

PUBLIC REPORT



FREEDOM OF EXPRESSION 2.0 TRANSGRESSED IN VENEZUELA 2017

A BRIEFING AND ASSESSMENT OF THE EVENTS THAT PREJUDICED
AND CRIMINALIZED FREEDOM OF EXPRESSION ON THE INTERNET
IN VENEZUELA IN 2017



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NGO REDESAYUDA

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IN VENEZUELA 2017

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2017

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A report by RedesAyuda

Freedom of expression 2.0 transgressed in Venezuela 2017

A briefing and assessment of the events that prejudiced and criminalized freedom of expression on the internet in Venezuela in 2017.

RedesAyuda

RedesAyuda, a nongovernmental organization, was born in 2014 in order to help promote and strengthen the creation of free and independent, human social networks, either digital or analog, as an indispensable tool to lobby for and advocate human rights in a democratic society.

RedesAyuda highlights include, *inter alia*: human rights, freedom of speech and expression, mass media, internet access, and capacity building of activists, leaders and advocates in the fields of digital security and information.

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Foreword

Whereas the United Nations (UN) enshrined “internet access as human right” under resolution A/HRC/20/L.13 of June 29, 2012, and based on the current state of affairs in Venezuela, where traditional media are increasingly harassed and pressurized by the government, thousand citizens have opted to keep abreast through social networks and internet portals. Government authorities have taken benefit from this situation to impose stiff controls and criminalize users’ expression of disgruntlement.

This paper analyzes selected cases occurred during 2017, including events, actions and policies where the views expressed on the internet 2.0 have been lambasted, as the new communication paradigms to intimidate and criminalize protest. Similarly, this paper is intended to show censorship on the internet and communications as a whole in Venezuela, as well as the State mechanisms to block social media, further restrict information and communications and perpetuate communications hegemony.

INDEX

EXECUTIVE SUMMARY	6
CHAPTER I: INTRODUCTION	7
CHAPTER II: CONTEXT	10
SOCIO-POLITICAL DEADLOCK IN VENEZUELA	11
CHRONOLOGY RECORD OF DIGITAL EVENTS	15
CENSORSHIP IN PLACE: LAWS ON FREEDOM OF EXPRESSION IN VENEZUELA, EFFECTIVE SINCE 2017	17
AVAILABILITY AND QUALITY OF INTERNET SERVICE SUPPLIERS	22
CHAPTER III: BREACH OF E-SECURITY	26
HACKING:	27
HACKING: WEBSITES, SOCIAL NETWORKS OF PUBLIC FIGURES	27
MILAGROS SOCORRO	27
MIGUEL PIZARRO	29
DELSA SOLÓRZANO	32
WWW.MERCADO LIBRE.COM	34
WWW.UNIDADVENEZUELA.ORG	34
ATTACKS:	35
DDOS OF MASS MEDIA AND NGO'S	35
WEBSITES: MASS MEDIA, NGO'S, POLITICAL PARTIES, PORTALS, <i>ET AL.</i>	37
HARASSMENT VIA TWITTER OF FORMER OMBUDSWOMAN GABRIELA RAMÍREZ	38
ARBITRARY INCRIMINATION OF DEMONSTRATORS VIA GOVERNMENT TWITTER ACCOUNT @PREISACICPC	38
NGO LABOTARIO DE PAZ DIRECTOR LEXYS RENDÓN, AND PROVEA GENERAL COORDINATOR RAFAEL UZCÁTEGUI	39
	40
HARASSMENT OF EDUARDO TORRES, AN ATTORNEY AT LAW WITH CENTER FOR PEACE AND HUMAN RIGHTS, CENTRAL UNIVERSITY OF VENEZUELA; INTI RODRIGUEZ, PROVEA COORDINATOR; FABRICIO BRICEÑO, A LEADER OF POLITICAL PARTY SOCIALISMO Y LIBERTAD, AND ARGENIS GONZÁLEZ AND AMILCAR MORALES, LEADERS OF POLITICAL PARTY VANGUARDIA POPULAR	40
CHAPTER IV: PREVAILING OVER CENSORSHIP	42
COLLABORATION AND PARTNERSHIPS OF NGO'S AND MASS MEDIA TO EXCHANGE AND RELEASE CENSORED INFORMATION	43
NGO'S AND MEDIA AWARENESS CAMPAIGN ON THE USE OF TOOLS AND APPLICATIONS TO OVERCOME DIGITAL CENSORSHIP	43
CHAPTER V: CONCLUSIONS AND FORECAST	45

EXECUTIVE SUMMARY

In Venezuela, where deterioration of democracy and freedom of expression is glaring, digital media and social networks play a key role as windows of information, dissemination and denunciation.

From 2007 onwards, communications hegemony has taken root after the shutdown of traditional mass media, such as TV channels and radio stations. This is the case for the shutdown of TV channel Radio Caracas Televisión (RCTV) in May 2007 on the basis of non-renewal of the concession, and the establishment of a network of community TV channels and radio stations where the dictatorship imposes and spreads its views and propaganda. Additionally, since 2016, the Venezuelan government has raked with gunfire against the internet with a view to grabbing and criminalizing freedom of speech and information.

We, at Redes Ayuda, record, study and track the cases of State criminalization of freedom of expression in social networks. Furthermore, Redes Ayuda takes note of the events of breach of digital security against public figures at odds with the government. Our paper elaborates on the current state of affairs in Venezuela, the power of the internet in a country going through a humanitarian, economic and political ordeal, as an alternative means to air the Venezuelan reality and highlight murky occurrences of transgression of freedom of expression, the right to information, and the right to free association. Our duty is to advocate and ensure the internet and its free and safe communications in Venezuela as a fundamental human right.

CHAPTER I: INTRODUCTION

Globalization and communications streamlining, including democratization of the radio spectrum all over the world cleared the way to the establishment of radio stations and TV channels and satellite broadcasting of programs around the globe. Internet arrived in the 1960's following an experiment of the United States Department of Defense in 1969, intended to exchange data among scientists and military men. The rest of the planet joined this network to establish what is known nowadays as the world wide web (www).¹

The United Nations (UN), on June 29, 2012, under resolution A/HRC/20/L.13 brought² forward internet access as a fundamental right. For its part, the United Nations Educational, Scientific and Cultural Organization (UNESCO) refers to freedom of expression as *"the cornerstone of democracy."* As a matter of fact, the UNESCO website <https://es.unesco.org/> states that freedom of expression *"is a fundamental human right enshrined in Article 19 of the Universal Declaration of Human Rights. Along with its corollaries of freedom of information and press freedom, freedom of expression serves as an enabler of all other rights"*³.

Thanks to the internet there is worldwide access to digital mass media. And because of their enormous influence in Venezuela, social networks, portals and information websites have settled down as useful tools to access information and as a window for freedom of expression, in light of the communications hegemony of state-run TV channels and radio stations.

In view of sociopolitical events in Venezuela in 2017, many people have turned to digital mass media to access information and exercise their right to freedom of expression. For this reason, the government and regulatory authorities resolved to enforce new laws intended to constrain the right to information and free expression. According to UNESCO, information access *"is in the hands of public entities."* Therefore, the Venezuelan government has a duty to further information access and freedom of expression on existing mass media. To the contrary, the government has enforced laws and set up mechanisms that regulate freedom of expression and the flow of communications in every aspect.

¹ VÁSQUEZ Jesús (2017) <<https://prezi.com/yrmveisxgvw1/internet-fue-el-resultado-de-un-experimento-del-departamento/>>.

² UN General Assembly (2012).

<http://ap.ohchr.org/documents/S/HRC/d_res_dec/A_HRC_20_L13.pdf>.

³ UNESCO "Freedom of expression: A fundamental human right on which all civil liberties rely" <<https://es.unesco.org/node/251188>>.

For UNESCO, information access *“is an integral part of the fundamental right to freedom of expression, as recognized by Resolution 59 of the UN General Assembly adopted in 1946, as well as by Article 19 of the Universal Declaration of Human Rights (1948⁴).”* Besides, abuse of authority makes room for arbitrary situations that prejudice and criminalize freedom of expression and jeopardize activists, journalists, politicians and other civil society stockholders.

This paper by RedesAyuda is aimed at describing and assessing the events of criminalization of freedom of expression and disruption of safe communications on the internet. It is also intended to show the repressive and sociopolitical contexts in the Venezuelan society with a direct impact on freedom of expression on the internet, safe and smooth communications and privacy, and the rights to information and free association.

This paper, covering from January 2017 through the date of release, records major events against individuals, NGO's, mass media and other information portals victim of hacking, digital harassment, illegal impersonation, and cyber-attacks, among others.

⁴ UNESCO “Access to public information.”

<http://www.unesco.org/new/es/office-in-montevideo/comunicacion-e-informacion/libertad-de-expresion/acceso-a-la-informacion-publica/>>.

CHAPTER II: CONTEXT

SOCIO-POLITICAL DEADLOCK IN VENEZUELA

In 2017, Venezuelans were subject to innumerable attacks on their fundamental rights, namely freedom of expression, personal integrity, sanctity of private communications, information access, food security, personal security, economic stability and health care. The latter was aggravated in default of medicines, resulting in progression of existing diseases and unmet expectations of any improvement. As claimed by the president of the Venezuelan Pharmaceutical Federation (Fefarven), Freddy Ceballos, during an interview with Unión Radio, *“in general, we have 85% of shortage of medicines”*⁵.

Furthermore, Venezuela stands out among the most insecure countries. *“NGO Observatorio Venezolano de Violencia (Venezuelan Violence Watch, OVV) reckoned 28,479 killings in 2016, that is, 91.8 murders in every 100,000 inhabitants”*⁶.

As regards economy, according to the International Monetary Fund (IMF), *“inflation will continue unleashed, expected to stand at 720% this year and up to 2,000% in 2018.”*⁷ In light of hyperinflation, the government announced wage increases on four occasions (January, May, July and September), boosting in turn the prices of goods and services against a backdrop of arrested domestic production and food shortage, and putting the cost of the household basic basket at VEB 2,938,277.19 in August 2017.

In addition to economic and health care concerns, in the first quarter of 2017, particularly on March 28-29, the Constitutional Chamber, Supreme Tribunal of Justice (TSJ) posted on its website judgments 155⁸ and 156⁹, whereby it takes up decision making related to lawmaking. In this way, the TSJ empowered the Venezuelan president to perform the functions of the National Assembly with an opposition majority elected in 2015 by direct, secret and universal voting.

⁵ CASTRO, Frederlin (2017). Pharmaceutical Federation: “Up to 85% of drugs shortage in Venezuela.” El Universal <http://www.eluniversal.com/noticias/economia/federacion-farmaceutica-venezuela-tiene-fallas-medicamentos-667825>.

⁶ MCDERMOTT, Jeremy & HARRISON-ALLEN, Camilla (2017). “Venezuela faces growing murder rate in 2017.” Observatorio Venezolano de Violencia <http://observatoriodeviolencia.org.ve/venezuela-se-enfrenta-al-aumento-de-homicidios-en-2017/>.

⁷ EFE (2017). “AN: Venezuela accrues 176% inflation so far in 2017.” El Nacional <http://www.el-nacional.com/noticias/asamblea-nacional/venezuela-acumula-inflacion-176-que-2017-191984>.

⁸ Constitutional Chamber, Supreme Tribunal of Justice: Judgment 155, dated March 28, 2017. <http://historico.tsj.gob.ve/decisiones/scon/marzo/197285-155-28317-2017-17-0323.HTML>

⁹ Constitutional Chamber, Supreme Tribunal of Justice: Judgment 155, dated March 28, 2017. <http://historico.tsj.gob.ve/decisiones/scon/marzo/197285-155-28317-2017-17-0323.HTML>

With respect to judgments 155 and 156 issued by the TSJ, Venezuelans took the streets to stage peaceful demonstrations against. In its report of August 03, 2017, NGO Observatorio Venezolano de Conflictividad Social (Venezuelan Social Conflicts Watch, OVCS) recorded "6,729 demonstrations in four months nationwide" from April 1 through July 31, 2017, accounting for 56 daily protests and with a death toll of 163.¹⁰

In its report on repression in Venezuela, NGO Foro Penal Venezolano (Venezuelan Criminal Forum, FPV) mentions arbitrary detentions: "a total number of 5,451 people were arbitrarily arrested from April 1 through October 31, 2017; 444 out of which remain behind bars." On the date of completion of the report, "40 people were released after pleading guilty for the incriminated charges (often times imposed by the court)."¹¹

On May 1, the Venezuelan president inked a call for a National Constituent Assembly (ANC). In reply, the opposition coalition Unified Democratic Panel (MUD) convened a plebiscite for July, including three questions:

1. *Do you refuse and disown a National Constituent Assembly?*
2. *Do you request the Bolivarian National Armed Forces to obey and defend the Constitution of 1999 and back the decisions of the National Assembly?*
3. *Do you approve the renovation of public powers in accordance with the Constitution, new elections and the establishment of a national unity government?*

The people's consultation was held on July 16, 2017, with a turnout of 7,535,259 voters. Nevertheless, the National Electoral Council (CNE) held on July 30 the election of constituent members, for a presumed total of 8,089,320 votes. According to OEV, voting was filled with irregularities, including, among others, unconsult, exclusive and discriminatory voting bases.

After the disclosure of the election results, Smartmatic,¹² the company entrusted with counting of electronic votes in Venezuela, argued that the CNE had added at least one million

¹⁰ OVCS (2017). "6,729 demonstrations in four months nationwide." Page 1.

<https://www.observatoriodeconflictos.org.ve/oc/wp-content/uploads/2017/08/Balance-protestas-4-meses-abril-julio-2017-RESUMEN.pdf>

¹¹ FPV (2017). "Report on State repression in Venezuela". Page 1. <https://foropenal.com/wp-content/uploads/2017/11/INFORME-REPRESION-OCTUBRE-2017.pdf>.

¹² A multinational corporation established in 2000, specialized in design and deployment of technology solutions oriented to help governments.

voters to final results. *“We cannot ensure the results of the National Constituent Assembly. We believe that data for the election was manipulated,”* Antonio Mugica, Smartmatic CEO¹³, said during a press conference in London on August 2, 2017.

Because of the wave of demonstrations, the ANC call and the response of opposition leaders, loads of information spread over domestic and foreign media. Hence, the Venezuelan president, through the National Telecommunications Commission (CONATEL), censored the following TV channels:

- Cable News Network (CNN): was removed from the grid of Venezuelan cable TV suppliers on February 15, 2017, upon a “punitive administrative proceeding” in relation to the investigation “Passports in the shadows.” The story dealt with a network of sale of Venezuelan visas and passports at the Embassy of Iraq to Middle East nationals in exchange for hefty sums of money. The story mentions Venezuelan Vice-President Tareck El Aissami.
- Radio Cadena Nacional (RCN) and Caracol Televisión: these Colombian TV channels were removed from the grid of Venezuelan cable TV suppliers on Tuesday, August 24, as instructed by the Venezuelan president. The reason was the coverage of the stay in Colombia of former Attorney General Luisa Ortega Díaz.

Censorship in TV channels and radio stations opened the doors to web news programs and social networks as major tools of information, to voice abuses and for free expression, with an increasing demand of Venezuelan users who migrated from traditional media to the 2.0 world.¹⁴ Blockades on portals and restrictions to freedom of expression ensued. This is the case of the Venezuelan web channel VivoPlay. After a live broadcast of a peaceful demonstration repressed by State forces, state-run telecommunications utility Compañía Anónima Nacional Teléfonos de Venezuela (CANTV), blocked the channel.

Noteworthy, Venezuelan journalists have been victim of attacks for news coverage and investigation during demonstrations.

¹³ El Nacional (2017). “Smartmatic claims manipulation in the election of the National Constituent Assembly.” <http://www.el-nacional.com/noticias/politica/smartmatic-denuncia-manipulacion-eleccion-constituyente_196658>.

¹⁴ It covers websites that allow for information exchange, inter-operationality, customized design and www collaboration. It enables users to interact and assist each other as contents creators in a virtual community.

Take, for instance, the case of Luis Olavarrieta, a journalist with Caraota Digital.¹⁵ Olavarrieta was assaulted by government-sponsored armed gangs known as collectives in West Caracas during coverage of the events in that area. This and many other cases of assault include the forced disappearance of Jesús Medina, a journalist with DolarToday¹⁶. Last November 2017, Medina and two colleagues released a report on Tocorón, a Venezuelan jail. Some days later, Medina was kidnapped by criminals and subsequently released 72 hours later. He was found on Caracas-La Guaira highway, naked and battered.¹⁷

Based on a record kept by the Press and Society Institute (IPYS), during the period of demonstrations, April-June 2017, there were “199 events of breach of freedom of expression, more than half out of which included physical attacks.”¹⁸ Furthermore, a report prepared by NGO Espacio Público (Public Space) recorded in January-April 2017, “191 events of violation of the human right to free expression, amounting to 261 violations, more than 200% relative to same period in 2016¹⁹.”

Espacio Público splits violations of freedom of expression into the following categories: “physical violence (intimidation, aggression and attacks),” totaling “130 violations of freedom of expression;” “institutional violence (censorship, court harassment, legal and administrative constraints),” for a total of “sixteen (16) media outlets with an impact on their regular circulation, attacks or blockade of information websites and orders to stop TV broadcasts for political-partisan reasons. A total of ten (10) news websites were assailed or blocked²⁰.”

“Curtailed coverage” is another token of violation of freedom of expression, according to the Espacio Público report. “In April 2017, 144 violations of the right to freedom of

¹⁵ Venezuelan information web portal. <http://www.caraotadigital.net/>.

¹⁶ Venezuelan-US media holding incorporated on May 18, 2010, run by Venezuelan residents in the United States, focused on Venezuelan politics and finances. <https://dolartoday.com/>.

¹⁷ El Panorama (2017). “Journalist Jesús Medina found battered on Caracas-La Guaira freeway.” <http://www.panorama.com.ve/sucesos/Hallan-golpeado-a-periodista-Jesus-Medina-20171106-0083.html>.

¹⁸ Press and Society Institute (IPYS) (2017). “More constraints and attacks on radio stations and journalists.” <http://ipysvenezuela.org/alerta/mas-restricciones-agresiones-medios-radiales-periodistas/>.

¹⁹ Espacio Público (2017). “January-April 2017 report: status of the right to freedom of expression in Venezuela.” <http://espaciopublico.org/informe-enero-abril-2017-situacion-derecho-libertad-expresion-venezuela/>.

²⁰ ¹⁸ Espacio Público (2017). “January-April 2017 report: status of the right to freedom of expression in Venezuela.” <http://espaciopublico.org/informe-enero-abril-2017-situacion-derecho-libertad-expresion-venezuela/>.

expression were recorded, accounting for 40% of the total number documented throughout 2016.” The NGO elaborates on the context of “speech violence (threats and verbal harassment), namely insults and demeaning of the press, regarded as a political opponent; 48 violations were counted in this context.”²¹

The events of assailment occurred in 2017 are immeasurable in every aspect. The worsening humanitarian, economic, social and health care plight in Venezuela has resulted in the exodus *en masse* of Venezuelans in search of a place able to ensure their fundamental rights, including the right to be informed and freely express their views. Nevertheless, human rights abuses go farther. Quite a few have had their passports withheld or nullified by migration authorities because of their political views, profession, activism and public image.

Note the case of journalist César Miguel Rondón and his wife, Floralia Anzola. They were detained in Maiquetía international airport, and their passports were made null and void upon no valid grounds.

Journalist and anchorman Román Lozinski was with the couple because all of them were heading to an event. “@cmrondon and Floralia are detained in the airport. Their passports were withheld. They (migration authorities) claim that their passports have been reported as missing,”²²Lozinski tweeted. Previously, regulatory authorities had used the same method against MUD Deputies Luis Florido and Williams Dávila.

CHRONOLOGY RECORD OF DIGITAL EVENTS

In addition to the socio-political predicament in Venezuela in 2017, multiple events occurred against freedom of expression, the right to information and the right to internet access, as evidence of the government abuse of authority and ongoing communications hegemony.

2017	
MONTH	DAY/ CASE
January	Wednesday 18 Hacking of social networks (Twitter and Facebook) of journalist Milagros Socorro.
February	Thursday 09 Hacking of Twitter account of Deputy Miguel Pizarro. Tuesday 14 Hacking of website of journalist Milagros Socorro. Wednesday 15 Removal of CABLE NEWS NETWORKS (CNN) from Venezuelan cable TV servers.
March	Saturday 08, Sunday 09, Monday 10

²¹ Espacio Público (2017). “January-April 2017 report: status of the right to freedom of expression in Venezuela.” <<http://espaciopublico.org/informe-enero-abril-2017-situacion-derecho-libertad-expresion-venezuela/>>

²² Runrunes (2017). “César Miguel Rondón detained in Maiquetía airport; his passport is nullified.” <<http://runrun.es/nacional/309780/retienen-a-cesar-miguel-rondon-en-maiquetia-y-anulan-su-pasaporte.html>>

	<p>DDoS of the following websites: Acción Solidaria PROVEA Caraota Digital El Pitazo El Correo del Caroní</p>
April	<p>Friday 07 Censorship of VivoPlay web transmission. Partnership broadcast of VivoPlay signal (Runrunes, Humano Derecho RadioEstación, Redes Ayuda, Tal Cual Digital, Efecto Cocuyo, Caraota Digital and Contrapunto).</p> <p>Friday 28 Venezuelan Minister of Communication and Information (MINCI), Ernesto Villegas, trumpets the establishment of "digital militias." Young Dan Zambrano is detained in Cagua for his tweets critic of the Venezuelan government.</p>
May	<p>Thursday 18 CONATEL director general Andrés Eloy Méndez tweets that "social networks are a danger and the main tool of non-conventional war."</p>
June	<p>Friday 02 CONATEL announces regulations on social networks.</p> <p>Monday 19 DDoS of portal El-Ají.com @ElAjiDigital</p> <p>Wednesday 28 NGO PROVEA launches an education campaign on how to change the Domain Name System (DNS) and foster the use of VPN to circumvent internet censorship.</p>
July	<p>Friday 28 Hacking of vendor website Mercadolibre.com. Hacking of the website of the Unified Democratic Panel (MUD).</p> <p>Sunday 30 Hacking of the website of the National Electoral Council (CNE) after the results of the election of the National Constituent Assembly.</p>
August	<p>Sunday 06 Hacking of the website of the Unified Democratic Panel (MUD).</p> <p>Tuesday 08 Hacking of government websites: CANTV, CNE, Supreme Tribunal of Justice (TSJ), Movilnet, CONATEL and the Armed Forces by <i>The Binary Guardians</i>, in tandem with "David" operation.</p> <p>Tuesday 24 Removal of CARACOL and RCN TV channels from Venezuelan cable TV servers.</p>
September	
October	
November	<p>Sunday 26 Hacking of the Twitter account of Deputy Delsa Solórzano.</p>

CENSORSHIP IN PLACE: LAWS ON FREEDOM OF EXPRESSION IN VENEZUELA, EFFECTIVE SINCE 2017

Venezuelans have been deprived of the information aired on mass media and the internet on any event involving the Venezuelan president's governance or decisions. The Constitution of the Bolivarian Republic of Venezuela contains two articles regarding freedom of expression and communication:

- Article 57: **Everyone has the right to express freely their thoughts, ideas or opinions orally, in writing or otherwise, and to use for such purpose any means of communication and dissemination, and no censorship shall be imposed. Anyone making use of this right assumes full responsibility for everything expressed. Anonymity, war propaganda, discriminatory messages or any messages that promote religious intolerance shall not be permitted. Censorship restricting the ability of public officials to report on matters for which they are responsible is prohibited.**²³
- Article 58: **Communications are free and plural, and involve the duties and responsibilities indicated by law. Everyone has the right to timely, truthful and impartial information, without censorship, in accordance with the principles of this Constitution, as well as the right to reply and corrections when they are directly affected by inaccurate or injurious information. Children and adolescents have the right to receive adequate information for purposes of their overall development.**²⁴

In 2017, the Venezuelan government decreed regulations and laws that build up pressure on freedom of expression and strongly emphasize control of information, opinions and ideas in the digital environment. The move had been anticipated back in 2016.

Main approved laws in force in Venezuela are, namely:

- *Law on Social Responsibility in Radio, TV and Electronic Media. Official Gazette N° 39,610, of January 07, 2011.*²⁵
- *Law on Data Messages and Electronic Signatures. Official Gazette N° 37,148, dated February 02, 2001*²⁶.
- *Special Law against E-Crimes. Official Gazette N° 37,313, dated October 30, 2001*²⁷.
- *Telecommunications Organic Law. Official Gazette N° 39,610, dated February 07, 2011.*²⁸
- *Constitutional Law against Hatred and for Peaceful Cohabitation and Tolerance. Official Gazette N° 41,274, dated November 08, 2017*²⁹.

²³ Constitution of the Bolivarian Republic of Venezuela, published in Official Gazette, on Thursday, December 30, 1999, N° 36,860. Article 57. Page 14. <http://www.inpsasel.gob.ve/moo doc/ConstitucionRBV1999-ES.pdf>.

²⁴ Constitution of the Bolivarian Republic of Venezuela, published in Official Gazette, on Thursday, December 30, 1999, N° 36,860. Article 57. Page 15. <http://www.inpsasel.gob.ve/moo doc/ConstitucionRBV1999-ES.pdf>.

²⁵ Published in Official Gazette, special edition, N° 39,610, on February 07, 2011.

²⁶ Published in Official Gazette, special edition, N° 37,148, on February 02, 2001.

²⁷ Published in Official Gazette, special edition, N° 37,313, on October 30, 2001.

²⁸ Published in Official Gazette, special edition, N° 39,610, on February 07, 2011.

The National Telecommunications Commission (CONATEL) is a government agency attached to the People's Ministry of Communications and Information (MIPPCI), entrusted with regulation, oversight and control of State communications. CONATEL director at June 02, 2017, Andrés Eloy Méndez, disclosed on state-run TV channel Venezolana de Televisión (VTV), that discussions were being held on regulations on social networks. *"We are pondering on data survey of people who open an account or use electronic means by any platform, either Twitter, Instagram, Facebook, whatever,"* he said.³⁰

Méndez said during an interview with VTV: *"We are procuring technology to take out of the country certain accounts or to commence court proceedings against direct perpetrators of any offence subject to precautionary measures."* At that time, anti-government protests were on week N° 09, with the information supplied on social networks taking the lead. The regulations announced by former CONATEL director had not been decreed until November 2017.

²⁹ Published in Official Gazette, special edition, N° 41,274, on November 08, 2017.

³⁰ ANGARITA, Yamileth (2017). "Conatel works on regulations to act on social networks." El Universal <http://www.eluniversal.com/noticias/politica/conatel-prepara-reglamento-para-actuar-sobre-las-redes-sociales-655275>.

Almost three months after the end of protests, the brand new National Constituent Assembly (ANC) passed a proposal made some months earlier by President Nicolás Maduro Moros about the so-called Constitutional Law against Hatred and for Peaceful Cohabitation and Tolerance, published in the Official Gazette N° 41,274 on November 08, 2017. In the words of ANC Speaker Delcy Rodríguez, *“there must be responsibility and steps must be taken.”*

GACETA OFICIAL

DE LA REPÚBLICA BOLIVARIANA DE VENEZUELA

AÑO CXIV - MES I

Caracas, miércoles 8 de noviembre de 2017

Número 41.274

SUMARIO

ASAMBLEA NACIONAL CONSTITUYENTE
Ley Constitucional Contra el Odio, por la Convivencia Pacífica y la Tolerancia.

MINISTERIO DEL PODER POPULAR
PARA RELACIONES EXTERIORES
Resolución mediante la cual se nombra al ciudadano Edgar Alejandro Lugo Pereira, como Director General del Despacho del Viceministro para América Latina, de este Ministerio.

Official Gazette, special edition, apropos the Constitutional Law against Hatred and for Peaceful Cohabitation and Tolerance

Article 1 reads as follows:

“This Constitutional Law is intended to contribute to lay down the necessary conditions to foster and ensure recognition of diversity, tolerance and common respect, as well as to prevent and eradicate any form of hatred, despise, harassment, discrimination and violence; ensure human rights; favor individual and collective development; preserve law and order, and protect the Nation.”³¹

In an open session at the ANC aired on obligatory nationwide TV and radio broadcast, Rodríguez said that some nations, such as Ecuador and Germany, had implemented in 2017 laws related to hatred messages disseminated on mass media and social networks. *“We are reviewing, watching, such experiences, in order to feed such a law in Venezuela.”*

Article 14 of the law makes reference to social networks.

³¹ Constitutional Law against Hatred and for Peaceful Cohabitation and Tolerance, published in Official Gazette N° 41,274, on November 08, 2017. Article 1 Page 2.

<https://drive.google.com/file/d/10kH6NdqLVbTAQtCBE-l4-bY3dGxkMSvT/view>

“Dissemination of messages on social networks and electronic media intended to promote war or incite national, racial, ethnic, religious, political, social, ideological, gender, sexual orientation, gender identity, gender expression discrimination, or by any other means implying solicitation to discrimination, intolerance or violence shall be forbidden (...)”³².

Critics construed this law as an attempt at arresting freedom of expression on the internet and influence even more on the opinions released in social networks.

In this regard, NGO Freedom House³³ termed the situation in Venezuela as "not free" in its yearly report "Freedom in the World 2017." The NGO underscored that Venezuela took a step backwards, from being "partly free" in digital matters, to fall down to the lowest level, where Cuba has remained for a long time³⁴.

The Press and Society Institute (IPYS) said on September 04, 2017, on its website www.ipysvenezuela.org that the Constitutional Law against Hatred and for Peaceful Cohabitation and Tolerance, published in Official Gazette N° 41,274, on November 08, 2017. Article "puts in jeopardy the principles of neutrality, plurality, freedom and access to the web, and seeks to impose censorship in spite that Venezuela made a commitment at the United Nations in March 2017 to ensure the opinion of citizens on offline and online platforms"³⁵.

Melanio Escobar, director and founder of NGO Redes Ayuda, a Venezuelan journalist and activist, affirmed on November 16, 2017 during an interview with web portal DW³⁶: "this mistermed 'Law against Hatred' is as illegal as the body." To the mind of Escobar, the move seeks to contain public opinion, criticism and denunciation by means of criminalization. "Sentences could be of up to 20 years imprisonment." "Who and how it is defined? What is hatred? Who fuels it? How sentences are calculated? Who does impose them?" a concerned Escobar wondered. According to the human rights advocate, "civil society as a whole, no matter the blockade and hindrance, manages to find new ways of communication and expression."

³² Constitutional Law against Hatred and for Peaceful Cohabitation and Tolerance, published in Official Gazette N° 41,274, on November 08, 2017. Article 14. Page 3.

<https://drive.google.com/file/d/10kH6NdqLVbTAQtCBE-l4-bY3dGxkMSvT/view>.

³³ NGO founded by Wendell Willkie, Eleanor Roosevelt and Dorothy Thompson Rex Stout in 1942, headquartered in Washington D. C., with offices in almost one dozen countries. It conducts investigations and promotes democracy, political freedom and human rights. It is described as "an independent watchdog organization dedicated to the expansion of freedom and democracy around the world."

³⁴ GONZÁLEZ, Gabriel (2017). "Venezuela tightens grip on networks and internet." DW.

<http://www.dw.com/es/venezuela-refuerza-control-sobre-redes-e-internet/a-41401089>

³⁵ Press and Society Institute (IPYS) (2017). "Venezuelan government tries to legalize censorship on the internet." <http://ipysvenezuela.org/alerta/gobierno-venezolano-intenta-legalizar-censura-internet/>.

³⁶ Deutsche Welle (DW) is a Germany telecommunications network overseas. Politically independent, DW exhibits a wide image on Germany, presents facts and offers perspectives not only German. In this manner, DW encourages understanding among cultures and people. At the same time, it grants access to the German language.

Escobar also remarked the activities, workshops and campaigns launched by activists and NGO's "sowing the seed of digital awareness"³⁷.

In an article posted TalCualDigital.com₁ on November 15, 2017, attorney at law Juan Manuel Raffalli recalled that the National Assembly (AN), elected on December 6, 2015, is the only public branch of government empowered to issue and pass laws.

On April 28, 2017, then Minister of Communications and Information Ernesto Villegas reported on the setup of the "digital militias," intended to educate its members on social networks management. "We will open accounts on Twitter, Facebook and Instagram, and we will give the basics to every Venezuelan (...)"³⁸. Digital militias are an appendix of Mission Digital Robinson.

In the opinion of Fran Monroy, a journalist expert in technology and social networks, "it is a useless, very partisan effort. If well implemented, it could work wonder. Because, yes, it is good to encourage technology proficiency among people. However, if for propaganda or activism, then it is doomed to demise"³⁹.

According to the Ministry of Communications and Information, the purpose is to "document the acts of terrorism bolstered by the Venezuelan rightwing and thus strengthen the historical memory of the homeland. We, the people are right here, on the alert, our eyes wide open, with the tools necessary to document the truth; all of us are communicators."⁴⁰ The government-sponsored digital militias are set to watch over all opposition acts, in addition to controlling, censoring and criminalizing freedom of expression on social networks.

³⁷ GONZÁLEZ, Gabriel (2017). "Venezuela tightens grip on networks and the internet". DW. <<http://www.dw.com/es/venezuela-refuerza-control-sobre-redes-e-internet/a-41401089>>

³⁸ Infobae (2017). "Chavist regime launches digital militias to 'win the battle' in social networks." <<https://www.infobae.com/america/venezuela/2017/04/28/el-regimen-chavista-lanzo-la-milicia-digital-para-ganar-la-batalla-en-las-redes-sociales/>>

³⁹ TOMILLO, Manuel (2017). "Experts maintain that 'digital militias' will be a new failure." Caraota Digital. <<http://www.caraotadigital.net/nacionales/experto-sostiene-que-las-milicias-digitales-seran-un-nuevo-fracaso/>>

⁴⁰ TOMILLO, Manuel (2017). "MinCI launches 'digital militias' to oversee anti-government marches." Caraota Digital. <<http://www.caraotadigital.net/nacionales/minci-lanzo-las-milicias-digitales-para-vigilar-marchas-opositoras/>>

 **CNN Venezuela** @CNNVenezuela

Venezuela anuncia creación de "milicia digital"



Venezuela anuncia creación de "milicia digital"
"Para que cada uno de los venezolanos y ven...
cnespanol.cnn.com

28/4/17 9:21 p. m.

@CNNVenezuela Date: 04/28/2017
Source: Twitter.com

 **VTV CANAL 8** @VTVcana8

#EnVivo || Min @VillegasPoljak: Nace hoy la Milicia Digital
#ChavezSigueCandanga



28/4/17 11:49 a. m.

@VTVcana8 Date: 04/28/2017 Source: Twitter.com

AVAILABILITY AND QUALITY OF INTERNET SERVICE SUPPLIERS

Internet service suppliers in Venezuela have experienced connectivity and speed-related issues, many of them related to fitful satellite signal and even theft of wires. Innumerable complaints have arisen from users in this connection, including claims of inefficiency and slowness to address concerns.

Compañía Anónima de Teléfonos de Venezuela (CANTV) is among the main telecommunications companies for being a low-cost public utility. However, in 2017, it faced multiple inconveniences, while users reported on the Twitter social network on a poor service.

 **LosJardinesPresente** @JardinesPresent

Tenemos en nuestra comunidad de #LosJardines #ElValle mas de 2 Meses sin servicio de #Internet ni #CANTV . #cantvinforma. Hasta cuando???

11:33 - 30 oct. 2017

5 Retweets

@JardinesPresent Date: 10/30/2017 Source: twitter.com

 **Mariangela Lando** @lando_m

En San Antonio de los Altos #SAA sin #ABA de #Cantv desde el lunes. Nadie responde ni da explicaciones

9:01 - 2 nov. 2017

@laando_m Date: 11/02/2017 Source: twitter.com

Journalists with CaraotaDigital.com listed in an article on October 25, 2015 several testimonies of CANTV inefficiency. One of them refers to the suspension of the telephone and internet service due to theft of wires. “In the sector of Puente Hierro, on Páez Avenue, in Caracas, since September 19, we have neither telephone nor internet. It seems that wires were stolen and this has harmed the service. No store in the surroundings has a point of sale available, and this seriously impacts their economy.”⁴¹

Inter is another internet supplier very popular among Venezuelan users. Nevertheless⁴², at the beginning of 2017, there were connection failures, as recorded by Elcarabobeño.com. A user claimed that the poor service provided by Inter had harmed his performance as an economist. “At the beginning, I thought that the failure would take a couple of days to be solved; later on, though, I realized that the problem remained and my work was adversely affected,” the economist lamented.⁴³

Venezuela ranks as the country with the lowest internet connection in Latin America and the Caribbean, according to a report released in 2016 by the Economic Commission for Latin America (CEPAL). The headmaster of the School of Telecommunications Engineer at Andrés Bello Catholic University (UCAB), José Pirrone, told ElUcubista.com that the economic situation is mainly responsible for it.

“Internet in the country has two important networks: wire and mobile. In the case of wire or fixed networks, CANTV is the main supplier. Before being nationalized, the company had plans to increase access bases. However, when it fell into the State hands, it would not do it. The company tried to garner a political benefit and just invested in the expansion of the telephone service, not internet. As regards wire networks, suppliers have a high capacity, but lack of foreign currency prevents them from increasing their investments⁴⁴.”

Venezuelan telecommunications utility and subsidiary of the Spanish holding Telefónica underwent failures in the afternoon of August 29, 2017, with an impact on voice and data services in some Venezuelan cities (Maracaibo, Punto Fijo), Perijá mountain range and the eastern coast of Lake Maracaibo, as informed on Twitter. The issue was resolved two days after the glitch.

⁴¹ TOMILLO, Manuel (2017). “CANTV fails to give an answer to the people affected by lack of telephone lines and ABA.” Caraota Digital <<http://www.caraotadigital.net/nacionales/cantv-no-da-respuestas-usuarios-afectados-por-falta-de-lineas-telefonica-y-aba/>>.

⁴² Venezuelan telecommunications supplier of cable, satellite TV, internet and telephone services. Its legal name is Corporación Telematic C.A, and its main stakeholder is the investment fund HM Capital Partners.

⁴³ DÍAZ, Armando (2017). “Internet in Venezuela continues defective and with no solutions.” El Carabobeño. <<https://www.el-carabobeno.com/internet-venezuela-sigue-fallas-sin-soluciones/>>.

⁴⁴ MARTÍNEZ, Luis. “Why internet speed in Venezuela is so meager?” El Ucubista. <<http://elucubista.com/2017/04/16/por-que-es-tan-lenta-la-internet-en-venezuela/>>



@MovistarVe Date: 08/29/2017 Source: twitter.com



@MovistarVe Date: 08/21/2017 Source: twitter.com

Still, another major telecommunications utility, Digitel, had troubles with telephone services in several Venezuelan cities, such as Maracaibo and Caracas, last September 14, 2017, as twitted by users. The company told its clients via SMS that vandalism had been the source of the blackout.

Telecomunicaciones Movilnet, a subsidiary of CANTV in the sector of mobile telephone in Venezuela, apprised users on its Twitter account of glitches in several parts of the country on August 08-09, 2017, as a result of theft of fiber optic. The company conveyed an apology, promising to work hard to restore impaired services. *"#Cantv and #Movilnet crews work to restore our affected services. We beg your pardon for the inconveniences caused,"* Movilnet twitted.



@somosmovilnet Date: 08/08/2017 Source: twitter.com



@somosmovilnet Date: 08/09/2017 Source: twitter.com

Movistar and Digitel have tried to increase the fees for their plans. They did so in August 2017, but CONATEL requested them to take back the measure, pending prior approval. A couple of months later, the two companies posted the new fees for telephone services on their respective websites.

CHAPTER III: BREACH OF E-SECURITY

HACKING:

Hacking⁴⁵: websites, social networks of public figures

RedesAyuda contacted two victims of hacking of their social networks, affecting their privacy and right to free expression. Certain events of digital vulnerability are spelled out below.



MILAGROS SOCORRO

- *Profession: journalist.*
- *Case: hacking of Twitter and Facebook personal accounts and website.*
- *Date: January 18, 2017: hacking of Twitter and Facebook personal accounts; February 14, 2017: hacking of website.*

Milagros Socorro is a Venezuelan journalist and writer, the author of columns, interviews, press reports, and books, among others. As a freelancer, she has expressed her views about the Venezuelan government.

Milagros told RedesAyuda that it was her followers that warned her against the hacking, involving illegal impersonation. *“Twitter users cautioned me that contents inconsistent with what I usually write had been posted.”* Milagros said that in another event of hacking, there was an attempt at robbery by means of purchase through Amazon. *“I got an e-mail from Amazon referring to a purchase I could not recognize. Cyber criminals had hacked my account to steal me as well.”*

Before hacking, Milagros had posted a message labelling former Minister of Tourism Andrés Izarra as an *“henchman.”* *Perhaps this triggered hacking. Nevertheless, Milagros does not view it this way. “I cannot remember having termed Andrés Izarra in this way, which, incidentally, is a full-length portrait of him. It never occurred to me that was*

⁴⁵ Hacking: action of a hacker or hacking, a neologism accepted by the Royal Academy of the Spanish Language.

the origin of the attack for sure. I had referred to henchmen of the regime with similar sentences. I have no doubt that the attacks come from the dictatorship.”

Again, on February 14, 2017, she fell prey to hacking, this time of her website, with this message: *“The government should not opt to corruption. We are information technology students. Knowledge is not a crime.”* While the authors identified themselves as students, Milagros is suspicious. *“I don’t trust this or any other version of the dictatorship.”*

The author of the book *“Every tragedy on the way has an afterwards,”* feels that her profession and outspoken anti-government stance had to do with it. *“The two events of hacking of January 2017 are not by far the first aggression of the dictatorship suffered by me.”* Milagros is afraid that this can happen again. *“I usually say that everyone does what falls onto them. We, journalists and writers, have a duty to bear witness to reality, report on injustice and breach of laws, advocate for the weaker ones, point to the abuse of the powerful and machismo. As for the dictatorship, they are incumbent upon themselves to repress, chase and inflict harm.”* In any case, the writer affirms to have made provision against renewed events of hacking. *“Yes, indeed, I have taken measures to make the task more difficult for them.”*

Milagros will keep on using these media to inform, express her disagreement with the government and voice her views on whatever she is at odds. *“I do and will keep going on. I continue training to persist on my work and train others. I do it because I am a Venezuelan, deeply committed to my country, which has given me a lot. I was born and grew up in a democracy. I profoundly reject authoritarianism, militarism and everything excluding freedom, institutions, and the Rule of Law.”*

“That was attempted violation of my freedom of expression. Just an attempt. My freedom is inside me. And the dictatorship is not to get to that point.”

Finally, according to Milagros, hacking of the accounts of people who take issue with the government is just an attempt at intimidation. *“I can imagine that it is an attempt at intimidation, instill fear and, once inside, fear can work for the oppressor. They fail with that too. In fact, we laugh at the tyranny and his henchmen right on their faces.”*



MIGUEL PIZARRO

- Profession: Politician and National Assembly Deputy.
- Case: Hacking of his Twitter account.
- Date: February 09, 2017.

Miguel Pizarro, an opposition politician and deputy at the National Assembly, is well known for promoting the Sports Organic Law and for his political stance. He continuously expresses his view and takes issue with the decisions and governance of the Venezuelan government.

The morning of Thursday, February 09, 2017, the deputy's Twitter account was hacked. Hackers twitted their sympathy for the government and showed Pizarro as a patriot in favor of the decisions and ideas of the Venezuelan government. Additionally, delivered messages presumed disagreement with Pizarro's peers.

Pizarro explained to Redes Ayuda how he learned about the hacking. *"My communications team has notices activated for every tweet of my own. They advised me as soon as the first two tweets were posted in relation to an alleged dialogue with the government and an expression of gratitude to Héctor Rodríguez for bridging the gap, as opposed to my political stance. When I tried to access the account to delete them, I had not control over it."*



@Miguel_Pizarro Date: 02/09/2017 Source: Deputy Miguel Pizarro's work team



@Miguel_Pizarro Date: 02/09/2017 Source: Deputy Miguel Pizarro's work team

"During an official visit to Chile, I left at my hotel room my cell phone where Twitter verification messages arrive. That telephone had no login password." Pizarro infers that might be the timing for hackers to access his account.

“My theory is that they had access to it and the line associated with the device, so they could hack the account afterwards.”

Recovering his Twitter account was not easy. However, Pizarro counted on the support of a NGO to speed up the process. *“Firstly, the event was reported on Twitter through the service form; then, we requested support from Access Now⁴⁶, a NGO focused on advocacy of digital rights around the world. They contacted Twitter to ask for the urgency of the case and follow-up.”*

Despite the endeavors to access the account at the earliest possible, it would not be fully recovered within four days. *“I understand that it was more than expected, because hackers, after changing the name of the original account, created a new account with user @Miguel_Pizarro and pretended to be him. Thus, they managed to cheat Twitter again by telling them we had already recovered control over the account, but this was untrue.”*

In addition to invading a politician’s privacy, hackers dared delete several tweets. *“Hackers erased all tweets from July 21, 2015 to February 08, 2017, through an application called Tweeteraser. It was not possible to get them back because Twitter does not have an option to recover erased tweets, not even in the event of hacking.”*

“The government fancies various ways to silence the political stance of those who confront it,” Pizarro reasoned.

To the mind of the deputy, the main goal was to *“damage the image by posting tweets that are not associated with my political stance, in addition to giving the feeling of vulnerability.”* He thinks that hackers perhaps intended to find information that could be disclosed or used to arouse controversy. *“I suppose that they tried to find any information, find out any data exchange on my networks that could be used to make a fuss or leakage.”*

Asked if he thought that the responsible was somebody linked with the government, even though the author identified himself as a member of *La Cosa Nostra*⁴⁷, he answered, *“Yes, a short while later, intelligence sources confirmed that they were the ones.”*

⁴⁶ E-security hotline; it works with individuals and organizations from all over the world to keep them safe online.

⁴⁷ A criminal gang born in the middle of the 19th century in Sicilia, Italy.



@Miguel_Pizarro. Date: 02/092017 Source: Deputy Miguel Pizarro's work team

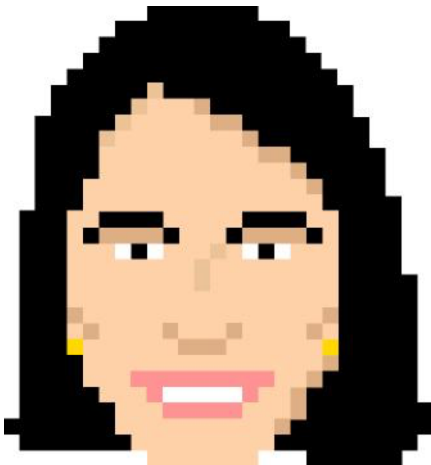
For Pizarro, hacking of accounts of politicians and persons at odds with the government occur because *“Venezuela today is a police state. Government opponents are aware that we run a risk different than ordinary citizens. Those in the power find the way to follow you up to home, spy your telephone calls, mirror mails. Hacking is a way of making you feel vulnerable, trespassing limits and chasing otherwise.”*

“In the digital world, one is exposed to that (hacking), because they always find new ways of vulnerating the security of Internet users.” Pizarro and his work team have taken security steps to prevent any other occurrence. *“We have taken both elementary and important security measures: robust, different passwords for social networks and e-mails, use of a dual verification system, use of cell phones with low probability of intervention, etc.”* Notwithstanding, he affirms, *“they can always try again.”*

According to Pizarro, such break-in is kind of violation of freedom of expression. *“The government logic has been always to try to silence, poke fun at us, seek divisions and clashes between the leaders and their followers. Hacking forms part of these tactics to introduce uncertainty, adverse reactions.”*

He claims that such hindrance to freedom of expression is not exclusive to social networks. *“They do it with the press, TV channels, radio stations. And in social networks the attempts at censoring our political stance are apparent as well.”*

Finally, Pizarro vowed to keep on using such mass media to express his views and inform. *“I always use it and will use it. In a country in dictatorship and censorship in place, remaining windows should be used to tell the truth, for denunciation and organization.”*



DELSA SOLÓRZANO

- *Profession: Venezuelan politician and lawyer.*
- *Case: Hacking of her Twitter account.*
- *Date: November 26, 2017.*

Delsa Solórzano is a Venezuelan renowned opposition politician and attorney at law. She was deputy at the Latin American Parliament in 2011-2016. She is the Vice-President of the Parliament Humans Rights Committee, a deputy at the National Assembly for the state of Miranda and the president of the Domestic Policy Committee. Solórzano is also known as a human rights advocate.

Last Sunday, November 26, 2017, her Twitter account @delsasolorzano was hacked for about three days. She sparked the alert via Instagram @delsasolorzano.



*Delsa Solórzano's post on her Instagram account. Date: 11/26/2017.
Source: www.instagram.com/delsasolorzano*

In the meantime, Solórzano used her Instagram and Facebook account to advise her followers that her Twitter account had not been recovered; however, neither could hackers have access because the social network succeeded in blocking it. Anyhow, Solórzano emboldened her followers not to give up. *"I have not recovered yet my Twitter account. At least, we know that the hacker cannot enter the account either. We keep on working on it. Please, do not stop following me, for we will be back soon."*

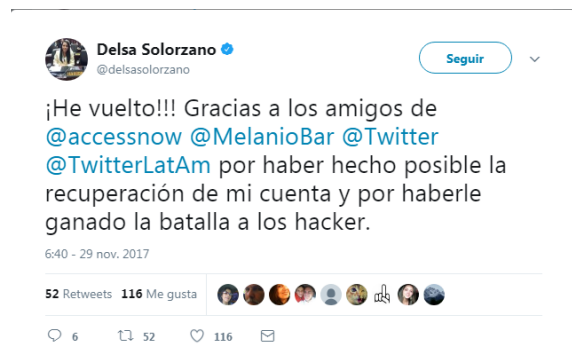


Delsa Solorzano's post on her Instagram account. Date: 11/27/2017. Source: www.instagram.com/delsasolorzano

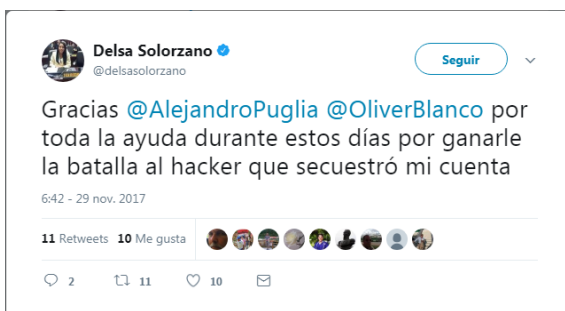
Solórzano's account was recovered with minor damages on November 29, 2017, with the help of the founder of NGO RedesAyuda, Melanio Escobar, Access Now, Twitter and some others who jumped in support of the congresswoman.



@delsasolorzano Date: 11/29/2017 Source: twitter.com



@delsasolorzano Date: 11/29/2017 Source: twitter.com



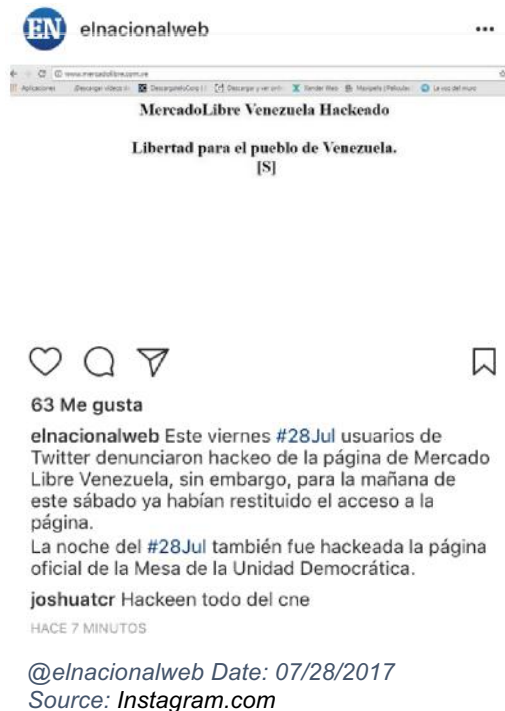
@delsasolorzano Date: 11/29/2017 Source: twitter.com



@delsasolorzano Date: 11/29/2017 Source: twitter.com

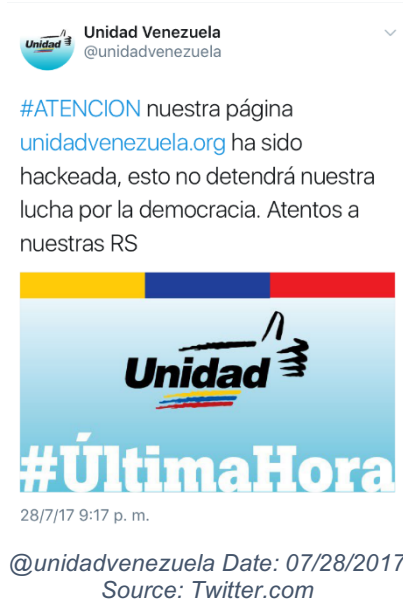
WWW.MERCADO LIBRE.COM

On July 28, 2017, many users reported on Twitter on hacking of the buy and sale website MercadoLibre Venezuela. The website just displayed the following message: "MercadoLibre Venezuela has been hacked. Freedom for Venezuelans." The portal was recovered the day after in the morning.



WWW.UNIDADVENEZUELA.ORG

The evening of July 28, 2017, the website of the Unified Democratic Panel (MUD) was hacked with an image of US President Donald Trump and the message "Yankees, get out of our America! Down with the coup!" Right away, the MUD took action, "The MUD website www.unidadvenezuela.org has been hacked," the Vice-President of opposition Un Nuevo Tiempo party, Delsa Solórzano, informed.



The MUD reported the occurrence, affirming that such events would not preclude Venezuelan democrats, and undertook to keep on working hard for democracy. *“The government is afraid of the Venezuelan people’s will,”* the opposition coalition underlined.

ATTACKS:

DDoS of mass media and NGO’s

Several attacks on and cyber vulnerability of mass media and NGO’s were business as usual in 2017.

On Wednesday, March 08, 2017, NGO Acción Solidaria (Supportive Action, AS) suffered a Distributed Denial of Service (DDoS) attack, resulting in errors in its informational links. The day after, the attack was more serious and stronger, and a great deal of the published content was lost. The website was under maintenance, trying to recover most information⁴⁸.

NGO Programa Venezolano de Educación - Acción en Derechos Humanos (Venezuelan Program of Education-Action in Human Rights, Provea) was down for 30

⁴⁸ Press and Society Institute (IPYS) (2017). “Mass media and NGO’s web platforms sustain massive attacks.” <http://ipysvenezuela.org/alerta/medios-comunicacion-social-ong-sufren-ataques-masivos-plataformas-web/>

minutes. *“Our web server is suffering a cyber-attack. Our technicians are working to keep it online,”* the NGO tweeted on @_Provea, on March 09⁴⁹.

Informational online media outlet EIPitazo succeeded on March 09 to curb a cyber break-in. *“Offenders have an expensive infrastructure available (...) The onslaught came from a building adjacent to Plaza Venezuela sector in Caracas.”*⁵⁰ EIPitazo said, noting that an office of the Bolivarian Intelligence Service (SEBIN) is located in that area.

Caroota Digital sustained attacks as well. The website coordinator, Isnardo Bravo, explained that one of the strikes damaged the access to the website and a second incursion left them offline for about 13 hours. *“They managed to put a virus on the page core and everything was infected,”*⁵¹ Bravo said.

Daily newspaper Correo del Caroní could not escape the DDoS. The board presented the situation in a notice and explained that a cyber-attack on their server prevented users from accessing the newspaper contents. In relation to this event, Correo del Caroní promised to keep on working on behalf of a democratic society, with human rights always in force.

El-Ají.com, an informational website, was also victim of cyber-attack on its server, on June 19, 2017. As a result, the connection to the domain was blocked for 24 hours. On Wednesday, June 21, El-Ají.com disclosed that they managed to recover their website.

Interestingly, cyber-attacks on NGO’s and independent media outlets were preceded by a notice from Diosdado Cabello, a member of the National Constituent Assembly, on his weekly show aired on state-run TV channel Venezolana de Televisión (VTV), *“Con el mazo dando”*. Then, Cabello fingered most NGO’s and informational media outlets on charges of conspiracy.

⁴⁹ Provea (2017). “Alternative media outlets and NGO’s suffer cyber-attacks.”
<<https://www.derechos.org/ve/sin-categoria/medios-alternativos-y-ongs-sufrieron-ataques-ciberneticos?platform=hootsuite>>.

⁵⁰ Tal Cual Digital (2017). “El Pitazo resists cyber-attack on its website.”
<<http://www.talcualdigital.com/Nota/138316/el-pitazo-resistio-ataque-cibernetico-en-contra-de-su-pagina-web>>.

⁵¹ ⁵¹ Provea (2017). “Alternative media outlets and NGO’s suffer cyber-attacks.”
<<https://www.derechos.org/ve/sin-categoria/medios-alternativos-y-ongs-sufrieron-ataques-ciberneticos?platform=hootsuite>>.

CENSORSHIP:

Websites: mass media, NGO's, political parties, portals, *et al.*

Censorship arbitrarily imposed on Venezuelan mass media is not news. The government, through the People's Ministry of Communications and Information (MIPPCI) and the National Communications Commission (CONATEL), has censored traditional media outlets and denied the renewal of concessions for TV channels or radio stations. Now, it has focused attention on any and all informational portals that release news on their own, in full exercise of their right to inform by means of freedom of expression.

Year 2017 was stuffed with censorship cases from both the government and CONATEL. Blockade of website Maduradas.com is a significant case. However, the case of VivoPlay stood out. This website engages in live news coverage. Following the news coverage of strong repression by enforcement authorities during a peaceful demonstration heading to the Office of the Attorney General, on April 07, 2017, access to VivoPlay was blocked.

Two journalists with VivoPlay, Maryuri Andreína González and Guido Villamizar, were arbitrarily detained along with two drivers, Marcos Vergara and Deivis Valera. During an interview with website CaraotaDigital.com, the VivoPlay team related that a gang of hooded bike riders in black and bearing long firearms captured them without identifying themselves. The detainees were subsequently handed over to a team of the Bolivarian National Guard and taken to Fuerte Tiuna fort. The journalists were released four hours later; the drivers were released on June 02, 2017⁵².

VivoPlay feels that the government blockade directly harms the Venezuelan audience, as conventional TV channels would not dare conduct live news coverage of the violent events caused by State security forces during peaceful demonstrations. While the blockade was an impediment to Venezuelan residents, who could not watch the website contents and broadcasting of the events, the signal could still be seen in foreign countries.

⁵² Caraota Digital (2017). "Bike riders who detained the VivoPlay team taken to court this Tuesday." <http://www.caraotadigital.net/nacionales/hombres-encapuchados-tienen-arrodiados-dos-periodistas-de-vivoplay/>

Many digital, free and independent media outlets have become a major tool for data collection and dissemination for Venezuelans. For this reason, the officials responsible for communications have tried to contain freedom of expression and information by these means. All of the above-mentioned media outlets remain steadfast in their determination to deliver true information on domestic events, in other words, they abide by the principle of exercising their right to free expression and information.

HARRASSMENT

Harassment via Twitter of Former Ombudswoman Gabriela Ramírez

On June 28, 2017, former Ombudswoman Gabriela Ramírez appeared in the Office of the Attorney General after being harassed via direct message on Twitter. Ramírez reported that she had gotten strong messages against her.

“I have been threatened via direct message on Twitter. Some of these threats say that they will make me suffer; warn me against taking issue with or giving an opinion on the Constituent process. Yesterday, I received a photo of my private life, posted by them on the internet.”

Harassment of Ramírez in 2007-2014 started after she expressed her mismatch with the call for a National Constituent Assembly by President Nicolás Maduro Moros. The ex-government officer declared:

“This forms part of the number of actions we have witnessed in the past few days against the people who oppose the Constituent, such as Miguel Rodríguez Torres, Attorney General Luisa Ortega Díaz and now myself⁵³.”

Arbitrary incrimination of demonstrators via government Twitter account @PREISACICPC

Outbreak of anti-government peaceful demonstrations turned social networks into the main information tool. The Scientific, Criminal and Forensic Investigation Agency (CICPC) availed itself of this very tool to report and request information about demonstrators, most of them young people, via its Twitter account @PRENSACICPC, on April 07, 2017.

⁵³ El Nacional (2017). “Gabriela Ramírez reports at the Office of the Attorney General on government threats against her.” <<http://www.el-nacional.com/noticias/politica/gabriela-ramirez-denuncio-ante-amenazas-del-gobierno-contra-190132>>.

CICPC request for information on Twitter included posting of images of young protesters taking part in legal demonstrations for their fundamental rights, yet labelled as “generators of violence,” along with this message: “With a view to ensuring peace in Venezuela, should you have any information on this generator of violence, please advise anonymously on @0800CICPC24.”

Venezuelans refused the CICPC move as harassment and exposure, as well as a risk to anyone termed as a “generator of violence.”

NGO Laboratorio de Paz director Lexys Rondón, and PROVEA general coordinator Rafael Uzcátegui

Rafael Uzcátegui is a Venezuelan independent editor, journalist, sociologist, Provea general coordinator and human rights advocate. On July 6, 2017, false accusations were hurled at him on @MandingaOficial Twitter account, blaming him as an informer of ousted Attorney General, determined to “harm Venezuela” at the Humans Rights Committee, Office of the High Commissioner for Human Rights (OHCHR).



On April 07, 2017, @PRENSACICPC launched a campaign including images of so-called “generators of violence” in order to request information to “ensure peace in Venezuela.” Several users backed the campaign. Lexys Rondón, an activist, researcher, human rights advocate and coordinator of NGO Laboratorio de Paz (Peace Lab) was subject to such harassment when a Twitter user released a photo of Rondón.



@MarielBetancurt Source:
<http://runrun.es>

Harassment of Eduardo Torres, an attorney at law with Center For Peace and Human Rights, Central University of Venezuela; Inti Rodriguez, Provea coordinator; Fabricio Briceño, a leader of political party Socialismo y Libertad, and Argenis González and Amilcar Morales, leaders of political party Vanguardia Popular

On May 29, 2017, political party Vanguardia Popular (People's Vanguard) reported on a campaign through false Twitter accounts against human rights advocates, accusing them as *"terrorists, instigators and responsible for violence, uttering threats, posting photos, and fueling upfront aggression against such an important group of noted activists"*⁵⁴.

For Vanguardia Popular, the purpose is to *"form a mindset able to justify onslaught on said social and political activists by paramilitary gangs at the service of the regime"*⁵⁵.

⁵⁴ VENEGAS, Rafael (2017). "Vanguardia Popular reports on harassment and threats against social leaders and human rights advocates." Vanguardia Popular.

<https://vanguardiapopular.blogspot.com/2017/05/vanguardia-popular-denuncia-campana-de.html>.

⁵⁵ VENEGAS, Rafael (2017). "Vanguardia Popular reports on harassment and threats against social leaders and human rights advocates." Vanguardia Popular.

<https://vanguardiapopular.blogspot.com/2017/05/vanguardia-popular-denuncia-campana-de.html>.

Inti Rodríguez C.I.: 15.224.787., Miembro Activo de Bandera Roja.

Este sujeto, es miembro de la Directiva de PROVEA.



Foto Reciente en las distintas manifestaciones violentas en Caracas en el mes de mayo 2017.

@MandingaOficial Date: 07/06/2017
Source: <http://www.defiendoddhh.org>

CHAPTER IV: PREVAILING OVER CENSORSHIP

Collaboration and partnerships of NGO's and mass media to exchange and release censored information

Following the blockade to VivoPlay news website and in order to fight censorship, VivoPlay co-founder and Vice-President, Nelson Hullet, undertook the initiative to enter into a partnership with some most visited news websites in Venezuela so as to furnish VivoPlay live broadcast. These portals turned into collaborators against censorship, namely: Runrunes, Humano Derecho Radio Estación, Redes Ayuda, TalCual Digital, Efecto Cocuyo, Caraota Digital and Contrapunto.

By mid May 2017, an informational partnership of digital media and NGO's was born; its members include Crónica Uno, Tal Cual, El Pitazo, Runrunes, VivoPlay and Humano Derecho Radio. The work team engages in coverage, dissemination and exchange of information through their Twitter accounts about domestic events.

News coverage thus far includes the so-called "*trancazos*," (sit-down)⁵⁶ peaceful demonstrations held in March-June; the plebiscite, the election of the members of the National Constituent Assembly, the MUD primaries for gubernatorial election and the election of state governors. The partners release information by means of #AlianzaInformativa. Such non-profit partnerships show their commitment to freedom of expression and the right to true information for the sake of Venezuelans.

NGO's and media awareness campaign on the use of tools and applications to overcome digital censorship

Last June 28, 2017, many users nationwide reported continued failures to access social networks. Fran Monroy, a journalist specialized on technology, explained that the troubles were not at all the result of censorship, as there was still access to some pages. He said that the issue was a failure of one of the Domain Name Systems (DNS), which work with a concept similar to that of CANTV database. In his view, this, in addition to the large number of users, caused the collapse.

⁵⁶ A kind of protest where demonstrators peacefully occupy main roads for long hours, sitting and standing in large groups so cars cannot pass.

Monroy spelled out how to face CANTV internet blackout.

- If using Windows: open the Control Panel and search the option Networks and Internet; next, access the Network Center and locate the option Change adapter setup, on the left-hand side, go to Properties and press your preferred network connection.
- Once in the option of Network Functions, click on Internet Protocol, version 4 (TCP/IPv4), go to Properties. A tag will pop out; click on Use the following DNS server addresses, and type in 8.8.8.8 (first field), and 8.8.4.4 in the alternative DNS server.
- Repeat the same step on the window of Network Functions. This time, select Internet Protocol, version 6 (TCP/IPv6); type in 2001:4860:4860::8888 in the first field, and 2001:4860:4860::8844 in the field of DNS servers.

After the blockade on VivoPlay, users experienced troubles with the access. *"If you cannot access our page through your PC, use #DescargaVIVOplayApp on your smart phone,"* VivoPlay tweeted on @vivoplaynet.

Furthermore, VivoPlay provided a link, goo.gl/N0AtrG, on how to use a Virtual Private Network (VPN), to defeat censorship. In this way, network computers send and receive data on shared or public networks with full functionality, security and management policies of a private network.



@vivoplaynet Date: 04/07/2017 Source: twitter.com

In 2017, Venezuelan NGO's closed ranks to work against digital censorship, advocate the human right to information, defeat communications hegemony and protect freedom of expression 2.0.

CHAPTER 4: CONCLUSIONS AND FORECAST

In light of recent events, as appears from the Redes Ayuda Report 2016,⁵⁷ and ratified herein, the Venezuelan State enacted laws to impede access to information and freedom of expression, such as the Constitutional Law against Hatred and for Peaceful Cohabitation and Tolerance. As a result, censorship and self-censorship in social networks is getting worse. Add to this connectivity issues and deteriorated service of Internet servers CANTV, MOVISTAR, DIGITEL, MOVILNET and INTER, as a result of theft and line cuts.

The Constitutional Law against Hatred and for Peaceful Cohabitation and Tolerance imposes sanctions upon anybody who, in the State view, encourages hatred in their messages and views. Therefore, the events of censorship and lack of access to information and freedom of expression are expected to increase.

This law harms freedom of expression on digital media, making them vulnerable to censorship, control and blockade for being the main information tool in Venezuela.

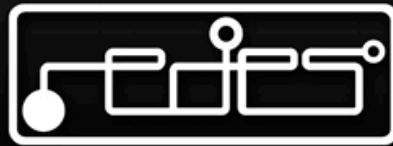
Government harassment substantially increased in 2017 with regulations on both ordinary citizens and representatives of the organized civil society. It is worth mentioning that harassment, hacking and criminalization will continue targeting at anyone daring to voice their opinion on digital media. The government will proceed with its attempts at curbing the right to free expression and information everywhere.

NGO's, journalists, activists and general civil society are increasingly aware of the risk of free expression and information on digital media. Notwithstanding, self-censorship is not going to be the leading character. Quite the opposite, Redes Ayuda is intent upon lobbying for fundamental human rights. As usual, it will encourage good practices regarding free expression, safe communications and the right to information.

The Redes Ayuda team, within its scope and sphere of influence, heralds and sponsors the free work of organizations, activists and civil society. In addition, we are committed to apprise the international community of any such violations of freedom of expression on 2.0. This is in order to perpetuate and ensure human rights on the web and raise awareness of communications in a country under censorship and abuse of authority.

⁵⁷ NGO Redes Ayuda (2016). "Freedom of Expression 2.0 – Vulnerability in Venezuela"
<http://www.redesayuda.org/wp-content/uploads/2016/12/Informe_Publico_Reddes_Ayuda_2016.pdf>

WWW.REDESAYUDA.ORG



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