

INTERNET SHUTDOWNS REPORT

NORTHERN ZONE
PARAGUAY 2023

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Northern Zone • Paraguay 2023



TrustLaw



OONI



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TEDIC is a NGO founded in 2012, with the mission of defending and promoting human rights in the digital age. Among its main areas of interest are freedom of expression, privacy, access to knowledge and gender on the Internet.

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TABLE OF CONTENTS

EXECUTIVE SUMMARY	5
1. INTRODUCTION	6
1.1. Defining Internet shutdowns	6
1.2. The intersection of internet shutdowns with human rights	7
1.3. Internet shutdowns around the world	8
1.4. Internet shutdowns in Paraguay?	9
2. METHODOLOGY	10
2.1. Requests for access to public information	10
2.2. Group interviews	10
2.3. ISP Interviews	11
2.4. Network monitoring with OONI and IODA project	11
3. HISTORICAL CONTEXT NORTHERN ZONE	13
3.1. Background	13
3.2. Internet access and differences between urban and rural areas	13
3.3. States of exception 2010 and 2011	14
3.4. Amendment of the National Defense Law and establishment of the FTC	15
3.5. Serious human rights violations	16
3.6. Cost of militarization	22
4. LEGAL FRAMEWORK	24
4.1. ICT regulation in Paraguay	24
4.2. Regulation in national security matters	28
4.3. Joint Task Force (FTC) legal framework	29
5. MAIN FINDINGS	30
5.1. Request for access to public information	30
5.2. Group interviews	30
5.3. ISP Interviews	34
5.4. Network monitoring with OONI and the IODA project	35
6. CONCLUDING REMARKS	41
6.1. Internet shutdowns	41
6.2. Normalization of the abuse and surveillance of communications	42
6.3. Research limitations	43
7. BIBLIOGRAPHY	44

EXECUTIVE SUMMARY

This report outlines an exploratory investigation that focuses on the Northern Zone of Paraguay (departments of Concepción, San Pedro and Amambay). It explores the complaints outlined in the Human Rights Report of the Northern Zone of the Human Rights Coordinator of Paraguay (CODEHUPY by its Spanish acronym) in greater detail. These complaints point to possible internet blackouts in the context of operations by the Joint Task Force (FTC by its Spanish acronym).

Main findings:

- There is no legal protection or basis for generic restrictions within the current Paraguayan legal framework that would hinder or prevent internet access. In fact, the existing legal provisions are intended to guarantee and promote access to Information and Communication Technologies (ICTs).
- There is an extremely high rate of economic precarity in the Northern Zone with regard to access to basic infrastructure, including Internet access. Interviews with members of communities in the region indicate that this degree of economic precarity normalizes the lack of internet access in the area and has a direct impact on people's awareness of the importance in documenting and denouncing any type of signal outage.
- It is not possible to affirm or deny an Internet blackout in the area based on the data collected. The lack of data in international repositories prior to the year 2022 makes it difficult to technically monitor what has happened in the area in the last five years. This is contrasted with different testimonies in the area. Some affirming a degree of correlation between signal drops and FTC interventions, and others pointing out the complexity of even knowing when there is an operation in progress.
- The internet providers consulted (Tigo and Claro) are unaware of the reports of internet outages systematized in the CODEHUPY report as well as in certain high-circulation newspapers. They also deny any coordinated action with the FTC for this purpose. It was impossible to get a response from the providers Personal and Vox.
- The FTC denies any kind of action within the context of its operations and for the purpose of cutting off the signal in a given area.
- Preliminary data collected in the Open Observatory Network of Network Interference (OONI) report points to a test of the reproductive rights website Women on Waves that presented a “connection reset1” error in Nucleo (AS27895) when tested on April 24, 2023, which could be indicative of censorship implemented by the ISP (ISP Personal is part of the Nucleo S.A company). However, the site was only tested three times on that network in the last month, and the measurement that presented the connection restart error could be a false positive. Further testing of the site is required to investigate its possible blocking.
- Findings in the Internet Outage Detection & Analysis (IODA) repository for 2022 (outside the CODEHUPY report period) point to potential signal drop in FTC performance areas, but they are not conclusive and should be contrasted with testimonies of local inhabitants of the Amambay department.

1. INTRODUCTION

The use of digital technologies in the context of security is a rising trend. States employ a rhetoric of security to implement digital technologies. These range from the use of drones and facial recognition cameras on the streets and state borders (1), to the use of surveillance software (spyware) to fight crime(2).

However, the implementation of such initiatives is often not accompanied by human rights impact studies to ensure the legitimacy of these technologies, nor are they aligned with principles and commitments made by several States signatories of the United Nations Universal Declaration of Human Rights.

In this regard, Fionnuala Ní Aoláin, UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, warned of the alarming increase in the use of technologies - such as drones, biometrics, artificial intelligence (AI) and spyware - in the global fight against terrorism, without due regard for the rule of law, governance and human rights. She also pointed to the need for a pause in the use of these technologies until adequate safeguards are in place (3).

1.1. Defining Internet shutdowns

There is an undeniable tendency -in some geographical areas more than others- to implement what is colloquially known as “Internet outages”. This is done under various arguments that appeal to the containment of civil disturbances and the preservation of the internal security of States.

There are many definitions that distinguish these outages. Access Now’s¹, #KeepItOn initiative is a global campaign that brings together 282 organizations in 105 countries around the world and actively advocates for an end to Internet shutdowns. The campaign defines Internet shutdowns as

An intentional disruption of Internet or electronic communications, rendering them inaccessible or effectively unusable, for a specific population or within a location, often to exert control over the flow of information (4).

The campaign also states that there are several types of internet shutdowns: from total shutdowns, where internet access is cut off entirely; slowing down internet speed or throttling and blocking communication platforms such as messaging apps (e.g. WhatsApp or Signal) (4).

The OPTIMA project² proposes a similar definition of Internet shutdowns. It includes not only Internet shutdowns (when the government completely cuts off access to the Internet), but also Internet throttling (when the Internet is deliberately slowed down) and major instances of blocking (when key social media platforms and messaging applications are blocked) (5).

In the same line, the OONI Observatory proposes that Internet censorship can manifest itself in three ways: the blocking of certain websites or apps; the Internet Service Provider (ISP) making the connection very slow to specific websites; and the intentional shut down to internet access. The Observatory also clarifies that, sometimes, Internet shutdowns only affect certain networks or regions of a country (6).

1 <https://www.accessnow.org/>

2 <https://internews.org/areas-of-expertise/global-tech/what-we-do/digital-rights/defending-the-internet-with-data/>

1.2. The intersection of internet shutdowns with human rights

It is very important to analyze Internet shutdowns from a human rights perspective. Internet shutdowns can serve to cover up human rights violations in times of crisis, such as war crimes and genocide. They are also used as tools to obstruct the documentation of rights violations and keep people in conflict zones unable to communicate with their loved ones (7).

Several international actors and organizations have taken a clear stance against Internet shutdowns.

A joint declaration by the United Nations Special Rapporteur on Freedom of Opinion and Expression, the Organization for Security and Cooperation in Europe (OSCE) Representative on Freedom of the Media, the Organization of American States (OAS) Special Rapporteur on Freedom of Expression, and the African Commission on Human and Peoples' Rights (ACHPR) Special Rapporteur on Freedom of Expression and Access to Information, established that shutting or slowing down Internet access is not justified in any case, not even for reasons of public order or national security (8).

More recently, the 47th session of the Human Rights Council adopted the resolution on the promotion, protection and enjoyment of human rights on the Internet. The document stresses the need to ensure that measures online and offline for the protection of national security, public order [...] are in full compliance with international law obligations, and that the principles of lawfulness, legitimacy, necessity and proportionality are respected (9). Moreover, the document strongly condemns Internet shutdowns and online censorship, calling on States to refrain from and to cease such measures (9).

Finally, in May 2021, the participants of the G7 Foreign Affairs and Development Ministers' Meeting issued a communiqué to condemn, "actions by States to intentionally disrupt their own population's access to or dissemination of information, knowledge and data online" (7).

1.3. Internet shutdowns around the world

As part of the global monitoring for the #KeepItOn campaign, a resurgence of internet shutdowns following the COVID-19 pandemic was documented. By 2021, the organization documented at least 182 incidents of internet shutdowns in 34 countries. An increase of 23 incidents relative to the 159 shutdowns documented in 2020 (7).

Countries with the most shutdowns in 2021	
India	106
Myanmar	15
Irán	5
Sudán	5
Cuba	4
Jordania	4
Etiopía	3
Uganda	3

Table created by the author based on the Access Now report (7)

Some of the main reasons states use to justify this behavior are to control the flow of information during elections, demonstrations, conflict and war zones, as well as to prevent fraud in examinations and protesters and criminals from communicating with each other. Additionally, there are reasons for retaliation when companies refuse content moderation requests. In March 2021, the Russian agency in charge of enforcing media and telecommunications legislation responded to Twitter's refusal to remove content it had reported by ordering ISPs to limit access to the platform through throttling. The decision had unforeseen consequences slowing access to more than 40,000 domains containing ".co" (Twitter's shortened domain name). These included websites pertaining to key government institutions in Russia, as well as the Google and Yandex platforms (7).

For Latin America, Access Now documented Cuba as the only country in the region that cut Internet access in 2021 as part of protests for access to food, water, medicine and vaccines. The government imposed a total shutdown. Even after restoring internet access, authorities blocked WhatsApp, Telegram and Signal (7).

In the case of the massive protests of the #ParoNacional (#NationalStrike) in Colombia, protesters reported communication interferences during the protests, without the Communications Regulatory Commission (CRC) verifying and informing people about variations in infrastructure capacity during and at the protest sites (10).

Finally, in Brazil, the Supreme Court ruled to block Telegram in March 2022, after the company refused to comply with previous orders issued by police and judicial authorities to eradicate disinformation during the run-up to the presidential elections. The shutdown lasted two days (11). This situation was repeated again in 2023 (12).

1.4. Internet shutdowns in Paraguay?

Discussion and reports of possible internet shutdowns are not an uncommon issue in Paraguay. To be precise, in 2021, the Human Rights Coordinator of Paraguay (CODEHUPY)³ carried out a monitoring mission in the Northern Zone of the eastern region of Paraguay (departments of Concepción, San Pedro and Amambay).

Among the various findings of human rights violations by the FTC⁴, CODEHUPY documented possible internet shutdowns through the testimonies of people living in the area.

Specifically, the monitoring mission report documented that numerous testimonies reported that mobile phone communications were affected in the area whenever a particular FTC mission came closer. For example, in the days prior to an FTC intervention, all users in one area were left without network coverage. None of the lines worked until the intervention was over. Communication was only restored afterwards (13).

More recently, Paraguay joined the trend of countries that considered blocking the signal as a legitimate measure to prevent fraud in exams. Specifically, the Paraguayan Circle of Medical Doctors, in the context of the exams of the National Commission of Medical Residencies (CONAREM)⁵, suggested blocking the Internet signal in the rooms where the exams would be taken, requesting the help of the Specialized Unit of Computer Crimes of the Police (14). The initiative was not implemented in the end.

This report aims to provide in-depth information on the situation in the Northern Zone of the country. Through interviews with community leaders and building local capacities for network monitoring through the use of the OONI app, we intend to document and explore possible internet shutdowns in Paraguay.

3 <https://www.codehupy.org.py/>

4 The Joint Task Force (FTC) is a unit of the Paraguayan Armed Forces. It is formed by the Paraguayan Armed Forces, the Paraguayan National Police and agents of the National Anti-Drug Secretariat (SENAD). It has presence in San Pedro, Concepción and Amambay. It has the aim of putting an end to the strategic plan of the guerrilla group Paraguayan People's Army (EPP), mainly in the northern part of the country. More information at https://en.wikipedia.org/wiki/Fuerza_de_Tarea_Conjunta_de_Paraguay

5 CONAREM conducts exams for physicians who intend to pursue medical specialties in Paraguay. More information at <https://www.ins.gov.py/>

2. METHODOLOGY

In order to explore the testimonies of people living in the Northern Zone of the country and to document stories, data, and clues related to possible Internet shutdowns in greater detail, we aimed to design a methodology that combined various data collection strategies.

2.1. Requests for access to public information

In order to understand the Joint Task Force's (FTC) perception of the issue and document their official response, the Access to Public Information Portal (15) was used to submit three specific questions to the FTC:

- a. Since the Joint Task Force (FTC) was formed and since it established physical presence in the Northern Zone of the country, has it carried out any type of action or initiative with the purpose of interfering or interrupting completely or partially any type of communication signal and Internet in specific regions, districts and cities in the aforementioned zone and within the context of security actions in the zone? If yes, provide details on the type of shutdown, the city, district or company in which it was carried out and the dates on which such shutdown occurred, the legal basis justifying such action, the reason for such action (For instance, the circumstances of a given intervention) and the duration of the shutdown.
- b. Does the Joint Task Force have technological devices that allow the interference of communication signals of any kind, as well as the Internet, and with the purpose of leaving specific regions, districts and cities unreachable and within the framework of security actions in the northern part of the country? Provide the list of devices, if applicable, and a brief description of the type of technology used and the type of interference it allows.
- c. Has the Joint Task Force requested telecommunications companies and Internet providers in the area (or at the national level) to shut down the communication signal and/or Internet at certain times and within the context of security actions and interventions in the northern part of the country? If the answer is yes, please provide details on the type of shutdown requested, the reason or justification, the legal basis, the territories in which the intervention took place, the duration of the shutdown and the Internet provider/suppliers involved.

2.2. Group interviews

Within the framework of a strategic alliance with CODEHUPY and SERPAJ⁶, two visits were made to the Northern Zone of the country to contact communities in the area and conduct collective interviews to explore their perceptions and experiences regarding FTC interventions in recent years and their connection with possible Internet shutdowns.

Two meetings were held in a city as well as in a company in the region and with the support of diverse rural organisations based in the northern zone⁷. For security reasons, it was agreed with all participants to maintain full anonymity, including the city and company in which the meetings were held.

6 The Peace and Justice Service in Latin America (SERPAJ AL) was founded in 1974 as a proposal for social transformation based on "active non-violence". It is part of a network of Latin American secretariats and has consultative status with the United Nations (ECOSOC and UNESCO). More information here <https://www.serpajpy.org.py/>

7 For reasons of anonymity, the rural organisations in the northern zone that helped develop this research will not be named.

2.3. ISP Interviews

In order to access potential information held by the ISPs with the largest presence in the area, we sought to establish a direct conversation with them to discuss the situation and listen to their version of the facts reported by the communities.

The country's four major ISPs were contacted: Tigo⁸, Claro⁹, Personal¹⁰ and Vox¹¹.

2.4. Network monitoring with OONI and IODA project

In order to build local capacities for network monitoring, two mobile devices with the OONI app were donated. OONI is a non-profit free software project that aims to empower decentralized efforts to document Internet censorship around the world (16). Specifically, it specializes in identifying intentional websites and web services blocking (17).

While it is understood that Internet shutdowns in the area may have been total, OONI was chosen to provide these communities with relatively easy-to-use tools to document shut downs with the information that is available to them.

These devices were donated and installed at the same locations where the collective interviews were conducted. The monitoring with the OONI platform was carried out between March 28 and April 27 of this year, and is intended to remain active for six months.

Finally, in partnership with Karisma Foundation's K+ LAB¹², data available on the IODA platform was evaluated. IODA is a project that seeks to monitor Internet health through control plane measurements, active polls and passive traffic analysis. It was created by CAIDA (Center for Applied Internet Data Analysis) and is currently being developed by GT (Georgia Institute of Technology) (18).

The monitoring of the platform was carried out by checking connectivity data on the platform according to the FTC's flagship intervention dates prior to the CODEHUPY report. Table 1 summarizes the main dates monitored.

8 <https://www.tigo.com.py/>

9 <https://www.claro.com.py/personas>

10 <https://www.personal.com.py/>

11 <https://www.vox.com.py/>

12 Created in 2017 by the Karisma Foundation, K+LAB is the first digital security and privacy laboratory in Colombia designed by and for civil society. More information here <https://web.karisma.org.co/klab/>

TABLE 1. Monitoring of the IODA platform.

Dates	Event description ¹³
September 5 and 6, 2013	Ramón Denis Cardozo, Ignacio Sosa Ortega and Epifanio Cabañas, residents of the Oñondivepa Colony, in Nueva Germania, in the department of San Pedro, who were attacked and assaulted during an FTC operation
September 5, 2014	María Gloria González- Detention and torture
September 19, 2014	The murder of Guarani IALA ¹⁴ students
September 02, 2020	The murder of the Villalba's daughters ¹⁵
November 30, 2020	The disappearance of Lichita
November 21, 2020	The killing of Marin
October 20-24, 2022 ¹⁶	The killing of Osvaldo Villalba

Table 1 of the author's own elaboration

A legal analysis of the current legal system for telecommunications, as well as national security, was developed in order to explore the possibility of a legal basis to allow signal shutdowns. A brief contextual framework was also developed to explain the peculiarities of northern Paraguay and the historical inequalities in the area.

13 These events will be explained in great detail in the next section of this report.

14 Latin American Agroecological Institute by its Spanish acronyms

15 This case is particularly relevant, as the media reported testimonies of signal loss in the area in the context of an FTC operation.

16 Although this date is not among the events potentially collected by the CODEHUPY Northern Zone report, it was decided to include it due to its relevance.

3. HISTORICAL CONTEXT NORTHERN ZONE

3.1. Background

The first notorious cases of kidnappings not carried out by state agents¹⁷ began in 2001, with the case of Maria Edith de Debernardi, daughter-in-law of an important engineer linked to the dictatorship of Alfredo Stroessner. This kidnapping was attributed to people who were later linked to a group that called themselves the Paraguayan People's Army (EPP).

In 2008, this group shifted its field of operations to the Northern Zone of the Eastern Region, more specifically to the departments of Concepción and San Pedro. These departments are located in an area historically forgotten, especially by the dictatorship, in terms of road infrastructure, education, health and other aspects. In 2020, the population living in multidimensional poverty in the department of San Pedro was 55.50% and in Concepción 52.07%, according to data from the National Institute of Statistics (INE). Thus, San Pedro and Concepción are among the departments with the highest multidimensional poverty rates among their population (19).

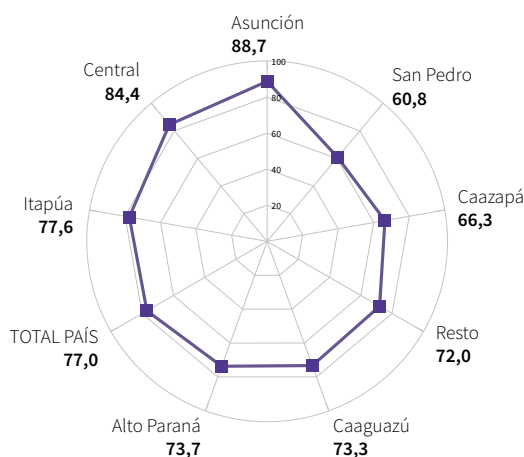
The tool used by the Paraguayan State in all cases related to the EPP, at the beginning and during states of exception, is based on the repression of public forces -military and police- with an important collaboration with the Public Prosecutor's Office and the Judicial Power.

3.2. Internet access and differences between urban and rural areas

Regarding fixed broadband Internet access, the National Telecommunications Plan 2021- 2025 sets out a complex reality in terms of connectivity, with only Asunción and the departments of Central, Alto Paraná and Itapúa having the best cable Internet access service coverage (20).

The Permanent Household Survey (Encuesta Permanente de Hogares, EPH by its Spanish acronym) for the 2015-2021 period also shows significant connectivity gaps between urban and rural areas. The Internet user population was 83.3% in urban areas and 65.8% in rural areas. Upon analyzing the disaggregated data, the departments of San Pedro and Caazapá registered the lowest usage levels, with 6 and 7 out of every 10 people using the internet in some form (21). More information in Graph 1.

GRAPH 1. Population 10 years of age and older that used the Internet, by representative department (%). Year 2021.



Graph created by the author based on the Continuous Permanent Household Survey (EPH) data 2015-2021 (21).

17 Kidnappings by state agents took place mainly during the Stronist dictatorship between 1954 and 1989.

By 2022, the digital divide has not changed substantially. The 2015-2022 EPH shows that the biggest differences in ICT access differences between rural households and urban households were in Internet access, with a significant percentage difference of 49.3 points. There is no disaggregation by department (22)

3.3. States of exception 2010 and 2011

Using the constitutional tool called “State of Exception” in Article 288 of the National Constitution (23), in 2010 and 2011, President Fernando Lugo decreed two States of Exception to persecute and imprison members of the EPP, who had already committed several kidnappings and attacks on the civilian population.

During both temporary periods of military occupation in the territories of Concepción and San Pedro, serious human rights violations were committed by the military forces. In addition, significant persecution of rural leaders of traditional organizations in the area took place.

In November 2013, an International Observation Mission¹⁸ was held with the purpose of evaluating the human rights situation of rural and indigenous people in the departments of Presidente Hayes, Concepción, San Pedro and Canindeyú. The Mission preliminarily recorded different situations that can be considered human rights violations and detected: “(...) through the observation and testimony of the residents, local, regional and national authorities, patterns of violations of fundamental human rights such as:

- the right to life and physical and mental integrity through extrajudicial executions; torture, cruel and inhuman treatment; threats of prosecution and links with the Paraguayan People’s Army (EPP);
- access to justice, since both the Public Ministry and the Judiciary, rather than guaranteeing a fair and impartial trial, constitute a threat and a source of insecurity given the irregularity of their interventions and non-compliance with international judgments;
- the right to liberty and personal security, through illegal and arbitrary detentions without providing the causes for detention and/or imprisonment being duly substantiated in certain indications of punishable acts;
- access to health and education, since the areas visited lack health and educational centers capable of satisfying basic needs due to the lack of infrastructure and minimal attempts at remediation;

18 Group of 43 representatives of organizations, networks and institutions from Sweden, USA, Colombia, Chile, Brazil, Argentina, Uruguay and Paraguay: Diakonia, Swedish Cooperative Center, Fellowship of Reconciliation USA (FOR USA), Madres de Plaza de Mayo - Founding Line, Jubilee South/Americas, Service Peace and Justice in Latin America (SERPAJ - AL); Service Peace and Justice Argentina (SERPAJ Ar), Service Peace and Justice Uruguay (SERPAJ Uy), Service Peace and Justice Corporation (SERPAJ Chile); Center for Justice and International Law (CEJIL); Espacio para la Memoria Institute (IEM); Latinamerican Working Group; Colombia Europe United States Coordination Group (CCEEU); Peace and Justice Service Paraguay (SERPAJ Py); Coordination of Human Rights of Paraguay (CODEHUPY); Coordination of Rural and Indigenous Women (CONAMURI); Social Investigations Base (Base IS); Ykua Bolaños Coordinator; Callescuela; FCPA; DECIDAMOS Campaign for Citizen Expression; Tierraviva; Coordinator for the Rights of Children and Adolescents (CDIA); Curuguay Coordination; Institute for Comparative Studies in Criminal and Social Sciences (INECIP); National Farmers Federation (FNC); Historical Knowledge Roundtable; Andrés Rivarola Foundation (FUNDAR); Latin American and Caribbean Committee for the Defense of Women’s Rights (CLADEM); CLADEM Paraguay; Sobrevivencia; Demoinfo; War Resisters International (IRG); La Comuna; Human Rights and Historical Knowledge Board of the Department of Concepción; Coordination of Women of Paraguay.

- the right to association and demonstration, since social leaders are harassed, threatened and criminalized for their work where they demand rights such as access to health, education, land, linking them to the illegal group calling itself the Paraguayan People’s Army;
- the rights of children and adolescents, who despite enjoying differentiated protection, are physically and verbally attacked in eviction and/or search operations, and consequently present a high degree of psychological trauma and have their rights (education, comprehensive protection, recreation, housing, among others) infringed upon; likewise, we received testimonies that girls and adolescents are victims of sexual violence without any type of assistance being provided, nor the punishable acts being investigated;
- the right to adequate housing, while forced evictions are carried out through the disproportionate use of force and the breach of procedural guarantees that, in all cases, must be ensured in this type of procedure;
- the right of women and girls to a life free of violence who are threatened with sexual violence in eviction, search, or patrol operations in settlements or farms; We received testimonies that for this reason, at sunset, women are afraid to leave their houses.
- the human right of victims to know the truth and receive legal and psychological assistance that guarantees them to duly process the traumatic situations that affect them, as well as due reparation” (13).

The conclusions of this Mission, the complaints made and the overall situation, did not prompt an in-depth analysis or specific actions by the Paraguayan State to address what was happening in the north of the country. The responses were the same: repression and criminalization.

3.4. Amendment of the National Defense Law and establishment of the FTC

When Horacio Cartes became President of the Republic of Paraguay in August 2013, an amendment to Law No. 1337/1999 on “National Defense and Internal Security” was proposed to provide the military forces the possibility to intervene on matters related to internal security (24). This is contrary to what is stated in the National Constitution in Article 173, which specifically assigns the ability to defend territorial integrity and Article 175 which assigns the National Police with the internal security of the Nation (23).

This amendment was enacted in Law No. 5036/2013, which amended Articles 2, 3 and 56 of Law No. 1337/1999 on “National Defense and Internal Security” (25). This entitled the Executive Branch to order the operational use of combat elements of the military forces in internal security actions by decree, without the need for prior congressional approval.

These arguments of unconstitutionality have been supported from the beginning by the Peace and Justice Service (SERPAJ)¹⁹, the Human Rights Coordinator of Paraguay (CODEHUPY)²⁰ and even the opinion of the prestigious jurist Dr. Juan Carlos Mendonça (26).

19 See articles on the right to Peace and Disarmament. Annual reports of the Human Rights Coordinator of Paraguay 2013-2022.

20 Human Rights Coordinator in Paraguay (2021). Observation mission on the human rights situation in the northern region (February 22-26, 2021). Informe final. Asunción, Paraguay: Codehupy

In August 2013, as a result of the aforementioned unconstitutional amendment, the Joint Task Forces (FTC) were created to operate in the Northern Zone, particularly in the Departments of San Pedro, Concepción and Amambay.

Almost 10 years after their establishment, it can be affirmed that, “the operation of the FTC has no legal basis even in the legislation that enables its creation. Article 56, as amended, reads as follows: “Notwithstanding the provisions of Article 51, (...) the President of the Republic may decide to **temporarily** deploy combat elements of the Nation’s Armed Forces, exclusively within the territorial scope defined by Decree and for the **strictly necessary time** (...). In this circumstance, the President of the Republic shall be in charge of all affected military and police forces, and may designate a commander of the operations for these forces, in which case they shall be subordinate to him exclusively within the territorial scope and for the time defined in the pertinent Decree. This is an **exceptional, temporary and localized** form of deployment of combat elements (...)”(27).

3.5. Serious human rights violations

As a result of the FTC deployment, several situations that could be considered human rights violations have been identified. SERPAJ and Codehupy²¹ have recorded serious human rights violations at different times²². To highlight a few:

Ramón Denis Cardozo – September 2013

Ramón Denis Cardozo, a teacher and resident of Colonia Oñondivepa, filed a complaint for an illegal raid on his home and torture and ill-treatment that he and his family were subjected to by members of the Armed Forces.

At midnight on Thursday, September 5, a group of masked soldiers raided his home, armed with large weapons and without any accompanying prosecutor, apparently looking for another person. The teacher believes they mistook him for Elvio Ramón Cardozo, an alleged member of the EPP, for whom an arrest warrant has been issued.

He said he was subjected to interrogation and torture in front of his young children and his wife.

Ramón Denis Cardozo, with the assistance of Codehupy and SERPAJ, filed complaints with the Public Prosecutor’s Office and the Senate Human Rights Commission, but no progress was made to conduct relevant investigations or proceedings.

Kuruzú de Hierro - María Gloria González - September 2014

On September 5, 2014, in the Kuruzú de Hierro settlement, Department of Concepción, there was an attack by the FTC on three people who were only a few meters away from their house. The victims of this attack were Marcos Ovelar, Hermenegildo Ovelar, and María Gloria González was seriously injured.

The FTC portrayed the situation as a clash between military and members of the EPP’s logistics team. The family and María Gloria, a survivor of the attack, denied this version, claiming that none of them were armed.

21 All the cases mentioned were obtained from the Annual Reports of the Human Rights Coordinator of Paraguay 2013-2022.

22 These are just some of the most relevant facts about the FTC’s actions in the Northern Zone and that could be connected to FTC interventions where there may or may not have been possible Internet shutdowns as a *modus operandi*.

María Gloria was shot in the jaw and was also attacked with a knife by the military. Years later María Gloria González was charged and later convicted for allegedly being a logistical support for the EPP.

There is no evidence to sustain that María Gloria was part of the EPP, not even as part of logistical support in the same group. However, the judicial authorities endorsed the military procedure.

Gumercindo Toledo – October de 2014

On October 21, 2014, Gumercindo Toledo was arrested very early in the morning at his home by police officers who took him to the Arroyito Police Station. He was later brought before the Chief of the FTC, Ramón Benítez, as part of the search operation for the kidnapped policeman Edelio Morínigo.

According to his testimony, he was taken to a ranch in the Lucero Kue area of Arroyito, where he was left in the custody of a supposed prosecutor and two other agents in dark blue uniforms with police badges, and was beaten with punches, kicks, blunt objects and even a plastic bag to suffocate him, demanding him to confess. These attacks lasted approximately 30 minutes, and he was later released near his home.

Codehupy filed a criminal complaint for torture, but this did not lead to the identification and punishment of the perpetrators.

Julián Ojeda, killed by the FTC – December 2015

The FTC reported that on December 18, 2015 there was a clash with alleged EPP members in the area of Kuruzú de Hierro, district of Azotey, department of Concepción. As a consequence, Julián Ojeda died. The official information confirmed that Ojeda was a member of the EPP because he was found dressed with a camouflaged paramilitary shirt, a rifle and high caliber bullets.

However, this fact was denied by Ojeda's widow, Leónidas Villalba, and their children, who condemned the murder and condemned the version expressed by the FTC, and demanded clarification.

Criminal charges against the Morales brothers – January 2016

Brothers Victor and Gregorio Morales were charged as alleged collaborators of the EPP criminal group in January 2016. Both are rural farmers who live in the Aguerito colony, Department of San Pedro. As farmers, they have participated in the processes of the fighting for land rights in their community and have broad experience in this sense.

They both reported that their homes were raided in the early hours of the morning by members of the FTC in a violent way. Without giving any kind of explanation, they smashed doors, intimidated them and held them at gunpoint with high-caliber firearms in front of their families, among other abusive incidents. They were also victims of violence during their detention and transfers to other military and police facilities.

In June 2020 they were sentenced to twelve years in prison for the crimes of criminal association and terrorist association, a sentence that was upheld by the Court of Criminal Appeals of Concepción in February 2021. The Supreme Court of Justice upheld the sentence.

Genaro Meza – October 2016

Genaro Meza, an active member of the National Farmers Federation²³, was arrested on October 18, 2016, during a raid on his home. He was linked to the kidnapping of Arlan Frick²⁴.

Genaro Meza is a well-known activist of the Paraguay Pyahura Party²⁵ and the National Farmers Federation. Both organizations claim that his association to the kidnapping is an attempt to criminalize leftist movements.

L.O.G, 17 year-old teenager – November 2016

In November 2016, L.O.G., a 17-year-old teenager, was detained and presented to the media as logistical support of the EPP with two other people, in Kuruzú de Hierro, Horqueta, Concepción.

The defense of L.O.G. denounced that during her detention she was tortured by the military. She was beaten and suffocated with a plastic bag while she was interrogated, under threat of death, about the whereabouts of a relative. She also denounced that weapons and other evidence were planted on her to incriminate her.

Oscar Larrea – December 2016

In December 2016, Oscar Larrea Balbuena, a local of Naranjaty'i, in the municipality of Horqueta, was charged with coercion after having disseminated an audio message threatening to kill President Cartes via WhatsApp. His mother denounced that her home was violently raided and her son was arrested during the procedure.

Violence against a citizen of the Northern Zone – August 2018.

On August 25, 2018 Luis Areco and his family were making public invitations for the festivities of the Patron Saint of the municipality of Azote'y, department of Concepción.

In the area of Zanja Morotí, at an FTC barrier, they were asked for their personal documentation, and he and his family agreed to this request.

Upon returning from his tour, only minutes after the first stop, he did not notice the indications from the FTC members to stop again at the barrier and, as it had happened recently, he was probably not very alert to a new request. When he was alerted by his wife that the military had signaled him to stop, he stopped approximately 70 meters from the barrier. At that moment he was beaten by the soldiers who claimed that he had not made himself readily available at the barrier. As a result of this situation, he was taken to the police station of Yby Yaú, where he was deprived of his liberty.

23 The National Farmers Federation (FNC) is an organization that has existed for almost 32 years. Since its foundation in 1991, it has gained more than 300,000 hectares and has been fighting for the basic rights of thousands of landless farm families. Between 1991 and 2013 at least 14 of its members have been killed as part of the land dispute

24 17-year-old teenager kidnapped and later released, allegedly by the EPP in April 2014 in the Paso Tuyá area, District of Azotey, Concepción

25 Leftist political party with rural origins that participates for the first time in the elections in 2023 with a strong link to the National Farmers Federation

The citizen denounced that he was a victim of abuses by the military forces and also of an attempt of passive bribery, since a lawyer stated that the Prosecutor's Office required 6 million Guaraníes to free him. Upon his refusal to comply with this request, he was released hours later.

Case of Murdered Girls - September 2020²⁶

In September 2020, in an alleged clash between the FTC and the criminal group EPP, the girls Lilian and María Carmen Villalba were murdered. Initially the procedure was portrayed as a success and the victims depicted as important female leaders of the EPP. As the hours went by, the ages of the girls, 12 and 11 years old, were confirmed.

Several subsequent actions of the Paraguayan State only raised doubts regarding the procedure.

The Paraguayan State has rejected cooperation offers from the Republic of Argentina²⁷ for the international forensic medical team to collaborate with the investigation.

Disappearance of Carmen Elizabeth Oviedo Villalba - November 2020²⁸

In November 2020, the disappearance of 15 years-old Carmen Elizabeth Oviedo Villalba "Lichita", who was in the forest in the area of influence of the EPP, was reported.

Some versions affirm she was seen with military forces. Other versions affirm she was seen with EPP militants.

The Paraguayan State has made no progress in locating the 15-year-old girl.

26 This case was the subject of a statement and concern from the United Nations High Commissioner for Human Rights, Michelle Bachelet. She stated: "The High Commissioner calls the Paraguayan authorities to urgently search for the missing girl, Carmen Elizabeth. In light of the new witness accounts about the capture and killing of the other two girls, Bachelet urges the Paraguayan authorities to conduct a prompt, independent and effective investigation into the many unanswered questions surrounding their deaths. These include determining why a full forensic examination was not carried out before they were buried, nor once allegations had emerged suggesting they may have been summarily executed. Such an investigation should also examine why important evidence was destroyed. An independent forensic study should still be carried out." <https://www.ohchr.org/es/2021/02/press-briefing-notes-paraguay>

27 In the context of the Universal Periodic Review conducted to Paraguay by the Human Rights Council at its 48th session September 13 to October 1, 2021, the Republic of Argentina specifically recommended:

"118.69 To proceed without delay and in an impartial manner in the investigation of the murder, on September 2, 2020, of two 11-year-old Argentine girls in the context of the Joint Task Force operation. To this end, Argentina reiterates its offer to make use of the expertise of the Argentine Forensic Anthropology Team, internationally recognized for the seriousness of its work, in order to clarify the facts (Argentina);" Available from: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G21/181/74/PDF/G2118174.pdf?OpenElement> Accessed 28/10/2022

28 Call for the safe return of teenage girl "Lichita", Access 02/05/2023 <https://www.cde.org.py/piden-aparicion-con-vida-de-la-adolescente-lichita/>

Attacks on indigenous communities - October 2022²⁹

Official information indicates that EPP militants attacked the indigenous spiritual leader and other indigenous people of the Pãi Tavyterã partiality in the area of Cerro Guazú, department of Amambay; Specifically in a place considered sacred for the indigenous community. In theory, as a result of this attack, the FTC reacted and attacked the members of the EPP.

As a result of this incident five people died, two indigenous people and three members of the EPP. Among them, two important leaders of the EPP, Osvaldo Villalba and Luciano Argüello (28).

The indigenous people killed were Rodrigo Gómez González and Alcides Romero, important spiritual leaders of the community, who were in charge of the care of Yasuka Renda, the sacred place where the events took place (29).

Human Rights Mission 2021

In February 2021, Codehupy coordinated a Mission to monitor the human rights situation in the departments of Concepción, San Pedro and Amambay. The main objective of the mission was to gather information on the human rights situation in communities that have been facing a process of militarization and the presence of criminal groups in the northern part of Paraguay since 2013 (13).

29 people, members of Codehupy partner organizations and the Codehupy technical team, took part in the Mission. In order to organize the meeting, issues were addressed in four areas of work: 1. the right to security, health and education; 2. public freedoms, human rights defenders and due process; 3. the rights of children, adolescents and women; 4. indigenous peoples (13).

The Mission's ³⁰ findings are focused on human rights violations and the impact this has on the population in general. These are related to the right to personal security, the right to due process, the right to association, assembly and demonstration, the right to life and personal integrity, the rights of the elderly to a dignified life, the rights of children and adolescents, the right to health, the right to education, the rights of women and the rights of indigenous peoples (13).

The Mission's report identifies, in addition to the EPP, other important criminal groups in the area such as the Armed Rural Association - Paraguayan Army (ACA-EP) and the Army of Mariscal Lopez (EML). The report also mentions a significant decrease in EPP bases and this group's migration to the department of Amambay (13).

In addition to these, there are organized crime groups in the area, such as the First Capital Command (PCC), the Red Command (CV) and the Rotela Gang" (13). In conclusion, there are several actors that have influence in the area in one way or another.

29 EPP killed indigenous couple before confrontation, according to FTC, October 23, 2022, Accessed 10/26/2022 <https://www.ultima-hora.com/epp-mato-pareja-indigenas-antes-enfrentamiento-segun-ftc-n3029956.html>

Osvaldo Villalba, main leader of the criminal group EPP, is killed, Ultima Hora, October 24, 2022, Accessed 26/10/2022 <https://www.ultimahora.com/osvaldo-villalba-principal-lider-la-banda-criminal-epp-es-abatido-n3030049.html>

30 Human Rights Coordinator of Paraguay (2021). Observation mission on the human rights situation in the Northern Zone (February 22-26, 2021). Final report. Asunción, Paraguay: Codehupy.

Regarding the actions of the FTC, the report identifies a change in the approach strategy in the area and calls it a “tactical turn in the FTC operation”³¹. It identifies a shift in the intervention strategy to “win the hearts and minds”³² of the population, since the main authorities of the FTC have mentioned “development and security, through social assistance to the community” (13) as objectives.

The peacekeeping operation in the area currently focuses on joint comprehensive assistance, and understands the role of the military as a social one because they are the actors that understand the reality within the community.

This clearly denotes the change in the FTC’s strategy, from repression and criminal prosecution to comprehensive support and assistance to the communities, seeking to get closer to the communities which should clearly be the responsibility of other State institutions.

The main conclusions revolve around an important process of social reorganization that has generated a displacement of the rural and indigenous populations. The mission observed the implementation of an economic development model linked to extractive activities (13).

This process facilitated the growth of large investment projects including meat packing plants and paper mills. This responds to the same economic development model linked to extractive and alternative activities that, in addition to displacing communities, has a decisive impact on the environment.

The report also raises the need to evaluate the national security policy, given the particular situation of the area, which is marked by the intervention of criminal groups, including organized crime. Finally, it raises concerns about the human rights protection system, “which has shown that it is not fulfilling its role as guarantor” (13).

31 Human Rights Coordinator of Paraguay (2021). Observation mission on the human rights situation in the Northern Zone (February 22-26, 2021). Final report. Asunción, Paraguay: Codehupy. Page 44.

32 Quote 43 from the report of the Human Rights Coordinator of Paraguay (2021). Observation mission on the human rights situation in the Northern Zone (February 22-26, 2021). Final report. Asunción, Paraguay: Codehupy, p. 44: “Hearts and Minds” is the name of the counterinsurgency military doctrine that was developed in the context of the war of liberation of Malaysia by the British colonial occupation and later replicated by the United States in the Vietnam War, where it proved to be a complete failure. The doctrine was revived in the context of the war in Afghanistan and rewritten for modern-day peacekeeping operations as a component of gaining the confidence of the population. The International Committee of the Red Cross (ICRC) criticizes this form of manipulation of humanitarian assistance as contrary to international humanitarian law and counterproductive to the protection of the civilian population. It recommends strengthening a neutral and independent framework for the management of humanitarian aid in contexts of war or emergency. See: Jamie Williamson, “Using humanitarian aid to ‘win hearts and minds’: a damaging cost?”, *International Review of the Red Cross*, No. 884 (2011), 1-30).

3.6. Cost of militarization

In the article on the actions of the FTC in the 2022 Codehupy Human Rights Report ³³, there is an in-depth analysis of the cost of the militarization of the Northern Zone in recent years.

According to this study, based on official sources, in the last five years, the FTC spent approximately US\$121 million. Annual budget variations are minor and the 2022 budget was the highest in the last five years.

TABLE 2. FTC budgets in millions of Guaraníes

	2018	2019	2020	2021	2022
FTC Budget - Command-in-Chief + CODI - National Defense ³⁴	59.699	67.823	53.982	51.576	73.566
FTC Personnel Budget - Defense ³⁵	43.746	43.746	43.746	43.746	43.746
National Police Budget - FTC “ Operations against Criminal Groups” ³⁶	20.082	23.131	18.691	17.515	17.607
National Police Personnel Budget - FTC “ Operations against Criminal Groups” ³⁷	42.502	42.502	42.502	42.502	42.502
Total	168.047	179.221	160.941	157.360	179.443

Table created by the author with data Available from CODEHUPY’s annual report (27).

Data from the Ministry of Finance confirm that the levels of budget execution were above 90%.

33 Leguizamón, D. (2022). Public investment in the Northern Zone must be reconsidered. Human Rights in Paraguay 2022, Right to Peace and Disarmament. Annual Report of the Human Rights Coordinator of Paraguay (CODEHUPY)

34 Leguizamón, D. (2022). Compilation based on data submitted by the Ministry of Defense. Includes budget increases

35 Leguizamón, D. (2022). Approximation based on the publication: Luis Rojas Villagra, Research on Joint Task Force (FTC) Expenditures. Seven years after its implementation in the Northern Zone and its impact on the right to life, in particular on the rights of rural communities (Asunción: Peace and Justice Service - Paraguay, 2021), p. 9. Available from <https://rosalux.org.br/wp-content/uploads/2021/09/Informe-FTC-.pdf> Accessed on 26-10-2022

36 Leguizamón, D. (2022). Own elaboration based on data from the Ministry of Finance

37 Leguizamón, D. (2022). Approximation based on the publication: Luis Rojas Villagra, Research on Joint Task Force (FTC) Expenditures. Seven years after its implementation in the Northern Zone and its impact on the right to life, in particular on the rights of rural communities (Asunción: Peace and Justice Service - Paraguay, 2021), p. 9. Available from <https://rosalux.org.br/wp-content/uploads/2021/09/Informe-FTC-.pdf> Accessed 26-10-2022

To better illustrate, the article compares the FTC budgets with other Ministries. The result is reflected in this table:

TABLE 3. Comparative budgets FTC - Ministries in millions of Guaraníes

	2018	2019	2020	2021	2022
MADES Budget	56.688	56.998	55.089	56.326	56.339
FTC / MADES Budget	3,0	2,9	2,9	2,8	3,2
MINNA Budget		79.983	80.522	84.626	97.359
FTC / MINNA Budget		2,1	2,0	1,8	1,8
Ministry of Women Budget	32.479	25.991	25.016	23.765	22.475
FTC / Ministry of Women Budget	5,3	6,4	6,3	6,6	8,0

Table compiled by the author with data Available from CODEHUPY's annual report (27).

It is worth mentioning that the budgets belong to Ministries that should have and develop public policies at the national level and are not focused on a specific area such as the FTC.

In all cases, the total FTC budget - at minimum - doubles budgets of Ministries active on important issues such as the protection of children and adolescents, environmental protection and the fight against violence against women.

While it can be asserted that the FTC approach strategy has changed and that they have acquired a role in addressing community social problems, attention to these issues should be carried out by State institutions that are obliged to develop public policies in this regard.

Investment by the FTC countering the lack of investment in social programs and projects by the government, represent a very important contradiction from a human rights perspective, particularly since the FTC is the main perpetrator of human rights violations.

4. LEGAL FRAMEWORK

Over the last few years, Information and Communication Technologies (ICTs) have revolutionized how people interact, communicate and access information around the world. The Internet has become an essential tool for civic participation, access to education, social inclusion and economic development. However, alongside its benefits, there are also concerns about Internet access regulation, including the possibility of shutdowns as well as limitations and restrictions on use.

In this context, it is important to highlight that ICTs have been recognized as rights that can be legally protected under the International Covenant on Civil and Political Rights of the United Nations (UN). To this effect, Article 19 establishes that:

1. Everyone shall have the right to hold opinions without interference.
2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.
3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
 - a) For respect of the rights or reputations of others;
 - b) For the protection of national security or of public order (ordre public), or of public health or morals. (30)

In this sense, several resolutions of the Human Rights Council such as 12/16 of October 2009(31), 20/8 of 2012(32), 66/184 of 2012(33), call on States to promote and facilitate access to the Internet and international cooperation aimed at the development of media and information and communication services in all nations.

In this context, it is crucial to analyze the legal possibility of shutdowns of Internet connections in Paraguay, in line with international human rights standards recognized by the UN. This implies examining the legal, ethical and practical implications of such measures, considering the fundamental rights and freedoms of Paraguayan citizens in the context of ICTs and the recognition by the Human Rights Council in its Resolution 32/2016 that the same rights that people have offline must also be protected online (34).

4.1. ICT regulation in Paraguay

Paraguay currently has a legal framework that, compared to other jurisdictions, is somewhat limited to guarantee adequate protection of individuals' rights. However, the legal framework related to ICTs enjoys legal protection. Firstly, in the National Constitution, implicitly embodied in the articles that regulate the constitutionally protected rights to freedom of expression, use of mass media, right to information and others. Secondly, in various laws such as Law 4868/2013 on "Electronic Commerce"; Law No. 5282/2014 on "Free Citizen Access to Public Information and Government Transparency" and Law No. 642/1995 on Telecommunications. A brief characterization of the same is provided below.

Constitutional framework

Chapter II of the National Constitution of Paraguay, in the framework of freedoms, acknowledges a series of rights susceptible to constitutional protection, which could implicitly include the protection of access to ICTs, given they are a fundamental part in the development of one's identity and image, guarantee freedom of expression, and are a decisive instrument for receiving truthful, responsible and fair information.

Similarly, Article 30 of the Constitution, concerning electromagnetic communication signals, guarantees free and equal access to the electromagnetic spectrum. Article 30 of the Constitution of the Republic of Paraguay establishes that:

The emission and the propagation of electromagnetic communication signals are of the public domain of the State, which, exercising national sovereignty, will promote the full use of these signals in accordance with the rights proprietary to the Republic and in accordance with the ratified international agreements in the matter.

The law will assure, in equal opportunities, free access to the better use of the electromagnetic spectrum, as well as to electronic instruments to accumulate and process public information, without any greater limitations than those imposed by international regulations and technical standards. Authorities will ensure these elements are not used to infringe personal or family intimacy or other rights established by this Constitution (23).

Law No. 642/1995 on Telecommunications

Establishes the rules and regulations for the operation of telecommunications services in the country. This law creates the National Telecommunications Commission (CONATEL) as the agency in charge of regulating and supervising the telecommunications market in the country. It regulates licenses for the provision of telecommunications services and sets forth the need to have different types of licenses depending on the service to be provided (35). It also establishes a series of rights for users of telecommunications services regarding the privacy of their communications, the right to the portability of their telephone numbers, and seeks to promote competition in the market so that users have access to quality services.

Law No. 4868/2013 on "Electronic Commerce".

The objective of this law is to establish a regulatory framework for trade and contracting carried out through electronic or technological equivalent means in Paraguay. The law is applicable to suppliers of goods and services that operate electronically, intermediaries transmitting content over telecommunications networks, commercial communications by electronic means and consumers or users who carry out electronic transactions (36). In summary, the main aspects of this law are to define various terms related to electronic commerce, establish the obligations that service providers must provide to consumers, regulate the fundamental aspects that electronic contracting must have and establish infractions and penalties for non-compliance (36).

Law No. 5282/2014 on “Free citizen access to public information and government transparency”

The purpose of this Law is to guarantee the right of access to public information and promote transparency in public administration. In summary, the main aspect of this Law lies in the obligation of state institutions and entities to provide information in a clear and timely manner to anyone who requests it when no legal restrictions exist. It defines the information public sources must keep updated and constantly available, and establishes the procedure to obtain public information (37).

Law No. 6534/2020 on “Protection of personal credit data”.

The purpose of this law is to regulate the processing of personal credit data, including the collection, storage, use, transfer and protection of said data. In summary, the most relevant points of the law are the definitions concerning the protection of personal credit data, the obligations of informed consent to process such data, implement protective security measures and prevent improper use. This also includes the obligations of the credit information bureaus, as well as the delimitation of credit information holder rights and sanctions for non-compliance with the law on the protection of personal credit data (38).

Possibility of Internet outages under the current legal framework

Regarding the question raised about the possibility of limiting, restricting or making it impossible for certain users to access the Internet, it should be pointed out that the aforementioned legislation is intended to protect and guarantee all people access to ICTs without establishing generic limitations. Notwithstanding the foregoing, in Law 4868/2013 on Electronic Commerce, there are certain restrictions imposed on providers. In this sense article 6 of the law states that:

In no case may the commercial activity of Suppliers violate:

- a) the safeguarding of morality and public order;
- b) the protection of public health and the environment;
- c) national security;
- d) the protection of natural or legal persons that are consumers or users; e) the protection of personal data;
- e) the protection of personal data and the rights to personal and family privacy of the parties or third parties involved; and,
- f) the confidentiality of records and bank accounts (36).

In light of the above, and if there is verification that commercial activity violates any of the assumptions established in Article 6 of the Electronic Commerce Law, the competent authority may suspend access to the content or service of the provider, in accordance with the provisions of Article 9, paragraph c), which establishes that:

Intermediary Service Providers that provide Internet access services shall be obliged, without prejudice to the provisions in force on Internet Access and Data Transmission Services established by the Competent Authority, to:

[...]2. suspend access to a content or service when a competent body, in the exercise of the powers legally attributed to it, requires the interruption of the provision of a service or the removal of any content that violates the provisions of Article 6 (36).

It is worth noting that this restriction must be supported by the competent authority and the suspension must be duly motivated, limiting causes for its duration and extension.

On the other hand, Article 14 of Decree 14135, which approves regulations of the Telecommunications Law, establishes the possibility of suspending services in the event of a State of Exception, as contemplated in Article 288 of the National Constitution of Paraguay:

In the event of a State of Exception, as provided for in Article 288 of the National Constitution, declared in accordance with the Law, and for the duration thereof, all telecommunications service Operators must give priority to the transmission of voice, image and data necessary for the means of communication of the National Defense and Civil Defense Systems.

In this case, the National Telecommunications Commission, through the Commander in Chief of the Armed Forces of the Nation, may assume direct control of the telecommunications services, as well as dictate operational provisions.

In order to meet such requirements, the telecommunications service operator may suspend or provide part of the authorized services, in prior coordination with the National Telecommunications Commission and the agencies in charge of military and civil defense (39).

For such purposes, the National Telecommunications Commission shall inform the competent bodies of the concessions, licenses and authorizations it has granted, as well as their cancellations.

Finally, it should be noted that this right may be limited within the framework of a judicial investigation, but for such purpose, the corresponding judicial resolution is required, and such resolution must be duly motivated and shall be of an exceptional nature; failure to comply with this requirement would imply the nullity of the actions carried out. In this regard, Article 200 of Law No. 1286/1998, regarding the legal framework for the interception of communications, and Articles 279 and following, establish the general rules of the preparatory phase and establish the possibility of possible limitations to the free exercise of access to communications. Thus, Article 200 states that:

The judge may order, under penalty of nullity, the intervention of the defendant's communications, whatever the technical means used to obtain them, by a well-founded resolution.

The result may only be delivered to the judge who ordered it, who will proceed as indicated in the previous article; they may order the written version of the recording or the portions they consider useful and will order its entire destruction or of the parts that have no relation to the proceeding, after the Public Prosecutor's Office, the accused and their defense counsel have had access to it (40).

This article states the possibility of intercepting communications. Considering the Internet can be deemed an effective means of communication that allows the exchange of information between people and devices through the network, this intervention would be legitimized by the right to free access to Internet connections.

Similarly, Article 282 - within the framework of the preparatory stage in investigations conducted by the Public Prosecutor's Office, the National and Judicial Police - establishes the requirement it be carried out under judicial control. Thus, article 282 establishes that:

The investigative actions of the Public Prosecutor's Office, the National Police and the Judicial Police shall always be carried out under judicial control.

Criminal judges shall be responsible for carrying out jurisdictional evidence advances, resolving incidents, exceptions and other petitions of the parties, granting authorizations and, in general, controlling compliance with all the principles and guarantees established in the Constitution, in International Law in force and in this code.

Prosecutors may not perform strictly jurisdictional acts and judges, except for the exceptions expressly provided for in this code, may not perform acts of investigation that compromise their impartiality (40).

In conclusion, the current Paraguayan legislation on ICTs does not provide legal protection that allows generic restrictions that hinder or prevent access to the Internet, beyond those limitations established in the law on electronic commerce and those that may be determined by judicial resolution. The latter are related to the surveillance of communications, not to restrict the possibility of a community's access to the Internet. In addition, existing legal provisions are intended to guarantee and promote access to ICTs.

4.2. Regulation in national security matters

National security is a fundamental matter for any State, since it entails the protection of the country's integrity, sovereignty and political, economic and social stability. In this sense, it is worth analyzing whether, in order to guarantee national security, it is possible to limit access to the telecommunications network. In Paraguay, Law 1337/1999 on National Defense is the main law that articulates the national security system. This normative provision establishes the legal, organic and functional bases of the planning, coordination, execution and control system to ensure national defense. Its purpose is to deal with any form of external aggression that endangers the sovereignty, independence and integrity of the Republic of Paraguay (24).

This body of legislation was amended by Law 5036/2013 which introduced the possibility, during the State of Exception, or in situations of extreme gravity, to use the Armed Forces combative elements. Thus, Article 56 states that:

Notwithstanding the provisions of Article 51, during a State of Exception, or in the event of extremely serious situations in which the internal security system under this law is evidently insufficient, the President of the Republic may decide to temporarily employ combat elements of the Armed Forces of the Nation, exclusively within the territorial scope defined by Decree and for the time strictly necessary for the National Police or, as the case may be, the General Naval Prefecture, to be in a position to take charge of the situation on their own.

In such circumstances, the President of the Republic shall be in charge of all the military and police forces involved, and may designate a commander of the operations of such forces, in which case they shall be subordinate to him exclusively in the territorial area and for the time defined in the respective Decree.

Due to the fact that it is an exceptional, temporary and localized form of deployment of combat elements, it shall not affect the doctrine, discipline, chain of command, organization, equipment and training of the Armed Forces of the Nation, nor shall it authorize actions outside the law or that in any way hinder the regular functioning of the Powers of the State.

This procedure shall also be applied in cases classified as terrorism in accordance with Law No. 4.024/10 “That penalizes the punishable acts of terrorism, terrorist association and financing of terrorism”, or when there are threats or violent actions against the legitimately constituted authorities that prevent the free exercise of their constitutional and legal functions.

The President of the Republic shall inform Congress within forty-eight hours of his decision to temporarily deploy combat elements of the Armed Forces, enclosing an authenticated copy of the respective Decree. Congress may then determine the cease such operational intervention of the Armed Forces (25).

This modification enables the Armed Forces to intervene in national territory by means of the corresponding declaration of a State of Exception contemplated in article 288 of the National Constitution of Paraguay. It does not establish any type of limitation with respect to access to rights inherent to ICTs.

4.3. Joint Task Force (FTC) legal framework

The FTC is a military body, and its legal framework is within the aforementioned National Defense laws, as well as Law 216/1993 on the general organization of the Armed Forces (41) and Law 1115/1997 on the statute of military personnel (42). It also finds a legal basis through Decree 103/2013, allowing the use of the Armed Forces in operations carried out in the departments of Concepción, San Pedro, and Amambay (43). While these norms regulate internal organizational matters, the analysis throughout this paper has proven normative provisions that limit, cut or restrict right of access to a network do not exist.

5. MAIN FINDINGS

5.1. Request for access to public information

The public information access request addressed to the FTC did not provide any relevant information beyond an official statement that dismisses any kind of intervention to interrupt or turn off the signal in a certain area.

The FTC states that since it was officially established by Decree No. 103/13 and it officially established its presence in the departments of Concepción, San Pedro and Amambay, it has not carried out any action or initiative that could interfere or interrupt the communication and/or Internet signals completely or partially (44).

In the same vein, it rules out having technological devices with the capacity to interfere with communication signals of any kind that could leave particular regions or areas of the Northern Zone of the country with no communication (44). Finally, it affirms that since it has been established in the Northern Zone of the country, it has not requested any type of help from any ISP to interrupt the communication signal and/or internet for any reason (44).

5.2. Group interviews

These interviews were conducted over two consecutive days in two communities in the Northern Zone. As stated previously, data that could identify these communities will not be mentioned for security reasons. Findings and testimonies will be presented as testimonies from Community 1 or Community 2 depending on which community they belong to. Also, when the testimonies refer to specific zones or districts, such names will be changed to Zone 1, 2 or 3.

The interview instrument was designed to, on the one hand, find a correlation between possible FTC interventions and episodes of intermittent or total signal interruption in the area, and on the other hand, to collectively identify with the communities possible dates of FTC interventions that had not been mapped or covered by the media.

The findings in the collective interview phase are a tough depiction of the current situation in the Northern Zone of the country and different ways rural communities deal with overlapping situations of precariousness and abuse. The testimonies in this phase go far beyond perceptions on the issue of internet shutdowns, and include issues of communications surveillance, weak power grid infrastructure, and a number of challenges in documenting situations of abuse.

On the one hand, the communities interviewed reinforce the preliminary testimonies collected by CODEHUPY in its Northern Zone report, and identify a certain correlation between FTC interventions and the loss of signal in a given area.

The signal disappears when something happens, that's what I remember. In our area it doesn't happen much anymore. In the area of Zone 1 it happens and now it has spread to the area of Zones 2 and 3. It is striking that on the same day, two of the most common operators [Researcher's comment: Alluding to the operators Tigo and Personal, the most widespread in the area] coincide in having no signal. If an operation takes place, sometimes we know about it and other times we find out about it in the press. There are news that do not appear in the press, secret operations and some that in the end do not happen (Male 3- Community 1).

When something happened in Cerro Sarambi the signal went out, we were cut off and I later saw in the newspaper that something happened. Then I realized they were the ones cutting off the signal (Female 4- Community 1).

At the time of the military interventions many people in the community were left without signal. Even now calls do not work well (Man 6- Community 1).

Often when we don't have internet, we don't know who to turn to. Many times, when an event is about to happen there is no internet signal. Some say that the phone is tapped. We don't know much, but they can pick up and know what you are doing and where you are going, and that happens. Just when there is an important event you are left without signal (Male 1- Community 2).

According to various testimonies, it is evident that the area has a very high degree of internet connectivity precariousness. This is reflected in issues such as the total loss of signal by more than one provider in the area, the weakness of the electrical grid and, in general, the quality of the services to which they have access.

This happens often, that is, there is no signal at all in one place and we don't know why (Female 2- Community 2).

Of course, the issue with the signal happens every day (Male 6- Community 1).

The signal is gone for a whole day (Female 3 - Community 2).

Sometimes we have no signal for two days. They tell you they had technical problems (Male 6- Community 1).

Sometimes the signal on both providers drops out (Male 3- Community 1).

I have never phoned, but the signal always fails, especially the internet, and sometimes we realize it's because, for example, Tigo works with electricity and when the power goes out the signal is cut off. For that reason they say that Tigo does not work as well as Personal (Female 5- Community 2).

Sometimes there is a general power outage. Out of the blue it is cut off without a storm forecast and when the power goes out, everything goes out (Male 5- Community 1).

On the other hand, certain testimonies point to the fact that the issue of internet outages is an issue that took place quite some time ago (without specifying a specific time), as the nature of the conflict in the region migrated to other areas within the Northern Zone. However, the loss of signal continues.

That happened a long time ago [Researcher's comment: Alluding to the fact that the operations in the area have not been taking place for quite some time]. There is no internet signal, that is, it seems that there is, but in reality you can't access emails. When you send WhatsApp audios they are only delivered sometimes. We don't really know why the internet signal drops out (Male 1- Community 1).

Now it is normal that without anything happening we do not have signal (Male 1- Community 1)

An important issue that connects with the preliminary findings of CODEHUPY's Northern Zone report is a generalized perception of surveillance and communication interception. This is particularly the case of rural leaders. Moreover, there are testimonies that point to limits on the number of minutes a person can speak. After that time, one enters under the watchful eye of the FTC.

Also now, even the phones are traced. When there are events “the phones are tapped” as they say (Male 1- Community 1).

You can talk for up to three minutes on some lines. It happens to the leaders [...] If you make long calls they listen to your conversation and you enter the investigation line, that is, you go through a filter. You can denounce the truth but there is a security law (Male 6- Community 1).

Concerning intelligence, we cannot make calls that take three to five minutes [Researcher's comment: This alludes to intelligence operations in the area] (Male 6- Community 1).

I remember when our partner got out of prison, you could hear the interruptions in the calls [...] That's how their phones have been working for a long time [...] You could hear sounds in the background of the call [Researcher's comment: This alludes to background sounds in the conversation] (Male 2- Community 1).

When you make a call and you talk, someone is talking on the other end. It gets tapped [...] (Female 1- Community 1)

Gathered testimonies also point to the fact that there were times when there was a significant persecution of rural leaders and communities that included the confiscation of mobile devices and computers without due process. Such confiscations also implied the loss of these devices forever.

No, of course not, never..., if it leaves it never comes back [Researcher's comment: Alluding to mobile devices] (Female 3- Community 1).

People's cell phones were taken away on the country roads and there were complaints [Researcher's comment: Alluding to the confiscation of the mobile devices]. In 2006-2008 there were complaints but after that it did not happen anymore. Until 2010 or 2013 this was the usual habit. They accused people with the excuse of cross-checking calls because they had no evidence and after that they made expert reports and nothing happened [Researcher's comment: Alluding to the fact that no evidence had been found in the mobile devices] (Female 3- Community 1).

From the perspective of a cross-analysis, there is an important challenge on the part of the communities interviewed to identify and document events or interventions by the FTC that could later be related to Internet shutdowns. This challenge is based on the lack of knowledge about FTC actions, as well as a possible lack of awareness about what a loss of signal implies in this type of context. Finally, the lack of a greater exercise of complaining to Internet providers is striking.

We don't know what's going on unless it's in the press. If something happens in another community we usually find out because we meet a person from that community. I wonder why we do not register these situations; it would have been very interesting because many people will want to justify this as “they must do it because it is a security operation”. But every operation should be within the legal framework and the discussion is striking when we talk about rights. They will tell us that “we defend the delinquents”, “the delinquents are the ones who have rights”. That is the concept they have (Male 3- Community 1).

We don't ask ourselves why the signal is down, we don't know why (Male 2- Community 1).

We really don't know. The signal just drops and has never been investigated. We don't know why it drops and that way it doesn't call our attention, but apparently, it is a violation of our rights. The signal was cut off and we were left with no communication and no warning. Communication is a human right (Female 1- Community 2)

But when the Personal [ISP] connection is cut, in my case I don't take that into account and it doesn't matter to me because I didn't know that it is fundamental. I do other things and I put my phone away. And when the signal comes, I don't pay attention to it. I think most of my peers are like that. When the signal drops, I say well, it ends there and we don't know why and what is happening because I don't give any importance to calling, for example, the headquarters (Female 5- Community 2).

We do not realize that this happens because we do not know that this should not be happening. If we did, we would write down the date of the outage on the calendar. When this happens to me, I always say that I am going to change operators because I blame the operator. Because I don't know or have not heard that this happens or has to happen. It is extremely important (Female 8- Community 2).

Beyond specific claims that could be made through ISPs' customer service departments, instances of dialogue where ISPs provided explanations to concerns about signal loss in certain areas were studied. In this sense, a testimony pointed out that a few years ago there was a significant meeting in which members of the FTC, the Bishopric, rural leaders and other important actors met to listen to complaints of persecution and surveillance in the area. However, there was no ISP participation in this meeting. It is also noted that after this meeting the persecution in the zone decreased. However, security operations continue to date.

There was a meeting with the regional coordinator where the commanders and chiefs of operations were present. There were social pastoral and church representatives who sat down and talked about the situation. They spoke with the commander mentioning the organizations have nothing to hide. We even made ourselves available to be investigated. Everything calmed down a lot after that because previously the persecution was more rigid and the leaders were followed wherever they went with unfamiliar vehicles. Then the meeting was held and we talked about it. In 2013 the persecution stopped. Before that people and leaders were followed. For example, when the organization met, unfamiliar vehicles passed by. People became aware of this and so they called a meeting in Concepción at the Bishopric where the FTC, the Chief of Police and the prosecutor's office were present (Male 4 - Community 1).

There is something that must be considered, the search does not occur anymore, but the operatives are permanent. So far, they continue because it is a marked area. We do not say that the operations have ended [...] The three departments that are in the security law are in permanent operation. Concepción, San Pedro and Amambay. That law [Researcher's comment: In relation to the security law mentioned above] is the one that protects them (Man 6 - Community 1).

They act differently [Researcher's comment: In relation to how the operations are carried out nowadays] (Female 3- Community 1).

Now there are no longer with 20 vehicles one after the other. Now there are three normal vehicles with three normal people. Peddlers. In addition to the people from your own community (Male 6- Community 1).

5.3. ISP Interviews

Of the four ISPs contacted, only two responded: Tigo and Claro. Both are adamant in denying any kind of cooperation or collaboration with the FTC with the purpose of leaving a specific area or region in the Northern Zone of the country without signal. In this sense, the ISP Claro emphasized that such actions are impossible to carry out within the current legal framework on the matter.

On the other hand, only the ISP Tigo agreed to an interview to discuss the issue. In general terms, Tigo also strongly denies any kind of collaboration or possible involvement in operations that purposely seek to shut down the signal in an area. They also pointed out that the commercial sectors on the ground are the first to continuously report if there is any kind of problem with any antenna or signal, since they are the most interested in having a fully operational service. They stress that they have no particular reports from these sectors about intermittent or total signal drops related to FTC events in the area.

It is impossible to affirm that Claro has or has had knowledge of specific complaints from the rural communities about internet shutdowns. In relation to Tigo, the people interviewed indicated that the complaints were unprecedented in the company's history.

It is worth noting that internet providers have a duty to publish reports on transparency and compliance with human rights. Principle 21 of the United Nations Guiding Principles on Business and Human Rights requires good practices from companies on transparency from a human rights perspective (45).

In the case of Paraguay, the report "Who Defends Your Data 2022", seeks to evaluate, using various criteria, the transparency of ISPs and whether they publish transparency reports containing information on how many times governments have requested data from the user and the frequency with which the company provides such data to the government (46).

Claro does not publish reports on its collaboration with government authorities, but it does publish a Sustainability Report that shows that América Móvil's subsidiaries have received 311,282 requests for information on users in South America (Argentina, Brazil, Paraguay and Uruguay) (46). In addition, Tigo publishes reports on collaboration with government authorities through Millicom's global reports. The document describes detailed information on requests for interception of communications, access to metadata and mobile financial services (MFS) data (46). In both reports the data is not divided by country. Similarly, there is no reference in these reports to collaboration or requests regarding Internet shutdowns.

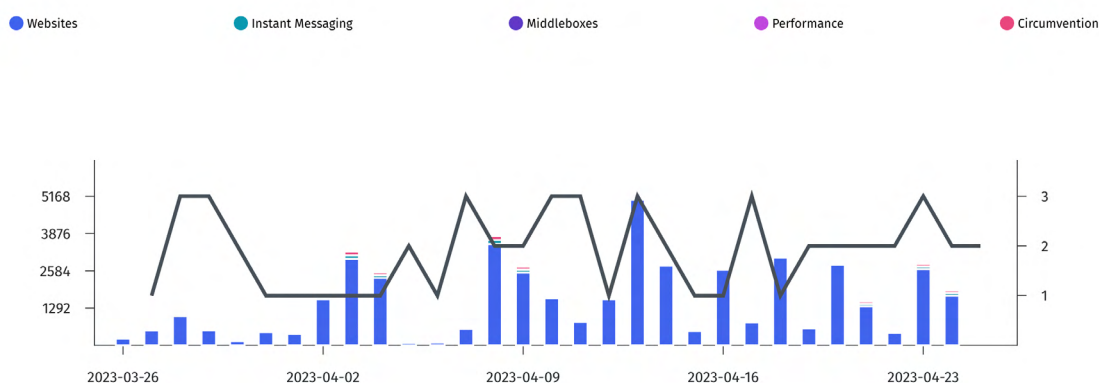
5.4. Network monitoring with OONI and the IODA project

5.4.1. OONI

OONI measurement coverage in Paraguay

Over the years, OONI Probe users in Paraguay have contributed more than 256,000 measurements from tests run on 33 local networks (47). The following chart shows the volume of OONI measurement coverage from Paraguay between 26th March 2023 to 24th April 2023.

GRAPH 2. OONI measurement coverage in Paraguay between 26th March 2023 to 24th April 2023



Source: OONI Explorer.

The measurements depicted in the above chart are clustered based on OONI Probe experiment categories (48), with most measurements pertaining to the testing of websites (49) (the black line in the chart depicts the number of tested networks). While the overall measurement volume is relatively low during this period (in comparison to other countries). It is worth noting that it is possible to observe a spike in measurements from 3rd April 2023 onwards. Yet, the relatively limited measurement coverage presents a limitation to the findings discussed below.

OONI Probe testing of websites

OONI's Web Connectivity experiment is designed to measure website blocking. By default, OONI Probe users running this test measure the websites included in the Citizen Lab test lists (50). This test measures the accessibility of websites by attempting to perform a DNS lookup, TCP/IP connection and HTTP Get request (51) from two vantage points: (1) the user's local vantage point and (2) a control network (non-censored network). The results from both networks are automatically compared. If they match, the tested URL is marked as "accessible" (if the testing succeeds from the control vantage point). If the results differ, the tested URL is marked as "anomalous", which may provide a signal of potential blocking.

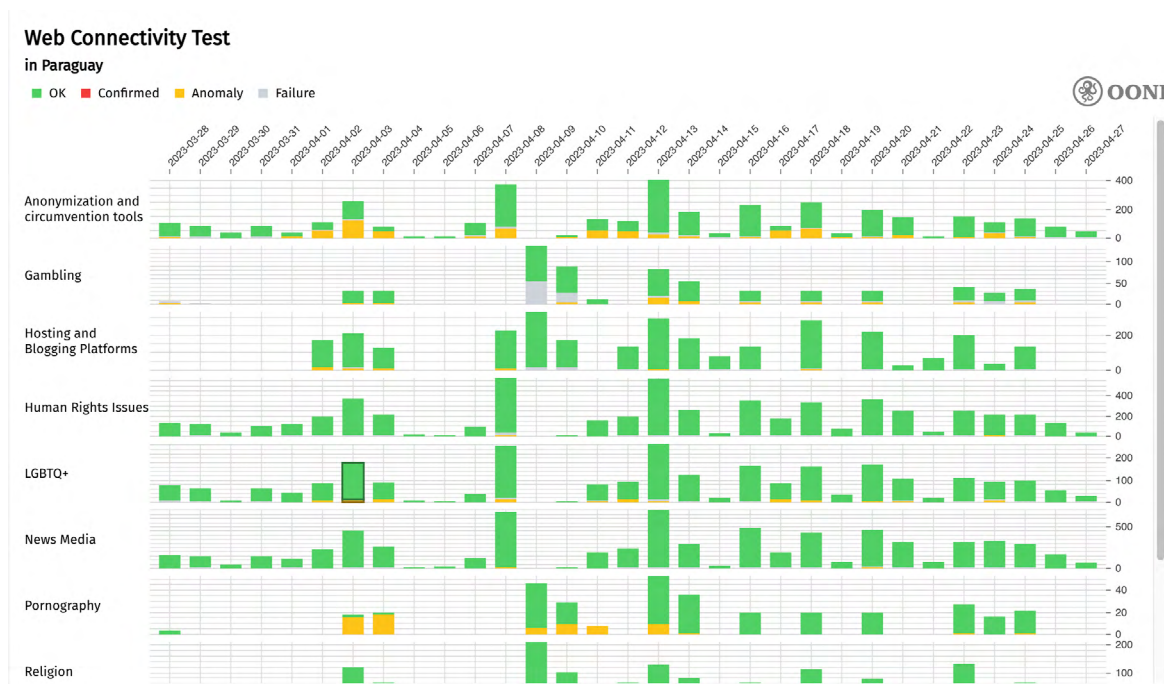
However, false positives can occur, which is why OONI looks at anomalous measurements in aggregate to determine if a tested URL consistently presents a large volume of anomalous measurements (in comparison to successful measurements) on a tested network. If a tested URL presents a large volume of anomalies, it may provide a stronger signal of potential blocking. If the types of anomalies are consistent (for example, always presenting DNS anomalies on a tested network), they offer an even stronger signal of potential censorship (since they suggest the use of a specific censorship technique, such as DNS hijacking) (51).

Based on OONI's current heuristics, the platform automatically confirms website blocking when a block page is served and the fingerprint of that blockpage has been added to the OONI database. OONI also automatically confirms the blocking of websites based on DNS answers containing IP addresses that are known to be associated with implementing internet censorship. For other forms of censorship, it analyzes OONI data to aggregate anomalous measurements and identify why and how those anomalies occur, offering insight into additional cases of potential blocking.

Between 28th March 2023 to 27th April 2023, aggregate views of OONI Web Connectivity data did not present a significant volume of anomalies, thereby not providing strong signals of website blocking. The vast majority of measurements were successful, showing that the tested websites (from the Citizen Lab's Global and Paraguay lists) were accessible on tested networks.

Throughout the analysis period, no websites were automatically confirmed blocked in Paraguay. OONI data presents the largest volume of anomalies for the categories of websites included in the following chart.

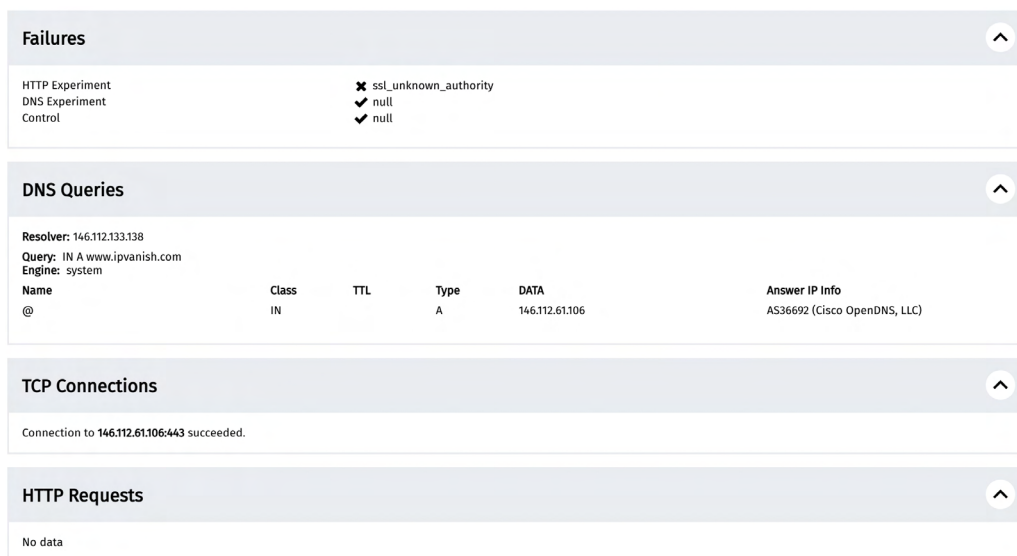
GRAPH 3. Categories of websites that presented the largest volume of anomalies through OONI Probe testing in Paraguay between 28th March 2023 to 27th April 2023



Source: OONI MAT (52)

However, most of the anomalies do not appear to be indicative of censorship. Many of the anomalous measurements show that OONI Probe users used OpenDNS with a configuration to filter websites, and therefore the interference seen in those measurements is not due to ISP-level censorship, but blocking implemented by their specific DNS resolver configuration. Specifically, many such measurements were contributed by OONI Probe users on Telecel (AS23201) who appear to be using OpenDNS with website filters. For example, this is visible through a measurement on the testing of www.ipvanish.com on Telecel (AS23201) in Paraguay on 3rd April 2023.

GRAPH 4. Measurement of www.ipvanish.com on Telecel (3rd April 2023).



Notably, the testing of reproductive rights website Women on Waves presented a connection reset error³⁸ on Nucleo (AS27895) when tested on 24th April 2023, which could potentially be indicative of censorship implemented by the ISP. However, the site was only tested 3 times on that network over the last month, and that one measurement presenting the connection reset error could potentially be a false positive. Further testing of the site is required to investigate its potential blocking.

Overall, the vast majority of measurements from the testing of websites on several networks in Paraguay (between 28th March 2023 to 27th April 2024) were successful, while very few measurements presented anomalies (most of which appear to be indicative of blocking implemented by the user's OpenDNS configuration, rather than ISP-level censorship). OONI data therefore does not present strong signs of website blocking in Paraguay.

OONI Probe testing of instant messaging apps

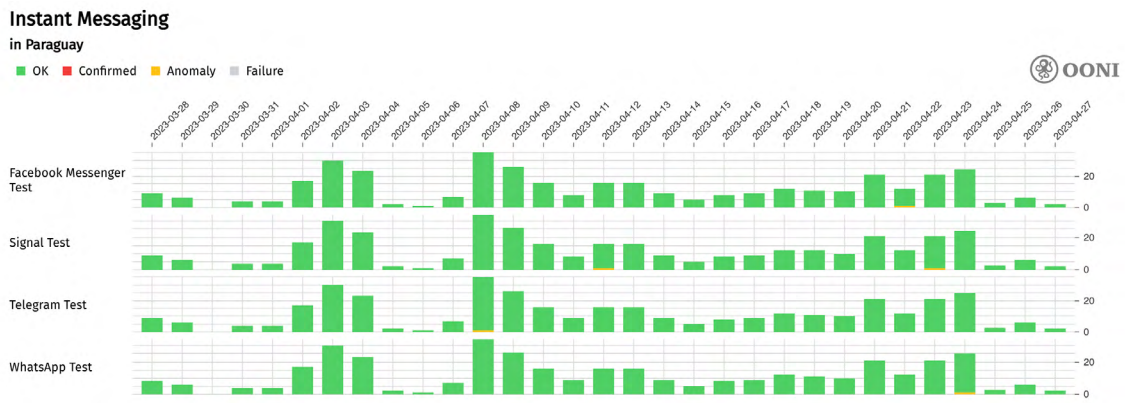
Apart from website testing, OONI Probe also includes tests designed to measure the blocking of the following instant messaging apps:

- WhatsApp;
- Facebook Messenger;
- Telegram;
- Signal.

OONI measurements collected from these tests show that these apps were mostly reachable in Paraguay between 28th March 2023 to 27th April 2023. This is illustrated through the following chart, which aggregates OONI measurement coverage during this period from the testing of Facebook Messenger, Telegram, WhatsApp, and Signal on six local networks in Paraguay.

38 More information here https://explorer.ooni.org/m/20230424173309.235266_PY_webconnectivity_213dd98649da1219

GRAPH 5. OONI Probe testing of Facebook Messenger, Signal, Telegram, and WhatsApp apps in Paraguay between 28th March 2023 to 27th April 2023



Source: OONI Explorer (47).

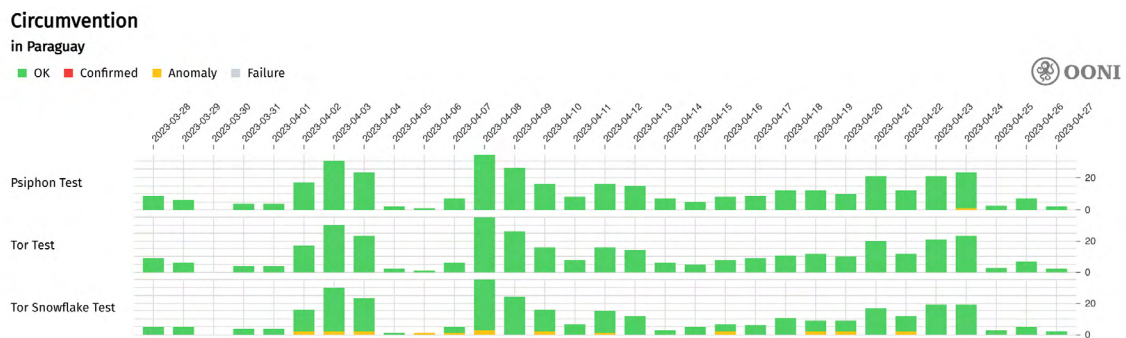
While the above chart shows the presence of a few anomalous measurements, those measurements seem to be false positives. The fact that most measurements throughout the testing period were successful (as annotated in green for “ok”) suggests that the WhatsApp, Facebook Messenger, Telegram, and Signal apps were reachable on tested networks in Paraguay.

OONI Probe testing of circumvention tools

OONI Probe also includes tests designed to measure the reachability of the Psiphon³⁹, Tor⁴⁰ and Tor Snowflake⁴¹ circumvention tools.

Between 28th March 2023 to 27th April 2023, OONI Probe testing of Psiphon, Tor and Tor Snowflake shows that these tools were mostly reachable on tested networks in Paraguay, as illustrated below.

GRAPH 6. OONI Probe testing of Psiphon, Tor, and Tor Snowflake in Paraguay between 28th March 2023 to 27th April 2023.



Source: OONI Explorer (47).

39 More information here <https://ooni.org/nettest/psiphon/>

40 More information here <https://ooni.org/nettest/tor/>

41 More information here <https://ooni.org/nettest/tor-snowflake>

Most measurements collected during the testing period showed that it was possible to bootstrap Psiphon and use it to fetch a webpage, suggesting that the circumvention tool worked on tested networks. Similarly, most Tor and Tor Snowflake measurements were successful, suggesting that it was possible to use these circumvention tools in Paraguay (at least on tested networks) during the analysis period. This is further suggested by Tor Metrics, which do not show a drop in Tor users in Paraguay in recent months (while a significant drop may have been indicative of censorship).

Overall, OONI data does not show strong signals of internet censorship in Paraguay between 28th March 2023 to 27th April 2023.

Most measurements were successful, indicating that the tested websites and apps were accessible on the tested networks in Paraguay (53). While a relatively small volume of measurements presented anomalies, many of those anomalies do not appear to be implemented by ISPs in Paraguay (54). Instead, those anomalies show filtering implemented by the OpenDNS configuration of those OONI Probe users. It's worth noting that the testing of reproductive rights website Women on Waves presented a sign of potential blocking when tested on Nucleo (AS27895) on 24th April 2023 (55), but further testing is required to confirm the block and rule out the possibility of false positives.

5.4.2. IODA

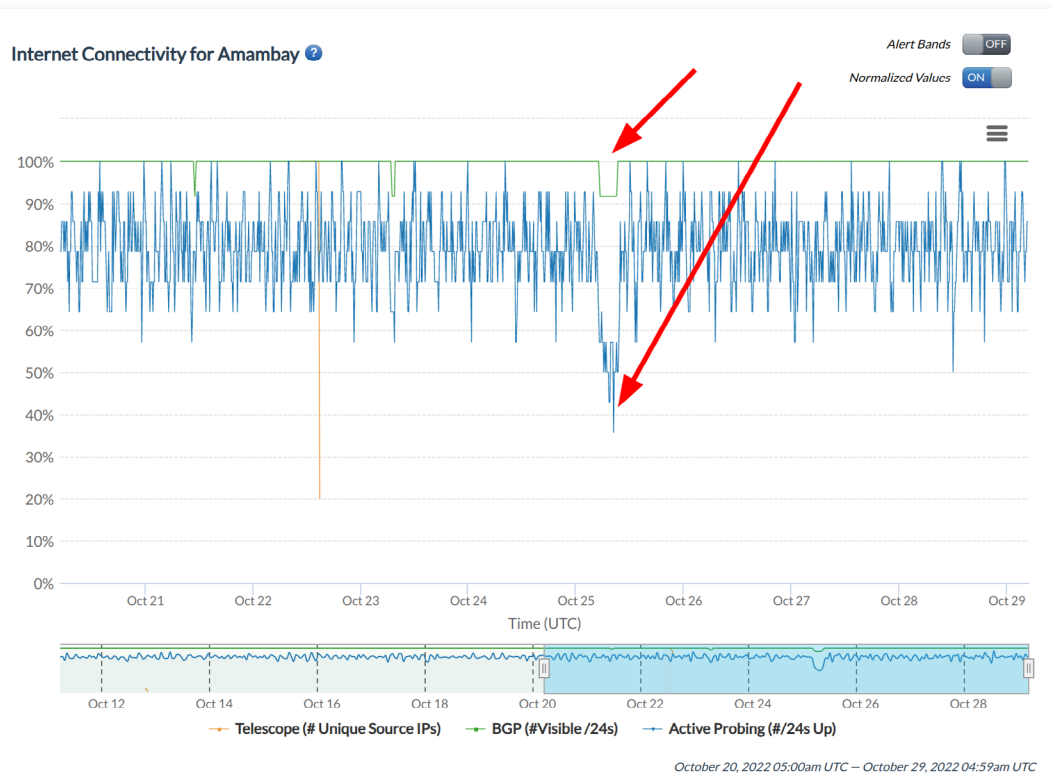
Unfortunately, no data was found for the area and for the period covered in the Codehupy report. There is no data for Paraguay prior to 2022 in IODA. This is a major obstacle in the context of the investigation.

Regarding the data obtained for the dates of October 2022, which resulted in the death of one of the EPP leaders in the department of Amambay, there are questions to reflect on, but these are not conclusive on their own. Three specific drops are reported.

Outage 1	Outage 2	Outage 3
Date and time of blocking From: 2022/10/23 20:30 (UTC) To: 2022/10/24 01:30 (UTC)	Date and time of blocking From: 2021/10/22 16:00 (UTC) To: 2021/10/22 20:00 (UTC)	Date and time of blocking From: 2022/10/25 5:00 (UTC) To: 2022/10/25 9:00 (UTC)
Location Region: Canindeyú Country: Paraguay	Location Location cannot be determined. ISPs	Location Region: Amambay Country: Paraguay
ISPs No ASNs identified.	AS27768 Paraguayan Communications Company	ISPs: No ASNs identified.

The data collected in all cases was during the time period from 10/20/2022 to 10/30/2022, in order to visualize the behavior of the network in the days before and after the date of the FTC intervention in the area.

GRAPH 7. Data visualization from the IODA page in the department of Amambay.



In general terms, these outages show a drop of the network routes, which may mean a total internet outage for a part of the population. However, more research and cross-checking of technical data with testimonials is needed to make an assessment of the impact of these outages.

It is also important to note that the data sample is not very large and the locations may be imprecise for an IP address. However, given the total lack of data in the area, it is considered significant to document any information that refers to the region.

6. CONCLUDING REMARKS

The Paraguayan State, with the FTC, has sustained - for almost 10 years - (specifically in the departments of Concepción, San Pedro and Amambay) a security policy that is unconstitutional and violates the regulations by which it was created in the Northern Zone.

The illegal actions of criminal groups such as the EPP have not been stopped during this period, and the problem of organized crime and security in the region has not been effectively addressed.

The situation of poverty, precariousness in health care, and the widespread economic precarity has not been addressed with the necessary depth during the aforementioned period.

This report takes a different approach to the traditional studies of the area and focuses specifically on the experiences related to connectivity issues of various communities in the Northern Zone. The main reflections will be presented in two main groups:

6.1. Internet shutdowns

The collection of data from different sources made it possible to generate a series of reflections and recommendations, and above all, to compare different sources of information that could provide some evidence of Internet shutdowns.

An initial issue to reflect on is that the FTC does not recognize these types of actions in the area. Somehow, this is connected with the deny of Tigo and Claro in any kind of joint action with the FTC. It was not possible to get any kind of response from Personal and Vox.

However, it is possible that actors that could be accused of actions that violate human rights may not recognize a significant event. Therefore, testimonies from the area provide reflections that should be taken into account by relevant authorities to carry out in-depth investigations to clarify the events and provide appropriate explanations.

Certain testimonies collected in the area allege a correlation between FTC interventions and signal drops. However, it is difficult to state a direct relationship with total accuracy since they also indicated poor connectivity in the area.

This is linked to a normalization of constant signal failures and signal drops in the area by more than one provider resulting in interviewed communities viewing any type of signal drop as anecdotic. Numerous testimonies mention that when this occurs, they simply leave their mobile phones aside and move on to other activities. Furthermore, it has become increasingly difficult for communities to control the FTC's actions due to the change in tactics used by the FTC, which makes a collective awareness of an FTCoperation almost completely impossible to identify.

The migration of the armed conflict and the FTC to the department of Amambay must also be taken into consideration. Testimonies mention that interventions and possible shutdowns date back several years. In addition, the lack of documentation by interviewed communities did not help the memory exercises initially planned, and they are a reality that may contribute to the loss of historical knowledge about signal shutdowns in the area during the last five years in the context of a security operation.

On the other hand, it is important to point out that this lack of documentation or attention regarding outages has a direct effect on the lack of complaints or claims about situations of signal loss. As noted above, Internet providers presume that claims of signal loss are imminent. The evidence collected suggests this is not the case. Providers should assume greater leadership in mapping these types of situations and complaints through existing data collection mechanisms, such as news clipping, to map situations or discourse that refer to issues related to these companies and the services they provide, in order to identify possible complaints or situations that involve their infrastructure and potential human rights violations. This leadership should also translate into public statements condemning internet shutdowns or any attempt to silence a community, as well as including in their transparency reports any request that could be qualified as an internet shutdown.

Moreover, it is not possible to draw conclusive reflections based on the data collected through the OONI app after the donation of two mobile devices to the communities interviewed. Preliminary findings using OONI do not suggest blocking of specific apps and sites. However, the alert on the testing of the reproductive rights website Women on Waves, which presented a signal of possible blocking when tested in Nucleo S.A., is at least worth mentioning. Nevertheless, blocking cannot be affirmed with certainty due to the short period data collection time. The signal behavior will continue to be monitored at least until the end of this year, in order to generate more conclusive data on the subject.

Another important aspect from a legal point of view is that there is no legal basis for possible generalized Internet shutdowns. Although there are limitations in the e-commerce law, they do not validate a total shutdown of historically vulnerable communities that already have poor Internet access. On the contrary, the existing legal framework promotes the access and use of ICTs.

Regarding the IODA monitoring, while acknowledging the obstacle of the lack of data prior to 2022, the data available in 2022 does show a certain degree of outages, which, while not sufficient to affirm the existence of an internet shutdown, should be analyzed by CONATEL to determine possible intentional outages in the context of an FTC event.

Finally, the high level of militarization, as well as the active presence of the EPP in the area, made obtaining testimonies in the area particularly difficult.

6.2. Normalization of the abuse and surveillance of communications

This report reveals significant awareness by the communities interviewed of situations of abuse that are connected to a context of militarization. However, after several years of FTC presence in the area, this awareness is also coupled with a certain normalization of this situation and of the abuse.

In this sense, several testimonies point to concrete examples of surveillance of communications through phone tapping and conversations in which third parties are heard on the line, even limiting the number of minutes a person can talk without being subjected to some sort of automatic control by the FTC. It is clear that the possibility to complain about these type of situations does not seem to be an option. Even more seriously, there is a complete lack of confidence in public institutions that are responsible for safeguarding the rights of people to the inviolability of their communications, as stated in the National Constitution.

This normalization is also observed in testimonies that referred to the security law as the legal tool that endorses this type of abuse. This is incorrect because the law in question does not enable mass surveillance of communications in a community in the absence of the due process previously described in the legal framework. These complaints should reach the Public Prosecutor's Office and the Judiciary to activate the necessary protocols to identify possible abuses on the subject by the FTC.

Above all, it is important to highlight that, beyond the perceptions of people, the data collected in the framework of this investigation and the possibility of the existence of shutdowns or communications surveillance, it is alarming that there are communities that, in a context of precariousness and absolute abuse, also have to deal with the feeling and perception of undergoing censorship through internet shutdowns. These are signs of serious problems of legitimacy and institutional trust that marginalize historically vulnerable communities further.

Finally, it is crucial that the State's investment in the area goes further than providing a budget for the FTC. Social investment programs and projects must urgently integrate a human rights perspective to ensure development in the area. For this purpose, investments in connectivity plans are crucial, to provide all the available tools for the development of the communities and for the effective exercise of their rights in the physical and virtual spheres.

6.3. Research limitations

Since the publication of CODEHUPY's Northern Zone report, the nature of the conflict has shifted departments, thus the potential scenarios of abuse by the FTC, similar to those described in this report, may be ongoing. In particular, the data obtained by the IODA project in 2022 requires more scrutiny from local witnesses who have experienced the FTC's intervention.

In that sense, further specific investigations into the ongoing FTC interventions are required, until the Northern Zone is effectively free of FTC intervention. Moreover, and based on the findings of the research, there are numerous testimonies pointing to potentially illegal communication surveillance that needs further attention in a thematic report.

7. BIBLIOGRAPHY

1. TEDIC. [Research launch] The invisible integration in the Triple Border zone [Internet]. TEDIC. 2022 [cited 2023 Mar 20]. Available from: <https://www.tedic.org/lanzamiento-investigacion-la-integracion-invisible-en-la-zona-de-la-triple-frontera/>
2. Buzarquis MS. Espionage of journalist confirms that the State intercepts communications illegally [Internet]. TEDIC. 2016 [cited 2021 Aug 14]. Available from: <https://www.tedic.org/espionaje-a-periodista-confirma-que-el-estado-intercepta-comunicaciones-ilegalmente/>
3. OHCHR. Alarming misuse of high-risk technologies in global fight against terrorism says UN expert [Internet]. OHCHR. 2023 [cited 2023 Mar 18]. Available from: <https://www.ohchr.org/en/press-releases/2023/03/alarming-misuse-high-risk-technologies-global-fight-against-terrorism-says>
4. Access Now. Introduction to internet shutdowns – Lesson 5 [Internet]. 2022 [cited 2023 Mar 18]. Available from: <http://advocacyassembly.org/en/courses/64/>
5. Schwartz-Henderson L. Building Capacity for Internet Shutdown Advocacy [Internet]. 2020 [cited 2023 Mar 18]. Available from: https://internews.org/wp-content/uploads/2021/03/Optima_Needs_Assessment_Report_2020.pdf
6. OONI. Measuring internet censorship with OONI tools and open data [Internet]. 2022 [cited 2023 Mar 18]. Available from: <http://advocacyassembly.org/en/courses/63/>
7. Access Now. The return of digital authoritarianism: Internet shutdowns 2021 [Internet]. 2022 [cited 2023 Mar 18]. Available from: <https://www.accessnow.org/cms/assets/uploads/2022/05/2021-KIO-Report-May-24-2022.pdf>
8. LaRue F, Mijatović D, Botero C, Pansy F. Joint declaration on freedom of expression and the Internet [Internet]. 2011 [cited 2021 Oct 12]. Available from: <https://www.osce.org/files/f/documents/e/9/78309.pdf>
9. UN Human Rights Council. The promotion, protection and enjoyment of human rights on the Internet. 2021 Jul 26 [cited 2023 Mar 18]; Available from: <https://digitallibrary.un.org/record/3937534>
10. Karisma Foundation. Internet failures, network blockages and content censorship in protests: Realities and challenges for the exercise of human rights in digital contexts. [Internet]. 2021 [cited 2023 Mar 18]. Available from: <https://web.karisma.org.co/paronacionalcolombia-fallas-de-internet-bloqueos-de-redes-censura-de-contenidos-realidades-y-retos-para-el-ejercicio-de-los-derechos-humanos-en-los-contextos-digitales/>
11. Access Now. Control weapons, shields of impunity [Internet]. 2023. Available from: <https://www.accessnow.org/cms/assets/uploads/2023/03/2022-KIO-Report-LAC-eng.pdf>
12. O Globo. Telegram blocking reaches 95% of users in Brazil. G1 [Internet]. 2023 Apr 28 [cited 2023 Apr 27]; Available from: <https://g1.globo.com/jornal-nacional/noticia/2023/04/27/bloqueio-do-telegram-ate-95percent-dos-usuarios-no-brasil.ghtml>

13. CODEHUPY. Observation Mission on the Situation of Human Rights in the Northern Zone [Internet]. 2021. Available from: <https://codehupy.org.py/wp-content/uploads/2021/08/Misio%CC%81n-de-ob-servacio%CC%81n-sobre-la-situacio%CC%81n-de-los-derechos-humanos-en-la-zona-norte-.pdf>
14. La Nación. Conarem: request to block internet signal to avoid fraud in medical exams. [cited 2023 Mar 18]. Available from: <https://www.lanacion.com.py/pais/2023/02/23/conarem-piden-bloquear-senal-de-internet-para-evitar-fraude-durante-examenes-de-medicos/>
15. Ministry of Information Technology and Communication. Paraguay Portal - Access to Public Information [Internet]. 2023 [cited 2023 Apr 25]. Available from: https://informacionpublica.paraguay.gov.py/portal/#!/buscar_informacion#busqueda
16. OONI. About the Open Observatory of Network Interference (OOONI) [Internet]. 2023 [cited 2023 Apr 25]. Available from: <https://ooni.org/about/>
17. OONI. Frequently Asked Questions [Internet]. 2023 [cited 2023 Apr 25]. Available from: <https://ooni.org/support/faq/>
18. CAIDA. Internet Outage Detection and Analysis [Internet]. 2023 [cited 2023 Apr 25]. Available from: <https://www.caida.org/projects/ioda/>
19. SERPAJ Paraguay. Victims of attacks and aggressions by the Joint Task Forces (FTC) presented an urgent note today [Internet]. 2017 [cited 2023 Apr 27]. Available from: <https://www.facebook.com/serpajparaguay/photos/a.259620357409474/1392992787405553/>
20. National Institute of Statistics. Multidimensional Poverty Index [Internet]. 2021 [cited 2023 May 2]. Available from: https://www.ine.gov.py/Publicaciones/Biblioteca/documento/8e39_BOLETIN_TECNICO_IPM_2020.pdf
21. National Technology Council. National Telecommunications Plan 2011 - 2015 [Internet]. 2011 [cited 2019 Aug 7]. Available from: https://www.conatel.gov.py/images/iprincipal/PNT%202016_2020/MANUAL%20PLAN%20NACIONAL%202011_2015.pdf
22. INE. Information and Communication Technology in Paraguay (TIC) Permanent Household Survey (EPH) 2015 - 2021 [Internet]. 2022 [cited 2023 Apr 2]. Available from: <https://www.ine.gov.py/resumen/MTg3/tecnologia-de-la-informacion-y-comunicacion-en-el-paraguay-tic-eph-2015---2021>
23. Constituent Assembly. National Constitution of the Republic of Paraguay [Internet]. 1992 [cited 2017 Jan 20]. Available from: <http://www.bacn.gov.py/constitucion-nacional-de-la-republica-del-paraguay.php>
24. National Congress. Law 1337 'On National Defense and Internal Security'. [Internet]. 1999 [cited 2023 Apr 29]. Available from: [http://odd.senado.gov.py/archivos/file/Ley%20Nro%201337-%2099%20\(De%20Defensa%20Nacional%20y%20Seguridad%20Interna\)\(1\).pdf](http://odd.senado.gov.py/archivos/file/Ley%20Nro%201337-%2099%20(De%20Defensa%20Nacional%20y%20Seguridad%20Interna)(1).pdf)
25. National Congress. Law 5036 "Amending and expanding Articles 2, 3 and 56 of Law No. 1337/99 'On National Defense and Internal Security'. 2013.

26. Mendonça JC. Expert opinion: constitutional analysis Law 5036/13: legal research on the unconstitutionality of the amendment of Articles 2, 3 and 56 of Law No. 1337/1999 on Defense and Internal Security. Asunción, Paraguay: Serpaj Py; 2015. 61 p.
27. Leguizamón D. Public investment in the Northern Zone must be reconsidered [Internet]. 2022 [cited 2023 May 2]. Available from: <https://ddhh2022.codehupy.org.py/palabra-clave/inversion-publica/>
28. Ultima Hora. Osvaldo Villalba, EPP's main lider, is shot down. [ultimahora.com](https://www.ultimahora.com/osvaldo-villalba-principal-lider-la-banda-criminal-epp-es-abatido-n3030049.html) [Internet]. 2022 Oct 24 [cited 2023 Apr 27]; Available from: <https://www.ultimahora.com/osvaldo-villalba-principal-lider-la-banda-criminal-epp-es-abatido-n3030049.html>
29. La Nación. EPP terrorized the Pãi Tavyterã community, says sister of murdered indigenous leader. 2022 [cited 2023 May 2]; Available from: <https://www.lanacion.com.py/politica/2022/10/24/epp-aterorizo-a-comunidad-pai-tavytera-relata-hermana-del-lider-indigena-asesinado/>
30. OHCHR. International Covenant on Civil and Political Rights [Internet]. 1976 [cited 2023 Apr 29]. Available from: <https://www.ohchr.org/es/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>
31. Human Rights Council. Resolution 12/16 [Internet]. 2009 [cited 2023 Apr 29]. Available from: <https://www.refworld.org.es/pdfid/4dc113482.pdf>
32. Human Rights Council. Resolution 20/8 [Internet]. 2012 [cited 2023 Apr 29]. Available from: https://ap.ohchr.org/documents/S/HRC/d_res_dec/A_HRC_20_L13.pdf
33. Human Rights Council. Resolution 66/184 [Internet]. United Nations; 2012 [cited 2023 Apr 29]. Available from: <https://www.un.org/es/ga/66/resolutions.shtml>
34. Human Rights Council. Resolution 32 [Internet]. 2016 [cited 2023 Apr 29]. Available from: <https://www.ohchr.org/es/hr-bodies/hrc/regular-sessions/session32/regular-session>
35. National Congress. Telecommunications Law No. 642/95 [Internet]. 1 1995. Available from: https://www.conatel.gov.py/images/iprincipal/LEY%20642/Ley_N_642-95.pdf
36. National Congress. Law 4868 of e-Commerce [Internet]. 2013. Available from: https://www.acraiz.gov.py/adjunt/Leyes%20y%20Decretos/ley_4868_comercio_electrnico_26-02-13.pdf
37. National Congress. Law No. 5282 of Free Citizen Access to Public Information and Government Transparency. [Internet]. Sep 18, 2014. Available from: http://informacionpublica.paraguay.gov.py/public/ley_5282.pdf
38. National Congress. Law No. 6534/2020 'On the protection of personal credit data'. [Internet]. 2020. Available from: <https://www.bacn.gov.py/leyes-paraguayas/9417/ley-n-6534-de-proteccion-de-datos-personales-crediticios>
39. Presidency of the Republic. Decree 14135 'Whereby the regulatory norms of Law 642/95 "On Telecommunications" are approved'. 1996.
40. National Congress. Law 1286/98 Criminal Procedural Code of Paraguay [Internet]. 1 1998. Available from: http://www.ministeriopublico.gov.py/userfiles/files/Paraguay_Codigo_Procesal_Penal%281%29.pdf

41. National Congress. Law 216 ‘On the General Organization of the Armed Forces of the Nation’ [Internet]. 1993 [cited 2023 Apr 29]. Available from: <https://bacn.gov.py/archivos/2572/20140908083416.pdf>
42. National Congress. Law No. 1115 ‘On the Statute of Military Personnel’ [Internet]. 1997 [cited 2023 Apr 29]. Available from: <https://bacn.gov.py/archivos/681/20140408114612.pdf>
43. Presidency of the Republic. Decree 103/13 ‘Whereby the deployment of combat elements of the Armed Forces of the Nation in internal defense operations in the Departments of Concepción, San Pedro and Amambay’. [Internet]. [cited 2023 Apr 29]. Available from: <https://www.diserinte.mil.py/application/files/7214/7189/2953/Decreto-N-10313-Por-el-cual-se-dispone-el-empleo-de-elementos-de-Combate-de-las-Fuerzas-Armadas-de-la-nacion-en-operaciones-de-Defensa-Interna-en-los-Departamentos-de-Concepcion-San-Pedro-y-Ama.pdf>
44. TEDIC. Request for Access to Public Information #67086 [Internet]. 2023 [cited 2023 Apr 25]. Available from: <https://informacionpublica.paraguay.gov.py/portal/#!/ciudadano/solicitud/67086>
45. United Nations. Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework. [Internet]. United Nations; 2011 [cited 2023 Apr 25]. Available from: <https://www.un-ilibrary.org/content/books/9789210565998>
46. Guerrero T, Fulchi LA. Who defends your data 2022? [Internet]. 2022 [cited 2023 Apr 25]. Available from: https://qtdt.tedic.org/investigacion2022/#criterios__criterio5
47. OONI. Internet Censorship in Paraguay [Internet]. 2023 [cited 2023 Apr 29]. Available from: <https://explorer.ooni.org/country/PY>
48. OONI. OONI Tests [Internet]. [cited 2023 Apr 29]. Available from: <https://ooni.org/nettest/>
49. OONI. Web Connectivity [Internet]. 2023 [cited 2023 Apr 29]. Available from: <https://ooni.org/nettest/web-connectivity/>
50. Citizen Lab. Citizens Lab Test List [Internet]. GitHub. 2023 [cited 2023 Apr 29]. Available from: <https://github.com/citizenlab/test-lists>
51. OONI. OONI Glossary [Internet]. 2023 [cited 2023 Apr 29]. Available from: <https://ooni.org/support/glossary/>
52. OONI. OONI Mat [Internet]. 2023 [cited 2023 Apr 29]. Available from: <https://explorer.ooni.org/chart/mat>
53. OONI. Measurements Paraguay [Internet]. 2023 [cited 2023 Apr 29]. Available from: <https://explorer.ooni.org/search>
54. OONI. Anomalies Paraguay [Internet]. 2023 [cited 2023 Apr 29]. Available from: <https://explorer.ooni.org/search>
55. OONI. Anomaly Women Waves- Paraguay [Internet]. 2023 [cited 2023 Apr 29]. Available from: https://explorer.ooni.org/m/20230424173309.235266_PY_webconnectivity_213dd98649da1219

