



Testimony before the Subcommittee on the Western Hemisphere

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Threats to Press Freedom in the Americas

I would like to commend Chairman Duncan and the members of the House Subcommittee on the Western Hemisphere for holding this important hearing and for providing the Committee to Protect Journalists with the opportunity to testify before you. My name is Carlos Lauría, and I am CPJ's Americas senior program coordinator. CPJ is an independent, nonprofit organization dedicated to defending press freedom and the rights of journalists worldwide. It is an honor to speak to you today.

What I have experienced in more than a decade at CPJ is that while the Latin American media are certainly freer and more vibrant now than during previous decades, journalists in the region continue to face serious challenges on different fronts. The regional press continues to hold governments accountable, exposing corruption and human rights abuses in the face of ongoing threats by organized crime and officials in their attempts to thwart freedom of expression.

Despite the strong tradition of independent, investigative, and critical media in many countries of the region, journalists are increasingly vulnerable to both violence and government harassment. More than 30 years after democratization in the region, transnational criminal networks have extended their sway and spread a wave of unprecedented violence across Latin America. Scores of journalists have been killed and disappeared. Media outlets have been bombed and forced into

ensorship. The consequences are devastating: many regional democracies have deteriorated due to political instability and weakened institutions.

In this environment, coverage of crime, corruption, and other sensitive issues has made journalism a high-risk profession. Censorship due to violence in Latin America has reached one of its highest points since most of the region was dominated by military rule more than three decades ago, CPJ research shows.

Violence tied to drug trafficking has made Mexico one of the most dangerous countries in the world for the press, according to CPJ research. More than 50 journalists have been killed or have disappeared since 2007. Nowhere is that more evident than in Veracruz, the most dangerous state in Mexico. At least 11 reporters have been killed since 2011, four of them in direct reprisal for their work, according to CPJ research. At least three journalists have disappeared in the state in the same time period.

The problem of violence has gone far beyond the journalistic profession and affects all of society. Mexicans are unable to make informed decisions because of the difficulties the press faces in its daily work. An uninformed society is a less transparent and less democratic one. Compounding the problem of violence is a climate of pervasive impunity. Crimes against the press are almost never solved, not only as a result of negligence and incompetence but also because of widespread corruption among law enforcement officials, particularly at the state level.

The 2013 approval of the constitutional amendment that gives federal authorities greater jurisdiction over crimes against freedom of expression was a step forward as it changed the legal framework for the protection of this fundamental human right. Breaking the cycle of impunity surrounding crimes against the press is Mexico's greatest challenge. Legal changes, although necessary, will be insufficient without strong political will from President Enrique Peña Nieto's administration.

Amid the violence and volatility caused by organized crime and corruption in Central America, Honduras and Guatemala have also experienced an alarming increase in the number of attacks against the press. Near-complete impunity for these crimes means the cases go mostly unresolved and the motives unexplained, a CPJ report published in September found.

Honduras and Guatemala, two of the world's deadliest countries according to United Nations statistics, are beset by impunity and in neither country is it clear who or what is behind the violence. This uncertainty has worsened the tense climate in Central America, which is experiencing widespread violence and a collapse of the already limited rule of law due to a rise in organized crime activity. The influx of gang members deported from the U.S., the increasing presence of Mexican drug cartels, and the lingering divisions and institutional weakness from political violence and conflict in the 1970s and 1980s are affecting the entire region. But these problems have not manifested into attacks against journalists as harshly in other countries where violence is rampant, like El Salvador—where, CPJ research shows, the most recent murder of a journalist in relation to his work was in 2011—as they have in Honduras and Guatemala.

Outside the capital cities of Honduras and Guatemala, where the rule of law is particularly fragile and organized crime groups exert control, journalists see threats everywhere and are reluctant to report on sensitive issues. The press in the capitals Tegucigalpa and Guatemala City is afraid that the space for critical reporting is declining under governments they view as intolerant to dissent. In both countries, as a result, the public is being deprived of vital information at a critical moment.

Despite Brazil's image as an international political and economic leader and its position as the host of next year's Summer Olympic Games, the country has become one of the most dangerous in the world for the press. According to CPJ research, at least 16 journalists have been killed in direct reprisal for their work since January 2011, while six others were murdered in unclear circumstances. Two journalists were murdered in less than one week in May with levels of brutality—one was decapitated and the other tortured and mutilated—previously unheard of in the country.

Unlike countries around the world where journalists are killed regularly, the Brazilian justice system has made significant strides in the past two years, achieving a record of at least six convictions in journalist murder cases. While this is an encouraging sign, in all but one of these cases, the chain of accountability has ended with the hit men.

The faltering justice in these cases may be related to the victims' lack of national prominence—most were provincial journalists outside of major urban centers—and the nature of what and whom they were investigating when they were killed. Sixty-five percent of journalists murdered in Brazil were reporting on corruption and in 52 percent of the cases the suspected perpetrators are government officials, according to CPJ research.

In a meeting with a CPJ delegation in May 2014 to discuss the climate for press freedom, President Dilma Rousseff told CPJ her administration was committed to pursuing a goal of “zero impunity” in journalists' murders. Rousseff said her administration would push to implement a mechanism to protect journalists under imminent risk and support legislative efforts that would allow crimes against free expression to fall under federal jurisdiction. More than a year later, these efforts have stalled. While deadly violence against the press continues to rise, the presidential election last October put concrete measures on hold and hindered legislative action.

In the lead-up to the 2016 Rio Summer Olympic Games, the president will have to grapple with many problems, including a sluggish economy, the unfolding corruption scandal within the state oil company, and the prospect of renewed protests like those that erupted around the 2014 World Cup. Precisely at those times, Brazil needs a vibrant, independent press that can freely report on these matters and carry out its work without fear of reprisal. In the next year, the world's fourth-largest democracy will receive a flood of tourists and find itself under the spotlight of international media attention. Before that occurs, President Rousseff needs to go beyond rhetoric and make good on her promise to protect the press and combat impunity.

The eastern border between Brazil and Paraguay is yet another particularly dangerous region in Latin America for journalists. Pedro Juan Caballero and other Paraguayan border cities have become havens for smugglers of everything from cocaine and marijuana to cigarettes and

electronics. There are widespread allegations of collusion between local politicians and drug smugglers, some of whom react violently when they come under scrutiny from the news media.

For example, on October 16, 2014, a well-known border reporter for the national daily *ABC Color*, Pablo Medina Velázquez, was shot to death. Medina had received numerous death threats in response to his reports on cocaine and marijuana trafficking on the border. In Pedro Juan Caballero, two journalists have been gunned down in the past two years. CPJ research shows that five journalists have been killed for their work in Paraguay since 1992, including Medina's brother, radio journalist Salvador Medina, who was murdered in 2001 after reporting on smuggling. As a result of factors ranging from botched investigations to official misconduct, none of the masterminds behind these killings have been convicted or imprisoned, judicial officials told CPJ.

While security in Colombia has improved in recent years and the number of journalists killed has decreased drastically in the last decade, impunity is entrenched and threats and violence against journalists continue, according to CPJ research. Problems such as overloaded prosecutors and mishandling of evidence have delayed criminal investigations for years.

CPJ, which began tracking the killings of journalists in 1992, has documented 46 journalists killed directly for their work in Colombia, and an additional 36 killings in which the motive is not clear. Even when the killers are caught and convicted, the masterminds who target reporters nearly always remain free, CPJ research shows. Investigations often fall apart due to problems such as overburdened prosecutors, a lack of information sharing, mishandling of evidence, and malfeasance by judicial officials.

In a historic conviction, in June former regional Assemblyman Francisco Ferney Tapasco González was sentenced to 36 years in prison for masterminding the 2002 killing of prominent Colombian journalist Orlando Sierra Hernández, deputy editor of the daily *La Patria*. The convictions marked the first time that everyone involved in a journalist's murder had been brought to justice, but as of July 2015, all three men had yet to be apprehended. In a meeting with a CPJ delegation in May, President Juan Manuel Santos pledged to make the fight against impunity a priority of his administration.

Besides the issue of violence, the second most persistent problem facing the Latin American press is the series of judicial, legislative, and regulatory restrictions placed on the press by democratically elected governments that seek to control the flow of information and stifle dissent. Showing disdain for the institutions of democracy, several governments are seeking to suppress dissent, limit critical voices, and censor news that undermines their public positions. Describing critical journalists as the unelected opposition, these governments have become increasingly intolerant to media criticism.

Venezuela provides the most blatant example of intolerance toward different views and opinions. The government of President Nicolás Maduro has employed an array of tactics to weaken the few remaining critical media outlets in Venezuela, according to CPJ research. In recent years, private media outlets, such as the Globovisión TV station and *El Universal* newspaper, have been sold to business groups with alleged ties with the government. As a result, both have toned

down their coverage. Most TV and radio stations are either pro-government or rarely question official policies. *Tal Cual*, a harshly critical newspaper that faced seven government lawsuits as well as tax investigations, scaled back its print edition from six days per week to just a single weekend edition in April and has laid off most staffers. Facing government lawsuits, rising costs, diminishing advertising revenue, and the illness of its founder, the 15-year-old newspaper has downsized in a last effort to survive.

Meanwhile, a newsprint shortage due to currency controls has curtailed the ability of many newspapers to circulate and has forced others out of business, according to CPJ research. The local press group Institute for Press and Society (IPYS) reported that between September 2013 and August 2014, 34 newspapers and magazines in 11 states had encountered difficulties securing newsprint. Some reduced their size or eliminated sections. Due to the newsprint shortage, six newspapers had closed and four others had temporarily stopped printing.

President Maduro's administration has regularly censored the news by ordering Internet service providers to block websites that provide the black market exchange rate, suppressing reports of economic upheaval, and taking a fiercely critical 24-hour news international cable station off the air. Today, most critical media outlets are either gone or scared into silence, and a vast state media conglomerate replicates the government's positions.

Nearly all of Venezuela's strategies and tactics to rein in and isolate critical journalists have been emulated by sympathetic governments across the region, from Nicaragua to Ecuador. But nobody has a better apprentice than Ecuadoran President Rafael Correa, whose policies have transformed the country into one of the hemisphere's most restrictive nations for the press, according to CPJ research. Journalists are routinely subjected to legal measures, defamation suits, and public insults, according to CPJ research.

More than two years after the enactment of the Communications Law, which went into effect on June 25, 2013, the legislation has led to dozens of sanctions, including fines approaching US\$100,000, and many decisions are still pending. The law is filled with ambiguous language demanding that journalists provide accurate and balanced information or face civil or criminal penalties. It also demands press coverage of events of "public interest" such as presidential visits. The law has resulted in dozens of fines and sanctions against independent news media, and the overall impact of the law, described by experts as one of the most restrictive promulgated in Latin America in the last decade, has been chilling for journalists trying to do in-depth reporting, according to CPJ research.

Even before the Communications Law was passed, Ecuadoran journalists were under siege. President Correa successfully sued *El Universo* as well as two investigative reporters who wrote a critical book about his brother. During his Saturday TV broadcasts, which must be carried by all TV stations, Correa regularly berates the press as corrupt and calls journalists "ink assassins."

The official pressure has also led to a slump in advertising at some media outlets because companies don't want to be associated with news organizations that closely scrutinize government actions. Other legal measures have discouraged in-depth reporting, such as reforms

to the country's electoral law that prohibit biased reporting and allow candidates to sue news outlets that allegedly violate the law.

In the last few years, Cuba has made some strides in the press freedom landscape, including the 2013 reforms in legislation that allow political opponents and independent journalists and bloggers to travel internationally for the first time in decades. Also remarkable was the 2014 launch of prominent blogger Yoani Sánchez's news website *14ymedio*. While its content is inaccessible to most Cubans, who lack unfiltered connections to the Internet, its reporters have been able to work without serious restrictions. While there are still hurdles on the path to U.S.-Cuba normalization, the effect of such an extraordinary turn in the relationship between both countries could be positive for freedom of expression. As a result, journalists will hopefully be able to do their jobs without the ongoing threat of being imprisoned solely for reporting and expressing critical opinions, and with the possibility of having Internet access without filters, obstructions, or prohibitive costs. Changes won't happen overnight. In order to improve its record on free expression, Cuba must ratify and implement international human rights agreements in order to guarantee freedom of expression and information; end the use of detention, surveillance, and smear campaigns against independent journalists and bloggers; remove legal barriers to individual Internet access and extend access to the population at large; release all imprisoned journalists; and dismantle a legal framework that punishes independent journalism.

As I testify before Congress today, I must also mention that the climate for press freedom in the United States has deteriorated in recent years. Decisions by the Department of Justice in seizing journalists' phone records and emails, the aggressive prosecutions of whistleblowers who leak classified information to the press, and the massive surveillance of communications send an unequivocal chilling message to journalists and their sources, particularly on issues of national security that are of vital importance to the public. At the same time, just as troubling, these actions in the United States set a terrible example for the rest of the world, where governments routinely justify intervention in the media by citing national security.

On World Press Freedom Day 2015, U.S. Secretary of State John Kerry said, "Freedom of expression is one of the country's core values and one which we will continue to defend both at home and overseas." The U.S. government and members of Congress must ensure that the issue of violence against the press in Latin America and actions taken by governments to stifle dissent and censor critics are regularly addressed as part of bilateral communications, during international summits, and in meetings of intergovernmental organizations. While maintaining this commitment on a global level, the U.S. should use the influence it has in Latin America to ensure that journalists in the region are able to do their job freely and safely. Those whose rights are violated should know that they will have the support of the U.S. government in seeking justice.