

## VENEZUELA: VIOLENCE, PERSECUTION AND ARBITRARY SHUTDOWNS

### Executive Summary

For the second consecutive year, Venezuela reaches the last position in the Chapultepec Index of Freedom of Expression and Press of the Inter American Press Association. With 5.71 points out of 100, Venezuela is regarded as the country with the worst score among the group of nations with no freedom of expression. The period under study was marked by murders in connection with media activity; two of them committed by government special forces agents in the very facilities of a media outlet. Furthermore, detentions for voicing personal opinion and information continued, as well as the alignment by branches of government against flagship outlets like *El Nacional* newspaper.

### Introduction

The humanitarian crisis affecting Venezuela worsened between July 2020 and August 2021, with an annual inflation rate estimated at 2,719.5% for May 2021. No decrease has been noticed regarding measures imposing restrictions in a difficult climate for freedom of the press and expression that has been unfolding for more than 20 years of a political process started by late President Hugo Chávez Frías in 1999, and continued by Nicolás Maduro since 2013.

Many regulations have been questioned by human rights organizations. Part of this controversial outlook is the "Law against Hate" (Ley contra el Odio), passed in 2017, and the provisions of government entities, among these, the National Telecommunications Commission (Comisión Nacional de Telecomunicaciones, Conatel).

Venezuela is seen as a nation without institutional stability, uninformed about the actual government funds, and about the current status of utilities and its health system. It is also regarded as a country with a diaspora of around 7 million people and 2,000 executions committed between January and September 2020 by forces under the Executive - according to reports received by the Office of the United Nations High Commissioner for Human Rights, OHCHR (Amnesty International, 2021).

The immediate past to this period has, as its main background, the actions by the Executive and Judicial branches against journalists and independent press since the arrival of the coronavirus in the country. In 2020, COVID-19 brought restrictions over access to information, and measures against the independent dissemination of information related to the virus.

According to estimates reported by the non-governmental organization Espacio Público, there were 250 violations of freedom of expression linked to the pandemic in 2020. Among these violations, it is noteworthy the intimidating statements from officials against directors of the National Academy of Physics, Mathematics, and Natural Sciences (Academia Nacional de Ciencias Físicas, Matemáticas y Naturales), issued after this institution released its projections

on the pandemic in the country in May 2020, shortly before the beginning of this report's study period (Espacio Público, 2021).

Other noteworthy incidents may be cited as an immediate background to this period which determined the perception of the experts surveyed in the nation is the seizure of *El Nacional* on May 14, 2021, a newspaper founded in 1943. The seizure of the journal's headquarters resulted from a lawsuit filed at the Supreme Court of Justice (Tribunal Supremo de Justicia) by the senior representative of the ruling party, president of the United Socialist Party of Venezuela (Partido Socialista Unido de Venezuela, PSUV), and current congressman, Diosdado Cabello. The court ordered payment of more than USD 13 million for alleged defamation and moral damage against Cabello. The fine, unpayable for the newspaper, led to the seizure of the newspaper's facilities.

### **Analysis over the influence of institutional environments through actions against freedom of the press**

The Venezuelan Executive, headed by Nicolás Maduro Moros, was rated as the institutional environment with the greatest impact regarding unfavorable actions against freedom of expression and the press during the period under study. Experts averaged a shocking score of 7.59 points out of a possible 10. These results show a very strong influence for this category.

The figures on the perception of the Executive's actions are especially high with regards to the exercise of journalism and control over the media (9 points out of a possible 10 in both indicators), and perceived as having strong influence in relation to Violence and Impunity against journalists and the media (7.29 out of 10), also, on issues regarding contexts negative to citizens' ability to obtain news (5 points out of 10).

This outcome can be explained since the main violations committed against freedom of expression and the press came from law enforcement institutions under the Executive. The organizations more closely linked to actions of violence, intimidation or obstruction of information, are the Special Action Forces (Fuerzas de Acciones Especiales, FAES) - responsible for the two murders that took place in the main offices of a media outlet in August 2021 - the Bolivarian National Guard (Guardia Nacional Bolivariana, GNB), the General Directorate of Military Counterintelligence (Dirección General de Contrainteligencia Militar, DGCIM) and Scientific, Penal, and Criminal Investigation Service Corps (CICPC).

It is also important to understand the role played by companies or institutions of the Executive, such as the National Telephone Company of Venezuela (Compañía Anónima Nacional Teléfonos de Venezuela, CANTV), the National Electricity Corporation (Corporación Eléctrica Nacional, Corpoelec), and the National Telecommunications Commission (Comisión Nacional de Telecomunicaciones, Conatel). Far from their services reliably, the former two have allowed failures, disruptions, and blockades on Internet access, whereas the latter has denied the country of particularly critical contents by blocking information sources in digital media and banning channels in broadcast television and private providers.

Towards the end of the period under review, the Executive implemented a strategy to control NGOs receiving foreign funds. On May 1, 2021, President Nicolás Maduro announced the entry into force of the Administrative Ruling 001-2021, for the Unified Registration of Individuals Subject to the National Office against Organized Crime and Financing of Terrorism (Registro Unificado de Sujetos Obligados ante la Oficina Nacional Contra la Delincuencia

Organizada y Financiamiento al Terrorismo). This executive order means pressure over NGOs in the country, and some of these organizations are connected to the news and communications sector.

The second government branch with the highest degree of negative influence over freedom of expression and the press in the country is the Legislative, with 7.05 points out of a possible 10. The continuous use of laws to devise mechanism for media censorship has not ceased, and although there were no new laws in this regard during the above period, skepticism remained in reason of the announcements for plans to control social media. A draft bill on this matter has not been made public until now.

There has been no proposal in the Legislative for any amendments to reverse restrictions on freedom of expression and the press. On the contrary, politically-motivated mechanisms in place to curb the functions of media outlets are still in force, like the Law of Social Responsibility over Broadcast and Online Media (Ley de Responsabilidad Social en Radio, Televisión y Medios Electrónicos), issued in 2004; and amended in 2010), the Organic Law on Telecommunications (Ley Orgánica de Telecomunicaciones) amended in 2010, the Organic Law on Citizen Oversight (Ley Orgánica de Contraloría Social) (2010), and the Constitutional Law against Hate or for Peaceful Coexistence and Tolerance (Ley Constitucional contra el Odio o por la Convivencia Pacífica y la Tolerancia) (2017).

Although the judicial environment appearing as the one with the least influence over aspects adverse to freedom of expression, its impact on them is still strong (6.70 points out of 10). It is noteworthy the impact of this environment on the exercise of journalism through actions that include indictments and rulings against journalists and media outlets. Some examples will be presented in the analysis below.

## **Realm A: Venezuela does not have "Citizens free to express themselves"**

For this realm, Venezuela only attained 1.57 points out of 23, making it clear that, according to the opinion of the experts inquired, the country lacks free information flow at citizen level. The main causes for this are poor Internet service – largely disregarded by the government and with no possibilities of becoming massive – which serves as a marginalizing instrument due to its high costs that contrast with the low income of the vast majority of the people, along with arbitrary blockades as ordered by agencies at the behest of the Executive.

The foregoing is supported by stats from the Open Observatory of Network Interference (OONI), revealing that more than 4,000 blockades in 153 media outlets - among national and foreign - were reported in Venezuela throughout 2020, mainly through DNS, HTTP and TCP/IP blocking from private and state-owned Internet Service Providers (ISPs).

There were also about 80 reports of violations of the digital rights of Venezuelans during the period reviewed in this release. According to data gathered by the Press and Society Institute (Instituto de Prensa y Sociedad, IPYS) (IPYS Venezuela, 2021), these reports corresponded to, firstly, online attacks against journalists and news websites; secondly, blockings to news websites and social media; and, thirdly, restrictions to online expression.

Restrictions on matters related to the pandemic – the Executive designated the Executive Vice President of the Republic, Delcy Rodríguez, as the sole spokesperson on this issue – caused censorship and self-censorship among citizens, public officials, and journalists.

Gasoline shortage was another issue typical of government opacity and people and journalists were arrested and harassed in June 2020 for disseminating photos of the events happening around gas stations. (Torrealba, 2021)

## **Realm B: Exercise of journalism amid arrests and restrictions**

The evaluation by the experts consulted gave realm B on the exercise of journalism a low score of 3.43 out of 10, reaching a highly restrictive range. Since the beginning of the pandemic, the conditions for journalists in the country have remained risky.

The main guilds of journalists in Venezuela – the National Association of Journalists (Colegio Nacional de Periodistas, CNP) and the National Union of Press Workers (Sindicato Nacional de Trabajadores de la Prensa, SNTP) reported the detention of 18 media staff in 2020 for publishing content regarding COVID-19. Some of these detentions included the temporary arrest of journalists' relatives to put more pressure on journalists because of the information they could broadcast with regards to the pandemic.

The director of digital media outlet Punto de Corte, Nickmer Evans, is among the journalists arrested. Evans, a sociologist and political scientist, was arrested on the night of July 13, 2021, and given an arrest warrant for the alleged offense of "hate speech" in accordance to the controversial "law against hate" mentioned above.

The arrest warrant was issued by Judge José Márquez of the 21<sup>st</sup> Trial Court for the Metropolitan Area of Caracas. Earlier, Evans' family was held under custody for four hours by CICPC and DGCIM, both corps under the Executive. Evans was released on September 3 and he reported that, during the time he was in prison, he was tortured, exposed to COVID-19, and his belongings stolen.

Ronald Carreño, journalist and communication consultant to opposition leader Juan Guaidó, was subjected to forced disappearance on October 26, 2021 for more than 12 hours on October 27, 2020, before the Attorney General's Office announced that he was being charged with conspiracy and *in flagrante delicto* for allegedly carrying weapons. Carreño is still under arrest at the moment of writing this report.

Obstructions on media employees are applied on a regular basis in Venezuela nowadays. On July 30, 2020, members of the National Bolivarian Police (Policía Nacional Bolivariana, PNB) intimidated Franklin Rodríguez, journalist from NotiPascua and El Nacional, when he was taking photos of an event at a gas station in Guárico, a central state in the country.

Obstacles to the exercise of journalism have also taken place during electoral processes. According to data from IPYS, during the elections on December 6, 2020, when representatives to Venezuela's Legislative were elected, there were 10 reports of restrictions on news coverage. (IPYS Venezuela, 2021)

## **Realm C: Violence and impunity against journalists**

The ruling party has exploited the alignment of the branches of government to attack the media and journalists in Venezuela. However, this year, three media workers were murdered,

two of them by FAES agents in the very facilities of the media outlet. This influenced over the evaluation provided by the experts surveyed on the realm Violence and Impunity for which the country barely obtained 0.71 points out of 42.

On August 21, 2020, in Cabimas, Zulia State, western region in the country, FAES officers broke into the household of a man who was then the director and owner of the community channel La Guacamaya TV, a pro-government media outlet. At that time, FAES murdered cameraman and journalist Andrés Eloy Nieves Zacarías, and Víctor Torres, son of the channel's director.

The event occurred only three days after the murder of José Carmelo Bislick, a university professor and member of the ruling party who hosted a radio program at Omega 94.1 FM radio station where he had reported wrongdoing. The day after being reported missing, on August 18, his body was found in the wilderness in Güiria, a town in Sucre state, northeastern Venezuela (Unesco, 2020).

A murder attempt was also perpetrated on December 2, 2020. Jamel Louka, photojournalist at *La Antena* newspaper was cut off by a man and a woman who shot him as he was arriving home in Guárico State, central region in the country. He was hit in the left arm in the attack that also involved a grenade being thrown. Louka reported having received threats prior to the incident. (IPYS Venezuela, 2020).

The Venezuelan Government has also allowed attacks against journalists by government officials and groups of government supporters at demonstrations and instances of social unrest. During the period under study, this correspondent's office counted at least 100 aggressions against journalists and the media clearly committed by agencies at the behest of the Venezuelan Executive.

## **Realm D: Tight control over the media in Venezuela**

Venezuela continues to exert a tight control over the media. Therefore, the experts surveyed allocated a score of 0 points out of 25, the lowest figure in terms of direct and indirect control over the media on record in this study. Actions by government institutions during the period reviewed included shutdowns and expropriation of media assets.

At 7:30 p.m. on July 31, 2020, Conatel officials, alongside GNB officials, shut down Pura Candela 93.3 FM16 radio station in Carúpano, Sucre State, for alleged violations to telecommunications regulations. Also, on November 13, 2020, a Conatel delegation also closed radio station Rumbera Network 94.7 FM18 in Cojedes State, a central state in the country, alleging irregularities concerning the broadcast license. The station's computers, microphones and a transmission console were also confiscated. Prior to the event, the media outlet had received threats from local authorities (Espacio Público, 2020).

On Friday, January 8, 2021, Venezuelan authorities seized computers and other equipment belonging to online television channel, VPI TV. The procedure was carried out without a court order, as the station reported to the public. The action ended with the shutdown of the station that had criticized the regime leaving more than 100 workers unemployed. On the same date, newspaper *Panorama*, from Zulia State, with a moderately pro-government position, was forced to close for five days on alleged tax non-compliance grounds. During January 2021,

blockings to websites like Efecto Cocuyo, Tal Cual and Roman Catholic radio station Fe y Alegría, among others, was also reported.

After the confiscation of *El Nacional* newspaper in May 2020, shortly before the period under study by this year's Index, actions against the Venezuelan newspaper continued. The fine for alleged defamation against Diosdado Cabello rose from USD 13.5 million to USD 30.05 million. Authorities stated that the decision was conveyed to them on June 11, 2021, by the Third Trial Court on Civil, Commercial, Transport and Banking Matters of the Caracas Metropolitan Area court district (Hernández, 2021).

## Conclusions

It is clear that there is a tendency toward the violation of the freedom of expression and the press in Venezuela's government circles. There is an alignment of the Executive, Legislative, and Judicial branches in the country intended to silence independent and critical press, persecute opposing voices, obstruct the labor of journalists, and reduce information flow among citizens.

Most of the institutions that have exerted pressure and censorship over the media are part of the Executive, which uses not only public forces but also government bodies to operate as gatekeepers while imposing upon citizens blockings to websites, content restrictions, and intermittent service failures affecting Internet access.

The exercise of journalism does not enjoy the guarantees of a democracy; on the contrary, critical newsmen suffer arbitrary detentions, sometimes in the form of forced disappearances and the intimidation of journalists' closest family members. The institutional actions include pressing of charges and protracted imprisonment in some cases.

During the period under review, the murder of three media workers was reported, two of them during an incident involving the Executive's special agents. Even though, in some cases, arrests for these crimes have been conducted as in the case of FAES officers imprisoned for the murder of two people in the premises of a media outlet in Zulia State (mentioned in this release), there are still many more attacks committed against Venezuelan journalists that have gone unpunished.

The direct and indirect controls imposed over media outlets in the country also included shutdowns. The strategy applied by the Government is one of continuous institutional orchestration against flagship media, like the one used in 2007 against Radio Caracas Televisión (RCTV), on top of a list that has been adding VPI TV and *El Nacional* during the period of study of this publication.

As a whole, the actions described above support and illustrate the fact that Venezuela is at the bottom of the Chapultepec Index of Freedom of Expression and the Press of the Inter American Press Association for the second consecutive time with mere 5.71 points out of a total 100.

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