

LOCAL LEVEL JOURNALISM AND DEMOCRACY INDICATORS IN LATIN AMERICA

Fernando J. Ruiz



**THE WORST AREAS
TO PRACTICE JOURNALISME
IN THE FIRST SEMESTER
2007**

Journalists' life in Cuban prisons

Mexico surpasses Colombia in
the number of journalists
murdered

Bolivia and Ecuador
Constitutional Assemblymen and
the media

Congresses refuse to eliminate
"dead words"

Latin American Supreme Courts'
took key decisions



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-*Las palabras son acciones: historia política y profesional del diario La Opinión de Jacobo Timerman*, (Words are action: Political & professional history of the La Opinión newspaper belonging to Jacobo Timerman), 1971-77, Perfil Libros, Buenos Aires, 2001.

-*El señor de los mercados. Ambito Financiero, la City y el poder del periodismo económico*, (The master of the markets: Ambito Financiero, the City & the power of the financial press), El Ateneo, Buenos Aires, 2001.

Local Level Journalism and Democracy Indicators in Latin America

By Fernando J. Ruiz

EXECUTIVE SUMMARY

■ Cuba not only jails journalists but also places their life in danger as a result of the appalling state of the prisons. Nearly one third of the imprisoned journalists have health problems.

■ While in Mexico murders increase and other forms of aggression to the press diminish, in Colombia the murders diminish and other forms of aggression increase. After twenty years of heading the number of journalists murdered, Colombia yields first place in Latin America to Mexico.

■ Venezuelan Government did not renew RCTV's license. As a result, they have consolidated their mass communication predominance, thereby reducing that of their critics to the mass audience.

■ The RCTV case fueled a dual debate in Latin America: a) Renewal of radio and television licenses in the region and b) Different viewpoints regarding freedom of press.

■ Bolivian Government takes first measures restricting the community media not under their control. Meanwhile, they continue developing their own media system.

■ Bolivia and Ecuador's Constitutional Assemblies will be the scenario for discussion of different press freedom viewpoints applicable to the entire region.

■ A lot of gag law legislation still exists although in most cases they are "dead letters". Nevertheless, Congresses refuse to eliminate them.

■ Latin American Supreme Courts are key players in building the framework within which journalism is practiced in each country.

■ Discussion of how official advertising is distributed in Latin America increases. In most countries, the criteria employed is favoritism. There is no favoritism in Uruguay and Chile but the debate is open to establish new distribution criteria.

■ In most countries in the region, State and society's levels of incivility are journalism's main enemies.

Argentina

It is the only Latin American country that does not have federal gag laws. However, this practice is institutionalized although there is increasing public pressure in some parts of the country to have them removed.

For the first time ever, the Supreme Court is considering a case regarding official advertising. Generally, politicians are reluctant to reform this historical practice as it suits them as they can pressure the press and furthermore, it is not a subject that receives much public attention. Pressure to obtain these reforms comes mainly from civil and international organizations.

In order to successfully reform the official advertising distribution system, the first step is to obtain information on the current system; second, prove that there is favoritism and third, publicly discuss what will be the new criteria. The information, despite long standing resistance, is slowly being made public on a national level, less so provincially.

In Neuquen Province, in May 2007 a civil court ruling obliged the Provincial Government to provide information on amount and destination of their advertising spending. In Cordoba Province an appeal was presented requesting the same information and the Argentine Journalist Forum (FOPEA) did the same when they received a complaint regarding advertising discrimination in the municipality of Obera, Misiones.¹

There are considerable differences regarding exercising journalism in different Argentine provinces. Journalists confront greater problems in those with lower democratic quality. In the cities of Cordoba and Rosario there are fewer problems than in the provinces of Formosa, Entre Rios, San Luis, Salta, La Rioja and Santa Cruz. There are cases where few kilometers separate very different situations. Press freedom in Buenos Aires City is very different to most of Greater Buenos Aires, where local press is subject to frequent gags and intimidations.

Elements of Entre Rios Province's police force have become a mayor obstacle to press freedom. A journalist in the town of Colon was threatened after denouncing police abuse.

In this province, a Chief of Police is serving time doing community work, for having threatened Daniel Enz, Director of *Análisis*, a local weekly newspaper.

In other provinces, for example, Cordoba and Chaco and in the city of Mar del Plata there were open threats made to journalists to refrain from publishing the trials regarding the past military dictatorship. There are groups related to security services and armed forces that are prepared to exert pressure on the press. There are also groups that spy on the investigations journalists are involved in.

Currently, the most important case of political corruption in Argentina is the one involving the Swedish company, Skanska, where bribes were paid in public utility works. The journalist who uncovered the case, Carlos Russo, from the weekly newspaper *Perfil*,

had his house broken into and some unusual items stolen: "...a DVD, two MP3s, my two mobile phones, my electronic agenda and not much else until we realized that the burglars had a literary vocation: they had stolen my notebook (a simple ringed block of note paper) and all documents related to the Skanska scandal. They were not very efficient in stealing private things, but surgical when it came to items of public interest".²

In some provinces the main media is co-opted by the local Government and information pluralism is limited, in some cases because of allocation of official advertising, in others because the main media is owned by the Governor or his family, as happens in Salta and San Luis. Those provinces whose economy depends solely on the State tend to have their media controlled by politicians or public officials. In Formosa and La Rioja the official advertising acts a total gag. In some provinces, journalists' income depends on how they can get included in the provincial budget. Nevertheless, as official advertising has different sources, such as federal, provincial, state companies or official organizations' budgets and these are not coordinated, the media generally manages to obtain advertising income from one or more of these.³

When Provinces in crisis are obliged to obtain federal bail outs, one aspect that comes to light are the restrictions

¹ Since January 2007, FOPEA started a Monitoring Program of Freedom of Speech in Argentina, supported by International Freedom of Expression Network (IFEX) and NED (National Endowment for Democracy).

² Carlos Russo, "Estás entregado", *Perfil*, Buenos Aires, 1/4/2007. (<http://www.diarioperfil.com.ar/edimp/0170/articulo.php?art=382&ed=0170>)

³ This same plurality of sources of official advertising takes places in almost all the region. A recent study on official advertising in Uruguay determined that "there is no entity in Uruguay centralizing the management of State advertising, for every agency manages this matter within its own structure". *Monitoreo de acceso a la información y publicidad oficial*. Ver en www.apu.org.uy

on local reporting. It is then that the national press fills the information gaps, in most cases, thanks to leads provided by local journalists which they themselves dare not publish. In recent history, this has happened in 1990 in Catamarca and in 2007 in Santa Cruz. This last province received extra attention because President Kirchner was its former Governor, so the opposition press gave ample coverage to the disturbances. News was censored when, on different occasions during the crisis, they closed down a FM radio station, suppressed a radio journalist and cut the reception of a condemnatory program on a national channel. In times such as these, the semi-local journalists (i.e. those that live in the province but are correspondents for national media) play a key role.

Brazil

Local politics are lethal for journalists. In Brazil there is nothing more dangerous for journalists than Town Mayors. According to a recent survey made with journalists, 85% are of the opinion that the smaller the town, less press freedom there is.⁴

The Interamerican Press Association's (IAPA) report on impunity informs that this year there were four cases in Brazil where town Mayors were directly involved with crimes against journalists. Legislators are also involved and the material culprits are members of the security or armed forces.⁵

In the Brazilian journalist's unions last report it states that 71% of the attacks come from the "political or public area".⁶ In an effort to reduce impunity, IAPA has requested that crimes against journalists be considered as federal crimes (something that in Mexico has had no success) to avoid "Pressure from local politicians and police accused of murders and aggressions".⁷

According to statistics published by the Journalists National Federation (JNF), the states where journalists were subject to most violence were, in order: 1) San

Pablo; 2) Pará; 3) Mato Grosso, Mato Grosso do Sul and Rio de Janeiro; and 4) Santa Catarina. These states figure as Red Zones in this report. More than half the aggressions were against printed press.⁸

The most serious case occurred in the town of Porto Ferreira, State of San Pablo, where Luiz Carlos Barbon Filho, columnist for *Jornal do Porto* and various radios, was murdered for denouncing a child prostitution network in which Legislators were involved.⁹ This crime caused a lot of controversy because the JNF released a controversial statement indicating that Barbon "though he self-proclaimed himself a journalist, in actual rights he was not". It stated that he was not registered as a journalist and furthermore "had been prosecuted for illegal practice of the profession".¹⁰ A journalist wrote an article rejecting these accusations titled "JNF disqualifies murdered journalist".¹¹ A review was made of his career to determine if he was or was not a journalist as he did not have a diploma.¹² The result was a classical journalist career in a small town in the interior of any Latin American country. To the usual confusion of professional, business and political roles must be added the close personal and family ties that prevail in any small town. Barbon Filho at the same time that he wrote and sold advertising space, produced a newspaper that folded because of lack of advertising. He was a journalist and some times a politician, he pressed charges and charges were brought against him. There appear to be no doubts about the veracity of the child prostitution accusation that he made since it did result in convictions. Another organization, Brazilian Investigative Journalist's Association, published an announcement confirming that Barbon's death was an "attempt against the free press".¹³

A separate incident regarding mandatory membership of journalist's organizations occurred on January 17 when a judge in Mina Gerais State, after being interviewed, ordered the journalist to make a statement at the police

⁴ Rev. *Imprensa*, n° 224, junio 2007. (<http://portalimprensa.uol.com.br/edicaojun07.asp>)

⁵ SIP, Resolución impunidad, marzo de 2007. (<http://www.sipiapa.com/pulications/impunitybrazil2007ca.cfm>)

⁶ FENAJ, "Violencia y liberdade de imprensa no Brasil". Relatorio, maio 2007, p. 12. (<http://www.fenaj.org.br/materia.php?id=1644>)

⁷ SIP, Impunidad Brasil, marzo del 2007. This meeting took into account that "the reform of the Constitution in Brazil on December 2004 contemplates that crimes against human rights (among them crimes against free speech) can be taken to federal sphere; and that the Executive Branch in Mexico, by means of an administrative decree on 2006, put under federal sphere seven cases of murdered or missing journalists". (<http://www.sipiapa.com/pulications/impunitybrazil2007ca.cfm>)

⁸ FENAJ, "Violencia y liberdade de imprensa no Brasil". Relatorio, maio 2007, p. 11. (<http://www.fenaj.org.br/materia.php?id=1644>)

⁹ "Repórter que denunciou abuso sexual por vereadores é assassinado em SP", *Folhaonline*, 6/5/2007. (<http://www1.folha.uol.com.br/folha/cotidiano/ult95u135038.shtml>)

¹⁰ FENAJ, "Nota oficial sobre o assassinato de Luiz Carlos Barbon Filho", 7/5/2007. (http://www.jornalistasp.org.br/index.php?option=com_content&task=view&id=1236&Itemid=1)

¹¹ Mauricio Tuffani, "Fenaj desqualifica jornalista assassinado", *Observatorio da Imprensa*, 4/5/2007. (<http://observatorio.ultimosegundo.ig.com.br/artigos.asp?cod=432IPB005>)

¹² "Morte de Barbon mostra promiscuidades entre política e imprensa", Marcelo Tavela, 11/5/2007 (www.comunique-se.org.br)

¹³ ABRAJI, 7/5/2007. (http://www.abraji.org.br/?id=90&id_noticia=469)

precinct for illegal exercise of the profession.¹⁴ Last November, the High Court of Justice provisionally suspended the obligatory requirement for journalist's to have a diploma but this issue is still being discussed. JNF insists that to exercise journalism, affiliation is obligatory.

Paraguay

On February 4 2006, in the Amambay Department, the radio commentator Enrique Galeano disappeared. On July 14 2007 an Asuncion newspaper reported that he was alive and living in Sao Paulo. According to the journalist's account, he had been kidnapped. He was seeking international protection as a refugee. During a year and a half, the international journalist protection associations had been pressuring the Paraguay Government in his favor.

In San Pedro, the department next to Amambay, journalist Alberto Nuñez, correspondent for *La Nación* and *Crónica* newspapers of Asunción, had been threatened by wood smugglers. The IAPA report stated: "Nuñez' lack of protection was such that even the Police Chief, Enrique Isasi, threatened him. Annoyed by Nuñez' series of articles dealing with wood traffickers and depredation in the Capiibary forest reserve, Isasi in the presence of witnesses said: "Stop pressuring the Rollers (wood traffickers) because you are only a journalist, you are not worth anything".¹⁵

In the Itapua Department, on the border with Argentina, threats to journalists are common. According to the Press & Society Institute, Journalist Oscar Bogado, correspondent for *Ultima Hora* newspaper from Asunción, "denounced that since April he is being followed and that his home was broken into and photographs of his son stolen. The suspects are a group of drug traffickers that terrorize the population in northeast Itapua"¹⁶ In February 2006, in the same location, Juan Augusto Roa,



Enrique Galeano, journalist missing for a year now. He was from Amambay, Paraguay in the border with Brazil.

correspondent for ABC Color, was shot at but not wounded.

The Paraguayan editors' latest report to IAPA informed that "most attempts and attacks on journalists take place in rural or border areas where journalists' task is very vulnerable".

The larger Paraguayan media also feel harassed by the "indemnity industry" where the Courts "impose heavy fines" for supposed offenses against honor.¹⁷

Uruguay

A study carried out regarding official advertising in Latin America, revealed the surprising conclusion that the Uruguayan Government does use favoritism in distributing these funds, although there is no clear criteria as to how its allocated.¹⁸ However, there are still various journalists who are subject to legal proceedings under the Communications and Information Law (16,099). The Uruguayan Press Association (UPA) has requested that the Government dismantle "the monopoly of newspaper and magazine distribution in Montevideo, mechanism that forced the closure of printed media that attempted to dispense with it using alternative distribution channels" and that they "apply the Competition Law in all areas of information where it is required (radio, television, newspaper and magazine distribution, etc)".¹⁹

¹⁴ Alerta IFEX: "Periodista sin título universitario de periodismo detenido brevemente, enfrenta cargos". 17/1/2007. (<http://www.ifex.org/en/content/view/full/80465/>)

¹⁵ SIP, marzo de 2007. (http://www.sipiapa.com/espanol/pulications/informe_paraguay2007ca.cfm)

¹⁶ IPYS, 23/5/2007. (<http://www.ifex.org/es/content/view/full/83569/>)

¹⁷ SIP, marzo de 2007. (http://www.sipiapa.com/espanol/pulications/informe_paraguay2007ca.cfm)

¹⁸ APU, *Monitoreo de acceso a la información y publicidad oficial*, 1/6/2007. (<http://tic.item.org.uy/?q=node/1148>)

¹⁹ Relatorio APU, 2006. (<http://www.apu.org.uy/prensalibre/modules.php?name=News&file=article&sid=249>)

Chilean Situation & Debates

In Chile, distribution of official advertising is being debated. The discussion is the opposite to what is being discussed in most of Latin America where the Governments use official advertising budget to finance media that supports them. In Chile, it is a case of most of the Government's advertising funds going to media who favor the opposition. The critics point in this discussion is that the large Chilean corporations do not advertise in media that does not support them so therefore, there is a gag effect.

The Government advertises in the mass media, and these generally support the opposition though a detailed analysis of each media and its political views could reveal a much more pluralist and balanced position than expected.

President Ricardo Lagos maintained that the country's plurality was not reflected especially in the press.²⁰ Francisco Vial, current Chairman of the public channel *Televisión Nacional* (TVN), who had been Minister Secretary of Government and Interior, during an interview stated: "This was my drama while Minister Secretary of Government because there is a contradiction between the independent media and public policies. The media wants advertising, but the Government requires mass transmittal of its messages. For example, if you want to inform the population of a public policy, you can place an advertisement in a magazine that sells 3,000 copies. In this case you help the magazine but you do not meet the objective of informing the population. I am in favor of increasing the funds for regional media that would be awarded through tenders. After having analyzed the structure of the Chilean media and how their views have little to do with society's thinking, the only way the State has of promoting pluralism is to increase the use of this system to allocate funds (...) Rather than a conspiracy, it is a vicious circle since *El Mercurio* and *Copesa*'s circulation reaches 95% of the readers. Government advertising has to appear there if we want to reach the widest audience possible. My political problem is that in Chile the political right controls a portion of the media that has no relationship with its representation in society".²¹

One of the members of the Chilean "duopoly", the COPESA group, participated in launching a new newspaper: *Diario Siete*. The object was to have a newspaper whose editorial line was closer to the "Concertation". Genaro Arraigada headed the project that was not successful. Arraigada's explanation was that part of the problem was that neither the Government nor local companies lent sufficient advertising support as compared to multinational companies who were much more accessible.²²

A Congressional Investigation Commission was created to review Government advertising spending and there are various legal proceedings. In IAPA's report, the Chilean editors stated: "The "Fiscalía Nacional Económica" is considering a complaint made by Manuel Cabieses Donoso, Director of the *Punto Final* magazine, presented on the same date that the Congressional investigation started in September 2006. He condemned the preferential treatment that the media chains *El Mercurio* S.A.P. and *Consorcio Periodístico de Chile*, *Copesa*, receive in Government advertising funds as compared to what he calls "independent press" composed of *Punto Final*, *The Clinic*, *El Periodista*, *El Siglo*, *Le Monde Diplomatique* and the now defunct magazine *Rocinante*.

He continues: "The partial and unjust way that the Government distributes its advertising funds results in that only the above mentioned chains, that share practically the same interests and political views, use these abundant Government funds to corner the newspaper and magazine market, using methods in which their abusive advantages prevail. Free competition is absolute fiction".

The Fiscalía Nacional Económico's Prosecutor, Enrique Vergara Vial, initiated an investigation and requested that various newspapers provide records regarding revenues between January 2002 and September 2006. The information requested includes: itemized sources of revenues including all those from advertising, divided between private and Government; number of advertisements and invoiced amounts; distribution channel throughout the country, etc.²³ IAPA decided to send a

²⁰ Interview to Ricardo Lagos, *El País*, Madrid, 5/12/2004. (http://www.elpais.com/articulo/reportajes/Nos/hemos/atrevido/mirar/verdad/esconderla/debajo/alfombra/elpepusocdmg/20041205elpdmgrep_1/Tes)

²¹ Interview to Cristián Cabalín and Felipe Portales. "La Concertación ha sido condescendiente con El Mercurio y La Tercera", *Programa de Libertad de Expresión de la Universidad de Chile*. 30/6/2007 (<http://www.libertaddeexpresion.uchile.cl/franciscovidal.html>).

²² Presentation by Genaro Arraigada IPYS Seminar on "El periodismo y la concentración de la propiedad de los medios en América Latina", Buenos Aires, 6/11/2006.

²³ SIP, marzo de 2007. (http://www.sipiapa.org/espanol/pulications/informe_chile2007ca.cfm)

mission to Chile during 2007 considering that the authorities “have obtained strategic marketing records from some media”.²⁴

A Journalist’s Statute is being drafted that will include obligatory membership to the Journalist’s Association. This has the backing of various important political parties.²⁵

Andean Countries’ Situation and Debates

Bolivia

During 1st. Semester 2007, Bolivia’s politically polarized situation continued. Freedom House’s latest report states that “strong political tensions cause an atmosphere of increased hostility towards the press among both Government supporters as well as the opposition”.²⁶ In January, eight journalists in Cochabamba were attacked by Government supporting leaders of coca growers. In March, a vehicle carrying a team from *La Razón* newspaper was forced to stop on a highway and according to the newspaper report: “more than 200 members of a coca growing community, including women, threw stones at their vehicle, then surrounded it and tried to turn it over, threatening to set it on fire. The women reporter and photographer managed to get out of the vehicle and the driver was dragged out through the window by the rioters”.²⁷ They accused them of “liars, as Evo Morales had said”. The three spent the night there until they managed to escape in a moment of confusion.²⁸ The article ended by saying they could hear the women shouting that “the press were liars”, “they are liars and distort information”, “we should ‘chicotear’ (verbally lash) them”. A week earlier Morales had reiterated his criticism of *La Razón*, Bolivia’s main newspaper. The newspaper announced that “they had taken the decision that in future they would not cover events where their journalists could be in danger and where the exercise of journalism was not guaranteed”.²⁹ The Government condemned the violence against the press.

In April, local opposition leaders attacked two journalists working for the Government radio and in another incident, journalists working for the state run television channel.

IAPA’s report makes the distinction regarding the views of the different types of media: “Undoubtedly, the current political polarization is affecting the journalists’ behavior. There are those who support and those who criticize the Government. In general terms, the radios support the President while television and printed media criticize him”.

A report on media coverage of the 2005 elections prepared by an observers’ mission indicated that television was massively anti-MAS, radio was balanced while printed press was fairly balanced in its news coverage but anti-MAS in its opinion articles.³⁰

In this semester, the battle over the radios increased. The Government, with Venezuelan funding, is setting up the “Original Peoples’ National Radio System” that in under a year has approximately 30 radio stations in operation. When President Morales inaugurated one on March 28 in Beni Department, he said that these stations would transmit the truth and defend the change process.³¹ Two months earlier he had announced: “Our plan is to set up 30 community radio stations, then we will start on community television stations because the ‘campesino’ movement has the right to express their feelings, their sufferings, their thoughts”.³²

The opposition Pro Santa Cruz Committee also plans to have a radio network in their Department “because we distrust the messages broadcasted by the Government media in the rural areas”. A second stage is to extend the network to the entire ‘half moon’ opposition region incorporating the Departments of Tarija, Beni and Pando and the third stage is to “transmit on national level”. Off the record, sources from the Santa Cruz Committee said:

²⁴ SIP. Resolución Chile. Marzo de 2007. (<http://www.sipiapa.com/espanol/pulications/reschile2007ca.cfm>)

²⁵ SIP, marzo de 2007. (http://www.sipiapa.org/espanol/pulications/informe_chile2007ca.cfm)

²⁶ Report on Bolivia. Freedom House 2006, p. 21. (<http://www.freedomhouse.org/uploads/fop/2007/fopdraftreport.pdf>)

²⁷ “Un grupo de prensa de La Razón fue agredido en Patacamaya”, *La Razón*, 23/3/2007 (www.la-razon.com/versiones/20070323_005854/nota_249_405656.htm)

²⁸ IPYS, “Reporteros fueron retenidos por campesinos durante bloqueo de carretera”, 28/3/2007.

²⁹ *La Razón*, 23/3/2007. (www.la-razon.com/Versiones/20070323_005854/C_249.htm)

³⁰ COMUNICAR, Observatorio de Medios de Comunicación Social. Elecciones presidenciales: Bolivia 2005. (http://www.observatoriomedios.org.ve/docs/investigacion_bolivia.doc.)

³¹ “Morales entregó 35 títulos de tierra”, *La Razón*, La Paz, 28/4/2007.

³² ABI (Agencia Boliviana de Información), La Paz, 29/1/2007.

The inclusion of the community radios in a legal framework, in 2005, by Supreme Decree No. 28,526. “It was a historical step forward and an example followed by other countries. We respect the Government’s right to have its media and they can call them Official or State Radios but not Community Radios”. (Jose Luis Aguirre, World Association of Community Radios’ representative in Bolivia, *El Deber*, of Santa Cruz, May 4 2007)

“Could it be that the media and, specifically, the journalist occupation in Bolivia is also being “constituted”? In the end, the constitutional process is not only for the 225 citizens that are in Sucre about to draft the new State Political Constitution. It is for all the Bolivians. Or could it be that the media and journalists have nothing to change or rebuild?” (Journalist Gisela Lopez, “The Bolivians’ new Constitution”, www.bancotemático.org)

“The idea is to counteract President Morales’ media project”.³³

A few days after this announcement, the President signed supreme decree No.29174 that restricts the community radios’ operations and includes those that the Government set up in a new category called: “Cultural Radio Stations”

The decree establishes that owners of community radio stations cannot be: “Members of the Executive, Legislative or Judicial branches, political leaders, people linked to radio station concession owners, priests, ministers of any religion or national, departmental or municipal legal entities or through third parties”. There are also severe restrictions on what the radio stations are allowed to transmit: they cannot include political messages, only educational and cultural. Religious and press organizations have objected to this new legal framework.³⁴

In the 1940s, Bolivia was probably one of the first countries in the world where a movement towards community radio stations developed, particularly in mining and ‘campesino’ sector.

The Constitutional Assembly that was convened in August 2006 and plans to end in December 2007 is considering initiatives regarding the press that is causing heated debates. The *Constitutional Assembly’s Rights, Duties and Guarantees Commission* proposes to incorporate a “right to answer or rectify”. The proposed wording is: “The right to freely express ideas and opinions

by any media, truthfully, appropriately and transparently, individually or collectively, with the right to answer or rectify”.³⁵

The Bolivian Constitutional Assembly will undoubtedly influence the Constitutional Assembly that is now convening in Ecuador. As happens in all Latin American countries, there are different opinions regarding the journalist’s role.

La Paz Press Association has a more liberal concept. On the other hand, La Paz’ Press Workers Federation presented to the Constitutional Assembly a proposal titled: “Special ruling for a communications policy, media ownership and Habeas Data recourse in Bolivia” and consider the media as “a tool to be used in the political and ideological struggle towards a State governed by and for the people.”³⁶

Peru

Press & Society Institute’s First Semester 2007 alerts show three different violent conflicts involving journalists in the Peruvian regions: Police, Municipal authorities (in some cases also Departmental) and some social organizations. Among the last mentioned, journalists were attacked by teachers, workmen, coca growers, different union leaders and groups of individuals who were not in agreement with the news coverage their demonstrations were receiving.

³³ “Cívicos cruceños alistan su red de radios comunitarias”, *La Prensa*, La Paz, 4/5/2007. (www.laprensa.com.bo/noticias/04-05-07/politica.php)

³⁴ “Si no acatan el decreto, las radios perderán su licencia”, *La Razón*, La Paz, 29/6/2007 (www.la-razon.com/Versiones/20070629_005952/rrdd.asp?C=250&id=446558)

³⁵ Comunidad de Derechos Humanos, “En la Constituyente planean incorporar 11 nuevos derechos”, 29/6/2007 (www.comunidad.org.bo)

³⁶ “Proponen regular a las grandes cadenas mediáticas”, *Bolpress.com*, 22/10/2006. (www.bolpress.com/temas.php?Cod=2006102225&PHPSESSID=da1d0df57b)

The most conflictive area was possibly Ancash Department. In its capital, Huaraz, Press & Society Institute registered nine attacks against journalists by different public and private organizations. In the port city of Chimbote, journalist Marilú Gambini has been in hiding for a year for investigating drug trafficking. However, her articles continue to be published in Chimbote's weekly *Investigando*, whose editor was sentenced to one year in prison "not effective" for "aggravated defamation".³⁷

According to the Peruvian National Journalists' Association, in 2006 the port city of Chimbote had the highest amount of attacks on members of the press.³⁸ Chimbote has grown significantly in population and economically thanks to the fishing industry and drug dealing is firmly established there.

During Second Semester 2006 in the town of Casma, also in Ancash Department, various journalists were threatened for denouncing police corruption.

The most serious incident during the First semester happened in the Amazon area, in the town of Jaen in Cajamarca Department, were on March 17 the radio newsman Miguel Perez Julia was murdered. Two hired killers shot him when he was getting off his motorbike in front of his wife and children. They fired twice, one hitting his wife on the leg. The newsman had criticized the Municipal authorities and the police. The Mayor declared he was innocent. Three days later, a march was organized by the press and other organizations protesting the lack of security.

Ecuador

The speed in which the conflict between the new Government and the press started is difficult to explain unless the regional framework is analyzed. President Rafael Correa announces himself and is perceived as a strategic ally and Venezuelan President Chavez' ideologist. Correa took office in January and on many occasions has already made highly critical statements regarding the press in general and of some media in particular.

He accused the Director of Quito's newspaper, *La Hora*, of contempt.³⁹

He also remarked on "the low credibility of the Ecuadorian press", and "the news linked to the corrupt banking system" and often repeats that "the press lies". On the Presidential chain broadcast he disparagingly referred to "that dreadful fat woman from *El Universo* newspaper" after she had asked him at a press conference what questions could be made when he had complained

about their questions. He also declared that "the press tries to tell me that democracy is to insult the President" and "we are going to take legal measures to limit this poverty of the soul".⁴⁰

In his chain broadcasts, Correa starts by giving a short speech and then answers questions made by a group of invited reporters. On rare occasions they ask questions critical of the Government.⁴¹

Correa's criticisms cross borders faster than his actual measures. His comments are identical to Chavez' so therefore it is valid to believe that his actions will also be. Chavez' power building can be imitated by these new Presidents at a faster pace than their role model, but it is true that their opposition is also quicker in getting organized.

President Correa and his Communication's secretary, Monica Chuji, deny that press freedom will be curtailed. Chavez did the same until he started to build a political, legal, administrative and economic framework to intimidate his critics.

The perception that a "sub-chavism" is being organized in Bolivia and Ecuador has alerted the "anti-chavists" in these countries to rapidly organize a common front so as to block a similar project as has been instituted in Venezuela since 1999. Just as the traditional Venezuelan newspapers are anti-chavist, so are the main Bolivian and Ecuadorian newspapers. To face this opposition, Correa is setting up his communicational arm as did Chavez starting in 2002 and Morales in 2005 as soon as he became President.

Correa is to invest USD20 million in creating a State TV Channel that so far does not exist (all television stations are privately owned), he will strengthen the State radio station and is considering founding a newspaper. The Constitutional Assembly elections are set for September 30, 2007. In the Assembly the subject of journalism will surely be debated and how the media will be controlled and the right to reply, as is happening now in the Bolivian Constitutional Assembly. Correa's goal is that the "Assemblymen toughen these laws" and he bases his intention on doing away with violent and sexual contents in the media.⁴² In Ecuador, the relationship between the press and Government is similar to what exists in Venezuela and Bolivia with the same contradictions. The directors generally oppose the Governments while the journalists and their organizations are split between supporters of the 20th Century Socialist Governments and those who oppose them.

³⁷ "Sentencian a directora de semanario por difamación", IPYS, (<http://www.ipys.org/alertas/atentado.php?id=1132>)

³⁸ ANP, 8/1/2007. (<http://www.anp.org.pe/nota.php?id=1757>)

³⁹ RSF, 11/5/2007. (www.rsf.org/article.php3?id_article=22229)

⁴⁰ 30 de junio de 2007. (<http://www.presidencia.gov.ec/modulos.asp?id=27>)

⁴¹ They can be listen to at the website of Presidency. (<http://www.presidencia.gov.ec/modulos.asp?id=27>)

⁴² June 30, 2007 (<http://www.presidencia.gov.ec/modulos.asp?id=27>)

“In all Latin American history, the press has always been against the progressive Governments”. (Rafael Correa, President of Ecuador, June 25, 2007)

Colombia

Open violence against journalists is diminishing but other forms of violence are increasing.

In 2007, so far only one journalist has been murdered but it would seem not due to his profession. He was murdered by a policeman and a civilian women working for the armed forces.⁴³ The Freedom of Press Foundation warned that the since no journalists have been murdered it could give the wrong impression that the journalists’ problems were over. Freedom of Press Foundation Executive Director, Carlos Cortes Castillo, warned that “although there are fewer murders than in the tragic decades of the 80s and 90s, the number of threats are increasing”. They registered an increase of 64% between 2004 and 2005 and 20% between 2005 and 2006”.⁴⁴

The press’ main enemies continue active: the Pacific Cartel in the Cauca Valley⁴⁵; the Paramilitary on the Caribbean coast have forced a new exodus of journalists; the security forces in the Arauca Department or the guerillas in the Huila Department.

The Government continues to be an ineffective ally of the press. If one of Colombia’s most important journalists, who in spite of having access to the highest authorities to seek protection, has to go into exile due to a threat, the outlook for the rest of the country’s journalists is quite grim. He is Dario Arizmendi, Information Director for Caracol news chain, the most important in Colombia. He was threatened by the FARC guerilla group and he

continues with his work from somewhere outside the country.⁴⁶

Regarding the journalists’ state protection program, Cortes Castillo said: “We may save lives but we loose journalists. It is difficult for a journalist who is in the protection program after being exiled, to continue being a journalist. Those who remain in their regions exercising their profession, armed and with bodyguards, not only do restricted and timid journalism but remain in a state of uncertainty, not knowing when conditions will allow them to return to normal journalism”.⁴⁷

This semester there was also open debate regarding the press’ role in reporting the paramilitary organizations, since it was largely thanks to the information provided by the press that brought the subject to light during the public judicial hearings, the discovery of communal graves and the close links between this violent anti-guerilla organization and members of the Government and politicians. Martha Ruiz, editor of the security section of the magazine *Semana*, when discussing the results of a survey that they published said that: “If half of Colombia’s society thinks that the paramilitary are a necessary evil, we have to ask ourselves why we are failing as opinion formers”.⁴⁸

In their 2006 report, Freedom of Press Foundation said “the demobilization of the paramilitary groups did not improve the freedom of press climate as expected, particularly on the Atlantic coast. Their negative influence still continues”.

“I was tired of so much chit chat, I told him to stop criticizing, he took no notice so the order was given to execute him”, explained bluntly Prada Márquez, who at the time of the murder headed the Hector Julio Peinado Front. Martín La Rotta Duarte was stabbed in the chest on February 7 2004 while asleep in his home. Friends rushed him to the hospital in Aguachica but he died on the way. The murder happened weeks after he refused to pay the paramilitary for allowing the radio station to operate. A few days before the murder, he had advocated that the community oppose the Autodefensas Unidas de Colombia (AUC) blackmail”. (Statement published by Freedom of Press Foundation. Colombia, May 28, 2007).

⁴³ RSF, 19/6/2007. (http://www.rsf.org/article.php3?id_article=22570)

⁴⁴ Carlos Cortés Castillo, “Acciones para promover la seguridad de los periodistas”, 10/5/2007, (<http://www.mediosparalapaz.org/index.php?idcategoria=2784>)

⁴⁵ “Develan amenazas a editor de Q’hubo”, *El País de Cali*, 5/7/2007. (<http://www.elpais.com.co/paionline/notas/Junio232007/qhubo.html>)

⁴⁶ AIR, 23/3/2007. (<http://www.caracol.com.co/nota.asp?id=405907>)

⁴⁷ Carlos Cortés Castillo, “Acciones para promover la seguridad de los periodistas”, 10/5/2007 (<http://www.mediosparalapaz.org/index.php?idcategoria=2784>)

⁴⁸ Marta Ruiz, “Tiempos difíciles para el periodismo”. *Seminario internacional sobre libertad de prensa. Herramientas y estrategias*. 30/5/2007 (<http://www.mediosparalapaz.org/index.php?idcategoria=2793>)

In spite of the peace process with the Government and their agreement to a cease fire, both local and national media report continued intimidations and threats in some areas by existing or new paramilitary groups. The media made some important accusations and investigations on this subject”.⁴⁹

Self-censorship is the media’s natural instinct to adapt to an intimidating context. Freedom of Press Foundation reports that in many regions there are few aggressions against journalists because there is a lot of self censorship.⁵⁰ At the judicial hearings in Medellin where paramilitary members testified, journalists are victims of a intimidating atmosphere.⁵¹ In the IAPA March report, the Colombian editors said that “in Sucre on two occasions this semester, unknown individuals bought 40% of the *El Meridiano* newspaper’s circulation to avoid them being sold”.⁵²

The Paramilitary demobilization generated a lot of journalistic investigation both nationally and in the regions. This could have been the reason why threats increased significantly.

Drug traffickers, paramilitary, guerillas and all private or Government criminal groups that take advantage of the violent environment, still harass the Colombian press.

Nevertheless, even though Colombian journalists have not lived through favorable conditions either in recent or more removed history, they have developed noteworthy enclaves of professional quality.

Venezuela

In Venezuela there is no longer any media with national coverage or that reaches the lower income segment that is critical of the Government. This is the most immediate result of the Government not renewing *Radio Caracas Televisión (RCTV)* license on May 27. “As from Monday (...) there is no longer a television program with national coverage that openly criticizes or questions the Government’s actions”, Andrés Cansales, Reporters without Borders’ correspondent in Venezuela, wrote three days before the station closed down. “The disappearance of this open signal implies a complete change in how Venezuelans, particularly the poorer segment, watches television”. The possibility that critics of the Government can express themselves and that their voices be heard is now very limited. “In Venezuela”, Cansales explained, “at least three public demonstrations take place every day, the majority made up of poorer people demanding access to basic rights as has been happening since a decade back. None of these demonstrations are covered by the State channels, particularly *Venezolana de Televisión* that has national coverage”.⁵³

The other direct consequence of this measure is that in all Latin American countries the freedom of expression situation in Venezuela is being discussed. Chavez’ decision made far more real the different opinions regarding freedom of expression and the practice of journalism.

“The old principles of freedom of press and expression are starting to be attacked in some countries (Venezuela, Bolivia, Ecuador and Nicaragua), based on the bigoted criteria that the revolutionary truth, which of course, is the official truth, cannot compromise with those who challenge to destroy them (...). They are retreating into an era of absolute truths that by chance always happens to be the official truth”. (“Dime con quién andas”, Sergio Ramirez, ex Vice President of Nicaragua and a writer, April 2007)

“There is no proof that violence against the private media was planned by the Government but without a doubt, in some cases, they turned a blind eye. For years there have been countless acts of violence against the press and not once was the voice of a high Government official raised in condemnation, at least not publicly, until last year when the then Vice President Jose Vicente Rangel spoke out against it”. (“3 de mayo”. Andrés Cañizález, Reporters without Borders’ correspondent in Venezuela & Professor at Andrés Bello University. *Tal Cual*, May 3, 2007).

⁴⁹ FLIP, “Informe 2006”, p. 1 (http://www.flip.org.co/secciones/informes/2006/06_diciembre.html)

⁵⁰ FLIP, “Informe 2006”, p. 4 (http://www.flip.org.co/secciones/informes/2006/06_diciembre.html)

⁵¹ Alianza FLIPYS, “Periodistas reclaman garantías para cubrir el proceso de justicia y paz”. 26/6/2007. (<http://www.flip.org.co/veralerta.php?idAlerta=215>)

⁵² SIP, “Colombia”, marzo de 2007. (http://www.sipiapa.com/pulications/informe_colombia2007ca.cfm)

⁵³ 24/5/2007 (http://www.ucab.edu.ve/ucabnuevo/Infocracia_CIC/recursos/cierre_ciclo.pdf)

Today *RCTV* transmits by Internet, on screens in plazas in Caracas, by cable and continues operating as a large television production center. The other big private air channel, *Venevisión*, owned by the Cisneros group, has changed its editorial line and lifted programs that were anti-chavist.⁵⁴ The other private air channel, *Televen*, followed the same path. Both their licenses have been renewed till 2012, the year in which President Chavez will again run for election. There remains one channel critical of President Chavez: *Globovisión* that now also transmits a *RCTV* news program. It is a cable channel based in Caracas that has repeatedly requested authorization to increase its coverage but was never authorized.

The Government now seems to be focusing on them. “The rest of the television stations that transmit from Caracas belong to the Government or are Chavist supporters while others such as *Vale TV* and *Meridiano* are not allowed to transmit political or general news programs”, wrote Cañizález.⁵⁵ Freedom of Press Foundation published a report warning that “A high official announces possible sanctions against the media for having published a IAPA press release”.⁵⁶ The day after *RCTV* was taken off the air, the President threatened *Globovisión* and five days later threatened the remaining private channels:

“Do not make a mistake and try to see how far you can go” and added “Don’t anyone think that it will always be like this, a license can be ended ahead of schedule for violating the Constitution, the Laws or for media terrorism”.⁵⁷ A few hours before not renewing *RCTV*’s license, they renewed another great private channel’s license, *Venevisión*, till 2011.

This communication battle also means very little freedom of expression within the Chavism ranks and in this last semester there have been new indications of internal gags.

It also means restraining Government officials from giving information to media considered as enemies. The flow of information towards the non-Chavist press is being consistently restricted. One result of this is that the private press’ mistakes in reporting is then considered by the Government as being part of a campaign waged against them

Up until the confusing coup d’etat of April 2002, President Chavez did not have a communications policy.

“(…). 15. AMARC considers that it is not acceptable that awarding, cancelling, renewing or not renewing radio and television frequencies is a function of the convenience or the affinity with whichever Government is in power, especially when in most cases it is the Government who decides and not an independent State entity. Unfortunately, this custom is very common in Latin America and Caribbean and we would like to find more voices ready to denounce arbitrary measures such as what has been done with *RCTV* today” (“Open Letter from AMARC regarding *RCTV* case”, April 13 2007).

But following this event and the oilfields’ strike from December 2002 through January 2003, the media’s opposition made the Government frantically start putting together a policy.

The “White Book” published in March by the Government regarding *RCTV*, states: “Venezuelan media clearly sympathizes with the opposition parties and defend their ideas leading the political activism that opposes our Bolivarian Government”.⁵⁸

In 2007 Chavez dominated the open television; he is making inroads on radio but his control of the Caracas press that has nationwide influence, is not so definite. The newspaper with the largest circulation, *Últimas Noticias*, is moderately Chavist but not recognized as an opinion former. *El Universal* and *El Nacional*, the two traditional main newspapers in Venezuela, are anti-Chavist. Though they publish articles by pro-Chavist journalists, most of their readers are against the current Government.

A system has been set up in Venezuela to harass the media. It starts with President Chavez’ speeches and from there on downwards, each institution carries out there own particular harassment effort: legal harassment by the Judges; technical harassment by technicians; tax harassment by tax inspectors and street harassment by militants.

⁵⁴ Simón Romero, “Media Mogul Learns to Live with Chávez”, *The New York Times*, 5/7/2007. (http://www.nytimes.com/2007/07/05/world/americas/05venez.html?_r=2&oref=slogin&oref=slogin)

⁵⁵ Andrés Cañizález, “Ahora le toca a Globovisión”, *Tal Cual*, 7/6/2007. (http://www.ucab.edu.ve/ucabnuevo/Infocracia_CIC/recursos/globovision.pdf)

⁵⁶ IPYS, 28/5/2007. (http://www.ipys.org.ve/a_mayo07.htm)

⁵⁷ IPYS, 6/6/2007. (http://www.ipys.org.ve/2007/a_CD_MED.htm)

⁵⁸ MINCI, *Libro Blanco de RCTV*, marzo de 2007. (www.rnv.gov.ve/noticias/docs/libro_blanco_RCTV-Web.pdf)

The Press & Society Institute informed that “during 2006, we made eight alerts regarding *Globovisión*. Among those who attack it are members of the armed forces, the Courts and Public Ministries. This proves that there is a policy of harassment against this media that opposes the Government”.⁵⁹

Among the justification that Chavist’s use is the “Díaz Rangel Doctrine” that asks the critics to show “one opinion and/or news that has not been broadcasted by the Government or through Government pressure;⁶⁰ and the Legal Doctrine: the large media organizations have abused the rule of law and when attempts are made to discipline them, they raise the flag of press freedom.

El Universal newspaper of Caracas stated “ that freedom of expression actually exists is a perfectly

quantifiable conception. In Venezuela it can be measured by 200 trials; 84 alerts, as defined by international parameters, of attempts in the last 17 months against freedom of press; 80 legal cases against just one television channel: Globovision, and others against different television and radio stations; journalists with three, four and up to ten lawsuits against, six journalists murdered and one channel, RCTV, closed down because of non-renewal of a 50 year old concession”.⁶¹

While the Government continues to strangle the media that is critical or perceived as such, Venezuela will get closer to the category of Black Zone in which the legislation and the State block the free exercise of journalism.

–The non-renewal of the RCTV concession appears to start a new cycle following the Governments re-legitimization. Is this true?

–The president has been referring to seven strategic points and he prioritizes Socialist ethic; we believe we must develop a new strategic plan, particularly when two important measures have been taken: the non-renewal of the RCTV concession and the purchase of CMT by Telesur.

–What could happen?

Given the new strategic panorama, the ideological struggle is a battle of ideas for the heart and mind of the people. A new plan has to be developed and the one we propose should entail State communicational and information hegemony, building hegemony in the Gramsci sense.

–What is meant by this?

In these countries the capitalist society is hegemonic. We must make the socialist thought and values of what is collective, what is supportive, what is social, predominate as values over those of capitalism. Hegemony in the Gramsci sense is just that: one cultural group convinces another group of its values, principles and ideas. Our proposal is that there be a series of measures in different fields so as to build a communicational and information hegemony that allows the ideological and cultural battle to take place so as to promote socialism. That is why it is so important that the Ministry of Culture be incorporated into national Telesur. (Interview with Andres Izarra, former manager of El Observador, a RCTV news program until April 2002. He resigned and short time later became the Government’s Communication & Information Minister. He is now Chairman of Telesur. *El Nacional*, January 8, 2007)

⁵⁹ IPYS, 7/3/2007. (www.sntp.org.ve/mayo0706.html)

⁶⁰ Javier Conde, “La doctrina Díaz Rangel”, *Tal Cual*, 30/5/2007. (www.ucab.edu.ve/ucabnuevo/Infocracia_CIC/recursos/doctrina_diaz)

⁶¹ Giuliana Chiappe, “Delito de expresión”, *El Universal*, 24/6/2007. (http://www.eluniversal.com/2007/06/24/pol_art_delito-de-expresion_329747.shtml)

There is a legislative reform underway in **Panama** that was meant to de-penalize honor offenses but Congress “finally adopted an internal political solution (...) alleging that the existing gag laws could be maintained since they were “dead letters”.”⁶² The “dead letter” argument is used in many countries in the region so as to delay revoking laws that for this report are considered as gags.

Political violence that some of the Central American countries lived through created a conflict resolution matrix that includes use of force as a central element.

Journalists both in capital cities as in the provinces receive believable threats so that a climate of self-censure pervades. In Guatemala there were threats, attacks and a radio producer murdered “in an incident that cannot be labeled as ordinary crime since it happened on the World Freedom of Press day and the criminals who shot him did not take his documents, money or his late model car that was parked a few meters away.”⁶³

IAPA was informed that “there are attempts to silence the press by intimidations made by police who let it be known that there are ‘social clean up squads’ and ‘extra-judicial executions within the Guatemalan Civil National Police’”.⁶⁴ In this environment, enclaves of quality Central American journalism exist but this increases the risk, as happens with *El Periódico* of Guatemala or the cable channel *Guatevisión*, who received different types of threats when they investigated death squads and their relationship with the police.

In **Honduras**, “the prevailing lack of security affects the journalists with the added element that they can be attacked because of their occupation but alleged that it



Dina Meza, director of revistazo.com from Honduras (left). Rosario Murillo, Daniel Ortega’s wife and person in charge of the relationship with the media in Nicaragua (right)

was due to insecurity.”⁶⁵ In December 2006, a lawyer was murdered. He was counseling journalists’ from the *revistazo.com* web site who were investigating a private security agency.⁶⁶

In **Nicaragua**, President Daniel Ortega is very critical of the media. His wife, Rosario Murillo, runs the Communication & Citizenship Council responsible for the Government’s communications and official advertising. Their criticisms of the press are constant and especially towards the historic newspaper *La Prensa*.

President Zelaya of **Honduras** also criticizes the press.

In the Caribbean, **Haiti**’s security situation is precarious. A photographer was murdered by an armed gang in Puerto Principe suburbs and also a radio commentator who had criticized the disarmament process

Government against the media

For the second time in February, Sandinista President Daniel Ortega attacked the media using lies. (...) The real reason behind these attacks is his and his henchmen’s ongoing phobia against freedom of press. It is part of a “Communications Strategy” of the Communication & Citizenship Council headed by Rosario Murillo, the President’s wife and de facto co-governor. Their intent is to firstly undermine, then abolish, freedom of information & expression in Nicaragua. (*La Prensa* newspaper, Nicaragua, February 22 2007)

⁶² SIP, “Panamá”, marzo de 2007 (http://www.sipiapa.org/espanol/pulications/informe_panama2007ca.cfm)

⁶³ CERIGUA, 4/5/2007. (<http://www.cerigua.org/porta/Article9048.html>); CPJ, 2/4/2007. (http://www.cpj.org/cases07/american_cases_07/guatemala02mar07ca.html)

⁶⁴ SIP, “Guatemala”, marzo de 2007. (http://www.sipiapa.org/espanol/pulications/informe_guatemala2007ca.cfm)

⁶⁵ SIP, Honduras”, marzo de 2007. (http://www.sipiapa.org/espanol/pulications/informe_honduras2007ca.cfm)

⁶⁶ Comité por la Libertad de Expresión (C-Libre), Honduras, 2007. (<http://libertad-de-expresion.rds.hn/documentos/COMPLETO.doc>). “Defying silence in Honduras”, *BBC News*, 4/7/2007. (<http://news.bbc.co.uk/2/hi/americas/6270794.stm>)

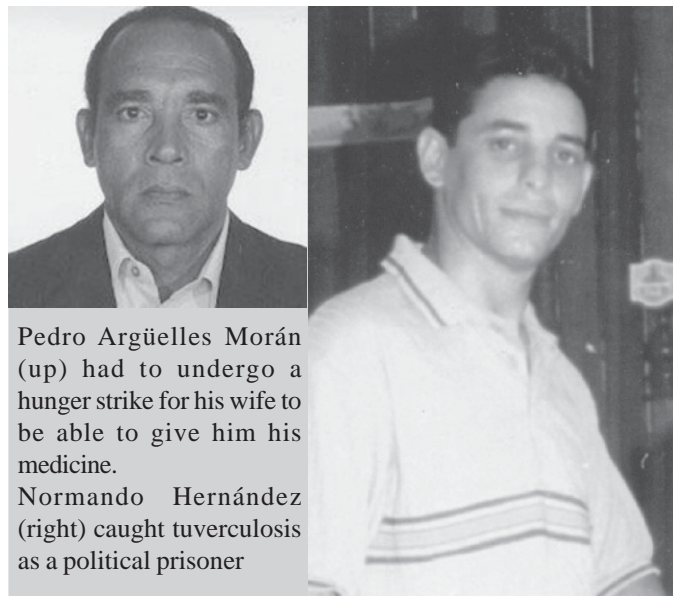
of the armed gangs.⁶⁷ Another photographer was beaten during a demonstration by the United Nations peace force.

In the **Dominican Republic** journalists' lives are at risk. There have been believable threats and recent murders linked to drug trafficking and security forces.⁶⁸

Cuba continues to be the American continent's main prison for journalists and their lives are at risk because the long sentences are in penitentiaries where conditions cause and aggravate health problems.

IAPA report states that "among the 47 reported cases of coercion there are police threats, arbitrary interrogations, acts of repudiation by pro-government groups, street beatings, temporary arrests, fines for disobedience, unlawful entry and searches of homes, confiscation of money and personal belongings, restricted movement within the country, indefinite retention of emigration permits and even job dismissals as reprisal against members of journalist's families for supposed lack of trustworthiness".⁶⁹

A review of the jailed journalists shows that: "At least 18 are seriously sick with chronic illnesses aggravated because of their confinement or acquired while in prison. The Government refuses to release them for humanitarian reasons, not even in the case of a handicapped person, Miguel Galvan Gutierrez, an engineer condemned to 26 years in prison".⁷⁰ Furthermore, so as to protest, the prisoners self inflict severe wounds. Pedro Argüelles Morán went on a hunger strike so that his wife would be allowed to take him medicine he required.⁷¹ Juan Carlos Herrera Acosta sowed up his mouth. Normando Hernandez caught tuberculosis while in jail and still has 21 years to complete his sentence.⁷² In April 2007, Hernández received an award from the Pen Club.⁷³ In a press release, Reporters Without Borders asked: "For how long will the Cuban authorities keep imprisoned



Pedro Argüelles Morán (up) had to undergo a hunger strike for his wife to be able to give him his medicine. Normando Hernández (right) caught tuberculosis as a political prisoner

individuals condemned for having done their job and whose health is now incompatible with their internment?"⁷⁴

The foreign correspondents, who already accept working under many restrictions, are being specially monitored these months. The correspondents for *BBC*, *Chicago Tribune* and *El Universal* of México, were informed that their residence would not be renewed because "their approach to the Cuban situation is not the most convenient for the Government".⁷⁵

Meanwhile, the official Cuban press in January 2007 organized the "VIII Press Festival".

As is standard in these events, after having paid homage to the heads of Government, the regime's journalists made a tepid self-criticism that never materializes into changes: "Among the weaknesses, they identified the lack of investigative journalism and of journalists and directors capable of producing more attractive material closer to reality and that respond better to the people's need for information".⁷⁶

⁶⁷ CPJ, 18/5/2007 (<http://www.cpj.org/news/2007/americas/haiti18may07na.html>)

⁶⁸ RSF, 28/6/2007. (http://www.rsf.org/article.php3?id_article=22745)

⁶⁹ SIP, marzo de 2007. (http://www.sipiapa.org/espanol/pulications/informe_cuba2007ca.cfm)

⁷⁰ SIP, marzo de 2007. (http://www.sipiapa.org/espanol/pulications/informe_cuba2007ca.cfm)

⁷¹ RSF, 6/7/2007. (http://www.rsf.org/article.php3?id_article=22840)

⁷² Comunicado de la SIP, 29 /7/2007. (<http://www.sipiapa.org/espanol/pressreleases/srchcountrydetail.cfm?PressReleaseID=1936>)

⁷³ (<http://www.pen.org/viewmedia.php/prmMID/1434/prmID/172>)

⁷⁴ RSF, 6/7/2007. (http://www.rsf.org/article.php3?id_article=22840)

⁷⁵ SIP, marzo de 2007. (http://www.sipiapa.org/espanol/pulications/informe_cuba2007ca.cfm)

⁷⁶ UPEC, "Periodistas cubanos desean rápida recuperación de Fidel", 11/1/2007. (http://www.radio26.co.cu/noticias/UPEC/upec_11-1-2007.htm)

In this country, the dead make for good legislative debates. In the midst of an atrocious string of murders and disappearances of journalists that does not seem to end, Congress finally revoked the penalty for defamation and slander. Now it needs for the federated states to adapt to this new legislation since in only three states they are not penalized. The State with the severest legislation is Chiapas with a maximum penalty of nine years while in Guanajato and Morelos it is only one year imprisonment.⁷⁷ The central Government has been compensating their lack of ability in defending the journalists' rights by passing new laws.

For this reason, the previous Government had created in early 2006 the "Special Office for Attending Crimes against Journalists". But this office cannot handle cases classified as. Therefore, what generally happens is that as the jurisdiction is not clear, the investigations bog down.

A journalist disappeared in Tabasco when "investigating where drugs were being sold in the Atasta and Tamulte neighborhoods in Villahermosa, and had been given the names of drug traffickers".⁷⁸ Another journalist was murdered in Guerrero State after having presented the results of an investigation to *Televisa* regarding the murder of judicial police, linking the crime with local drug traffickers".⁷⁹ A journalist in Sonora went into exile after he was beaten and threatened for having written an article that linked the authorities with drug dealers.⁸⁰ Also in this state, that is on the United States border, a journalist in a car was being chased at high speed so he drove to the Municipal Police precinct where, in full view of the guards, he was kidnapped by a heavily armed gang. The kidnapped journalist's father, also a journalist, said his

son "was investigating the disappearance of a friend who worked as a Municipal Police informant".⁸¹ Six days later the kidnapped journalist's body was found. The IAPA report states that on May 3 on the Atlantic coast, in Veracruz, the head of a corpse was found in the street with a message addressed to journalists: "This gift is for journalists, more heads are going to roll and Milo Vela knows this well". Vela is a columnist of a local publication called *Notiver*.

The IAPA report also expressed: "in different parts of the country there have also been numerous short term kidnappings used to intimidate journalists".⁸²

In their annual report, Manuel Buendia Foundation states that "In Mexico, 2006 was a year full of paradoxes for freedom of expression and information: there was a substantial reduction in lawsuits and inhibiting actions against the press but physical aggressions increased".⁸³ Colombia meanwhile seems to be on an reverse course: there were no journalists killed because of their job so Mexico became the country in Latin America where journalists' lives were in most danger.

In Mexico a big debate is on regarding the future of television. The *Televisa* and *Azteca TV* duopoly, with the passing of a recent law, seemed to have consolidated their positions. However, a Federal Supreme Court ruling raises doubts as it establishes that the automatic renewal of licenses is unconstitutional.⁸⁴ The current license holders contend that there is no room for more operators.⁸⁵ Both companies combined hold approximately 80% of radio and television licenses, one of the highest levels of media concentration in the region.

⁷⁷ RSF, 13/4/2007. (http://www.rsf.org/article.php3?id_article=21251)

⁷⁸ RSF, 26/1/2007. (http://www.rsf.org/article.php3?id_article=20669)

⁷⁹ CPJ, 9/4/2007. (http://www.cpj.org/protests/07ltrs/americas/mexico09apr07pl_sp.html)

⁸⁰ CPJ, 14/4/2007. (http://www.cpj.org/cases07/americas_cases_07/mexico14apr07ca.html)

⁸¹ CPJ, 17/4/2007. (http://www.cpj.org/news/2007/americas/mexico17apr07na_sp.html)

⁸² SIP, marzo de 2007. (<http://www.sipiapa.com/espanol/pressreleases/srchcountrydetail.cfm?PressReleaseID=1931>)

⁸³ Fundación Manuel Buendía, "Recuento de daños a las libertades de expresión e información durante 2006". (<http://www.mexicanadecomunicacion.com.mx/Tables/rmxc/recuento.htm>)

⁸⁴ In the last months, supreme courts from Latin America decided, or are about to decide, key questions referring to the exercise of journalism. In Brazil, the Supreme Court resolved, on December 2006, to cancel the mandatory diploma for the exercise of journalism, while the main union of journalists in the country decided to confront that sentence with a national campaign. In Argentina, for the first time in its history the Court has a case of advertising discrimination to an official newspaper pending. In Uruguay, on 2006, the Supreme Court ratified a sentence to prison to a journalist "and thus backlashed the judiciary improvements by the same court in 1997" according to the OAS relator after visiting Uruguay. On December 2006, also the Paraguayan Supreme Court ratified a sentence to ten months in prison to Luis Vero, journalist from ABC Color.

⁸⁵ Angelina Mejía Guerrero, "Insiste Televisa: No hay lugar para otra cadena de televisión", *El Universal*, México, 28/6/2007. (<http://estadis.eluniversal.com.mx/finanzas/58606.html>)

Journalists recently sentenced to *non effective prison* in Latin America

Country	Journalist	Sentence	Attributed crime	Prosecutor
Uruguay	Gustavo Escanlar Patrone	3 months	"slander"	Newspaper Dir.
	Carlos Dogliani	5 months	"defamation"	Mayor
Ecuador	Nelson Fuentala	2 months	"slander"	Mayor
Peru	Rocío Vásquez Goicochea	1 year	"aggravated defamation"	Businessman
	José Flores Burgos	2 years	"defamation"	Lawyer
Paraguay	Luis Verón	10 months	"defamation and slander"	Architect
Brazil	Fausto Brites	10 months	"defamation"	Governor
Venezuela	Mireya de Zurita	18 months	"defamation and slander"	Police
	Henry Crespo	18 months	"defamation"	Governor

Journalists recently sentenced to *effective prison* in Latin America

Country	Journalist	Sentence	Attributed crime	Prosecutor
Cuba	Ramón Velázquez Toranso	3 years	"pre-criminal social dangerousness"	State Security
	Raymundo Perdigón Brito	4 years	"pre-criminal social dangerousness"	State Security
	Guillermo Espinosa Rodríguez	2 years	"pre-criminal social dangerousness"	State Security
	Armando Betancourt	15 months	"Public disorder"	State Security
	Oscar Sánchez Madan	4 years	"pre-criminal social dangerousness"	State Security
	Víctor Rolando Arroyo	26 years	"actions against territorial independence or integrity"	State Security
	Normando Hernández	25 years	idem	State Security
	José Ubaldo Izquierdo	16 years	idem	State Security
	Héctor Maseda	20 years	idem	State Security
	José Gabriel Ramón Castillo	20 years	idem	State Security
	Omar Ruiz	18 years	idem	State Security
	Pedro Argüelles Morán	20 years	idem	State Security
	Majail Bárzaga Lugo	15 years	idem	State Security
	Adolfo Fernández Sainz	15 years	idem	State Security
	Miguel Galván Gutiérrez	26 years	idem	State Security
	Julio César Gálvez	15 years	idem	State Security
	Edel José García	15 years	idem	State Security
	José Luis García Paneque	24 years	idem	State Security
	Ricardo González Alfonso	20 years	idem	State Security
	Luis González Pentón	20 years	idem	State Security
	Alejandro González Raga	14 years	idem	State Security
	Juan Carlos Herrera Acosta	20 years	idem	State Security
	Pablo Pacheco Ávila	20 years	idem	State Security
	Fabio Prieto Llorente	20 years	idem	State Security
	Omar Rodríguez Saludes	27 years	idem	State Security

Map explanation

CATEGORY DEFINITIONS

Black areas. Legislation prohibits freedom of press and the Government is sufficiently efficient for this to be obeyed.

Red areas. The law protects freedom of press but the Government does not, to a point where journalists are subject to physical risk. All areas where a journalist was murdered during the last year or where there are credible death threats, is included in this category.

Brown areas. The law protects journalism but carrying it out generally generates severe reprisals such as intimidations, harassments or firings from jobs, either by the Government or private groups. Journalists' lives are not in immediate danger.

Yellow areas. The law protects journalism and there are no severe reprisals. There are gag laws but not gag practices though the gag laws could be used to limit journalism. These are: contempt offenses, prison terms for honor offenses, obligatory membership of journalists' associations, media regulations that restrict content or that restrict the emergence of new forms of ownership.

Green areas. There are gag practices but not gag laws. These may be: official advertising assigned with favoritism criteria, radio and television licenses assigned with favoritism criteria, obstruction by public offices and control organizations to limit the entry, commercial or non-commercial, of new media; hostile case law. The private sector can also impose gag practices such as abusing their dominant market position to inhibit competition.

Violet areas. There are gag laws and gag practices.

Blue areas. There are no gag laws or gag practices.

Classification of the worst areas for journalism

ARGENTINA

Brown: In San Luís and Salta Provinces, the main media is controlled by the Governor. The press in Santa Cruz Province experienced moments of tension during the recent political crisis. The media in the provinces of Santa Cruz, Formosa and La Rioja depend heavily on official advertising.

Violet: All the rest. On a national level, Argentina has still to de-penalize the offense of slander and has many gag practices.

BRAZIL

Red: *San Pablo State*. The only murder of a journalist this semester happened in Sao Paulo and it heads the Fenaj ranking. *Para State*. Is the second most dangerous state in Fenj's ranking and appears on the risk map. *Río Grande do Sul State* A journalist was shot at in August. *Río de Janeiro State*: Third on Fenaj ranking. *Mato Grosso State*. Third on Fenaj ranking. *Mato Grosso do Sul*. Third on Fenaj ranking. *Santa Catarina*. Fourth on Fenaj ranking. **Violet:** Rest of the country. At national level, Brazil has penal punishment for honor offenses, membership of journalist associations is obligatory (temporarily suspended), and has gag practices.

PARAGUAY

Red: Concepción, Amambay, Itapua.

Violet: All the rest because at national level there are gag laws and practices.

URUGUAY

Yellow: There is penal punishment for contempt but no gag practices.

CENTRAL AMERICA AND CARIBBEAN

Red: Guatemala, a radio producer was murdered. Honduras, a lawyer who counseled journalists was murdered. Haití, a photographer was murdered. Dominican Republic, two journalists were murdered during 2nd. Semester 2006.

Violet: El Salvador, Nicaragua, Costa Rica and Panama: they have different gag laws and practices.

Black: Cuba, the law and the Government block journalism.

CHILE

Yellow: They have gag laws but not gag practices.

BOLIVIA

Brown: Journalism is practiced in a polarized atmosphere that severely affects it.

PERU

Violet: all Perú. There is contempt and penal punishment, also gag practices

Brown: Ancash: First on Press & Society Institute & Journalists' National Association's ranking.

Red: Cajamarca. A journalist was murdered on March 17.

ECUADOR

Brown: all the country. Journalism is practiced in a polarized atmosphere that severely affects it.

COLOMBIA

Red: *Sucre, Valle del Cauca and Magdalena*, a wave of paramilitary threats. Cali, capital of Valle del Cauca, there was an unsuccessful attempt against a journalist. *Bogota*: Darío Arismendi left the country. According to FLIP, Bogota is where most aggressions took place in 2006. *Huila*: the main newspapers have police protection and journalists are in exile. *Santander*: threats against journalists continue related to corruption in the Mayor's office. *Cauca*: According to Flip, Bogota and Valle del Cauca are the places where most aggressions took place in 2006. *Bolívar*: a journalist was murdered in 2nd. semester 2006.

Brown: Rest of the country. The level of violence in all the country severely intimidates journalism.

VENEZUELA

Red: In Anzoátegui a journalist was murdered in August 2006.

Brown: Rest of the country. Journalism is practiced in a polarized atmosphere that severely affects it.

MÉXICO

Red: *Chihuahua*, a journalist was murdered in August 2006. *Coahuila*, a journalist disappeared in August 2006. *Veracruz*, two journalists murdered in 2nd. Semester 2006. *Michoacán*, a journalist disappeared in November 2006. *Oaxaca*, Brad Hill was murdered on October 27 and a journalist shot at. *Federal District*, a journalist was murdered in 2nd. Semester 2006. *Guerrero*, a journalist was murdered in 2nd. Semester 2006 and 1st.Semester 2007. *Tabasco*: a journalist disappeared in 1st. Semester 2007. *Sonora*: Journalist kidnapped. *Nueva León*. Two journalists kidnapped. *Baja California and Tamaulipas*: same level of violence and threats as last semester.

Brown: Rest of the country. The spread of violence in all regions severely affects journalism.

GUYANA

Red: All the country. Last year four workers at a newspaper where murdered.

LOCAL LEVEL JOURNALISM AND DEMOCRACY INDICATORS IN LATIN AMERICA

FIRST SEMESTER 2007

