

Venezuela: Blindfolded and Muzzled amidst a Humanitarian Crisis

Executive summary

Venezuela is ranked at the bottom of the Chapultepec Free Speech & Press Index, scoring 3.8 points. Not only does institutional action, especially in the Executive and Judiciary environments, ostensibly fail to protect journalists and the media and punish crimes against them, but it also defines a strategy that is contrary to a modicum of communication rights: The government and the courts act in an attempt to crush journalism and media companies contrary to the hegemonic interests of Nicolás Maduro's regime.

Introduction

The study period comprehends Nicolás Maduro's second term in office, after being re-elected on May 20, 2018, at a contest regarded as fraudulent by his opponents. Such entities as the Organization of American States (OAS) and authorities from over 50 countries recognize as legitimate ruler National Assembly Speaker Juan Guaidó, sworn in on January 24, 2019, as interim president.

The press is overwhelmed by attacks, arrests, court actions, and exile amidst political turbulence. [The rights of] seven journalists and at least 35 media outlets were violated in January 2020 (IPYS Venezuela, 2020), while they were covering events in which military detail prevented Juan Guaidó from presiding over a session in the Federal Legislative Palace, as part of a skirmish whereby congresspersons allegiant to the Maduro regime tried to convene a parallel parliament. In spite of what had happened, Guaidó was confirmed as head of the National Assembly, thereby continuing as interim president of the Republic, without this resulting in Maduro's removal.

According to International Monetary Fund (IMF) estimates, the country experienced an economic contraction of 35% in 2019. The country surpassed Haiti's misery index: 96.2% of the population is in poverty, 79.3% in extreme poverty, and life expectancy of Venezuelans born in the five-year period from 2015 to 2020 decreased 3.7 years to 72.2 years (ENCOVI, 2020). Electrical power disruptions, unreliable access to water, fuel and medicine shortages, mobility problems due to poor public transportation, activity of rogue groups in border states, growing digital divide, censorship, communication hegemony, and indirect control of private broadcast media signal public affairs in Venezuela. It is the country currently undergoing the largest exodus of refugees and migrants to Latin America and the Caribbean, with 4.8 million refugees and migrants as of February 5, 2020 (UNHCR, 2020).

Report

With 3.8 points, out of a maximum possible of 100, Venezuela is the country with the worst status of institutional actions regarding freedom of expression in the hemisphere, placing it among the nations without freedom of expression from an institutional standpoint. As perceived by the experts inquired, most of this situation is directly attributed to the environment in the Executive branch, as strongly influential (7.44) over the actions and omissions in the field of freedom of expression among the branches of government.

Environments: Institutional action against freedom of expression

On April 30, 2019, the National Telecommunications Commission (Comisión Nacional de Telecomunicaciones, CONATEL), [media regulatory body] used as a political operator by the Maduro administration, shut down the country's oldest private radio station, *Radio Caracas Radio* (RCR). This station sister to RCTV, a television network shut down in 2007 by Hugo Chávez, was covering events at Generalísimo Francisco de Miranda Air Base (dubbed La Carlota) in Caracas, when opposition supporters were trying to hasten political change, but failed to do so by the end of the day.

The following day, May 1, 2019, the beginning of the study period for this first Chapultepec Index edition, 12 instances of freedom of expression violations took place in the coverage of anti-Maduro protests. Journalist Mauricio Cruz reported that National Guardsmen, under the Executive branch, shot at him and his colleagues in Caracas. Among those wounded with pellets were photojournalist John Quintero, journalist Gregory Jaimes, photographers Juan Carlos Neyra and Rafael Ramírez, as well as camera assistant Rubén Brito. Apart from the newsmen injured in Caracas, others were assaulted and injured while exercising their news gathering work in inland regions of the country (Espacio Público, 2019).

The bureaucratic apparatus, the military, and law enforcement, as well as the entire public infrastructure remain in president Nicolas Maduro's hands. The experts inquired herein elaborate on his power. He has used the Special Action Forces (Fuerzas de Acciones Especiales, FAES), a [tactical law enforcement] body feared for its practices, to detain journalists and dissidents, singled out in the report by UN High Commissioner for Human Rights Michelle Bachelet for conducting thousands of executions in low-income areas on alleged "resistance to arrest" (OHCHR, 2019).

Claiming to enforce the Constitutional Anti-Hate Law for Peaceful Coexistence and Tolerance, also known just as the Anti-Hate Law, passed in 2017 by the National Constituent Assembly¹, sponsored by the government to counter an adversary Legislative

¹ Translator's Note (TN): A regime-engineered parallel constituent and legislative congress, which is not recognized internationally, established as a travesty of the constitutionally sanctioned mechanism by means of a non-competitive electoral contest. This body thus formed was denounced by the Venezuelan opposition, its legitimate Legislative, the US Department of State, the Organization of American States, the Inter-Parliamentary Union, among others.

branch, the Executive initiated arrests of journalists and was followed suit by actions from the Judiciary in the form of charges pressed and restrictions imposed on freedom. The Judiciary appears to be the second environment deeply involved in the abysmal rating for institutional actions regarding freedom of expression in Venezuela, significantly impacting, with 6.51 points, on the assessment made by experts of those responsible for this low score in the Index.

For example, the imprisonment of journalist Darvinson Rojas, conducted on March 21, 2020 comes to mind. 15 FAES officers raided his home after he posted on social media a report on the number of [COVID-19] cases that showed a five-people discrepancy between the 42 confirmed by the federal government and the 47 announced by local authorities.

The tactic ops team stormed his home under the guise of looking for a COVID-19-positive person, and ended up taking Rojas and his parents into custody. His parents were freed a few hours later; the newsman, twelve days later, on April 2. The case is still open and he is subject to periodically reporting with the court, after he was charged with counts of instigation to hatred and public instigation at a hearing held on Monday, March 23, in night hours, after being assigned a counsel by the Attorney General's Office, despite the fact that Rojas had already retained counsel who was not notified of his [client's] appearance in court, even while being at the courthouse along with the journalist's relatives. His case led to statements of concern by the Inter-American Commission on Human Rights (IACHR), the Office of the Special Rapporteur on Freedom of Expression (SRFE), the Victims Monitoring Observatory (Observatorio Monitor de Víctimas), and Human Rights Watch (HRW). The case against him remains open (IPYS Venezuela, 2020).

Just as it could be noticed that the Executive Branch did not act alone in violating freedom of expression, instead it was followed by the Judiciary, the Legislative environment is not exempt from influencing the omissions or actions measured in this study either.

According to the experts inquired, the Legislative environment appears with a moderate 3.93 points influence in the country's Index. Although the agency most mentioned by respondents is CONATEL, its role is empowered by the Law on Radio, Television and Electronic Media Social Responsibility, enacted in 2004, but with effects on actions involving penalties and media shutdowns ordered by the institutional control of the Nicolás Maduro regime.

Despite advisory efforts of the National Assembly Committee on Media, which has turned to scholars and NGOs in pursuit of public policy plans regarding the restoration of freedom of expression, the pressure exerted by the Maduro regime has not made any of the possible reforms in this field possible. Within Juan Guaidó's administration, in January 2020, a board of directors was appointed to take over [multi state-owned] Telesur channel, currently a tool of the communication hegemony wielded by Nicolás Maduro's administration. Other than the impact of the announcement, there has been no major activity by this interim board.

Realm A: Venezuela is a misinformed and muzzled society

Venezuelan citizens are far from being a society experiencing the fulfillment of their right to self-expression and information. The people, hungry for news regarding utilities, has lost the ability to access information on the status of the electric power grid, the water supply situation, and the condition of fuel supply, while journalists trying to gather information are vilified or imprisoned during news coverage, harassed, intimidated, and sometimes prosecuted.

The score for institutional action in the realm "Citizens informed and free to express themselves" is at 0.8 out of 23 possible points. This perception stems from such cases as the one which took place on March 17, 2020, when officials of the Bolivarian National Guard detained Julio Molina, MD, in Monagas State, for reporting critical conditions at Manuel Núñez Tovar, MD, University Hospital (Hospital Universitario Dr. Manuel Núñez Tovar). He was charged with counts of incitement to hatred, to panic, and community fearmongering, and then placed under house arrest (Espacio Público, 2020).

A worker at a state-owned steel company in southern Venezuela also felt the force of Venezuela's institutional measures against the free flow of communications. Elio Mendoza, 53, serving at Sidor (Siderúrgica del Orinoco Alfredo Maneiro) for over three decades, was placed under house arrest after a short stint in prison on April 1, 2020 for chain texting on WhatsApp that he allegedly questioned the qualifications of Maikel Moreno, Chief Supreme Court Justice and Maduro's ally. He was charged with counts of incitement to hatred and slander, and is being held in custody, not for writing, as what he did was to forward the message (Siverio, 2020). The sub-realm associated with free expression is rated at the lowest level possible: 0.

On the other hand, it has been the practice of the Maduro administration to block and restrict the Internet, by means of [state-owned telecom and ISP] *Compañía Anónima Nacional Teléfonos de Venezuela* (CANTV). At times of rallies called by the opposition, while addresses are being delivered by such personalities as Juan Guaidó, it has been a practice to conduct blockades on certain digital platforms. On November 16, 2019, during a protest called by the head of the Legislative, NGO *Venezuela sin Filtro* (Venezuela Unfiltered) reported that CANTV had blocked YouTube for 55 minutes, starting the disruption right at the beginning of Guaidó's speech that day (Efecto Cocuyo, 2019).

Other blockades making evident a strategy to misinform and curtail citizens' right to information took place on March 18, when, per NGO *Venezuela sin Filtro*, the *coronavirusvenezuela.info* site was blocked; and, on April 16, with two instances of DNS blocking [interim president's office related] *pvenezuela.com* and *teleconsulta.presidenciave.org* sites.

Days before closing the study period, on April 26, the above NGO also uncovered the cloning of the *heroesdesaludve.info* website, whereby the National Assembly, headed by Guaidó, was seeking to provide economic support for healthcare workers. When users

attempted to enter the site via ISP CANTV, they were redirected to another website and deceived into entering their data (Espacio Público, 2020). The sub-realm free flow of information are rated at a very low position for Venezuela in this assessment: 0.8.

Realm B: No conditions for exercising journalism

In Venezuela, not only does the Government deny access to public information, banning locations by deploying troops, but it also perpetuates opacity by preventing certain kinds of coverage so that journalists cannot get to gather downstream information. Out of 10 possible points at the positive end in this realm, the score from sample respondents for institutional action regarding conditions of the exercise of journalism in the country was very low: 1.8 points.

An example of why the rating is meager in this regard was the events on March 9, 2020 involving journalist Karen Aranguíbel, who was videoing a protest by citizens demanding that spots in fuel supply lines be respected. She was harassed by Military Counterintelligence Bureau (Dirección de Contrainteligencia Militar) and Bolivarian National Guard (Guardia Nacional Bolivariana) officers, as well as by civilians, who even physically attacked her (EVTV Miami, 2020).

In this case, institutional action on newsmen involves the systematic destruction of their media. After radio host José Mercedes Muñoz was arrested in Monagas on April 30, 2019, and held in a prison, Bolivarian National Guard officers seized the transmitter, a console, a monitor, and a computer keeping his radio station, *Oestereo* 99.7 FM, on the air. Local authorities announced this as "the occupation" of the station (Espacio Público, 2019).

Venezuela's National Union of Press Workers (Sindicato Nacional de Trabajadores de la Prensa) has reported that, since the beginning of COVID-19-related lockdown measures in Venezuela, censorship and terrible conditions for exercising journalism continue, including the detention of newsmen (as of May 3, 2020, the union had totaled 22 journalists being temporarily held).

Realm C: Violence against journalists unpunished

On May 1, 2019, attacks against journalists intensified, without, as in previous cases, the authorities investigating the events or imposing sanctions on the officials responsible for brutality against journalists and citizens amidst protests held in various locations of the country (Córdova, 2019; Tal Cual, 2019). Also, there has not been any further investigation into theft of media equipment, such as that perpetrated against radio stations *Éxitos* 100.9 in Mérida State and *Radio Nacional de Venezuela*, reported by journalist Leonardo León (Espacio Público, 2020).

In the study period, the bureaucratic apparatus is the main source of violence against journalists. It is a constant that no complaints are filed or investigations launched on any aggressions against injured journalists, as there has been none in previous years, nor regarding the coverage of the April 30, 2019, events, one day before the study period; nor are there any investigations into the equipment stolen and/or seized from stations and journalists in the following days. Authorities, on the contrary, try to involve officials at various levels, including the Attorney General's Office and the courts, in prosecuting newsmen.

Hence, the experts inquired gave Venezuela a score of 1.2 out of 42 possible points for actions aimed at preventing violence and punishing crimes against newsmen. Not only are there no protection mechanisms for such profession, but there actually are mechanisms of persecution including undercover actions of law enforcement along with civilians who, under the guise of alleged supporters of the regime, engage totally unpunished, in advance of law enforcement, by physically or psychologically attacking media workers.

This is what happened to the journalists assaulted at Simón Bolívar International Airport at Maiquetía [serving Caracas], in full view of its authorities, at a time when they were covering Bolivarian Republic of Venezuela National Assembly Speaker Juan Guaidó's return into the country. This politician, his entourage, and members of the press who were covering the events were attacked by regime supporters, without any preventive or punitive actions being taken by airport authorities, which is under the Federal Executive (IPYS Venezuela, 2020).

In two of the sub-realms in this realm, impunity and persecution, Venezuela did not score any points in favor, standing at the minimum possible: 0. This realm barely reached 1.2 points in the sub-realm regarding the protection of journalists, a rating also far below the continental average.

Realm D: Mainstream media, under Maduro's control; online media, under siege

Various private Venezuelan broadcast media had been critical long before the study period. The fallout on them is yet being felt. A few still persevering in their critical stance have lowered their standards or been shut down as in the case of RCR, just one day before the study period. But online media have been under increasing pressure from the regime's favorite mechanism: imprisonment and further partial restrictions on freedom.

On November 19, 2019, online media *Entorno Inteligente* manager Ana Belén Tovar was arrested during a raid, conducted by officials of the General Directorate of Military Counter-Intelligence (Dirección General de Contrainteligencia Militar, DGCIM), at said media's main office, after allegedly posting information regarding the defense minister of Nicolás Maduro's government. During this operation, journalists covering the events for two other media were held for hours. Tovar remained imprisoned for the remainder of the

study period, as reviewed by respondents, and was released on May 6, 2020 (Tal Cual, 2020).

Another method is the economic destruction of the media by means of lawsuits filed by officials for alleged defamation and slander. This is what happened with *La Patilla* website which, under a ruling issued on June 4, 2019, by Nicolás Maduro-allegiant Criminal Appeals Chamber of the Supreme Court of Justice, shall pay National Constituent Assembly Head Diosdado Cabello the equivalent of US \$5,000,000 for "moral damages".

Actions restricting newsprint deliveries to various dissident media by means of *Corporación Editorial Alfredo Maneiro*, under the Communication and Information Ministry of Nicolás Maduro's government, as a mechanism to monopolize this supply's imports, are still in force. On May 14, 2019, 104-year-old Zulia State local newspaper *Panorama* ran its last print resulting from the precarious situation caused by restrictions to procure newsprint. Zulia was the fourth state in the country left without any kind of print media since the inception of this method to deliver such supply thereby favoring regime-allegiant newspapers.

Under this situation, it comes as no surprise that respondents would score the Media Control Realm at 0 in its two sub-realms – actions to avoid direct or indirect controls, given the ample repertoire of schemes to directly or indirectly pressure the media as part of Nicolás Maduro's political practices.

Conclusions

The terrible actions performed during the study period in the field of freedom of expression have not been the only ones that have deteriorated the right to information and the free dissemination of ideas in Venezuela's society. This muzzling has been organized upon the systematic use of unpunished violence against journalists, starting with Hugo Chávez's inflammatory discourse during the presidential campaign at which he rose to power in 1999, and has continued by means of controls, threats, imprisonment, harassment, direct violence, and forced exile of citizens and journalists.

The situation could worsen in the period following this report. People have continued to be arrested for using social media to issue messages uncomfortable to the regime, and quarantine restrictions have laid ground for authoritarian practices against journalists and citizens in general.

It could be stated that, under Venezuela's current climate, with a deep economic downturn, reduced development of business initiatives, and high levels of poverty, few independent media will have little chance of survival. It is imperative that the international community continues to support communication initiatives from overseas to keep whistleblowing for the restoration of democracy in Venezuela.

The Maduro administration and its political allies appointed a National Electoral Council (Consejo Nacional Electoral, CNE) board after their lust for clinging to power, for the purpose of calling for legislative elections and thereby taking a hold of the branch of government that has not been within their reach. We cannot make broadcasts; but Venezuela's independent journalism, still present on social media, could further dwindle, if a change bringing about new reforms and more persecution in the field of social media comes to pass. Although the Anti-Hate Law, with its arbitrary and discretionary makeup, already attempts to lay enough ground to further gag the population and fix their gaze upon its supposed achievements. Venezuela's society is muzzled and blindfolded.

References

- Córdova, E. (2019). SNTP: 9 periodistas fueron agredidos y hay un detenido. *Noticiero In: Digital.com*. Retrieved from: <https://htr.noticierodigital.com/2019/04/800-pm-sntp-9-periodistas-fueron-agredidos-y-hay-un-detenido/>.
- Espacio Público. (2019). Jornada del primero de mayo: se agudizan agresiones contra periodistas. *Espacio Público*. Retrieved from: <http://espaciopublico.org/jornada-del-1ro-de-mayo-se-agudizan-las-agresiones-contra-periodistas/>.
- Espacio Público. (2020). El virus de la desinformación. Situación del derecho a la libertad de expresión. Enero – Abril de 2020. *Espacio Público*. Retrieved from: <http://espaciopublico.org/situacion-general-del-derecho-a-la-libertad-de-expresion-enero-abril-de-2020/>.
- EVTV Miami. (2020). Régimen amenaza a periodista de EVTVM en Zulia. *EVTVM*. Retrieved from: <https://evtvmiami.com/regimen-amenaza-a-periodista-de-evtv-en-zulia/>
- Instituto de Investigaciones Económicas y Sociales de la Universidad Católica Andrés Bello - UCAB (2020). Encuesta Nacional de Condiciones de Vida (2019-2020).
- Instituto Prensa y Sociedad de Venezuela. (2020). Alerta IPYSve | Prensa agredida durante cobertura en la Asamblea Nacional. *IPYS Venezuela*. Retrieved from: <https://ipysvenezuela.org/alerta/alerta-ipysve-prensa-agredida-durante-cobertura-en-la-asamblea-nacional/>.
- Instituto Prensa y Sociedad de Venezuela. (2020). Alerta IPYSve | En presencia de cuerpos policiales agredieron a periodistas en Maiquetía. *IPYS Venezuela*. Retrieved from: <https://ipysvenezuela.org/alerta/alerta-ipysve-en-presencia-de-cuerpos-policiales-agredieron-a-periodistas-en-maiquetia/>.
- Instituto Prensa y Sociedad de Venezuela. (2020). Alerta IPYSve | Periodista Darvinson Rojas fue excarcelado luego de 12 días de detención. *IPYS Venezuela*. Retrieved from: <https://ipysvenezuela.org/alerta/periodista-darvinson-rojas-fue-excarcelado-luego-de-12-dias-de-detencion/>.
- Rodríguez, R. (2019). Venezuela Sin Filtro denuncia bloqueo de YouTube por 55 minutos este #16Nov. In: *Efecto Cocuyo*. Retrieved from: <https://efectococuyo.com/la-humanidad/venezuela-sin-filtro-denuncia-bloqueo-de-youtube-por-55-minutos-este-16nov/>.

Siverio, J. (2020). Privan de libertad a sidorista detenido arbitrariamente por reenviar un mensaje en WhatsApp. In: *Diario Correo del Caroní*. Retrieved from: <https://www.correodelcaroni.com/laboral/4935-privan-de-libertad-a-sidorista-detenido-arbitrariamente-por-reenviar-un-mensaje-en-whatsapp>.

Tal Cual. (2020). Excarcelan a periodista Ana Belén Tovar tras cinco meses de prisión. In: *Tal Cual*. Retrieved from: <https://talcualdigital.com/excarcelan-a-periodista-ana-belen-tovar-tras-cinco-meses-de-prision/>.

The United Nations High Commissioner for Refugees (UNHCR). (2020). Informe mensual de las Américas. Retrieved from: https://www.acnur.org/op/rep_am/5e5598334/informe-mensual-de-las-americas-enero-2020.html?query=venezuela%20informe.

UN Human Rights. (2020). UN Human Rights report on Venezuela urges immediate measures to halt and remedy grave rights violations. Retrieved from: <https://www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=24788&LangID=S>.

