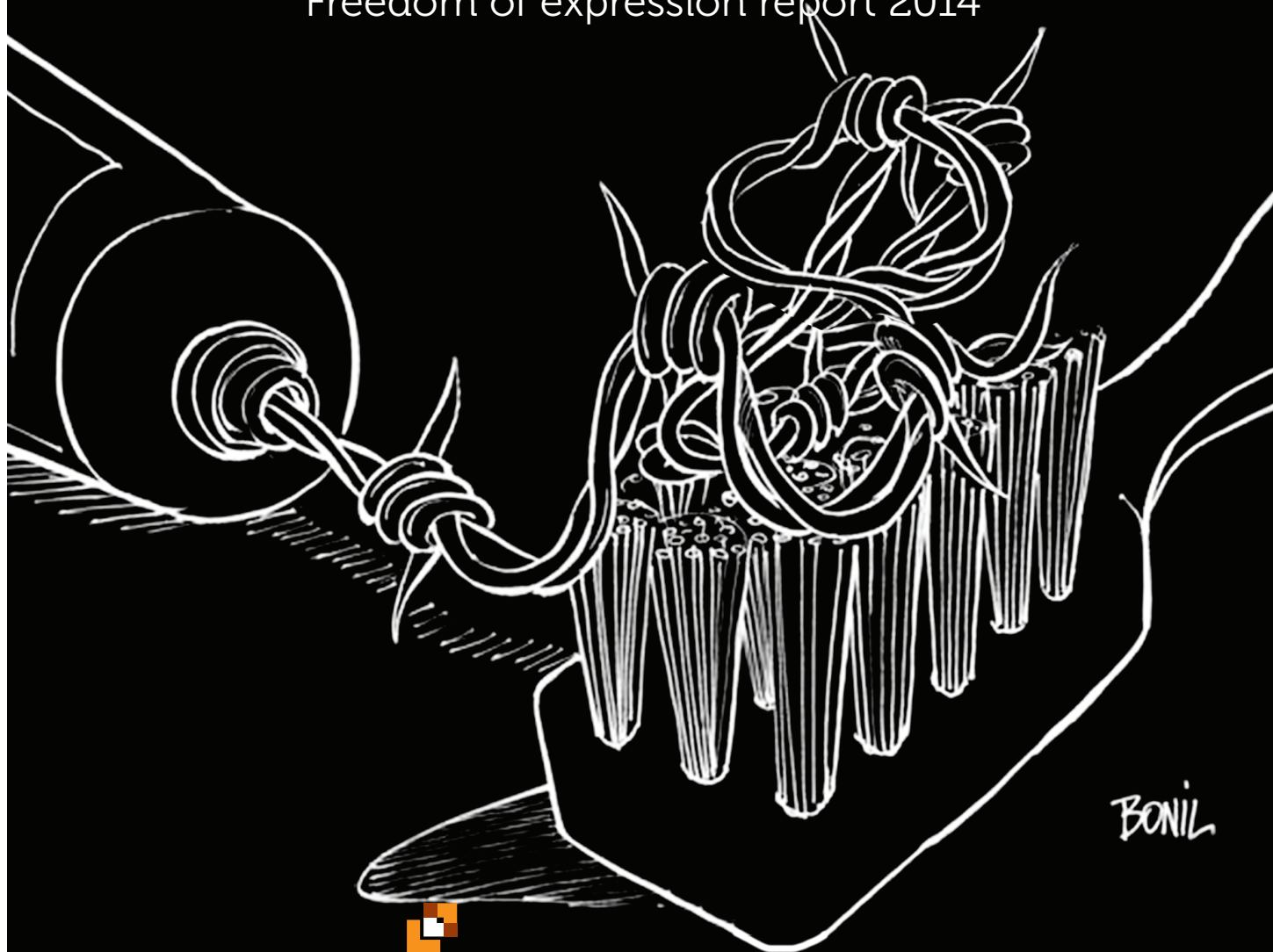


# ECUADOR: CENSORSHIP RIDES ON THE BACK OF A LAW

Freedom of expression report 2014



**FUNDAMEDIOS**

EXPRESIÓN DE LIBERTAD

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# ATTACKS ON FREEDOM OF EXPRESSION INCREASED BY 46%

The data speaks for itself; any negative forecasts that could have been made about the enforcement of the Organic Communication Law (LOC) were crystallized in 2014.

The data speaks for itself; any negative forecasts that could have been made about the enforcement of the Organic Communication Law (LOC) were crystallized in 2014. The constant accusations and sanctions imposed on the media have cornered even more Ecuador's scarce critical press and the consequences of this "strangling" are already evident.

Just this year, four media outlets closed down during July and August: the newspapers Hoy, La Hora in Manabí and El Oro and El Meridiano in Guayaquil. La Hora in Manabí announced it was closing down after 16 years due to "restrictions imposed by the Communication Law and its Regulations", as well as the lack of press freedom, censorship and the shortage of advertisers. While the directors of Hoy, forcibly closed down after 32 years of existence, declared that one of the causes for the company's undermining was the enforcement of the law in hand.

Undoubtedly, the implementation of the LOC marked this year. The law was enforced in an arbitrary and disciplinary manner by officials and authorities who made accusations almost daily, exercising legal



*On this year,  
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actions ex officio and using the Superintendence of Information and Communication (Supercom) to impose disproportionate sanctions on media outlets. It is not surprising, therefore, that the attacks based on "Fiscal, legal or administrative decisions" occupy the first place, as this category includes most of the 61 penalties imposed on media outlets.

The Ecuadorean media are punished for whatever they do: for publishing cartoons accused of being untrue and disliked by those in power, for a headline, because the sensationalist editorial line of some outlet upsets the demure officials, because a TV comedy has a GLBTI character and it uses double entendre or because in a lightweight radio magazine's segment about pets the word "bitches" is used and that can have a double meaning, for the opinions expressed by someone who is being interviewed, for those of an anonymous citizen who calls in to complain of the local authorities. As journalist Roberto Aguilar proposed in his blog [www.estadodepropaganda.com](http://www.estadodepropaganda.com), the Superintendence of Communication makes judgments based on semiotic interpretations whose nature is that they do not represent, cannot represent facts on which to build truths and/or legal opinions.

Small local media are perhaps those who have suffered the most the consequences of this Law's enforcement. We have the case of Mitad del Mundo TV Cayambe Visión channel 9, of the town of Cayambe, which was cautioned seven times based on complaints made by former mayor William Perugachi and even had to pay a monetary fine of USD 1360 for breach of Article 28 of the Organic Communication Law for failing to deliver copies of a program. Similar fines were also received by these local media: Radio station La Voz de su Amigo and Digital TV in Esmeraldas; Radio Sky in Carchi, or Radio Super W in Santo Domingo de los Tsáchilas, while on August 14 the newspaper El Nacional in El Oro had to pay USD 8,840 for failing to publish the print-run of 26 editions, affecting its fragile economy, just to mention a few examples.

To these constant monetary fines must be added the criminalization of social protest with the arrests of young activists during marches; the closure of two organizations because of an increase in State control; the president's constant condemnation of journalists; Internet censorship and other incidents that are producing a dangerous mix

for the health of freedoms in Ecuador, where the hostile and violent environment that has characterized this 2014 prevails, with a new record in number of attacks according to our records for the last seven years attesting to a rapid deterioration.

In addition, this year some serious events occurred that severely penalized social protest, such as the detentions of youth leaders and students. The first, in the context of a peaceful demonstration by workers who are now being investigated by the Public Prosecutor's office for alleged rebellion. Youth leaders Enver Orna, Paul Velázquez and Edgar Sánchez were arrested on 17 July and are currently on probation and must appear every week before a judicial authority until they are informed whether they will be called to trial.

That same day, during the rendering of accounts of the now-dissolved Pachamama foundation, three foreign activists were approached by immigration agents who tried to arrest them for allegedly failing to have their papers in order. According to witnesses, the operation was headed by Department of the Interior officials who moved directly towards the environmentalist volunteers. One of them, Oliver Utne had to leave the country the next day after receiving a warning from the Department of Immigration stating that if he stayed he risked "*being a victim of possible violations of his human rights*".

Another arrest occurred on July 22, when medical union leader Carlos Figueroa, along with Assemblyman Cléver Jiménez and his adviser Fernando Villavicencio, were sentenced to prison after being found guilty of insulting the president. This despite the Inter-American Commission on Human Rights had granted them precautionary measures in March.

Also, 54 young people were arrested and prosecuted for the protests of 17 and 18 September, when labor unions and other social organizations, as well as students, demonstrated against government policies creating some incidents. In the afternoon and evening of Thursday 18 September, approximately 126 youngsters were detained in the surroundings of Mejía School in Quito, while another 38 were arrested the following day as they continued protesting in the capital's central and southern areas. In Ibarra, a city in northern Ecuador, eight young people were also detained for protesting but



*Young citizens  
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and legally  
prosecuted for  
the protests held  
last September*

they were released the following day.

In this context, the prospects for social organizations also became more complicated this year because of the increased State controls and the enforcement of Executive Decree No 16. On 20 August, the German foundation Konrad Adenauer decided to close its doors in Ecuador to prevent these controls from interfering with its work. At the same time, the Crecer Foundation decided to close voluntarily, as the enforcement of these new regulations added to reviews by the State would threaten its subsistence. Other foundations, such as the association San Vicente Paúl, also announced that they would close if the problems persist. This is all added to what was undoubtedly the most serious case, the dissolution of the Pachamama Foundation, which in December 2013 stopped operating after allegedly incurring in one of the ambiguous grounds for dissolution referred to in this Executive Decree.

Finally, the condemnation of media outlets and journalists by the president during his Saturday programs have led to an increase in the verbal attacks made on Twitter, with threats to some journalists, such as Marlon Puertas, Martín Pallares or the columnist Emilio Palacio, currently exiled in the USA, who after being insulted by the president one Saturday was threatened by a Twitter user who offered USD 100,000 for his head. None of the cases of threats and verbal or physical attacks against journalists has so far led to an investigation obtaining results and even less so, to sanctions for those responsible.



## 2014 CLOSES WITH A RECORD 254 ATTACKS ON FREEDOM OF EXPRESSION

The year that has just ended has been the period with the most direct attacks on the exercise of journalism and freedoms in Ecuador since 2008, with 254 reported attacks of a total of 1031 in all those years. This figure represents an increase of 46% compared to 2013.

This drastic increase is largely explained by the violations of freedom of expression caused by the enforcement of restrictive legislation that infringes international standards on freedom of expression, as is the Communication Law. This law, which was adopted in June 2013 by a large pro-government majority in the National Assembly and started being enforced in October of the same year when the Superintendence of Communication and Information (Supercom) began to operate, made a full impact during 2014.

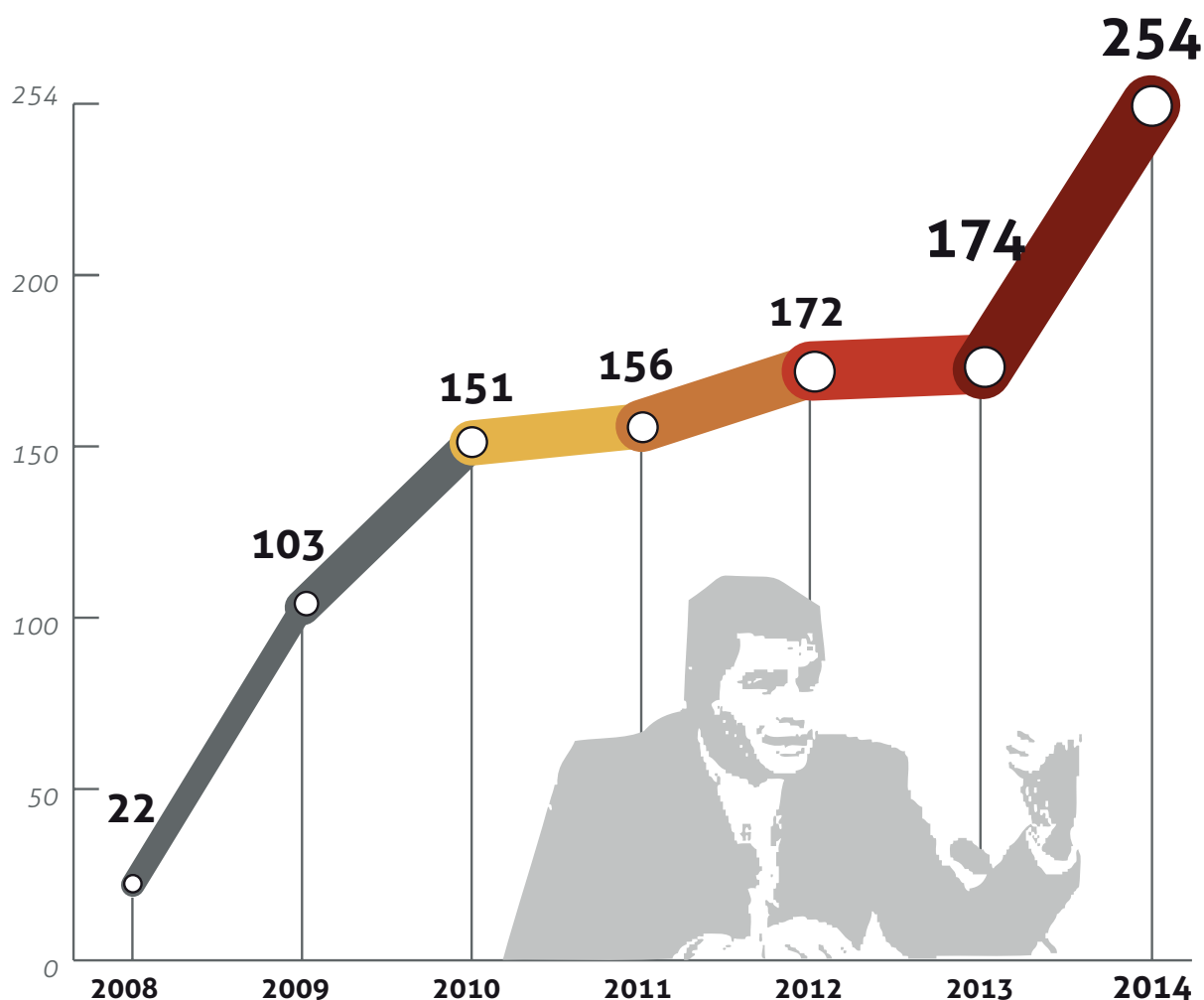
However, the implementation of this law that violates freedom of expression was not the only condition that disturbed the status of basic freedoms in Ecuador during 2014. As will be seen later, there were also reports on the closure of media outlets, the condemnation of people for expressing their opinions, a stigmatizing discourse



*The Organic Communications Law was approved by the official majority of congressmen*



## Total attacks



from the highest levels of government, the criminalization of social protest and Internet censorship, among others.

In this context, the most violent months were: July with 30 attacks, April with 27, and August and December with 26 each. July and August coincided with the closure of media outlets, as well as protests that led to arbitrary arrests and the prosecution of young students.



Month	Quantity	Percentage
January	19	7,57%
February	16	6,37%
March	6	2,39%
April	27	10,76%
May	19	7,57%
June	24	9,56%
July	30	11,95%
August	26	10,36%
September	17	6,77%
October	22	8,76%
November	22	8,76%
December	26	9,16%
<b>TOTAL</b>	<b>254</b>	<b>100,00%</b>

If the numbers of attacks recorded by Fundamedios' Monitoring Network are broken down, we can see that **"Arbitrary fiscal, legal and administrative decisions" are the main type of aggression against freedom of expression in Ecuador, with 113 reported cases.** As explained above, the sanctions imposed on the media through the LOC's enforcement are included in this category. Although criminal, constitutional, electoral and civil proceedings are also included. The number of proceedings initiated and sanctions imposed on the media under the LOC added up to 61, as detailed below.

Worthy of special note, because of their importance, are 6 "sentences issued by supreme or constitutional courts that affected freedom of expression" and 2 cases of "accusations or indictments of media workers involving crimes of opinion", which shows that administrative proceedings initiated by Supercom have led to a decrease in criminal trials for libel or slander.

**Verbal attacks come in second this year with 46 cases.** Nine of these were “threats” against journalists and 37 “statements by officials and public figures” that resulted in the systematic stigmatization of journalists, artists and social leaders by senior government authorities, headed by the president himself. “Enlace Ciudadano”, the three-hour long program broadcasted by over 300 radio and TV stations nationwide and presented by President Rafael Correa or his vice president, has become a platform where insults against those who question the government or simply have different opinions have become a regular occurrence.

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*The third place is taken by aggressions in the form of the “abusive use of state power” with 35 cases. Fifteen chain programs dedicated to discredit journalists or analysts; 15 illegal arrests in connection with protests against the government’s policies; and four cases of abusive state controls stand out among them.*

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**The fourth place goes to aggressions in the form of censorship,** with 5 cases of preemptive censorship and 17 of Internet censorship, a kind of aggression that has been on the rise in recent months with the suspension of Twitter accounts or the elimination of photos and videos from platforms such as Youtube, most of them through the actions of the Spanish company Ares Rights, known for censoring Internet content involving issues that might be uncomfortable for those in power.

Finally, 15 cases of physical attacks against journalists have been reported; 13 instances of the abusive use of non-state power, i.e. by individuals against journalists and media outlets; and lastly up to 8 “regulations, projects or restrictions that impede access to public information and hinder the work of journalists”.

## > Arbitrary judicial and administrative decisions, the principal aggression of 2014

### Number of aggressions



As for the victims, this year has been particularly difficult for most of the **media** in Ecuador, as they have been victims of 125 **attacks**, nearly 50% **of all** cases. It should also be noted that private media are the most vulnerable with 110 attacks, while State-owned media have been victims of aggressions on 10 occasions.

**Journalists and media workers rank second as victims of freedom of expression related attacks with 60 recorded cases.** Among them the most vulnerable are print (19) and radio (15) journalists. Finally, the attacks against citizens (24), cyber-activists (16) public figures (15) and NGOs (6) have also been on the increase.

As in previous years, in 2014 the main aggressors remain the same: **The State (through administrative, legislative or judicial actions) has been responsible for 112 attacks and civil servants for 70.** President Rafael Correa himself has accumulated 33 cases as a direct offender, followed by State security bodies with 14.

18

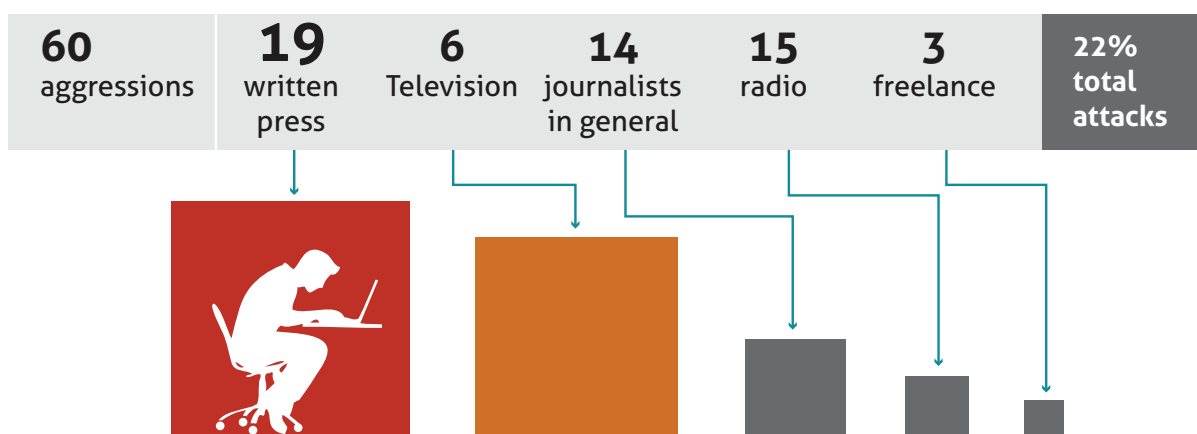
*Cases of Aggression were reported by "Violent Groups" with 18 cases, followed by "companies limiting freedom of expression in Internet" with 15 cases.*

## > Media and journalists, the main victims

### First most vulnerable group

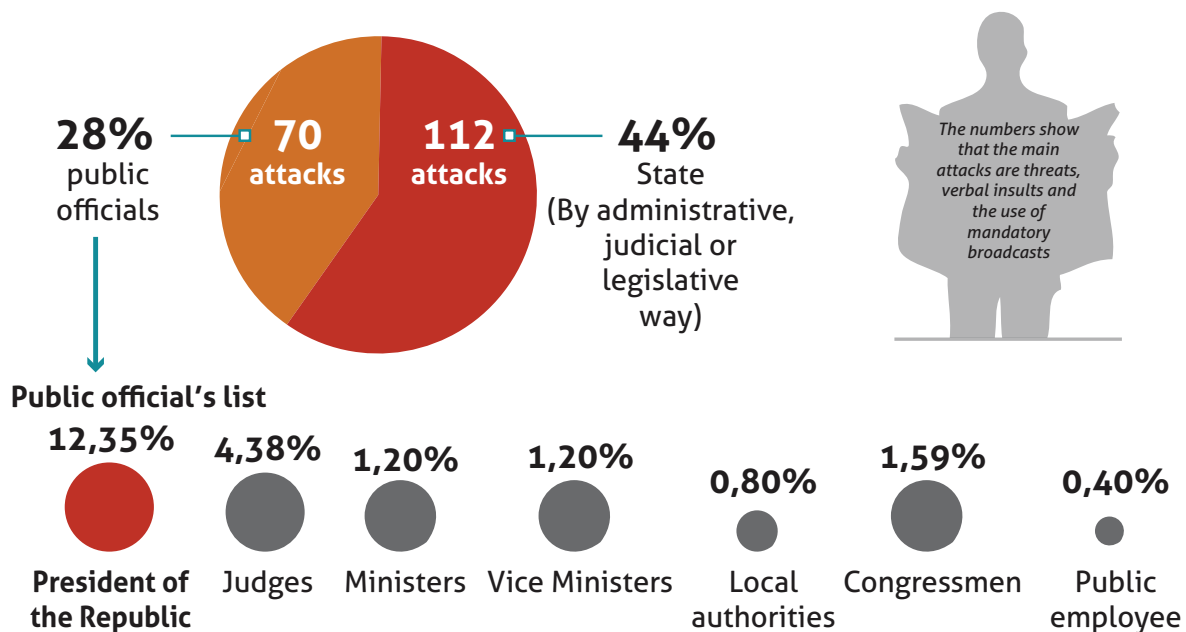


### Second most vulnerable group



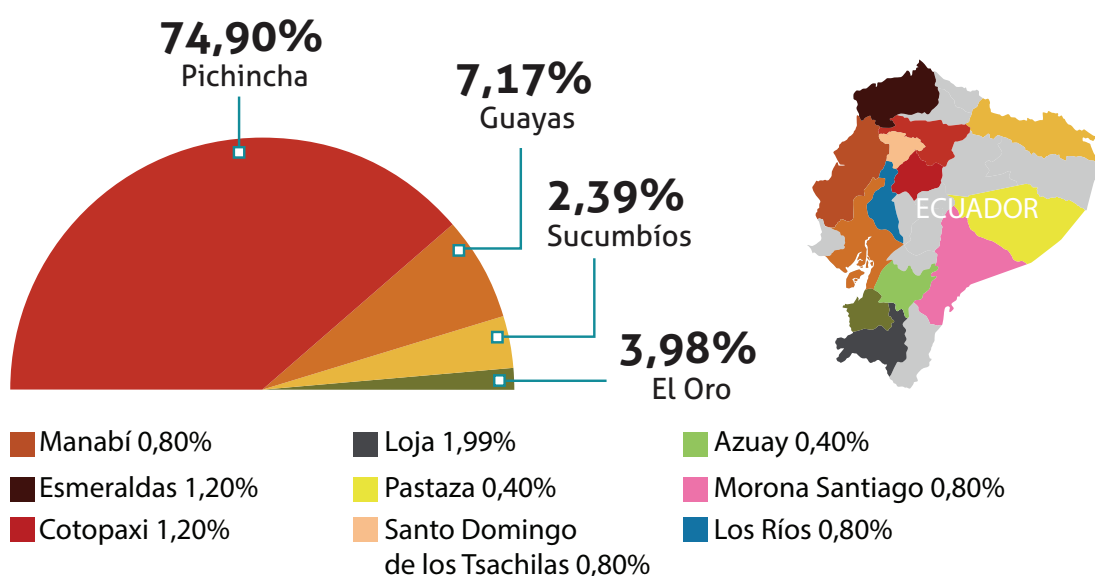
\* The majority of this group (43 people) is private media employees, while only four of them are public media workers.

## > Public officials and the State, the main aggressors



## Geographical sectors

That concentrates the attacks



## ENFORCEMENT OF THE ORGANIC COMMUNICATION LAW AND MEDIA HARASSMENT

Since the Superintendence of Information and Communication started to operate, a kind of harassment of the media by this control entity has become evident. To date, Fundamedios has reported a total of **61** sanctions on media outlets. Of these, **30** were economic fines mostly for not delivering copies of issues or recordings of programs; for taking an institutional stand on legal proceedings; or for not publishing the print-run on the front page. Similarly, the Organization has registered **31** written cautions, requests for rectification or public apologies sent to the media after complaints were made or proceedings initiated ex officio now totaling **20**.

As for the accusations recorded, **17 were filed by public officials** or local authorities, while 9 were presented by pro-government organizations or social groups and 18 by ordinary citizens, although many of them have some connection to the public sphere, are former officials or have been candidates to some local position.

This information was gathered from the alerts reported by the Organization, not from the total of processes involving the media, which could be somewhat higher. However, they provide an idea of what the enforcement of the Communication Law means and how it has been used to harass certain media outlets, especially the print media, which tops the list with sanctions for 14 outlets, followed by radio and TV stations with 7 sanctions each.

Among the media outlets that have received the most sanctions, newspaper Extra stands out. This paper has been penalized five times for alleged breaches of the law, as has another newspaper owned by the same group, Expreso, which received a heavy fine equivalent to 2% of its average turnover for the past three months. It has also been forced twice to publish rectifications following the parameters imposed by the control entity.

Another notable case is that of newspaper Hoy, which before being definitively closed down received a hefty fine of \$ 57,800 US dollars for allegedly failing to publish the print-run of 17 editions. Hoy's case went through two critical moments. The first occurred on 27

June when the newspaper announced the definitive suspension of its daily print edition, citing a “permanent advertising boycott” and adverse circumstances for the press due to the enforcement of the Communication Law, and the second when on 26 August the company that publishes Hoy, Edimpres S.A., suspended all operations following the decision by the Superintendence of Companies of liquidating the company ex officio. This put an end to the 32-year run of this traditional Quito newspaper. Between these two moments the newspaper was the victim of a smear campaign orchestrated by the government and carried out through chain programs and articles published by the State media to discredit the newspaper company, followed by its economic strangling.

Another heavily penalized media outlet has been the local newspaper La Verdad in El Oro, which was cautioned in writing twice and sanctioned financially four times. The fines totaled approximately USD \$ 8,000, double its assets, so it risks disappearing.

One of the most emblematic cases is that of cartoonist Xavier Bonilla “Bonil”, not only because he is one of the journalists most discredited by the president during his Saturday programs – he is often called a “hater”, “shameless” or “sick” – but because on 5 February he was forced to publish a rectification of a cartoon titled “Give Christmas Away” following a decision made by Supercom. This entity also fined newspaper El Universo for publishing the cartoon with the equivalent of 2% of its average turnover for the past three months (USD \$ 90,000).

In the case of radio stations, every recorded fine has been for failing to deliver requested copies of programs, while among TV stations the case of local station Mitad del Mundo Cayambe Visión channel 9 stands out because it has suffered a high number of sanctions following complaints from the town’s mayor, one of them a fine for not providing copies of a program while the rest were written cautions. Teleamazonas, however, has been the most hounded, both by allegations and penalties. Of the four sanctions received, two included heavy fines including the payment of 5% of its average turnover for the broadcast of a comedy with allegedly discriminatory content (which was finally taken off the air), and two were fines for USD 1,360 for failing to deliver copies of programs.

In addition to the sanctions to the media, approximately 50 complaints have been reported under the Communication Law. One of the most controversial was issued by former official government Carlos Vera Quintana against four private newspapers (El Comercio, El Universo, Hoy and La Hora) for the alleged violation of preemptive censorship committed by not reporting in sufficient detail the visit made by the president to Chile; or the complaint filed by pro- government activists against four comedy programs for alleged discrimination. These cases are still awaiting resolution by Supercom.

The following is a summary of sanctions against the media.



## PRINT MEDIA

### NEWSPAPER EXTRA CASES

1. Written caution, the headlines of two news articles must be rectified on the grounds that the newspaper, which is sensationalist, reported about a traffic accident in a disturbing way. (December 2013).
2. Administrative proceedings were initiated because of relapse and the case is sent to the Prosecutor's Office because of possible contempt. Later on 24 March 2014 the media outlet was fined 10% of its average turnover for the last three months because of alleged relapse.
3. On 27 March the outlet was ordered to apologize publicly for "*the sexist and stereotypical treatment of women on the 'Lunes Sexy' (Sexy Monday) front page.*"
4. On 18 July 2014, Supercom fined Extra USD 1,360 because it failed to provide copies of issues as requested by this entity.
5. On 13 November the paper received a written caution because it failed "to avoid the disturbing presentation of information" about crimes or accidents, following the publishing of two news articles, as part of proceedings initiated ex officio.



*\*This outlet must still face two more processes initiated ex officio on 23 and 28 November for alleged violations of Articles of the Communications Law concerning the prohibition of discriminatory content; ethical standards on the disturbing presentation of information and respect for the constitutional provisions on verification, timeliness, contextualization and cross-checking of information*

## NEWSPAPER EXPRESO CASES

1. On 25 November the newspaper was forced to publish a rectification as ordered by the Superintendence of Information and Communication (Supercom), through which the State entity stated that the outlet “misinforms the public”, because of the publication of a news article that referred to a sanction received by Extra after reporting on the Malaysia Airlines accident.
2. On 25 November the outlet was forced to apologize publicly and pay a fine of 2% its average turnover of the last three months for failing to publish a rectification requested by the General Manager of Refinería del Pacífico in accordance with the required characteristics and dimensions, and for taking an institutional stand on judicial matters in a news article about an alleged loss of money during the refinery’s construction.
3. On 4 December 2014, the paper was forced by Supercom to publish on its front page and first inside page a rectification of a news article concerning the alleged loss by Refinería del Pacífico which, in the opinion of the control entity, was not published in accordance with the characteristics and dimensions specified by the Law.

## CASES NEWSPAPER EL UNIVERSO

1. On 31 January 2014, Supercom ordered the rectification of a cartoon, after initiating proceedings ex officio, for the publication of a cartoon by Xavier Bonilla “Bonil” titled “Regale la Navidad” (Give Christmas Away) on 28 December 2013, in which the cartoonist portrayed the search and seizure of journalist and activist Fernando Villavicencio’s computers.

2. Supercom also fined the outlet 2% of its average turnover for the last 3 months for publishing the cartoon.

*\*El Universo and Bonil face a new process filed on 5 November before Supercom following a complaint presented by the members of several Afro-Ecuadorian organizations for the “dissemination of messages that constitute advocacy of discrimination and incitement to carry out violent practices or actions” because of a cartoon about a government party Assemblyman.*

## NEWSPAPER LA HORA CASES

1. On 21 July 2014, the Superintendence of Information and Communication (Supercom) fined newspaper La Hora (Esmeraldas regional edition) 2% of its average turnover for the last three months for “taking an institutional stand on the guilt of the murder’s alleged perpetrator” after publishing an article about the murder of a taxi driver.
2. On 4 December 2014, La Hora received a written caution after the initiation of ex officio proceedings for the publication of an article concerning the fast-track legal process of several students detained during the most recent protests against the government.
3. On 9 December 2014, Supercom fined La Hora 2% of the average turnover of the last three months for violating Article 25 of the Organic Communication Law by taking an institutional stand on the innocence or guilt of persons involved in an investigation or criminal proceedings.
4. On 18 December 2014, Supercom ordered the newspaper to apologize and publish a rectification as requested by State operated media outlet Gama TV because it considered that the newspaper had infringed Article 23 (2) of the Organic Communication Law by failing to comply with the requirements regarding characteristics, dimensions, position, section or schedule of the State outlet’s request.

*\* This outlet closed Manabí’s and later El Oro’s regional editions.*

## NEWSPAPER HOY CASE

1. On 4 July 2014, Supercom decided to fine Hoy USD 57,800 for allegedly failing to comply with publishing the print-run of 17 editions between May and June. This happened six days after the newspaper announced it would suspend its print edition.

*\*This outlet closed down for good after a forced liquidation of the company.*

## NEWSPAPER EL TELÉGRAFO CASES (State-operated media outlet)

1. This State-operated media outlet was “cautioned” in writing by Supercom after receiving a complaint from the Bank of Pichincha accusing the outlet of “media lynching”. According to the outlet, the bank initiated proceedings because of three news articles entitled: “Granda insists the Prosecutor’s Office should investigate how he lost TV station”, “SBS report detected anomalies” and “Port icon is deteriorated” published in September and October, and for which it requested the corresponding right of reply.

## NEWSPAPER EL NACIONAL CASES (El Oro)

1. On 14 August 2014, Supercom fined USD 8,840 the regional edition of El Nacional in the border province of El Oro for failing to publish its print-run on the front page of 26 editions between the 1st and 26 June.
2. On 28 November 2014, Supercom sent El Nacional a written caution for “failing to prevent the disturbing presentation of information about crimes, accidents, disasters or other similar events” and ordered it to refrain from repeating such practices. Written caution for “failing to prevent the disturbing presentation of information about crimes, accidents, disasters or other similar events” in proceedings initiated ex officio.

### NEWSPAPER LA VERDAD CASE (El Oro)

1. On 23 September the media outlet received **two** written cautions and was fined **four** times a total amount of approximately USD \$ 8,000 after Supercom initiated proceedings ex officio for alleged violations of several articles of the Law. The amount of the fine doubles the newspaper's assets and puts it at risk of disappearing.

### NEWSPAPER LA PRENSA CASES (Chimborazo)

1. On 8 September La Prensa was fined **twice** for a total amount of USD 4,760. The first fine was imposed because it failed to publish on its front page the total number of copies in the editions of 7 May and 20 July 2014, following a complaint filed by citizen Jaime Gonzalo Merizalde.
2. The second fine was imposed because it failed to deliver copies of the editions of 17, 28, 30 and 31 May and 22 June 2014, as requested by Lizardo Enrique Colcha Arévalo, within three days after the request was made.

### FORTNIGHTLY NEWSPAPER "RUMIÑAHUI Y SU GENTE" CASE (Pichincha)

1. On 18 August 2014, the Superintendence of Information and Communication (Supercom) ordered the fortnightly newspaper "Rumiñahui y su gente" to publish a rectification of information concerning the training of athletes, after a complaint was made by the president of the Cantonal Rumiñahui Sports League, Gerardo Pabel Alcocer.

### EL DIARIO CASE (Manabí)

1. On 8 October, the Information and Communication Administration Area 4 Pacific fined El Diario of Portoviejo the equivalent of 10 times the base pay, equivalent to USD 3,400, for an alleged infringement of Article 30 (2) of the Organic

Communication Law, which deals with the circulation of restricted information.

### WEEKLY EL OBSERVADOR CASE (Pastaza)

1. On 12 May 2014, Supercom sent a written caution to the weekly paper “El Observador”, in the Amazon province of Pastaza, for “failing to comply” with the ethical standards laid down by the Organic Communication Law (LOC), following the publication of a satirical column that allegedly affected the local mayor’s honor.

### WEEKLY LA VERDAD CASE (Sucumbíos)

1. On 16 June 2014, Supercom sent a written caution to La Verdad for failing to comply with the ethical standards laid down in Article 10 of the Organic Communication Law, concerning respect for “*the honor and reputation of individuals*” and “*the constitutional provisions concerning verification, timeliness, contextualization and cross-checking when disseminating information of public importance or general interest*”. Following a complaint filed by Nancy Morocho, former candidate to the prefecture of Sucumbíos representing the government movement Alianza PAÍS

### EL VOCERO AMAZÓNICO CASE (Sucumbíos)

1. On 16 June 2014, Supercom sent a written caution to this outlet for failing to comply with the ethical standards laid down in Article 10 of the Organic Communication Law, concerning respect for “the honor and reputation of individuals” and “the constitutional provisions concerning verification, timeliness, contextualization and cross-checking when disseminating information of public importance or general interest”. Following a complaint filed by Nancy Morocho, former candidate to the prefecture of Sucumbíos representing the government movement Alianza PAÍS.



## MAGAZINES

### SOHO MAGAZINE CASE

1. On 12 December 2014, the Superintendence of Information and Communication (Supercom) fined Soho magazine the equivalent of 10 times the base pay (USD 3,400) for failing to publish on its cover the print-run for the magazine's #133 edition. According to the control entity, the magazine failed to comply with Article 90 of the Organic Communication Law and Article 4 of the regulations issued by the Regulation Council (Cordicom) concerning the obligation of print media to include in each edition a space in which the total number of copies in circulation is specified.



## RADIOS

### MEGAESTACIÓN RADIO STATION CASE (Sto. Domingo)

1. On 14 May 2014, the outlet was fined the equivalent of 4 times the base pay (approximately USD 1,360) for failing to deliver copies of programs after a complaint was made by the Mayor of Santo Domingo.

### SÚPER RADIO W 96.9 CASE (Sto. Domingo)

1. On 28 May 2014, the outlet was fined the equivalent of 4 times the base pay (approximately USD 1,360) for failing to deliver copies of programs after a complaint was made by the Mayor of Santo Domingo.

### SKY RADIO 107.7 CASE (Carchi)

1. On 2 June the outlet was fined the equivalent of 4 times the base pay, USD 1,360, for failing to deliver copies after a complaint made by a local official, president of the Cantonal Assembly of Montúfar.

### **LA VOZ DE SU AMIGO RADIO CASE (Esmeraldas)**

1. On 7 August the outlet was fined the equivalent of 4 times the base pay, USD 1,360, for failing to deliver copies after a complaint was filed by the politician and former mayoral candidate for the Avanza movement, a government ally, Carlos Simón Barcia Molina.

### **ZAPOTILLO RADIO CASES (Loja)**

1. On 22 August 2014, Supercom fined Zapotillo Radio USD 1,360 for failing to deliver copies of the news program Primer Plano, directed by journalist Freddy Aponte, following a complaint filed by citizen Aníbal Moreno Ordóñez.
2. The outlet was also ordered to broadcast a clarification.

### **TRICOLOR RADIO CASE (Chimborazo)**

1. On 19 September 2014, the outlet was fined USD 1,360 for failing to deliver copies.

### **GAVIOTA RADIO CASE (El Oro)**

- On 21 November this outlet was fined USD 1,360 for failing to deliver copies of the program "Amanecer Informativo" as requested by the National Communications Director of the Ministry of Agriculture.

### **RADIO LA BONITA STEREO CASE (Cotopaxi)**

1. On 12 December 2014, the Superintendence of Information and Communication (Supercom) fined radio station La Bonita Stereo Popular 106.7, in La Maná – a town in the province of Cotopaxi, 110 km from Quito – the equivalent of 4 times the base pay, USD 1,360, for failing to deliver copies of the morning news program "Cotopaxi Noticias" of 8 October, after a request was made by the General Union of Drivers of La Maná.

## MUNICIPAL AND DISTRITO FM RADIO STATIONS CASE

1. On 24 December 2014, the Superintendence of Information and Communication, Supercom, fined the mayor of Quito, Mauricio Rodas (of the opposition party SUMA) the equivalent of 10 times the base pay (USD 3,400) for incurring in preemptive censorship by failing to relay the program “El Poder de la Palabra”, of the news portal Ecuadorinmediato.com, through Municipal and Distrito FM radio stations, which are managed by the capital’s town council. According to the control entity, the operators of the municipal radio stations “*committed acts that indirectly censored preemptively the content of the program ‘El Poder de la Palabra’, which should have been broadcasted on 16 May 2014*” and resolved to hold responsible the mayor of Quito, the highest municipal authority, who acknowledged an “administrative error” had been made by not relaying the program. The mayor was given 72 hours to deposit or transfer the value of the fine to Supercom’s accounts.



### TELEVISIÓN

#### RTS CASE

1. On 24 January 2014, it was fined more than USD 60,000, equivalent to 2% of its average turnover for the last three months, for broadcasting information about a case investigated by the Prosecutor’s Office about an alleged sexual offence against a navy captain.

#### ECUAVISA CASES

1. On 4 April 2014, Supercom ordered anchorman Alfredo Pinoargote and Ecuavisa TV station to publicly apologize for having allegedly issued discriminatory comments.
2. On 29 September 2014, Supercom ordered Ecuavisa to publish a rectification requested by Fernando Larrea, attorney for the company Sky Jet Elite, which should be broadcasted during the 1:00 p.m. edition of the news program Televistazo, and to apologize.



## TELEAMAZONAS

1. On 5 June 2014, the outlet was fined **twice** for the equivalent of four times the base pay – USD 1,360 each – for failing to provide copies of the comedy programs “Vivos” and “La Pareja Feliz”, requested by the president of Asociación Silueta X, Diane Rodriguez, who led a complaint against these and other similar programs for alleged discrimination.
2. On 6 October 2014, the outlet was forced to publicly apologize for allegedly discriminatory episodes of the comedy “La Pareja Feliz”.
3. On 31 October 2014, it was fined the equivalent to 5% of the average turnover for the last three months for broadcasting five chapters of the comedy series “La Pareja Feliz” in which “discriminatory content based on gender and sexual orientation” was disseminated. (After this the program was taken off the air to avoid further sanctions).
4. On 2 December 2014, the outlet was forced to issue a public apology after it failed to broadcast in full the content of a rectification letter sent by actress Carolina Jaume to the showbiz program ‘Jarabe de Pico’.

## MITAD EL MUNDO TV CAYAMBE VISIÓN CASES (Pichincha)

1. On 21 April 2014, the TV station was fined USD 1,360 for failing to deliver copies after the mayor filed a complaint.
2. The outlet has received six written cautions on various dates after the mayor of the locality filed complaints for an alleged failure to comply with ethical regulations concerning the honor of individuals.

## TC TELEVISIÓN CASE (State operated outlet)

1. On 28 May Supercom ordered the outlet to publicly apologize for the sexist content of a segment known as El Nalgómetro.

## DIGITAL TV CASE (Esmeraldas)

1. On 7 August 2014, the outlet was fined the equivalent of 4 times the base pay, USD 1,360, for failing to deliver copies of programs requested by the politician and former mayoral candidate for the Avanza movement, a government ally, Carlos Simón Barcia Molina.

## CANAL UNO CASES

1. On 6 October 2014, Supercom fined the TV station twice a total of USD 10,200 for allegedly infringing Articles 30 (4); 32 and 10 (3d) of the Organic Communication Law (LOC), concerning the circulation of restricted information and the comprehensive protection of children and adolescents.
2. It also received a written caution for failing to comply with ethical regulations concerning the same issue.

## Internet censorship and social network control

While Internet censorship has not been a major aggression, its increase over previous years is concerning. In 2014 seventeen cases were recorded, which included the suspension of Twitter accounts or the elimination of photos and videos from platforms such as YouTube, most of them through the actions of Spanish company Ares Rights, known for censoring Internet content involving issues that could be uncomfortable for those in power. In addition to censorship, Fundamedios has reported the hacking of social network accounts and cyber threats.

The following is a breakdown of Internet censorship cases recorded in 2014.

1. On 13 January 2014, [www.LaRepública.ec](http://www.LaRepública.ec) digital news portal reported the closure of one of its two YouTube channels, after receiving a copyright infringement notice issued by Spanish

company Ares Rights on behalf of the State-operated TV station Ecuador TV.

2. On February 14 2014, Twitter user Diana Amores (@Diana\_Amores) reported she was the victim of censorship in the social network Twitter when two photographs of government party candidates, included in two 'tweets', were eliminated. This happened after the social network received a notice of copyright infringement issued by the Spanish company Ares Rights representing the government movement Alianza PAIS.
3. On 17 February 2014, the filmmaker and well-known Ecuadorian Twitter user Carlos Andrés Vera announced that he would refrain from making political comments to safeguard his family's safety. This occurred after a pro-government user published a photograph of Vera's three-year old son on the network suggesting a porn video should be made involving the child.
4. On the afternoon of 27 March 2014, the Twitter account of President Rafael Correa @MashiRafael was hacked. Anonymous Ecuador claimed responsibility for the attack which lasted about four hours. Once control of the account was regained, the president blamed the foreign extreme right from acting in complicity with "*unscrupulous domestic opponents*". On 28 May 2014, Daniel S. and Alexander R., the two young owners of the portal primeraplana20.com, were arrested on suspicion of hacking the president's Twitter account. The cyber-journalists were released the next day by a judge of the "In Flagrante Unit" after not enough evidence to incriminate them was found. The investigation continues, however. The news portal has now disappeared.
5. On 1 April 2014, the website of the Latin American Journal of Communication Chasqui was hacked. The International Centre for Advanced Studies for Latin America, CIESPAL, the entity in charge of editing the magazine, stated the cyber-attack occurred at night and affected the archives filed in its servers, as well as the institution's digital repository.
6. On 10 April 2014, Twitter user Diana Amores' account (@Diana\_Amores) was suspended indefinitely after the social network received a copyright infringement claim issued by the Spanish company Ares Rights, representing the government

movement Alianza PAIS. The Spanish company based its request for the suspension of Amores' account on the fact that she had used "*its customer's logo*" as well as being a repeat offender. Twitter restored the cyber-activist's account the following day. However, a notice sent by the social network warned her that the account could be suspended again, this time permanently.

7. In the early hours of 29 May 2014, the digital media outlet LaRepública.ec went off the air for nearly four hours after being dropped by the server that hosts the digital portal in the United States. This was the result of a complaint of intellectual property rights violation filed by the company Ares Rights on behalf of Santiago Mena Vallejo.
8. Between 23 and 24 July 2014, Twitter suspended the accounts of five users known for their high number of followers and for being critical of the Ecuadorian government. The users @polifccion, @carlitosrugrats, @carlitoswayec, @Diana\_Amores, @JJOLMEDO\_ were suspended without Twitter giving any explanation or motive. On the afternoon of 25 July 2014, Twitter reactivated the accounts.
9. On 25 August 2014, the news portal [lahistoria.ec](http://lahistoria.ec) suffered three consecutive attacks on its servers, causing the page to go off the air. Its owners claimed the aim of the attacks was to silence the site's critical content.
10. On 29 August 2014, the Spanish company Ares Rights filed a complaint against the journalistic investigation portal [www.planv.com.ec](http://www.planv.com.ec) for alleged violation of their intellectual property rights and requested the servers that host the website to drop the content of a newspaper article, threatening to block access to them. Hours later the threat was solved when the photographic composition with the Ares logo was replaced. The Spanish company withdrew the suit.
11. On 24 September 2014, Facebook eliminated the video "What Correa does not want you to see" from the page "Ecuadoriano hasta las huevas" after receiving complaints of copyright infringement from Spanish company Ares Rights, allegedly representing the Communications Secretariat (Secom) and State-operated TV station Ecuador TV.
12. The same video was censored five days later, on 29 September

2014, on YouTube after a copyright claim by the Communications Secretariat (Secom).

- 13.** On Wednesday 5 November 2014, the personal Twitter account of journalist and news presenter of State-operated station EcuadorTV, María Fernanda Suasnavas, was hacked by unidentified persons.
- 14.** On 18 November 2014, Twitter suspended for the third time the account of Diana Amores (@Diana\_Amores), who is known for her criticisms of the government. On this occasion, the suspension came a day before a national day of protest called for by labor organizations and other social actors, which Amores had announced she would attend and report on via Twitter. Twitter's action was described as a "strange coincidence" by the cyber-activist. However, the reason given by the social network to suspend the account was "publishing other people's private information" as stated in the notice received by Amores.
- 15.** On 21 November 2014, Twitter suspended the accounts of Carlos Andrés Vera (@polificcion) and @carlitoswayec, known for their criticisms of the government. On 24 November, Vera's account was reactivated and then again closed down in less than 12 hours, on 25 November 2014.
- 16.** On 10 December 2014, Twitter suspended the account of Gabriela Franco @G\_FrancoG for allegedly posting private information concerning the Spanish company Ares Rights, after accepting the challenge of sharing the screenshot of an email sent by Diana Amores reporting the earlier suspension of her own account by action of the Spanish firm. Franco's account was reinstated days later.





# THE MOST SEVERE ATTACKS OF THE YEAR, MONTH BY MONTH

## JANUARY

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1. On January 14, 2014 the Superintendence of Communications (SUPERCOT) notified cartoonist Xavier Bonilla (Bonil) of a procedure that was initiated against him, for a cartoon published on December 28 in Diario El Universo. The aforementioned cartoon, under the title "Regale la Navidad" (Spare something, it's Christmas) pictured the seizing of journalist Fernando Villavicencio's home on December 26 past, and the confiscation of computers and other personal objects.
2. On January 31, 2014, the Supercom decided to impose a fine El Universo, equivalent to 2% of its turnover averaged over the last three months and demanded that within 72 hours rectify the text that appears in the cartoon made by Xavier Bonilla "Bonil".
3. On Thursday, January 9 2014, transmission equipment of network TV Agro channel 28 of the City of Babahoyo were seized by members of the Telecommunications Superintendence ( SUPERTEL ) and the National Police for allegedly operating clandestinely. The channel signal was taken off the air immediately. The order was issued by the National Telecommunications Council (CONATEL ). On this regard, León Pablo Mancheno, the owner of the network, told the digital newspaper ALDIA.COM.EC that the authorities do not have legal grounds to make the decision , let alone the raid and confiscation of the equipment. Moreover, they were not legally capable to cancel the use of the frequency because of alleged

accusations of clandestine operation of this channel.

4. On January 14 2014 The National Court of Justice denied the casation resource, which was allocated by Assemblyman Clever Jimenez, Fernando Villavicencio and the social Activist Carlos Figueroa. With this decision, the tribunal ratified the sentence of Judge Lucy Blacio who declared them guilty of blaming President Correa. Assemblyman Clever Jimenez and Fernando Villavicencio was condemned to 18 months of prison and social activist Carlos Figueroa was condemned to six months. As an economical contribution, they were required to pay USD 140.000 and give public apologizes to the President. This case started about a year after this tragical events, specifically on August 4, 2011, the legislator Jose Clever Jimenez Cabrera along with the citizens Carlos Eduardo Figueroa Figueroa and Fernando Alcibiades Villavicencio Valencia; presented a demand to the Ecuadorian Attorney General against Mr Rafael Correa Delgado, President of Ecuador; the plaintiffs accused Mr. Correa to be responsible of various acts on September 30 that derived on the death of citizens and the social chaos.

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## FEBRUARY

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1. On September 20, 2013, the Second Court of Criminal Guarantees of Esmeraldas accepted the action for slander that the former judge Ivonne Boada Ortiz presented against Diario la Verdad and its four members of its board of directors. Boada also requested an economic reparation of US \$ 30 millions.

The criminal action was presented against Editorial Alternativa y Comunitaria Diario La Verdad, and against Mario Gutiérrez, president and legal representative of the newspaper; Nathaly Ibarra, manager; Saúl Ibarra, editor and Rodrigo Jácome, director.

The action is based on the publication of the article "Interns that escaped from La Roca were hidden in Colombia", published on April 20, 2013. The note narrated the capture of one of the most wanted men that escaped from "La Roca". His case was decided by Judge Boada which was part of the tribunal.



2. On february 10th, 2014, the superintendent of information and communication, Carlos Ochoa, announced, at a press conference, that he will begin an administrative process against the newspaper Extra for possible recidivism, and will also sent the case to the Prosecutor, for alleged "disobedience to authority".

This happens because the newspaper did not obey a resolution issued by the organism, which demanded a public apology and rectifying the headlines of two publications about a traffic accident where the ex-principal and the public relations specialist of the Polytechnic School of Chimborazo died.

3. On January 24<sup>th</sup>, 2014, the Superintendency of Information and Communication (SUPERCOR) sanctioned the TV channel RTS, with a fine of more than \$ 60,000, equivalent to the 2% of its last three months averaged billing, for publishing news about a case that is under investigation in the Prosecutors Office, of an alleged sexual offense against a navy lieutenant.

According to information provided by the Supercom, the complaint was sent by the affected person, on December 26<sup>th</sup>, 2013, against RTS and journalist Hugo Gavilanez, claiming that the media took institutional position in a case that is in previous inquiry, which is sanctioned by the penalty described in the Article 25<sup>th</sup> of the Communications Law. The fine has already been paid by the media.

4. On February 11<sup>th</sup>, 2014 Alfonso Espinosa de Los Monteros, news anchor of Ecuavisa television station, corrected a comment he made on January 28<sup>th</sup>, by order of the Secretary of Communication (SECOM). This Secretary considered that his opinion "lacked objectivity and livelihood." In the commentary, the anchor expressed solidarity with Fundamedios and concern about the future of the organization, after the public announcement that the organization will have to Secom as its regulator. As explained by Espinosa de los Monteros, the National Secretariat of Communication, Fernando Alvarado, sent a letter to the news direction on January 30<sup>th</sup> and another one on February 7<sup>th</sup>, asking for correcting the comment.
5. On February 14, 2014, twitter user Diana Amores (@Diana\_Amores) denounced that she was a victim of censorship in

Twitter, since some of her posts were deleted. The posts contained pictures of two candidates that support the official political party, Alinaza País. The removal of the tweets happened after Twitter received a request from Ares Rights, a Spanish Company that represents the aforementioned party under violation of copyright claims. This company works for the governments of Ecuador, Argentina, and México.

6. On February 12, 2014, the Ministry of Environment denied the appeals claim presented by Pachamama Foundation, which was dissolved on December 4, 2013, under Executive Decree N° 16. The Ministry argued that it "had demonstrated in a clear, precise and detailed fashion that there had been no violation to articles 76, 66 (13), 66 (6), 33, 66 (26) and 82 of the Ecuadorian Constitution". *Pachamama on its part, declared that it would lodge their case before international instances.*

*The Environment Ministry dissolved Pachamama on December 4, 2013, in an operative in which several members of the police forces and the Ministry of the Interior participated. The staff was evicted and the doors were locked and sealed with signs that read "Dissolved".*

Pachamama was dissolved under the grounds that it had incurred in the dissolution causes N° 2 and 7 established in Article 26 of Executive Decree N°16.

7. On February 21, 2014, a journalist from La Hora was assaulted and expelled from a meeting where several members of the Government were gathered. The security staff took away his note pad and ripped off the notes he took during the event. Luis Vivanco, News Chief of La Hora, told Fundamedios that the journalist (who requested that his identity was kept in secret), attended the headquarters of Security System ECU 911, to cover an event where issues regarding municipal fees and taxes would be discussed, and where local tradespeople would be trained in these matters. Also, the meeting intended to contradict some statements made by Mauricio Rodas, who was running for Mayor of the city of Quito.

## MARCH

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1. On March 14<sup>th</sup>, 2014, the citizen David Marmol, activist of Yasunidos Collective denounced that he was detained by members of the Presidential Guard and later beaten by unknown persons, for having made a gesture with his hand (thumb down), when the presidential caravan passed by.

Marmol said that the aggression occurred about 02:00 in the afternoon, when he was collecting signatures against the oil drilling in Yasuni Park, in Quito. At that time the presidential caravan passed and the activist showed his thumb down as a gesture of disapproval to the extractive government policy.

2. On March 21<sup>st</sup> 2014, Lucy Blacio, judge of the National Court of Justice issued a warrant for arrest against the Assemblyman of Pachakutik Cléver Jiménez, the journalist and expert on oil issues Fernando Villavicencio, and the activist Carlos Figueroa, who in April 2013 were convicted of the crime of slander against the President Rafael Correa. Blacio was the judge who sentenced Jimenez and Villavicencio to 18 months in prison as well as six months to Figueroa. The judgment is executed once the tribunal denied the request for extension and clarification filed on March 14. With the warrant for arrest, the National Police will seek and capture the three convicted.
3. On March 24<sup>th</sup>, 2014, the Superintendence of Information and Communication (SUPERCOM) fined Extra journal with the 10% of its last three months averaged billing, for having committed an alleged recidivism. According to the control entity, the media outlet did not comply with a resolution issued by the entity, which demanded a public apology and the rectification of the headlines of two publications on a traffic accident, which killed the former rector of the Polytechnic School of Chimborazo. Also for not rectifying a request on time- after a complaint made by the citizens Mariana and Rocío Ceron, for a publication about a case that had no final judgment.
4. On March 27<sup>th</sup>, 2014, the Superintendence of Information and Communication (SUPERCOM) ordered, by resolution, that daily Extra should publish a public apology "for the sexist and

stereotyped treatment that is given to women by the cover 'Monday Sexy'. This penalty occurs in the same week that the newspaper received a monetary fine of 10% of the averaged billing of the last three months for alleged recidivism, in another case.

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## APRIL

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1. On April 4, 2014, the Superintendency of Information and Communication (Supercom), sanctioned administratively, to Ecuavisa, television station and the news anchor of the program "ContactoDirecto", Alfredo Pinoargote for allegedly discriminatory comments. After that, on april 8, he offered a public apology. The (Supercom) established the responsibility of the Ecuadorian Television Corporation SA, Ecuavisa channel and Contacto Directo host, Alfredo Pinoargote Cevallos, for being guilty of the prohibition in Article 62 ..." in the Communications Law concerning the publication of discriminatory content and messages that constitute advocacy of discrimination.
2. On April 10, 2014, Diana Amores twitteraccount (@Diana\_Amores) was suspended indefinitely after Twitterreceived a compliance complaint for copyright infringement, raised by the Spanish company Ares Rights, who is representing the government movement (Alianza PAIS). The company bases its request for suspension of Diana Amores account *"for using the logo of their customer"* and for being a repeat infringer.

The cyber activist said to Fundamedios that, since February 2014 she has been defending herself of at least four claims made by the Spanish firm. The last claim arises from the publication of the image of an open letter sent by President Rafael Correa to the foundations of their movement before sectional last elections. The letter had the logo of Alianza PAIS government movement.

3. On April 11<sup>th</sup>, 2014 the Twitter user and columnist for El Universo journal Betty Escobar (@ basoledispa) reported through her

attorney Joffre Campaña that she and her family were victims of anonymous threats through printed messages that came to her home in the United States and to the homes of her parents and aunt in Guayaquil, Ecuador. The twitterer said -in the paper delivered to the Prosecutor's Office in Guayas- that on April 7<sup>th</sup> she received a bouquet of flowers and a box of chocolates at her residence in New York City. Among the gifts was a message printed on a sheet of paper that said in Spanish: "Your friends from Ecuador will visit you soon." The same day, two similar messages were left in the homes of her parents and aunt, both located in the port city of Guayaquil, the Ecuadorian's second most important city.

4. On Saturday April 12<sup>th</sup> 2014, President Mr. Rafael Correa disqualified a journalist and a cartoonist whom he called them "haters", also called the same way to the Ecuadorian media press; who the president considers "the most corrupt press in the planet" during it's "Enlace Ciudadano" TV and radio national broadcast N° 369 which was developed in the United States.

In this context, Mr. Correa attacked again against journalist and cartoonist Xavier Bonilla "Bonil" from "EL Universo" journal, which was qualified as "a hater cartoonist who made infamies with little drawings". This new mention was to clarify what the President pointed the last (sabatina) Saturday's TV show and remember what Bonil shared in his personal Facebook account, when in 1995 Xavier Bonilla published an article entitled "former public officer collect \$ 1,300 salary without working" - was a slander against him, the President said.

5. On 16 April 2014, Alfredo Valdiviezo, the brother of journalist Fausto Valdiviezo, who was killed on 11 April 2013, received a threatening phone call while at his mother's home in the city of Guayaquil.

The call took place just over a year since Fausto Valdiviezo was killed. The case is still unsolved and his family has continued to hold public events calling for those responsible to be held accountable. Alfredo Valdiviezo, who is also a journalist, reported to the Guayas Attorney General that at approximately 2 p.m. on 16 April he received a called at his mother's house.

Someone who said they were a CNN journalist asked for him. When he took the call he was threatened. "They told me to shut up, to not make statements about anything, that I had already gotten money to keep me quiet but that I was continuing to speak out, and that they were going to start killing my family. They said I would be the last one to be killed," said Valdiviezo in his statement. He asked authorities to investigate the call and find those responsible.

6. April 21, 2014, the Superintendency of Information and Communication (Supercom) sanctioned the TV station Equator TV Cayambe Vision Channel Nine (Mitad del Mundo TV CayambeVisión Canal Nueve) with a fine based in four unified basic minimum wages (approximately \$ 1360 –one thousand three hundred sixty) for violating Article 28 of the Communications Law by not given copies of a program.
7. The April 21, 2014, representatives of 45 organizations and social groups, pro-government assembly and citizens filed a complaint to the Superintendent of Information and Communication (Supercom) against two sitcoms and a newscast, considering that their content is "discriminatory and burlesque." The complaint led by Diane Rodriguez, *Asociación SiluetaX* (X Silhouette Association) president, suggests the oversight body "to be present in the regulation" of sitcoms: *Mi Recinto* (My Complex), *Vivos* (Alive) , *La Pareja Feliz* (The Happy Couple) as well as the newscast *En Carne Propia* ( Firsthand Experience). The complaint is directed against Flor María Palomeque, *Roflo* Productions owner and co-star of the TV show *La Pareja Feliz* (The Happy Couple); David Reinoso, *Orbeluna* Productions president and primary actor in the TV show *Vivos* (Alive); Victor Arauz, actor in the TV show *Vivos* (Alive) and also directed against Fernando Villarroel producer of the TV show *Mi Recinto* (My Complex).
8. On April 24, 2014 a group of Ecuadorian immigrants in Madrid was victim of censorship by security guards, who removed and destroyed their banner, the Ecuadorian group was protesting against oil drilling in a part of the National Park Yasuní, trying to take advantage of the President Rafael Correa visit to Spain. Aida Quinatoa known as an activist and leader of the Platform of People Affected by Mortgages in Spain spoke with

Fundamedios, Shenarrated that with 10 Ecuadorian families, went to the Vistalegre Palace in Madrid to have a meeting with the President with the purpose of expressing their feelings through a banner whose caption said: "*Yasuní is defended not touched.*" However, from this banner only was left with the word "Yasuni" after being rip apart by security agents who threatened her to arrest her if she does not do what she is asked for, but in the end she didn't get arrested.

9. The early morning of April 30, 2014 three women were arrested for supposedly being involved in acts of sabotage, they had shouted out slogans against the Minister of Interior Mr. Jose Serrano during an operation that moved more than a thousand prisoners from the old jail facility to a new one located 60 km from Quito. This incident was published by several Ecuadorian media; the sources wereeyewitnesses' testimonies. From the published information, it appears that the Flagrancy Unit Judge of Pichincha, Yolanda Cueva, remanded against the three women that were put in preventive prison, two of them are human rights activists and the third is a close relative of one of the prisoners transferred to the new center, the new prison facilityis questioned for allegedly not having the right conditions and basic services for prisoners occupancy.

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## MAY

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1. On May 9, 2014, Paul Chambers and Gerardo Portillo, two of the four suppliers citizens investigating contracts that kept the brother of the President of the Republic with the State, were found guilty of having committed the crimes of perjury and sentenced for Eighth Criminal Court of Pichincha to a year in prison. The other two members were acquitted oversight. This case dates back to February 2011 when the overseers-chosen by lot by the Council of Citizen Participation and Social Control to conduct investigations, concluded in his report that the Presidentknew about the contracts of his brother. They stated that in the process there were illegalitiespreferences and



causing serious damage to the state. Based on the disclosure of these findings, the prosecution asked for the prosecution of Paul Chambers, Gerardo Portillo, José Quishpe and Victor Hugo Hidalgo, who were called to trial in September 2012.

2. On May 12, 2014, the Superintendency of Information and Communication (Supercom) sanctioned the weekly (*El observador*) "The Observer" of the Amazonian province of Pastaza, by a written reprimand for "failure" to the ethical standards laid down in the Organic Law of communication (LOC), following the publication of a satirical editorial column that would have affected the honor of the mayor of the town.
3. On May 14, 2014, the Superintendence of Information and Communication (Supercom) sanctioned Radio mega station FM 92.9 of Santo Domingo de los Tsáchilas-located 133 Km from Quito with a fine that consists of four basic minimum unified salaries (about \$ 1360 U.S. dollars) for violating the Article 28 of the Organic Law of Communication (LOC) for not providing copies of the newsletter "Meganoticias", which were requested by the mayor of the city.
4. On May 28, 2014, the Superintendence of Information and Communication (Supercom) sanctioned Radio Súper 96.9 W, from La Concordia - a town located 178 km from Quito, in the province of Santo Domingo de los Tsáchilas with a fine- of four basic unified remunerations equivalent to USD \$ 1,360. The penalty was given for breaking an Article 28 of the Communication Law (LOC) by not providing the tapes of the radio program (*Hablemos Claro*) 'Let's talk Clear'. The complaint was submitted on April 4th, by Mrs. Veronica Zurita, Santo Domingo's Mayor, and Mr. Juan Carlos Mariño, the ombudsman of the district, who had requested the recordings stating that "they have attacked the dignity of Mrs. Mayor".
5. On May 28, 2014, the Superintendency of Information and Communication (Supercom) decided, by resolution, that the director of the media seized by the state, TC Television should broadcast a public apology for the sexist treatment of women in the segment 'The Nalgómetro' in the show 'I am the Best' (*Soy el mayor*). The apology must be done within 72 hours, counted from the notification of the decision.



6. On May 23, 2014, the Superintendency of Information and Communication (Supercom) denied to Peñaherrera Blasco Solah the director of the polling firm and president of the Chamber of Commerce of Quito the petition to exercise the right of reply, based on statements expressed by President Rafael Correa on 22 February, during his radio and television broadcasting No 362. The control entity ruled that "the pronouncements issued by the President on the 'government TV and Radio Saturdays program' does not have communicational content that is regulated by the Communication Law" in conclusion, therefore, (Supercom) have no jurisdiction to fulfill this request, as stated in resolution No. 038-2014-INPS-DNJRD.
7. On May 26, 2014, the Superintendency of Information and Communication (Supercom) agreed on acting on two complaints advanced by Mrs. Nancy Morocho, former candidate from the province of Sucumbíos representing government movement "*Alianza País*"; the complaints were against the local newspapers "*El Vocero Amazónico*" (The Amazon Spokesperson) and the weekly "*La Verdad*" (The Truth) "in Sucumbios amazon province situated at the northeast of the Ecuadorian territory. The complaint, filed on March 14, is based on an alleged violation of Articles 10, 20 and 26 of the Communication Law (LOC), concerning ethical standards, further liability and media lynching. According to Mrs. Morocho, publications made by these Medias have "lack of veracity" and "infringe against her dignity and good name."
8. On the night of May 28, 2014, young men Daniel S. and Alexander R. Owners of the website *primeraplana20.com* were arrested as suspects of hacking the Twitter account of President Rafael Correa on 27 March. Cyber journalists were released the next day through an order by the Flagrancy Judge, after not found sufficient evidence that incriminating the young men. However it has been noted that the investigation will continue.

## JUNE

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1. On 27 June 2014, Hoy newspaper announced through a press release, the decision to abandon the journals print edition after 32 years of circulation. The daily print edition will be replaced by a digital one in June 30. The current validity of the Communications Law, the “permanent advertising boycott”, the limitations for journalistic research as well as an “adverse scenario” for the press, were some of the reasons given by its director, Jaime Mantilla, for ending the circulation of the newspaper.
2. On June 2, 2014 the Superintendent of Information and Communication (Supercom) sanctioned Radio Sky 107.7, from Carchi, province located on the Ecuadorian northern border, the media was sanctioned with a fine of four basic unified salaries equal to USD \$ 1,360. This sanction is the result for a breach of Article 28 of Communication Law (LOC), by not provide a copy of the audio of a radio program to the request of Mr. William Revelo Burgos, president of the Montúfar Cantonal Assembly. On April 15 Mr. William Revelo denounced the media for not delivering a copy of a radio program on April 4th, where the news anchor Marcelo Lima Montúfar interviewed the mayor Mr. Juan José Acosta. According to the complainant, the request was made twice through official letters.
3. On June 16th, 2014, the Superintendence of Information and Communication (Supercom) passed a written reprimand to the weeklies La Verdad and El Vocero Amazónico in Sucumbios -province located northeast of Ecuador- for failure to comply with the ethical standards of Article 10 of the Communications Law, concerning respect for “the honor and reputation of individuals” and “constitutional check budgets, timing, context and comparison in the dissemination of information of public importance or general interest.” Both warnings respond to complaints made by Nancy Morocho, former candidate to the Sucumbios province by the ruling Alianza PAIS movement. In its resolutions the Supercom remind the media of their “duty to correct and improve their practices to the full and effective exercise of the right to communication.”

4. On June 4, 2014, the Superintendency of Information and Communication (Supercom) agreed to accept a complaint filed by Carlos Vera Quintana-coordinator of the Centre for Communication and Critical Thinking Foundation Rights (*del Observatorio de Comunicación y Derechos y Fundación Pensar Crítico* )-against newspapers: *El Universo*, *El Comercio*, Journal Hoy and *La Hora*, for apparent violation of the Communication Law (LOC), concerning the prohibition of prior censorship, having not published “sufficient” information of President Rafael Correa visit to Chile last month . This complaint is based on Article 18 of the LOC, which states that “the deliberate omission and recurrent dissemination of public issues is an act of censorship.”
5. On June 5, 2014, the Superintendence of Information and Communication (*Supercom*) declared admissible an application presented by Carlos Zambrano Brandt against Journal *La Hora* for failing to provide a “quality and detailed” full coverage of the president’s Rafael Correa visit to Chile last month. This is the second complaint for the same reason filed by the Control entity against the media in less than a week.The complaint is based on an apparent violation of Articles 18 and 22 of the Communications Law, concerning about the prohibition of prior censorship and the right to truthful information of public importance.
6. On june 18, Luz Moscoso mother of slain journalist Fausto Valdiviezo, reported being the victim of an attack in the early hours. Unknown threw some kind of acid on your vehicle while it remained parked at his home, located in the Citadel’s shipyard, north of the port city of Guayaquil. Two months ago reported receiving death threats.
7. On this month Fundamedios reported that the Superintendent of information and communication (Supercom) launched a permanent monitoring system and constant surveillance at each space of news, opinion, music, advertising and propaganda, media monitoring in Quito, Guayaquil, Cuenca and Portoviejo. For that purpose the government contracted statistics businesses and Advertising Control services(*Escopusa*)-(*Estadística y Servicios de Control Publicitario*) and Information Media services(*Infomedia*)- (*Informacion de Medios*) were

awarded for a total amount of USD 178. 091, for monitoring 24/7 weekly; as was detailed on Journal *El Universo* on a June 3<sup>rd</sup> publication.

*Escopusa* will be responsible for “providing the monitoring service to: store, classify and transmit summary information of news facts, events and opinions, generated by the media (radio, television and print media)”; as is stated in the administrative decision, No. SUPERCOM-044-2014-DNAPI. Meanwhile, *Infomedia* was hired to “provide monitoring service of music, advertising and propaganda content broadcast by the media (radio, television and print media), establishing early warning for the fulfillment of the Rights of communication of Ecuadorian population by the media (...)”, according to resolution SUPERCOM-045-2014-DNAPI.

8. On June 26, 2014, the assembly ruling bloc was led by the National Assembly’s president Gabriela Rivadeneira, who presented to the Constitutional Court a draft of 17 “constitutional amendments” on the draft is contemplated the communication will be considered as a public service. The three-page document presents, in Article 16, to add as first paragraph of Article 384 of the Constitution the following text: “Communication as a public service will be provided through public, private and community media.”

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## JULY

1. El On July 4, 2014 the Superintendence of information and communication (Supercom) resolved to sanction Hoy journal with a fine of USD 57,800 for not publishing in the front page the circulation numbers of 17 editions between May and June this year. This occurs within six days of the announcement made by the journal to suspend their print edition.
2. On July 21, 2014 the Superintendence of Information and Communication (Supercom) sanctioned newspaper La Hora (Esmeraldas regional edition) with a penalty equal to 2% of

average turnover in the last three months for “taking institutional position on culpability of an alleged offender committed murder “after publishing an article about the murder of a taxi driver.

3. July 22, 2014, after an operation executed by the National Police, medical union leader Dr. Carlos Figueroa was arrested, sentenced to six months in prison after being found guilty of libel crime against President Rafael Correa, along with former assemblyman Cléver Jimenez and his advisor Fernando Villavicencio. The Interior Ministry, through its official Twitter account @MinInteriorEc, published about 14:30: “Urgent. @PoliciaEcuador detained Carlos Figueroa, sentenced to 6 months in prison for libel. Arrest occurred north of #Quito”.
4. On the afternoon of July 25, 2014, Twitter reactivated four ‘tweeters’ accounts that are critical of the government after have been suspended about 24 hours. Users: @polificcion, @carlitoswayec, @Diana\_Amores, @JJOLMEDO\_, known for being critical of the Ecuador government’s handling, the accounts returned to the air after being suspended between July 23th and 24th without giving any explanation or reasons by Twitter.
5. On July 24, 2014 the National Assembly passed the Organic Monetary and Financial Code, which contains articles that could restrict the right to freedom of expression and access to public information. This Code sent by the Executive as an urgent project, has been challenged by a limited discussion among stakeholders, although the ruling party legislators disagreed.
6. On 30 July 2014 the Constitutional Court issued a judgment in which set restrictions to journalistic work. According to it, the Court prohibited to the media publish information related to cases handled in indigenous justice without prior approval of the representatives of the communities.

## AUGUST

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1. On August 7, 2014 the Superintendence of Information and Communication (Supercom) sanctioned the Digital TV and radio station La voz de su amigo, the coastal province of Esmeraldas -located 300 km north of Quito, the fine was a financial penalty four basic minimum wages unified, USD 1360, for failing to provide copies of programs.
2. August 14, 2014, the Superintendence of Information and Communication (Supercom) sanctioned newspaper El Nacional, from El Oro, province located at the southwest of Ecuador with a fine of USD 8.840 for not publishing their circulation number in 26 editions, between June 1 and 26 this year.
3. On August 15, 2014 the newspaper El Meridiano from Guayaquil -coastal city located 400 Km away from Quito- announced the closure of its print edition after 31 years of a strong presence in the Ecuadorian journalism. Economic problems related to the lack of publicity, above that, the legal warnings were the reasons to stop printing the newspaper that continue to be published in just the digital version.
4. On August 17, 2014, former editorial writer for the newspaper El Universo, Emilio Palacio, former Assemblyman Cléver Jiménez and citizen Esteban Saltos faced criminal charges against the prosecution for alleged conspiracy. The complaint of public action was introduced by Fernando Larrea, lawyer of SkyJet Elite US company owned by his nephews, the Ecuadorian Juan Pablo and Eduardo Larrea, considering that the three combined to tarnish the image of the government, using the name his nephew Edward, who was director of Civil Aviation.

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## SEPTEMBER

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1. On the 8<sup>th</sup> and 19 September 2014, the Superintendence of Information and Communication (Supercom) sanctioned the local newspaper La Prensa and Radio Tricolor from Riobamba

- a city located 138 km from Quito- for not have released two editions of the print run and no have delivered copies of original editios or programs. Journal La Prensa was suspended twice. First, because the entity of control determined that the newspaper failed to comply Article 90 of the Communication´s Law (LOC) by failing to disseminate, on the cover, the total number of copies on circulation in editions of May 7th and 20th of July 2014, after came a complaint issued by citizen Jaime Gonzalo Merizalde, on July 25<sup>th</sup>. The second penalty was given against this newspaper for failing to deliver some copies requested by Mr. Lizardo Enrique Colcha Arévalo, copies of publications that corresponded to the 17, 28, 30 and 31st of May and 22nd of June 2014, and were supposed to been delivered on a term of three days. This, in the opinion of the Supercom, infringed Article 28 of the LOC. The newspaper has been fined with USD 4760.

2. On September 17 2014 the Constitutional Court ruled to deny as unconstitutional the Communications Law on procedural grounds. It also refused the demands about articles 27 from de LCO because of substantive grounds (articles 1,3,5,6,17,18, 20,21,22,24,26,30,38,40,42,48,55,59 , 61,63,64,71,84, 90 and 96) and the Court just proceeded to make minor changes in two articles and the interpretation in a third. The unconstitutionality of the Communications Law had been sued by three different actions: the first one presented by 60 journalism, civil society, art, culture and academia personalities. Another issued by University San Francisco de Quito legal and human rights clinics and the last one by the opposition legislator, Luis Fernando Torres.
3. On September 17th, as part of the march organized by workers and other social organizations against some government policies, several incidents occurred and 47 persons were detained, 15 policemen were injured, a cameraman was physically assaulted and the digital media outlet LaRepública.ec suffered a cyber-attack.
4. On September 17, 2014, the Criminal Court of Macas, Amazonian city located in the southeastern of Ecuador, upheld, the 12 years imprisonment sentence against indigenous leaders Pepe Acacho and Pedro Mashiant, both were accused of organized

terrorism by different events during a social protests, when Acacho was director of Radio La Voz de Arutam and was president of the Shuar federation.

5. On September 24th, 2014 the social network Facebook has eliminated the video "What Correa does not want you to see" from the page "Ecuatoriano hasta las huevas" after allegations of copyrights violations made by the Spanish company Ares Rights, on behalf of the Ministry of Communication (SECOM) and the state channel Ecuador TV.
6. On September 23rd, 2014, the Superintendence of Information and Communication (Supercom) sanctioned the weekly La Verdad, of Machala -city located 500 Km from Quito- with two written warnings and four financial penalties totaling approximately USD \$ 8,000, twice the amount of the media outlet assets that could lead to its extinction.
7. On September 29, 2014, the Superintendence of Information and Communication (Supercom) ordered the television station Ecuavisa to publish a correction requested by Fernando Larrea, company lawyer of Sky Jet Elite, which will be broadcast on the newscast Televistazo 13:00. The control entity also ordered the director of the informative submit a written public apology to people that should be published on the website of the media for at least seven consecutive days.

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## OCTOBER

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1. The morning of October 7, 2014, the mathematician, activist and blogger Bolívar Loján received a threat from unknown assailants who threw a dead dog stabbed, with a note in which insinuated that his life was in danger. The message was sent to the house of his nephews in Loja, a city on the southern border of Ecuador.
2. On October 31, 2014, the Superintendence of Information and Communication (Supercom) resolved to sanction Teleamazonas



television station for the transmission of five chapters of the comedy series La Pareja Feliz "Happy Couple" for publishing discriminatory content because of sex and sexual orientation. "The media outlet shall pay a penalty equal to 5% of the average turnover for the last three months, according to tax returns submitted to the Internal Revenue Service (IRS). The Supercom based its decision on two resolutions Cordicom, Regulatory and Development Council of Information and Communication, which qualify as discriminatory chapters of the series.

3. On October 6, Canal Uno media outlet also received two fines totaling USD \$ 10,200, and a written reprimand for allegedly offenses referred to in Article 30 paragraph 4; 32 and 10 paragraph 3, letter d) of the Act Organic Communication (LOC), concerning information restricted circulation, comprehensive protection of children and adolescents and ethical standards.
4. On October 8, the local Intendancy of Information and Communication of the Pacific sanctioned El Diario newspaper of Portoviejo -coastal city located 355 km from Quito- with a fine of 10 basic unified remunerations, equivalent to \$ 3400 USD, for alleged infringement of Article 30, paragraph 2 of the Communications Law, which deals with information restricted circulation.
5. On October 27, 2014, Jaqueline Gonzalez, former councilor of Sucúa canton in the province of Morona Santiago (366 km south of Quito), was sentenced by the Civil Court, to spend 15 days in jail for a comment made on a Facebook account that does not belong to her.

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## NOVEMBER

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1. On November 5<sup>th</sup> 2014, the Superintendence of Information and Communication (Supercom) admitted the complaint issued by members of several Afro-Ecuadorian organizations against the cartoonist Xavier Bonilla (Bonil) and "El Universo" because of a published cartoon. The complainants argued

about the “dissemination of messages that constitute support of discrimination and incitement to the experiments or practice of violence”.

2. On November 6, 2014, the facilities of the print and digital newspaper Cotopaxi Noticias, located in Latacunga (89 km south of Quito), were attacked by unknown who stole two of the six computers that were in place, those machines contained journalistic material and media files for the last five years.
3. On November 21<sup>st</sup>, 2014 the Superintendent of Information and Communication (SuperCom) sanctioned Radio Station Gaviota , from El Oro -province located in the southwest of Ecuador- with a fine equivalent to four basic unified remunerations (USD \$ 1,360) this fine was given because of failing to submit copies of Amanecer Informativo ‘informative dawn’ requested by the Ministry of Agriculture National Director.
4. On November 13, 2014 the Constitutional Court accepted an extraordinary protection action against the judgment of the National Court of Justice which declared innocent journalist Freddy Aponte in the insolvency process followed for José Bolívar Castillo, Mayor of Loja. This process was continued after the non-payment of compensation about \$ 55,000, which is the result of an earlier trial for moral damages which it was derived from another trial for libel.

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## DECEMBER

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1. On December 2, 2014, the Superintendence of Information and Communication (SuperCom) fined the television station Teleamazonas, the fine consist with the obligation to issue a public apology, for not publish the complete content of a letter of ratification sent by the actress Carolina Jaume, the entrainment TV show Jarabe de Pico ‘Syrup Peak’, which airs on the channel.
2. On December 4, 2014 Daily newspaper El Expreso published on its cover and inside at the first page, an orderly ratification

by the Superintendence of Information and Communication (SuperCom), the news report was regarding an alleged loss of the Pacific Refinery, which according to the control entity, was not published with the characteristics and dimensions specified by the Law. For this note, the newspaper was already sanctioned last November 25, with a fine equivalent to the 2% of the average turnover of the last three months; the fine was for considering that the media took institutional position on judicial matters. In the ratification published by the communication media it was stated that the article published by the newspaper "contains obvious and flagrant errors that misinform the public with false criteria" and was rejected the possible existence of an injury to the State.

3. On December 4, 2014, the Superintendence of Information and Communication (SuperCom) sanctioned newspaper La Hora with a written reprimand after initiated exofficio proceedings, for the publication of a note concerning the abbreviated trial where several students were detained in recent protests against the government.
4. On December 9, 2014, the Superintendence of Information and Communication (SuperCom) sanctioned newspaper La Hora with a fine equivalent of the 2% of the averaged turnover of the last three months for violating Article 25 of the Communications Law, for taking institutional position on the guilt or innocence of people involved in an investigation or criminal process.
5. On December 12, 2014, the Superintendence of Information and Communication (Supercom) sanctioned local radio La Bonita 106.7, of Mana -town located in the province of Cotopaxi 110 km from Quito- with a fine of four basic salaries (1360 US dollars) for failing to provide copies of the morning news "Cotopaxi News" last October 8, at the request of the General Union of Drivers of La Maná.
6. On December 24<sup>th</sup>, 2014, the Superintendence of Information and Communication, Supercom, sanctioned the mayor of Quito, Mauricio Rodas (SUMA party, opposition to the government of Rafael Correa), with a fine of ten basic salaries (USD \$ 3,400) for considering him responsible for censorship by not broadcasting the program "El poder de la palabra", from the news portal

Ecuadorinmediato.com, through the Municipal Radio and Distrito FM, public media administered by the capital district council.

7. On December 17<sup>th</sup>, 2014, the National Assembly passed with 93 votes in favor and 25 against, the Organic Law of Telecommunications' draft after the second debate concludes. This Act establishes an Agency for the Regulation and Control of Telecommunications with wide powers to regulate the radio spectrum under the Executive instructions and which the principal of this entity used to be elected by the Assembly from a list submitted by the president.
8. On December 27, 2014 Vice President Jorge Glas, during the Saturday's national TV and radio broadcast No. 404 once again discredited journalists, activists and politicians who were mentioned in previous national broadcasts, as finalists and winners of the segments called: "La canallada más canalla del año", "La mentira más mentirosa", "La caretucada más caretuca", "El cinismo de la semana" and "La cantinflada más cantinflezca del año" which can be translated as the biggest shame, the biggest lie and the biggest cynical of the year.