorio/>

75 Ipys Venezuela, “TSJ prohíbe a medios digitales difundir videos de linchamientos” [TSJ prohibits digital media from broadcasting videos of lynchings] August 19, 2016, <http://ipysvenezuela.org/alerta/tsj-prohibe-a-medios-digitales-difundir-videos-de-linchamientos/>

76 Espacio Público, “Espacio Público rechaza censura previa ordenada por el TSJ sobre linchamientos,” [Espacio Público rejects prior censorship ordered by the TSJ] June 9, 2016, <https://espaciopublico.org/espacio-publico-rechaza-censura-previa-ordenada-tsj/>

Media, Diversity, and Content Manipulation

Compared to traditional media, the digital sphere presents a more vibrant space for political and social expression and is a popular way to access information. Despite economic constraints and a climate of censorship, the emergence of new digital ventures over the past few years has been remarkable.⁷⁷ Print media have migrated to the web due to restrictions on newsprint,⁷⁸ while broadcast media have also forged an online presence. Especially given government pressure on television stations to limit critical coverage of the protests, online outlets and platforms such as Instagram, Snapchat, Facebook and Twitter, have gained prominence as a means of accessing and sharing live footage and information.⁷⁹

The government has in turn sought to expand its influence online, using state-controlled media, “armies of trolls,” and encouraging progovernment social media users to harass those with opposing views. The NGO Ipys Venezuela shared a May 2017 leak of a presentation from the Ministry for Interior, Justice, and Peace presenting government strategies of military organization and intelligence to inhibit users from debating on social networks.⁸⁰ In March 2017, President Maduro announced the creation of the “Robinson Digital Grand Movement” aiming to “win the war” on social networks by producing content, developing communication strategies, and training people in the use of digital tools.⁸¹ In April, on the seventh anniversary of the opening of President Chávez’s Twitter account, the government also announced that it would create “digital militias” by setting up hundreds of points throughout the country to help sign up citizens to social media accounts. According to analysts, the objective of the “militias” would be to increase counter-information and disseminate progovernment messages.⁸²

Progovernment media have also published false information to discredit independent digital media as well as NGOs that defend freedom of expression.⁸³ With a high number of politicized users, Twitter has been frequently used to spread disinformation. On the government side, for example, footage has been used to make false claims and undermine opposition protests.⁸⁴ On the other hand, false information kept people on edge after fake news circulated claiming that political

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

78 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.

79 “The Revolution in Venezuela Won’t be Televised, Except on the Internet,” Bloomberg, May 3, 2017, <https://www.bloomberg.com/news/articles/2017-05-03/the-revolution-in-venezuela-won-t-be-televised-except-on-the-internet>; “Under state pressure, Venezuela TV limits live coverage of protests,” Reuters, May 26, 2017, <https://www.reuters.com/article/us-venezuela-politics-media/under-state-pressure-venezuela-tv-limits-live-coverage-of-protests-idUSKBN18M2DP>

80 Ipys-Venezuela, “Gobierno impulsa la vigilancia en redes sociales y la difusión de noticias falsas,” [Government promotes surveillance and dissemination of fake news in social networks] June 7, 2017, <http://ipysvenezuela.org/alerta/gobierno-incentiva-la-vigilancia-redes-sociales-la-difusion-noticias-falsas/>

81 “Maduro fundó el Movimiento Robinson Venezuela,” [Maduro founded the Robinson Movement] *El Nacional*, March 31, 2017, http://www.el-nacional.com/noticias/gobierno/maduro-fundo-movimiento-robinson-venezuela_88366

82 Daniel Klie, “Milicias Digitales pueden constituir el próximo paso para cercar las comunicaciones digitales,” [Digital Militias can be the next step to close digital communications] *Provea*, May 6, 2017, <https://www.derechos.org/ve/actualidad/especial-milicias-digitales-pueden-constituir-el-proximo-paso-para-cercar-las-comunicaciones-digitales>

83 For an example of such coverage, see: El Departamento de Estado financia las noticias falsas en Venezuela (investigación). [The State Department funds the false news in Venezuela (Research)] *Misión Verdad*, May 3, 2017, <http://misionverdad.com/COLUMNISTAS/el-departamento-de-estado-financia-las-noticias-falsas-en-venezuela-investigacion>

84 Rafael Sulbarán, “Zurda Conducta usa video guatemalteco para decir que opositores atacaron a chavistas en Táchira” [Zurda Conducta uses Guatemalan video to say that opponents attacked Chavistas in Táchira] *Runrunes*, May 21, 2017, <http://runrun.es/nacional/venezuela-2/310341/zurda-konducta-usa-video-guatemalteco-para-decir-que-opositores-atacaron-a-chavistas-en-tachira.html>

prisoner Leopoldo López had died on May 3.⁸⁵ During the height of the protests, anonymous recordings also began circulating via WhatsApp with false information. In response, a group of journalists started recording audio notes with verified information to distribute via WhatsApp and Twitter with the hashtag #serviceofpublicinformation.⁸⁶

Venezuela's legal framework, notably the Resorte-ME law, has encouraged self-censorship and preemptive censorship, as webmasters and editors may avoid publishing information that contradicts the government. Observers have also commented on the disappearance of politically sensitive information from some media websites and platforms. On May 24, when Venezuela's chief prosecutor confirmed that the National Guard had fired a tear gas canister that killed a student during protests,⁸⁷ human rights organization Provea documented how progovernment media sought to erase a previous version that alleged that the young man had been killed by a bolt-gun used by protesters.⁸⁸

On the other hand, economic constraints have impacted the ability of online media outlets to remain financially sustainable. Rodolfo Rico, editor of *El Cambur*, explained in an interview that payments to journalists and developers are difficult because of the economic crisis. Costs for updating equipment, search engine optimization,⁸⁹ and replacing cellphones—frequently stolen while covering local events—have become insurmountable.⁹⁰

The restrictive economic environment may also deter advertisers from taking risks. According to Yelitza Linares of *El Pitazo*,⁹¹ financial challenges experienced by Venezuelan digital media are related to the lack of training in content marketing, as well as the fact that audiences are unwilling to pay for content.⁹² Some media, such as *Runrunes*, *El Pitazo*, and *Tal Cual* have established alliances to make more attractive offers to advertisers and achieve financial sustainability.⁹³

85 Leopoldo Castillo, Twitter post, May 3, 2017, "Información, traslado de Leopoldo Lopez desde Ramo Verde al Hospital Militar, sin signos vitales. Régimen maneja hipótesis de intoxicación," <https://twitter.com/elcitizen/status/859920917765525506> ; Andrés Cañizalez, "Violencia, mentiras y video (a propósito de Leopoldo López)" [Violence, lies and video (about Leopoldo López)] *El Estímulo*, May 5, 2017, <http://elestimulo.com/blog/violencia-mentiras-y-video-a-proposito-de-leopoldo-lopez/>

86 Gloria Rodríguez-Valdés, "Los Periodistas llevan la radio a Whatsapp," [Journalists take radio to Whatsapp] *Te digo que* (website). April 24, 2017, <http://tedigoque.com/2017/04/7441/>

87 Juliet Pineda, "Lo que no se vio en cámara de la rueda de prensa de la Fiscal General," [What was not seen in the press conference of the Attorney General] *Efecto Cocuyo*, May 24, 2017, <http://efectococuyo.com/politica/lo-que-no-se-vio-en-camara-de-la-rueda-de-prensa-de-la-fiscal-general>

88 Rafael Uzcátegui, Twitter post, May 24, 2017, "Así funciona la operación "blanqueo de mentiras" de @teleSURtv" <https://twitter.com/fanzinero/status/867462826398552065>

; "Fiscal General desmiente al gobierno, y sus voceros, sobre asesinato manifestante Juan Pernaleté," [Attorney General denies the government, and its spokesmen, regarding the assassination of Juan Pernaleté] *El Libertario*, May 24, 2017, <http://periodicoellibertario.blogspot.com/2017/05/fiscal-general-desmiente-al-gobierno.html>

89 Interview conducted by email on March 13, 2017.

90 César López, "Sitio de noticias venezolano triunfa con video en vivo en Periscope mientras muchos se mudan a Facebook Live," [Venezuelan news site triumphs with live video in Periscope while many move to Facebook Live] Knight Center, April 12, 2017, <https://knightcenter.utexas.edu/es/blog/00-18221-sitio-de-noticias-venezolano-triunfa-con-video-en-vivo-en-periscope-mientras-muchos-se>

91 Interview via email on March 16, 2017.

92 Interview via Facebook Messenger on May 28, 2017.

93 Yorki Reyes, "Alianza Rebelde permitirá anunciar en tres portales al mismo tiempo," [Rebel Alliance will allow to advertise in three portals at the same time] *El Pitazo*, December 3, 2016, <https://elpitazo.com/otras-noticias/alianza-rebelde-permitira-anunciar-tres-portales-al-tiempo/>

Digital Activism

Venezuelans are avid internet and social media users, despite connectivity limitations.⁹⁴ In the midst of the economic crisis, citizens have used the internet to find scarce goods, consult prices, as well as to exchange and sell used goods.⁹⁵ As cooking oil, cancer medication, and other basic goods and medicines becoming increasingly hard to come by, people have turned to a black market on social media.⁹⁶ Neighborhood watch groups have also formed on WhatsApp to protect themselves against criminal attacks.⁹⁷

Civil society organizations have maintained efforts to raise awareness online and create apps with civic uses. For example, the organization *Transparencia Venezuela* has developed strategies to collect citizen complaints, through a web platform, the app “Dilo Aquí,” and email.⁹⁸ New digital media, such as *El Pitazo*, have developed alliances with community organizations to train citizen reporters so that they can improve their coverage of local issues.⁹⁹

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, an attempt later suspended by Venezuela’s electoral council.¹⁰⁰ In the midst of a wave of antigovernment demonstrations in 2017, citizens also mobilized online as a way to defeat information censorship via digital media and social networks, and to share security tips and train people about the best ways to document the protests.¹⁰¹

Violations of User Rights

In the midst of social and political turmoil, President Maduro’s declaration of a State of Exception and Economic Emergency, extended in May 2017, dictated “strict regulations” to prevent “destabilization campaigns” on the internet. Online reporters were arbitrarily arrested, intimidated, and injured while covering antigovernment protests. In an unprecedented case of extended detention, Braulio Jatar, the editor of the digital media outlet Reporte Confidencia, was imprisoned for more than eight months

94 Tendencias Digitales (2017), “Penetración y Uso de Internet en Venezuela” [Penetration and Internet Use in Venezuela]

95 “Cambio harina por toallas sanitarias: el trueque online en Venezuela,” [Change flour for sanitary napkins: online bartering in Venezuela] *La Prensa*, June 13, 2016, <http://www.laprensa.hn/mundo/969662-410/cambio-harina-por-toallas-sanitarias-el-trueque-online-en-venezuela>; “El trueque de alimentos y medicinas por internet gana terreno en Venezuela,” [Bartering food and medicine online gains ground in Venezuela] *El Carabobeño*, March 18, 2017, <https://www.el-carabobeno.com/trueque-alimentos-medicinas-internet-gana-terreno-venezuela/>; See websites such as “akizta.com,” applications such as “Redes Ayuda” and Twitter accounts such as “SeBuscaSeDona.”

96 Rachele Krygier, “Venezuela’s Life-Saving Social Networks,” *Americas Quarterly*, August 23, 2016, <http://americasquarterly.org/content/venezuelas-life-saving-social-networks>

97 Diego Torrealba, “Vecinos organizados usan grupos de WhatsApp para protegerse de la delincuencia,” [Organized residents use WhatsApp groups to protect themselves from crime] *El Pitazo*, December 16, 2016, <https://elpitazo.com/mi-pitazo/vecinos-organizados-usan-grupos-whatsapp-protegerse-la-delincuencia/>

98 *Transparencia Venezuela*, “Dilo aquí” dispuesto para la denuncia de irregularidades en entrega de pasaportes. [“Say it here” ready to report irregularities in the delivery of passports], <https://transparencia.org.ve/dilo-aqui-dispuesto-para-la-denuncia-de-irregularidades-en-entrega-de-pasaportes/>

99 “Inscríbete en el taller de periodismo y fotografía que dictará El Pitazo a líderes sociales” [Enroll in the journalism and photography workshop that El Pitazo will impart to social leaders] *El Pitazo*, March 19, 2017, <https://elpitazo.com/mi-pitazo/inscribete-taller-periodismo-fotografia-dictara-pitazo-lideres-sociales/>

100 “Venezuela electoral body suspends referendum drive, opposition fumes,” *Reuters*, October 20, 2016, <https://www.reuters.com/article/us-venezuela-politics/venezuela-electoral-body-suspends-referendum-drive-opposition-fumes-idUSKCN12K2US?il=0>

101 Laura Vidal, “In Venezuela, Activists Document Protests and Share Protection Tactics,” *Global Voices*, April 7, 2017, <https://globalvoices.org/2017/04/07/in-venezuela-activists-document-protests-and-share-protection-tactics/>

after posting footage of a spontaneous protest against President Maduro. Cyberattacks also targeted several media and nonprofit websites.

Legal Environment

Although the Constitution guarantees freedom of expression,¹⁰² the government has passed a number of laws and regulations that curtail this right online.

The government has notably responded to the country's deteriorating economic crisis and growing discontent by declaring a "state of exception," sparking concerns about deepening restrictions on the right to freedom of association and expression.¹⁰³ The most recent decree issued on May 13, 2017 renewed the state of exception by including specific references to cyber threats and authorizing further measures to counter them.¹⁰⁴ Article 2, paragraph 7 of decree 6.298 authorizes "dictating strict, transitory and exceptional regulations to prevent destabilization campaigns and the distortion of the economy, propelled by national and foreign factors through technology systems and cyberspace."

In May 2017, the director of CONATEL also warned that the regulator will apply the Law on Social Responsibility in Radio, Television and Electronic Media (Resorte-ME) "more efficiently" against electronic media.¹⁰⁵ In November 2016, he had announced a public consultation to establish a legal framework to regulate the use of social networks in Venezuela.¹⁰⁶ Senior leaders of the ruling party have stated their view that social networks are used to undermine the stability and peace of the nation.¹⁰⁷

Resorte-ME law was amended by the National Assembly in 2010 to include vague prohibitions and severe sanctions that grant authorities sweeping discretion to restrict speech.¹⁰⁸ 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.¹⁰⁹

Activists and journalists also face charges of defamation under the penal code, which sets out prison

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

103 "IACHR Expresses its Concern Regarding the Declaration of a "State of Exception and Economic Emergency" in Venezuela," IACHR, June 1, 2016, http://www.oas.org/en/iachr/media_center/PReleases/2016/071.asp

104 Ipsys Venezuela, "Nuevo estado de excepción contempla "regulaciones contundentes" a los contenidos en Internet," [New state of exception contemplates "forceful regulations" for internet content] May 17, 2017, <http://ipysvenezuela.org/alerta/nuevo-estado-excepcion-contempla-regulaciones-contundentes-los-contenidos-internet/>

105 Karla Franceschi, "Conatel pondrá la lupa en los medios electrónicos," [Conatel will put the magnifying glass in electronic media] El Nacional, May 19, 2017, http://www.el-nacional.com/noticias/entretenimiento/conatel-pondra-lupa-los-medios-electronicos_183053

106 Conatel, "En 2017 se discutirá el marco legal para regular uso de redes sociales," [In 2017, the legal framework to regulate the use of social networks will be discussed] November 28, 2016, <http://www.conatel.gob.ve/en-2017-se-discutira-el-marco-legal-para-regular-uso-de-redes-sociales/>

107 "Analizan uso del internet y redes sociales como estrategias de manipulación social," [Analyze the use of the internet and social networks as strategies for social manipulation] AVN, February 2017, <http://m.avn.info.ve/contenido/analizan-uso-del-internet-y-redes-sociales-como-estrategias-manipulaci%C3%B3n-social>

108 Espacio Público, "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] December 10, 2010, <http://espaciopublico.org/ley-resorte-restringe-la-libertad-de-expresion-en-internet-y-medios-electronicos-2/>

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

sentences for defamation against public officials and the publication of false information.¹¹⁰ 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.”¹¹¹

The opposition alliance had won a majority of seats in the National Assembly in December 2015, paving the way for possible reforms of two crucial laws: the Law of Telecommunications and Resorte-ME.¹¹² However, the Constitutional Chamber of the Supreme Court, whose members were selected by the outgoing progovernment National Assembly, was able to rule against new legislation promoted by the opposition as unconstitutional.¹¹³ In March 2017, the powers of the National Assembly were further undermined when the Supreme Court took over its functions, after ruling it was “in contempt” of court for swearing in three lawmakers who had been suspended over vote-buying accusations.¹¹⁴ In August 2017, an illegitimate pro-Maduro Constituent Assembly announced that it was taking over all legislative powers of the National Assembly.¹¹⁵

Prosecutions and Detentions for Online Activities

Digital reporters covering protests, political events, and queues to buy food or medicine continued to be arbitrarily arrested and have their cellphones confiscated. Civil society organizations such as Espacio Público and IPYS Venezuela, as well as the journalists’ guild and union, have kept a detailed record of arrests during protests, including those targeting digital outlets.¹¹⁶

Journalists were detained for several hours or even days for covering protests during the past year. One emblematic case was that of Elvis Flores, a cameraman working for the online channel *Venezolanos por la Información* (VPITV). Flores was providing live coverage of a clash between police and protesters in Caracas at the time of his arrest on April 6, when police took his equipment and stopped his broadcasting. He was held in police custody for nine hours, accused of recording in a security zone.¹¹⁷ On April 10, Yonnathan Guede, a journalist for the digital site *Las Peras*, was arrested while covering an antigovernment protest and detained in one of the headquarters of

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

111 Espacio Público, “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] January 22, 2015, <http://bit.ly/1MUKnEN>

112 “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>

113 “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>

114 “Venezuela’s Maduro decried as ‘dictator’ after Congress annulled,” Reuters, March 30, 2017, <https://www.reuters.com/article/us-venezuela-politics/venezuelas-maduro-decried-as-dictator-after-congress-annulled-idUSKBN17122M>

115 “Venezuela’s pro-government assembly moves to take power from elected congress,” *The Washington Post*, August 18, 2016, <http://wapo.st/2zzGST1>

116 “Periodistas exigen respeto a su trabajo en comandos de la GNB de todo el país” [Journalists demand respect for their work in GNB commands throughout the country] *La Patilla*, May 19, 2017, <https://www.lapatilla.com/site/2017/05/19/periodistas-exigen-respeto-a-su-trabajo-en-comandos-de-la-gnb-de-todo-el-pais-19may-carta/>; IpysVenezuela “Cobertura bajo riesgo,” [Coverage under risk] May 22, 2017, <http://ipysvenezuela.org/2017/05/22/cobertura-riesgo-protestas-2017/>

117 Marianne Díaz, “News Website Cameraman Arrested While Broadcasting Protests in Venezuela,” *Global Voices*, April 7, 2017, <https://globalvoices.org/2017/04/07/news-website-cameraman-arrested-while-broadcasting-protests-in-venezuela/>

the Bolivarian National Guard. He was released on parole after 16 days and charged with crimes of resistance to authority, possession of incendiary objects, and incitement to disturb public order.¹¹⁸

The most serious case of extended detention was that of Braulio Jatar, the editor of the digital media outlet *Reporte Confidencial*, who was imprisoned for more than eight months and then placed under house arrest.¹¹⁹ He was arrested on September 3, 2016, a day after posting footage of a spontaneous protest during President Maduro's visit to *Villa Rosa*, an impoverished area in Margarita Island. According to family members and lawyers, the reason for the arrest was linked to the publication of these videos on Jatar's site. Jatar was officially charged with money laundering, which provides for a sentence of up to 15 years in prison.¹²⁰

Users sharing critical content on social media were also targeted during this report's coverage period. On April 28, user Dan Zambrano, who was retweeting several accounts that criticized government and state security agencies, was arrested by officials of the General Military Intelligence Division (DGIM) in Aragua state.¹²¹ After three months, he received a parole measure that requires him to appear in court every 15 days.¹²² In another case, three producers who made a video for the *Primero Justicia* party were arrested in September 2016 on charges of "inciting rebellion," after the video went viral on social media. They were released after two months, but ordered to present themselves before a military court every 30 days as a precautionary measures, pending a court decision.¹²³

Other users targeted for ICT-related activities remained in detention:

- In August 2016, the appeals court of the Supreme Court of Justice upheld the 13-year sentence against jailed political leader Leopoldo López. As evidence in his trial, prosecutors analyzed hundreds of tweets and a YouTube video.¹²⁴ In July 2017, López was granted house arrest after spending three years in a military prison.¹²⁵ In early August 2017, however, he

118 Paola Nalvarte, "Venezuelan journalist detained for 16 days after covering protests against the government is freed," Knight Center (blog), May 1, 2017, <https://knightcenter.utexas.edu/blog/00-18349-venezuelan-journalist-detained-16-days-after-covering-protests-against-government-free>

119 A chronological detail on the case of Braulio Jatar can be consulted in this documentary work of Ipys Venezuela. <http://ipysvenezuela.org/2017/02/23/intimidar-al-mensajero-persecucion-acoso-fuentes-informacion-venezuela/>

120 Teresa Mioli, "Journalists reporting on Venezuelan crisis risk temporary and prolonged detentions," Knight Center (blog), November 4, 2016, <https://knightcenter.utexas.edu/blog/00-17740-journalists-reporting-venezuelan-crisis-risk-temporary-and-prolonged-detentions>

121 Johnny Pérez, "Detuvieron a tuitero en Aragua por expresar su opinión contra el Gobierno," [Twitter user was arrested in Aragua for expressing his opinion against the government] *Caraota Digital*, April 29, 2017, <http://www.caraotadigital.net/carrusel/detuvieron-tuitero-en-aragua-por-expressar-su-opinion-contra-el-gobierno/>; Belkys M., Twitter Post, May 28, 2017, 5:52 AM, "Un mes! Hoy mi esposo @DanZambrano cumple un mes detenido arbitrariamente por DGCIM. ¿El motivo? ¡Tweetear! #LiberenADan ¡No me dejan verlo!" <https://twitter.com/Bellebelk/status/868812286894501888>

122 Espacio Público, "Dan Zambrano en libertad bajo régimen de presentación," June 17, 2017, <http://espaciopublico.org/dan-zambrano-libertad-regimen-presentacion/>

123 "Gobierno venezolano encarcela a productores de video por cargos de "Incitación a la rebelión"" [Venezuelan government jails video producers on charges of "Incitement to rebellion"] *Global Voices*, October 5, 2016, <https://es.globalvoices.org/2016/10/05/gobierno-venezolano-encarcela-a-productores-de-video-por-cargos-de-incitacion-a-la-rebelion/>

124 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, 2015m <http://bit.ly/2dNOp4O>; 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 These events occurred outside the period of coverage of this report.

was removed in a night-time raid and detained for four days. In late July, he had shared a YouTube video from his home, urging Venezuelans to continue protesting.¹²⁶

- Two of the nine users arrested for ICT-related activities in 2014 also remained in detention, while one user, Skarlyn Duarte, was released in December 2016.¹²⁷ Victor Ugas had been 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.¹²⁸ Despite having a release order, he remained arbitrarily detained. Leonel Sánchez Camero, detained on August 22, 2014, had been accused of promoting hatred, conspiring, defamation, and unlawful access to electronic channels. He remained detained at the headquarters of the Bolivarian Intelligence Service (SEBIN).¹²⁹

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 strengthening national defense among its priorities.¹³⁰ Digital activists have expressed alarm regarding the government's growing appetite to invest in intelligence systems and operations.¹³¹ 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.

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.¹³² 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

126 "Leopoldo López sale de la cárcel y pasa a arresto domiciliario" [Leopoldo López gets out of jail and goes to house arrest], *La Vanguardia*, July 8, 2017; "Leopoldo López y Antonio Ledezma vuelven a la cárcel de Ramo Verde" [Leopoldo López and Antonio Ledezma go back to Ramo Verde prison] RCN, August 1, 2017.

127 Juliet Pineda, "Siete presos políticos fueron liberados la madrugada de este 31 de diciembre," [Seven political prisoners were released early this December 31] *Efecto Cocuyo*, December 31, 2016, <http://efectococuyo.com/politica/siete-presos-politicos-fueron-liberados-la-madrugada-de-este-31-de-diciembre>; Gonzalo Himiob, "Se llama Skarlyn Duarte," *RunRunes*, December 4, 2016, <http://runrun.es/opinion/289336/se-llama-skarlyn-duarte-por-gonzalo-himiob-santome.html>

128 El Nacional. Octubre 9, 2017. Exigen que sea acatada boleta de excarcelación de Víctor Ugas. [They demand that Víctor Ugas be released from jail.] http://www.el-nacional.com/noticias/presos-politicos/exigen-que-sea-acatada-boleta-excarcelacion-victor-ugas_206919

129 Familiares de presos políticos. No entendemos cómo llaman a dialogar y luego castigan a los presos que piden votar. [Relatives of political prisoners. We do not understand how they call for dialogue and then punish the prisoners who ask to vote.] <http://www.cesarmiguelrondon.com/intereses/tambien-sucede/familiares-presos-politicos-no-entendemos-llaman-dialogar-luego-castigan-los-presos-piden-votar/> 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>

130 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>

131 Juan Alonso, "Gobierno gastará casi 14 millardos de bolívares en inteligencia en 2017," [Government will spend almost 14 billion bolívares in intelligence in 2017, *Crónica Uno*, March 1, 2017, <http://cronica.uno/gobierno-gastara-casi-14-millardos-de-bolivares-en-inteligencia-en-2017/>

132 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>; Danny O'Brien, "Venezuela's Internet Crackdown Escalates into Regional Blackout," *DeepLinks Blog*, Electronic Frontier Foundation, February 20, 2014, <http://bit.ly/1ffcDB4>

detect a threat in order to defend our national sovereignty.”¹³³

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,¹³⁴ a transaction that was allegedly never completed.¹³⁵ However, Citizen Lab reported that it had detected the existence of a server of the spyware FinFisher in Lithuania, which apparently served as an “intermediary” for another master server in Venezuela.¹³⁶

A group of anonymous users operating under the name of “patriotas cooperantes” (cooperating patriots) is allegedly responsible for providing illegally collected private information from citizens and activists to authorities. The “cooperating patriots” were recently included as part of a security plan (Plan Carabobo 2021) presented by President Maduro in January 2017.¹³⁷ Public attacks against dissenting voices have used information collected by “cooperating patriots,” notably during the televised show hosted by the former President of the National Assembly, Diosdado Cabello.

Government officials have frequently used recordings of private conversations involving political foes, without indicating how the recordings were obtained. Such was the case in January 2017, when the former president of the National Assembly Diosdado Cabello presented a supposed recording between Lilian Tintori, the wife of jailed opposition leader Leopoldo Lopez, and the parliamentarian Gilber Caro, who was detained by the intelligence services and later imprisoned under the charge of possession of war weapons.¹³⁸

There are no known government restrictions on encryption technologies or other digital privacy tools. Furthermore, Venezuelan laws, such as the Law against Cybercrime and the Law to Protect Communication Privacy, guarantee the privacy of communications.¹³⁹ In practice, however, authorities have failed to apply these laws evenly in cases where activists have sued for protection under the law.¹⁴⁰

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 their personal

133 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>

134 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/2dJDnNM>

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

136 CitizenLab, “Pay No Attention to the Server Behind the Proxy: Mapping FinFisher’s Continuing Proliferation,” October 15, 2015, <http://bit.ly/1GfcZ9n>; “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>

137 Yohana Marra, “Patriotas cooperantes vuelven al ruedo con el Plan Carabobo 2021,” [Cooperating Patriots return to the ring with the Carabobo 2021 Plan] *Crónica Uno*, January 18, 2017, <http://cronica.uno/patriotas-cooperantes-vuelven-al-ruedo-con-el-plan-carabobo-2021/>; Provea, “Plan Carabobo 2021,” February 7, 2017, <https://www.derechos.org/ve/opinion/plan-carabobo-2021>

138 Luisa Salomón, “Lilian Tintori: Fiscalía debe responder por difusión de audio con Gilber Caro,” [Prosecutor must answer for audio broadcast with Gilber Caro] *Contrapunto*, <http://contrapunto.com/mobile/noticia/lilian-tintori-fiscalia-debe-esponder-por-difusion-de-audio-con-gilber-caro-116472/>

139 Ley contra los Delitos Informáticos [Law Against Cybercrime] <http://bit.ly/2daEjI9>; Ley Sobre Protección a la Privacidad de las Comunicaciones [Law on Protection of Communications Privacy] <http://bit.ly/2d5EqjV>

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

ID number, address, signature, and fingerprints.¹⁴¹ 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.¹⁴²

Several government initiatives seek to collect personal information from citizens, with no guarantees regarding the privacy and treatment of this data. Activists have increasingly expressed concerns about the government's ability to misuse data collected through the Biometric System for Food Security,¹⁴³ as well as personal data collected through social welfare programs.¹⁴⁴ 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."¹⁴⁵ In addition to demanding fingerprints for the purchase of scarce products and regulated purchases, a new "Carné de la Patria" (homeland card) was introduced in February 2017: a biometric document that, in addition to basic data, compiles other information such as membership of a particular party.¹⁴⁶ Opposition political leaders have denounced the card as a way to collect information without legal bases with the sole purpose of limiting political and civic activism.¹⁴⁷

Intimidation and Violence

Intimidation and physical attacks against online reporters intensified especially in the midst of violent protests. Press freedom organizations have documented numerous cases of aggressions against journalists, ranging from direct attacks on reporters by armed gangs to the confiscation of equipment by military intelligence personnel.¹⁴⁸

In April 2017, the Inter-American Commission on Human Rights (IACHR) issued a statement urging the Venezuelan government to respect and guarantee the necessary conditions for the exercise of freedom of expression in the country, noting particular concerns regarding alleged attacks and confiscation of equipment of media workers by security officials and armed gangs.¹⁴⁹

Assaults against digital media workers were frequently reported during the period of coverage:

141 Gaceta Oficial No. 38.157. April 1, 2005, 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], <http://bit.ly/1MBmTBx>

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

143 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>

144 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.

145 "Si Jorge Rodríguez mostró planillas con firmas fue porque se las robó," [If Jorge Rodríguez showed forms with signatures it is because he stole them] *El periódico venezolano*, May 13, 2016, <http://bit.ly/2e7leZG>

146 Marianne Díaz, "El 'carnet de la patria' y la insaciable sed de datos del gobierno venezolano," [The "Homeland Card" and the insatiable thirst for data of the Venezuelan government] Acceso Libre (website), March 3, 2017, <http://accesolibre.org/ve/index.php/2017/03/03/carnet-la-patria-la-insaciable-sed-datos-del-gobierno-venezolano/>

147 Yoerli Viloria Diario de Los Andes, "El Carnet de la Patria pone en peligro la privacidad" [The Homeland Card endangers privacy] January 29, 2017, <http://diariodelosandes.com/index.php?r=site/noticiasecundaria&id=39065#titulo>

148 Espacio Público, "Informe enero-abril 2017: Situación del derecho a la libertad de expresión en Venezuela" [Report January-April 2017: Situation of the right to freedom of expression in Venezuela], <http://espaciopublico.org/informe-enero-abril-2017-situacion-derecho-libertad-expresion-venezuela/>; Committee to Protect Journalists, "Journalists covering Venezuela protests harassed, attacked, and news websites blocked," April 12, 2017, <https://cpj.org/2017/04/journalists-covering-venezuela-protests-harassed-a.php>

149 IACHR, "CIDH urge a la protección al derecho a protestas en Venezuela y el respeto a la libertad de expresión," [IACHR Urges the Protection of the Right to Protests in Venezuela and Respect for Freedom of Expression] April 11, 2017, <http://www.oas.org/es/cidh/prensa/Comunicados/2017/044.asp>

- On June 2, 2016, at least 19 media workers, including reporters for digital outlets such as VivoPlay, suffered attacks by armed civilians while covering a protest against food shortages in downtown Caracas. Journalists also denounced that security forces ignored their calls for help, or acted in complicity with armed civilians who intimidated, attacked, and robbed them.¹⁵⁰
- During nationwide protests on October 26, 2016, several digital media reporters were injured and intimidated by progovernment supporters. One reporter for the news site *El Pitazo* was hit in the face with a stone.¹⁵¹
- On March 31, the National Guard briefly detained and beat And y Rincón, a cameraman for VivoPlay, and seized his equipment.¹⁵² On April 6, police also detained another cameraman for VivoPlay, Elvis Flores, and beat him.¹⁵³

Robberies have also targeted digital news outlets. In August, thieves took all of the IT equipment from the offices of digital outlet *Crónica.Uno* in Caracas. This outlet is an initiative of the NGO Espacio Público, which on several occasions has also been the object of the same type of vandalism.¹⁵⁴ In November, a massive robbery targeted *El Estímulo*, another digital outlet based in Caracas. Its director, Omar Lugo, did not rule out that the purpose was to intimidate.¹⁵⁵

Threats continued to happen online. After publishing the results of a corruption investigation on the portal Armando.Info, journalist Maolis Castro received a direct message via Twitter by a high military authority seeking to intimidate her.¹⁵⁶ The website of the former president of the National Assembly, Diosdado Cabello, also continued to be used to discredit and attack both new digital media and human rights defenders.¹⁵⁷

Technical Attacks

A surge in technical attacks targeted media outlets and human rights organizations in the first part of 2017. IPYS Venezuela recorded 10 cyberattacks, including six Distributed denial-of-service

150 Paola Nalvarte y Yenibel Ruiz, "Attacks on the press and restrictions to access of information increase as Venezuelan crisis worsens," Knight Center (blog), June 8, 2016, <https://knightcenter.utexas.edu/blog/00-17196-attacks-press-and-restrictions-access-information-increase-venezuelan-crisis-worsens>

151 Espacio Público, "Reporte: diez víctimas fue el saldo de la Toma de Venezuela para la prensa," [Report: ten victims was the balance of the Toma de Venezuela for the press] October 26, 2016, <http://espaciopublico.org/reportes-diez-victimas-fue-el-saldo-de-la-toma-de-venezuela-para-la-prensa/>

152 Kevin Morán, "Venezuela: Camarógrafo Andry Rincón fue golpeado por miembros de la Guardia Nacional," [Venezuela: Cameraman Andry Rincon was beaten by members of the National Guard] Clases de Periodismo (website), March 21, 2017, <http://www.clasesdeperiodismo.com/2017/03/31/venezuela-camarografo-andry-rincon-fue-golpeado-por-miembros-de-la-guardia-nacional/>

153 SNTP, Twitter post, April 7, 2017, "El camarógrafo de @VPITV, Elvis Flores, fue liberado a la medianoche de este jueves. Fue golpeado y estuvo 9 horas detenido ilegalmente" <https://twitter.com/i/web/status/850315935491776515>

154 "Sujetos armados roban equipos de oficina de Crónica.Uno" [Armed people steal Crónica.Uno office equipment] *Crónica.Uno*, August 22, 2016, <http://cronica.uno/dos-sujetos-armados-roban-oficina-cronica-uno/>

155 Omar Lugo, Twitter post, November 17, 2016, "Robo en sede de El Estímulo parcial. 2 hombres con rostros descubiertos, pistolas 38, huyen en moto. Parece intento de amedrentar" <https://twitter.com/omarlugo/status/799254932738150400?s=03>

156 Espacio Público, "Periodista es intimidada tras publicar trabajo de investigación," [Journalist is intimidated after publishing research work] September 14, 2016, <http://espaciopublico.org/periodista-intimidada-tras-publicar-trabajo-investigacion/>

157 "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>

(DDoS) attacks, between January and March 2017.¹⁵⁸ Targets included digital media outlets such as *El Cambur* and *Caraota Digital*,¹⁵⁹ newspapers with web portals such as *Correo del Caroní*,¹⁶⁰ as well as human rights organizations such as Provea and Acción Solidaria.¹⁶¹ Even media claiming to maintain a neutral position, such as *Aporrea*, were attacked.¹⁶² The media outlet *El Pitazo* was notably targeted with a DDoS attack in March 2017 and forced to go offline to contain the damage. In a statement, *El Pitazo* said that a diagnosis by the outlet's digital security team found the attack required expensive infrastructure outside of the realm of capabilities of an ordinary hacker.¹⁶³

Hacking and falsification of social media profiles belonging to journalists, writers, and TV figures remains common. In early 2017, Miguel Pizarro and journalist Milagros Socorro, who was one of the first victims of this type of action in 2011, were hacked through a method described by the NGO Access Now as a "Doubleswitch" attack, whereby hackers change the account information and usernames to make recovery of the original social media account much harder. Hackers took advantage of the hijacked accounts to spread false information and delete old tweets.¹⁶⁴

Venezuela's telecom sector also reported a cyberattack in 2016. In early December 2016, the president of state-owned internet provider CANTV reported a denial-of-service attack against its platform, which briefly affected internet service.¹⁶⁵ He said this attack was unrelated to simultaneous failures in Venezuela's credit card and cash machine system, which President Maduro denounced was a deliberate "coup d'état" against Venezuela's financial system.¹⁶⁶ The following day, President Maduro confirmed the arrest of several senior executives of the CrediCard consortium, accusing them of deliberate sabotage.¹⁶⁷ The facts were not sufficiently clarified, and digital activists lamented the absence of an independent investigation.¹⁶⁸

158 Ipsy Venezuela, "Noticias en cautiverio" [News in captivity] July 6, 2017, <http://ipysvenezuela.org/2017/07/06/noticias-en-cautiverio/>

159 Ipsy Venezuela, "Medio digital El Cambur sufrió ataque cibernético" [El Cambur suffered a cyber attack] February 25, 2017, <http://ipysvenezuela.org/alerta/medio-digital-cambur-sufrio-ataque-cibernetico/>; Franklin Delgado, "Ataque con virus informático fue la causa del colapso de Caraota Digital," [Attack with computer virus was the cause of the collapse of Caraota Digital] *Caraota Digital*, March 9, 2017, <http://www.caraotadigital.net/nacionales/caraota-digital-frenamos-los-ataques-y-seguimos-informando/>

160 "Le tocó el turno al Correo del Caroní en los ataques cibernéticos," [It was the turn of the Correo del Caroní in the cyber attacks] *El Pitazo*, March 11, 2017, <https://elpitazo.com/ultimas-noticias/le-toco-el-turno-al-correo-del-caroni-en-los-ataques-ciberneticos/>

161 Pedro Pablo Peñaloza, "Medios y organizaciones críticas a Maduro sufren ataques cibernéticos en Venezuela" [NGO and digital media outlets critical of Maduro suffer cyber attacks in Venezuela] *Univisión*, March 10, 2017, <http://www.ntn24america.com/noticia/segundo-dia-de-ciberataques-a-medios-en-venezuela-el-pitazo-y-ong-provea-presentan-fallas-en-sus-134771>

162 "¿Por qué Aporrea estuvo fuera de servicio durante casi una semana?" [Why was Aporrea out of service for almost a week?] *Aporrea*, February 22, 2017, <https://www.aporrea.org/medios/n304485.html>

163 "El Pitazo contuvo ataque cibernético - Comunicado de El Pitazo en Facebook" [El Pitazo contained a cyber attack. Press release from El Pitazo on Facebook] March 9, 2017, <https://www.facebook.com/notes/el-pitazo/el-pitazo-contuvo-ataque-cibernico/1931636427123625>

164 Access Now, "'Doubleswitch' social media attack: a threat to advocates in Venezuela and worldwide," June 9, 2017, <https://www.accessnow.org/doubleswitch-attack/>

165 D. Bracho, "Manuel Fernández, presidente de Cantv: Estamos prestando un servicio normal de internet tras ataque," [Manuel Fernández, president of Cantv: We are providing a normal Internet service after attack] *Panorama*, December 5, 2016, <http://bit.ly/2AviMWu>

166 "Maduro denuncia golpe de Estado financiado contra Venezuela," [Maduro denounces financial coup against Venezuela] *Telesur*, December 5, 2016, <http://www.telesurtv.net/news/Nicolas-Maduro-denuncia-golpe-de-Estado-financiado-contra-Venezuela-20161202-0047.html>

167 "Ejecutivos del consorcio CrediCard detenidos por presunto sabotaje de la plataforma de pago electrónico," [Executives of the CrediCard consortium arrested for alleged sabotage of the electronic payment platform] *Correo del Orinoco*, December 6, 2016, <http://bit.ly/2ABDJjN>

168 Luis Carlos Díaz, "Venezuela: puntos de venta sin ventas" [Venezuela: points of sale without sales] *Medium*, December 2, 2016, <https://medium.com/@luiscarlos/venezuela-puntos-de-venta-sin-ventas-190d38699647#cqnsiemai>