

# Venezuela

	2014	2015		
<b>Internet Freedom Status</b>	Partly Free	Partly Free	<b>Population:</b>	30.2 million
Obstacles to Access (0-25)	17	17	<b>Internet Penetration 2014:</b>	57 percent
Limits on Content (0-35)	18	18	<b>Social Media/ICT Apps Blocked:</b>	No
Violations of User Rights (0-40)	21	22	<b>Political/Social Content Blocked:</b>	Yes
<b>TOTAL* (0-100)</b>	<b>56</b>	<b>57</b>	<b>Bloggers/ICT Users Arrested:</b>	Yes
			<b>Press Freedom 2015 Status:</b>	Not Free

\* 0=most free, 100=least free

## Key Developments: June 2014 – May 2015

- In the wake of protests against the government, arbitrary arrests of social network users increased. At least eight Twitter users were arrested between August and October 2014, and most of these users remained detained without due process as of May 2015 (See **Prosecutions and Detentions for Online Activities**).
- In November 2014, only one month after numerous social media users were arbitrarily arrested, the ruling party proposed an amendment to the country's cyberterrorism law that would make it a crime to use social networks to "disrupt public peace" (See **Legal Environment**).
- Over 1,000 websites were blocked between November 2013 and October 2014. Although most were sites that listed the black-market dollar exchange rate, at least two prominent news websites were also blocked during the coverage period (See **Blocking and Filtering**).
- Venezuela, which has the slowest internet in the region after Cuba, was one of only two countries globally that saw a decline in average internet speeds in 2014. Frequent electricity outages and unexplained, prolonged interruptions of internet service presented further obstacles to access. (See **Availability and Ease of Access** and **Restrictions on Connectivity**).

## Introduction

In the midst of a worsening economic crisis,<sup>1</sup> declining popularity for President Nicolás Maduro, and upcoming parliamentary elections,<sup>2</sup> the government has increased efforts to maintain control of the media. The National Telecommunications Commission (CONATEL) ordered arbitrary blocking of websites without due process, while the dominance of the government-owned internet service provider, CANTV, facilitated these blockings.<sup>3</sup>

During the coverage period, at least eight online users were detained under sweeping laws that prohibit any content that threatens public order or promotes anxiety in the public. In the wake of active protests on social media, the government has announced the possible enactment of new laws to limit digital activism and access to information online.<sup>4</sup>

Less overt limitations on online freedom stem from financial restrictions that limit investments in telecommunications infrastructure. Poor access and low quality connections continue to plague the country. Although official government data shows that internet penetration was over 60 percent by the end of 2014, connection speeds are still very low, with an average connection speed of around 1.4 Mbps.<sup>5</sup>

Even as the government tightens its grip on the media by neutralizing media outlets, launching pro-government outlets, and restricting access to foreign currency needed to import newsprint, citizens have continued to create vibrant communities and discussions through digital media and social networks.<sup>6</sup> The past year marked the creation of new digital ventures, which will add diverse voices to the digital landscape.<sup>7</sup> Meanwhile, a number of new cell phone applications and Twitter feeds have adapted to help Venezuelans, some of the region's most active social media users, battle continuous shortages in the midst of the economic crisis.<sup>8</sup>

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1 Analysts show that Venezuela's inflation rate could be as high as 120 percent. Carlos Alberto Montaner, "Venezuela, el paraíso convertido en ruinas," [Venezuela, Paradise in ruins] *ABC.es Internacional*, February 9, 2015, <http://goo.gl/J3mpFr>; Also see: "Este año Vzla va para una inflación de al menos 120%, y en alimentos va a llegar al 150% 160%": analista José Guerra," [This year Vzla goes for inflation of at least 120%, and food will reach 150% or 160%": analyst José Guerra] *NTN24*, March 30, 2015, <http://goo.gl/QFVfq3>.

2 In June 2015, officials announced that the legislative election is scheduled for December 2015.

3 William Castillo B, Twitter Post, "Siguiendo instrucciones, en razón a graves violaciones a las leyes vzlanas CONATEL ha ordenado el bloqueo dl portal <http://ln.is/infobae.com/>" [Following instructions, due to serious violations of the laws of Venezuela CONATEL ordered the blockade of infobae.com], October 10, 2014, 11:31 AM, <http://goo.gl/wGWOL0>.

4 "Espacio Público, "Fiscal General: Existe la necesidad de regular redes sociales," [General Attorney: It is necessary to regulate social networks] news release, March 26, 2015, <http://bit.ly/1LXjeLE>.

5 Akamai, *State of the Internet Report*, Q4, 2014, 2015, <http://goo.gl/glGbwP>; Other sources provided slightly different estimates. For example, statistics from the United Nations Economic Commission on South America (CEPAL) show average download speeds of 2.3 Mbps and average upload speeds of 0.6 as of December 2014. United Nations, Estado de la banda ancha en América Latina y el Caribe 2015, July 2015, <http://bit.ly/1SPjYeJ>; Manuel Fernandez, the Minister of University Education, Science, and Technology claimed in a statement that Venezuela had average connection speeds of around 1.7 Mbps with plans to double the speed: Alfonso Freidder, "Cantv duplicará velocidad actual de conexión a internet en Venezuela," *Correo Del Orinoco*, May 11, 2015, <http://bit.ly/1ATMUVa>;

6 Dylan Baddour, "Periodistas en Venezuela se mudan a la red por aumento de presión del gobierno," [Journalists in Venezuela Move to the Net Due To Increased Government Pressure] *Blog Periodismo en Las Americas*, The Knight Center at the University of Texas Austin, October 13, 2014, <http://goo.gl/6yM3gY>.

7 Among the most important are: [elestimulo.com/](http://elestimulo.com/) [conzapata.com/](http://conzapata.com/) [efectococuyo.com/](http://efectococuyo.com/) [Runrunes.es](http://Runrunes.es/) [contrapunto.com/](http://contrapunto.com/) [elpitazo.com/](http://elpitazo.com/) [notiminuto.com/](http://notiminuto.com/) [Armando.info](http://Armando.info/) [poderopedia.org/ve/](http://poderopedia.org/ve/) [elcambur.com/ve/](http://elcambur.com/ve/) [prodavinci.com/](http://prodavinci.com/) [confirmado.com.ve/](http://confirmado.com.ve/)

8 Andres Schipani, "Social media offers salve for Venezuela's pain," *Financial Times*, March 30, 2015

## Obstacles to Access

*Internet penetration in Venezuela remains extremely uneven, with a significant divide between rural and urban areas. The quality of internet access is also low, a problem exacerbated by the restricted access to foreign currency, which has led to deterioration of telecommunication infrastructure. Blackouts of electricity are common, especially in smaller, rural cities where they frequently last many hours and sometimes even days. Although a number of private internet service providers (ISPs) operate, the state-owned provider claims a majority of the backbone infrastructure and accounts for around 65 percent of all internet subscriptions. Some experts have raised the possibility that service failures on the part of the state-owned provider were purposeful, as they often coincided with moments of increased political tension.*

### Availability and Ease of Access

Although internet penetration continued to increase in Venezuela, the quality of the connection is low. Excessively slow speeds, frequent service failures, and unreliable electricity leave many people with limited or no internet access.<sup>9</sup> The problem is exacerbated in rural areas where internet penetration is much lower compared to the capital, despite some government initiatives to expand access. A complicated system of currency controls renders foreign currency inaccessible and hampers private investments in telecommunications infrastructure.<sup>10</sup>

The International Telecommunication Union estimates that internet penetration increased from 33 percent in 2009 to 57 percent at the end of 2014,<sup>11</sup> which puts Venezuela's penetration rate at the average for the region.<sup>12</sup> Venezuela's National Telecommunications Commission (CONATEL) provided a similar estimate, measuring internet penetration at 60 percent in 2014, with 3.7 million subscribers and close to 16 million users.<sup>13</sup> Notably, last year CONATEL only measured internet penetration at 43 percent.<sup>14</sup> Although this appears to represent a 14 percent increase over the course of one year, the increase is actually the result of modification of CONATEL's methodology, which now counts internet users seven years and older who have at least a data plan on their cellphones.<sup>15</sup>

The vast majority of internet subscribers in Venezuela have broadband internet, although speeds typically fall below the normal broadband threshold. Out of 3.7 million internet subscriptions measured by CONATEL, 94 percent are broadband and seven percent are dial up connections.<sup>16</sup> Of these

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9 Associated Press, "Widespread Blackouts Hit Venezuela," *The Guardian*, June 27, 2014, <http://gu.com/p/3qg5a/stw>; See also "Venezuela Cuts Working Hours to Tackle Energy Crisis," *BBC News*, April 29, 2015, <http://bbc.in/1GDoPGL>; See also ITProject, "Venezolano? Esto te podría interesar: Cómo tener Internet en lugares sin señal de Internet" [Venezuelan? This Could Interest You: How to Have Internet in Places Without Signal], <http://bit.ly/1O4XZ0v>.

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

11 International Telecommunications Union, "Percentage of Individuals Using the Internet," accessed August 15, 2015, <http://bit.ly/1FDwW9w>.

12 According to Internet World Stats, the average internet penetration in South America at the end of 2014 was 56.8 percent: Internet World Stats, "Internet Usage Statistics for all the Americas," June 30, 2014, <http://bit.ly/1fOzBhb>.

13 The National Telecommunications Commission (CONATEL), "Cuadros Estadísticos 2014," [Data from the Telecommunications Sector] Chart 16, <http://goo.gl/zSy1RN>.

14 CONATEL, "Cuadros Estadísticos 2014."

15 CONATEL, "Ajuste a la Metodología para la estimación de Usuarios de Internet-2014," [Adjustment of Methodology to Estimate the Number of Internet Users through the Inclusion of Access via Mobile Phones] December 2014, <http://bit.ly/1Rbr5cM>.

16 According to CONATEL data it is possible to calculate that around 14 out of every hundred people in Venezuela have

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broadband connections, 71 percent are fixed and 29 percent are mobile connections.<sup>17</sup> In recent years, growth in the fixed broadband market has slowed slightly as the economy has worsened and as more users turn to mobile phone connections for internet access.<sup>18</sup> The increasing use of mobile connections, along with legislation banning violent videogames and the use of school uniforms in cybercafes, has also contributed to a decline in the number of cybercafes.<sup>19</sup>

Penetration rates vary substantially across the country, with a striking disparity between urban and rural areas. According to the state-owned operator CANTV, 87 percent of Venezuela's departments have some kind of connectivity.<sup>20</sup> Penetration in the rural state of Apure, however, is less than 30 percent, while in the capital, penetration reaches close to 100 percent.<sup>21</sup>

The government has made an effort to increase connections, launching the Wi-Fi Plan for All in 2013 in order to introduce Wi-Fi in public spaces. Although this plan has introduced Wi-Fi in some areas, it has not met demand.<sup>22</sup> Meanwhile, the National Transportation Network, an ambitious plan by CANTV to set up about 20,000 kilometers of fiber-optic cable is progressing very slowly.<sup>23</sup> The government claims that the Simón Bolívar satellite has provided internet and mobile connectivity in even the remote reaches of the country, but independent sources could not yet verify these claims.<sup>24</sup>

The quality of internet connections for the majority of the population remains low and has been exacerbated by deterioration in telecommunications infrastructure due to limits imposed on foreign currency.<sup>25</sup> According to CONATEL, investment and earnings among private network providers have gone up when measured in the national currency VEF. When measured in terms of U.S. dollars, however, investment and earnings have declined by 64 percent and 54 percent respectively over the last 13 years, with a noticeable impact on operations.<sup>26</sup> The state-owned provider CANTV has not fared much better in terms of improving quality of service and access speeds.<sup>27</sup> Poor national infrastruc-

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an internet subscription in their name. Approximately 1 out of 100 people subscribes to a dial-up plan, while 13 out of every 100 people have a broadband subscription. Of these broadband subscribers, approximately 9 out of every 100 users has a fixed broadband subscription. CONATEL's estimates for broadband penetration are roughly similar to those of the ITU, which estimates that there are approximately eight fixed broadband subscriptions per every 100 hundred people in the country. CONATEL, "Cuadros Estadísticos 2014," [Data from the Telecommunications Sector] <http://goo.gl/zSy1RN>; See Also "International Telecommunications Union, "Fixed Broadband Subscriptions," accessed August 15, 2015, <http://bit.ly/1FDwW9w>

17 CONATEL, "Cuadros Estadísticos 2014," [Data from the Telecommunications Sector] <http://goo.gl/zSy1RN>; International Telecommunications Union, "Percentage of Individuals Using the Internet," accessed August 15, 2015, <http://www.conatel.gob.ve/resumen-del-sector-telecomunicaciones-2014/>

18 Budde Comm, *Venezuela-Broadband and Broadcasting Market-Overview, Statistics and Forecast*, December 12, 2014, <http://bit.ly/1JyoVh7>.

19 The "Video Games" Law, passed in 2009, see: "Ley para la Prohibición de Videojuegos Bélicos 3 de marzo del 2009," published by Fernando Fuentes on Scribd., March 3, 2015, accessed March 30, 2015, <http://goo.gl/jm0zRt>.

20 Agencia Venezolana de Noticias, "Cobertura de internet en Revolución ha crecido hasta abarcar 291 capitales de municipios," [In revolution Internet coverage has grown to encompass 291 municipalities' capitals] *news release*, May 3, 2014, <http://goo.gl/olUqyy>.

21 CONATEL, "Cuadros Estadísticos 2014," [Data from the Telecommunications Sector] Chart 20.

22 María Emilia Jorge, "Redes públicas de Wi-Fi no alcanzan para todos," [Public Wi-Fi Networks are not enough for everyone] *El Nacional*, September 7, 2014, <http://goo.gl/aEXgAI>.

23 Herbet Alvarado, "Internet en Venezuela atraviesa peligroso atraso," *Últimas Noticias*, March 23, 2014, <http://bit.ly/1NXacmb>.

24 Naylett Leonett García and Ibis León Malavé, "Sin fibra óptica no hay Internet que "vuele," [Without Optic Fiber Internet Does Not "Fly"] *Últimas Noticias* June 8, 2014, <http://goo.gl/QTauhK>.

25 Daniel Pardo, "¿Por qué internet en Venezuela es tan lento?"

26 Jorge Espinoza. *En Bs. inversión e ingresos crecieron más de 2.300% en 13 años: En \$, cayeron 64% y 54%*. (In Bs, Investment and Revenue Grew More Than 2,300% in 13 years: In \$, fell 64% and 54 %.). Inside Telecom Vol. XVI# 08. Caracas, Febrero 27, 2015.

27 "Internet de Venezuela es el más lento de Sudamérica," *Últimas Noticias*, August 25, 2014, <http://bit.ly/1AU5HRE>.

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ture and a severe energy shortage have also contributed to electricity outages, which are frequent in rural areas outside of the capital.<sup>28</sup>

Quality of access appears to be deteriorating. According to the Akamai *State of the Internet* Report, Venezuela, which has some of the slowest internet in the region was one of only two countries that saw a decline in average connection speeds between 2013 and 2014.<sup>29</sup> The average internet connection on fixed broadband is around 1.4 Mbps.<sup>30</sup> Faster internet connections are concentrated in the capital city and in wealthy areas. For example, a new WiMax provider and a small company that offer speeds up to 25 Mbps market their services in wealthy regions of the country's capital.<sup>31</sup> Among this small minority are elite with access to superior connections; some small initiatives of IPTV have also opened and gained users.<sup>32</sup>

With average speeds over 4 Mbps, mobile connection speeds tend to be much faster than fixed-internet connections in Venezuela,<sup>33</sup> and the country is increasingly seeing people turn to mobile connections to access the internet. According to CONATEL, the country has 32 million phone lines (a 106 percent mobile penetration rate), and more than 11 million of these cell phone subscriptions had at least a basic data plan in 2014.<sup>34</sup> Mobile connections are especially popular among men under 25 who use their phones to access social media.<sup>35</sup> Of the 32 million cell phones in the country, 71.9 percent are GSM, 27.5 percent are CDMA (offered by the state mobile provider, Movilnet), and 0.6 percent are LTE.<sup>36</sup>

Despite the faster speeds and popularity of mobile phones, the potential for mobile connections is severely constrained by scarcity and high prices of smartphones in the country. The 11 million phones with data plans represent only about 35 percent of the total number of cell phones in the country, and smartphones are increasingly expensive and scarce.<sup>37</sup> Limits on foreign exchange have made it difficult for mobile companies to import phones, resulting in a significant shortage of cell phones and rampant speculation.<sup>38</sup>

In December 2014, the government granted concessions for the operation of 4G LTE networks to three telecomm operators (the state owned Movilnet, Movistar, and DirecTV);<sup>39</sup> prior to these concessions only one company (Digitel) offered 4G to around 200,000 subscribers.<sup>40</sup> As of May 2015, however, 4G options were still limited to Digitel and Movistar and only available in a few cities. Most

28 Associated Press, "Widespread Blackouts Hit Venezuela."

29 Akamai, *State of the Internet Report*, 30.

30 Akamai, *State of the Internet Report*, 30.

31 The WiMax provider Vivo Play is a company created very recently that has about 40,000 subscribers; See also the internet provider IpNet, <http://goo.gl/GKANW2>.

32 Karla Franceschi, "La televisión en línea crece a pesar de las dificultades," [Online TV Grows Despite Difficulties] *El Nacional*, Septiembre 21, 2014. <http://goo.gl/BKFzfm>.

33 Akamai, *State of the Internet Report*, 48.

34 CONATEL, "Venezuela registra más de 30 millones de suscriptores de telefonía móvil" [Venezuela registers more than 30 million mobile telephone subscriptions], February 27, 2015, <http://bit.ly/1LXt7sB>; See also International Telecommunications Union, "Mobile-cellular telephone subscriptions," accessed August 15, 2015, <http://bit.ly/1FDwW9w>

35 ComScore. *Futuro Digital Venezuela 2014* [Venezuela 2014 Digital Future], January 2015, <http://bit.ly/1FwDI0Q>

36 "Venezuela registra más de 30 millones de suscriptores de telefonía móvil."

37 Arnaldo R. Espinoza, "The Whys and Wherefores of the \$20,000 iPhone," *Caracas Chronicles* (blog), March 18, 2015, <http://bit.ly/1ViOkYh>; See also Ingrid Rojas, "Producción de Orinoquia y Vtelca cayó entre 14% y 20%," [Orinoco and Vtelca production fell between 14% and 20%] *Últimas Noticias*, March 18, 2015, <http://goo.gl/9cLLCH>.

38 Espinoza, "The Whys and Wherefores of the \$20,000 iPhone."

39 "Conatel otorgó concesiones a Telefónica, Cantv y DirecTV para red 4G," [CONATEL Granted 4G Network Concessions to Telefónica, CANTV and DIRECTV] *El Mundo*, December 3, 2014, <http://goo.gl/xJ85x7>.

40 Somos412, Twitter Post, June 9, 2015, 8:26 AM, <http://bit.ly/1RskWZp>.

mobile subscribers still opt for a low bandwidth option (1 to 1.5 Mbps) because, at 3.5 percent of the minimum wage, these plans are almost half the price of mobile 4G plans,<sup>41</sup> which cost approximately 6 percent of the average monthly minimum wage.<sup>42</sup>

## Restrictions on Connectivity

Although exact figures are not available, the state owns the majority of the national level backbone infrastructure through the state provider CANTV.<sup>43</sup> In recent years, the possibility of establishing an internet exchange point (IXP) was discussed, but the government has not indicated whether it will move ahead with this plan in the future.<sup>44</sup> Frequent service failures on the part of CANTV during politically sensitive times have raised suspicions that the government has purposefully restricted internet access to prevent social mobilization on certain occasions.

During the first third of 2015, internet service failures increased in frequency. From January 16-17, 2015, the largest internet provider (ABA, from the state-owned CANTV) had failures at a national level that, in some regions, lasted up to 36 hours.<sup>45</sup> CANTV apologized to the users via Twitter, but questions about the cause of the service interruption were never clarified. Experts have pointed out that although this interruption of service could be a result of the lack of maintenance and investment in the state's telecommunication platform, it coincided with President Maduro's return to the country after a trip abroad; an event that some authorities worried might trigger an escalation of street protests.<sup>46</sup> During the same month, CANTV suffered two service failures in the Andean region, which the provider attributed to scheduled maintenance and cuts in the fiber-optic cable.<sup>47</sup> Again, these service failures occurred in a region with high levels of protests.

Although it was not possible to confirm that service failures during the coverage period were the result of purposeful government action, disruption of services during protests or politically important times is a continuing concern in Venezuela. In early 2014, CANTV experienced a 36-hour service interruption in the city San Cristóbal that coincided with an announcement by the administration that the government would take steps to control protests, which had been raging for two weeks by the time service was blocked.<sup>48</sup>

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41 See, 4G plans: Movistar, "Full 3.1," <http://goo.gl/ONp6cB>; Digitel, "Planes y Servicios PERSONAS Móvil Pre-Pago," [Pre-paid Plans and Services for Mobile Phones] <http://goo.gl/3NyMUY>.

42 The monthly minimum wage: "Salario o Sueldo Mínimo 2015 Venezuela," Actualidad-24, <http://bit.ly/1KFJ34U>.

43 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.

44 Ysabel Briceño, *Venezuela: NAP: ¿Oportunidad para mejorar el acceso universal de banda ancha?* [Venezuela: NAP: An Opportunity for Improving Access Broadband?] Association for Progressive Communications, 17-28, <http://bit.ly/1KOoq4p>.

45 Ipys-Venezuela, "Venezuela: CANTV no ofreció explicaciones por caída de Internet.," [Venezuela: CANTV offered no explanation for Internet failures] January 22, 2015, <http://goo.gl/TT5g26>.

46 Ellery Roberts Biddle, et al. *Netizen Report: Venezuelans Question Disappearing Internet Service*, Global Voices Advocacy, January 22, 2015, <http://goo.gl/8eeYhR>; See also Arnaldo Espinoza, "¿Por qué se cayó el internet de CANTV por 12 horas?" [Why did CANTV internet fail for 12 hours], *El Estímulo*, January 17, 2015, <http://bit.ly/1Jyuhcl>.

47 Globovisión, "Continúa "restitución progresiva" del servicio de internet," [Progressive Restoration" of Internet Service Continues] January 17, 2015, <http://goo.gl/yyCtDj>; See also: Leonardo León, "Rompimiento de fibra óptica dejó sin servicio telefónico e internet a Mérida," [Breaking of Optic Fiber Left Mérida without Phone and Internet Service] *El Nacional*, January 27, 2015, <http://goo.gl/FT6ia9>.

48 Meghan Neal, "Not Satisfied With Blocking Twitter and TV, Venezuela Shuts Off the Internet," *Motherboard*, February 20, 2014, <http://bit.ly/NghYMj>.



## ICT Market

Although there are a number of private providers, the state dominates the ICT market. Almost 69 percent of users access the internet through the state-owned provider CANTV's ABA or through the state-owned mobile provider, Movilnet.<sup>49</sup> The strict foreign currency exchange control, in place since 2003, prevents private companies from repatriating their earnings and accessing the foreign currency necessary for their investments, which has led to the deterioration of their services.<sup>50</sup> It also creates a substantial barrier to new firms who might seek to enter the market.

CANTV, the only provider to offer ADSL, dominates the fixed broadband market, providing service to more than 67 percent of users in this market.<sup>51</sup> The rest of the population accesses the internet through one of several private telecommunications providers. Seven companies provide cable (pay television) service to 4.5 million subscribers, and three of them also offer internet access via cable modem. The second most widely used ISP, Intercable offers services in major cities. Although it used to offer a connection speed of 10 Mbps, this plan is no longer available; currently, this company is primarily selling its 1MB plan, which is more expensive than the plan offered by ABA.<sup>52</sup>

The state telecommunication provider is also dominant in the mobile market, with Movilnet, a subsidiary of CANTV, leading the sector with over 16 million users and close to 51 percent of the market share. There are two private mobile providers: Movistar, a subsidiary of the Spanish firm Telefónica with approximately 11 million customers and Digitel, a domestic company, which comes in third with 5 million customers.<sup>53</sup>

## Regulatory Bodies

In addition to owning and operating Venezuela's leading telecommunications operator, the state also controls CONATEL, the body responsible for regulating and licensing of the telecommunications sector. The Law on Social Responsibility on Radio, Television, and Digital Media (Resorte-ME Law) grants the regulatory body the power to rule over the blocking or deletion of content and to sanction service providers, an ability it has exercised without granting due process to the affected parties (see Blocking and Filtering).<sup>54</sup>

While Article 35 of the Organic Law of Telecommunications provides for CONATEL's operational and administrative autonomy, the president has the power to appoint and remove the agency's director and the other four members of its board.<sup>55</sup> A series of presidential decrees over the past decade has shifted oversight of the commission to various ministries, the vice presidency, and finally, in December 2013, to the Ministry of Communication and Information.<sup>56</sup> In addition to making oversight near-

49 Andrés Herrera, "94,2% de las conexiones fijas a Internet en Venezuela son lentas," *Sumarium*, June 11, 2015, <http://bit.ly/1OCbV1Y>.

50 Pardo, "¿Por qué internet en Venezuela es tan lento?"

51 "CANTV registró un crecimiento nacional de 33.66% durante 2014" [CANTV registered 33.66% growth in 2014], *Mediatelecom*, March 4, 2015, <http://bit.ly/1KhMhb6>

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

53 CONATEL, "Cuadros Estadísticos 2014."

54 Ley de Responsabilidad Social en Radio, Televisión y Medios Electrónicos, 2012, <http://bit.ly/1LK14B4>.

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

56 AVN, "En Gaceta traspaso de Conatel al Minci," [In Gazette, CONATEL's Transfer to Minci] *El Nacional*, December 10, 2013, <http://bit.ly/1KFLN24>.

ly impossible, these arbitrary shifts in control are evidence of CONATEL's lack of independence from the executive.

## Limits on Content

*The blocking of webpages in Venezuela follows three main patterns: those ordered directly by CONATEL, those executed by CANTV, and those that are apparently implemented by private ISPs for fear of sanctions from the regulatory body. Although the government has blocked over 1,000 sites since November 2013,<sup>57</sup> the blocking of the Argentine site Infobae and the main domains of the website of the television channel NTN24 drew particular public outcry and international condemnation.<sup>58</sup> Third-party liability encourages self-censorship and content removal, as does the threat of harassment of critical journalists by government sympathizers. Despite these limitations, the online landscape remains vibrant in Venezuela, with increasingly more people using the internet.*

## Blocking and Filtering

The government regulatory body CONATEL blocked over 1,000 webpages between November 2013 and October 2014 by way of sending a blacklist of sites to CANTV and private ISPs.<sup>59</sup> A report by the journalist William Peña also suggests that the state provider CANTV may have independently decided to block certain sites without necessarily receiving instruction to do so from CONATEL.<sup>60</sup>

Pages publishing the black market dollar exchange rates constituted the vast majority of the blocked sites.<sup>61</sup> Over the past decade the government has instituted a complex series of currency and price controls, granting the state control of almost all foreign exchange. As the crisis engulfing Venezuela's economy has deepened in the past few years, dollars have become scarce and people have flocked to the black market in droves to access foreign currency.<sup>62</sup> The government has waged a war on the site *Dólar Today* (Dollar Today), a prominent site run out of Florida which publishes the black market exchange rate,<sup>63</sup> blocking hundreds of URLs in its effort to purge links and re-blogged content from the site.

In March 2015, CONATEL tried to block the mobile app of the Dollar Today platform, and in the process, ended up blocking all of Amazon's cloud (S3 service) where the app was hosted. This resulted

57 William Peña, "Conatel guillotiné la Web,"[CONATEL Guillotined the Web] *Tal Cual*, October 28, 2014, <http://bit.ly/1LXx9kR>.

58 Derechos Digitales, "The various paths of Internet censorship in Latin America," IFEX, November 24, 2015, <http://goo.gl/gShRzj>; See also Espacio Público, "Bloquean dominios de NTN24," [Domains of NTN24 are blocked] September 17, 2014, <http://goo.gl/Ha4h4B>.

59 William Peña, "Conatel guillotiné la Web,"[CONATEL Guillotined the Web] *Tal Cual*, October 28, 2014, <http://bit.ly/1LXx9kR>; The director of CONATEL confirmed blocking: "Castillo: Espacio Público, "Legalment" 1060 sitios han sido bloqueados por requerimiento de otras autoridades," June 30, 2015, <http://bit.ly/1L0nRia>; A representative from Venezuela's telecommunications industry association CASETEL also confirmed that the government had a blacklist mechanism to block webpages, although she denied that this affected informative pages. See Maru Morales, "Conatel negó censura en Internet," *El Nacional*, March 15, 2014, <http://bit.ly/OgsN1C>

60 Peña, "Conatel guillotiné la Web."

61 Peña, "Conatel guillotiné la Web."

62 Danielle Renwick and Brianna Lee, "Venezuela's Economic Fractures," *Council on Foreign Relations*, December 26, 2014, <http://on.cfr.org/1uTKdkg>.

63 Manuel Rueda, "Meet the Venezuelan rebel whose crime is publishing exchange rates," *Fusion*, June 23, 2015, <http://fus.in/1O4ZMm5>.



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in the collateral blocking of many other applications.<sup>64</sup> The government has also proposed legislation to further expand its powers to block economic information and transactions. In late-2014, the ruling party proposed legislation that would require all e-commerce transactions in Venezuela to be in Bolívares, Venezuela's national currency, and would grant the government expanded powers to block online commerce.<sup>65</sup>

Government censorship also extended to news sites with political content.<sup>66</sup> In September 2014, CONATEL blocked all the domains—including websites, mobile application, and the Facebook page—of the television channel NTN24 in the wake of their critical coverage of a public health crisis in the country. The channel did not receive any notification or explanation from the government.<sup>67</sup> In October, William Castillo, the president of CONATEL, tweeted<sup>68</sup> that—following the orders of the minister of communication and information—he ordered the blocking of the news site Infobae for publishing images of the corpse of a murdered representative from the ruling party.<sup>69</sup> Although NTN24 was unblocked in October 2014, Infobae remains inaccessible within the country.<sup>70</sup>

In addition to directly ordering blocks, CONATEL successfully exerted pressure in the form of informal emails and calls on private ISPs, who then blocked content in order to avoid potential sanctions.<sup>71</sup> Almost none of these blockings followed judicial or administrative procedures set out by law, and public entities have repeatedly denied information requests under the argument that information about telecommunications is a state secret.<sup>72</sup>

Even though there were complaints about the alleged blocking of social media applications, these were not confirmed, with the exception of the blocking of Pbs.twimg.com (the site that hosts images on Twitter) in February 2014, amid widespread protests against the government.<sup>73</sup> The web application Pastebin was also blocked during the protests and remained blocked as of May 2015.

## Content Removal

The Law on Social Responsibility on Radio, Television, and Electronic Media (the Resorte-ME law) establishes liability for third parties for content published on their site and grants CONATEL the discretionary capacity to impose severe penalties for violations.<sup>74</sup> This legal framework has resulted in

64 “Bloquean aplicación móvil de Dólar Today,” [Mobile App of Dollar Today Was Blocked] *El Nacional*, March 12, 2015, <http://goo.gl/OCZVc3>.

65 Marianne Diaz, “Venezuela: E-Commerce Bill Would Give Authorities New Avenue for Online Censorship,” *Global Voices Advocacy*, November 13, 2014, <http://bit.ly/1GcqSj8>.

66 Organization of American States (OAS), “Office of The Special Rapporteur Expresses Concern Over The Situation Of The Freedom Of Expression In Venezuela,” press release, September 22, 2014, <http://goo.gl/jNUpxx>.

67 Espacio Público, “Bloquean dominios de NTN24.”

68 William Castillo B, Twitter Post.

69 “Gobierno venezolano ordenó bloquear la página argentina Infobae.com,” [Venezuelan government ordered to block Infobae.com] *El Universal*, October 10, 2014. <http://goo.gl/xyFm6h>.

70 “Levantado bloqueo al portal web de NTN24” [Block on the Web Platform NTN24 Lifted] *Noticiero Digital*, October 22, 2014, <http://bit.ly/1OCdTjc>

71 Internet Society Venezuela, “Libro blanco sobre libertad en Internet,” [The white paper on Internet freedom] June 2014, <http://bit.ly/1O4ZL1m>.

72 Espacio Público, “TSJ: Toda información sobre telecomunicaciones es secreto de Estado,” [TSJ: All information on telecommunications is a state secret] December 4, 2014. <http://goo.gl/KlffwU>.

73 Dennis Lynch, “Four Websites That Are Down In Venezuela and More,” *International Business Times*, February 21, 2014, <http://bit.ly/1JywBQu>.

74 The text of the law is available here: Ley de Responsabilidad Social en Radio, Televisión y Medios Electrónicos, 2012, <http://bit.ly/1LK14B4>.

self-censorship and preemptive censoring of content, as webmasters and editors may avoid publishing information that contradicts the government.

Although there are no clear cases in which judicial or extralegal measures were used to force digital media to delete content, observers have commented on the disappearance of politically sensitive information from the digital version of the news site *El Universal* after the site changed owners in July 2014.<sup>75</sup> At least one YouTube user denounced receiving a takedown request, triggered by a privacy complaint, for a video of the president's son dancing under a shower of dollar bills at a luxurious hotel.<sup>76</sup> The user appealed, and the video in question is now available on YouTube.<sup>77</sup>

## Media, Diversity, and Content Manipulation

The Venezuelan government dominates the digital media landscape.<sup>78</sup> Facing the rise of new digital media,<sup>79</sup> the government has amplified its own voice by launching state-controlled media enterprises,<sup>80</sup> neutralizing alternative media through censorship, and encouraging progovernment social media users to harass the opposition.<sup>81</sup> Meanwhile, censorship and self-censorship have constrained voices critical of the government. The detention of more than eight social media users, some for relatively innocuous posts, may have contributed to fear among online users (see Prosecutions and Detentions).<sup>82</sup>

Many independent media outlets also suffer from serious financial difficulties, which are exacerbated by a shortage of foreign currency and a dependence on revenue from official and private advertising, which may be vulnerable to government pressure.<sup>83</sup> Some cyber activists have expressed suspicion that the capital behind some new digital ventures might come secretly from the government or entities allied with the government.<sup>84</sup> Other observers have noted that the previously very critical media

75 Willy McKey, Twitter Post, "En Google: 3 noticias en @ElUniversal sobre visita de Pastrana a López. Las dos primeras que denuncian: 404 Not Found," [On Google: 3 News in @ElUniversal about Pastrana's visit to López. The first two including complaints: 404 Not Found] January 26, 2015, <http://goo.gl/uNUJ2R>; See also: Mariengracia Chirinos, Twitter Post, "El antiguo equipo de Últimas Noticias había hecho un "impelable" del audio MarioSilva, y ahora se lo volaron de la web," [The Old Últimas Noticias Team Made Published Work About Mario Silva's Recording that You Cannot Miss and It Got Taken Off Its Webpage] February 20, 2015, <http://goo.gl/pj5YbY>.

76 "Youtube pidió retirar el video del hijo de Maduro," [YouTube Asked to Withdraw Video of Maduro's Son] *El Nacional*, March 17, 2015, <http://goo.gl/Jwtegd>; See also "Gobierno teme escándalo, YouTube pidió retirar el vídeo del hijo de Maduro," *Diario Las Américas*, March 19, 2015, <http://bit.ly/1GcrXHO>.

77 "#Exclusivo Hijo de Nicolás Maduro bailando en medio de lluvia de dólares," YouTube video, 2:39, posted by VVperiodistas#SinCensura, March 15, 2015, <http://bit.ly/1Lh1Hnh>.

78 Karina Sainz Borgo, "Las periodistas Laura Weffer y Luz Mely Reyes: "En Venezuela, el Estado tiene el control de la información," [In Venezuela, The State Has Control Over Information"] *Vozpopuli*, February 28, 2015, <http://goo.gl/htO6Jq>.

79 Maye Primera, "El periodismo venezolano se refugia en Internet ante la presión chavista," [Venezuelan Journalism Takes Refuge on the Internet Because of Chavista Pressure] *El País*, June 25, 2014, <http://goo.gl/6TCmTF>.

80 "Gobierno estrena página web de información," [Government Launches Information Website] *Últimas Noticias*, December 8, 2014, <http://goo.gl/OTFekI>.

81 Gaby Castellanos, La "nueva" estrategia publicitaria del gobierno," [The "new" advertising strategy of the government] *El Nacional*, March 23, 2015, <http://goo.gl/rWDeI0>; Hannah Dreier, "Venezuela Ruling Party Games Twitter for Political Gain," *AP*, August 4, 2015, <http://bit.ly/1MKOxhI>.

82 Marianne Díaz Hernández, "We Need to Be Careful Even of What We Think: Self-Censorship in Venezuela," *Global Voices*, February 8, 2015, <http://bit.ly/1LXAqk6>.

83 Cristina Silva, "Nicolás Maduro Press Censorship Threatens Venezuela Newspapers; Media Can't Operate Because Of Government, Journalists Warn," *International Business Times*, April 17, 2015, <http://bit.ly/1DfETty>.

84 Luis Carlos Díaz, Twitter, post, "Nadie sabe RT @luisoliveros13 Aparecen medios electrónicos por montones ¿quiénes son los dueños? ¿quiénes tienen tanto capital disponible?" [Nobody Knows RT @luisoliveros13 new digital media appear in bunches. Who are the owners? How much capital do they have available?] November 6, 2014, <http://goo.gl/9tvSAS>.

outlet, *El Universal*, seems to have taken a softer tone towards the government under its new ownership by an obscure Spanish investment firm.<sup>85</sup>

Although recent instances of online censorship and prosecution for online content show that the government is increasingly turning its attention to online content, in 2014 and 2015 the online sphere remained a vibrant space for political and social expression. Constraints imposed on offline media through buy-outs, restrictions on newsprint and foreign currency, and legal threats have pushed many journalists into the digital sphere, where they have launched approximately a dozen new digital ventures in recent years.<sup>86</sup> Even in cases where editorial censorship or self-censorship has restricted content, some journalists note that they have somewhat more freedom on the web.<sup>87</sup>

As political discussions move to the web, the government has sought to expand its digital presence. Some social media specialists have detected and denounced the use of bots and fake accounts to disseminate progovernment tweets.<sup>88</sup> It seems that this mechanism may have been used to further promote the hashtag #ObamaDerogaElDecretoYa (Obama Repeal the Executive Order), which demands that the president of the United States nullify the executive order that suspends visas and freezes assets of government officials whom the U.S. government deems to be linked to cases of corruption and human rights violations.<sup>89</sup> Researchers have also found evidence that government critics may use automatic platforms to disseminate tweets.<sup>90</sup>

Many users have criticized the digital sphere for its incredible polarization between opposition and government voices, leaving little room for independent commentary.<sup>91</sup> Issues that are not actively politicized by one side or the other are often ignored entirely. Government supporters and critics have engaged in a hashtag war, with each side competing for attention in the digital sphere.<sup>92</sup>

## Digital Activism

With over 12 million Facebook users and 4 million Twitter users, Venezuelans are very active on social media.<sup>93</sup> Both progovernment supporters and opposition leaders have organized large social

85 John Otis, "Venezuela's El Universal criticized for being tamed by mystery new owners," Committee to Protect Journalists (blog), December 30, 2014, <http://cpj.org/x/5e7a>.

86 Dylan Baddour, "Journalists move online in Venezuela as government pressure on media companies grows," *Journalism in the Americas Blog*, The Knight Center at the University of Texas Austin, October 13, 2014, <http://bit.ly/1nINA4j>; See also John Otis, "In Venezuela, online news helps journalists get their voices back," Committee to Protect Journalists (blog), June 1, 2015, <https://cpj.org/x/6124>.

87 Otis, "Venezuela's El Universal criticized for being tamed by mystery new owners."

88 Gaby Castellanos, La "nueva" estrategia publicitaria del gobierno," [The "new" advertising strategy of the government] *El Nacional*, March 23, 2015, <http://goo.gl/rWDeI0>; Hannah Dreier, "Venezuela Ruling Party Games Twitter for Political Gain," *AP*, August 4, 2015, <http://bit.ly/1MKOxhI>.

89 Hannah Dreier, "Venezuela Ruling Party Games Twitter for Political Gain," *AP*, August 4, 2015, <http://bit.ly/1MKOxhI>; See also Telesur, "Segundo gran tuitazo mundial en rechazo al decreto de Obama," [Second big *tuitazo* to reject the Obama's decree] March 26, 2015, <http://goo.gl/5jx4GG>.

90 Michelle Forelle, Phil Howard, Andrés Monroy-Hernández, and Saiph Savage, "Political Bots and the Manipulation of Public Opinion in Venezuela," 2015, <http://bit.ly/1GNajB2>

91 Maria Luz Moraleda, "What Social Media Can Tell You About Venezuelan Politics," trans. Jazz Dottin, *Global Voices*, June 27, 2015, <http://bit.ly/1LXBch1>

92 The competition between the pro-government hashtag #ObamaYankeeGoHome versus the opposition hashtag #ElGobiernoEsLaAmenaza (the government is the threat) is one example of a hashtag dispute that filtered into Twitter's Trending Topics.

93 Alex Castro, "Futuro Digital Venezuela 2014," (comScore presentation, Caracas, Venezuela, January 2015) <http://bit.ly/1FwDIOQ>. More than 12 million in Facebook and a little more than 4 million in Twitter are estimated; See also this video for a description of how social media is playing a key role in daily life in Venezuela: "Venezuela: surviving via social media," *Financial Times* video, 6:26, March 27, 2015, <http://on.ft.com/1KOs7XV>.

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media campaigns. Beginning with a series of protests in February 2014 and continuing through the following year during student and opposition protests, social media has taken on a key role in organizing mobilizations and drawing people out to the street.

In February 2014, local opposition leaders, students, and journalists alike began to turn to social media to organize protests. Thousands of protesters rallied around the hashtags #LaSalida and #12F.<sup>94</sup> During the protests, thousands of people were detained and 43 people were killed in stand-offs between the government and protesters.<sup>95</sup> In the aftermath of the violence, many of the hashtags associated with the protests fell out of use. Protests resurged in May 2015 as people marched for the release of jailed opposition leaders.<sup>96</sup> One opposition leader, Leopoldo Lopez, released a video from his jail cell in which he urged people to protest in the streets, calling for an end to censorship and political persecution, as well as for a date to be set for the upcoming parliamentary elections. The video helped spark a protest on May 30, 2015.<sup>97</sup>

## Violations of User Rights

*The Venezuelan constitution guarantees freedom of expression, but simultaneously prohibits anonymity. After the massive protests of February 2014, the government cracked down on critical social media users. At least eight social media users were arbitrarily detained during the coverage period. At the same time, the digital sphere has been progressively more restricted through coercive laws and mechanisms of surveillance and control.*

## Legal Environment

The Venezuelan Constitution guarantees freedom of expression and freedom of speech even while it prohibits anonymity.<sup>98</sup> Despite constitutional protections of free speech, the government has passed a number of laws and regulations that curtail this right online.

In 2010, the National Assembly amended the Law of Social Responsibility in Radio and Television (Resorte-ME) to include regulation over online and electronic media.<sup>99</sup> Vague prohibitions on content under this law provide authorities with sweeping discretion to restrict speech. 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 third-party liability for content 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 that do not comply risk temporary suspension of operations.<sup>100</sup>

Activists and journalists have also faced charges of defamation under the penal code, which criminal-

94 Gaby Arenas y Carlos Delgado. *#12F la rebelión digital*. (#12F the Digital Rebellion) Comunicación 166 (70-75) Caracas, 2do trimestre de 2014.

95 Amnesty International. "Venezuela: Lack of Justice for Protest Abuses Gives Green Light to More Violence," March 24, 2015, <http://bit.ly/1KFQ9Gz>.

96 "Venezuela Opposition March Draws Thousands," *BBC News*, May 31, 2015, <http://bbc.in/1HE4sXV>.

97 Luz Moraleda, "What Social Media Can Tell You About Venezuelan Politics."

98 Constitution of the Bolivarian Republic of Venezuela, art. 57, <http://www.tsj.gob.ve/constitucion>.

99 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://bit.ly/1RbGg5W>.

100 Ley de Responsabilidad Social en Radio, Televisión y Medios Electrónicos, 2012, <http://bit.ly/1LK14B4>.

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izes and sets out prison sentences for defamation against public officials and the publication of false information.<sup>101</sup> 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.”<sup>102</sup>

In the past year, high-ranking government officials, including the president and the attorney general, called for further legislation to regulate social media, particularly Twitter.<sup>103</sup> In November 2014, officials in the ruling party introduced legislation to amend the Law on Organized Crime to include crimes for “cyberterrorism.”<sup>104</sup> One of the proposed articles would establish penalties for actions against public order that were executed through electronic media or social networks.<sup>105</sup> As of May 2015, the amendment had not yet been passed.

The lack of institutional checks and balances, and in particular the weakness of the judiciary, gives the executive branch significant impunity in monitoring and harassing opponents. The imprisonment of the judge María Afiuni—who had ordered the release of a prominent banker on the grounds that he had been detained beyond the legally allowed time period—demonstrates the pressure faced by the judiciary to comply with political interests.<sup>106</sup> Although the court granted María Afiuni conditional release due to health concerns in December 2014, it prohibited her from using her social media accounts.<sup>107</sup>

## Prosecutions and Detentions for Online Activities

Late 2014 and early 2015 saw a marked increase in arrests of social media users, with everyday users being targeted for seemingly minor infractions. In a period of approximately three months (August–October 2014), security agents detained at least eight people for using Twitter to disseminate facts, images or opinions on social or political topics.<sup>108</sup> Many of the users were arbitrarily detained for long periods of time without due process, and some remain in the custody of the country’s intelligence services. In May 2015, the government accused 22 media executives of defamation and banned them from travel outside of the country after three major media outlets republished an opinion piece, originally published in the Spanish newspaper *ABC*, that accused the president of the National Assembly of drug trafficking.<sup>109</sup>

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

102 Espacio Publico, «Presidente Nicolás Maduro usó ley habilitante para legislar contra la libertad de expresión,» January 22, 2015, <http://bit.ly/1MUKnEN>.

103 Antonio María Delgado, “Nicolás Maduro y sus aliados ahora pretenden amordazar a Twitter,” [Nicolas Maduro and his Allies Now Seek to Muzzle Twitter] *El Nuevo Herald*, March 27, 2015, <http://goo.gl/j5YM0j>.

104 Marianne Díaz, “Venezuela: Draft Law Would Criminalize Online Protest, Remove Checks on Surveillance,” *Global Voices*, November 24, 2014, <http://goo.gl/5XWk4U>.

105 Díaz, “Venezuela: Draft Law Would Criminalize Online Protest, Remove Checks on Surveillance.”

106 “The Execution of Justice: The Criminal Trial of Judge María Lourdes Afiuni,” The International Bar Association’s Human Rights Institute, April 2014, <http://bit.ly/1RiqYMa>

107 This was not the only case where the courts ordered a prominent figure to stop using social media accounts after being released from prison. Iván Simonovis, a former security official convicted of involvement in the killing of demonstrators in a 2002 coup, was also prohibited from using social media after he was released to house arrest. “Simonovis no podrá usar redes sociales,” *El Nacional*, September 20, 2014, <http://bit.ly/1rpBc3o>; For the case of Afiuni, see: “Lawyer: Judge Afiuni has been professionally disabled,” *El Universal*, December 12, 2014, <http://bit.ly/1KKAd2F>.

108 Colegio Nacional de Periodistas, “Estos son los siete tuiteros detenidos por el Sebin,” [These are the Seven Tweeters Arrested by the SEBIN] news release, October 22, 2014. <http://goo.gl/hHnfzE>.

109 Silvia Higuera, “Presidente del Parlamento de Venezuela demanda a medios que replicaron información de diario español,” *Blog Periodismo en Las Americas*, The Knight Center at the University of Texas Austin, April 23, 2015, <http://bit.ly/1RiqYMa>.

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One of the most prominent arrests over the past year occurred in February 2014 when the government arrested the major opposition leader Leopoldo López. The government accused López of inciting violence during protests that same month. As evidence in his trial, prosecutors have analyzed over 700 tweets written by López<sup>110</sup> and even accused him of using an online video to spread subliminal messages.<sup>111</sup> Human rights organizations denounced the arrest and pointed out that the government failed to specify how the tweets and videos sent by López led to the actual commission of crimes.<sup>112</sup> In September 2015, López was sentenced to nearly fourteen years in prison.<sup>113</sup>

In October 2014, at least six individuals were arrested for disseminating photographs and information, or simply joking, about the death of Robert Serra, a member of parliament in the ruling party, who was murdered that month:

- Three users were arrested in association with the Twitter account @Hiipolita. On September 24, 2014, Lessi Marcano, who claimed to have abilities to predict the future, tweeted that the National Assembly would be in mourning. When Representative Serra was found stabbed a week later, Marcano was arrested and accused of creating panic and anxiety. Two other users, Ginette Hernández (Marcano's niece), and Daniely Benítez, were also arrested for alleged connections to the @Hiipolita account. Both Hernández and Marcano remained behind bars as of August 2015.<sup>114</sup>
- Inés Margarita González Árraga (@inesitaterrible) was detained in October 2014 after she published tweets insulting the deceased representative Serra. She was accused of public incitement, violent defamation, and defamation of a public official. In February, she was sentenced to three years in jail.<sup>115</sup>
- Abraham David Muñoz Marchán (@AbraahamDz), an 18-year-old Twitter user, was detained on October 9 for inciting crime for comments he made regarding the death of Deputy Robert Serra, but was later released on probation.<sup>116</sup>
- On October 13, Victor Ugas was arrested for disseminating images of Robert Serra's corpse, and charged with improper disclosure of data or personal information and digital espionage. He was released in July 2015.<sup>117</sup>

At least two other users were also arrested in the fall of 2014:

- Following the trend of social media users arrested for making predictions, María Magaly

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[ly/1VjZlCd](http://bit.ly/1VjZlCd); See also "Venezuela court bars media executives from leaving the country," Committee to Protect Journalists, May 15, 2015, <https://cpj.org/x/60f2>.

110 Priscela Martínez Haullier, "Así fue el análisis a los tuits de Leopoldo López," [This Was the Analysis of Leopoldo López's Tweets] *Panorama*, March 17, 2015, <http://goo.gl/1yagn8>.

111 Daniel Lozano, "Leopoldo López seguirá en prisión por emitir mensajes subliminales," *El Mundo*, June 5, 2014, <http://mundo/1NXqPy9>.

112 Human Rights Watch, "Venezuela: Letter to pope Francis," June 5, 2015, <http://bit.ly/1FwJ0tk>.

113 This event occurred outside the coverage period and therefore had no impact on the scores.

114 Alicia Hernández, "Venezuela Is Jailing Mystics Who Make 'Predictions' on Twitter," *Vice News*, August 7, 2015, <http://bit.ly/1NXr9wU>.

115 Alicia Hernández, "Venezuela Is Jailing Mystics Who Make 'Predictions' on Twitter."

116 Venezuela Awareness, "Encarcelado estudiante de la UC Abraham Muñoz por opinar en twitter," October 12, 2014, <http://bit.ly/1OCiAsX>; See also: Sonia Doglio, "Venezuela: Twitter Users Detained After Socialist Party Deputy is Slain," *Global Voices Advocacy*, October 22, 2014, <http://bit.ly/1VmleC5>.

117 Jesus Alberto Yajare, "Liberan al tuitero Victor Ugas, acusado por publicar foto del cadaver del diputado Robert Serra," *Runrunes*, July 9, 2015, <http://bit.ly/1Vj0HDQ>.



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Contreras (@marletmaga), a self-described soothsayer, was detained on October 29, 2014 and accused of public incitement and public intimidation after she predicted that there would be water and electricity shortages in the country. She was released after months in detention.<sup>118</sup>

- Leonel Sánchez Camero (@anonymuswar) was detained on August 22, 2014. He is accused of promoting hatred, conspiring, defamation, and unlawful access to electronic channels due to hacking the Twitter accounts of Jacqueline Faría (Minister of Communication and Information), Gabriela del Mar Ramírez (Ombudswoman), and Eduardo Lima (deputy from the government party, PSUV). He remained detained at the headquarters of the Bolivarian Intelligence Service (SEBIN) at the time of writing this report.<sup>119</sup>

Out of those still detained, most have not yet been sentenced. Victims of procedural delays, many of them remain detained in the SEBIN headquarters, an intelligence and counter-intelligence body that answers to the Ministry of Internal Affairs, Justice and Peace. The lack of independence in the judiciary is a major concern in these cases. Lawyer Gonzalo Himiob, from the NGO Foro Penal, highlighted that given the nature of their crimes under Venezuelan law, these social media users should have the right to await their trial in freedom.<sup>120</sup>

Arrests have also occurred as a means to prevent users from recording information that might be embarrassing to the state. In January 2015, 11 people were detained for using their cellphones to take pictures of street protests and the queues in front of supermarkets, but they were immediately released.<sup>121</sup> The government has tried to suppress information about the very long queues to buy basic goods in order to avoid publicizing the extent of the economic crisis.

## Surveillance, Privacy, and Anonymity

Government surveillance and counterintelligence activities have increased since 2013, when the government released its 2013-2019 Plan for the Homeland, which emphasized the strengthening of national defense among its priorities.<sup>122</sup> Although the plan does not explicitly call for the monitoring of social media, after its passage the government began calling for this measure. In October 2013, the president issued a decree creating 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.<sup>123</sup> In 2014 the government created the Special Brigade against the Acts of Violent

118 Verónica Albarrán, "Vidente zuliana es la séptima tuitera detenida por opinar" [Soothsayer from Zulia is the seventh person arrested for expressing their opinion] *La Verdad*, November 1, 2014, <http://bit.ly/1QixdSc>; See also "Persisten aprehensiones: otra tuitera 'vidente' fue detenida por Sebin," [Arrests persist: Another soothsayer twitter user was detained by Sebin] *El Venezolano*, October 30, 2014, <http://bit.ly/1VmlzEI>.

119 Jesus Alberto Yajure, "@Conatel elaboré informes para el @SEBIN\_OFICIAL sobre tuiteros detenidos" [@Conatel developed reports for @SEBIN\_OFICIAL about the detained Twitter users], July 3, 2015, <http://bit.ly/1GXrDwA>

120 Oscar Medina, "Callen al tuitero," [Shut Up the Twitter User] *El Universal*, November 16, 2014, <http://goo.gl/W48LQQ>.

121 "Imputadas 11 personas por fotografiar colas y protestas," [11 People for Charged Taking Pictures of Queues and Protests] *Notitarde*, January 13, 2015, <http://goo.gl/5pRVCu>.

122 2013-2019 Plan for the Homeland: <http://bit.ly/1ii5WKR>

123 Ipsys-Venezuela, "Reglamento del CESPPA contiene disposiciones contrarias a la libertad de expresión," [CESPPA Regulation contains provisions contrary to freedom of expression] news release, February 25, 2014, <http://goo.gl/dTffWm>; See also Danny O'Brien, "Venezuela's Internet Crackdown Escalates into Regional Blackout," *DeepLinks Blog*, Electronic Frontier Foundation, February 20, 2014, <http://bit.ly/1ffcDB4>.

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Groups with the goal of gathering coordinating information and activities from all the citizen security and intelligence bodies of the states.<sup>124</sup>

There are no known cases of government action to restrict information about or access to encryption technologies or other digital tools to ensure the privacy of communications. Furthermore, Venezuelan laws, such as the Law against Cybercrime and the Law to Protect Communication Privacy, guarantee the privacy of communications.<sup>125</sup> In practice, however, authorities have failed to apply these laws evenly in cases where activists have sued for protection under the law.<sup>126</sup> Although there have been no recent court cases on the matter, the constitution expressly prohibits anonymity.<sup>127</sup> In order to buy a cellphone, a SIM card, or a USB modem to access mobile broadband, Venezuelan law requires customers to register using their personal ID number, address, signature, and fingerprints.<sup>128</sup>

The Law against Kidnapping and Extortion obliges the providers of telecommunications, banking, or financial services to supply data to prosecutors upon presentation of a judicial warrant.<sup>129</sup> In practice, given the lack of judicial independence, there are few safeguards in place to limit government security agencies' access to user data and private communications.

While the full scale of surveillance in Venezuela is unclear, the lack of independent oversight of the country's media regulator has raised concerns about the ease with which systematic content filtering and surveillance could be implemented. A recent study by Citizen Lab provided evidence that Venezuela is a client of Blue Coat Systems, a computer security company often used by authoritarian governments for monitoring, spying, and censorship of networks.<sup>130</sup> Some writers in international media outlets have raised concern about the possibility that a special division within the state-owned ISP CANTV may monitor and track communications.<sup>131</sup>

Although it is difficult to confirm surveillance, activists have denounced targeted tracking and spying by the government. In 2014, the editor of the digital publication *Inside Telecom*, William Peña, claimed that state security agents were tracking him because of his critical opinion of the government.<sup>132</sup> In May 2015, the Venezuelan NGOs Espacio Publico and Provea denounced government officials for intervening in their private communications after the President of the National Assembly

124 "Se creó la "Brigada Especial contra Generadores de Violencia," [Special Brigade against the Acts of Violent Groups was created] *El Universal*, June 26, 2014, <http://goo.gl/Wel1iM>.

125 Ley contra los Delitos Informáticos [Law Against Cybercrime], <http://goo.gl/VXywfA>; Ley Sobre Protección a la Privacidad de las Comunicaciones [Law on Protection of Communications Privacy], <http://goo.gl/RPzPYZ>.

126 Internet Society Venezuela, "Libro blanco sobre libertad en Internet," [The white paper on Internet freedom] June 2014, <http://bit.ly/1O4ZL1m>; see also Escuela Latinoamericana de Redes, "Venezuela," in *Global Information Society Watch 2014: Communication surveillance in the digital age*, Global Information Society Watch, Association for Progressive Communications and Humanist Institute for Cooperation with Developing Countries, 2014, <http://goo.gl/B4G780>.

127 Constitution of the Bolivarian Republic of Venezuela, art. 57, <http://www.tsj.gob.ve/constitucion>.

128 Gaceta Oficial, No. 38.157, Provisión Administrativa Contensiva de las normas Relativas al Requerimiento de Infomación en el Servicio de Telefonía Movil, April 1, 2005, <http://bit.ly/1MBmTBx>.

129 Gaceta Oficial, No. 39194, Ley Contra el Secuestro y la Extorsión, Article 127, June 5, 2009, <http://bit.ly/1RbJINP>.

130 Citizen Lab, *Planet Blue Coat: Mapping Global Censorship and Surveillance Tools*, January 15, 2013, <http://goo.gl/C9VGUF>; See also Ryan Gallagher, "Report: Silicon Valley Internet Surveillance Gear Use by Authoritarian Regimes," *Future Tense* (blog), *Slate*, Jan 16, 2013, <http://slate.me/1O50jEv>.

131 Antonio María Delgado, "Venezuela gasta millones en espionaje electrónico de sus ciudadanos," [Venezuela spends millions on electronic espionage of its citizens] *El Nuevo Herald*, November 2, 2015, <http://goo.gl/xV21a2>; See also Diana López Zuleta, "¿Por qué nadie sabe realmente lo que pasa en Venezuela?" [Why Nobody Really Knows What Is Happening In Venezuela?] *Las 2 Orillas*, January 4, 2015, <http://goo.gl/Rjo0Cn>.

132 Iphys-Venezuela, "Miranda: Editor de portal web denunció que fue perseguido por funcionario de seguridad del Estado," [Miranda: Web Editor Reported that He Was Persecuted By State Security Officer] December 10, 2014, <http://goo.gl/XDzweP>.

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divulged information on his television show that NGO staff said was only possible to obtain by intercepting private online communications.<sup>133</sup>

### Intimidation and Violence

Online journalists, bloggers, and social media activists face harassment in the form of verbal threats, attacks on social media, and potential job loss. Much of the harassment of individuals perceived to be critical of the government does not come directly from the government, but instead from progovernment civilian groups.<sup>134</sup> Although these groups do not necessarily coordinate with the government, they act within an accommodating environment as there are no known cases of state institutions prosecuting a government sympathizer for harassment against a media critic. In fact, government actions sometimes seem to encourage harassment. In March 2015, the president of the National Assembly posted photographs and personal information of human rights activists<sup>135</sup> (including some who work on free expression and digital rights issues) who attended a hearing of the International Assembly of the Human Rights Commission (IAHCR) in Washington D.C. The IAHRC released a public statement criticizing these actions.<sup>136</sup>

Journalists have reported that public officials and members of the media have lost their jobs after expressing controversial opinions on social media.<sup>137</sup> Despite the worrisome precedent set by these layoffs by both public and private agencies, these cases have not been brought to the courts. Online users have also reported a number of instances of harassment via social media networks. The well-known journalist Celina Carquez, who works for the digital media outlet *Contrapunto*, received threats from unidentified users through Twitter in November 2014.<sup>138</sup> Meanwhile, Carlos Flores, a columnist for the *Huffington Post* and contributor for *Newsweek* in Spanish, denounced profane insults coming from the Twitter account of Tareck El Aissami, the governor of Aragua state.<sup>139</sup>

### Technical Attacks

Both established and new media outlets that criticize the government have stated that they are

133 Estacio Publico, "Provea y Espacio Publico denuncian ante la Fiscalia intervencióon ilegal de sus comunicaciones por parte de Diosdado Cabello," May 27, 2015, <http://bit.ly/1Lh7dpO>; PROVEA, "Provea y Espacio Púbblico denunciarion ante el MP la intervencióon ilegal de sus comunicaciones por parte de Diosdado Cabello," May 27, 2015, <http://bit.ly/1h3ybmE>.

134 Observatorio Venezolano de Conflictividad Social e Ipys-Venezuela, *Informe: Periodistas bajo la lupa paramilitar* [Report: Journalists under paramilitary magnifying glass] February 2015, <http://goo.gl/DgUfiM>.

135 Marco Antonio Ponce, from Observatorio Venezolano de Conflictividad Social (OVC); Rafael Uzcátegui, from Programa Venezolano de Educación-Acción en Derechos Humanos (PROVEA); Ligia Bolívar, from Centro de Derechos Humanos de la Universidad Católica Andrés Bello (CDH-UCAB); Carlos Nieto, from Una Ventana para la Libertad; Rocío San Miguel, from Control Ciudadano; Carlos Correa, from Espacio Púbblico; Liliana Ortega, from Comité de Familiares de las Víctimas de los sucesos ocurridos entre el 27 de febrero y los primeros días de marzo de 1989 (COFAVIC).

136 Comisión Interamericana de Derechos humanos, "CIDH expresa su alarma ante intimidación en Venezuela contra personas que acuden al Sistema Interamericano de Derechos Humanos" [IACHR Alarmed After Intimidation in Venezuela Against People Attending The Inter-American Human Rights] press reléase, March 20, 2015, <http://goo.gl/cuL5Af>.

137 Eugenio Martínez, Twitter post, "Jesús Hurtado acaba de recibir la notificación de calificación de despido por criticar en su Facebook el manejo editorial de @UNoticias," [Jesus Hurtado just received the notice of dismissal for criticizing @UNoticias editorial management in his Facebook] August 20, 2014, <http://goo.gl/OpWW50>; See also Oscar Medina, "Callen al tuitero," [Shut Up the Twitter User] *El Universal*, November 16, 2014, <http://goo.gl/W48LQQ>.

138 Espacio Púbblico, "Periodista Celina Carquéz es amenazada vía Twitter," [Journalist Celina Carquez is threatened via Twitter] November 4, 2014, <http://goo.gl/qR4wvg>.

139 Ipys-Venezuela, "Internet: Periodista fue insultado a través cuenta de Twitter del gobernador de Aragua," [Internet: Journalist was insulted by the Aragua State Governor via his Twitter Account] March 29, 2015, <http://goo.gl/rPno1t>.

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frequent victims of cyberattack attempts.<sup>140</sup> The nonprofit Institute for Press and Society Venezuela released a report showing that 10 percent of members of the media surveyed stated that they had been a victim of illegal interventions (technical attacks) to their email and social media accounts. Although it is suspected that progovernment entities are responsible for the attacks, this has not been confirmed. Also common are technical attacks wherein someone hacks and takes over the Twitter account of an outspoken activist with many followers.<sup>141</sup> On the other side, critics of the government have hacked the Twitter account of government officials,<sup>142</sup> information sites of the state, such as the National Venezuelan Television<sup>143</sup> (VTV by its initials in Spanish), and CANTV.<sup>144</sup>

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140 Espacio Público, "Intentan hackear www.runrun.es," [Someone attempted to hack www.runrun.es] February 5, 2015, <http://goo.gl/BZ1a8b>.

141 Oli-Wan Kenobi, "Usan la app paga para promover una cuenta q usurpa la identidad de @NelsonBocaranda crear confusión y desinformar," [They use a paid app to promote an account that usurps the identity of @NelsonBocaranda to create confusion and misinform] January 22, 2015, <http://goo.gl/tGGR75>.

142 "Hackearon cuenta de twitter de la defensora del pueblo," [Twitter Account of Ombudswoman Was Hacked] *El Nacional*, July 4, 2014, <http://goo.gl/0uuIAg>.

143 Espacio Público, "Hackean cuenta en Twitter de VTV," [The VTV Twitter Account Was Hacked] July 23, 2014, <http://goo.gl/n129Z9>.

144 ANTV, "Anonymous Venezuela "hackea" página web de CANTV," [Anonymous Venezuela hacks CANTV website] June 22, 2014, <http://goo.gl/YjpD34>.