



2006 Annual Report

AMERICAS

A PERILOUS CONTINENT, BOTH NORTH TO SOUTH

Seven journalists and one media assistant were killed while doing their job in 2005 in the continent, which remained a dangerous place for the media even though the right to inform the public is recognised in every country except Cuba – still the world's second biggest prison for journalists after China since a crackdown on dissidents in spring 2003.

Twenty journalists arrested then are still imprisoned in very poor conditions and the regime jailed three more in summer 2005. Independent media continue to be hounded by state security agents and the police. If they are not thrown in prison, Cuban journalists are faced with close surveillance or exile.

Press freedom in other countries remains weak. Colombia is still in the grip of its 40-year civil war and drug trafficking seriously hinders journalists' freedom of movement and expression in Mexico. Physical attacks and threats are increasing in Peru and the Venezuelan government now has a range of laws that have made journalists censor themselves. A journalist was imprisoned in the United States for the first time for refusing to reveal her sources.

Mexico replaced Colombia as the continent's most deadly country for journalists and in the first week of April 2005 two were murdered and a third vanished. Alfredo Jiménez Mota, of the daily *El Imparcial* in Hermosillo (in the northwestern state of Sonora) went missing on 2 April. Gunmen fired 8 bullets at Dolores Guadalupe García Escamilla, a journalist with radio station *Estéreo 91 XHNOE* in Nuevo Laredo (Tamaulipas state), in front of the station on 5 April and she died 11 days later. Raúl Gibb Guerrero, publisher of the regional daily *La Opinión*, was chased by gunmen in two cars in Papantla (in the eastern state of Veracruz) on 8 April and shot dead a few yards from his home. This brought to 16 the number of journalists who have been killed or have disappeared since 2000.

In Colombia, the media hesitates to mention topics such as pervasive corruption, drug trafficking or violence by armed groups. The country's civil war also affects the media and journalists are hounded by guerrillas (mainly the Revolutionary Armed Forces of Colombia – FARC), paramilitaries and drug-traffickers who all try to use the media for their own propaganda. Eight journalists were forced to flee their region and sometimes the country during the year. The murder of Julio Palacios Sánchez, of *Radio Lemas*, on 11 January in Cúcuta, once again highlighted the fact that being a journalist in Colombia is a matter of life and death.

GROWING LAWLESSNESS

Physical attacks and threats and harassment of journalists in Peru increased to more than 80 during the year, often involving officials or government employees.

The Haitian media enjoyed a degree of freedom after the fall of President Jean- Bertrand Aristide in February 2004, but his supporters are still aggressive. The presence of US peacekeepers (MINUSTAH) has not curbed rising lawlessness, especially kidnappings, among them the seizure and murder in July of Jacques Roche, cultural editor of the daily *Le Matin*. His kidnapping began as a routine affair but changed when the kidnappers realised who he was and that he had once been involved with the anti-Aristide Group of 184.

The investigation into his death made rapid progress, but those into the murder in 2000 of Jean Dominique, boss of *Radio Inter*, and Brignol Lindor, of *Radio Echo 2000*, in 2001, remained stalled, suggesting deeply-rooted impunity.

The political and media battle in Venezuela between supporters and opponents of President Hugo Chavez seemed to calm down in 2005 but this was mainly due to a new measures restricting the media. A referendum in August confirmed Chavez in power, divided his opponents and leaving him free to settle scores with the privately-owned media he accused of being behind his brief overthrow in April 2002.

He promulgated a law in December 2004 about the media's "social responsibility," giving the national telecommunications commission, Conatel, power to ban radio and TV stations that "encourage, justify or incite war, criminal offences or disturbance of the peace."

Amendments to the criminal code that came into force in March 2005 expanded the range of media offences and increased penalties, including between six months and two and a half years in prison (up from just three months) for offending the president, with a 30% higher penalty if the insult was made publicly. So far the government and courts have not applied the new penalties but they have led the media to censor themselves.

Press freedom was also undermined in North America, where the privacy of journalistic sources became the centre of judicial battle that is not yet over. In Canada, several court decisions threatened sources and in the United States, *New York Times* journalist Judith Miller spent three months in prison for defending it. Her jailing on 6 July was a drama in a country whose constitution says nobody shall be prosecuted for their opinions or writings. Miller had not even written anything about the case involving Valerie Plame, a CIA agent who was illegally named in the press in 2003. Miller had won a similar case before a New York court on 24 February. So far, 31 US states have recognised the right to privacy of sources, but federal authorities do not. Two bills to defend it were introduced in Congress in February and remain to be debated.

The press freedom record was mixed in Brazil, where investigative journalist José Candido Amorim Pinto, who worked for a community radio station in the northeastern state of Pernambuco and was also a town councillor, was murdered on 1 July after exposing corruption. But the seven convictions in the 2002 murder of *TV Globo* journalist Tim Lopes showed that impunity was being rolled back somewhat.

The continent's media still face abuses of power by central governments, as in Argentina, where its relations with President Néstor Kirchner are tense. South America's two biggest countries are still attached to "gag laws." Brazil's 1967 press law, a holdover from the 1964-85 military dictatorship allowing prison terms for press offences, has still not been repealed and is sometimes used against provincial media investigative journalists.

A bill was debated by Argentina's chamber of deputies to only release official information of "legitimate interest" and carrying civil and criminal penalties for institutions and officials, including the media.

The continent's "good" countries for press freedom are not the most obvious ones. Despite chronic political instability and few solid democratic habits, attacks on press freedom are still rare in Bolivia, Ecuador and Paraguay and in Central American countries only recently recovered from civil wars. Uruguay also still has its reputation as the "Switzerland of Latin America" despite physical attacks on investigative journalists.

Benoit Hervieu
Head of Americas desk

ARGENTINA

The provincial media still faces much pressure and official abuses and at national level relations are tense between the press and the government, which uses distribution of public advertising as a weapon. Press freedom may also be undermined by a proposal to limit access to public information.

President Néstor Kirchner prefers to deal directly with people, through dialogue and action, rather than through the media, the Inter American Press Association noted in March 2005 after a fact-finding mission to Argentina. The president strongly criticised the report as being inspired by the country's major press groups, notably *La Nación*, which has been condemned for its complicity with the 1976-83 military dictatorship.

The media complains the government does not

invite some journalists to cover official voyages, releases very little official information, puts pressure on government officials and uses distribution of public advertising as a political weapon.

The situation is not good in the provinces. Mariano Saravia, of the Córdoba daily *La Voz del Interior*, who wrote a book about police behaviour during the dictatorship, was frequently threatened and legally hounded. Leandro López, of the daily *El Sol*, in Concordia (in the eastern province of Entre Ríos), was beaten up on 10 October in a police station where he had gone investigate a road accident. Journalists elsewhere were beaten by officials who were not punished.

A bill was debated by the federal chamber of deputies to only release official information of "legitimate interest" and providing for civil and criminal penalties for institutions and officials, including the media.

BOLIVIA

Political and social unrest in 2005 saw the forced resignation of President Carlos Mesa in June, in a row over nationalisation of gas reserves, and his replacement by former supreme court judge Eduardo Rodríguez until the December election of coca farmers' leader Evo Morales. The media was not affected by this instability and

remained free. However, *Bolivisión* TV cameraman José Luis Conde was beaten on 28 April by officers of the La Paz military college where he had gone to film a ceremony, and reporter Freddy Calderón, of the TV station *ATB canal 9*, was physically attacked in Oruro on 22 July by drug traffickers he disturbed during a road accident.

BRAZIL

One journalist was killed and another survived a murder attempt during 2005. The media, especially outside big cities, is still ruthlessly targeted when it does investigative reporting. Though rarely applied, the harsh 1967 press law continues to give rise to unjustified prosecutions.

Reporting on sensitive topics is still risky in several Brazilian states. José Cândido Amorim Pinto, who presented an investigative programme on *Rádio Comunitária Alternativa* and was also a town councillor, was shot dead on 1 July in Carpina (in the northeastern state of Pernambuco) after escaping an earlier attempt to kill him on 21 May. He had exposed corruption and nepotism by the mayor of Carpina and a member of parliament. Mauricio Melato Barth, owner and editor of the paper *Infobairros* in Itapema (in the southern state of Santa Catarina), was seriously wounded on 23 March when two masked men waiting outside his home fired at him at close range. He too had angered local politicians by his reporting. A driver for two journalists on the regional daily *Diário do Nordeste*, José Maria Ramos da Silva, was shot dead

on 26 October in the northwestern city of Fortaleza.

Journalists are often targeted by officials and the owner/columnist of the weekly *Primeira Pagina* (in the central state of Tocantins), Sandra Miranda de Oliveira Silva, was threatened by the state governor, whose actions she had criticised.

Although Brazil signed the 1994 Chapultepec Declaration on freedom of expression, the 1967 press law passed under the 1964-85 military dictatorship has never been repealed. It says "insults" and "libel" are crimes and punishes press offences with prison sentences, which can be increased if a public official has been targeted.

José de Arimatéia Azevedo, editor of the website *Portal AZ* in Teresina (in the northeastern state of Piauí), was arrested under this law and held two days for "insults" and "trying to influence a legal matter." The law was also used in 18 lawsuits brought against editor Lúcio Flavio Pinto, of the fortnightly *Jornal Pessoal* in Belém (in the northern state of Pará), who had criticised local officials in connection with drug trafficking, deforestation and corruption.

CANADA

Press freedom is in generally good shape despite several court rulings that threatened the secrecy of journalistic sources, including one case where a journalist was declared in contempt of court. 2005 was also marked by a brutal attack by three Iranian embassy security agents on

Canadian-Iranian documentary filmmaker Masoud Raouf in Ottawa on 17 June while he was trying to cover the Iranian presidential election activity inside the embassy. During the year, one journalist was briefly arrested and then released with apologies by police.

CHILE

The Chilean media continues to be one of the freest in Latin America. However, the offices of the nationwide TV station *TVN* in Valparaiso were daubed with swastikas and death threats to its journalists on 15 July 2005 from neo-Nazis after a programme about them was broadcast. Fifteen years after the fall of the Pinochet dictatorship (1973-90), the authorities have still not reco-

gnised the rights of the Mapuche indigenous minority and their spokesman, Pedro Cayuqueo Millaqueo, editor of the magazine *Azkintuwe*, was sentenced on 2 June to spend 41 nights in prison. This was for not paying a fine imposed in 1999, when he was jailed for 61 days for occupying land that had been seized from the Mapuche. Some thought his magazine was the real target.

COLOMBIA

The country is still one of the region's most dangerous for journalists, with constant threats and pressure, including from guerrilla groups. Among taboo subjects are corruption, the guerrilla war and drug trafficking. More journalists fled into exile in 2005 after getting threats.

News is a key commodity in Colombia's civil war that all sides try to control by monitoring, threatening or punishing journalists. Hernán Echeverri Arboleda, of the fortnightly magazine *Urabá Hoy*, kidnapped in January 2005 by the Revolutionary Armed Forces of Colombia (FARC) guerrillas, was released in April after his family and colleagues agreed to publicise a FARC message condemning the "excesses" of the authorities in the Antioquia region. No ransom was asked for, as the only aim

was to get the message out.

Other attacks on journalists included with the 11 January murder of Julio Palacios Sánchez, of *Radio Lemas*, in Cúcuta, many death threats to editors of regional papers during the local election campaign in Cartagena and the flight from their region, and sometimes into exile abroad, of eight journalists, including Daniel Coronell, of the TV station *Canal Uno*.

The southwestern province of Valle del Cauca is typical of conditions for the country's journalists. The media there are under pressure from the FARC, the paramilitaries, drug traffickers and local politicians objecting to investigations into their doings, editorial opinions or failure to put out certain news items. For every word they write or broadcast, journalists risk being accused by one side of favouring the other.

CUBA

Press freedom worsened in 2005 with a new crackdown on dissidents during the summer that included three journalists, who joined 20 others imprisoned since the wave of arrests in March 2003.

Cuba is still the world's second biggest prison for journalists. Seven were freed in 2004 and two in 2005, but the past year saw the arrest of Oscar Mario González Pérez, of the independent news agency *Grupo de Trabajo Decoro*, in Havana on 22 July. He was charged under law 88 on protection of "the Cuban economy and national independence" but was not tried. A few days earlier, Roberto de Jesús Guerra Pérez, who worked for the websites *Payolibre* and *Nueva Prensa Cubana* as well as *Radio Marti*, was jailed for "disturbing the peace."

Albert Santiago Du Bouchet Fernández, of the *Havana Press* news agency, was sentenced to a year

in prison on 9 August for "civil disobedience" and "resisting arrest." The same day, Lamasiel Gutiérrez Romero, of *Nueva Prensa Cubana*, was given a seven-month suspended jail sentence. He was imprisoned on 11 October when he resumed working.

The mental and physical health of many of the 20 journalists jailed since the March 2003 crackdown seriously declined in 2005. They were being held in poor conditions and most were very demoralised. Poet and journalist Raúl Rivero, freed in November 2004, wrote an article in the Spanish daily *El País* supporting them. Victor Rolando Arroyo Carmona staged a 25-day hunger strike, showing the increasing desperation of the imprisoned journalists. Independent journalists in Cuba are constantly hounded by the regime, by beatings, eviction from their homes and frequent summonses by the police when for several hours they are insulted and threatened with imprisonment.

ECUADOR

The media suffered in 2005 from the major political crisis that led to the overthrow of President Gutiérrez.

The fall of President Lucio Gutiérrez in April took a toll on the media, with which he had a very tense relationship. Chilean freelance photographer Julio Augusto García died while covering a demonstration calling for the president's resignation. The offices of *Radio La Luna*, which strongly opposed

Gutiérrez, were attacked twice and also fired on. Daniela Kraemer, correspondent of the Spanish daily *El País*, was roughed up by a crowd demonstrating against the new president, Alfredo Palacio. The media remains under pressure from the new regime, with the tapping of the phones of local TV station *Teleamazonas* reporters Milton Pérez and Maria Fernanda Zavala and also the hounding of Paco Velasco, of *Radio La Luna*, by opposition MP Alfonso Harb.

GUATEMALA

The 1960-96 civil war still affects people's attitudes and behaviour and since 2002, former paramilitaries involved in many rights violations have demanded extra compensation from the government for "services to the country." The media has several times been victim of their anger. On 1 March 2005, Erwin Silva, Carlos García, of the TV station

Telediario, and Carla Solórzano, of *Radio Universidad*, were beaten by shovels and machetes during a demonstration by ex-paramilitaries in the capital on 1 March. Rolando Hernández and Arnulfo Ortiz, of the TV station *Vanguardia Informativa*, and Edwin Paxtor, of *TV Enfasis*, were similarly attacked in the southeastern town of Chiquimula on 11 July.

HAITI

The shock of the July 2005 murder of journalist Jacques Roche, literary columnist for the daily paper *Le Matin*, marred the fairly good prospects for the media since the fall of President Aristide, even though his supporters have not disarmed and the interim government has not ended impunity.

The record of the interim government that replaced President Jean-Bertrand Aristide in February 2004 has not been encouraging. Corruption has continued, along with impunity and increasing lawlessness that UN peacekeepers (MINUSTAH) have not managed to curb. Between May and October 2005, \$6 million was paid out to kidnapers and some 200,000 illegal weapons are in the hands of the population. Kidnappings were often by Aristide supporters who retain control of some parts of the capital. The media has also been victim of this situation.

A shootout between UN troops and Haitian ex-soldiers in the town of Petit-Goâve on 20 March killed radio journalist Laraque Robenson, of *Tele Contact*. Richard Widmaier, owner of *Radio Métropole*, escaped a bid to kidnap him on 11 June and five days later, Nancy Roc, presenter of the station's programme "Metropolis," fled abroad after getting telephoned kidnapping threats for a week.

Journalist Jacques Roche, cultural editor for the daily *Le Matin*, was kidnapped on 10 July in Port-au-Prince and his tortured body found four days later in the street. The kidnapping began as a routine affair but changed when the kidnapers realised who he was and that he had once been involved with the anti-Aristide Group of 184.

The investigation into his death made rapid progress, but those into the murder in 2000 of Jean Dominique, boss of *Radio Inter*, and Brignol Lindor, of *Radio Echo 2000*, in Petit-Goâve in 2001, remained stalled. Despite promises made to a Reporters Without Borders fact-finding mission in 2004, nobody has been punished in these two cases.

After nearly a year's gap, a new judge was named on 3 April 2005 to investigate the Dominique murder, five years to the day after the killing, but he had no resources. Three suspects in the case escaped from prison in February and the masterminds have never been arrested.

The Lindor murder case-file has been pending before the supreme court since 21 April 2003. One of the suspected killers was arrested by local people on 30 March 2005 and handed over to police but for another offence.

MEXICO

The country became the most dangerous in Latin America for journalists in 2005, with two murdered and a third who vanished, all in early April. Impunity reigns despite apparent efforts by the federal government.

Gunmen fired 8 bullets at Dolores Guadalupe García Escamilla, a journalist with radio station *Estéreo 91 XHNOE* in Nuevo Laredo (Tamaulipas state), in front of the station on 5 April and she died 11 days later. Raúl Gibb Guerrero, publisher of the regional daily *La Opinión*, was chased by gunmen in two cars on 8 April in Papantla (in the eastern state of Veracruz) on 8 April and shot dead a few yards from his home, apparently by hired killers. He had recently written about drug trafficking and petrol smuggling.

Alfredo Jiménez Mota, of the daily *El Imparcial* in Hermosillo (in the northwestern state of Sonora), has been missing since 2 April 2005. He specialised in security and drug-trafficking matters and was due to meet a contact, a federal official, when he disappeared.

Sixteen journalists have been killed or have vanished while doing their job since 2000. Three others were killed in 2005 but not apparently

because of their work. Benjamín Fernández, a commentator with *Radio Loma*, survived an attempt to kill him on 6 November in Loma Bonita (in the southern state of Oaxaca). Relations between the media and the authorities are very tense in Oaxaca, where allies of Governor Ulises Ruiz Ortiz frequently obstructed the operations of the local daily *Noticias de Oaxaca* from June 2005 onwards.

Organised crime, often linked with corrupt local officials, is the main reason for worsening press freedom in Mexico, especially along the border with the United States, where smugglers reign. Many journalists, seeing colleagues killed, choose self-censorship to avoid being the target of reprisals.

Since the June 2004 killing of Francisco Javier Ortiz Franco, of the weekly paper *Zeta* in Tijuana, on the northwestern border with the US, federal officials have formally been in charge of investigating murders of journalists. However, a special prosecutor's office to handle crimes against the media promised by the federal government has never been set up, so the murder enquiries have made no progress and impunity has increased.

NICARAGUA

Press freedom improved in 2005, starting with the jailing for 25 years of former El Ayote mayor Eugenio Hernández on 27 January for killing the local correspondent of La Prensa and Hoy, María José Bravo, on 9 November 2004. But Heberto Jarquín Manzanares, of La Prensa, was

threatened by an ex-paramilitary he reported had links to the lumber industry mafia. The magazine *Trinchera de la Noticia*, which backs currently-jailed former president Arnoldo Alemán, was shut down on 15 June, officially for “tax evasion,” showing that political tension is still high.

PARAGUAY

Press freedom is satisfactory despite civil liberties still not being taken for granted after 35 years of dictatorship (1954-89). The few attacks on the media mostly target provincial community radio stations that criticise local officials.

The offices of the station *Quebracho Poty*, in the northeastern town of Puerto Quebracho, were burned down on 2 August 2005 in a petrol bomb

attack. The station *Nemity FM*, in the northern town of Capiibary, was shut down the same month and its equipment seized by order of the local prosecutor for supposedly broadcasting illegally. Nicolás Sotelo, head of *FM San Juan*, in the southern town of San Juan del Paraná, was physically attacked and threatened with a revolver at the station on 10 October by Aldo Lepretti, a local politician who had been criticised on the air.

PERU

The authorities appear little interested in freedom of expression and physical attacks and obstruction of journalists have significantly increased.

More than 80 physical attacks and threats against journalists were recorded in 2005 (a dozen more than the previous year), many of them involving unscrupulous officials and politicians trying to silence reporters investigating their activities.

José Antonio Simons Cappa, editor of the magazine *El Huinsho* (in the central-northern town of Yurimaguas), was attacked by two town officials on 2 March. Hugo González Hinostraza, of the daily *Expresión* (in the western town of Huaraz), received death threats on 6 August apparently from allies of the ex-mayor of Yungay, Amaro León León, whose involvement into the February 2004 murder of reporter Antonio de la Torre Echeandia, of the local radio station *Orbita*, he had been investigating. Bettina Mendoza, of *CPN Radio*, was also physically attacked in Lima by Peru's ambassador to Spain, Fernando Olivera Vega, on 28 April.

Peruvian courts did not punish these violators of press freedom, preferring to convict journalists for defamation. Julio Jara Ladrón de Guevara, managing editor of the daily *El Comercio* in the southern city of Cuzco, and radio journalist Luis Aguirre Pastor, were given suspended prison sentences of

one and two years respectively. A former regional government official, Rafael Córdova Paliza, had sued Ladrón de Guevara after his paper suggested he was a crook. Aguirre Pastor was sued after he said local officials were involved in gold and timber smuggling.

These court rulings clearly violated article 11 of the freedom of expression declaration of the Inter-American Human Rights Commission that says public officials must expect closer scrutiny by society and that laws punishing criticism of them violate freedom of expression and the public right to information.

Journalists in some regions where local authorities were contested were obstructed by indigenous communities that attacked radio and TV reporters. Luis Alberto Peña Vergaray, of *Radio Nieva Televisión*, and his interpreter-guide Eduardo Arrobo Samaniego were kidnapped on 6 May in the Amazonian province of Condorcanqui while investigating the 21 April murder of four health ministry officials in Pampa Entsa. Miguel del Carpio Tananta, of the local *Frecuencia 5* municipal TV station and *Radio Marginal*, in the northwestern town of Tocache, was forced to flee the town on 5 April after getting death threats from coca farmers who accused him of being a government agent.

UNITED STATES

The imprisonment of reporter Judith Miller was an unprecedented setback for press freedom in the United States and a milestone in the long legal battle to protect the privacy of journalistic sources. Two measures ensuring such protection at federal level are awaiting consideration by Congress.

New York Times reporter Judith Miller was jailed on 6 July 2005 for refusing to reveal her sources in a case involving the Bush administration. After more than three months she agreed to reveal them. This latest episode in the fierce legal battle over privacy of sources was a serious setback for press freedom in the country where two *Washington Post* journalists forced President Richard Nixon out of office 31 years earlier. Miller's imprisonment was unprecedented but another journalist, Jim Taricani, was released from four months house arrest on 9 April for refusing to reveal sources and during which he was also banned from giving interviews or using the Internet.

Miller and *Time* magazine reporter Matthew Cooper were each sentenced by a federal appeals

court to 18 months in prison for "contempt of court" because of their refusal to reveal their sources to a grand jury investigating the case of Valerie Plame, who had been illegally named as a CIA agent in the media in 2003. Federal Judge Thomas F. Hogan gave the pair one week on 29 June to disclose their sources. *Time* and Cooper immediately agreed and handed over notes and tapes, but the *New York Times* refused and Miller spent three and a half months in prison until she changed her mind. Yet she had not actually written a word in the paper about the Plame case.

The case illustrated the confusion in the United States over privacy of sources. Miller won a similar case before a New York court on 24 February. So far, 31 US states have recognised the right to privacy of sources, but federal authorities do not. Two bills were introduced in Congress in early February to protect sources but are still to be debated. Meanwhile, the District of Columbia federal appeals court on 3 November upheld a \$500 a day fine on four journalists as long as they refused to reveal their sources in another leak case also involving the federal government.

URUGUAY

The country kept its good regional reputation for press freedom in 2005 but investigative journalism was still a risky business.

The “Switzerland of Latin America” has still not fully investigated the years of dictatorship (1973-84), when the media was supposed to “serve the national interest” and opposition journalists disappeared. Things were supposed to change when left-wing President Tabaré Vasquez took office in February 2005 with a promise to open the old files.

Physical attacks and threats against journalists are rare but two of the three such incidents during

the year involved Marcelo Borrat, co-presenter of the programme “The Hippocratic Oath” on the radio station *AM Libre 1410* and the station *TV Libre*.

He and a colleague, Gustavo Martínez, received many telephoned death threats in May and on 24 May got an e-mail warning them there would be “no more threats, but results.” The two journalists were making a programme about privately-owned mutual insurance companies suspected of embezzling health service funds. Borrat was briefly kidnapped by hooded men in Montevideo on 17 October, insulted, beaten and documents and a mobile phone stolen. He was received by the interior minister and given a bodyguard.

VENEZUELA

The media battle between supporters and opponents of President Chavez subsided a little in 2005 but unfortunately mainly because of a new law about the media's "social responsibility" and amendments to the criminal code, both curbing freedom of expression and encouraging self-censorship. However, the government and the courts did not make use of the new measures.

"Here we have freedom of opinion but not longer freedom of expression," is how one Venezuelan writer who switched from supporter to opponent of President Hugo Chavez, summed up the tension or contestatory atmosphere. Chavez won his gamble to marginalise the opposition by winning an August 2004 referendum with 60% approval (on 70% turnout). But his opponents continued their six-year battle largely through the media.

Chavez promulgated a law on 7 December 2004 defining the "social responsibility of the media," giving the national telecommunications commission, Conatel, power to ban radio and TV stations that "encourage, justify or incite war, criminal offences or disturbance of the peace" and provides for heavy fines and cancellation of broadcasting licences.

Amendments to 38 articles of the criminal code came into force on 16 March 2005, five of them directly concerning press freedom. The new article 148 provides for between six months and two and a half years in prison (up from just three months) for offending the president, with a 30% higher penalty if the insult is made publicly.

The definitions of offences are vague. The new article 297A provides for between two and five years in jail for news likely to "create panic" put out by the media but also by phone or e-mail. Article 444, on defamation, punishes by between one and three years in prison material that exposes anyone to "public contempt or hatred." Article 446 punishes "damage to the reputation" of anyone by between six months and a year in prison, and up to

two years if this is done through the media.

So far the government and courts have not applied the new penalties but they seem to have subdued the media and cancelled out its role as a counter-balance to government power.

Conatel officials and soldiers entered the offices of *Radio Alternativa 94.9 FM* in Caracas without warning on 10 May 2005 and seized broadcasting equipment, saying the station had no permission to broadcast. The frequency had been reassigned to another station in September 2004 after *Radio Alternativa*, on the air since 2000, had tried in vain to get a licence. Conatel however broke the law by not making an administrative investigation before taking action.

Other government hounding of the media included the violent arrest by apparent military intelligence officers of two journalists of the daily *Ultimas Noticias* near the presidential palace on 29 June because they had not received permission from a senior pro-government official to take pictures. Another photographer, from the daily *El Nuevo Pais*, was beaten and taken away in a military jeep the same day for the same reasons and freed eight hours later in the middle of the night.

Violence and harassment of the media also came from students, who burned the offices of the daily paper *Frontera* in Mérida on 12 June and kidnapped staff of the daily *Notitarde* in Valencia on 28 October.

No progress was meanwhile made in the case of the September 2004 murder of Mauro Marcano, of *Radio Maturín* and columnist for the local daily *El Oriental*, in Maturín (in the northeastern state of Monagas), who had exposed links between Colombian drug traffickers and top Venezuelan police and military officers, who have not been questioned in the case.