



**Alternative inform about the application of the Pact of Civil and Politic  
Rights in its 19th article**

(Answer to the List of Questions - CCPR/C/VEN/Q/4)

**Caracas – Geneva, june 2015**

**Author Organization:**

Espacio Público

**Containts Table**

Executive Summary .....	2
Presentation and methodology .....	5
Implementation of the Pact’s article: Freedom of opinion and speech (art. 19) .....	6

## Executive Summary

The sustained increase of the violations to freedom of speech in Venezuela is inscribed in a process of implementation of judicial reforms that have been strengthening the restrictive practices of the State against the civic right to inform and be informed, which contravenes the agreements ratified by the nation in Human Rights matter

The reform of the Law of Social Responsibility in Radio and Television from 2010, allows functionaries to apply sanctions arbitrarily, which makes possible a biased application of the law. Civil Society warned about the increase of sanctions and fines contemplated by the code concerning the opinion felonies and its application by a not independent organism. These aspects are opposed to what's established in the articles 19<sup>th</sup> and 20<sup>th</sup> of the International Pact of Civil and Politic Rights and have influence on the progressive rise of violations to freedom of speech.

Since 2011, the Venezuelan context has been characterized by the closure of media, sanctioning measures contraries to the international right standard of human rights, restricted access to newsprint, and other series of direct and indirect limitations.

In the context of the protest that took place in the country since February 2014, diverse authorities of the State, including the President, incurred in practices that attempted against the free diffusion of information. In moments of social conflict, freedom of speech acquires special relevance, since it allows people to know what's going on, and its restriction threatens their physical integrity due the absence of vital information for decision-making.

The diffusion of a message announcing probable sanctions by CONATEL's (Telecommunications National Commission) Radio and TV's Social Responsibility Directory to the media that broadcasted facts of violence around protest produced an effect of inhibition and self-censorship. The fear of sanctions had a silencing effect on national radio-electric media, which, along with suspension of the broadcasting in cable operators of international networks with programs covering the events, contributed to society's uncertainty.

Repression by the security forces trying to prevent the diffusion of information, implied consequences against the right to personal integrity or the right to life. So is the case of José Alejandro Márquez, who perished after receiving a brutal beating by functionaries of the Bolivarian National Guard while he was arrested for recording a public demonstration.

The biased appliance o the Law of Social Responsibility in Radio and Television is evident in the sanctions aimed exclusively to those media that keep an editorial of criticism against the national government. The absence of objectivity in the decision-making is directly linked to the nature of the members of this institution: 5 (five) out of 7 (seven) member are directly chosen by the President of the Republic. This composition does not guarantee the independence that this organ requires. There is opacity to reveal basic details of procedures carried by CONATEL. Espacio Público extended several requests of information about the sanctions and did not receive adequate answer.

The judicial and verbal harassment due to the publishing of information involving public functionaries or to criticism against the national government constitutes a recurrent practice that implies the use of public media and national tribunals to harass and intimidate journalists and heads of communication media. One of the media affected by the appliance of the Penal Code

around the establishment of felonies of discourse against functionaries has been the newspaper Tal Cual. After 15 years of existence and eight legal procedures, the diary stopped circulating as such and became a weekly publication.

President of the National Assembly, Diosdado Cabello, ranks as the main perpetrator among public officials against freedom of expression, according to the January-March 2015 Report of the NGO Espacio Público. The trend in the coming months remains as Cabello sued the newspaper Tal Cual and other media for the reproduction of information published by the newspaper ABC in Spain, where he is accused of drug trafficking. Because of this demand, the May 12, 2015, the Venezuelan prosecutor issued a ban on leaving the country to 22 media executives.

The security forces are also used from the political power to silence those reporting on themes sensitive to governance that moved public opinion during 2014 and early 2015. The Scientific, Penal and Criminal Investigations (CICPC) and as the Bolivarian Intelligence Service (SEBIN) conducted arrests of spokesmen who made statements on issues such as insecurity, health and economy.

The shortage of raw materials expressed in the limited access to newsprint represents an additional restriction that forced several print formats to reduce and even stop flowing. The lack of access to foreign exchange for its obtainment is exacerbated by the creation of the Corporation Maneiro through which the state monopolizes the distribution and sale of paper.

The sale of critical media brings a change of editorial policy towards a favorable attitude to the government line, which reduces the spectrum of opinion in an increasingly less plural environment. Studies reveal patterns that account for a government information bias in the media that have changed hands unexpectedly.

In the years 2013-2015, measures that punish expressions in social networks, blocking web pages to disseminate information and the government uncomfortable leaks or breach of profiles on social networks and emails increased. During 2014, in Venezuela, restrictions on the right to freedom of expression on the Internet increased 55%, with a total of 31 cases.

In short, the worst elements of the Venezuelan situation regarding freedom of expression are:

- 1.- Harassment and systematic disqualification of media and journalists generating a negative environment for the exercise of freedom of expression.
- 2.- Violence and impunity. Recurrent aggressions to journalists and infocitizens without any investigation.
- 3.- Restrictive laws and judicial processes contrary to international standards. Institutionalized violence by the Courts of Justice.
- 4.- Null access to public information and high opacity.
- 5.- Indirect mechanisms of censorship: Restrictions for newsprint, media buying...
- 6.- Internet: judicial harassment to twitter users, censorship and blocking websites

## **Recommendations**

4. To urge the State to investigate impartially and effectively cases of assault, harassment and killings of media professionals and, therefore, prosecute and punish those responsible.
5. To urge the Venezuelan State to amend the Criminal Code, eliminating the figures of contempt or vilification and adjusting the protection of the right to honor international standards.
6. To urge the State to refrain from further arbitrary blocking of access to websites and media in Cable operators.
7. To urge the State to ensure access to paper and supplies to the national media and regional media.

## Presentation y Methodology

1. This report is presented by Espacio Publico, in order to relieve before the Human Rights Committee (hereinafter the Committee), matters of concern about the situation of the right to freedom of expression and information, within the framework of the international commitments assumed by the Bolivarian Republic of Venezuela, under the International Covenant on Civil and Political Rights (hereinafter ICCPR) in its Article 19. Its contents are focused on the State's response to the list of issues prepared by the Committee in 2014 and sent by the State in April 2015.
2. Public space is a nongovernmental, independent and nonprofit civil association, autonomous from political parties, religious institutions, international organizations or government, which aims to promote and defend human rights, especially freedom of expression; the right to information and social responsibility in the media. The preparation of this report was in charge of Espacio Público, which since 2002 monitors the status of the right to freedom of expression in Venezuela and performs the daily monitoring in accordance with human rights standards derived from international law.
3. It also took in consideration previously published reports by other human rights organizations which are: Foro por la Vida (Forum for Life), Centre for Human Rights at the Catholic University Andres Bello (CDH-UCAB)<sup>1</sup>, (CDH-UCAB), Venezuelan Program for Education - Action in Human Rights (PROVEA)<sup>2</sup> and Civilis, Human Rights.

---

<sup>1</sup> Founded in 1999, the CDH-UCAB, focuses its work on the right to political participation, freedom of expression, rights of refugees and migrants, strengthening democratic institutions and international systems of human rights protection.

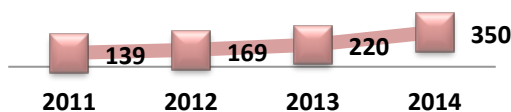
<sup>2</sup> The Venezuelan Program of Education-Action in Human Rights (PROVEA) is a nongovernmental organization that aims to promote and defend human rights, particularly economic, social and cultural rights.

## Implementation of Article of the Pact: Freedom of opinion and expression (art. 19)

### Restrictive laws and judicial processes contrary to international standards

4. In 2005 was carried out a partial reform to the Law on Social Responsibility in Radio and Television and entered into force the Law of Partial Reform of the Criminal Code. In 2010 the Law of Social Responsibility in Radio and Television is once again reformed, allowing officials responsible to implement this legal instrument to act arbitrarily and discretionally, making selective and interested applications possible. Civil society made warnings about the increase of penalties and fines related to crimes of opinion included in the code, thus reflecting that these were contrary to the provisions of Articles 19 and 20 of the *International Pact on Civil and Political Rights*.<sup>3</sup>
5. According to the records of the NGO Espacio Público, from the year 2010 onwards the implementation of these laws and standards contrary to the development of international human rights law recorded a substantial increase in the number of documented denouncements<sup>4</sup>. The following table shows the sustained increase of cases with allegations of violations of freedom of expression since 2011, characterized by periods of closure of newspapers and punitive measures, followed by a period of increased restrictions on paper and other direct and indirect restrictions to freedom of expression and information<sup>5</sup>: Cases with allegations of violations of freedom of expression in Venezuela (2011-2014)

**Cases with allegations of violations of freedom of expression in Venezuela (2011-2014)**



\*Fuente Espacio Público

6. According to the current text of the Law on Social Responsibility in Radio, Television and Electronic Media, a channel or radio station may be fined, suspended or its concession revoked if elements of violence or language that can be interpreted by the State as destabilizing or unsuitable for children are broadcast during a live stream. Clause 2 of Article 2 states that is up to the proper officer's judgment to decide whether or not subject to punishment in a transmission. The penalty is 3% to 10% of annual gross income, or even the revocation of the concession.

<sup>3</sup>Espacio Público "Critical review of the draft amendment to the Law Resorte" Recovered in: 28/04/2015d from: <http://goo.gl/VcAsoE>

<sup>4</sup>Espacio Público (2011). Inform 2012. Situation of the right to freedom of expression in Information, Espacio Público (2012). Inform 2013. Situation of the right to freedom of expression in Information, Espacio Público (2013). Inform 2014. Situation of the right to freedom of expression in Information

<sup>5</sup>Espacio Público (2012). Inform 2013. Situation of the right to freedom of expression in Information.

## CONATEL's Actions

7. In 2014 Venezuela went through a period of social conflict, characterized by an increase in meetings and street demonstrations since February 8, 2014. At this juncture, on February 11, 2014, CONATEL's Board of developed Social responsibility in Radio and Television issued a statement in which he warned of the possibility of further sanctions against service providers on radio, television and electronic media that covered acts of violence recorded in several states during the protests. These ads creates a muting effect and encourages self-censorship for fear of further consequences of exercising the right to speak.
8. As a result there was little availability of information on national audiovisual networks, leading to the displacement of the audience to international news channels and social networks for information. The day after the pronouncement of CONATEL above, the February 12, 2014, coinciding with the violence in which three people were killed in the context of the protests: Juan Montoya, Bassil Dacosta and Robert Redman, President of the Republic ordered blocking an international media<sup>6</sup>. This decision was abided by the National Telecommunications Commission and taken without any administrative or judicial procedure.
9. NTN24, a Colombian television channel broadcast in Venezuela through cable television remained providing information related to complaints or remarks on the situation in the country at this juncture. This channel was suddenly taken out of the supply of cable channels, and additionally, their web pages, YouTube channels and social networks were blocked<sup>7</sup>. During the following months, NTN24 took out several domains to avoid blockages to its website from Venezuela, all were blocked by Conatel. 16 blocked domains are: [www.ntn24.com](http://www.ntn24.com), [www.portalntn24.com](http://www.portalntn24.com), [www.canalntn24.tv](http://www.canalntn24.tv), [www.ntn24we.com](http://www.ntn24we.com), [www.portalntn24.tv](http://www.portalntn24.tv), [www.canalntn24.info](http://www.canalntn24.info), [www.portalntn24.info](http://www.portalntn24.info), [www.ntnve.com](http://www.ntnve.com), [www.ntn24noticias.com](http://www.ntn24noticias.com), [www.portalntn24.net](http://www.portalntn24.net), [www.ntn24ve.com](http://www.ntn24ve.com), [www.canalntn24.com](http://www.canalntn24.com), [www.portalntn24.com](http://www.portalntn24.com), [www.ntn24venezuela.com](http://www.ntn24venezuela.com), [www.ntn24venezuela.com](http://www.ntn24venezuela.com) and [www.ventn24.com](http://www.ventn24.com). Until the date on which this report is written in May 2015, NTN24 can not broadcast in Venezuela neither through by cable nor those websites.
10. In addition, it was announced that reporters from CNN En Español would not be allowed to work and the network was threatened with being removed from the air for "poisoning by their lies" according to the President of the Republic Nicolas Maduro<sup>8</sup>. Such statements and subsequent decisions are associated with discretionary mechanisms that prevent the free flow of information.

---

<sup>6</sup> VIDEO: Maduro confirms that it was a decision output air NTN24 State: Recovered on 28/04/2015 from: <https://www.youtube.com/watch?v=nu5IsnYaG-M>, Declarations RSMRTV CONATEL's official web site, recovered on 28/04/15 from: <http://www.conatel.gob.ve/william-castillo-el-espectro-radioelectrico-no-es-propiedad-privada/>

<sup>7</sup> Statement by the news network NTN24. Recovered on 28/04/2015 from: <http://www.ntn24.com/noticia/comunicado-ntn24-censurado-en-venezuela-ahora-en-internet-25964>

<sup>8</sup>Video: Maduro: CNN is leaving Venezuela "if it does not cease its war propaganda" Recovered on 28/04/15 from: [https://www.youtube.com/watch?v=HD\\_JyqY74o4](https://www.youtube.com/watch?v=HD_JyqY74o4), Inter American Press Association (IAPA) condemned "news blackout" applied in Venezuela by Nicolas Maduro's government. Recovered on 28/04/15 from: <http://goo.gl/C4ScTT>

## On violations documented by Conatel

11. The list of more than 18,071 violations identified by CONATEL (paragraphs 249 and 250 of the answers), despite being public information, is not available<sup>9</sup>. In this regard, Espacio Público requested this information<sup>10</sup> and no response was obtained. With the information available on the website of CONATEL<sup>11</sup> and what's been publicly reported by the affected media themselves, sanctions there reflected reveal that in more than ten years of operation of the Act, there are no processes open to public programs or public media managed by the Venezuelan government and favorable to the official line, but only those that remain critical to government's management.
12. With regard to the judgment of the Human Rights Inter-American Court's<sup>12</sup> sentence on Globovisión mentioned in **paragraph 252** of the report of the Venezuelan State, it is omitted that its referred to a consistent case, specifically to "statements by public officials, physical and verbal aggression, and obstructions to journalistic work committed by state agents and individuals to the detriment of 44 people linked to the television channel Globovisión."<sup>13</sup> The case exposed along the sentence does not concern in any way sanctions on the Law of Radio, Television and Electronic Media Social Responsibility so it is irrelevant in response to question 20 of the list of issues the HRC referred to the penalties for alleged incitement. Also, although this law was promulgated on December 9, 2004, it was partially amended on December 22, 2010 emphasizing its restrictive nature, while this amend's date is more recent than the cited case of the Inter-American Court of Human Rights.

## The lack of independence of the Social Responsibility Directorate of Conatel

13. Social Responsibility Directorate of Conatel is the institution responsible, among other things, to impose sanctions on the media that, at its discretion, commit any of the crimes of the Law on Social Responsibility in Radio and Television Media. This directorate was created by Article 20 of the Law, where its composition, powers and operation are set.
14. The members of this Directorate, according the Law, are as follows:

---

<sup>9</sup> Regarding the access to public information, which is related to the dimension of freedom of expression in what it comes to seek, receive and impart information and ideas of all kinds, according to the results a study of inquiries carried out by Espacio Público in 2013, evidenced that in 96% of cases inquiries are not answered properly. Espacio Público (2012). Inform 2013. Situation on the Right to Freedom of Expression and Information.

<sup>10</sup> Espacio Público sent a request for information to the National Telecommunications Commission (Conatel) on April 30, 2012 concerning the Punitive Administrative Proceedings opened under the Resorte Law; The NGO ratified its petition on 14 May and 11 June 2012. CONATEL was silent. In October 23, 2012 the Second Court of Administrative let the demand proceed. Injunction refused. In April 18, 2013 the trial hearing was held. In May 30, 2013 judgment in which the object is declared decayed was issued. The appeal was served in June 13, 2013; in date of October 9, 2013 is reported in writing to substantiate the appeal filed. On February 6, 2014, A diligence was introduced to request a decision on appeal.

<sup>11</sup> National Telecommunications Commission's official site. Consulted on 23/04/2015 from: <http://www.conatel.gob.ve/>

<sup>12</sup> Court HR. Perozo and other Vs Venezuela. Order of the President of the Inter-American Court of Human Rights dated on March 18, 2008. Recovered on 22/04/2015 from: [http://www.corteidh.or.cr/docs/asuntos/perozo\\_18\\_03\\_08.pdf](http://www.corteidh.or.cr/docs/asuntos/perozo_18_03_08.pdf)

<sup>13</sup> Data Sheet of the case Perozo and others Vs. Venezuela. Recovered on 22/04/2015 from: [http://www.corteidh.or.cr/CF/Jurisprudencia2/ficha.cfm?nId\\_Ficha=262&lang=es](http://www.corteidh.or.cr/CF/Jurisprudencia2/ficha.cfm?nId_Ficha=262&lang=es)



- a. The General Director of the National Telecommunications Commission, who shall preside, and one representative for each of the following organizations:
    - b. The ministry or agency with competence in communication and information, the ministry or agency with responsibility for culture
    - c. The ministry or agency with jurisdiction over education and sport, agency or entity with responsibility for consumer and user protection,
    - d. The Woman National Institute, the Children and teenager's Rights National Council,
    - e. A representative for the churches
    - f. Two representatives of organizations of users registered at the National Telecommunications Commission, and
    - g. An educator representing schools of social communication from national universities.
15. Currently, for the month of April 2015, according to information from the official website of CONATEL, the Directorate is comprised of the following persons:
- a. Chaired by the General Director and President of the RSB, William Castillo;
  - b. Hind El Anderi, representing the Ministry of Popular Power for Communication and Information;
  - c. Isbelia Montiel, representing the Ministry of Popular Power for Indigenous Peoples;
  - d. Maureen Riveros, representing the Ministry of Popular Power for Culture;
  - e. Elena Medina, representing the Ministry of Popular Power for Women and Gender Equality;
  - f. Pedro Prieto and Samir Luzardo, as spokesmen for the Organization of Telecommunications Services Users.
16. The decisions of this institution are taken by simple majority. According to the composition mentioned in the preceding paragraphs it is noted that there are five members who are directly appointed by the Executive Power. This distribution does not generate the necessary impartiality of the Board and the institution it represents.
17. In addition, the General Director of the National Telecommunications Commission and the Directive Council members and alternates are freely removed by the President of the Republic. None of these representatives has stability in his capacity as representative to the Directorate; according to the Telecommunications Organic Law in its 40<sup>th</sup> Article: The Directive Council shall consist of the General Director of the National Telecommunications Commission who will preside and four directors, who will be of free appointment and removal of the President of the Republic, each of which shall have an alternate, appointed or designated in the same way, who fill temporary vacancies.

### **Venezuelan Penal Code: Case of the Journal Tal Cual<sup>14</sup>**

18. The Venezuelan Penal Code and other laws continue to set speeches criminal offenses against public officials and keep having serious consequences for the media and freedom of expression in Venezuela. One of the most affected media is the 15 years old journal Tal

---

<sup>14</sup> Tal Cual Journal. Summary of the Case. Recovered on 20/05/2015 from URL: <http://talcualdigital.com/movil/visor.aspx?id=108706>

Cual, which after 8 legal proceedings stopped circulating daily and became a weekly publication.

19. On September 26, 2003 was the first attempt to economically pressure through the courts. Vicente Rosas (closely linked to the then president of the Center Simon Bolivar, Jose Vicente Cabezas) sued for damages before the Second Court of First Instance in Civil, Commercial and Transit of the Judicial District of Caracas, both newspaper and its Director Teodoro Petkoff.
20. In January 2006, the Council for Protection of Rights of Children and Adolescents from Lara state began administrative proceedings against the newspaper, Laureano Marquez and Teodoro Petkoff, by an editorial referring to the youngest daughter of the late Hugo Chavez, and signed by the comedian.
21. Subsequently, by the publication of a photo of the Bello Monte morgue initially published by the newspaper El Nacional, an action against the newspaper for the Protection of Children and Adolescents was brought by the Public Defender, which met initially the 12th substantiation tribunal of the Court of Protection of Children and Adolescents of the Metropolitan Area of Caracas.
22. Caracas 29<sup>th</sup> Control Court, ran by Judge Barbara Gabriela Cesar Siero, granted the application by the president of the National Assembly, Diosdado Cabello, to the directorate of the journal Tal Cual and against writer Carlos Genatios, for alleged aggravated defamation, and agreed injunctions against the defendants.
23. In March 2014 the citizen Diosdado Cabello president of the National Assembly, filed a criminal complaint to the directorate of the journal Tal Cual and writer Carlos Genatios for the crime of aggravated defamation. According to Cabello, an opinion article published by that writer in the newspaper Tal Cual attributed the phrase "if they do not like the uncertainty, get out", which denies having said. The 29th Court of Criminal Control of Greater Caracas ruled on March 6, 2014 declaring the application admissible and imposing precautionary measures including a ban on leaving the country and weekly appearance before the Tribunal of the writer and the four members of the media's Directorate.
24. On February 27, 2015, and after facing eight judicial procedures in fifteen years of existence, the journal Tal Cual stopped circulating daily and became weekly.

### **Ban on leaving the country to 22 media executives**

25. On April 21, 2015, Diosdado Cabello announced that he filed a lawsuit in court against Tal Cual and other Venezuelan media that reproduced information published by the newspaper ABC from Spain. The information is based on information supplied by the member of Hugo Chavez's first security ring, Leamsy Salazar. In this journalistic work they accuse him of being allegedly linked to drug trafficking. Demand in Venezuela includes shareholders, directors, and media owners and editorial board members. President of the National Assembly since January 2015 had warned that he would use legal means against

the media for publishing statements by Salazar. This demand can lead to a heavy fine and imprisonment.<sup>15</sup>

26. On May 12, 2015 the Venezuelan Judge Maria Eugenia Nunez issued the restraining order preventing owners and managers of the National daily Tal Cual and digital publication La Patilla from leaving Venezuela, as requested by the citizen Diosdado Cabello to bring its libel suit on 23 April. The application of such interim measures involves an early application of a punishment without due process exhaust. Demand is selectively applied to these three Venezuelan media, with a known critical position, although the information was reproduced in at least other Venezuelan media.
27. To these restrictions, it sums **the shortage of raw material**, due to limited access to the newsprint, as one of the reasons that drives the action taken by the newspaper Tal Cual, that will also remain in its digital version and is not the only journal suffering after the impossibility of importing inputs. Since the second half of 2013, newspapers have denounced restrictions to purchase the paper needed to print. At first they disapproved the foreign exchange for imports, after the state-owned Corporation Maneiro monopolizes the import and sale of newsprint. As a result at least ten independent newspapers or critics complained about the lack of paper supply, others have reduced the number of editions and pages, while others disappeared<sup>16</sup>. For the moment this report is written, May 2015, dailies El Impulso, El Carabobeño, El Correo del Caroni, El Siglo and La Nación have filled the paperwork to request the input but have not obtained. So it is that they have declared threatened with forced closure.<sup>17 18</sup>

### **On expanding private media:**

28. The Regional Alliance for Free Expression and Information Article XIII introduced the report entitled "State Control of the Media". In the chapter corresponding to Venezuela the report notes that it is unclear who own the media that have been sold in the past five years. As for state-owned, they show that for 2011, according to information available, out of 1045 authorized media, 38.8% is considered as an "ally" of governance, while 24.9% are considered opposition, and 13, 2% is labeled "with approach", indicating that at least 52% of the media (television, radio and press) has a pro-government editorial line.<sup>19</sup>
29. Due to the sale of media and changing their editorial line from criticism of the government, to a favorable line, we can infer the 2015 increase of this proportion of ally media or approach to the government line. An example of this media that have made transition are:
  - a. Television: Televisora de Oriente, closure of City Televisión, Catatumbo Tv, Globovisión

---

<sup>15</sup> Tal Cual Journal's Statement, recovered on 28/04/15 from: <http://impactocna.com/tal-cual-deja-de-ser-diario-para-convertirse-en-semanario/>

<sup>16</sup> Venezuelan Newspapers will receive borrowed paper from Colombia. Recovered on 25/05/2015 from URL: <http://espaciopublico.org/index.php/noticias/1-libertad-de-expresi/2946-andiarios-presta-papel-venezuela>

<sup>17</sup> 300 people will lose their Jobs if the Government does not assign paper to El Carabobeño. Recovered on 20/05/2015 from URL: <http://goo.gl/c21VPz>

<sup>18</sup> El Impulso waits for news print. Recovered on 20/05/2015 from URL: <http://goo.gl/3Fuxu7>

<sup>19</sup> Alianza Regional: Inform about the State Control over Media. Recovered on 20/05/2015 from URL: <http://bitly.com/1E6H57h>

- b. Press: Editorial Primicias in Bolívar State, the Journal De Frente, Extra and Oriental, from Monagas, Versión Final, El Luchador, Últimas Noticias
  - c. Radio: Circuito FM Center
30. After the sale of formerly government critic media the NGO Espacio Público conducted a study in print media where these patterns were identified:
- i. Editorial space reduction in claims made by journalists' sources
  - ii. Invisibility of opposition political leaders
  - iii. Change of titles and changes in the notes to favor government positions
  - iv. Exacerbation of conflicts in the coalitions of opposition
  - v. Dismantling of the Research Units
  - vi. Harassment of journalists for reasons associated with the coverage of sensitive issues to government elites
  - vii. Progressive replacement of journalists by reporters openly sympathetic to the government and belonging to the Bolivarian Communication and Information System.
31. The Venezuelan State has created new print and television media, and supports the management of pro-government and community media, however there are no criteria to ensure independence in their concession them, or that are not controlled or linked to organs or government agencies or political parties. Also in 2014 and 2015, they have established regional versions of the State daily Ciudad Caracas: Ciudad Petare, Ciudad Valencia, Ciudad Portuguesa. The newspaper of the ruling party, which came in the last half of 2014, and is called CuatroF referring to the February 4, 1992 date of the coup led by former President Hugo Chavez, was also created.

### **Attacks and systemic disqualification of media and journalists**

32. The radio spectrum of public funding domain and is still used for the government partisan political purposes. Programs of public media, which belong to all citizens and whose function is to open tribune to the various sectors of national life, are instead monopolized by the government sector in the interests of "communicational hegemony" that excludes and criminalizes dissidence. In some cases, is the officials who - in demerit of their status as public servants - arbitrarily discredit, insult and accuse independent media and journalists with critical editorial lines. Such is the case of the host of the show, *Con el Mazo Dando*, broadcast by Venezolana de Television, Diosdado Cabello, the current President of the National Assembly, who is the biggest offender among officials, to star in 57% of cases in which the perpetrators are public officials.
33. Most of the violations by Cabello fall into the category of verbal harassment (third most common type), however disqualification is also exercised by other officials as deputies, the President and security forces.
34. According to the registration of organizations specializing in the situation of freedom of expression in Venezuela, 60% of the violations of freedom of expression was exercised by the State, represented by the following actors: Security forces (28%) , government officials (12%), President of the Republic and administrative institutions, as Conatel, Seniat and Cencorex with (8%) and state institutions (Ministry of Communication and Supreme Court) with 3%.<sup>20</sup>

---

<sup>20</sup>Espacio Público (2015) Quarterly report on the situation of the right to freedom of expression and Information in Venezuela. Available on: <http://goo.gl/QQ4iQ1>

35. In Venezuela the trend of the last decade is maintained, when the security forces were the main perpetrators. The civil association Espacio Público reported in its latest reports the persistence of physical attacks (18). Many of the attacks occur in the context of the queues or lines outside the shops because of the scarcity of various products of the basic basket. One case concerns the young Raul Quintero Garcia, who was at the queue of a market that belonged to the State's trading network of food, in San Bernardino, a town north of Caracas, who was arrested for photographing the queue with his mobile phone. The young man was released but with measures for submission to the court every 30 days. Nine others were arrested with him for demonstrating outside the establishment, accused for alleged offenses of public incitement, blockage of roads and resisting arrest.
36. In such cases the coverage has been hampered mostly by police or military bodies (in 7 opportunities) and workers in the food outlets (4). Seventeen (17) people - including media workers and infoc Ciudadanos - were subjected to insults and / or physical attacks on queues, this represents 29.31% of total cases in the first quarter of 2015 (17 of 58 cases).<sup>21</sup>

### **Alejandro Márquez' death**

37. In 2014 Jose Alejandro Márquez, an infoc Ciudadano was killed by State Security Forces because he was trying to register repression in a street demonstration with his mobile phone camera
38. On Wednesday, February 19, 2014, Jose Alejandro Marquez left his home to attend one of the demonstrations held in La Candelaria, Libertador municipality at Capital District, in the event an officer of the National Guard stopped him and he demanded to hand over his cell phone, which recorded incidents of the barricades placed at the corner of Candilito. The professional ran to avoid being submitted and the officer shot. The victim was able to evade the bullets, but fell on the sidewalk and hit his head<sup>22</sup>.
39. Later it was known that the Guard troops beat him and took his cell phone. He was transferred to Vargas Hospital in Caracas. Marquez relatives reported that in the public health center, the guards of the people who led the systems engineer on February 19 at night, beat him with the butts of their weapons even inside the area devoted to X-ray studies. Wilfredo Fagúndez, the cousin of Marquez, said according to comments he heard, that due to complaints of patients who were in the place, they noticed the attitude of officials and doctors asked them to abandon the medical institution<sup>23</sup>. Alejandro Marquez, 43, died on Sunday February 23 at a private medical center after being in a coma and diagnosed with cerebral death<sup>24</sup>.

### **Harassment of information sources<sup>25</sup>**

40. Insults, disqualifications and arrests were some of the methods used to silence those who reported on sensitive themes related to state administration that moved public opinion in

---

<sup>21</sup>Espacio Público (2015) Quarterly report on the situation of the right to freedom of expression and Information in Venezuela. Available on: <http://goo.gl/QQ4iQ1>

<sup>22</sup>El Universal, 23 de febrero de 2014, José Alejandro Márquez died. Consulted on 14/03/2014 through <http://goo.gl/xJuxoH>

<sup>23</sup>El Nacional, 26 de febrero de 2014, GNB beat Alejandro Márquez in the Hospital Vargas. Consulted el 14/03/2014 en <http://goo.gl/unh9IP>

<sup>24</sup>El Universal, 23 de febrero de 2014, José Alejandro Márquez died. Consulted on 14/03/2014 through <http://goo.gl/xJuxoH>

<sup>25</sup> Ver informe anexo

Venezuela during the 2014 issues. Harassment focused on experts about issues related to insecurity, health and economy. From the political power they were ranked as political opponents. Body of Scientific, Penal and Criminal Investigations (CICPC) and the Bolivarian Intelligence Service (SEBIN) conducted these spokesmen arrests. The Helicoide, the SEBIN's physical operation center, served as stage for interrogation.

41. In some cases judicial proceedings were initiated against the sources of information, supported by reforms of the Law on Social Responsibility in Radio, Television and Electronic Media, the Penal Code and the Code of Military Justice, which also served as mechanisms to activate the harassment of sources.
42. One of those affected by the judicial harassment of last year was Dr. Angel Sarmiento, president of the Medical Association of Aragua state, who on September 11, 2014 confirmed the deaths of eight people because of an unknown disease. He told the media that the patients died in a span of 72 hours and the symptoms matched: fever of 40 degrees, malaise and a rash which then form blisters, sepsis originating multiorgan failure resulting disseminated intravascular coagulation, bleeding from ear and nose and subsequent collapse of the organism.
43. In relation to this case, another pattern of harassment identified was related to the use of the endowment of functionaries to dismiss the specialized information sources. Following the statements of Dr. Sarmiento, Tarek El Aissami, , governor of Aragua state, denied through his Twitter account on the network (@TareckPSUV) the existence of a bacteria in the HCM "chains were loosed by SMS (text messages) and digital networks on alleged bacteria in the Central Hospital of Maracay. Totally false!!" then he said. For his part, director of Health Corporation in Aragua (Corposalud) –local government attached institution -, Luis Lopez, said no wonder that it is "The ADECO president (referring to the opposition party Democratic Action) of the College of Physicians of ARAGUA who leads this campaign of rumors and terrorism."
44. Doctor Sarmiento received a custodial measure and was accused by the governor of Aragua state of boosting "terrorists" plans against the Central Hospital of Maracay. "Officially we will adhere to this research led by the Public Ministry to continue to denounce all those responsible. And we welcome the decision of the judiciary and Public Ministry in applying the custodial measure against Mr. Sarmiento" the governor confirmed at that time.
45. Currently the proceedings against Sarmiento remains open and the doctor is in hiding outside the country, because it is considered politically persecuted. Ensures that he made the allegations attached to the Hippocratic Oath, Law of Medicine Practice and Medical Ethics Code, which obliges him "to report any public health problem that threatens the life of a human being."
46. On the other hand, the president of the Commission of Electrical Engineers Association Lara, Luis Vasquez Corro, was held at the headquarters of the Bolivarian Intelligence Service (Sebin), in Lara state, from April 19, 2015 after having declared to the newspaper El Impulso on the current situation of the Guri Dam, referring to a possible energy crisis.<sup>26</sup>. Last year, Victor Poleo, a former energy vice-minister and member of the Ricardo Zuloaga group, a team of experts dedicated to the analysis of the behavior of SEN, was quoted by the SEBIN because of his comments about the situation of the sector. Also in 2013, Poleo and electrical engineers José Manuel Aller, a professor at Simon Bolivar University, and

---

<sup>26</sup> Declarations by Electric Engineer Luis Vázquez Corro. Recovered on 20/05/2015 from URL: <http://goo.gl/SklqWo>

Miguel Lara, former director of the Office of Interconnected Systems were cited by the Body of Scientific, Penal and Criminal Investigations (CICPC) because of their analysis on the national power crisis.<sup>27</sup>

### **Internet: Judicial harassment of social network users, and websites censorship and blocking**

47. The information gap left by traditional media threatened by sanctions through CONATEL and Law Resorte-ME, prompted more people to seek information on the Web; unfortunately, the punishment of the expressions on Twitter by senior officials, the web pages blocking because of dissemination of uncomfortable information for the government, and leaks or hacks social profiles and emails became frequent. During 2014, in Venezuela, restrictions on the right to freedom of expression on the Internet increased 55%, with a total of 31 cases.<sup>28</sup>
48. From February 13, 2014 users of social networking site Twitter reported that they could not see or download images posted on the website. There were anti-government protests in major cities across the country, triggered because the day before, February 12, three people had been murdered during protests called to celebrate the Youth Day; traditional media did not issue consistent information and people knew the facts through social networks and web portals.
49. With rumors of locks, users began to disseminate tools to access the Internet; even the official Twitter account in Spanish published "User in #Venezuela: Follow and receive SMS notifications of any Twitter account. Send "FOLLOW [username]" to 89338 (@MovistarVE)", offering the possibility to receive updates from the network without being connected to the Internet. In turn, the spokesman of Twitter, Un Wexler said: "Twitter users have been posting photos of the demonstrations in the streets, offering an alternative to state media. It is not clear if the shots are blocked on all ISPs in Venezuela".
50. Amid this situation, the president of the National Telecommunications Commission (Conatel), William Castillo, spoke on February 14, 2014 from his profile on Twitter and acknowledged that the institution blocked "many links from which public sites were attacked".<sup>29</sup>
51. Days later, on February 21, the news portal Estamos en Línea reported that the capital of Tachira, San Cristobal, "where the ports with the best connectivity to the area's network are enabled, has more than 24 hours without access to Internet through CANTV's ABA network"; further he explained that the ISP could pull down "the ability of computers to send no more than a certain amount of Megabits per second, which makes the system become congested and services are slower than normal".
52. Following the difficulties to access the Internet, the demonstrators started using alternatives applications to organize; *Zello* was a popular choice, because it allows users to turn their phones on radios to transmit voice messages through a tunable channel with up to 600 users per channel. From February 20 application developers reported they were receiving numerous complaints indicating that Venezuelans could not use the application in the country without using a VPN connection. On February 21, Bill Moore, CEO of *Zello*

---

<sup>27</sup> Sebin arrests engineer after warning about possible national blackout. Recovered on 20/05/2015 from URL <http://goo.gl/7JgmXR>

<sup>28</sup> Inform 2014 Situation of the Right to Freedom of Expression and Information in Venezuela. URL: <http://goo.gl/g0nGEx>

<sup>29</sup> William Castillo (2014), on Twitter. Consulted on february 12, 2014. URL: <https://twitter.com/planwac>

- said that "the biggest mobile operator and the leading provider of Internet in Venezuela – Movilnet and Cantv- have had blocked on Thursday (February 20) access to *Zello.co*".
53. During 2014, several Internet sites were victims of the State's censorship policy because of the news they were publishing; example of this is the news portal NTN24, whose domains were blocked on September 17, 2014 by state Cantv.
  54. In February and March censoring was a "state decision"; Colombian news channel NTN24 was suddenly removed from the grid of subscription television channels, because of the wide coverage they were making of the protests in Venezuela. In September NTN24 reported on its website news on hospital crisis in the country; consequently, access to the page from Venezuela stopped. While Conatel said it was due to a technical fault, the Colombian company said it was "[a] digital lock by the Venezuelan state" that they tried avoid without obtaining the expected results. In total, by September there were already 16 blocked web addresses, including alternative NTN24.com, CanalINTN24.com, NTN24ve.com, NTN24venezuela.com and VeNTN24.com.
  55. Throughout the year other news portals were blocked or attacked: in addition to NTN24 and *Almomento360.com*, comes *Globovision.com* on 9 October; Argentine news portal *Infobae*, the publication of images of the corpse of Deputy Robert Serra; and the official website of the Organization of American States ([www.oas.org](http://www.oas.org)) when the opposition deputy Maria Corina Machado spoke to representatives of nations during the Permanent Council of the OAS on the "current situation and dialogue Venezuela ", using the right word that the government of Panama gave.
  56. Restrictions on access to these sites threaten their owners but directly affect people interested in knowing the information disclosed there.
  57. Currently also at least five people are going through criminal proceedings by expressing opinions through the social network Twitter.<sup>30</sup> During 2014 several people were deprived of freedom arbitrarily result of statements made through the social network Twitter. One of these cases is Magaly Maria Contreras.
  58. Magaly Maria Contreras is a 55 years old Venezuelan woman suffering from a psychological disorder known as anxious-depressive syndrome, which has caused him physical and emotional undermining able to prevent their full and full discernment, despite the specialized medical treatment she's been receiving for over 19 years.
  59. In these conditions, Magaly Maria Contreras, through his twitter account @marletmaga, identifying himself as "twitterers seer," 2 and October 8, 2014, issued some expressions, which stated: "Fidel Castro there's few time left for you in this world, and dictatorship here in Venezuela and other countries will also die... I see a woman of the PSUV, from the red revolution, that is swelling inside ..... who originated and brought misfortune our Venezuela, will die soon... Fidel Castro, you're going to keep him company ... to your son Hughie death continues and is coming on the red rojito PSUV, Oh, Jorge Rodriguez I see you seriously ill ... oh Jorge Rodriguez, the reaper is following your back ... and Di Martino too... God cares for and protects Venezuela ... "
  60. On October 27, 2014, officials of the Bolivarian Intelligence Service (SEBIN) based in the city of Maracaibo, Zulia state, because of the content of the above transcribed tweets, apprehended the victim, who was charged with the offenses of "public incitement" and "Public Intimidation by spreading false information" and on 29 October of the same year,

---

<sup>30</sup> Espacio Público: Twitter users arrested for "destabilizing" bank system  
<http://espaciopublico.org/index.php/noticias/1-libertad-de-expresi/818-arrestan-a-usuarios-de-twitter-por-desestabilizar-sistema-bancario->, Interview with the Director of Espacio Público and other activists: The six twitter users that remain imprisoned at the SEBIN because of their opinions <http://goo.gl/Fzf6dM>



during accused presentation hearing, the Eighth Court of First State Instance in Control Functions, issued the measure of preventive detention court against her. The victim remained detained at the headquarters of SEBIN of Caracas, from 27 October 2014. This arrest was kept even though the First Chamber of the Appeal Court of the Penal Judicial Circuit of the State of Zulia, as of November 27, 2014, reversed the judgment and ordered the holding of a new hearing for the presentation of the accused. Finally, on April 10, 2015, after nearly six months of detention, she was taken to court, which ordered her release. However, a measure of presentation to the court every 15 days was imposed, along with her assistance to psychological and psychiatric consultation 2 times a month at the Psychiatric Hospital of Maracaibo (Government Institution), and community service three days a week in the Common Council of her parish and the prohibition of use and access to social networks.

### ***Recommendations***

61. To urge the State to investigate impartially and effectively the cases of assault, harassment and killings of media professionals and, therefore, prosecute and punish those responsible.
62. To urge the Venezuelan State to amend the Penal Code and Code of Military Justice, eliminating the figures of contempt or vilification and adjusting the protection of the right, honoring international standards.
63. To exhort the State to refrain from sustaining arbitrary blocking of access to websites and media in cable operators.
64. Urge the State to ensure access to paper and supplies to the national media and regional media.