



VENEZUELA

INTERNET FREEDOM STATUS	2012 2013	
	PARTLY FREE	PARTLY FREE
Obstacles to Access (0-25)	15	16
Limits on Content (0-35)	14	16
Violations of User Rights (0-40)	19	21
Total (0-100)	48	53

POPULATION: 29.7 million
INTERNET PENETRATION 2012: 44 percent
SOCIAL MEDIA/ICT APPS BLOCKED: No
POLITICAL/SOCIAL CONTENT BLOCKED: Yes
BLOGGERS/ICT USERS ARRESTED: Yes
PRESS FREEDOM 2013 STATUS: Not Free

* 0=most free, 100=least free

KEY DEVELOPMENTS: MAY 2012 – APRIL 2013

- Disruptions of internet service occurred at crucial times in Venezuela during 2012 and 2013, most notably during the April 14th presidential election and the subsequent count of electoral votes (see **LIMITS ON CONTENT**).
- The websites of key opposition candidate Henrique Capriles Radonsky and independent news sites were blocked during the October 7th presidential election (see **LIMITS ON CONTENT**).
- In 2012 and 2013, the Venezuelan government increased its efforts to identify social media users who had posted objectionable information online, especially concerning social and political issues (see **VIOLATIONS OF USER RIGHTS**).
- Bloggers and journalists writing about President Chavez’s health—or subsequent death—were subject to increasing harassment and intimidation by government supporters in 2012 and 2013 (see **VIOLATIONS OF USER RIGHTS**).
- Politically-motivated cyberattacks and hijackings of social media accounts increased in 2012 and 2013 (see **VIOLATIONS OF USER RIGHTS**).

INTRODUCTION

In a country where all government branches act in compliance with the interests of the ruling party, ensuring a hegemonic ICT system characterized by informational opacity,¹ the Venezuelan people widely use the internet to participate in social networks.² Recent tensions regarding the death of President Hugo Chávez and the opposition's contestation of newly elected President Nicolas Maduro have resulted in increased use of digital media in Venezuela.³ In response to the popularity of such technology among the general population as well as the political opposition, the government has begun to expand its control of the internet.⁴

As government opponents have made their opinions known via global platforms, Chávez's ruling United Socialist Party of Venezuela (PSUV) has increased its efforts to influence online discussions and to restrict online content. In 2012 and early 2013, harassment increased, targeting those critical of government. Sporadic blocking of opposition and independent news websites, as well as cyberattacks and hackings that temporarily disabled such sites, became a problematic trend. Such actions witnessed a surge at times of heightened political sensitivity and were particularly pronounced surrounding presidential elections and speculation over the health of President Chavez.

Among the most disturbing developments of 2012 and 2013 were incidents of cyberattacks focused on critical media, the usurpation of the Twitter profiles of political activists, and the rise of anonymous Twitter accounts. Such accounts have emerged as a new tool by which to pursue legal action against government critics. Although there is often no evidence that members of the opposition are, in fact, the authors of such sites, objectionable content posted online is attributed to them and used to justify their arbitrary detention.⁵

The internet arrived in Venezuela in 1992. The first commercial internet service providers (ISPs) were granted licenses by the National Telecommunications Committee (CONATEL) in 1996.⁶ While the 1999 constitution obligates the State to provide the public with access to new information and communication technologies (ICTs),⁷ the Organic Law of Telecommunications

¹ Information regarding President Chávez's health has been sporadic and has come only from Vice President Maduro and Minister of Communication Ernesto Villegas rather than from an independent team of physicians. See: *Access to Health Information from the Heads of State* (Regional Alliance for Free Expression and Information), <http://transparencia.org.ve/wp-content/uploads/2013/01/Salud-y-Presidentes-Alianza-Regional-LDE.pdf>. In the days between his return to Venezuela and his death, the only evidence that President Chavez was alive consisted of an official report and three tweets allegedly sent by Chavez on the day he returned to his country. See: Últimas Noticias, "Chávez Tuitea," [Chávez Tweets], *Últimas Noticias* online, Feb 18, 2013, <http://www.ultimasnoticias.com.ve/noticias/actualidad/politica/chavez-ya-tuitea.aspx>.

² Tendencias Digitales, "Internet Statistics in Venezuela 2012," presented in the framework of the event 'State of the Internet in Venezuela and its Impact on Business,' Caracas, May 2012.

³ Laura Vidal, "Venezuela Tuits y Etiquetas Electorales," [Venezuela Election Tweets and Tags] *Global Voices* online, October 8, 2012, <http://es.globalvoicesonline.org/2012/10/07/venezuela-tuits-y-etiquetas-electorales/>.

⁴ Espacio Público, "Ataques Informáticos Sacuden las Redes Sociales en el País," [Hacking Shakes Social Networks in the Country] October 16, 2012, <http://bit.ly/15Az8pL>.

⁵ "Investigan Presunta Instigación al Terrorismo en Twitter," [Investigation into Alleged Incitement to Terrorism on Twitter] *Últimas Noticias* online, January 8, 2013, <http://bit.ly/WtJ3IH>.

⁶ UNDP, *Las Tecnologías de Información y Comunicación al Servicio del Desarrollo* [Information and Communication Technologies for Development] (Caracas: UNDP, 2002), 249.

⁷ See: Article 108 and Article 110 of the Venezuelan Constitution: <http://www.tsj.gov.ve/legislacion/constitucion1999.htm>.

(reformed in December 2010) declares ICT an area of state interest.⁸ Although privately owned companies do exist, the state dominates the internet market through the National Telephone Company of Venezuela (CANTV). Investment in and expansion of the private ICT sector are complicated by disadvantageous competition with CANTV, foreign currency exchange control, and the difficulty private companies face when they attempt to repatriate their earnings.⁹

OBSTACLES TO ACCESS

By the end of 2012, internet penetration in Venezuela had reached 44 percent.¹⁰ This figure excludes internet connections mediated by mobile phones, for which there are no official numbers, indicating that penetration may be even higher.¹¹ Over 95 percent of the approximately 3.7 million internet subscriptions in Venezuela were broadband, evidence of a substantial shift from dial-up to broadband technology.¹² According to data provided by the consultancy firm Tendencias Digitales (Digital Tendencies), more than 50 percent of internet users in Venezuela are under 25 years old. The majority of internet connections come from households (71 percent), followed by internet cafes (30 percent) and mobile phones (21 percent).¹³ Venezuelans use the internet primarily to visit social networks—there are nearly 10 million Venezuelan Facebook users and over 3 million Twitter users¹⁴—to read the news, and to search for information. Key topics disseminated and debated through this medium include politics and news.¹⁵ There are no special restrictions on the opening of cybercafés in Venezuela.

The most substantial obstacles to internet access in Venezuela are lack of service availability, slow connection speed, geographic isolation in rural areas, low computer literacy, and the expense of necessary equipment. The cost of access itself is likely a less significant obstacle, however service remains poor. The regional divide in internet access in Venezuela is noteworthy. Penetration exceeds 90 percent in the Capital District and Miranda State, while in poorer states such as

⁸ In July 2008, a plan to reform the law was met with great opposition. As a result, the measure was not introduced or approved in the National Assembly until December 2010.

⁹ The repatriation of capital is subject to authorization by the Currency Administration Commission (Cavivi), which in most cases either does not process it or does so with significant delay.

¹⁰ ITU, Time Series by Country (2000-2012) "Percentage of Individuals Using the Internet," ITU World Data – Statistics, <http://www.itu.int/en/ITU-D/Statistics/Pages/stat/default.aspx>

¹¹ Vicepresidencia de la Republica Bolivariana Venezuela, "Estadística de Telecomunicaciones al Cierre del IV Trimestre de 2012" [Telecommunication Sector Statistics at the End of 2012], Accessed February 27, 2013, <http://conatel.gob.ve/#http://conatel.gob.ve/index.php/principal/presentacionresultados>. In some areas traders also resell individual connections through routers, indicating that the percentage of the population accessing the internet may be even higher than official figures suggest, although the incidence of resold connections would be impossible to measure. See also: *La Nación*, "Venezuela: ¿Medalla de Oro en Uso de Internet?" [Venezuela: Gold Medal in Internet Use?], *La Nación* online, August 7, 2012, <http://www.lanacion.com.ve/tecnologia/venezuela-medalla-de-oro-en-uso-de-internet/>.

¹² Vicepresidencia de la Republica Bolivariana Venezuela, "Estadística de Telecomunicaciones al Cierre del IV Trimestre de 2012" [Telecommunication Sector Statistics at the end of 2012], Accessed February 27, 2013, <http://bit.ly/1azPe7A>.

¹³ Tendencias Digitales, "Internet Statistics in Venezuela 2012," Presented in the framework of "State of the Internet in Venezuela and Its Impact on Business," Caracas, May 2012.

¹⁴ Social Bakers, "Facebook Statistics by Country," Accessed January 13, 2013, <http://www.socialbakers.com/facebook-statistics/>; See also: Twven, "Facebook y Twitter en Venezuela," *Twven* (blog), <http://twven.com/twitter-venezuela/facebook-y-twitter-en-venezuela/>.

¹⁵ *El Universal*, "Facebook y Twitter en Venezuela," *El Universal* online, June 25, 2012, <http://bit.ly/Q2TOBj>.

Amazonas, Yaracuy, and Apure, penetration hovers around 15 percent.¹⁶ Connectivity in rural areas has been further compromised by a severe electricity crisis that has led to rationing in every city but the capital, Caracas. Regional disparities are also evident in the expansion plans of telecommunications companies, which typically focus new investments on the capital and surrounding areas.¹⁷

By the end of 2012, mobile phone penetration in Venezuela had exceeded 100 percent.¹⁸ This figure does not necessarily reflect a population saturated with mobile technology, however. Some Venezuelans have as many as three phones, each associated with a different mobile provider, in order to ensure countrywide coverage. Over one third of Venezuela's mobile subscribers use CDMA technology. Although the number of users with smart phones and data plans is growing, currency exchange control and the devaluation of the Venezuelan bolivar have resulted in high prices and a limited supply of advanced mobile phones.¹⁹ Those who do have smartphones typically live in urban areas and have higher than average income levels.

Following its 2007 re-nationalization, a move that benefited CANTV significantly in regard to currency controls, the company increased the country's fiber-optic backbone infrastructure by 48 percent.²⁰ While this figure reflects significant growth in broadband internet access, quality of service remains poor. Venezuela's fixed broadband penetration and speed are lower than the regional average and less than would be expected based on GDP per capita, which is higher in Venezuela than in Latin America as a whole.²¹

Despite growth in internet and mobile phone use in recent years, development in the ICT sector has slowed overall, and in some respects has slid backward since CANTV's re-nationalization. Instead of being reinvested to improve ICT services, the earnings obtained by CANTV are reserved for social programs in the health and education sectors.²² With 51.92 percent of internet subscribers and a monopoly on ADSL service, CANTV dominates the fixed, mobile, and broadband markets.²³ The company's dominant position stifles competition, some of which comes from cable

¹⁶ Vicepresidencia de la Republica Bolivariana Venezuela, "Estadística de Telecomunicaciones al Cierre del IV Trimestre de 2012" [Telecommunication Sector Statistics at the end of 2012], Accessed February 27, 2013, <http://bit.ly/18zRVXl>.

¹⁷ Inside Telecom, Vol. III No. 95, December 19, 2012 (Excerpted from company newsletter; not available online).

¹⁸ Vicepresidencia de la Republica Bolivariana Venezuela, "Estadística de Telecomunicaciones al Cierre del IV Trimestre de 2012" [Telecommunication Sector Statistics at the end of 2012], p.6, Accessed February 27, 2013, <http://bit.ly/18zRVXl>.

¹⁹ Heberto Alvarado Vallejo, "Mercado Móvil Venezolano Tendrá Sabor Agridulce en 2013" [2013 Mobile Market in Venezuela Will be Bittersweet], Hormiga Analítica, Accessed May 13, 2013, <http://bit.ly/1azPe7A>.

²⁰ As a state company, CANTV enjoys preference for Cadivi's currency approvals. See: Casetel Chamber of Business Telecommunications Services, "Oswaldo Cisneros Sigue Apostándole a Venezuela: Digital Busca Vías para Consolidarse en 3G," [Oswaldo Cisneros Keeps Betting on Venezuela: Digital Seeks Ways to Consolidate in 3G] June 23, 2010, http://www.casetel.org/detalle_noticia.php?id_noticia=509.

²¹ Budde.com, "Venezuela - Telecoms, Mobile, Broadband and Forecasts," Budde.com, July 2012 Publication, <http://www.budde.com.au/Research/Venezuela-Telecoms-Mobile-Broadband-and-Forecasts.html>.

²² Ministerio de Ciencia y Tecnología, "Gobierno Nacional Honra Pagos de Prestaciones con Dividendos de CANTV" [National Government Honors Benefit Payments with Dividends from CANTV], April 4, 2012, <http://www.mcti.gob.ve/Noticias/14031>; See also: Luigino Braci, "¿Las Peores Velocidades de Internet Están en Venezuela? Sí, pero..." [Venezuela has the Worst Internet Speeds? Yes, but...], May 31, 2013, <http://lubrio.blogspot.com/2012/05/las-peores-velocidades-de-internet.html>.

²³ According to a Google Analytics study, in South America, only Paraguay and Bolivia have slower connection speeds than Venezuela. See: Google Analytics, Global Site Speed Overview, April 2012, <http://analytics.blogspot.com.es/2012/04/global-site-speed-overview-how-fast-are.html>; See also: (1) International Telecommunications Union (ITU), *Measuring the Internet*

modems, mobile broadband, and satellite connections.²⁴ Inter, the company that places a distant second in the market, offers a triple pack that includes cable television, cable modem, and telephony.²⁵

Although CANTV's connections are slow, its relatively low prices have given the company an edge in the market. Private providers have had difficulty competing with CANTV's rates, a reality that accounts in large part for the decline of the ICT sector's contribution to GDP.²⁶ The lack of competition has also reduced incentives for providers to retain high quality service or to expand their offerings.²⁷ In several recent cross-country studies assessing ICT trends over the past five years, Venezuela is among the countries that have fallen farthest in the rankings relative to its peers.²⁸

While more people are now connected to the internet, the majority of the population has access only to narrowband service.²⁹ Nationally, CANTV offers a prepaid plan with a minimum connection speed of 512 Kbps at a cost of about \$10.50 per month, compared to a minimum wage of about \$324.³⁰ The most popular plan, called "ABA Para Todos" (broadband for everyone) offers a connection speed of 1.5 Mbps at a cost of \$22.81 per month.³¹ In April, the president of CANTV announced a new 4 Mbps plan at a cost of \$79.20 per month, which represents nearly a quarter of the minimum wage. In a May 2013 announcement, President Maduro announced that connection speed would increase to 6Mbps, but this advancement has not yet come to fruition.³²

The policies developed by CANTV to massively increase subscription rates have been detrimental to quality of service, a development that has generated online campaigns from users.³³ In early May

Society 2011, March 2012, <http://www.itu.int/net/pressoffice/backgrounders/general/pdf/5.pdf>; (2) Inside Telecom, "Los Tres Potentes Liderazgos de Cantv" [The Three Powerful Leaders of CANTV], November 1, 2012, <http://bit.ly/U4OSRO>.

²⁴ Hernan Galperin, "Precios y Calidad de la Banda Ancha en America Latina: Benchmarking y Tendencias" [Prices and Quality of Broadband in America: Benchmarking and Trends], Universidad de San Andrés (Argentina), 2012, <http://bit.ly/PsBDoY>.

²⁵ Budde.com, Venezuela - Telecoms, Mobile, Broadband and Forecasts, Accessed January 7, 2013, <http://bit.ly/1dPLzoe>.

²⁶ Inside Telecom, Volume 7 No. 86 (2011): In late 2012, after 14 months of request, Movistar was given the authority to increase its rates from 9%-17% for annual inflation. Movilnet, for its part, increased 32.6% (excerpt from newsletter; not available online).

²⁷ Jorge Espinoza, *Argumentos in Situ de Las Operadoras Móviles Privadas: Smartphones e Internet Móvil Suplen Carencias Fijas* [Arguments in Situ of Private Mobile Phone Operators: Smartphones and Mobile Internet Filled Unfilled Gaps], Inside Telecom, May 25, 2012.

²⁸ Kai Bucher, "Las Economías Latinoamericanas Todavía Están Atrasadas en el Aprovechamiento de las Tecnologías de la Información..." [The Latin American Economies are Still Behind in the Use of Information Technologies], World Economic Forum, 2010-2011 Report, <http://bit.ly/gnrzob>; Venezuela dropped from #74 to #77 on ITU's 2012 Index. See: ITU, *Measuring the Information Society 2012* (Geneva: ITU, 2012), <http://bit.ly/1fyOEgO>.

²⁹ Raisa Urribarrí, "La Comunicación Alternativa es Antihegemonía" [Alternative Communication is Hegemonic], *Diario Tal Cual*, August 11, 2012, Reproduced online at: <http://bit.ly/1bRqJXb>.

³⁰ *El Universal*, "Cantv Mejora Velocidad de Conexión a Internet" [Cantv Improves Internet Speed], *El Universal* online, September 3, 2012, <http://bit.ly/REHRjy>; CANTV, Planes y Servicios del Servicio de Banda Ancha (ABA) [Service Plans and Broadband Services], January 2013, <http://bit.ly/qLcVIQ>; See also: *El Universal*, "A partir de hoy el salario mínimo es de 2047,48 Bs" [Starting Today, the Minimum Wage is 2047.48 Bs] *El Universal* online, September 1, 2012, <http://bit.ly/TlwBEy>.

³¹ See: CANTV's Connection Plans, Accessed May 27, 2013, <http://bit.ly/f42m4R>.

³² Radio Mundial, "Gobierno Nacional Anuncia Nueva Conexión ABA de 6 Megas" [Government Announces New ABA Connection of 6 Mbps], Radio Mundial online, May 21, 2013, <http://bit.ly/13J2pRW>.

³³ Activism, "CANTV: Solicitamos Formalmente Mejorar Significativamente las Velocidades de Download y Upload del ABA en Venezuela" [CANTV: Formal Requests Significantly Improve the Download and Upload Speeds of ABA in Venezuela], Activism online, Accessed January 11, 2013, <http://bit.ly/1biXwVW>; Netindex.com reports that internet connection in Venezuela is one

2013, on Internet Day, a group of activists launched a petition entitled “For a Better Internet for Everyone in Venezuela” through Change.org. To date the document has been signed by approximately 1,200 people.³⁴

Substantial interruptions of telecommunication services, such as the fall of the entire .ve internet domain, have begun to occur, however, Venezuelan authorities have not been forthcoming regarding the root of the problem.³⁵ CANTV’s slow progress increasing Mbps (and consequently internet speed) for fixed lines has elevated mobile internet to the point that it is now poised to take half the market,³⁶ yet while there are approximately 30 telecommunications operators in the country, only three provide mobile phone services. Movistar, the Venezuelan unit of Spain’s Telefónica, has nearly 10 million subscribers; Digitel, a locally owned private company, has approximately 4 million subscribers; and CANTV’s Movilnet, which leads the market, has 15.5 million subscribers out of a total of 29 million.³⁷ A recent CANTV initiative, “Buy Made in Venezuela,” which aims to give preference to locally produced cell phones manufactured by Vtelca and Orinoquia in partnership with the Chinese firms ZTE and Huawei, has resulted in decreased availability.³⁸ Local manufacturers cannot satisfy national demand, and the state’s blocking of foreign currency has made it difficult to import mobile phones from foreign manufacturers.³⁹ Local manufacturers cannot satisfy national demand, and the state’s blocking of foreign currency has made it difficult to import mobile phones from foreign manufacturers.⁴⁰ These two factors have resulted in price speculation as well as a shortage of cell phones within the country.⁴¹

The networks run by private mobile phone service providers suffer from severe congestion and require further development. Discriminatory currency controls, however, have forced these providers to ration their services and to decrease investment in infrastructure.⁴² Digitel, Movistar, and MovilMax (a WiMAX provider only available in the nation's capital city) plan to deploy 4G/LTE networks in 2013 and 2014.⁴³ Public universities, such as the Universidad de Los Andes, which were once leaders in the telecommunications field, have witnessed the deterioration of their

of the most expensive and slowest in the world. See: *BBC Mundo* online, “Como un Pais Desaparece de Internet,” [How a Country’s Internet Disappears] May 2012, <http://bbc.in/KEy5NO>.

³⁴ Espacio Público A.C., “Por un Internet de Calidad Para Todos en Venezuela” [For a Better Internet For Everyone in Venezuela], Change.org, May 17, 2013, <https://www.change.org/es-LA/peticiones/internet-de-calidad-para-todos-en-venezuela>.

³⁵ Notitarde, “Falla en el Sistema ‘nic.ve’ Mantiene Sin Servicio a Todos los Dominios ‘.ve’” [System Failure nic.ve Remains Without Service] May 28 2012, <http://bit.ly/19ehDgg>.

³⁶ Víctor Suárez, “La Vergüenza de Estar Siempre en el Mismo Lugar, o Más Atrás: Estado de Internet en Venezuela” [The Shame of Being Always in The Same Place, or Further Back: State of the Internet in Venezuela], Inside Telecom, August 15, 2012, http://m.insidetele.com/index.php?article_id=6637399748013051426.

³⁷ Inside Telecom, “Los Tres Potentes Liderazgos de Cantv” [The Three Powerful Leaders of Cantv], Inside Telecom online, November 1, 2012, http://m.insidetele.com/index.php?article_id=5703104260882784216.

³⁸ Gobierno Bolivariano de Venezuela, “Menéndez: Distribuidos 328 Mil Equipos Celulares de Fabricación Nacional” [Menéndez: Distributed 328,000 Domestically Manufactured Cell Phones], MCTI, August 2011, <http://bit.ly/16TO4AL>.

³⁹ Rojas, Ingrid, “Falta de Divisas Limitó Importación de Celulares en el Año 2012,” [Lack of Cellular Import of Limited Currency in 2012], *El Mundo, Economía y Negocios* online, January 2, 2013, <http://bit.ly/12Wos6J>.

⁴⁰ Rojas, Ingrid, “Falta de Divisas Limitó Importación de Celulares en el Año 2012.”

⁴¹ Inside Telecom, Vol. XIII No. 41, November 10, 2012 (newsletter; not available online).

⁴² In 2013, most Internet plans were not available for new activations. Inter, which offers a 10MB navigation plan, is also closed for new activations at high speed and currently offers only 1MB. Websites of the three companies, accessed January 10, 2013: <http://bit.ly/19NJUEj>; <http://bit.ly/qICVIQ>; <http://www.digitel.com.ve/Personas/Internet/Prepago.aspx#1>.

⁴³ Budde.com, Venezuela - Telecoms, Mobile, Broadband and Forecasts, Accessed January 7, 2013, <http://bit.ly/1dPLzoe>.

service platforms due to lack of state resources.⁴⁴ In May 2013, the Ministry of Higher Education announced it would reduce broadband service provided to universities due to alleged underutilization.⁴⁵

In addition to acting as the dominant service provider through CANTV, the state also administers ICT regulation and licensing through the state regulatory body CONATEL. Although incidents of CANTV engaging in censorship and monitoring have been isolated and have not suggested more systematic controls, the lack of independent oversight has raised concerns about the ease with which systematic content filtering and surveillance could be implemented in the future.⁴⁶ Article 35 of the Organic Law of Telecommunications provides for CONATEL's operational and administrative autonomy, however, the president has the power to appoint and remove the agency's director and the four members of its Directive Council. A series of presidential decrees over the past decade has shifted oversight of the commission to various ministries and finally to the vice president,⁴⁷ a progression to centralized control that has increased the agency's politicization.⁴⁸ In 2012, CONATEL continued to demonstrate progovernment bias in decisions related to broadcast media, although it has not yet made comparable judgments affecting internet or mobile phone service.

LIMITS ON CONTENT

Although Venezuelan authorities do not engage in systematic filtering of online content, they have sporadically used blocking, service disruptions, and other censorship tactics to restrict information at sensitive times. In 2012 and 2013, this was particularly evident in advance of presidential elections and as Chavez's health worsened, when several independent websites were either blocked or experienced disabling cyberattacks. During the April 2013 Presidential election, CANTV shut down broadband service for approximately 30 minutes, leaving 95 percent of Venezuelans disconnected from the internet at a crucial time. Pro-opposition and independent news websites were also temporarily blocked or disabled in Venezuela, and the website of the country's National Electoral Council was temporarily unavailable from both inside and outside of the country. Such restriction of information during pivotal times is a concerning development.

The sites of international news sources and human rights organizations such as Freedom House, Reporters Without Borders, and Amnesty International are freely available in Venezuela. Social media applications such as Facebook, Twitter, and YouTube are also freely accessible and are

⁴⁴ Nelson Espinoza, "Solventada Falla de la Red Teleinformática de la ULA" [ULA Solved Its Network Failure], Prensa ULA, January 10, 2013, <http://uvero.adm.ula.ve/prensa/index.php/solventada-falla-de-la-red-teleinformatica-de-la-ula/>.

⁴⁵ Urribarrí, Raisa, "El Cenit Reducirá el Ancho de Banda a las Universidades Venezolanas" [Government will reduce bandwidth to Venezuelan universities], Periodismo en Línea online, May 10, 2013, <http://bit.ly/179du1z>.

⁴⁶ Ryan Gallagher, "Report: Silicon Valley Internet Surveillance Gear Use by Authoritarian Regimes," *Slate*, Jan 16, 2013.

⁴⁷ Andrés Cañizález, "Conatel, La Joya de la Corona," [Conatel: The Jewel in the Crown], *Tal Cual Digital*, August 9, 2010, <http://www.talcualdigital.com/nota/visor.aspx?id=39046>.

⁴⁸ Jesús Urbina, "Las Mordazas Invisibles: Nuevas y Viejas Barreras a la Diversidad en la Radiodifusión" [Invisible Jaws: New and Old Barriers to Diversity in Broadcasting], http://legislaciones.amarc.org/mordazas/VEN_pais.htm.

growing in popularity.⁴⁹ Despite the availability of human rights websites and social media networks, however, Venezuela's history of blocking key sites and interrupting internet service during times of heightened political sensitivity has continued over the past year. During the 2012 presidential campaign, for example, CANTV blocked the official website of the main opposition candidate, Henrique Capriles Radonsky.⁵⁰ On the day of the election, weekly newspaper *6to poder* (Sixth Power) also reported the blocking of its website during the final count of votes.

Continuous cyberattacks and hackings, which rendered websites temporarily inaccessible, also plagued a number of independent news sites during both the 2012 and 2013 elections. Problems accessing the website of *Noticiero Digital* (Digital News) were reported during the 2012 election. In the same period, the news channel Globovisión registered a general failure of its servers without explanation and the informational website *La Patilla* (The Watermelon), the thirteenth most visited site in the country, suffered continuous cyberattacks, which made it difficult, if not impossible, to access.⁵¹

The government has not offered any explanation for these attacks, blockings, and site disruptions, a problem compounded by the political situation in Venezuela in which there are no established checks and balances between the different branches of the state. Although the judiciary lacks independence, there have been no reports of judicially imposed censorship; instead, suppression comes from sporadic blocking and disruptions. In this context, there is no transparent process or independent institution through which website owners and content producers can pursue complaints.

Despite such continuing opacity regarding the availability of independent websites, the government has recently been forthcoming about two particular disruptions. During the highly contested presidential election of April 2013 (which would mark the country's first new leader in 14 years), broadband service offered by the national telephone company CANTV, the largest operator in the country, was shut down for approximately 30 minutes. Access to the webpage of the National Electoral Council was likewise unavailable to all CANTV subscribers, leaving 95 percent of those with internet access unable to track election results. Vice President Jorge Arreaza, who also held the post of Minister of Science and Technology until April 2013, informed the public that the service disruption was orchestrated by the government as part of an operation to identify those responsible for hacking into the Twitter accounts of interim and current president, Nicolas Maduro, as well as Chief of Press of the Government Palace, Teresa Maniglia.⁵² Arreaza also announced that the website of the National Electoral Council would remain inaccessible from outside the country to prevent further attack.⁵³ Such a move also prevented the international

⁴⁹ Alexa, "Top Sites in Venezuela," Accessed January 10, 2013, <http://www.alexa.com/topsites/countries/VE>.

⁵⁰ *El Universal*, "Denuncian que CANTV Bloqueó Acceso a la Página Web Hay un Camino,"

[Complaints that CANTV Blocked Access to Website 'There is a Way'] *El Universal* online, August 14, 2012, <http://bit.ly/O8im8N>.

⁵¹ Ratings from Alexa, Accessed January 4, 2013, <http://www.alexa.com/topsites/countries/VE>.

⁵² Editor DJ el Dom, "Jorge Arreaza Pide Calma por Caída del Internet: Fue para Evitar Hackeos." [Jorge Arreaza Calls for Calm: It Was to Prevent Hacking], *Informe 21* online, April 14, 2013, <http://bit.ly/Zjv183>.

⁵³ Alba Ciudad Radio, "Jorge Arreaza: Suspensión Momentánea de Internet se Hizo para Proteger a la Página Web del CNE de Ataques" [Jorge Arreaza: Momentary Internet Suspension was Made to Protect CNE Website Attacks], in video format, April 14, 2013, <http://bit.ly/ZUXc1K>.

community from attaining a real-time perspective on the election, which was of great international interest.

In December 2010, the National Assembly adopted a reform of the 2004 Law of Social Responsibility in Radio and Television (The Resorte Law), extending regulation to online and electronic media,⁵⁴ a move that has laid the groundwork for censorship of transmitted content by websites and service providers. According to the Committee to Protect Journalists, under the amended law, online media outlets are expected to establish mechanisms to restrict content that violates the law. Websites found in violation may be fined up to VEF 13,000 (\$3,000). Service providers who do not respond to government inquiries risk high fines and temporary suspension of operations.⁵⁵ Despite these increasing restrictions, authorities have not vigorously enforced the law, and online content providers do not appear to be engaging in politically motivated deletions of user comments.

Venezuelans are avid users of digital media, which has emerged as an important platform for circulating information and expressing opinions at a time when independent television and radio stations have come under increased pressure.⁵⁶ Venezuela has approximately three million registered Twitter users, occupying the thirteenth place in the world and the fourth place in Latin America.⁵⁷ Rather than engaging in significant censorship, the government is making substantial use of social media platforms to propagate its point of view and counter political opposition. The Socialist Party proactively disseminates its views and counters opponents through pro-Chávez platforms, such as the website Apporrea.org, launched in 2002, and the Twitter feed “@RedVergataria,” launched in 2011 with the support of CANTV’s Movilnet and the Ministry of Popular Power for Science and Technology.⁵⁸

This trend has intensified over the past year as a consequence of the president’s prolonged illness and absence from the country, and his subsequent death.⁵⁹ During the first weeks of 2013, in the absence of independent medical reports on the president’s health, use of Twitter was particularly intense. Although there have not yet been notable instances of the opposition utilizing social media for mobilization—even during the January 2013 swearing in of President Hugo Chavez in absentia,

⁵⁴ República Bolivariana de Venezuela, “Ley de Responsabilidad Social en Radio, Television y Medios Electronicos,” [The Law of Social Responsibility in Radio, Television and Electronic Media] *Scribd*, accessed January 19, 2013, <http://bit.ly/ek6v7E>.

⁵⁵ ifex, “CPJ Condemns Two Media Laws,” December 22, 2010, <http://bit.ly/15CluUe>.

⁵⁶ “Globovisión Supera los 2 Millones de Seguidores en Twitter, Líder entre los Medios Venezolanos en la Red, [Globovision Exceeds 2 Million Followers on Twitter], *Globovision*, January 15, 2013, <http://bit.ly/Uoj6Nh>.

⁵⁷ Marjuli Matheus, “Venezuela es el 13º País Más Activo en Twitter,” [Venezuela is the 13th Most Active Country on Twitter] *Últimas Noticias* online, January 7, 2013, <http://www.ultimasnoticias.com.ve/movil/noticia.aspx?idnota=119935>.

⁵⁸ Government of Hugo Chávez, *Red Vergataria* (blog), accessed January 14, 2013, <http://www.redvergataria.com/>; See also: (1) Rachel Glickhouse, Explainer: Twitter in Latin America, Americas Society/Council of the Americas, January 18, 2013.

<http://bit.ly/YdKylj>; (2) Americas Society/Council of the Americas, Digital Policy Council’s World Leaders on Twitter Ranking Report, December 2012, <http://bit.ly/TFkEBS>; (3) Anais Lucena, “Lanzamiento de Red Social ‘Vergataria’ en Twitter se Efectuó desde el Zulia” [Launch of Social Networking ‘Vergataria’ on Twitter was Made from Zulia State], *Radio Mundial*, October, 27, 2011, <http://bit.ly/uJFZ1J>; (4) *Patria Grande*, “Colectivos de Telecomunicaciones Lanzas @redvergataria para Organizacion Politica” [Collective @redvergataria Telecommunications to Throw Political Organization] October 10, 2011, <http://bit.ly/mRxFXN>.

⁵⁹ Comment on the Twitter page of a political journalist: “Until recently in the social networks *majunchismo* had certain hegemony,” <https://twitter.com/nerdysinperro/status/196247112772616194>; See also: Diario ABC, “Chávez, Un Año de Enfermedad,” [Chávez, A Year of Illness] Madrid, May 31, 2012, <http://bit.ly/IR8OPJ>.

an occurrence which the opposition described as a coup⁶⁰—*Voluntad Popular* and other emerging political parties have begun to use social media to disseminate party news and to mobilize their supporters. Online campaigning by the opposition appears to be effective: in presidential elections, states with high internet penetration rates showed a higher proportion of votes in favor of the opposition, while in areas with low internet penetration, there was a higher proportion of votes in favor of the government candidate.

Chávez and his supporters have sought to gain the upper hand in a variety of ways, sometimes acting openly and fairly, but at times also resorting to opaque, manipulative tactics. Vice President Nicolás Maduro has clearly stated the government's assertive position, saying: "If lies come through Twitter we are going to strike back through Twitter."⁶¹ The most recent Twitter controversy occurred after the disputed April 2013 presidential election. National Assembly deputy Pedro Carreño blamed ensuing violence on posts published to Twitter, and subsequently announced a bill to regulate social networking.⁶² It remains to be seen exactly what sort of regulations would be contained in such a bill, and whether it would, indeed, be passed.

In April 2010, President Chávez opened his own Twitter account, @Chavezcandanga, which allowed him to connect to the Venezuelan people (and according to one opposition candidate, to make a mockery of the nation by ruling via Twitter⁶³) after beginning treatment for cancer in Cuba in mid-2011.⁶⁴ By November 2012, Chávez had nearly four million followers, the largest number for any Venezuelan;⁶⁵ his popularity places him at the top of the list of most influential politicians on Twitter, second only to Barack Obama.⁶⁶ Following the creation of a presidential Twitter page, the government began an official campaign to increase Chavez's following, rewarding the 4 millionth follower with a house.⁶⁷

In order to counter rumors about Chávez's health, which gained momentum in the absence of an independent medical report, progovernment digital communications specialists created an information vacuum that was filled with official updates from a single source. Real-name and anonymous tweeters with high numbers of followers then propagated rumors to contrast official updates.⁶⁸

⁶⁰ "Ledezma: El oficialismo Dio un Golpe al Presidente Chávez" [Ledezma: The Ruling Gave a Blow to President Chávez], *El Universal* online, January 13, 2012, <http://bit.ly/18ezy9K>.

⁶¹ Daniel Pabón, "El Vacío Informativo Entrampa a Twitter en Estridentes Rumores" [The Information Vacuum Filled by Rumors from Twitter], *El Carabobeño*, January 9, 2012, <http://bit.ly/Xk2pmz>.

⁶² Últimas Noticias, May 8, 2013, "Pedro Carreño Anuncia que Hablará con Twitter por Violencia Postelectoral" [Pedro Carreño Announced that Twitter had Spoken of Post-Election Violence], <http://bit.ly/11iwwBo>.

⁶³ EFE, "Capriles Critica a Chávez y Dice que 'Gobernar por Twitter' es una 'Burla,'" [Capriles Criticizes Chávez and Says that 'Rule by Twitter' is a 'Mockery'] *Univision Noticias* online, April 22, 2012, <http://bit.ly/19ehpWv>.

⁶⁴ Ezequiel Minyaya, "When Chávez Tweets, Venezuelans Listen," *Wall Street Journal*, April 25, 2012, <http://on.wsj.com/KbY2RI>

⁶⁵ A. Leff, "Does Chávez Govern by Twitter?" *Globalpost*, May 4, 2012, <http://bit.ly/1R4NhO>.

⁶⁶ *El Mundo*, "Chávez es el Segundo Político del Mundo Más Influyente en Twitter," [Chávez is the World's Second Most Influential Politician in Twitter] January 3, 2013, <http://bit.ly/ZfChOd>.

⁶⁷ *Diario El Siglo*, "Una Casa a Para La Seguidora Cuatro Millones de @chavezcandanga," [A Home for Four Millionth Follower @chavezcandanga], *Diario El Siglo* online, February 18, 2013, <http://bit.ly/17dcAjl>.

⁶⁸ Daniel Pabón, "El Vacío Informativo Entrampa a Twitter en Estridentes Rumores" [The Information Vacuum Filled by Rumors from Twitter], *El Carabobeño*, January 9, 2012, <http://bit.ly/Xk2pmz>.

In light of the government's increased use of social media, members of the public have occasionally complained of the ruling party using state resources and programs to promote a partisan ideology via ICTs. On Christmas Eve 2011, a text message in Chávez's name was sent to more than 27 million mobile phone subscribers, encouraging people to celebrate "our unstoppable march towards a Good and Pretty Country." Although there are no laws restricting such communications, critics complained that forcing mobile phone companies to disseminate partisan propaganda was an abuse of power.⁶⁹ In another case, the Canaima Education project, under which the government agreed to supply over two million laptops to elementary school children, came under criticism with allegations that the computers contained content for parents that blatantly promoted Chávez's political ideology.⁷⁰

Manipulation of online content by the ruling party and its supporters has compromised the atmosphere of free online debate of sociopolitical issues. Such careful management of content has included steering conversations along progovernment lines, hacking, discrediting opposition voices via Twitter impersonations, and encouraging self-censorship. In addition to suspicions that paid government commentators have been directing the trajectory of online discussions, allegations have surfaced of the government attempting to influence online news coverage by manipulating the allocation of advertising. Progovernment media have also reported that the government allocates advertising to digital outlets run by figures of the opposition in order to influence the editorial line of critical media.⁷¹

VIOLATIONS OF USER RIGHTS

In Venezuela, there are many avenues by which bloggers, journalists, and private citizens can be punished for content posted online. The Venezuelan Constitution prohibits anonymity, and vague language in the penal code encourages self-censorship. Despite these provisions, however, government opposition and independent bloggers are active on social media platforms. In 2012 and 2013, such expression was met with increased physical and technical violence extending to harassment, intimidation, detentions, and cyberattacks. Digital impersonations are also on the rise, and have compromised the integrity of a number of websites and digital identities.

Freedom of speech and freedom of the press are constitutionally guaranteed in Venezuela, and a 1999 provision requires the State to provide public access to ICTs.⁷² Despite these positive commitments, however, various laws and decrees have been used to undermine online freedom

⁶⁹ *Noticiero Digital*, "Telefonicas Asumieron Costo del Mensajito Navideno Presidencial" [Telephone Companies Assume Cost of Presidential Christmas Message], *Noticiero Digital* online, December 28, 2011, <http://bit.ly/uGGQQ3>; *Devils Excrement* (blog), "Hugo Chávez' Christmas Spam to all Venezuelans," December 27, 2011, <http://bit.ly/uAvEkr>.

⁷⁰ Canaima Educativo, "Venezuela Ensamblará 500 Mil Computadoras Para Proyecto Educativo" [Venezuela Assembles 500,000 Computers for Educational Project], October 4, 2011, <http://bit.ly/1azjWck>; See also: Ariana Guevara Gomez, "Ideologización: Las 'Canaimitas' Fomentan el Culto a la Figura del Líder" [Ideology: The 'Canaimitas' Promote the Cult Figure of the Leader], *Reportero 24*, September 23, 2011, <http://bit.ly/nLwDgp>.

⁷¹ Aporrea.org, "Miguel Henrique Otero Forrado de Billete Proveniente del Estado, Como Copropietario de Noticias 24" [Miguel Henrique Otero Padded By Ticket of the State, As Part Owner of News 24], November 19 2012, <http://bit.ly/S9z6RE>.

⁷² Asamblea Nacional Constituyente, Constitution [in Spanish], March 24, 2000, 108:110 <http://bit.ly/tXiOk>.

and to restrict media. When coupled with CANTV's market dominance, the lack of institutional checks and balances in Venezuela makes it possible for the government to monitor and harass political opponents with impunity. Since 2001, the Supreme Court of Justice has passed down no fewer than 10 judgments curbing freedom of expression,⁷³ evidence of the Court's susceptibility to influence from the executive branch, particularly in regard to cases of political importance. A 2005 reform included significant restrictions on expression, especially in cases involving contempt or disrespect.

The 2001 Special Law against Information Crimes⁷⁴ and the 1991 Communications Privacy Protection Law⁷⁵ safeguard the privacy, confidentiality, inviolability and secrecy of communications and impose prison terms of up to six years on those who illegally intercept others' communications.⁷⁶ In 2012 and early 2013, however, there were numerous incidents of government opponents' communications being hacked, recorded, and manipulated with little response from the authorities on the part of the victims. Information obtained via such privacy breaches has been published in state-run media, indicating possible government involvement.⁷⁷

During its tenure, the Chavez government was highly proactive in its pursuit of greater media control. In December 2010, the National Assembly was due to be replaced with a newly elected chamber containing a substantial opposition presence.⁷⁸ In its final days, the outgoing Assembly passed 16 legal decrees that increased regulation of media. The Resorte Law was extended from print to online and electronic media; and the Law of Telecommunications that deemed ICTs to be of public rather than general interest, was amended, rendering ICTs subject to greater state control.⁷⁹ The Assembly also delegated its powers to the president for 18 months, granting him the authority to legislate by decree in multiple areas, including ICTs.⁸⁰ When freedom of expression advocates demanded to participate in the lawmakers' deliberations, they were harassed and assaulted by government supporters at the doors of the chamber.⁸¹

The vague language used in the penal code also lays the groundwork for self-censorship both online and offline, criminalizing the dissemination of "false information," with punishments of two to five

⁷³ Juan Francisco Alonso, "Jueces Buscan Limitar Libre Expresión" [Judges Seek to Limit Free Speech], *El Universal* online, August 21, 2010, http://politica.eluniversal.com/2010/08/21/pol_art_jueces-buscan-limit_2012844.shtml.

⁷⁴ The National Assembly, Special Law Against Cybercrime [in Spanish], accessed January 7, 2013, <http://bit.ly/gmLBCi>.

⁷⁵ For the full law on Protection of Communications Privacy, see Biblioteca Susuerte: <http://bit.ly/15Ck5Nv>.

⁷⁶ "Ley sobre Protección a la Privacidad de las Comunicaciones" [Law on Protection of Communications Privacy], see Biblioteca Susuerte: <http://bit.ly/15Ck5Nv>.

⁷⁷ Gregorio Salazar, "Under Chávez: Media Harassed with Online Hacking, Phone Tapping and Censorship," *Sampsonia Way* online, January 23, 2012, <http://bit.ly/xZWdVg>.

⁷⁸ Sara Carolina Díaz, "En 15 Días Asamblea Aprobó 16 Leyes" [In 15 Days, Assembly Passes 16 Laws], *El Universal* online, December 19, 2010, http://www.eluniversal.com/2010/12/19/pol_art_en-15-dias-asamblea_2141341.shtml.

⁷⁹ "Ley Organica de Telecomunicaciones," [Organic Law of Telecommunications] Scribd, accessed January 13, 2013, <http://www.scribd.com/doc/45293016/Nueva-Ley-Organica-de-Telecomunicaciones>.

⁸⁰ "Texto de la Ley Habilitante Entregada al la AN" [Text of the Enabling Act Submitted to the National Assembly], *El Universal* online, December 14, 2010, http://www.eluniversal.com/2010/12/14/pol_esp_texto-de-la-ley-habi_14A4853573.shtml.

⁸¹ Juan Francisco Alonso, "Reclaman procesar a agresores de activista de DDHH" [Prosecution Demanded for Aggressors of Human Rights Activist], *El Universal*, December 18, 2010, <http://bit.ly/etbhad>; See also: *Todos en Red* (blog) "Esperamos Respuesta Oportuna de AN a Documento Por una Internet de Contenido Libre" [Hopes For a Timely Response by AN to a Document for Free Internet Content] December 17, 2010, <http://bit.ly/i59ymL>.

years in prison.⁸² Article 147 of the penal code stipulates that defamation of the president is punishable by 6 to 30 months in prison, while Article 148 stipulates that offenses against lower-ranking officials carry lighter punishments.⁸³ Given that the internet is classified as a channel of mass distribution of information, some violations of the penal code (such as defamation or incitement of hatred or rebellion) may be considered more severe online than in other media forms.⁸⁴

Detentions of Twitter users and citizen journalists have not been uncommon in past years, however, one particularly notable case made headlines in late 2012 and early 2013. In response to the emergence of anonymous Twitter profiles with supposedly confidential information regarding President Chávez's health, Mario Silva (@LaHojillaTV), a popular pro-government newscaster from state-run VTV, began a campaign to uncover the identities of those responsible for the posts. Silva's investigation resulted in a raid on the house of Federico Medina Ravell, cousin of Alberto Federico Ravell (of pro-opposition news site *La Patilla*).⁸⁵ In response to allegations that he had authored posts questioning the president's health (@LucioQuincioC), Venezuelan intelligence officers confiscated several of Federico Medina Ravell's computers and reportedly detained, interrogated, beat, and threatened his family.⁸⁶ Following the public prosecutor's allegations that he had "instigated terrorism through social networks,"⁸⁷ Ravell was fired by his employer, Mercedes Benz, reportedly under intense pressure from the Chávez regime.⁸⁸ Activist groups have interpreted these actions as a clear attempt to curb freedom of expression.⁸⁹ Ravell is now seeking political asylum in the United States.⁹⁰

The Venezuelan constitution explicitly prohibits anonymity, a rule that applies to all media.⁹¹ While there are few safeguards in place to limit security agencies' access to user data and private communications, National Assembly deputies from the ruling party have reported complaints from law enforcement agencies that only state-owned Movilnet provides information with immediacy.⁹² Despite the provision against anonymity, customers at cybercafes are not required to present

⁸² Gaceta Oficial, "Summary of the National Assembly" [in Spanish], Gaceta Oficial No. 5.763 (March 16, 2005) http://www.tsj.gov.ve/gaceta_ext/marzo/160305/160305-5763-01.html.

⁸³ *Sumate*, "Respeto a la Libertad de Expresión: ¿Limita el Código Penal la Libertad de Expresión?" [Respect for Freedom of Expression: Does the Penal Code Limit Freedom of Expression?], *Sumate* online, accessed August 22, 2012, http://infovenezuela.org/democracy/cap4_es_2.htm.

⁸⁴ Rafael Martínez, "Twitter: Esos Malditos 140 Caracteres" [Twitter: Those Damned 140 Characters], *SoyRafael.com* (blog), February 22, 2010, <http://www.analitica.com/va/sociedad/articulos/9309847.asp>; See also: Article 285 of the Penal Code.

⁸⁵ *La Verdad*, "Sebin Busca a Tuitero que Habla Sobre la Salud del Presidente" [Sebin Searches for Twitterers Talking about the Health of the President], *La Verdad* online, January 7, 2013, <http://bit.ly/TGAUUC>.

⁸⁶ LucioQuincioC, Twitter post, January 8, 2013, <https://twitter.com/LucioQuincioC/status/288668104987406337/photo/1>.

⁸⁷ *La Patilla*, "Fiscalía Investiga Supuesta Instigación al Terrorismo a Través de Twitter" [Prosecutor Investigates Alleged Incitement to Terrorism through Twitter], *La Patilla* online, January 8, 2013, <http://bit.ly/ZlPnV8>.

⁸⁸ "Why Did Mercedes-Benz Fire an Anti-Chávez Political Activist?" *The Commentator*, April 21, 2012, <http://bit.ly/ldeVwM>.

⁸⁹ Care2 Petition Site, "Venezuela, Stop Censorship!" Accessed February 26, 2013, <http://bit.ly/13EDHDI>.

⁹⁰ Raheem Kassam, "Interview: The Man who Chávez Wants Dead," *The Commentator* online, January 9, 2013, <http://bit.ly/13gTma7>; See also: Chris Miles, "Blogger Federico Medina Ravell has His Home Raided by Intelligence Officials for Spreading Rumors about Chávez," *PolicyMic*, January 2013, <http://bit.ly/19eh5qI>.

⁹¹ Article 57 establishes freedom of expression and freedom from censorship, but also forbids anonymity. Official site of The Supreme Court: <http://www.tsj.gov.ve/legislacion/constitucion1999.htm>.

⁹² "Presionan a Brindar Información Personal" [Pressed to Provide Personal Information], *Blackberry Vzla.com*, June 24, 2010, <http://www.blackberrylvzla.com/2010/06/presionan-brindar-informacion-personal.html>.

identification to gain internet access, nor are there any known cases in which cybercafe users' activities have been tracked.

The full scale of surveillance of users' communications applications in Venezuela remains unclear. According to one report, however, Venezuelan security agencies tapped more than one hundred phones over the course of one year, including those of opposition figures Maria Corina Machado, Henrique Capriles, Alberto Ravell, Aixa Lopez, Guillermo Zuloaga and Julio Borges.⁹³ Given that extralegal wiretapping of phones is common, many Venezuelans suspect that such surveillance extends to the online sphere as well. State representatives have also suggested that the government is capable of tracking down users of Twitter and other social media. In February 2011, when official news agencies were slow to release information about a fire on the premises of the *Companía Anonima Venezolana Military Industries (Cavim)*, details of the incident began to appear on Twitter and other social networks. A military commander subsequently warned that it was “technologically feasible” for the state to track down the origin of those messages and take action against those who had committed the crime of generating public anxiety; no arrests were made at the time, however.⁹⁴

In February 2013, Venezuela's social media tracking campaign experienced renewed vigor after Nestor Reverol, Minister of Interior and Justice, reported that intelligence services would “follow” instigators of an alleged “destabilization plan” seeking to cause panic and chaos among users of social media.⁹⁵ Following this announcement, two suspected hackers were arrested for “attempting to undermine the institutional order of Venezuela.” The suspects, who were arrested after illegally accessing government webpages and revealing vulnerabilities in the security of state governmental systems, were members of the group *Venezuelan Hackers (@VenezuelanH)*.⁹⁶ In April and May 2013, *Venezuelan Hackers* published accounts of its recent activities—including infiltrating the websites of Venezuelan State Airline *Conviasa*, state-owned *CANTV*, and additional government sites, such as the National Institute of Hygiene—on its Twitter account.⁹⁷ The arrests, which were highly publicized, underscored the media tracking campaign and served as a warning to others who might be considering subversive activities online.

In early March, after Chávez's death, Lourdes Alicia Ortega Perez was arrested for “spreading false information” via Twitter. She was released one week later, but is required to make monthly court

⁹³ Analisis24, “Venezuela: El Ultra Secreto ‘CASO 1’ que Genero Zozobra en el Gobierno de Hugo Chávez” [The Top Secret “CASE 1” which Generated Anxiety in the Government of Hugo Chávez], Analisis24.com, January 20, 2013, <http://bit.ly/WiNbxq>.

⁹⁴ “Sebin y DIM Investigarán Mensajes de Twitter sobre Caso Cavim,” [DIM Investigates Sebin and Twitter Messages about Cavim Case], *Espacio Publico* online, February 2, 2011, <http://bit.ly/fcRg6p>.

⁹⁵ “Reverol: El Cicpc Investiga Mensajes Desestabilizadores en Redes Sociales,” [Reverol: The Cicpc Investigates Destabilizing Messages on Social Networks], *El Nacional* online, February 20, 2012, <http://bit.ly/13zL8r5>; Sebastiana Barraez, “Plan para El Control de La Prensa y La Oposición,” [Plan to control the press and opposition], *Código Venezuela.com*, February 15, 2013, <http://bit.ly/11LcJdl>.

⁹⁶ “Sebin Combate Los ‘Hackers’ que Intentan Vulnerar El Orden Institucional en Venezuela,” [Sebin Battles “Hackers” who Try to Undermine The Constitutional Order in Venezuela], *Noticias24* online, February 9, 2013, <http://bit.ly/TZwKIS>.

⁹⁷ “Hackearon la Página Web de Cantv.net” [Website of Cantv.net Hacked], *El Universal* online, April 21, 2013, <http://bit.ly/16A8B3a>; See also: Apertura Venezuela, “Hackean Página Web de Conviasa” [Conviasa Hacked Website], *El Universal* online, May 12, 2013, <http://bit.ly/ZB2xk8>.

appearances until further notice.⁹⁸ Perez's arrest echoes a spate of cases in 2010, when a number of Twitter users with few followers were arrested for "spreading false information" and "plotting to destabilize the government" under a measure that seems designed to generate self-censorship and fear.⁹⁹

Since 2005, CONATEL has required mobile phone operators to collect copies of their subscribers' identity documents, addresses, fingerprints, and signatures.¹⁰⁰ According to the Computer Crimes Act, this information must be delivered to state security agencies upon presentation of a judicial warrant. Service providers are also obligated to keep detailed logs of all calls, including the phone number and location of both the caller and the recipient. The Law Against Kidnapping and Extortion also necessitates that ICT providers and financial institutions supply data to prosecutors upon presentation of a judicial warrant.

Journalists and online activists have been subject to physical intimidation and attacks in recent years. The offices of civil society group Espacio Publico, which advocates for freedom of expression online, were burglarized twice in November 2011.¹⁰¹ Although there was no evidence of government responsibility, the authorities' slow investigation, despite the availability of security camera footage, raised suspicions that these were not random acts of violence.¹⁰²

Espacio Publico has repeatedly been the target of defamation campaigns in state-run media. Several days after the second attack, Luis Carlos Díaz, a respected journalist known for teaching cyberactivism workshops throughout the country, began receiving anonymous threats by phone and Twitter.¹⁰³ Leonardo León, journalist and press coordinator of Universidad de Los Andes' radio station, and Alonso Moleiro, journalist and Unión Radio announcer, have also been victim to intimidation and threats via Twitter.¹⁰⁴ Moleiro received death threats from another Twitter user after mentioning the severity of President Chávez's illness.¹⁰⁵ In May 2012, the headquarters of *Qué*

⁹⁸ "Detienen a Tuitera por Generar Rumores Desestabilizadores" [Twitter User Was Arrested for Generating Destabilizing Rumors], *La Patilla* online, March 13, 2013, <http://bit.ly/WnBZBY>.

⁹⁹ Urribarrí, Raisa, "El Año en que Tuiteamos en Peligro" [The Year We Tweeted in Danger], *Periodismo en Línea* online, November 15, 2010, <http://periodistasandinos.blogspot.com/2010/11/el-ano-en-que-tuiteamos-en-peligro.html>.

¹⁰⁰ Gaceta Oficial No. 38.157, April 1, 2005, <http://www.tsj.gov.ve/gaceta/abril/010405/010405-38157-20.html>.

¹⁰¹ Natalia Mazotte, "Back-to-Back Robberies, Slow State Response Suspicious, Says Venezuelan Freedom of Expression NGO," Knight Center for Journalism in the Americas, *Journalism in the Americas* (blog), November 30, 2011, <http://bit.ly/JMn5Ln>; "Freedom of Expression NGO Robbed," ifex.com, November 23, 2011, <http://bit.ly/spu1tb>.

¹⁰² Letter from Bernardo Alvarez Herrera, "Venezuela Debe Terminar con la Campana Contra Prestigioso Defensor de Derechos Humanos," [Venezuela Must End the Campaign Against Prestigious Human Rights Defender] Human Rights Watch, August 19, 2010, <http://bit.ly/16A7Dnr>; Reporters Without Borders, "Authorities Drag Heels in Investigation of Two Burglaries at Offices of Free Speech NGO," IFEX, December 5, 2011 http://www.ifex.org/venezuela/2011/12/05/second_robbery/; "Roban por Segunda Vez Sede de Espacio Publico," [Stolen for a Second Time at the Headquarters of Espacio Publico] *El Universal* online, November 26, 2011, <http://bit.ly/rKifHn>.

¹⁰³ Natalia Mazotte, "Twitter Becoming a Common Way to Threaten Journalists in Venezuela," Knight Center for Journalism in the Americas, *Journalism in the Americas* (blog), November 28, 2011, <http://knightcenter.utexas.edu/en/blog/twitter-becoming-common-way-threaten-journalists-venezuela>; Natalia Mazotte, "Online Attacks Against Reporters in Venezuela become latest form of censorship (Interview)," Knight Center for Journalism in the Americas, *Journalism in the Americas* (blog), January 18, 2012, <http://bit.ly/HTT5gr>.

¹⁰⁴ Instituto Prensa y Sociedad (Ipys), "Amenazan a Periodista a Través de Twitter" [Journalists Threatened via Twitter], Ipys.com, October 1, 2012, <http://www.ipys.org.ve/alerta?id=3005>.

¹⁰⁵ Instituto Prensa y Sociedad (Ipys), "Venezuelan Journalist Gets Death Threats after Tweeting about Chávez," ifex, December 2012, http://www.ifex.org/venezuela/2012/12/17/moleiro_threats/.

Pasa (What's Up), a digital newspaper critical of the Chávez regime, was attacked with a grenade.¹⁰⁶ The perpetrators are still unknown.

In March 2013, a group of renowned journalists, writers, and humorists, such as Milagros Socorro, Rayma Supriani, Leonardo Padrón, and Laureano Márquez—all of whom had recently been attacked on social networks—began experiencing harassment and threats over their cell phones, via press publications, and on national television programs.¹⁰⁷ Naibet Soto and Luis Carlos Díaz, two bloggers who are well known in the cybersphere for their creation of Google pages dedicated to discussing the political situation in Venezuela, have also suffered harassment by government supporters following Chavez's death.¹⁰⁸

In recent years, journalists and opposition figures have been subject to periodic waves of hacking and impersonation attacks. In August 2011, the blogs and Twitter accounts of at least two-dozen government critics and other prominent figures were hacked, hijacked, and used to disseminate progovernment messages. Among those targeted in the waves of cyberattacks occurring in late 2011 and 2012 were journalists, artists, economists, activists, and opposition politicians, including the Miranda State governor and presidential candidate Henrique Capriles Radonsky.¹⁰⁹ In some cases, the pro-government nature of the messages was palpable and immediately raised suspicions that a particular account had been compromised. But in other instances, the hackers' approach was more cunning.

Examples included a statement by the usually critical economist Jose Guerra suddenly praising the president's price control policy; supposed criticism by the opposition-linked pollster Luis Vicente Leon regarding one of the opposition's own presidential candidates; and threatening comments towards other users wrongfully attributed to political activist Luis Trincado and journalist Marianela Balbi, Executive Director of the Press and Society Institute of Venezuela. Email accounts associated with activists' Twitter feeds or blogs have also been compromised, and the contents of several blogs have been erased.¹¹⁰ In February 2013, the Twitter account @radaremergencia and the blog "Radar de los Barrios," both of which belong to Venezuelan journalist Jesús Torrealba, were hacked for the second time. The accounts were commandeered to issue tweets with a strong political bent and to insult Torrealba.¹¹¹

¹⁰⁶ Natalia Mazzote, "Periódico Digital Venezolano es Atacado con una Granada," [Digital Venezuelan Newspaper is Attacked with a Grenade], Knight Center, *Journalism in the Americas* (blog), June 6, 2012, <http://bit.ly/LjmTji>.

¹⁰⁷ "Continúan las Agresiones a Periodistas" [Attacks on Journalists Continue], *Espacio Público* online, March 19, 2013, <http://bit.ly/WJpXnV>.

¹⁰⁸ Naibet Parra, "Estado General de Sospecha" [General state of suspicion], *Zaperoqueando* (blog), March 26, 2013. <http://zaperoqueando.blogspot.com/2013/03/estado-general-de-sospecha.html>.

¹⁰⁹ Adriana Prado, "Pro-Chávez Hackers Steal Twitter Passwords from Venezuelan Journalists," Knight Center for Journalism in the Americas, *Journalism in the Americas* (blog) September 13, 2011, <http://bit.ly/qiZg8J>; Natalia Mazotte, "More Venezuelan Opposition Journalists' Twitter Accounts Hacked," Knight Center for Journalism in the Americas, *Journalism in the Americas* (blog) February 1, 2011, <http://bit.ly/xoOTNS>; "Hackean la Página Web de la Gobernación de Miranda" [Web Page of the Government of Miranda Hacked], *La Patilla* online, February 12, 2012, <http://bit.ly/yGialZ>.

¹¹⁰ "Continúan los Ataques Informáticos en Twitter y Gmail," [Cyber Attacks Continue on Twitter and Gmail], *Espacio Público* online, November 25, 2011, <http://bit.ly/uLN8JL>.

¹¹¹ *Espacio Público* "Hackean La Cuenta @radaremergencia y El Blog Radar de Los Barrios,"[@ radaremergencia Twitter Account and Radar de Los Barrios Blogs Hacked], *Espacio Público* online, February 21, 2013, <http://bit.ly/1bRpwiO>.

In February 2012, online activists took matters into their own hands in response to the Twitter hackings, launching what they called Operation BAS (short for Operation Block and Spam).¹¹² Complaints to Twitter resulted in the suspension of several dozen allegedly compromised accounts. Observers noted, however, that accounts belonging to genuine Chávez supporters, not paid commentators, were among those targeted, and that the campaign thus posed a restriction to freedom of expression.¹¹³

It remains unclear whether the government is directly behind Twitter usurpations and other forms of cyberattack. Although a group of hackers calling itself N33 has taken responsibility for the attacks, some also suspect government involvement.¹¹⁴ N33, which has been given air time on state-run TV, claims that it supports the president but does not act at the behest of the government. Editor of opposition news site *Codigo Venezuela* (and recent victim of hacking) Milagros Socorros, however, received an e-mail from an anonymous sympathizer who claimed otherwise. The informant, who claimed to work at the Ministry of Science and Technology, reported that an entire floor of the ministry is devoted to following and hacking opposition activists' online communications. To date, the allegation remains unconfirmed and prosecutors have ignored requests from victims to launch an investigation.¹¹⁵

Several web pages of governmental organizations also suffered cyberattacks in 2012 and 2013.¹¹⁶ Ernesto Villegas, Minister of Communication and Information, denounced the creation of fake accounts on the social network Twitter, one allegedly belonging to him and others created by hackers impersonating president Chávez's daughter, President of the Central Bank Nelson Merentes, and popular progovernment TV star Winston Vallenilla.¹¹⁷ Villegas called on his followers to block the accounts and report them as spam.¹¹⁸

In May 2012, the N33 hacking group named Alberto Federico Ravell, editor of popular news portal *La Patilla*, as an important future target.¹¹⁹ A few weeks later, *La Patilla* reported that it had

¹¹² *6toPoder*, "Operación BAS ha Suspendido un Centenar de Usuarios que Violan las Normas de Twitter" [Operation BAS Has Suspended a Hundred Users who Violate the Rules of Twitter], *6toPoder* online, March 11, 2012, <http://bit.ly/AtiKYy>.

¹¹³ Luis Carlos Díaz, "El Descubrimiento de la Multitud," [The Discovery of the Crowd] *Periodismo de Paz* (blog), April 3, 2012, <http://www.periodismodepaz.org/index.php/2012/03/04/el-descubrimiento-de-la-multitud/>.

¹¹⁴ Laura Vidal, "Venezuela: Government opponents' twitter accounts hacked" *Global Voices Online* (blog), December 5, 2011, <http://globalvoicesonline.org/2011/12/06/venezuela-government-opponents-twitter-accounts-hacked/>.

¹¹⁵ Francisco Toro, "Hack a Mole," *International Herald Tribune*, Latitude (blog), November 28, 2011, <http://nyti.ms/tUajph>.

¹¹⁶ "Páginas Web de Diversos Organismos Gubernamentales Sufren Ataque Informático" [Websites of Various Government Agencies Suffer Hacking Attacks], *Espacio Público* online, August 28, 2012, <http://bit.ly/OtNDb0>.

¹¹⁷ "Villegas Denuncia Cuenta Falsa de Nelson Merentes" [Villegas Denounces False Twitter Account of Nelson Merentes], *Últimas Noticias* online, February 10, 2013, <http://bit.ly/15BPtko>; "Hackean Cuenta Twitter de Winston Vallenilla con Mensaje Falso Sobre la Salud del Presidente Chávez" [Winston Vallenilla Twitter Account Hacked with False Message about the Health of President Chavez], *Globovisión*, February 13, 2013, <http://bit.ly/WnP4i>.

¹¹⁸ "Ministro Villegas Denuncia Falsa Cuenta suya en Twitter" [Minister Villegas Denounces False Report on his Twitter Account], *Últimas Noticias* online, January 9, 2013, <http://bit.ly/1bhtYo8>.

¹¹⁹ Adriana Prado, "Pro-Chávez Hackers Steal Twitter Passwords from Venezuelan Journalists," Knight Center for Journalism in the Americas, September 13, 2011, <http://bit.ly/qi7g8J>; Juan Carlos Figueroa, "Hacker del n33 Advierte: La Joya de la Corona es Alberto Ravell" [Hacker warns of N33: The jewel in the Crown is Alberto Ravell], *El Tiempo*, September 7, 2011, <http://bit.ly/oZIKxe>.

successfully fended off an intense cyberattack,¹²⁰ however during the October 2012 electoral weekend the site suffered continuous DDoS attacks.¹²¹

Cyberattacks, impersonations, and blocking all intensified on the day of the presidential election. The Twitter accounts of political activists Ricardo Ríos and Carlos Valero, as well as that of Humberto Prado (director of NGO Observatorio Venezolano de Prisiones), were all compromised on election day, as was the account of Ricardo Koesling, general secretary of political opposition party *Piedra*. The account of well-known singer Oscar De León was also appropriated and used to comment on voting abstention.¹²² Problems accessing news sites such as *Noticiero Digital* (Digital News) and *Globovisión* (which registered a general failure of its servers) were also reported on the day of the election. Weekly newspaper *6to poder* (Sixth Power) reported the blocking of its website by CANTV during the count of electoral votes; Ismael García, a well-known opposition deputy who runs a political show, also noted the disabling of his personal website.¹²³

Cyberattacks and blockings also gained vigor surrounding questions of President Chavez's health. After his return to the country in February 2013, a group identifying itself as "Anonymous Venezuela" and demanding to know the truth about the president's health attacked the websites of several military branches.¹²⁴ In early 2013, Venezuelans accused state telecom CANTV of blocking access to *Cuba Diary* and *Apporea* in order to maintain secrecy surrounding the president's health.¹²⁵

Several victims of cyberattacks and digital identity theft have filed complaints with the authorities, yet as of May 2013 state bodies have neither launched an official investigation nor condemned the attacks. The lack of response has led prominent civil society figures to take matters into their own hands, holding a press conference and publishing an open letter denouncing the attacks as part of a government-endorsed policy of "computer terrorism."¹²⁶ Among the group's complaints is that although the Committee for Scientific, Penal and Criminal Investigations (CICPC) had successfully identified several perpetrators, the investigation was halted and the lead investigator was relieved of his duties.¹²⁷

Illegal intrusion into computer systems is classified as a criminal offense according to the Special Law Against Cybercrime, which condemns the access, interception, destruction, sabotage, modification, alteration, espionage and disclosure of any private information found in information

¹²⁰ "La Patilla Informa a Sus Lectores sobre Ataque a Su Plataforma" [La Patilla Informs its Readers about Attack on its Platform], *La Patilla* online, October 1, 2011, <http://bit.ly/o8Gd88>.

¹²¹ Reference was collected by personal interview with a La Patilla source on condition of anonymity.

¹²² "Ataques Informáticos Sacuden las Redes Sociales en el País" [Hacking Shakes Social Networks in the Country], *Espacio Público* online, October 16, 2012, <http://bit.ly/15Az8pL>.

¹²³ "Ataques Informáticos Sacuden las Redes Sociales en el País" [Hacking Attacks Shake Social Networks in the Country].

¹²⁴ "Hackean Páginas Militares Venezolanas y Exigen Saber qué Pasa con la Salud de Chávez," [Venezuelan Military Websites Hacked; Demands To Know What is Happening with Chavez's Health], *La Patilla* online, February 23, 2013, <http://bit.ly/XvxAKr>.

¹²⁵ *Journalism in the Americas* (blog), "Venezuela's State Telecom Accused of Blocking Access to Site Reporting on Chávez's Health," Accessed February 5, 2013, <http://bit.ly/11nCLUb>; See also: *Espacio Público* (blog), <http://bit.ly/18zL9kl>, and *Harioff* (blog): <http://twitter.com/harioff/statuses/303668574671745024>.

¹²⁶ Liderazgo y Vision Asociacion Civil, "Hackeados e Indignados Denunciaron el Terrorismo Informatico" [Hackers and Outraged Citizens Denounced Computer Terrorism], December 2, 2011, <http://bit.ly/164lnod>.

¹²⁷ "Denuncian 'Terrorismo Informatico' Impulsado por el Gobierno de Chávez" [Denouncing Computer Terrorism Driven by Chávez Government] *Globovision* online, December 2, 2011, <http://www.globovision.com/news.php?nid=210517>.

technology systems. Although the law specifies severe punishment for such crimes, extending to imprisonment and fines, no penalties have yet been imposed.¹²⁸ Taken together, these circumstances have led many observers to believe that the president or other top officials are either directly or implicitly supporting the attackers.¹²⁹

¹²⁸ “Espacio Público Exige al Estado Venezolano que Investigue y Sancione a los Responsables de los Ataques a Cuentas de Correo y Usurpación de Identidad en Redes Sociales,” [Espacio Público Demands that the Venezuelan State Investigate and Punish those Responsible for Attacks on Email Accounts and Identity Theft on Social Networks], *Espacio Público* online, February 1, 2012, <http://bit.ly/1bRp5F2>.

¹²⁹ Natalia Mazzote, “Ataques Digitales Contra Periodistas se Convierten en una Nueva Forma de Censura en Venezuela” (Entrevista a Luis Carlos Díaz) [Digital attacks against journalists become a new form of censorship in Venezuela (Interview with Luis Carlos Díaz)] Knight Center for Journalism in the Americas, January 2012.