



Venezuela: Harassment, arbitrary detentions, censorship, and constraints on news coverage prevailed as main restrictions on the right to freedom of expression during 2020

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“Everyone has the right to express freely his or her thoughts, ideas or opinions orally, in writing or by any other form of expression, and to use for such purpose any means of communication and diffusion, and no censorship shall be established [...]”
(Constitution of the Bolivarian Republic of Venezuela, Article 57).

“Freedom of expression is a cornerstone upon which the very existence of a democratic society rests. It is indispensable for the formation of public opinion. It is also a *conditio sine qua non* for the development of political parties, trade unions, scientific and cultural societies and, in general, those who wish to influence the public. [...] a society that is not well informed is not a society that is truly free.”
(Inter-American Court of Human Rights, Advisory Opinion OC-5/85, § 70).

The deep humanitarian crisis affecting Venezuela worsened during 2020, amidst the COVID-19 pandemic. Disruptions in utilities, gasoline shortages, and hyperinflation prevailed².

In this scenario, threats, harassment, persecution, and criminalization against journalists, opposition political leaders, human rights activists, academics and opinion leaders for exercising their right to freedom of expression increased.

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² Venezuela's monthly minimum wage in 2020 was Venezuelan Sovereign Bolívares (ISO: VES) 1,200,000.00 ([US Dollars, ISO: USD] 1.71), while the basic food basket had an average cost of VES 131,723,370.17 (USD 188.31 [Centro de Documentación y Análisis para los Trabajadores, 2020]). Venezuela closed the year with an accumulated inflation of 3,713% according to the National Consumer Price Index (Asamblea Nacional, 2021).

Despite mobility restrictions resulting from gasoline shortages and the executive order on the state of emergency and quarantine measures, in force as of March 13, 2020, in reason of the advent of the COVID-19 pandemic, 2020 became one of the years with the greatest restrictions on freedom of expression. Venezuela ranked 147 out of 180 in the 2020 Reporters Without Borders world index (2020), which assesses the conditions for the exercise of freedom of expression.

According to the monitoring on the status of freedom of expression conducted by the non-governmental organization (NGO) Espacio Público (Public Arena) since 2002, it was noted that 2020 is rated third regarding violations of freedom of expression going on record that year: 399 cases totaling 994 types of violations of this right (Espacio Público, 2021).

Number of cases per year according to the monitoring on freedom of expression performed by the NGO Espacio Público

Table 1: Cases per year
Cuadro 1. Casos por año.

2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
138	110	141	121	106	126	120	246	159	139	169	220	350	237	266	708	387	468	399

Source: Espacio Público, 2021.

As the main perpetrators of violations against the right to freedom of expression, Espacio Público identified law enforcement or security forces, namely, the Bolivarian National Guard (Guardia Nacional Bolivariana, GNB), the Directorate General of Military Counterintelligence (Dirección General de Contrainteligencia Militar, DGCIM) and the Scientific, Criminal, and Forensic Investigation Corps (Cuerpo de Investigaciones Científicas, Penales y Criminalísticas, CICPC); such government companies or agencies as Compañía Anónima Nacional Teléfonos de Venezuela (CANTV [Telephones of Venezuela National Co.]), Corporación Eléctrica Nacional (Corpoelec [National Electrical Power Corp.]) and the National Telecommunications Commission (Comisión Nacional de Telecomunicaciones, Conatel); as well as public officials. The Capital District and the

states of Lara and Zulia, three of the most densely populated regions with the largest number of media outlets in the country, were areas where the largest number of cases on record occurred (Espacio Público, 2021).

The types of violations against the right to freedom of expression that occurred most frequently were intimidation, censorship, and administrative restrictions (Espacio Público, 2021).

Types of violations against the right to freedom of expression on record in 2020 according to the NGO Espacio Público

Type of violation	Total	%
Intimidation	37	37.
Censorship	18	18.
Administrative	13	13.
Threat	9	9.2
Verbal harassment	7	7.8
Judicial harassment	7	7.4
Aggression	5	5.5
Assault	5	0.5
Death	3	0.3
Overall Total	994	100

Source: Espacio Público, 2021.

In Venezuela, the number of cases of violations against freedom of expression has increased in times when the 21-year political and economic crisis experienced by the country has worsened. This trend has been repeated in 2020, when the months with most instances of restrictions to this right were March (63), May (49), and April (43). These were months of great complexity in reason of the pandemic lockdown and the sharp decrease of activity in different economic fields, which deepened the economic recession.

With the advent of the COVID-19 pandemic in Venezuela, the policy of opacity and secrecy on matters under the responsibility of the national government intensified. The unilateral control of information by the Maduro administration prevailed. Daily briefings on

the number of cases of people infected or killed by the pandemic was in charge of the Executive Vice President of the Republic, Delcy Rodríguez who, albeit not a health professional, was commissioned by Maduro to chair the Presidential Commission for COVID-19 Prevention and Control (Comisión Presidencial para la Prevención y Control de la COVID-19).

In this regard, we underscore two restrictive aspects: First, we recall National Constitution Article 57, whereby "[c]ensorship restricting the ability of public officials to report on matters for which they are responsible is prohibited". By granting the executive vice president a virtually exclusive authority to report on the pandemic situation in Venezuela, the ability for officials with specific health-related roles to provide information on the subject was restricted. On rare occasions, we have witnessed Minister of Health Carlos Alvarado report on the pandemic. On no occasion did we hear reports on the coronavirus from the Rafael Rangel National Health Institute (Instituto Nacional de Higiene Rafael Rangel) chairpersons, despite the fact that this institution was designated as the national reference center to conduct PCR diagnosis tests for COVID-19.

Secondly, we note that, by granting an official – moreover, one with no experience or training in the health field – the exclusive power to report on the pandemic, the Maduro government prevented officials with authority in health matters from doing so. The president adopted a mechanism of unilateral imposition of information, contrary to the plurality and freedom of information that should exist in a democracy.

As the Inter-American Commission on Human Rights (IACHR) has warned in the Declaration of Principles on Freedom of Expression: "Restrictions to the free circulation of ideas and opinions, as well as the arbitrary imposition of information and the imposition of obstacles to the free flow of information violate the right to freedom of expression" (IACHR, 2000).

Journalists, academics, physicians, and other healthcare workers who reported on the expansion of the virus or made criticism of or remarks on the figures offered by Maduro's administration have been persecuted.

Espacio Público (2021) totaled at least 105 cases and 250 violations to freedom of expression, in connection with the COVID-19 pandemic.

Forty-one percent of the violations were intimidation, 22% cases of censorship, 12% threats, 11% judicial harassment, 7% administrative restrictions, 4% verbal harassment and 3% aggressions. Of a total of 140 victims associated with the COVID-19 pandemic and its implications, the most affected were journalists and reporters with 39% and individuals with 16% (Espacio Público, 2021).

On May 8, 2020, Venezuela's Academy of Physical, Mathematical and Natural Sciences (Academia de Ciencias Físicas, Matemáticas y Naturales) published a technical report named *Current status of the COVID-19 epidemic in Venezuela and its possible trends under various scenarios (Estado actual de la epidemia de la COVID-19 en Venezuela y sus posibles trayectorias bajo varios escenarios)*. It warned, on scientific grounds, that it was necessary to expand the diagnostic capabilities for the coronavirus by increasing the amount of PCR tests per a certain number of inhabitants, and anticipated that there could be a significant increase in the number of people affected by the disease in Venezuela between June and September.

Because of their report, the board of the above organization was threatened by Diosdado Cabello, member of the pro-government National Constituent Assembly³ (Asamblea Nacional Constituyente, ANC), also a leader of the ruling United Socialist Party of Venezuela (Partido Socialista Unido de Venezuela, PSUV) and host of the program *Con el Mazo Dando (Banging the Mallet)* broadcast by the state-owned Venezolana de Televisión (VTV).

³ Translator's Note (TN): Regime-engineered parallel legislative and constituent body, which is not internationally recognized, resulting from a constitutional mechanism activated in a non-competitive electoral contest in 2017. The body thus formed was denounced by the Venezuelan opposition, its legitimate Legislative Branch, the U.S. State Department, the Organization of American States, the Inter-Parliamentary Union, among others. It adjourned its sessions in December 2020.

"[I hereby extend] this invitation for law enforcement agencies to visit these people. It is an invitation to [go and] 'knock-knock'", said Cabello in his program (quoted by El Nacional, 2020), in reference to the likelihood of arresting members of the above academy.

This action represented a direct threat from a clearly powerful and influential political leader within the national government, which could have triggered raids or arbitrary detentions. With his threat, Cabello warned about the risks for those who reported or expressed their opinion on the pandemic and thereby encouraged self-censorship.

On the other hand, the use of a state-owned outlet, namely Venezolana de Televisión, to broadcast propagandistic content, as well as criminalize and threaten citizens for exercising their right to freedom of expression, constitutes a violation of the Organic Law against Corruption (Ley Orgánica contra la Corrupción), which, in its Article 13, sets forth:

Public officials and employees are at the service of the State and not of any political or economic group. Consequently, they may not use public property or resources that make up the public patrimony to favor political parties or projects, or private economic interests (Organic Law against Corruption, 2014).

Judicial harassment and arbitrary detentions were other patterns noticed during the pandemic.

At least 127 people were arbitrarily detained in 2020 for seeking or disseminating information, 10% more detentions on the same grounds in 2019 (Espacio Público, 2021). This figure illustrates a strategy of deploying the power of law enforcement or military forces to obstruct or prevent the dissemination of information uncomfortable to those in positions of power.

Journalist Darvinson Rojas was arbitrarily imprisoned for 12 days after a post he made on the social media platform Twitter in which he questioned the reliability of official figures on the pandemic (Reporters Without Borders, 2020). He was charged with "incitement to

hatred" and incitement to crime. On April 2, 2020, he was granted parole and the case against him remained open (Amnesty International, 2020).

There were also arbitrary arrests or threats against healthcare workers for reporting cases of people with COVID-19.

Acts of intimidation and persecution for giving news on the pandemic on messaging services have also been perpetrated. For example, bio analyst Andrea Sayago, who worked at Pedro Emilio Carrillo Hospital, in Trujillo State, was detained by officials of the Bolivarian Intelligence Service (Servicio Bolivariano de Inteligencia, SEBIN) on April 3, 2020, after she disseminated information regarding a possible case of coronavirus in that location by means of a WhatsApp status. She was pressed charges for the alleged crimes of "treason to the homeland" and "instigation to hatred". She was detained for two days and then she was issued a house arrest relief (Espacio Público, 2021).

In June, media workers and citizens who were making videos or taking photographs of long lines of vehicles around gas stations were arrested. The intention was to try to conceal the fuel shortage crisis in Venezuela, after having boasted a remarkable background as an oil producer.

Some of the arrests were conducted under Article 20 of the so-called "Constitutional Law against Hate, for Coexistence and Intolerance" (Anti-Hate Law [Ley Constitucional contra el Odio, por la Convivencia y la Intolerancia – Ley contra el Odio]), passed by the ANC in 2017, sponsored by the Nicolás Maduro government breaching the National Constitution. The above provision stipulates punishment for up to 20 years imprisonment to those who disseminate messages promoting hatred, discrimination, or violence on the media or online.

On grounds of this law, Nicmer Evans, director of the news website Punto de Corte (Closing Brief), was arbitrarily detained by CICPC and DGCIM officers on July 13, 2020. They also raided his home (Tal Cual, 2020). He remained imprisoned at the DGCIM

headquarters until August 31, 2020. On that day, he was released following his inclusion in a list of presidential pardons granted to 110 people by Nicolás Maduro (Ipsy Venezuela, 2020b).

Evans, who had been a supporter of the government of late president Hugo Chávez, has been critical of Nicolás Maduro's administration.

Administrative procedures and media closures

Punitive administrative procedures against broadcast media are actions, as provided in the Organic Telecommunications Act ([Ley Orgánica de Telecomunicaciones] 2011), which allow investigating possible infringements of an administrative or technical nature regarding the operation of a media outlet. The law expressly establishes a period of 15 days for filing of allegations and for rebuttal thereof (Article 178). In such proceedings, the rights to defense and due process, guaranteed in the National Constitution (Article 49), as well as the right to information and freedom of expression, shall be respected.

However, the government agency Conatel continued with its policy of initiating punitive administrative procedures and filing injunctions, all for the purpose of closing news shows, confiscating equipment and taking media off the air, breaching the constitution and with no respect for the right to defense and due process.

During 2020, at least 24 media outlets were closed (18 radio stations and two digital media). In addition, four newspapers ceased circulation because of the impact of the economic crisis. The cases of the radio station Pura Candela⁴, in Carúpano, Sucre State, and Rumbera Network 94.7 FM⁵ in the city of San Carlos, Cojedes State (Espacio Público, 2021), are examples of the arbitrary administrative actions conducted by Conatel (Espacio Público, 2021). Both media had been criticized by government authorities due to uncomfortable content in their programs.

⁴ Further information on this case at: <http://espaciopublico.org/conatel-cierra-la-emsora-pura-candela-93-3-fm/>

⁵ Further information on this case at: <http://espaciopublico.org/conatel-cerro-e-incauto-los-equipos-de-rumbera-94-7-fm/>

Restrictions on electoral coverage

On December 6, 2020, an electoral process was held in Venezuela to elect congresspersons to the National Assembly. This contest was met with criticism due to conditions of transparency and autonomy unmet by electoral authorities.

During the above elections, on December 6, 2020, there were 10 instances of restrictions on news coverage, affecting 13 journalists, according to the Press and Society Institute of Venezuela (Instituto Prensa y Sociedad de Venezuela [Ipys Venezuela] 2020b) records.

Most of these incidents involved preventing press workers from taking photographs and video recordings at the poll centers, and there was also evidence of denials of access to these institutions' premises despite the fact that reporters were bearing credentials issued by the National Electoral Council ([Consejo Nacional Electoral] CNE) (Ipys Venezuela, 2020b).

Taking to the streets

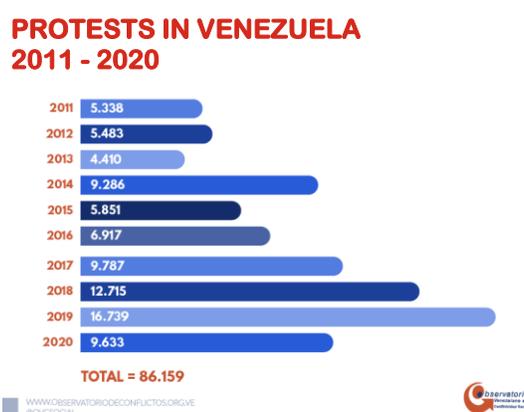
One way in which citizens stood up for their right to freedom of expression and made their voices heard during 2020 was exercising the right to demonstrate. In spite of state of emergency executive order issued by the government, which established a general lockdown as a protective measure against the COVID-19 pandemic, the shortage of cash restricting the ability to travel by public transportation and the severe failures in the gasoline supply restricting travel in private vehicles, citizens took to the streets to protest.

According to the Venezuelan Observatory of Social Conflicts (Observatorio Venezolano de Conflictividad Social, OVCS) records, 9,633 protests took place (an average of 26 per day) in 2020. Citizens complained about failing utilities (gas, potable water, and electrical power), labor claims, guarantees for health and food rights, as well as gasoline shortages (OVCS, 2021).

The findings show that the impact of the economic and social crisis increased significantly in the midst of the pandemic. "81% of the protests documented in 2020 occurred during the period in force of the state of emergency executive order regarding COVID-19. In total, some 7,789 street actions [took place] between March 13 and December 31, 2020" (OVCS, 2021, p. 4).

Consequently, 2020 was as one of the five years with the most protests in the last decade.

Records of protests in Venezuela between 2011 and 2020 compiled by OVCS



Source: OVCS, 2021

Censorship on the Net

The right to information entails the ability to seek, receive, and impart information and opinions of all kinds. Access to free and quality internet is essential for the exercise of this right, especially in crises, such as the COVID-19 pandemic, in which access to information is critical to activate prevention mechanisms.

In particular, access to the Internet took on central importance amidst the lockdown and social distancing measures adopted by various countries around the world to cope with the spread of the pandemic. Unable to travel, citizens resorted to the internet for information and entertainment. Educational, labor, and business activities also moved to the digital domain.

Faced with this context, and in line with Resolution 1/20 on Pandemic and Human Rights, the IACHR and its Office of the Special Rapporteur reinforce the call to States to guarantee access to an affordable and plural Internet for all their citizens, especially those groups of people in situations of vulnerability, and we urge them to carry out positive measures to reduce the digital divide. In addition to allowing interactions that are decentralized, instantaneous, without blockades, and without border limits, the Internet constitutes a *sine qua non* condition for the effective exercise of human rights, such as freedom of expression and opinion, of association and assembly, as well as access to the rights to health, education, work, and culture (Office of the Special Rapporteur for Freedom of Expression, 2020).

Although there has been a timid growth in the number of internet users in Venezuela in recent years, there persist failures regarding speed, connection, and quality of service. The percentage of the population that actually uses broadband service at home remains low.

Although, to date, the government agency Conatel has not released updated official statistics, internet indicators by the end of 2019 give us clues as to the situation existing in Venezuela in early 2020.

By late 2019, Conatel reported an internet penetration of 60.89% (Conatel, 2020a). When reviewing the detailed data, it was found that, by that time, there were 14,586,088 Standard Mobile Broadband subscribers (cell phone users with data plans), 2,581,834 Broadband users, 912,374 Dedicated Mobile Broadband subscribers, and 158,835 dial-up subscribers (Conatel, 2020b).

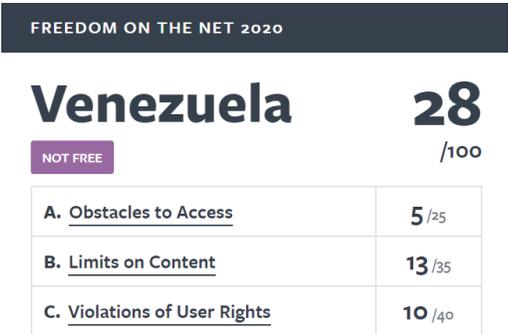
Most of the subscribers got online on their smart cell phones, with connections experiencing constant failures, according to frequent reports from users. This implies that there were no conditions to guarantee quality internet access in the country during 2020.

Likewise, the policy aimed at silencing information, ideas, and opinions disseminated on the internet regarded as critical of the administration of the Nicolás Maduro government continued.

Venezuela was classified as a "not free" country in the Freedom on the Net 2020 report, conducted by the US-based NGO Freedom House. Venezuela was 28th among 100 in the ranking conducted as part of this study, in which zero points means "the least free" and 100 points means "the freest".

Among other issues, the above organization identified failures in the telecommunications infrastructure impairing the quality of connectivity, blockages to informative websites by internet service providers (ISPs) – especially during politically sensitive times and during the COVID-19 pandemic, arrests against social media users and journalists working for online media when reporting on gasoline shortages or the pandemic from social media, and Distributed Denial Of Service (DDoS) attacks against independent media (Freedom House, 2020).

Major obstacles to internet connection in Venezuela identified by the NGO Freedom House



Source: Freedom House, 2020

In the context of the COVID-19 pandemic, when many productive activities have adopted online home office work and the educational field has put in place procedures supported by information and communication technology (ICT), it is essential to have a quality internet connection. However, there have persisted failures stemming from lack of infrastructure maintenance and investment in the telecommunications sector in reason of the economic crisis and price control measures, thereby compromising profitability and technological updates of companies in this sector.

By December 2020, broadband connection speed in Venezuela averaged 8.33 Mbps for uploads and 11.87 Mbps for downloads, ranking 157th among 176 countries monitored by the Global Speedtest index (Speedtest, 2021). Although average connection speed has improved against previous years, the country is still ranked among the bottom 20 with the slowest internet, which continues to have a significant impact on citizens' access to information on the Net.

Regarding blocking and restrictions on online content, Espacio Público (2021) put at least 120 instances on record. As a representative case, this NGO highlighted the blocking of the websites of 13 media outlets – and other digital platforms – by the state-owned CANTV. Some of the blocked sites were Aporrea, Armando.info, El Nacional, El Universal, Efecto Cocuyo, Globovisión, La Patilla, El Venezolano TV, Caraota Digital, Vivo Play, Sumarium, InSight Crime, 2001, SoundCloud, Livestream, and Change.Org.

Media workers murdered in 2020

José Carmelo Bislick (53) was a radio show host on Omega 94.1, in Güiría, Sucre State. On August 17, 2020, he was kidnapped by four armed men with masks on their faces who entered his house, stole electronic equipment and other valuable items, and tied him up; they also threatened and assaulted his relatives. His body was found on a highway in the same city. He had bruises and several gunshot wounds. Although it became known that one of the alleged perpetrators of the murder was arrested on September 29, 2020, there has been no further progress in the investigation (Ipys Venezuela, 2020a).

Bislick, who was also a political leader and an activist of ruling party PSUV as well as a supporter of the late President Hugo Chávez, had made allegations of gasoline and drug trafficking in Sucre State. In addition, he had a critical stance on the management by local government officials. His relatives suspect that the murder is linked to his whistleblowing activity. They stated that, at the moment of his kidnapping, his captors told him that they

had come for him and that they were going to kill him "for running a red light", an idiom to denote that someone has passed a forbidden limit (Infobae, 2020).

A few days later, in Zulia State, other media workers were murdered. Community media host Andrés Eloy Nieves Zacarías (33), worked at Guacamaya TV in the city of Cabimas, Zulia State. Victor Torres (29) was the son of the director of this television station, Franklin Torres.

On August 21, 2020, Víctor and Andrés Eloy were killed on the premises of the media outlet during an alleged police operation conducted by the Special Action Forces (Fuerzas de Acciones Especiales, FAES), an elite corps of the Bolivarian National Police (Policía Nacional Bolivariana, PNB), in Los Cocos neighborhood, Cabimas. These men in uniform forced their way into the media outlet's facilities and seized its equipment (IACHR, 2020).

In the alleged police operation, about 20 FAES officers took part, carrying long weapons, with faces covered, and arrived in Los Cocos, Cabimas, at the TV station location, which is also the residence of the Torres family. They threatened neighbors and forced them to lock themselves in their houses, as they also hit doors and windows of some houses and assaulted some neighbors. They entered Guacamaya TV without a warrant and took away equipment, preventing the media outlet from broadcasting anymore (El Pitazo, 2020).

The Office of the Rapporteur for Freedom of Expression of the IACHR of the Organization of American States (OAS) and various national and international organizations rejected the incident. They further demanded that the Venezuelan State investigate the facts and punish those responsible. They expressed concern for the participation and alleged responsibility of law enforcement officers.

Zulia State 45th Human Rights Attorney and 15th Common Crimes Attorney were assigned to investigate the deaths and punish those responsible. On August 24, 2020, the 1st Trial Court, Cabimas Courtroom, issued arrest warrants against six FAES officers for alleged

responsibility in these murders. Arrest warrants were also issued against two chief FAES officers in Zulia State.

The FAES has been held responsible for committing recurrent human rights violations. In a report released on September 16, the independent international Fact-Finding Mission (FFM) on the Bolivarian Republic of Venezuela, appointed by the United Nations Human Rights Council (UNHRC), determined that: "The FAES quickly became the most lethal police institution in Venezuela, responsible for 64.5 per cent of the deaths the Mission reviewed in 2019" (United Nations Human Rights Council, 2020, p. 56 §204 [English]).

During 2020, an assassination attempt was also perpetrated against a worker of another media outlet in the interior of the country. On December 2, 2020, Jamel Louka, a photojournalist for the newspaper La Antena, in Altigracia de Orituco, Guárico State, was intercepted by a man and a woman who tried to kidnap and murder him when he was arriving home. They fired a long gun at the media worker's vehicle. They then fired a shot that hit him in the left arm and a second shot that did not injure him because he was wearing a bulletproof vest. The assailants then threw a grenade and fled the scene.

Louka managed to escape from the assailants, take cover, and seek help. In the previous days, he had received threats from a man and a woman who came to his house twice and warned him to tone down his publications. He also received a threat, on WhatsApp mobile messaging service, in which he was warned that he would be "lynched". After this event, he had to leave his home and take shelter in a safe place to preserve his wellbeing (Ipys Venezuela, 2020b).

The OAS Declaration of Principles for Freedom of Expression states:

The murder, kidnapping, intimidation of and/or threats to social communicators, as well as the material destruction of communications media violate the fundamental rights of individuals and strongly restrict freedom of expression. It is the duty of the state to prevent and investigate such occurrences, to punish their perpetrators and to ensure that victims receive due compensation (IACHR, 2000).

When newsmen are murdered, their voices are silenced and the right of people to receive the information disseminated by them, in the exercise of freedom of expression, is also curtailed. These cases must be investigated and the corresponding punishment must be administered to those responsible.

Information gaps in pay TV

On May 19, 2020, during the COVID-19 pandemic quarantine, DirecTV, the company with the largest share of Venezuela's pay TV market, ceased its services in our country.

By late 2019, the company controlled 48.01% of the market and served 2,086,844 of the country's 4,347,090 pay TV subscribers (Conatel, 2020c), who were left without its signal.

In a press release, AT&T, parent company of DirecTV, announced the end of operations in Venezuela and explained that it was due to the impossibility of complying with the sanctions imposed by the US State Department prohibiting commercial ties with the private television station Globovisión and the state-owned PDVSA TV. It was also impossible for them to comply with the requirement of the Venezuelan regulator agency, Conatel, demanding that both channels should remain in the company's programming grid in order to keep its operating license in force in the country:

Because it is impossible for AT&T's DIRECTV unit to comply with the legal requirements of both countries, AT&T was forced to close its pay TV operations in Venezuela, a decision that was made by the company's U.S. leadership team without any involvement or prior knowledge of the DIRECTV Venezuela team (AT&T, 2020).

Following the announcement of this decision, Venezuela's Supreme Court of Justice ordered that the signal be immediately reinstated, "immediate possession" by Conatel of "the movable and immovable assets of the company" be taken, and an *ad hoc* board of directors, presided by the Conatel Director General, Jorge Eliéser Marquez, be appointed. Conatel immediately took over all the company's facilities and transmission equipment.

Likewise, its management was banned from leaving the country. Finally, in June 2020, three board members were arrested.

The company's going off the air left millions of Venezuelan households of different income without pay TV service. During its operations, DirecTV offered programming packages accommodating different budgets and had low-cost plans that allowed families living in low-income areas to access pay TV. It also spanned over very remote and hard-to-reach areas of the country, which are not accessible either by broadcast TV signals or by fiber optic-based cable TV services.

Pay TV services, by satellite or cable, have become an alternative to the control kept by the national government over broadcast radio and TV. In addition, they are affordable because of government price controls on telecommunications rates.

In recent years, there has been a systematic change in the media ecosystem in Venezuela stemming from the economic crisis, the enforcement of administrative measures, and the seizure of equipment by the government agency Conatel, as well as the purchase of independent private media by business groups aligned with the government of Nicolás Maduro and the denial of foreign currency to print media for purchasing such supplies as newsprint and printing plates.

The channel Globovisión, at the heart of the controversy resulting in the end of DirecTV operations in Venezuela, was one of the private media acquired by businessmen linked to Maduro's government. One of its owners, Raúl Gorrín, was sanctioned by the U.S. government for his alleged involvement in acts of corruption. Consequently, U.S. companies cannot conduct business with companies linked to those individuals sanctioned. PDVSA TV channel is part of the state-owned Petróleos de Venezuela (PDVSA), also sanctioned by the U.S. government.

DirecTV's signal returned in August 2020, after the announcement that AT&T's interest the Venezuelan subsidiary of this company had been acquired by Scale Capital and that

it would resume transmissions in Venezuela under the Simple TV brand. The signal, with a limited offer of channels, was available free of charge until November 2015, when subscriber registration and charges for use of decoders and programming packages started.

By the end of 2020, operations, registration, and payment had already been activated under the Simple TV brand. However, there persisted failures in the service causing protests and complaints from subscribers.

Criminalization from state-owned media

In 2020, there was a recurrent use of state-funded media to harass, criminalize, and expose to public scorn journalists, media workers, academics, Human Rights advocates, and political leaders opposing the Maduro government's administration.

In December 2020, Mario Silva, member of the pro-government ANC, activist of ruling party PSUV, and host of the show La Hojilla (The Razor Blade) on state-owned VTV, launched a harassment campaign against Crónica Uno website journalist, Yohana Marra, and Human Rights advocate and president of the NGO Control Ciudadano (Citizen Oversight), Rocío San Miguel. This harassment followed their reporting on an accident in which 20 people lost their lives while fleeing the country on a boat that left Güiria, Sucre State, bound for Trinidad and Tobago (Control Ciudadano, 2020).

Silva called San Miguel a "coup monger" and Marra a "[practitioner of] brown envelope journalism". He also harassed journalist and NGO Espacio Público Director Carlos Correa and National Association of Journalists (Colegio Nacional de Periodistas, CNP) President Tinedo Guía.

Silvia disclosed the usernames of Marra and San Miguel on the social media platform Twitter, and incited his followers to write to them. A few days later, on December 14, the Minister of the Interior, Justice, and Peace, Carmen Meléndez issued two statements in which she warned about: "the beginning of an investigation to ascertain information

disseminated by extremists of the Venezuelan opposition, which curiously and strangely preceded the results of the investigation [*sic*] (Ministerio del Poder Popular para las Relaciones Exteriores, Justicia y Paz, 2020).

Acts of this kind jeopardize the wellbeing and safety of the persons exposed, since it gives way to potential aggressions against them. Additionally, the use of state-owned media to criminalize people who do not agree with the thought of those who serve in government positions represents an act of corruption and a violation of constitutional rights, as any person is "entitled to respect for his or her physical, mental and moral integrity" (Article 46 of the Constitution of the Bolivarian Republic of Venezuela).

Likewise, it is worth remembering that the OAS-IACHR Declaration of Principles on Freedom of Expression establishes that "intimidation of and/or threats to social communicators [...] violate the fundamental rights of individuals and strongly restrict freedom of expression" (IACHR, 2000). Unfortunately, this type of action is frequent in the state-owned media that, in addition to propaganda purposes, are used to damage the dignity, honor, and reputation of critics of Maduro's government and subject them to public scorn.

Conclusions

Constant restrictions on the exercise of the right to freedom of expression and information are an indication of the extent of deterioration that democracy has experienced in the country.

Those in power conduct an implicit, recurrent policy of employing increasingly sophisticated mechanisms to try to quell criticism.

Increasing actions to silence dissent and impose a single voice pose a serious threat to other fundamental rights such as life and health. This is especially evident in a context such as the COVID-19 pandemic and the complex humanitarian crisis affecting Venezuela, in which journalists, human rights activists, academics and citizens have been persecuted, harassed, subjected to public scorn, arbitrarily detained, stripped of their equipment or threatened for reporting or voicing their opinions.

In view of these facts, it is essential to strengthen citizens' awareness of the fundamental rights enshrined in the Constitution of the Bolivarian Republic of Venezuela, as well as in international treaties on Human Rights.

Expressing ourselves is our right and there must be guarantees so that we can exercise it without any restrictions or adverse consequences for our physical or psychological wellbeing or our personal freedom.

The rights to information and freedom of expression should not be restricted, not even in cases of state of exception, as provided in Article 337 of the National Constitution.

We insist that knowing our rights is a fundamental step to be able to demand and defend them.

Let us remember that, as the Inter-American Court of Human Rights has determined: "Freedom of expression is a cornerstone upon which the very existence of a democratic society rests ". Working for restoring democratic freedoms and overcoming the

humanitarian crisis affecting Venezuela requires the full exercise of this right, allowing for a free and vigorous exchange of ideas as a contribution to the reinstatement of the rule of law in the country.

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