

LOCAL LEVEL JOURNALISM AND DEMOCRACY INDICATORS IN LATIN AMERICA

Fernando J. Ruiz

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Local Level Journalism and Democracy Indicators in Latin America

By **Fernando J. Ruiz**

Executive Summary

■ In Cuba there has been no progress but rather a worsening of the independent journalist's situation. Particularly worrying is the situation of the twenty two condemned journalists who are suffering persecution in prison.

■ In Colombia there has been a slight improvement but it continues to be a country where journalists' lives run enormous risks.

■ In Mexico, the danger is increasing and the authorities do not punish the murderer's impunity.

■ In Haiti the semblance of order that was achieved midway through last year has been broken. The risk of violence against the press is increasing.

■ Following the referendum won by the Venezuelan Government, an institutional and legal structure is being built that potentially will place restrictions on press freedom.

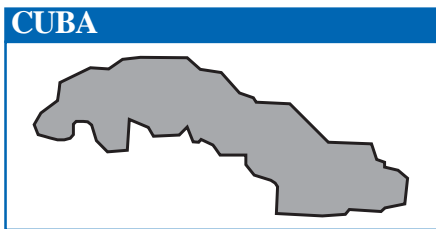
■ In Latin America there exists a group of presidents who are critical of the role of the press and at times their attitudes are repressive, clientelistic and they withhold information. This is improper behavior in democratic scenarios.

■ Legislative activity referring to the media is increasing in the entire region with the intention of renewing its legal framework

■ Whereas the authoritarian structures are being maintained fairly stable, in Latin America journalistic professionalism is increasing. These two factors are like two trains traveling in opposite directions. This makes it foreseeable that conflicts with the press will increase. It is possible that in several of the more modern cities this conflictive situation will be contained or take on less violent forms, but in the outlying areas where there is less democratic quality, the result will be the opposite.

THE WORST AREAS IN LATIN AMERICA TO PRACTICE JOURNALISM IN THE LAST SEMESTER

BLACK AREA: The practice of freedom of press is forbidden by law and the law is enforced.



Independent journalism in Cuba is not going through a good period. When the great repression of March 2003 took place, there were approximately 100 journalists who were practicing journalism outside the dictatorship. Probably that number today does not reach 50.

SIP, in its last report, states: "Since 28 journalists were detained during the wave of repression two years ago, the main news agencies and sites of professional creativity have not been rebuilt. Nor have the homemade newsletters and magazines that used to be published and distributed throughout the country".

Of the one hundred women and men who sought to inform on the Cuban reality, twenty two are in jail serving long sentences. Those journalists who were released under a special license, though their sentences were not condoned, were forced to stop practicing journalism. Raul Rivera, on being released, stated: "The authorities told me that I could go on writing but only as a poet". For most of them it means freedom with exile and without journalism. Those who try to practice journalism on the island know that they can be imprisoned in any moment by the regime, or sent into internal or external exile. This situation ensures that the possibility of Cuban citizens receiving alternative information is maintained at a minimum.

The only media that can reach the island are international radios. They

provide the only different information than that suffocatingly provided by the different dictatorship's megaphones.

The Cubanet website, which is one of the main distribution channels for the island's independent journalists, did not publish the author's names during 2003 and 2004 in order to protect them. Now it carries a banner that reads: "In spite of continuing to work in an environment of extreme tension and personal risk, many journalists have asked that their names be included. We are complying with their request" (www.cubanet.org).

The SIP report continues saying: "Reprisals are extended to the prisoners' relatives in an effort to stop their activism. On January 26, Héctor Maseda (aged 62), serving a 20-year sentence, was taken to an "increased security" area in a prison in Santa Clara, Villaclara. Maseda's transfer appears to be an attempt to neutralize his wife, Laura Pollán. Her home in Havana has become a bastion for defending prisoners of conscience and their families. Pollán has been summoned several times by the National Housing Institute and threatened with losing her house. She has been warned by the political police to stop her public activities as leader of the "Ladies in White movement."

The Ladies in White also staged a demonstration before the Union of Cuban Journalist's (UPEC) offices to protest the news blanket that the official media maintains on political repression. Towards the end of May, journalist Omar Ruiz' wife Barbara, informed that her husband had been placed in a punishment cell because he had not greeted an officer.



From left to right: Omar Ruiz, independent journalist sentenced to 18 years in prison. Ricardo Gonzalez Alfonso is President of the Independent Journalists Society "Manuel Marquez Sterling" and representative for Journalists without Borders in Cuba. Ricardo has been condemned to 20 years.

A positive piece of information is that the European Embassies in Havana are increasing their activity in defending independent journalists. On the other hand, the Latin American delegations make no effort to provide any kind of protection.

The nature of the Cuban dictatorship is clearly shown when a reporter, for just carrying out his job, is sentenced to the same number of years as journalists' assassins do in Latin American democracies.

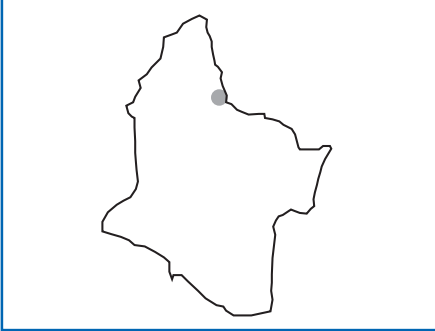
The Cuban photo-journalist Omar Rodríguez Saludes was given 27 year prison sentence for working for a media not controlled by the state, while in Brazil a drug trafficker was sentenced to 28 years for having tortured and killed the journalist Tim Lopez in Rio de Janeiro.

Twenty eight years sentence has also just been given to two murderers in the department of Caldas, Colombia for killing Orlando Sierra, vice director of La Patria newspaper, in 2002.

(To access Rodríguez Saludes sentence by the Cuban courts, see <http://www.ruleoflawandcuba.fsu.edu/documents-havana-8s.cfm>)

RED AREAS: The practice of freedom of press is protected by law, but the State does not protect it - up to the point that the journalist/media is at immediate physical risk. This category includes every case in which authorities were involved in a crime against journalists. The red area can be more dangerous for the journalist's life than the black area; however, there may be more freedom of press in the red area. Democracies that have not managed to build effective national states offer the liberties and the risks of an anarchic situation.

**CUCUTA CITY
(North of Santander, Colombia)**



Soon after being named in 2004 the “most risky city in Colombia to practice journalism” (FLIP, 2004), during the second week of January, Julio Hernando Palacios was the first journalist to be murdered this year in that country. An attempt on his life had been made in 1996, another in 1998 and in October 2004 he reported threats on his life. At dawn on January 11, while walking to Radio Lemas where he worked, two hired assassins on a motorbike killed him by firing two shots.

In February 2005 a mission composed of a number of freedom-of-press organizations visited Cucuta to investigate the situation. In its report, the mission explained the characteristics of the violence in the area. Cucuta is the capital of North Santander Department, bordering Venezuela. It has a long tradition of contraband and large cocaine plantations. The three main guerilla groups (FARC, ELN and EPL) had a strong presence there and since 1999, paramilitary groups have entered violently into the area. Currently, the ELN guerillas are still present but in the city, the Autodefensa Unidas de Colombia (AUC) groups have “strengthened their control of the city”.

In fact, since June 2004 the mayor of the city is under arrest accused of having ties with the paramilitary.

In view of the many aggressions against the press in the city, the mission was very surprised when the acting mayor, Gustavo Villamil, “indicated that he had never received reports of attempts against the press”. According to the mission, this statement “indicates that there is no awareness on the part of some of the authorities on the state of generalized risk that journalists run in that city”. Furthermore, “other officials state that the attacks are isolated incidents related to each threatened journalist’s personal situation”. The local Head of Police told the mission that Palacios’ murder was “a black spot on a white handkerchief”. The mission’s report concludes that: “The handkerchief is not so white and that Palacios was not the only black spot”. It adds: “Nearly all the journalists who work there have received threats”.¹

As is always the case, violence generates self censure and this dramatically restricts the agenda on



Journalist’s workshop in Cucuta, Colombia organized by Media for Peace.

which journalism works, thereby limiting the quality of information that the citizens receive. The mission was told by the journalists that the subjects that are off limits are government



Journalist’s workshop in Barrancabermeja, Colombia organized by Media for Peace.

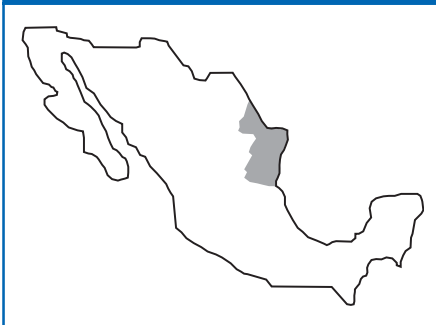
corruption, drug trafficking and gasoline contraband, especially when this last one involves local authorities.² There are many areas in Colombia where there is high risk of journalists being murdered, such as Barrancabermejo and Arauca. (See previous reports and map on page 15)

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¹ <http://www.flip.org.co/informes/especiales/Informe%20Misi%20F3n%20C%20FACuta.doc>

² “Cúcuta: la prensa colombiana al cruce de los peligros”, RSF, April 8th, 2005.

STATE OF TAMAULIPAS (Mexico)



This semester violence against journalists along the northern border with United States has increased. Most violence is concentrated in Tamaulipas State. SIP's report on Mexico states: "In recent months reports have been received that journalists in the northern state of Tamaulipas have been kidnapped for short spells by drug dealers who threaten them if they publish information on their drug activity or to convey warnings to the editors. Two of the four journalists murdered last year worked in Tamaulipas State".

In response to the deteriorating situation, the head of Tamaulipas State Public Security, Luis Roberto Gutiérrez Flores suggested that the "journalists that have been threatened could ask for a permit to carry weapons": According to the Federation of Mexican Journalist's Associations (Fapermex) "the country's northern border is no-man's land or worse still, Narcoland, where all excesses are possible and where thugs kill journalists with complete impunity". They added: "To this we can add that Tamaulipas State occupies a disgraceful first place

Journalists in the northern state of Tamaulipas have been kidnapped for short spells by drug dealers who threaten them if they publish information on their drug activity or to convey warnings to the editors.



From left to right:

-Raul Gibb Guerrero, murdered in Veracruz, Mexico on April 8 2005

-Dolores Guadalupe Garcia Escamilla, murdered in Tamaulipas, Mexico on April 16 2005

-Gregorio Rodríguez Hernández, murdered in Sinaloa, Mexico on November 28 2004

in all Colombia for the amount of informers that are murdered".

SIP's resolution on Mexico says that: "On August 31 2004 in the Matadoras City, Tamaulipas, journalist Francisco Arratia Saldierna was murdered. On September 24 of that year, Raúl Castelán Cruz, a member of the Gulf cartel and henchman of the suspected killers, was being tried by a judge for his participation in the crime and declared that the motive for the killing was the publication of newspaper articles". SIP adds that the worst places to practice journalism, apart from Tamaulipas, are Sinaloa, Sonora and Baja California.



Demonstration by newspaper editors in Mexico.

HAITI



The press is threatened by the serious tensions among the different factions: those who support ex-President Aristide, the remains of the army that that the ex-President dissolved, criminal gangs and the new people in power. The United Nations peace keeping force is trying to develop an electoral process for October 2005 but since September 2004 there has been a wave of violence that has caused more than seven hundred deaths. This information was provided by Reuter's correspondent and director of the Haitian Journalist's Association, Guyler Delva. On January 14 a journalist was chased and murdered after having witnessed homicides and abuse by the police as reported to SIP by the delegation of Haitian editors. On March 20, another journalist died caught in a violent cross-fire between peace keeping forces and ex-military.

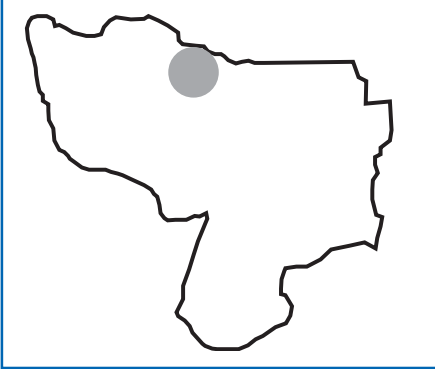
Radio Megastar was target of attempts and several of their journalists were attacked. The radio is accused of providing air time to supporters of ex-President Aristide. From the radio station building they witnessed the revolt in the National Penitentiary on December 1 2004, when ten prisoners died and forty were wounded. The radio accused the police of firing against the mutineers. This could be another reason for having received threats. In short, in Haiti there exist various armed groups that do not allow the inhabitants to have a minimum of order and security. For this reason the journalists are on the front firing line.



Journalists transmitting news at Radio Megastar

BROWN AREA: The law protects freedom of press but there exists a harassment of the media. Nevertheless, those who practice journalism are not at immediate physical risk.

CARACAS CITY (Venezuela)



The situation for journalists in Caracas has worsened. Since President Hugo Chavez obtained a majority vote in the August 15 2004 referendum, he has taken advantage of this to increase his judicial control on the communication media. This was obtained in a few days by three Government promoted initiatives. Between December 2 and 8 2004, at the same time as the President Chavez increased his control on the Supreme Court, the ruling party's majority in Congress voted the Free Expression Law and a Penal Code reform that

substantially stiffened the punishment related to freedom of speech.

Regarding the new Free Expression Law, Human Rights Watch reports: "This legislation severely threatens freedom of expression in Venezuela", said José Miguel Vivanco, Director for the Americas Division, "The vagueness of its restrictions and severe penalties that the law establishes, constitute a self censure mechanism against the press that can lead to arbitrary actions on the part of the government authorities". (November 24, 2004). At the end of July 2004, the Supreme Court ratified a law regarding the obligation, under penalty of arrest, that all journalists require a license and have to be registered with the Journalist's Association. On December 8 a law was passed regarding the content of audio visual media communications that establishes heavy fines or revoking of license if not adhered to. "Taking into account the confrontation that exists between the government and the main private communications media,

Reporters without Borders fears that these new laws will be used to silence criticism", reported the French organization.

During a recent visit to Caracas, at a conference at a university, Vivanco said: "Until last year, there were few evident limitations to freedom of expression in Venezuela and printed and audio visual media operated with few restrictions (...). Recently, Venezuela has been building a judicial structure to restrict and not to broaden freedom of speech". As Fidel Castro does in Cuba, President Chavez encourages the militarization of public speeches with the intention of presenting a scenario that justifies blocking areas of internal freedom, among them the freedom of the press. In this way, there are government officials who talk about "an asymmetric communicational war" and off "communicational battle units", that are offshoots of the endogenous, electoral or social battle units already promoted by Chavez' government.

⁴ http://www.hrw.org/spanish/press/2004/venezuela_ley_de_medios.html

Lessons on Dictatorships for the Venezuelan Democracy

Extracts from the interview with Andres Izarra, Minister of Communication and Information, on April 16 2005.

Journalist (Vanessa Davies): Which are the points? (of negotiation with private media)

Andres Izarra:...For example, the Government talked about providing five positive subjects that we want to make known, that need not necessarily refer to political questions, but for example, the subject of environment and the progress we have made which is something, that as a country, we are all interested in and that we are interested that private and public sectors jointly refer to it so as to make known what has been done in reference to access to water, cleaning-up of rivers and lakes, protection of National Parks. In other words, I repeat, the

environment is a subject where we can perhaps have less friction and work on these types of subjects to rebuild lost confidence. We want to at least attempt to see if this initiative can in some way connect us or obtain a linkage that has been lost with all this political diatribe.

P: Does this mean that the government will impose the subjects for the agenda regarding private subjects?

AI: No, our government doesn't impose anything. We will suggest certain subjects that we think, let us say.... this is one of our ideas, it is not something decided on. It is one of the ideas that arose from the conversations we have had with different television license holders but also with some newspapers, as is the case of El Nacional where we have, let us say, broached the subject of the agenda. There is a pending top level meeting with them. With Venevision we have also been talking, they have made a significant



Andres Izarra speaking to the press.

change regarding the coverage of government matters. El Universal...let me see, we are considering how we can start conversations.

P: Why do you say it with such hesitation?

AI: So far we have not been able to establish a bridge or link that gives us mutual confidence. We are working on it, we will see, we have sent messages, received messages, we are trying. In any case, what is important to emphasize is that on part the of the Executive there is the will to find a point of understanding or of mutual work with the private media,

especially with the private media, to turn over the page with the private media and try to work with those private media that have taken antidemocratic attitudes, have supported coup d'états, sabotaged the country's economy and have strongly encouraged a climate of instability in Venezuela.[...]

Up to now we have concentrated all our effort on reformulating the government's communication system, strengthen it, and obtain the media tools. Now we have to go to a second phase which is to study in depth the content of what we are going to transmit by this state media, that a new state is being built. In other words, which are the messages that this new state that is being built wants to broadcast and how will it be broadcasted. This ideological discussion is still pending and I think that this is not a discussion that should be carried out by an elite group, that is to say, I as Minister of Communications or a Communications Cabinet, but a broad discussion that includes other sectors. As an example, in Cuba they have framed this entire question, these actions of the communications media regarding the messages and the ideological battle that for them comes from an external threat, it took them nearly four years to carry this forward on a framework of a battle of ideas and to identify the programs that make up this battle of ideas.

P: Would Cuba be the best example from a communicational view point?

AI: No, no, I am not saying that we have to follow the Cuban model. I am just giving it as an example of a country that carried forward a discussion regarding the ideological war or battle and the time it took them to identify it, but in Iran we also had a similar process.

(Web page of the Ministry of Communication and Information <http://www.minci.gov.ve/archivos/Entrevista%20al%20ministro.doc>)

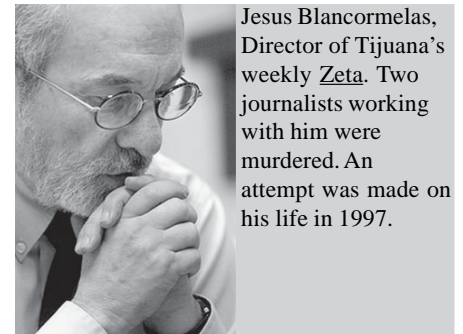
IMPROVEMENTS IN SOME OF THE WORST AREAS REPORTED IN LAST SEMESTER'S REPORT

FLIP, the organization in Colombia that monitors the aggressions to the press, reports that there has been a "slight improvement" during 2004. SIP agrees with this. FLIP maintains that in 2004 there were no kidnappings but in January 2005 FARC's Frente 34 kidnapped Hernan Echeverri Arboleda from Uraba Hoy newspaper and held him captive till April 17. According to the Tiempo's Editor, Enrique Santos, there is a tendency for the attacks on the press to come from political sectors that take advantage of the generalized violent context to punish those journalists who report and investigate them in cases involving corruption.

Regardless of this perceived improvement, there are areas where fear is so generalized that there is no media of communication at all. For example, in the La Dorada Municipality, in Putamayo in the south of the country, Claudio Gomojoa from La Dorada Estereo was threatened by the paramilitary so he closed the radio and left. What is also increasing is attacks on the audiovisual media infrastructure. Since beginning of the year, there have been four attacks of this kind.

According to reliable sources, if in Colombia violence by criminal groups against the press is diminishing, in Mexico it is increasing. The culprits for the recent Mexican journalists' Black April when two of them were murdered, was apparently perpetrated in one case by drug dealers, in the other case where the journalist was kidnapped and disappeared, it was a gang of gasoline traffickers. The Editor of the Tijuana weekly newspaper, Zeta, Jesus Blancormelas, wrote: "This was all we needed: Colombian

thugs in Mexico. I received information and I checked it. They have come to get rid of Mexican journalists that are harming their business".



Jesus Blancormelas, Director of Tijuana's weekly *Zeta*. Two journalists working with him were murdered. An attempt was made on his life in 1997.

A positive trend is the press' improved ability in most countries to react. Colombia is giving a lesson that should be imitated outside its borders: it is called Manizales Project. In this city in the west of the country, in February 2002 a journalist called Orlando Sierra was murdered. As a result of this crime, a coalition of local and national media was organized to continue with the investigation that Sierra was pursuing. It was a way of taking away from the murderers their reason for killing: "it is useless to kill a journalist if the information cannot be stopped". Furthermore, this attitude maintains public pressure on the Judiciary to investigate the crime. This resulted in that Sierra's murder was one of the few cases that has been solved in the country's recent years..⁵

In Latin America there is not only legal impunity but journalistic impunity as well. In most cases, once the press freedom has been violated, the victim's colleagues do not publish a complete account of what happened nor of what was being covered up. SIP's Impunity Program is also a meaningful support so that in the courts the assassination is not forgotten.

⁴ Blancormelas, Jesús, "Sicarios colombianos en México", *Semanario Zeta*. April 19, 2005.

⁵ Manizales Project is inspired on Arizona Project. It was borned in 1976 with the murder in Arizona of the journalist Don Bolles, who last year, together with other colleagues from around the country, had created IRE (Investigative Reporters and Editors). After the death of Bolles, IRE decided to carry on a collective research to discover what the murderers had wanted to silence. During five months, voluntary journalists from the press and TV investigated and wrote reports that were published by their media. The corruption was revealed and the murderers were sentenced.

In Brazil on February 15, the Rede em Defesa da Liberdade de Imprensa (Free Press Defense Network) was launched, an association between ANJ and UNESCO. In Mexico, in the majority



Orlando Sierra, murdered in Manizales, Colombia, on February 1, 2002. His colleagues responded starting the Manizales Project.

of states there is an increased mobilization of journalists. The Procuraduría General de la República installed an emergency telephone for all the country's journalists (01800 PERIODISTAS).

In Brazil, the leader of a band of drug dealers who assassinated Tim Lopez, an O Globo journalist, was convicted. Nicknamed Elias Maluco,

he was head of the Comando Vermelho in various "favelas", an organization that according to Folha de São Paulo managed about 70% of the drug business in the city. He was arrested during an operation that lasted three days in which nearly one thousand police participated. Maluco had been arrested in 1996 but as he had no prosecutions or sentences, in year 2000 he presented a habeas corpus and was released. According to the Rio de Janeiro police, about seventy people had been killed in the same cave where Maluco took his victims to be tortured and killed. It was known as the "microwave" because then their bodies were burnt. When the journalist was kidnapped and murdered, he was investigating child prostitution.

In Dominican Republic, a criminal group from the Asua area that had been seriously harassing journalists

in the previous semester, did not commit any further aggressions though one of the suspects in the journalist's crime is still to be arrested. There are other cases of impunity following attempts on journalists that is causing concern among the Dominican editors.

There is still concern because of credible death threats against various pressmen in Bogotá (Colombia), in the Northern Atlantic Region (Nicaragua), Tegucigalpa (Guatemala) and in the State of Santa Catarina (Brazil). In this case, the journalist who had been shot in both legs was still in hiding. In Paraguay, the son of a journalist was kidnapped when leaving school and released three hours later with the following message: "Tell your father to stop publishing articles on drugs and stolen cars because if not something far worse will happen". (SIP)

THE OWNERS AND THE DEMOCRATIC QUALITY OF THE PRESS

From the beginning of journalism, sweetened mouth gags have been developed for the press. The discretionality and opaqueness of the relationship between the State and the media owners simplifies the weaving of a clientist web that affects the quality of information and therefore, the democratic quality.

The combined misión that travelled to Cucuta gathered the following generalized confession regarding clientelism: "The radio journalists in Cucuta confirmed to the mission members that they have to find ways of financing their programs which limits their independence. But this limitation starts from the moment that the advertising is distributed because there are no clear rules as to how the government authorities assigns it".

In its recommendation, the mission requested that "clear and transparent criteria be established in distributing advertising". The National Human Development Report indicates

that in all Colombia the media clientelism has become the rule in the last decades: "Much of the media came to clientelist arrangements with the governments regarding the distribution of television space, the usufruct in perpetuity of radio frequencies (particularly in the outlying regions), low taxes on advertising, minimum duty on paper importation for their newspapers or official advertising guidelines". The report states that this implies "a weak sense of what is public". FLIP's 2004 report informed that: "approximately 85% of the regional journalists depend on following the guidelines since this is part of their salary. It was also found that some advances had been made. For example, Radio Caracol has started guaranteeing the journalists a permanent salary and prohibiting that they obtain the advertising". (p.27). The National Human Development Report on Colombia indicates that some of the hardly professional practices that increases the journalist's

risk in the conflict are due to "the proletarianization of journalism that has occurred in recent years". (p.438)

In various countries of the region there is evidence of corruption in media communication in the interior of the countries. International Transparency 2005 Global Corruption Barometer reported that of the countries they investigated, Peru was the only case where the media was among the three institutions that the population considered had the worse reputation. In this report that includes only seventy two countries in the world, there were only two Latin American countries (Ecuador and Bolivia) where the media received better rating than the world average. In the remaining countries: Peru, Venezuela, Uruguay, Guatemala, Argentina, Brazil, Costa Rica y Mexico, the media was rated as having worse perception of corruption than the world average.

THE PRESIDENTS AND JOURNALISM

In the region there are a group of presidents who are very critical of the press' role in their country. This criticism may be valid, but in these cases it coexists with attitudes that are not always republican. In several of these President's speeches, in varying degrees, there is negation of journalism's role in a democracy. Some extend their criticisms to include international press.

This attitude coincides with a regional trend that we pointed out in our last report. The President's hostility towards the press is fostering that his political entourage adopt a much more aggressive speech than was normal since the Latin American democratization in the 1980s. It is not new as it has been evident in other moments of the region's history. It is also part of an attitude that goes beyond Latin American borders in which the politicians are trying to recuperate the initiative in establishing the rules governing their relationship with the media, after a period during which the initiative in this relationship was in the hands of the media.

Deciding on a communicational strategy is every Presidents's right and option. Traditional institutions such as Chile's *El Mercurio*, Quito's *EL Comercio*, Caracas' *El Universal* or Argentina's *La Nacion* must be subject to criticisms like anyone else. But within the ways that each government chooses to relate to the media, there are some rules that democracy itself demands, regardless of the interests and personal wishes of sits in the presidential seat. The media is a democratic institution in the same way as Congress or the Judiciary and they cannot be ignored beyond criticisms that may be made of them. In the region, some Presidents have developed strategies towards the media that are borderline with accepted democratic standards. To

question the traditional press is a legitimate option, but to develop repressive and clientelist strategies and avoid contact with the press is not within the President's options in a republican setting.

Venezuela's President Chavez and Ecuador's President Gutierrez were the ones that during the last semester were most criticized by the press. In this period, Chavez consolidated his position while Gutierrez was finally forced to resign following a series of public demonstrations.

It happens that the previous poor relationship between the press and the President puts a strain on the public dialogue and when crises break out, it is very difficult that the media then become a forum for dialogue. What follows is a spiraling of collective tension. Part of the press' democratic responsibility is to maintain the quality of the debate between the social players. In various countries this was not achieved and in others, it is being lost. The relationship between the President and the media is crucial so that collective dialogue may take place.

In Ecuador's case, since the then President Gutierrez assumed power in 2003, there was a tense relationship with the press. The fourth Press Secretary that Gutierrez named, Ivan Oña, in November 2004 declared that there was: "...a divorce between the government and the media". (Hoy online, February 9 2005). The



Lucio Gutierrez,
former President of
Ecuador.

Ecuadorian editors had complained to SIP: "The government's attacks on the press were each time tougher and

frequent during this period. The media was accused of orchestrating and leading the opposition". By the second week in March of this year, the editors had broken relationships with the government: "Nearly all the media have maintained that Ecuador is beyond constitutional order". (SIP). As happens with other presidents, it is generally people surrounding the President who unleash the harsher attacks on the press. The Ecuador editors in their report to SIP said: "Carlos Arboleda and Bolivar Gonzalez are the visible bearers of the verbal violence against the press". Both were close to Gutierrez.

The press, particularly some radios and printed press, played a key role in Gutierrez' downfall on April 21. On the other hand, according to some press observers in Ecuador, television took an expectant role and only when the crisis was at its peak did it provide ample coverage of the social demonstrations against the government. Mauro Cerbino, Flacso-Ecuador investigator, stated that the television maintained a "conscientious self censorship by not carrying out full coverage of the April events". The media were instrumental in Ecuador of the recent overthrow of three elected presidents by mass demonstrations (Bucaram in 1997, Mahuad in 2000 and Gutiérrez in 2005). Particularly influential in the three presidential removals was Quito's *La Luna Radio* and its director, Paco Velasco (www.radiolaluna.com). Velasco latter stated that: "The radio gave the final push because the main part was played by the people, the women, the elderly and children". The new government headed by Vice President Palacio offered to provide security to the radio as it had been target of various attacks.

In Bolivia, social demonstrations forced the resignation of President

⁶ See paragraph VI. "Growing conceptual debate on the political role of the media that can influence on freedom of the press", *Local Level Journalism and Democracy Indicators in Latin America*, Number 2, December 2004, pp. 11-13. The issue of March 2005 of the magazine of Latin American communications *Chasqui*, edited in Ecuador, describes the same tendency in its front page under the title: "¿Retaliación política contra los medios?".

Carlos Mesa. But there were no attempts on freedom of press. In March, SIP's mission in Bolivia declared: "In spite of the social conflicts and the power acquired by those who propose changes in the country's form of administration via regional autonomies and convening a constitutional assembly (...) it can be concluded that press freedom on a whole exists without major restrictions". President Mesa's



Carlos Mesa, former President of Bolivia.

resignation in the first week of June did not change this.

Argentina's President Kirchner also has a critical attitude towards the press and his policy towards them often has a strongly clientelist slant. When receiving a SIP delegation in March 2005, his attitude was more critical than experienced in recent Argentine history. He used part of his speech to question the delegation of regional editors. An association that defends Argentine journalism, FOPEA (Foro de Periodismo Argentino) published a declaration questioning the government for: "lack of a mature relationship with the press and not be aware of its role as evidenced, among other examples, by the presidential decision not to give press conferences and not to answer journalist's questions in 22 months of government".

Brazilian President Lula had the same attitude until last April 29 when he gave his first press conference where in an hour and a half he

answered fourteen questions without allowing repeat questions

Regarding Colombia, in a visit in April, the Relator Especial para la Libertad de Expresión de la Organización de los Estados Americanos (OEA), Eduardo Bertoni wrote: "the Government's indication that the press is against security policies could make them subject to attacks". The former editor of Bogota's El Tiempo and now Vice President of the country, was questioned for his following paragraph published February 24 last:

"A special part in this is played by the media. It is sad to say but in this case, they created a sounding board that is more effective than the use of explosives by illegal groups. It reached the limit of questioning whether if the security policy had failed, wiping out all the evidence that proves exactly the opposite. They confused public opinion and because of the inconsistency of their analysis, could have (but fortunately did not) divide a society that more than ever must be united behind the national proposal. As victims of terrorism, you must recognize the gravity of this. When I was threatened by the FARC and had to live in Spain, I got to know how that country works. I learnt about the formidable alliance that exists between the state, society and media to jointly defend democracy and the institutions and having a unanimous response in rejecting terrorism when an attempt is made against the people. Here, I am sorry to say, at times that convergence and identity is lost. It is understood that without loosing their autonomy and independence or their

*analysis and criticism characteristic of a democracy, the media can never loose sight of their responsibility towards society, their responsibility towards the Colombian's common destiny".*⁷

Faced with the criticism that these words provoked, President Alvaro Uribe himself answered them in a speech at the last SIP meeting in Panama: "I called him in Spain two days ago and said to him: Vice President, I think we need to understand that whether or not we want to make known terrorist acts, their massacres cannot be hidden and that pain justifies the news."⁸

In Dominican Republic the Executive also made declarations questioning the role of the media. On November 5 the Presidential spokesman informed that government information would be "administered" so as not to concern the population with "inopportune news". This measure was based on a study that concluded that "impertinence and scandal" caused unrest among the Dominicans. "We are providing details on certain matters but we are trying to administer the information because we want to provide those that are opportune. We do not want to appear as idiots bothering the Dominican families". (SIP report). On May 7 2005 the Dominican president approved a decree, considered "ridiculous and freedom-curtailing" by RSF, that prohibited informing catastrophes without government agreement. A few days later the president decided to abolish this decree in view of the criticisms.

An example of criticism towards the press but with a republican attitude towards it was made by Chilean President Ricardo Lagos. In Madrid's El Pais newspaper, he said that among Chile's pending matters, there is one

⁷ http://www.usergioarboleda.edu.co/congresovictimas/colombia_contra_terrorismo.htm

⁸ <http://www.SIPiapa.org/espanol/pulications/uribe2005.cfm>

that has to do with “a media system” that is “too slanted and causes harm to Chile”. “Here there is no newspaper like *El País* or *Le Monde* or *New York Times* that do something so elemental as to differentiate facts from analysis”.⁹

Finally, in Haiti the Prime Minister’s press office criticized (“lamentable scheming”) Reuter’s permanent correspondent. This could have serious consequences given the latent climate of violence where different armed groups operate with impunity.

⁹ “We have dared to look at the truth without hiding it under a carpet”. Interview to Ricardo Lagos. *El País*, Madrid, December 5, 2004, pp. 4-5. This expression of President Lagos represents the exigency that most of the world politicians have towards the press, trying to restrict it to a purely technically function of transmission of information. Moreover the examples of the mentioned newspapers are not very good ones, since they are professional references of interpretative journalism, precisely consisting in the explicit combination of ‘facts’ and ‘analysis’, specially in the European newspapers. It is necessary to make clear that, alike other cases, President Lagos has had an outstanding republican relationship with journalism.

JUDGES AND JOURNALISM

In Latin America, the Judiciary is in many ways responsible for the lack of protection of press freedom in the region. On one hand, impunity is practically the rule for those who attack journalists and on the other, judges’ rulings also place serious restrictions on journalism

At the last SIP meeting, the Mexican editors again insisted on federalizing crimes against the press: “Insist with the Federal Government that it stimulate the required consensus to reform the Federal Penal Code and the Federal Penal Procedures and other laws so that crimes committed against journalists while carrying out their assignment, should be investigated by the Government’s General Procurator”. Nevertheless, SIP’s Impunity Program questions delays and errors in the federal justice as in the Procurator’s offices in the states such as Chihuahua, Guerrero and Tamaulipas. The fact that in a fourteen day period in April two journalists were murdered and another kidnapped and disappeared caused a widespread outcry that resulted in the hearings for these cases being conducted at a federal level.

As happened in Mexico, in Brazil the federal justice has become the mechanism to combat violence against journalists in the states. In an amendment to the Brazilian Constitution carried out at the end of 2004, human right crimes became federal offenses “especially in the case of reporters and radio journalists that are murdered and the suspects are people with influence

who can interfere in investigations at a local level”.(SIP)

In Brazil, the first journalist since the last dictatorship was sentenced to prison in a case initiated by the owner of a media. The journalist, Jorge Kajurn termed as “opportunistic” the media owner and a judge in Goiana State for condemning him to eighteen months of house arrest.

Alberto Dines in the *Observatorio da Imprensa* newspaper, declared: “It is the first imprisonment of a journalist since the end of the dictatorship”. (3/5/2005).

At the same time, judges have little or no efficiency in reducing the impunity of those who attack or murder journalists. In Colombia an investigation carried out in 2004 by FLIP revealed that of nearly 200 cases reviewed since 2002, only two came to trial and in neither case was the intellectual author of the crime arrested. The sub-director of *El Tiempo* of Bogota, Enrique Santos, in the prologue of a recently published book draws attention to “the profound flaws in a judicial system that has been unable to convict a single intellectual author in the deaths of more than thirty journalists in the last five years”. According to FLIP, a new penal procedure introduced in some areas of the country in January 2005 that speeds up the time required for the investigations “could help so that crimes against journalists do not go unpunished”. FLIP continues. “Nevertheless, that same speed could cause that cases in which no arrests have been made be closed and thereby forgotten”. (page 29)

CONGRESSMEN AND JOURNALISM

The region's Congresses' agenda regarding the media have many points in common. As was informed in last semester's report, "desacato" or Contempt Law, regulating of audio visual media, access to public information and some form of regulating the journalistic profession are being discussed in many Latin American parliaments



Palacio Legislativo San Lázaro. Cámara de Diputados de México.

The good news is that Honduras has abolished the "desacato" law. The bad news is that despite the OAS's recommendation, only five countries have done it (Argentina, 1993; Paraguay, 1998; Costa Rica, 2002; Peru, 2003). Even worse news is that Venezuela has taken the opposite route and has just increased the penalty for this crime. The final wording of the law reads: "The individual who gives false information through any media: printed, radio, television, telephone, electronic mail or pamphlets trying to cause or actually cause panic or anguish in the population, will be punished with two to five years in

prison".(Art.297 of the Venezuelan Penal Code)

Congress' activity regarding media is increasing. After many years of congressional paralysis, politicians are daring to regulate the media though there exists the strong inclination to legislate legal frameworks that will restrict press freedom.

In Brazil, the national journalist union's project to create the Federal

Journalists Council was filed by the Chamber of Deputies last December 15 after one voting. The bill regarding access to information is ready to be voted by the Chamber of Deputies and must then go before the Senate. The Mexican Senate is discussing a new Radio and Television Federal Law. In Ecuador and Argentina the legislative process for the Access of Information Law became difficult when the government majorities tried to change its original meaning.



In Guantánamo there are two jails. One at United States' military base and the other, the Cuban government's one. At this one is held journalist Victor Rolando Arroyo Carmona condemned to 26 years in prison.

See his sentence at:

<http://www.ruleoflawandcuba.fsu.edu/documents-pinar-del-rio-1s.cfm>

“My companion in case No. 348”



Raúl Rivero

La Habana: Yes, Ricardo González Alfonso never tires, with his recondite drawers filled with love poems and with humorous texts that he is always slightly embarrassed to read, full of passion for his children, grazing for Alida’s love, a difficult man because he is alive and because he goes head on into all matters in a world where the word is used as a pillow. A talented journalist with courage to use it, but also with a wide scope to reason, understand and converse with flexibility and without concessions. Fanatic of the Spanish language, in love with Lorca and Rimbaud’s poetry. Yes. Ricardo González Alfonso, my companion in cause 348 of 2003. The man who during the trial, when the prosecutor was requesting life imprisonment, stood up serenely and precisely, with no arrogance and cleanly, defended his right to write and give opinions in the country where he has lived for half a century. Ricardo, the recluse from the Aguica prison in

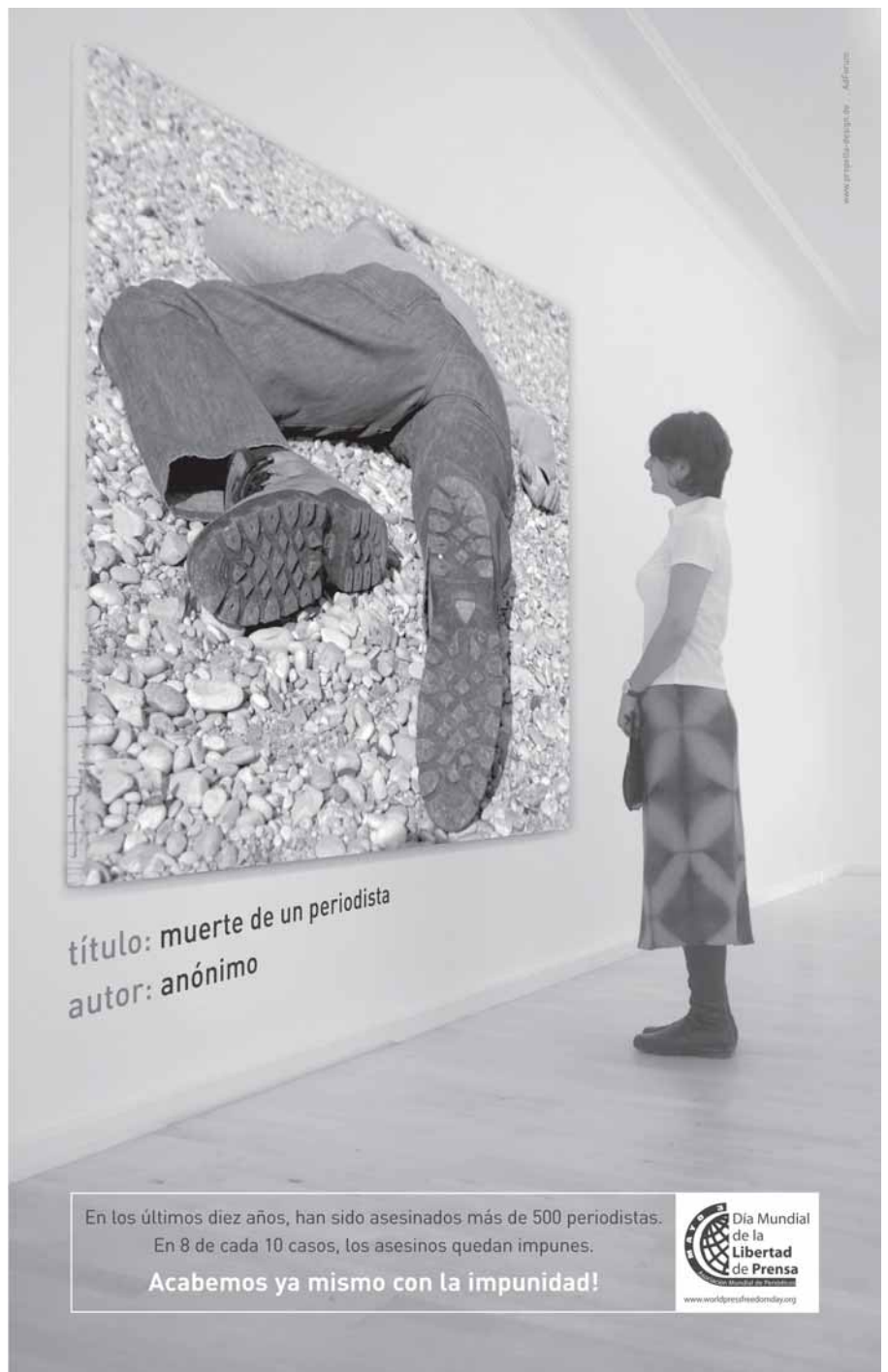
Matanzas, who is now undergoing medical treatment in the Combinado del Este Hospital of Havana, a true professional as can be found, a Cuban who we want back in his home in Playa so that he can finally remove the ghost that lives there and its only a trick of the memory. (Raul Rivero, “**Aquella Libertad**”, El Nuevo Herald, January 2 2005)

Solidarity

La Habana. You do not know how important it is for a political prisoner, for a prisoner of conscience, to feel and see through my family and by telephone calls, what the people are doing. We were desperate. I asked my relatives what CPJ was doing, what RSF was doing, what SIP was doing, and what about Amnesty International, what were so many other people doing, including politicians and well intentioned people. This is very important from a spiritual viewpoint, to give us strength under these conditions. And this cannot end. It’s crucial for those journalists who are still in prison under similar conditions to the ones I described. [Jorge Olivera Castillo, interviewing Sauro González Rodríguez, CPJ, April 26 2005].

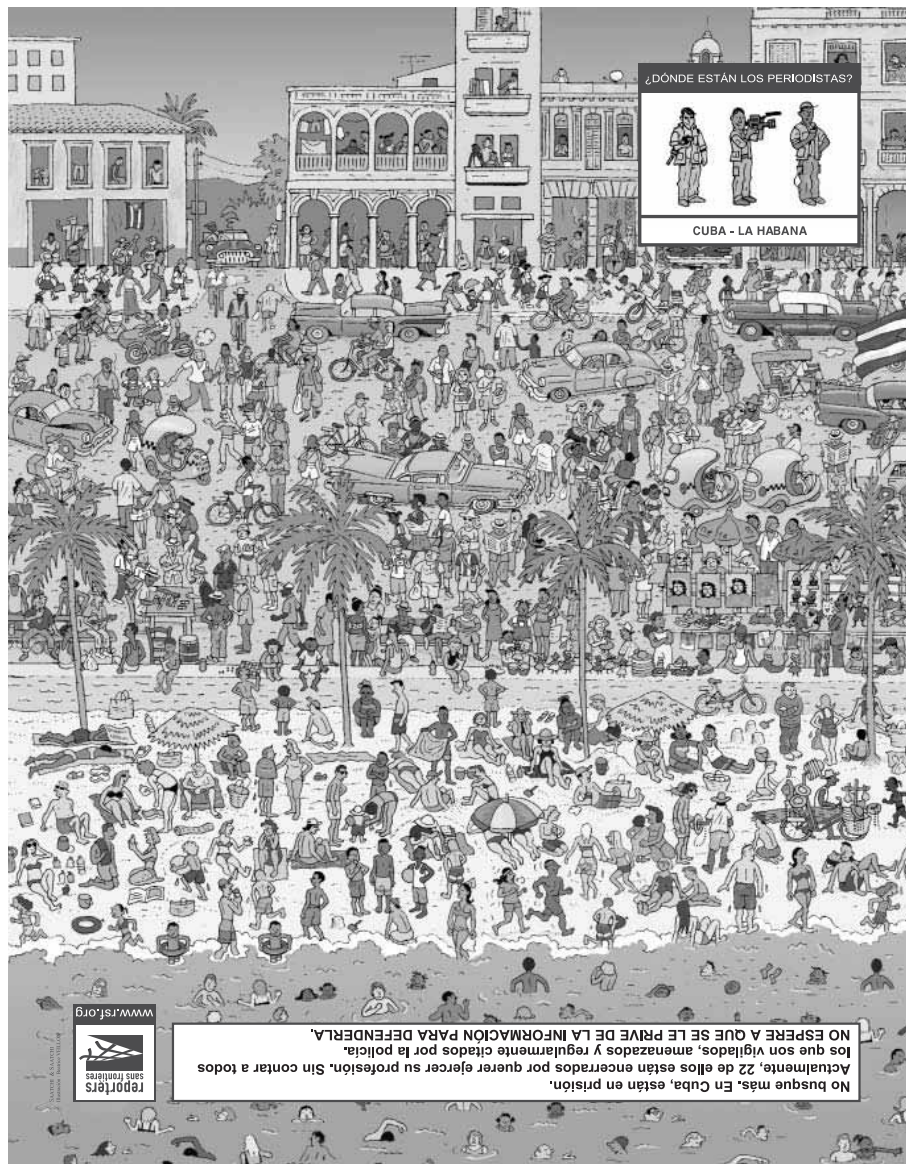
Fear

Valledupar. With a heavy heart I refuse to write editorials because I am scared of the murderer’s patience running out. [Enrique Herrera Araujo, columnist and editor of the Vanguardia Liberal newspaper, Cesar Department (Colombia), January 26 2005]



The last kiss

Manizales. The assassin fired the first time when my father and I were kissing goodbye after having lunched together. The bullet passed between us and as petrified as I was, I lived the most painful moment of my existence: the man attacked my father, grabbed his shirt collar, threw him to the floor and put his revolver against his temple. My father adopted a fetal position and looked into the man's face as if saying: "What's happening? Do what you have to do!" I do not know if he was resigned but what I do now is that his calm attitude at that tragic moment was in line with his character. He was aggressive with the pen and with ideas, but he had always said that he would never change a discussion for a blow. He never communed with violence. Maybe that was why he did not defend himself from the aggression. [Beatriz Eugenia Sierra Agudelo, daughter of the journalist murdered in Caldas Department (Colombia), mentioned in *La Censura del Fuego*, by the journalists Jorge González and Jairo Lozano. Intermedio Editores, Bogota, 2005.]



French talent

Paris. You carried on explaining your account of the current tourist demand, saying that: "The client now demands other things: in first place, quality and also authenticity". That is it. And because of that, you concluded: "France, who are experts in the matter, are the defenders of quality tourism, based on their heritage, culture, service and efficiency". Reporters without Boundaries would have wanted that, through you, France would have also become the human rights defender. Our country has also some "expertise in the matter", having been a pioneer. [Open letter from Robert Menard, Reporters without Boundaries' Secretary General, to the French Tourist Minister, Leon Bertrand, May 11 2005].

Europe

Paris: Mr. Police Commissioner, press freedom is an integral part of those public liberties that the European Union is proud to embody, protect and defend. Cuba cannot demand anything from the European Union without a fundamental prior condition: that they stop being the second largest prison for journalists in the world [Robert Menard, Reporters without Boundaries' Secretary General in a letter to the European Development Commissioner, Louis Michel, before his visit to Cuba, March 22 2005]

Big Stick Law

Caracas. The situation of handicapped communications continues three years after the coupe. I believe we have not yet had the capability of standing up to the mediatic force that the private media has in Venezuela, now silenced after so many defeats (...) Furthermore, we have the Social Responsibility in Radio and Television Law that provides us with many tools to take over the licensees that at some moment may embark on destabilizing actions. . [Interview with Andrés Izarra, Venezuelan Minister of Communications and Information, April 16 2005]

Police sense of smell

Arauca. We know who the good ones are and who the bad ones are and we act accordingly. That the judicial system sometimes does not manage to judge the terrorists does not change our job. [High police official from Arauca, talking to the Swedish Mission].

The signal

Mexico City: When things go wrong for journalists, they go wrong for the country. The exercise of democratic liberties regarding expression is a very sensible indicator of the system's health: this is established by international narrators, by international standards. We need to sound the alarm regarding what is happening to the communicators in this country. [President of the Federal District's Human Rights Commission, Emilio Alvarez de Icaza, *La Jornada*, April 5 2005.]



Order

San Salvador (Following an attack on a photojournalist and a cameraman): The people were involved in an activity and the journalist objected, they asked if he would please move but he would not listen. What they did was take him out of the way, not attack him, because if a journalist oversteps his role, we have orders to put him in his place. [Efrén Mejía, Popular Youth Block Coordinator (BPJ), *Prensa Gráfica*, May 1 2005].

Assistance

Nuevo Laredo. Threatened journalists could ask for permission to carry firearms [Luis Roberto Gutiérrez Flores, Tamaulipas State Public Security Secretary].

Agenda



Mexico City. How many more journalists need to be killed for us to be received by the President? [Benjamín Fernández Pichardo, AME President (Asociación Mexicana de Editores de Periódicos)]

Theft

San Salvador. The lack of government transparency in recent years regarding the state of public finances, specifically the fiscal deficit, is now seen to have been greater than officially announced. Following journalists' investigations, the present government finally admitted that the Treasury Minister concealed more than \$200 millions in deficit in the years 2002, 2003 y 2004 [SIP report, March 2005].

Service

Santo Domingo. We are providing details on certain matters but we are trying to administer the information because we want to provide those that are opportune. We do not want to appear as idiots bothering the Dominican families. [Presidential spokesman, November 5, 2004].

Paramoral

Barrancabermeja. Their are important questions such as social control (how women dress, the type of haircut men must use, among others) that paramilitaries impose in city neighborhoods or the massive stealing of gasoline by the paramilitary from the Ecopetrol pipeline that no one investigates or informs on because of fear.(FLIP report, April 2004)

To see previous reports:

MAY 2004

http://www.cadal.org/english/pdf/20050104_indicadores_ruiz.pdf

DECEMBER 2004

http://www.cadal.org/informes/pdf/20041220_indicadores_ruiz.pdf

(only in Spanish)

SOURCES

Freedom House (FH)

Reporters Without Borders (RSF)

Committee to Protect Journalists (CPJ)

Inter-American Press Association (SIP)

Institute of Press and Society - *Instituto de Prensa y Sociedad* (IPYS)

Amesty International (AI)

Human Rights Watch (HRW)

Office of the Special Rapporteur for Freedom of Expression of the Organization of American States (OAS)

Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression of United Nations (UN)

International Press Institute - *Instituto de Prensa Internacional* (IPI)

Latin American Federation of Journalists - *Federación Latinoamericana de Periodistas* (FELAP)

Association of Journalists of Barrancabermeja - *Asociación de Periodistas de Barrancabermeja* (Colombia)

Antonio Mariño Project - *Proyecto Antonio Nariño* (Colombia)

Foundation for the Freedom of Press - *Fundación para la Libertad de Prensa* (Colombia)

Association for the Defense of Human Rights in Colombia - *Asociación para la Defensa de los Derechos Humanos de Colombia* (ASDEH)

University of La Sabana (Colombia)

National Association of Journalists - *Asociacao Nacional dos Jornais* (ANJ)

National Federation of Journalists - *Federacao Nacional dos Jornalistas* (Fenaj)

Probidad (El Salvador)

Association of Journalists - *Asociación Periodistas* (Argentina)

House Commission of Freedom of Expression - *Comisión de Libertad de Expresión de la Cámara de Diputados de la Nación* (Argentina)

Argentine Journalism Forum - *Foro de Periodismo Argentino* (FOPEA)

Association of Argentine Entities of Journalism - *Asociación de Entidades Periodísticas Argentinas* (ADEPA)

National Association of Journalists of Peru - *Asociación Nacional de Periodistas del Perú*

Commite pro-Citizen Defence - *Comité Pro Defensa Ciudadana* (Chile)

Association of Uruguayan Press - *Asociación de Prensa Uruguaya* (APU)

Association of Journalists of El Salvador - *Asociación de Periodistas de El Salvador* (APES)

Centre of Informative Reports of Guatemala Agency - *Agencia Centro de Reportes Informativos de Guatemala*
(Cerigua)

Reporters of Mexico Fraternity - *Fraternidad de Reporteros de México*

Freedom of Information Mexico - *Libertad de Información México*

Journalists Union of Paraguay - *Sindicato de Periodistas del Paraguay*

National Union of Press Workers - *Sindicato Nacional de Trabajadores de Prensa* (Venezuela)

www.cubanet.org

www.nuevaprensa.org (Sobre Cuba)

www.encuentroenlared.org (Sobre Cuba)

www.upec.cu (Sobre Cuba)



The Centre for the Opening and Development of Latin America (CADAL), based in Buenos Aires, was incorporated as a Foundation on February 26 2003 with the object of strengthening democracies, rule of law and the economic freedom in the countries of the region. To that end, CADAL carries out activities analyzing, investigating, promoting and training in the following areas: Latin American Politics, Human Rights, Journalism and Democracy, Economy and Rule of Law, Modernizing the Political Parties, and Development and Institutional Communications. CADAL has received two international awards for its work: “2005 Templeton Freedom Award Grant for Institute Excellence” y “2005 Francisco De Vitoria Prize for Ethics and Values”.



The Konrad Adenauer Foundation is a German political foundation founded in 1964, related to the Christian Democrat movement and is honored with the name of the first Federal Chancellor. The Foundation’s activities both in Germany as in the rest of the world are guided by the same principles that inspired Konrad Adenauer’s work. The Konrad Adenauer Foundation’s objectives in international cooperation are centered on maintaining peace and freedom in the entire world, strengthen democracy, fight against poverty and conserve the natural life environment for future generations.



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THE WORST AREAS IN LATIN AMERICA TO PRACTICE JOURNALISM

JUNE 2005



REFERENCES:

■ (A) BLACK AREA

The practice of freedom of press is forbidden by law and the law is enforced.

■ (B) RED AREAS

The practice of freedom of press is protected by law, but the State does not protect it - up to the point that the journalist/media is at immediate physical risk. This category includes every case in which authorities were involved in a crime against journalists. The red area can be more dangerous for the journalist's life than the black area; however, there may be more freedom of press in the red area. Democracies that have not managed to build effective national states offer the liberties and the risks of an anarchic situation.

■ (C) BROWN AREAS

The law protects freedom of press but there exists a harassment of the media. Nevertheless, those who practice journalism are not at immediate physical risk.