

PRESS FREEDOM IN THE AMERICAS

HEARING
BEFORE THE
SUBCOMMITTEE ON
THE WESTERN HEMISPHERE
OF THE
COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES
ONE HUNDRED ELEVENTH CONGRESS
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CONTENTS

	Page
WITNESSES	
Mr. Joel Simon, Executive Director, Committee to Protect Journalists	9
Mr. Marcel Granier, President and Director General, Radio Caracas Televisión Internacional (RCTV)	14
Alejandra Nuño, J.D., Program Director for Central America and Mexico, Center for Justice and International Law	15
Mr. Eduardo Enriquez, Managing Editor, La Prensa	25
Mr. Alejandro Aguirre, President, Inter American Press Association, Deputy Editor and Publisher, Diario Las Americas	32
LETTERS, STATEMENTS, ETC., SUBMITTED FOR THE HEARING	
The Honorable Eliot L. Engel, a Representative in Congress from the State of New York, and Chairman, Subcommittee on the Western Hemisphere: Prepared statement	7
Mr. Joel Simon: Prepared statement	11
Alejandra Nuño, J.D.: Prepared statement	18
Mr. Eduardo Enriquez: Prepared statement	27
Mr. Alejandro Aguirre: Prepared statement	34
APPENDIX	
Hearing notice	48
Hearing minutes	50
The Honorable Eni F.H. Faleomavaega, a Representative in Congress from American Samoa: Prepared statement	51
Written responses from Mr. Joel Simon to questions submitted for the record by the Honorable Eliot L. Engel	54

PRESS FREEDOM IN THE AMERICAS

WEDNESDAY, JUNE 16, 2010

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON THE WESTERN HEMISPHERE,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC.

The subcommittee met, pursuant to notice, at 2:23 p.m. in room 2172, Rayburn House Office Building, the Honorable Eliot L. Engel, (chairman of the subcommittee) presiding.

Mr. ENGEL. Good afternoon. On World Press Freedom Day last month, President Obama brought attention to an issue that far too often goes unnoticed. He said that “last year was a bad one for the freedom of the press worldwide” and “more media workers were killed for their work last year than any year in recent history.”

Unfortunately, this is particularly true here in the Americas where press freedom has been deteriorating over the past few years. I called today’s briefing and hearing to shed light on this disturbing trend.

When nine journalists are murdered in Honduras in 5½ months making the small country the most dangerous one for journalists in the hemisphere, or when Mexico’s drug cartels brutally murder members of the press for reporting on the drug trade, we cannot sit idly by.

When Venezuelan President Hugh Chavez shuts down opposition TV and radio stations and intimidates journalists and media owners who express dissent, we all have a responsibility to speak out.

And certainly, we must continue to shed light on the stark state of the press in Cuba—a country with one of the worst media environments in the world where 25 of the estimated 200 political prisoners are independent journalists.

These are just a few of the most troubling examples of the breakdown in press freedom that we see in the Americas, and I hope that we will have a chance to examine these trends more closely.

While most of us in the Inter-American community are quick to speak out when electoral democracy is in peril, we sometimes neglect to raise up our voices when other fundamental aspects of democracy are at risk, including the free and independent press.

Yet, in reading the Inter-American Democratic Charter—a charter agreed to on September 11, 2001 by every country in the hemisphere except Cuba—we understand that democracy is about much more than just elections. Of course, free and fair elections are essential. But, the Inter-American Democratic Charter must also be utilized to ensure that fundamental freedoms and democratic norms are safeguarded. This means that we must speak out when

the press is under attack in the hemisphere as freedom of the press is as essential tenet in any democracy.

I am particularly pleased to welcome OAS Special Rapporteur for Freedom of Expression, Catalina Botero who will brief the committee prior to our hearing. Ms. Botero, your office does tremendous work in highlighting the breakdowns in press freedom in this hemisphere and we all look forward to hearing from you. And after the briefing is over I will introduce our hearing witnesses.

So I thank you and I am now pleased to call on Ranking Member Mack for his opening statement.

Mr. MACK. Thank you, Mr. Chairman.

First, I would like to thank your witnesses for being here to share their experiences and insight, especially our international guests who have made special arrangements to appear before us today.

As a congressman in the United States, it is hard for me to imagine living without the freedom to speak freely and express my individual beliefs and those of my constituents. Freedom of expression is a cornerstone of democracy. The establishment of free press, one that provides oversight to government activities by disseminating information to citizens, is essential to a functioning democratic society.

Less than 90 miles off the coast of my home state of Florida the people of Cuba lack these basic rights and continue to suffer under the iron-fisted regime of the Castro brothers. As we speak, Allen Gross, a U.S. citizen, is being held without charges at a high-security Cuban prison where he has been for over 6 months. His only crime—providing Internet access to the Jewish community living on the isolated island.

Mr. Chairman, it is also necessary to draw attention to the continuing deterioration of press freedom in Venezuela which you just spoke about as well. Last Friday, the president of Globovision, a well-known opposition television station, was issued an arrest warrant for trumped-up charges generated after a 2009 raid of his residence. This is the second of such arrest warrants he has received this year, and he is not alone.

The Government of Venezuela does not stop at arresting individuals who express contrary opinions. It works tirelessly to eliminate these opinions entirely.

This past January the Government of Venezuela completely shutdown the Venezuela TV Station RCTV, finally achieving a goal it began in 2007. Today, I call on President Hugo Chavez to allow for free and fair legislative elections in September by removing the government's interference in the media and stopping the intimidation of opposition voices.

In addition to these severe cases of repression in Cuba and in Venezuela, countries throughout the Western Hemisphere continue to witness diverse threats to press freedom. Such threats occur through nationalization of the media outlets; the enactment of laws to restrict media freedom; recently seen in Argentina and Ecuador lax prosecution on behalf of the government in media intimidation cases; and direct government harassment of reporters and journalists.

Given the levels of press freedom often act as an indication of the broader trend of political and social freedoms within a country. We must take into consideration the other factors that play within these countries. For example, in Mexico, Guatemala and El Salvador, attacks on journalists are regularly tied to the reporting on drug trafficking organizations and criminal gangs.

As we work with governments in the region to be more vigilant in their prosecution of crimes targeting journalists and the media, it is important that we address the role of these criminal organizations. It is also critical that we recognize the vast improvements made in some countries such as Colombia.

As we hear from our witnesses today, I will be looking for ways to expand upon such progress in our hemisphere and to ensure that the recent trends in Honduras and Venezuela do not become the norm. I would also like to discuss the role of new media in the effort to ensure continued access to free media sources.

When I hear of the courageous blogger in Cuba who against all odds continue to tell their story to the outside world, I am confident that technological innovations has the power to stifle government efforts to intimidate and shut out opposition.

I look forward to the discussion, Mr. Chairman, today. I look forward to hearing from our witnesses, and I want to thank everyone for being here. Thank you, Mr. Chairman.

Mr. ENGEL. Well, thank you very much, Mr. Mack, and now for an opening statement, Mr. Sires.

Mr. SIRES. Thank you, Mr. Chairman, for holding today's hearing.

Freedom of the press should be a critical requirement for the development and stability of a democratic nation. It offers citizens greater opportunities to inform themselves, express their personal views, and empower them to pursue social justice. Without it, no country can truly enjoy the benefits of a vibrant democracy. Journalists who report in some countries in the Hemisphere face increasing volatile and dangerous conditions where they not only face dire threats to their personal security from gangs and organized crime groups, but also face government intimidation and the continuous rollback of press freedoms.

In Latin America and the Caribbean, Freedom House has characterized Cuba and Venezuela as not free. The government and its leaders continue to undermine democracy as they suppress freedoms on a daily basis by closing the media outlets that don't conform to their beliefs and imprisoning innocent reporters.

Today in Cuba 22 journalists are in prison. In a ranking of countries with the most jailed journalists, Cuba was ranked third, just under China and Iran. Similarly, Venezuela faces extensive censorship of both media and press. Freedom of speech and the press while constitutionally guaranteed has been increasingly eroded with numerous restrictions. Due to these restrictions, we have already seen the closing of numerous radio stations and RC TV. Additionally, the Venezuelan regime continue to harass journalists to the point that self-censorship is the only option to avoid serious danger.

Additionally, many countries, including Mexico, Colombia, Guatemala, face increased self-censorship of the media when covering

stories relating to organized crime. We must continue to support and protect the work of journalists in the region and decrease the power criminal organizations have over freedom of information. Freedom of the press is a fundamental right that all countries should respect.

I thank Ms. Marino for her briefing and I thank the chairman for holding this hearing.

Mr. ENGEL. Thank you, Mr. Sires, and now for an opening statement, Mr. Smith.

Mr. SMITH. Thank you very much, Mr. Chairman and Ranking Member for scheduling this very important hearing.

Article 13 of the American Convention for Human Rights clearly states that,

“Everyone has the right to freedom of thought and expression, this writing includes freedom to seek, receive, and impart information and ideas of all kinds regardless of frontiers, either orally, in writing, in the print, in the form of art, or through any other medium of one’s choice, and most importantly, that this right shall not be subject to prior censorship.”

Mr. Chairman, it is not an overstatement to say that freedom, the freedom of any people depends upon the freedom of the press, and yet in a number of the countries in our hemisphere the press is not free and journalists are targeted for harassment, beatings, and frequently murdered. Those slain have often crossed local officials and their private sector cronies by uncovering corruption or investigating human rights abuses by their governments. Some have just dared to criticize their government.

Through action or inaction, impunity or censorship, Mexico, Nicaragua, Venezuela, and Honduras, in particular, have been forgetting their obligations under Article 13, and the basic necessity of a free press to a healthy nation. Cuba, in its paranoid grip on its citizens, has been imprisoning and torturing journalists for decades.

Mr. Chairman, journalists are also affected by the sad trend of recent years, to transform the Internet into a tool of censorship and surveillance. With the Internet has come new power for the people to share information and hold power to account, and thus a new target for the abuse by those who hold power.

Formerly oppressed and silent groups have used this new media to their advantage, El Nacional reported that in August 2009, Hugo Chavez dubbed twitter a new agent of terror after a massive turn of tweets under the tag “free media VA,” criticized his government for censoring the Venezuelan media, and Chavez has been openly contemplating censorship and control, probably with the held, as we are seeing all over the world, including in Belarus, with the help of the Chinese cyber police who have perfected worst practices on how to control any dissidents in their country.

Mr. Chairman, we do have a bill pending in this committee, I am the sponsor, called the “Global Online Freedom Act” backed by virtually every human rights organization, including Reporters Without Borders, Human Rights Watch, Amnesty International, Freedom House, and even Google. It requires our IT companies when they are in an Internet-repressive country to disclose what it is

they are censoring and to put beyond reach of a secret police personally identifiable information so that when somebody goes on line and they perhaps use e-mail, that e-mail is not intercepted by the secret police to find them, apprehend them, and then incarcerate them, especially as they do in the PRC.

I hope that we can take a look at that bill sometime very soon before this Congress completes its sitting because we need to help those who want to use the Internet as an opening rather than what it is becoming in some of these countries as a tool of repression.

I yield back and thank you.

Mr. ENGEL. Thank you, Mr. Smith. Now we have been joined by Mr. Rohrabacher. I call on him for an opening statement.

Mr. ROHRABACHER. Thank you very much, Mr. Chairman.

I take special interest in this, particularly over emphasis on human rights, because unlike many of my colleagues here in the United States Congress I am not a lawyer. In fact, that was the first most—that really was my strongest political slogan in my first campaign, “Vote for Dana, at least he is not a lawyer.”

So how did I earn my living? I was a writer, and I started out as a journalist in southern California off and on for about 10 years before I joined Ronald Reagan in his efforts to become President, and he took me to the White House and I became a speech writer for a number of years.

However, I never forgot my days as a journalist and I never forgot the dynamics that are at play at getting information to the people of this country, and how important that has been to our freedom, and if we do stand for freedom and democracy, we must understand that in none of these societies, especially in the Western Hemisphere, will there be freedom and prosperity unless we have a free press, unless people are able to ask tough questions, and make serious investigations into people who have power.

And I look at that both personally as well as professionally, as well as I might say patriotically. That is what America is supposed to be about. If the United States is not for press and freedom and these other human rights, then what are we about? Are we just a combination of people who came here from all over the world in order to make money? I am afraid that is not it. The people came here from all over the world, yes, to live in prosperity, but essentially to live in freedom which led to prosperity, and there will be no prosperity without freedom and especially freedom of the press because it will be overwhelmed as it is in China and elsewhere. It will be overwhelmed by corruption.

For the record, a sort of tangential issue, I would just like to express, Mr. Chairman, my disappointment that the current President of Honduras has decided to give into whatever pressures were put on him to suggest that he accepts the idea of the transfer of power that happened leading up to his election was in some way a coup rather than a protection of constitutional rights by the Supreme Court and the military of that country as well as the Parliament of Honduras.

Apparently he recently uttered the words, “Yes, it was a coup.” And I am really worried what pressures caused this man to do

that. What threats were made on the President of Honduras? Did our embassy threaten this?

In fact, when I was visiting Honduras, Mr. Chairman, I suggested that the best thing for Honduras and everyone would be to close the books, recognize there had been a free election, and move on looking forward rather than looking back and try to fight battles of the past. Obviously some people have been putting pressure on President Lobo to do the opposite, and I would hope that whether it is—whatever we are talking about, whatever government we are talking about, we are not talking about a fight against evil things in which we will then seek vengeance on people who actually were engaged in repressing reporters and things such as that.

What we want to do is build a free world and we have got to enlist people who are on the other side, meaning people who are on the side of the tyrants, to join in and to create a better place, and you don't do that by just re-hashing everything that happened in the past, but what we have to do is make sure in the present everybody is on the record as to what direction we want to go.

So this is a way to do it, this hearing; very proud to stand with my fellow members, especially Chris Smith, we have been fighting on human rights issues for 20 years together, and this issue, freedom of press in this hemisphere is of utmost importance because it will—it will ensure prosperity and peace as well as freedom, so thank you very much, Mr. Chairman.

Mr. ENGEL. Thank you, Mr. Rohrabacher, and now it is my pleasure to introduce Catalina Botero, the Special Rapporteur for Freedom of Expression at the Inter-American Commission on Human Rights since 2008.

Ms. Botero previously held several prestigious positions in Colombia. She served as an assistant judge with the Constitutional Code of Colombia from 1995 to 2000, and again from 2005 to 2008. As Special Rapporteur, we have all been impressed by your willingness to constructively point out both the deficits in press freedom in the region and the progress made in certain countries.

I was particularly pleased by your recent annual report on press freedom which provided an excellent summary of related concerns in the hemisphere.

Ms. Botero, thank you for joining us today. The floor is yours to brief members of the subcommittee.

[Recess.]

Mr. ENGEL. A quorum being present, the Subcommittee on the Western Hemisphere will come to order. I have already delivered my opening statement, but I would like to insert my statement and all members' opening statements into the record, and without objection I will do so.

[The prepared statement of Mr. Engel follows:]

**Opening Statement
Chairman Eliot L. Engel**

House Foreign Affairs Subcommittee on the Western Hemisphere

Press Freedom in the Americas

Wednesday, June 16, 2010

On World Press Freedom Day last month, President Obama brought attention to an issue that far too often goes unnoticed. He said that “last year was a bad one for the freedom of the press worldwide” and “more media workers were killed for their work last year than any year in recent history.”

Unfortunately, this is particularly true here in the Americas where press freedom has been deteriorating over the past few years. I called today’s briefing and hearing to shed light on this disturbing trend.

When nine journalists are murdered in Honduras in five and a half months making the small country the most dangerous one for journalists in the hemisphere, or when Mexico’s drug cartels brutally murder members of the press for reporting on the drug trade, we cannot sit idly by.

When Venezuelan President Hugo Chavez shuts down opposition TV and radio stations and intimidates journalists and media owners who express dissent, we all have a responsibility to speak out.

And certainly, we must continue to shed light on the stark state of the press in Cuba – a country with one of the worst media environments in the world where 25 of the estimated 200 political prisoners are independent journalists.

These are just a few of the most troubling examples of the breakdown in press freedom that we see in the Americas, and I hope that we will have a chance to examine these trends more closely.

While most of us in the inter-American community are quick to speak out when electoral democracy is in peril, we sometimes neglect to raise up our voices when other fundamental aspects of democracy are at risk, including a free and independent press.

Yet, in reading the Inter-American Democratic Charter – a charter agreed to on September 11, 2001 by every country in the hemisphere except Cuba – we understand that democracy is about much more than just elections. Of course, free and fair elections are essential. But, the Inter-American Democratic Charter must also be utilized to ensure that fundamental freedoms and democratic norms are safeguarded. This means that we

must speak out when the press is under attack in the hemisphere, as freedom of the press is a central tenet in any democracy.

I am particularly pleased to welcome OAS Special Rapporteur for Freedom of Expression Catalina Botero who will brief the committee prior to our hearing. Ms. Botero, your office does tremendous work in highlighting the breakdowns in press freedom in this hemisphere, and we all look forward to hearing from you. After the briefing is over, I will introduce our hearing witnesses.

Thank you. I am now pleased to call on Ranking Member Mack for his opening statement.

Mr. ENGEL. I am now pleased to introduce our distinguished witnesses, and I ask them to take their seats. Joel Simon is executive director of the Committee to Protect Journalists (CPJ). Marcel Granier is president and director general of Radio Caracas Television International, better known to most of us as RCTV. Alejandra Nuno is program director for Central America and Mexico at the Center for Justice and International Law, CEJIL. Next Eduardo Enriquez is managing editor of La Prensa in Nicaragua, and last but certainly not least, Alejandro Aguirre is president of the Inter American Press Association, IAPA, and deputy editor and publisher of Diario Las Americas.

Welcome to all of you. We appreciate it, and let me just ask you to, each one of you to please—we will submit your testimony into the record, if we could ask you to summarize your testimony in 5 minutes, and I will keep a close tally. Mr. Simon, we will start with you.

**STATEMENT OF MR. JOEL SIMON, EXECUTIVE DIRECTOR,
COMMITTEE TO PROTECT JOURNALISTS**

Mr. SIMON. Thank you very much, Mr. Chairman and members of the committee. I will do my best to be brief. I note that the members of the committee are exceptionally well informed on these issues based on their opening statements so you will pardon me if I tread over some ground which has already been raised by committee members.

What I really want to start out by pointing out is that I have been in my position at CPJ for more than a decade. I started out monitoring Latin America. I now have global responsibilities as executive director, and what I have seen is that while democracy has become firmly entrenched in much of Latin America, the press continues to operate with few institutional protections, and despite the strong tradition of independent and critical media in so many countries in the region, journalists are increasingly vulnerable to both government repression and violence.

We are going to hear from witnesses in two countries, Venezuela and Nicaragua, where governments are pursuing effective strategies of marginalizing and even vilifying the media while using control of government institutions, including the judiciary, to carry out legal action against critics. We published a very detailed report about the activities of President Daniel Ortega, which I have entered into the record. Ortega has set the tone in Nicaragua by calling journalists “sons of Goebbels.” Critics have faced punitive tax raids and criminal defamation suits.

In Venezuela, President Chavez has employed a similar strategy, vilifying the press while using politicized—administrative procedures to force critical broadcasters off the air. We have talked about Mr. Zuloaga. The AP is reporting that he has now left Venezuela in order to avoid arrest.

Journalists in these countries face government harassment and in other parts of the region the problem is government neglect, and that is really the case in Mexico where the situation is extremely dramatic. Thirty journalists have been killed or disappeared since President Felipe Calderon came to office. Most of these are local reporters covering drug trafficking, crime or corruption, exactly as

the Congressman pointed out, and impunity in these cases is near complete, and it is creating a pervasive culture of self-censorship, which is having a devastating effect on the basic rights of freedom of expression in Mexico.

I do want to point out, however, one case involving a U.S. reporter, Brad Will, who was shot and killed in 2006 while covering protests in Oaxaca, and there is a video of that incident which appears to show a man later identified as a member of the pro-government militia firing a weapon directly at Will, and despite this very clear evidence no one has been convicted in that killing.

We talked a little bit about Honduras. Seven journalists have been killed there since the beginning of the year. That has also been getting attention, and in regards to some of the questions that have been asked here, we are carrying out a detailed report. We have a person who just completed his investigation and will be issuing a detailed report on the nature of those killings shortly.

Colombia, we talked a little bit about Colombia. Colombia has made some improvements in terms of reduction of violence. I do want to point out one issue that has concerned us, which has been mentioned, the adversarial relationship which President Uribe has had with the press, and also a very distressing scandal in which it was revealed that the DAS, which is the national security agency, had been wire tapping political opponents, magistrates, human rights activists, and journalists. CPJ's own e-mails were intercepted.

Subsequently several senior DAS officials were arrested and we met with President Uribe to discuss this issue, and he told us "Illegal spies are enemies of Colombia."

I want to finally mention Cuba, far and away the most repressive environment for the press in Latin America as mentioned; one of the worst in the world. Twenty-two journalists are in jail, ranked only behind Iran and China. Now, there were some modest hopes at one time when Fidel Castro stepped inside. We have not seen any changes in Cuba under Raul Castro, I want to make that clear.

One thing I do want to mention in relation to the small incipient blogging culture in Cuba. It has been officially tolerated to a certain extent, and I do want to commend President Obama for giving an e-mail interview to a Cuban blogger, Yoani Sanchez, shortly after she was detained and beaten by Cuban security agents in November. That was an important gesture.

So I want to conclude just by saying that efforts by the United States Government to protect and promote press freedom are vital because we live in an information society. Those who are deprived of basic information are, in essence, marginalized. So the freedom to seek and receive information is not only a human right in this era. It is a prerequisite to full participation in the global economy, and that is why these hearings today are so important. Thank you very much.

[The prepared statement of Mr. Simon follows:]



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Testimony before the Subcommittee on the Western Hemisphere COMMITTEE ON FOREIGN AFFAIRS

United States House of Representatives

Submitted by Joel Simon

Executive Director

Committee to Protect Journalists

June 16, 2010

Press Freedom in the Americas

I would like to commend Chairman Engel and the members of the House Subcommittee on the Western Hemisphere for holding this important hearing and for giving the Committee to Protect Journalists the opportunity to testify before you. My name is Joel Simon, and I'm CPJ's executive director. CPJ is an independent, nonprofit organization dedicated to defending press freedom and the rights of journalists worldwide.

I originally joined CPJ in 1998 as the Americas program coordinator after working as a freelance journalist for a decade in Latin America. While my responsibilities at CPJ today are global, I retain a keen interest in Latin America and continue to follow developments in the region closely.

What I have seen during more than a decade at CPJ is that while democracy has become firmly entrenched in much of Latin America, the press continues to operate with few institutional protections. Despite the strong tradition of independent and critical media in many countries of the region, journalists are increasingly vulnerable to both government repression and violence.

A decade ago, the Latin American region was experiencing a rapid expansion of press freedom including a series of "Watergate"-style reports that rocked governments in several countries. Through their aggressive reporting on a massive corruption scheme carried out by President Fernando Collor de Mello, Brazilian journalists helped bring down a government. In Argentina, investigative journalists exposed the human rights abuses committed during the years of dictatorship and also broke story after story about corruption scandals in the administration of President Carlos Menem.

Governments in many parts of the region responded not by putting in place institutional safeguards to protect the media's watchdog role, but rather by taking note of the growing power of the media and finding new strategies to retain the upper hand.

Today, we are going to hear from witnesses from two countries, Venezuela and Nicaragua, where governments are pursuing an effective strategy marginalizing and even vilifying the media while using control of government institutions, including the judiciary, to carry out legal action against critics.

CPJ published a report last July outlining the way in which President Daniel Ortega of Nicaragua has employed these kinds of tactics. Ortega has set the tone by calling Nicaraguan journalists "sons of Goebbels." Critics have faced punitive tax raids and criminal defamation suits. The CPJ report, entitled Daniel Ortega's Media War, has been entered into the record.

Regarding Venezuela, President Hugo Chavez has employed a similar strategy, vilifying the press while using politicized administrative procedures to force critical broadcasters off the air. I would like to note that on Friday authorities ordered the arrest of Globovisión's President Guillermo Zuloaga and his son. The fact that the warrants came a week after President Chávez publicly lamented that Zuloaga remained free is alarming, especially since Globovisión has been the target of a barrage of government investigations. The decision is part of a systematic campaign of harassment of the private media that has resulted in the closure of Venezuela's main critical broadcaster, RCTV, as well as dozens of private radio stations.

While in some countries in the region journalists face government harassment, in others the problem is government neglect. Mexico is the leading example. The situation confronting the press there has become incredibly dramatic in recent years. More than 30 journalists have been killed and disappeared since President Felipe Calderón came to office in December 2006. Most of them are local reporters covering drug trafficking, crime, or corruption. Impunity for these crimes is nearly complete. Pervasive self-censorship, a devastating effect of this wave of unprecedented violence, is undermining the basic right to freedom of expression.

In October 2006, U.S. reporter Brad Will was shot and killed while covering protests in Oaxaca State. A video of the incident appears to show a man later identified as a member of a pro-government militia firing a weapon directly at Will. Despite this evidence, no one has been convicted in the killing.

CPJ is calling on the Mexican government to enact laws making it a federal offense to use violence to limit the right to freedom of expression. President Calderón told us in a meeting in June 2008 that he would support a federal approach, but so far legislation has not been enacted.

While Mexico remains the most deadly country for the press in Latin America, Honduras, where six journalists have been killed since the beginning of the year, has also been getting attention. CPJ is carrying out an investigation into these killings to determine whether there is some sort of orchestrated campaign against the media. What can be said at this point is that in both Mexico and Honduras, impunity in the killings of journalists is the norm.

In fact, impunity is a terrible threat to press freedom, not just in Latin America but on a global scale. Each year, CPJ produces a global Impunity Index, ranking the countries around the world where the killers of journalists go free. Mexico is ninth on the list. Several Latin American countries, however, have actually seen their ranking improve because they have been able to solve outstanding murder cases. By solving a case in 2009, Brazil fell below our threshold for inclusion and came off the list entirely. Colombia, while in fifth place on the list, saw its ranking improve over the last two years as violence against the press—and throughout the country—declined dramatically.

Yet, even as the violence against the press has diminished in Colombia, serious problems remain. The press is weaker financially and institutionally. President Alvaro Uribe Vélez maintained an extremely adversarial

relationship with the media throughout his administration, angrily denouncing critical journalists and at times publicly linking them to the leftist guerrillas. In March 2009, the Uribe government was caught up in a major scandal when it was revealed that the DAS, the government national intelligence agency, had been wiretapping political opponents, magistrates, human rights activists, and journalists. CPJ's own e-mails were intercepted. Several senior DAS officials were subsequently arrested. In a meeting with a CPJ delegation in February, Uribe told us that "illegal spies are enemies of Colombia."

Finally, I would like to talk about Cuba, which is far and away the most repressive environment for the press in Latin America. In fact, Cuba is one of the most repressive countries in the world in this regard. There are 22 journalists currently jailed in Cuba, which means the country ranks third behind Iran and China. There was some modest hope after Fidel Castro stepped aside in 2006 that conditions for the media would improve, but that has not happened under President Raúl Castro. Cuba has seen the emergence of an incipient blogging culture which, for now, has been tolerated. We commend President Obama for giving an e-mail interview to Cuban blogger Yoani Sánchez shortly after she was detained and beaten by Cuban security agents in November. The CPJ report, titled "Chronicling Cuba, bloggers offer fresh hope," has been entered into the record.

Efforts by the United States government to protect and promote press freedom are vital because we live in an information society. Those who are deprived of basic information are in essence marginalized. The freedom to seek and receive information is not only a human right it is a prerequisite for full participation in the global economy.

U.S. policy should be to promote the exchange of information and ideas on a global scale, not just in Latin America. In signing into law the Daniel Pearl Press Freedom Act on May 17, President Obama said, "What this act does is it sends a strong message from the United States government and from the State Department that we are paying attention to how other governments are operating when it comes to the press." CPJ is also encouraged that Secretary of State Hillary Clinton has made the promotion of a free and open Internet a central goal of U.S. foreign policy.

A consistent and principled position in defense of press freedom and freedom of expression is rooted in U.S. history and ideals and will help build good will around the world. While maintaining this commitment on a global level, the U.S. should use the particular influence it has in Latin America to ensure that journalists in the region are able to do this 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.

Mr. ENGEL. Thank you very much, Mr. Simon. Mr. Granier.

STATEMENT OF MR. MARCEL GRANIER, PRESIDENT AND DIRECTOR GENERAL, RADIO CARACAS TELEVISIÓN INTERNACIONAL (RCTV)

Mr. GRANIER. Thank you, Mr. Engel, and members of the subcommittee for this invitation to talk about things that would not be broadcast in Venezuela nowadays because of the censorship and the fear that exists over there.

You asked me is there freedom of expression in Venezuela, my answer is no. Why do I say no? Because there are consequences to what you say that you cannot control. The judiciary power is fully controlled by the government. Most of the judges in Venezuela are provisional, and therefore they can be changed at will by the authorities.

The government also controls six television networks and hundreds of radio stations that it uses in a very efficient and political way: Not to inform people but to criminalize everybody who dares have an opinion different to the government or to the Presidents.

In the last 10 years, there have been about 150,000 murders in Venezuela. That is ten times more than in the previous period. Of those 150,000 homicides, only 3 percent have ended with a conviction, and less than 10 percent have ever even been brought to court. Therefore there are more than 140,000 homicides walking around in the streets of Venezuela.

Among those people murdered, there are more than 20 journalists or editors. What do they have in common? They were covering issues regarding corruption in the government or issues regarding drug trafficking and the involvement of high officers in such drug trafficking. There is absolutely no transparency in Venezuelan public affairs. For example, nobody in Venezuela knows for sure how much oil do we produce, how much does Venezuela have in reserves, and, of course, nobody knows what is happening without those 140,000 murders that walk freely in our streets.

There is no balance of powers. When the government decided to shut RCTV down, we went to the Supreme Court of justice. We have been waiting for 3 years for their decision. Nothing, no answer at all. The second time when they shutdown RCTV International there was not even a procedure. They just scared off the cable and satellite providers and those companies, private companies, some of them listed in the New York Stock Exchange or in the European Stock Exchanges were so scared to lose their privileges that they decided, okay, to take us off the air without any kind of due process of right to defend ourselves or anything similar to that.

There is no presumption of evidence. Mr. Zuloaga who you mentioned awhile ago was first arrested without even a procedure open against him. The procedure was open 3 hours after he was arrested.

So what do I think of this situation? I think perhaps we have the right to express ourselves but we don't have the right to seek information of what we think is relevant. We have to fear the consequences. We don't know what the consequences are because they

change the laws, they change the procedures. Sometimes they act even before accusing you of anything.

We are also in fear of the Cuban intelligence services. In Venezuela, which is a very unusual case, the immigration, the identification systems are controlled by the Cubans under a legal agreement that President Chavez signed with President Castro. The same applies to all public registries, marriages, birth, death, property, all those are controlled by Cuban agents.

Representative Smith was asking about China and the Internet. I don't know what exactly is going on there but I can tell you that Venezuela and China have signed hundreds of agreements. Venezuela owes China billions of dollars and you see a lot of Chinese people in Venezuela nowadays, and they are highly involved in the telecommunications. They hold the largest contracts with the telephone companies that controls the Internet in Venezuela.

I think I am out of time.

[NOTE: Mr. Granier did not submit a prepared statement.]

Mr. ENGEL. Thank you very much, Mr. Granier. Ms. Nuno.

**STATEMENT OF ALEJANDRA NUÑO, J.D., PROGRAM DIRECTOR
FOR CENTRAL AMERICA AND MEXICO, CENTER FOR JUSTICE
AND INTERNATIONAL LAW**

Ms. NUNO. I think we are all learning here how to use the microphones.

Chairman Engel and distinguished members of the subcommittee, thank you for inviting the Center for Justice and International Law to testify on press freedom in Honduras today.

My name is Alejandra Nuno, program director for Central America and Mexico. CJIL is a nongovernmental organization dedicated since 1991 to defending and promoting human rights in the American constitute through the strategic use of tools offered by international human rights law. We applaud this committee for calling this timely hearing and for including Honduras as one of the countries in the Americas where press freedom is much under threat.

We share the committee's concern about threats to freedom of press situation in Mexico, Nicaragua and Venezuela and would add Cuba to the list of nations where this right is severely restricted.

Press freedoms have been limited in Honduras for many years, but 2010 has seen a bad situation become more worse, much worse. Honduras became this year the most dangerous country for journalists in the continent, while Mexico, with a population of more than 110 million, four journalists have been killed in 2010; in Honduras with less than 8 million, eight journalists have been shot to death this year.

I must point out that freedom of expression watchdogs have been long criticized Honduran how far it is for efforts to control or intimidate the media, including the use of public contracts to punish or reward media for the content and paid individual reporters for favorable coverage.

Regarding a previous question, from 2003 to 2009, the CPJ announced three deaths related to the exercise in journalism in Honduras. After the army forces then President Zelaya to go to Costa Rica on June 28, the new authority imposed severe restrictions on the media in order to stifle opposition to the coup.

Several station channels and radio stations were occupied by the military and forced to suspend operations. Others were unable to report events on the air due to power cuts or the seizure of related stations and transmitters. Others had their equipment confiscated. Many reporters were assaulted, detained or threatened. One radio reporter, Gabriel Fino Noriega of Estelar and Radio America, was shot dead on July 3rd as he left work.

However, violence against journalists has reached an unprecedented level since this year. Many journalists continue to receive death threats related to their reporting. Several of these cases, including the persecution of journalist of Radio Progreso, La Voz del Occidente and La Voz de Zacate Grande are particularly urgent.

These attacks on the media have a profoundly chilling effect on the free exchange of ideas in Honduras, making national reconciliation and the restoration of a meaningful democracy a distant dream. In Honduras, all branches of government bear responsibility when journalists face persecution. It is the duty to a state to prevent and the duty of the judiciary to investigate such occurrences, to punish their perpetrators and to ensure that victims receive due compensation, an effective investigation along with other protective measures can indeed prevent murders and other violent incidents.

Nonetheless, we are extremely concerned by signs that these murders will be added to the ever-growing list of cases remaining in impunity.

As it has been mentioned before, at least seven journalists were murdered between March 1 and the end of April for reasons that maybe were related to their work. Seven journalists in 2 months, and those were killed on Monday. Those assassinated include TV journalist Joseph Hernandez Ochoa, Nahum Palacios, Jose Bayardo Mairena and just 2 days ago Luis Arturo Mondragon. In addition, radio journalists David Meza Montesinos, Manuel Juarez, Jose Bayardo Mairena and add to this list, Luis Antonia Chevez Hernandez have been slain.

None of the victims appear to have been robbed. Each was shot to death by unidentified men. Many had received threats related to their work. In the case of reporter Nahum Palacios, the Inter American Commission on Human Rights has called on Honduras to take urgent measures to protect his life as the Special Rapporteur just said.

We have many recommendations for this subcommittee, but we will sum up in three. We urge the Members of the Congress to use its powers to effectively send a strong message to the branches of the Honduran Government that persecution of the media must stop, and is urging to bring to justice those responsible for the deaths and threats against journalists.

Also, right now, there are many discussions as to whether Honduras should be permitted to rejoin the OIS. It would be a setback for press freedom and human rights in the hemisphere if that would be done without a minimum human rights conditions, and then to arbitrary interference with and persecution on the media and, of course, impunity.

Last but not least, one important way to provide support for efforts to protect press freedoms and human rights in general would

be the establishment of a local office of the U.N. High Commissioner for Human Rights in Honduras. In my country, in Mexico, and many other places it has been an effective way to monitor the situation and to provide technical cooperation. Thank you.

[The prepared statement of Ms. Nuno follows:]

**Congressional Testimony of Alejandra Nuño, director
for Mexico and Central America
the Center for Justice and International Law (CEJIL)**

Subcommittee on the Western Hemisphere

Committee on Foreign Affairs

June 16, 2010

Press Freedom in Honduras

Chairman Engel and distinguished members of the subcommittee:

Thank you for inviting the Center for Justice and International Law (CEJIL) to testify on press freedom in Honduras today.

CEJIL is a non-governmental organization dedicated to defending and promoting human rights in the American continent through the strategic use of tools offered by international human rights law. CEJIL offers advice and free legal representation to victims of human rights abuses—and to the organizations that defend their causes—when justice proves impossible to achieve in their own countries. In this effort, CEJIL prioritizes the hemisphere's most persecuted and excluded populations¹.

Currently, CEJIL litigates more than 200 cases before the Inter-American Commission and Court of Human Rights, representing more than 13,000 victims. These cases cover more than 30 different issues, including massacres, violence against women, indigenous rights, children's rights, forced disappearances, freedom of expression, and labor rights.

Since June 28, 2009, we have intensified our work with Honduran civil society organizations to defend human rights, as well as promoting truth, justice, and the rule of law in the wake of the ouster of elected President Manuel Zelaya.

We applaud the subcommittee for calling this timely hearing and for including Honduras as one of the countries in the Americas where press freedom is most threatened. We share the committee's concerns about threats to freedom of the press in Mexico, Nicaragua, and Venezuela, and we would add Cuba to the list of nations where this right is severely restricted.

Press freedoms have been limited in Honduras for many years, but in 2010 the situation has become much worse. Honduras became this year the most dangerous country for journalists in the continent. While in Mexico, with a population of 112 million, 4 journalists have been killed in 2010 --1 for each 28 million—in Honduras, with less than 8 million, 8 journalists have been shot dead this year.

¹ <http://www.cejil.org>

Press freedoms have been limited in Honduras for many years, but 2010 has seen a bad situation become markedly worse. Indeed, Reporters Without Borders has rated Honduras the most dangerous country in the world for journalists in the last six months².

This hearing is an important step in shining a light on the violent repression Honduran journalists and social communicators have suffered since last year's coup. We urge all subcommittee members to use every opportunity to follow up with the Obama administration and Honduran officials so that protecting press freedom and prosecuting those who violate it become high priorities in our bilateral relations.

Press Freedoms Before the Coup

Freedom of expression watchdogs have long criticized Honduran authorities for efforts to control or intimidate the media including the use of publicity contracts to punish or reward media for their content and paying individual reporters for favorable coverage.

From 2003 to mid-2009, the CPJ denounced 3 deaths related to the exercise of journalism³.

Press Freedoms During the *De Facto* Government

The right to freedom of expression was dramatically affected by the coup of last June 28. When the army forced then-President Zelaya into exile in Costa Rica, the new authorities imposed severe restrictions on the media in order to stifle opposition to the coup. Several media outlets resorted to self-censorship or came out in favor of the coup. Those that resisted this tendency, including television channels and radio stations, were occupied by the military and forced to suspend operations. Others were unable to report events on the air due to power cuts or the seizure of relay stations and transmitters. Several cable channels that relayed foreign news were taken off the air. Others had their equipment confiscated.

According to the Inter-American Commission on Human Rights⁴, some journalists received phone calls from government officials, including then-head of the military joint chiefs Gen. Romeo Vásquez Velásquez, advising them not to disseminate news or opinions unfavorable to the *de facto* government. Other reporters were assaulted, detained, or threatened. Charges against military officials for these measures have all been dropped. One radio reporter, Gabriel Fino Noriega of Estelar and Radio America, was shot dead on July 3 as he left work. Fino had reported on demonstrations against the coup and complaints against the *de facto* authorities⁵.

The Lobo Government's Record

Intimidation and attacks against the media continued throughout the period of the *de facto* government. But violence against journalists has reached an unprecedented level this year. At least seven journalists were murdered between March 1, 2010, and the end

² <http://www.rsf-es.org/news/honduras-cinco-periodistas-asesinados-y-uno-exiliado-en-un-mes/>

³ <http://www.cpj.org/>

⁴ IACHR, Honduras: Human Rights and the Coup D'État <http://www.cidh.oas.org/countryrep/Honduras09eng/10c.htm>

⁵ See, CJP, **Gabriel Fino Noriega** (<http://cpj.org/killed/2009/gabriel-fino-noriega.php>) and the IACHR's report (<http://www.cidh.oas.org/countryrep/Honduras09eng/10c.htm>)

of April for reasons that may be related to their work⁶. Another was slain Monday night, June 14. Many journalists continue to receive death threats related to their reporting.

These attacks on the media have had a profoundly chilling effect on the free exchange of ideas in Honduras, making national reconciliation and the restoration of a meaningful democracy a distant dream.

After the third of seven journalists' murder this year, W. Lewis Amselem, then-representative of the United States to the OAS, told the OAS Permanent Council:

... democratic politics can be, should be, open, lively, loud and impatient. Democratic politics however, cannot be a blood sport; they cannot result in one side to be exiled [sic], imprisoned or killed. ... Freedom of expression cannot be said to exist if journalists, be they of the right, left or center, may be killed with impunity for practicing their profession.⁷

Amselem also correctly noted that journalists are not the only ones facing violent intimidation, adding:

We are deeply concerned by a recent series of events which had appears [sic] that individuals who express political opinions of one side or the other regarding the coup d'état of June 28, are being targeted for violence and intimidation.⁸

As the Inter-American Commission on Human Rights has stated in its "Declaration of Principles on Freedom of Expression," governments bear responsibility when journalists face persecution:

It is the duty of the state to prevent and investigate such occurrences, to punish their perpetrators and to ensure that victims receive due compensation.⁹

Nonetheless, we are extremely concerned by signs that these murders will be added to the ever-growing list of cases remaining in impunity. In its recently issued report on the human rights situation in Honduras, the Commission concluded that:

... the murders, threats and harassment are not being properly investigated by the judicial system, even though such investigations could clarify the question of whether these are related to the context of the *coup d'état*.¹⁰

⁶ IACHR, **Preliminary Observations Of The Inter-American Commission On Human Rights On Its Visit To Honduras, May 15 to 18, 2010**, Parr. 24. At: <http://www.cidh.org/countryrep/Honduras10eng/Honduras10.Situation.htm#Murders%20of%20journalists%20in%202010>

⁷ http://www.ous.org/en/media_center/videos.asp?sCodigo=10-0072&videotype=&sCollectionDetVideo=23

⁸ *Id.*

⁹ Principle 9 of the **Declaration Of Principles On Freedom Of Expression** states: "The murder, kidnapping, intimidation of and/or threats to social communicators, as well as the material destruction of communications media violate the fundamental rights of individuals and strongly restrict freedom of expression. It is the duty of the state to prevent and investigate such occurrences, to punish their perpetrators and to ensure that victims receive due compensation."

While the investigations are at a secret stage, authorities have said publicly that they have found no evidence of a connection between the slayings and the victims' work. Considering the climate of repression of the media and the threats received by reporters connected with their work, this statement suggests a lack of interest in finding the truth if it threatens powerful individuals. There has been progress in only one of the cases that we know of; the Inter-American Commission's new report found "good reason to question whether the suspects in custody were actually involved in the journalist's murder."

Other Concerns about Freedom of Expression

Journalists in Honduras also face arbitrary interference from the state telecommunications agency CONATEL. During the coup, CONATEL ordered the closing of several media outlets on suspicious grounds; and it still retains the authority to do so under Executive Decision No. 124-2009, according to the Inter-American Commission¹¹.

We are also concerned about the recent dismissal by the Supreme Court of four judges and a public defender who opposed the coup. This action violates those individuals' freedom of expression and undermines judicial independence.

The 2010 Wave of Assassinations

The following fatal attacks against journalists have taken place in Honduras since March:

- On March 1, journalist Joseph Hernández Ochoa of Channel 51 in Tegucigalpa was shot dead as he drove in a car with another journalist, Karol Cabrera, who was wounded.
- On March 11, David Meza Montesinos of Radio America and Radio el Patio was shot dead driving his car in La Ceiba. Meza had received threats related to his reporting on drug trafficking. He was also reportedly active in the opposition to the coup.
- Three days later Nahúm Palacios, news director for TV channel 5 in Aguán, was slain. Palacios had received death threats beginning shortly after the coup; he testified to CEJIL and other human rights organization about these threats at the time. The Inter-American Commission on Human Rights had requested the Honduran government to take protective measures on his behalf. The Commission noted in its most recent report, that "... once the Commission granted precautionary measures on his behalf, the State had a duty to take the measures necessary to protect his life. However, based on what has been reported, it apparently did not comply with its obligation." Palacios reported having been threatened by a captain at the Castilla Naval Base on June 28.

¹⁰ IACHR. IACHR publishes observations on follow-up visit to Honduras. Press release N° 59/10.

¹¹ IACHR. **Preliminary Observations Of The Inter-American Commission On Human Rights On Its Visit To Honduras**, May 15 to 18, 2010.

- Journalists Manuel Juárez and José Bayardo Mairena were shot dead in their car in Olancho on March 26. Mairena had reported on land conflicts and organized crime.
- On April 13, reporter Luis Antonio Chévez Hernández of radio W105 and his cousin, Julio Alberto Hernández, were slain in San Pedro Sula.
- On April 21, reporter Jorge Alberto “Georgino” Orellana was shot dead in San Pedro Sula. Orellana had left his employer, Televiscentro, because he disagreed with the station’s support for the coup.
- On Monday, June 14, unidentified individuals shot dead Luis Arturo Mondragón Morazán, owner of 19 Paraíso TV, in El Paraíso.

The recently released Inter-American Commission report also documented a continuing pattern of threats and harassment against journalists this year. Several of these cases, including the persecution of journalists and social communicators at Radio Progreso, La Voz del Occidente, and La Voz de Zacate Grande, are particularly urgent¹². A representative sample is listed below:

- Jorge Ott Anderson, owner of a small cable channel in Colón that was shut down by the military for two and a half months after the coup, has received many threats on live call-in shows. The intensity of these threats increased after the March murder of journalist Nahúm Palacios.
- News anchor Jessica Pavón of Channel 6 news has received several threatening text messages, including one saying “When we see you, we’re going to blow your head off, bitch. Get ready, because it’s channel 6’s turn now.”
- Ricardo Oveida leases airtime on a Colón channel and serves as the president of the Colón Association of Social Communicators. He has been repeatedly harassed by police and soldiers since the coup. He has reportedly been followed by cars and motorcycles, and was forced off the road on April 13. Shots have been fired at his house and machinegun fire has been heard outside the studio.
- Reporters from the community station Radio Progreso, which was taken over by the military during the coup, continue to receive threats. The Inter-American Commission has requested the government to take special protective measures on behalf of several of them.

¹² IACHR, **Preliminary Observations Of The Inter-American Commission On Human Rights On Its Visit To Honduras**, May 15 to 18, 2010, section 3. Journalists threatened:
<http://www.cidh.org/countryrep/10nduras10eng/10nduras10.Situation.htm#Threats,%20harassment%20and%20protective%20measures>

- Threats and other acts of intimidation have also been leveled against Arturo Rendón Pineda and Manuel Gavarrete of Radio *La Voz del Occidente* in Santa Rosa de Copán.
- The operators of a community radio station, *La Voz de Zacate Grande*, have gone into hiding after a group of soldiers and police went to pick them up without arrest warrants on June 3. The station had been reporting on land conflicts in the remote area.

Protective Measures

One of the methods available under the Organization of American States' system for protecting human rights is the issuance of protective measures on behalf of individuals whose life or physical integrity are at risk of serious violation. In many cases, the Inter-American Commission or Court issue these measures for individuals whose life or physical integrity is in jeopardy. By invoking these measures, the Inter-American Commission or Court alerts the government in question about the threats and calls upon the authorities to take measures to protect the individual.

As noted above, the Inter-American Commission had called on the Honduran government to take protective measures on behalf of Nahúm Palacios, one of the journalists assassinated in March. Obviously the government did not take effective action to protect his life. The Commission has requested protective measures for 28 Honduran journalists. In most cases, the government's response has been to sign a contract with the threatened individual, and in some cases, take no further action. In other cases, the government has offered ID cards, police patrols, escorts to and from work, and night watchmen. However, many journalists fear the police because of its role in repressing the media during and after the coup and because of the state's overall apparent lack of interest in prosecuting crimes against journalists.

The government needs to take the protection of threatened individuals seriously. Effective measures would include a study of the risks posed to the individual, discussion with the individual of measures to be adopted, and periodic meetings to evaluate implementation of the measures. In cases where the Commission has called for specific action, such as the return of confiscated equipment or the investigation of a crime, the government should promptly comply. The government should also train the police in the importance of protective measures, so that they take them more seriously.

Recommendations

We urge members of Congress to use its powers to effectively send a strong message to the branches of the Honduran government that persecution of the media must stop, and that those responsible must be prosecuted.

Right now there are many discussions as to whether Honduras should be permitted to rejoin the OAS, which suspended Honduras' membership since last year's *Coup*. It would be a setback for press freedoms and human rights in the hemisphere if Honduras were reintegrated into the OAS without first putting an end to arbitrary interference with and

persecution of the media. Also, it is urgent to bring to justice those responsible for the deaths and threats against journalists.

One important way to provide support for efforts to protect press freedoms -- and human rights in general -- would be the establishment of a local Office on the UN High Commissioner for Human Rights in Honduras. In my country -- Mexico -- and in many other places, this has been an effective way to monitor the situation and provide technical cooperation.

Mr. ENGEL. Thank you very much, Ms. Nuno. Mr. Enriquez.

**STATEMENT OF MR. EDUARDO ENRIQUEZ, MANAGING
EDITOR, LA PRENSA**

Mr. ENRIQUEZ. Thank you, Mr. Chairman.

I would like to start by saying that in Nicaragua it is living process; that is, demolishing our constitution, our laws and our institutions. In that process, of course, freedom of the press is in the way and the rigid freedom of the press has to stop in the views of the conversation.

The government, after having been in power in 1980, learned the lessons of what we call prior censorship. It is not doing that anymore, but it is doing different things that in the end have the same results. I will limit to four different ways in which the government limits freedom of the press and freedom of expression.

First is the policy of secrecy and lack of transparency. This was first expressed in a secret document called Communications Strategy that Ms. Rosario Murillo sent to her ministers at the beginning of the government in 2007. The document called for limitation of the discussion of any claims or items to the agenda that was of interest to the government, lack of complete communication with the free press, which was identified as enemy of the people, and the use of the official press for the direct contact with the people. So she said our message is uncontaminated. This strategy then means that we have no access to information.

The other strategy they use is the Regulatory Office of Communications. By using this office they have been able to eliminate any criticism from television and hardly any criticism that exists in radio. One of the examples Jaime Arellano, a political commentator, was thrown out of Channel 10 due to government pressures, and then he started his program again in Channel 2, and it did not last more than 3 months before he was again thrown out.

Radio La Ley, which belonged to a strong critic of the government, was not even allowed to go on the air, and Radio de Septiembre was basically bankrupt due to pressures of the government. Other radio stations, they have been critical like Corpocacion, El Pensamiento and Radio Dario have suffered the same problems.

The government is also using the budget for advertisement, which is controlled by Murillo since January 2007, not to give advertisement to any critical media. That does not affect much La Prensa or the big newspapers, but it has caused the closing of many small radio stations and news programs, especially in the interior of the country, and the daily newspapers are being harassed with the unconstitutional law that imposes a tax in the importation of paper which our constitution says that the import of paper should be free of import taxes, and the Arsa law named after Ardo Arsa, who was the one who enforced it or who pushed for it. What it does is to put a tax on this paper—on the paper that we have to import and has cost the price to hike, therefore less people are getting to read the papers and get information. If you add that to the problems of the TV stations, it is a problem that less people are getting free information.

There is also the example of Channel 8 in which the government, basically Mr. Ortega and his business, Albanisa, which is in society with Hugo Chavez of Venezuela, but Channel 8 is one less independent outlet that we have in our country, and there is harassment that constantly Channel 4, which is also owned by Mr. Ortega, is not part of the government, it is owned by Mr. Ortega, it harasses critical journalism whenever they have the opportunity.

Last, I will like to say that this scheme, Albanisa business that Ortega has with Mr. Hugo Chavez, is making him one of the richest men in the country, and he is trying to use his money to remain in power. Thank you.

[The prepared statement of Mr. Enriquez follows:]

Eduardo Enríquez
Managing Editor, La Prensa, Managua
Wednesday, June 16th 2010
House Committee on Foreign Affairs, Subcommittee on the Western Hemisphere

INTRODUCTION

In November 2006 Daniel Ortega, Secretary General of the Frente Sandinista de Liberación Nacional (FSLN), won the presidential elections with 37.9 per cent of the popular vote. This was the fifth time that Ortega was running for President and had lost three times in a row since 1990.

Although Ortega had run a campaign in which he had practically kept in silence, had hardly given a speech and had limited his public appearances to wave at the crowd at the tune of the John Lennon's song: *Give Peace a Chance*.

In fact, one of the few phrases he uttered during the campaign asked the voters to give him "a chance to govern in peacetime" making a reference to his first Presidency which was marked by the war against the Nicaraguan Resistance.

However, even with Ortega in silence and a message of peace and love that his wife and campaign manager had designed for him, the FSLN was unable to reach the highest point in its voting history which had been 42 per cent. The point here is that Ortega won in 2006 not because he had gained popularity but because of two key events: In 1999 Ortega and then president Arnaldo Alemán agreed to reform the Constitution and lower the minimum percentage to win an election from 45 per cent (established in the Constitutional reform of 1995) to 40 per cent and still added that if the second candidate was more than five per cent away from the first place, the first place candidate could even win with 35 per cent of the vote.

With that being part of the Constitution, the second event took place in 2005 when the Partido Liberal Constitucionalista (PLC) split in two when Arnaldo Alemán did not allow presidential hopeful Eduardo Montealegre to run on the PLC ticket. Montealegre quit the PLC and founded the Alianza Liberal Nicaragüense (ALN). In the November 2006 elections Montealegre won 28 per cent of the vote while the candidate for the PLC, José Rizo, won 26 per cent of the vote. It is important to note, however, that to this day the Supreme Electoral Council (CSE) has not made public the last eight per cent of the popular ballot, a detail that did not cause much commentary at the time, but after the shameless fraud during the municipal elections of November 2008, this detail has casted doubts about the real result of the elections of 2006.

ORTEGA'S FIRST DAYS

But Nicaraguans did not have to wait long to notice the old dictatorial behavior that Ortega had displayed in the 1980's. For instance, on the night of his inauguration he proclaimed before a Sandinista crowd that the country had joined Hugo Chávez ALBA project.

His decision easily contrasts with the long, transparent and participative negotiations that finally gave form to the Dominican Republic and Central American Free Trade Agreement (DR-Cafta) during Mr. Enrique Bolaños Administration.

And on that same day Ortega started talking about reforms to the constitution. At that time he didn't specify if those reforms included the change of article 147 of the Constitution which prohibits a third term for any President. But if that was not enough, president Chávez, also on the same day of the inauguration said that "one term was not

enough to complete the transformation of the society that Ortega had planned. Almost the same words were repeated by the president of the National Assembly, René Núñez, a long time member of Ortega's Iron Circle, on January 13th.

All this indicates clearly that Ortega's intentions have been from day one to stay in power as long as he can, and since has not been able to attract (through bribes or threats) enough opposition representatives to reach the 56 votes he needs to reform the Constitution, he has destroyed most of the democratic institutions in a desperate attempt to reach his goal. In this particular case his main victim has been the Supreme Court.

One thing no one can doubt is that Ortega is following, step by step, the same project that Hugo Chávez has in Venezuela and he has become his main ally in the Central American region. That was very clear during the Honduras's crisis and now, when Ortega refuses to recognize the democratically elected government of Porfirio Lobo even if it goes against Nicaraguan and Central American interests.

THE ORTEGA'S GOVERNMENT RELATIONSHIP WITH THE PRESS

From the first months in office, Ortega and the members of what we call the Iron Circle of which the First Lady, Rosario Murillo is his main advisor, have implemented several policies to weaken freedom of information and freedom of the press.

One of the first things the First Lady did was to implement a policy of secrecy. In a long document she titled "Communication Strategy" she instructed all the members of government and of the party to "use our own media so our information comes out "uncontaminated" and directly, the same way we did during the (electoral) campaign" and further into the document she added: "We will limit the discussions to our interests and we will try to make others discuss our agenda".

This "strategy" simply means, as we have experimented during the last three years, that government officials do not give LA PRENSA any interviews and the few that did not follow those directions to the letter were removed immediately, as was the case of Margine Gutiérrez, the first director of the Institute of Culture who was fired in the morning that an interview with LA PRENSA was published.

The government has also used Telcor, the office in charge of regulating telecommunications, to threaten TV Stations owners with the removal of their licenses if they are too critical to the government. One of the most famous cases is the one of the political commentator Jaime Arellano, who was forced out of Channel 10 because of government pressures and when he moved his program to Channel 2 he only lasted a few months because he was removed again, even though his program had very high ratings. To this day there is only one program on television that is critical of the government. All newscasts cover only car crashes and that kind of news and try to stay away from political coverage. Investigative Journalism has disappeared from the TV screens in Nicaragua.

Another case is the one of Radio La Ley, which was not even on the air when it was closed and its equipment was confiscated in a clear violation of article 68 of our Constitution. Radio La Ley was ordered off the air because its director, Santiago Aburto, was very critical of the Ortega Government.

But La Ley has not been the only Radio Station that has suffered damages under the Ortega regime. Radio Corporación, Radio El Pensamiento and Radio Dario (in the city of León) have reported sabotages and attacks.

Another way the government keeps control of much of the press is through the advertisement budget, which in a small economy like ours is very important, specially for the small radio and TV stations.

Since January 2007 all the central government budget for advertisement is controlled by the First Lady, Rosario Murillo, who leads the Communications and Citizenship Council. Since then, the only place Nicaraguans can see government ads, which are more like party propaganda, is in Channel 4, a TV Channel owned by Ortega, or in the several radio stations (at least four) that also belong to Ortega and his family and several other small TV stations that have decided to aligned themselves with the policy of the government in exchange for a small part of the advertising budget.

However, the two daily newspapers: LA PRENSA and El Nuevo Diario have kept their editorial policies that are critical of Ortega's violation of human rights, the Constitution and the laws and the weakening of the democratic institutions.

For these two newspapers, besides the policy of secrecy that the Government has since the beginning of 2007, there is a permanent campaign against their owners, editors and reporters. Very often government officials react with insults to the questions of the reporters, or they are not allowed into press conferences even when they have been properly accredited, as was the case of the recent elections in the Caribbean, when the CSE closed the doors to all press conferences – were they were giving the electoral results – to reporters of LA PRENSA and El Nuevo Diario.

Ortega himself, in many of his speeches, takes time to attack the owners these independent newspapers, as was the case when he accused the owners of LA PRENSA of promoting "terrorism" just because the paper was criticizing a new tax reform that was aimed to get from the Nicaraguan workers and entrepreneurs the money that Ortega's government had lost from international cooperation because of the fraud in the municipal elections of November 2008.

The day after the fraud thousands of Nicaraguans marched in the streets of Managua protesting the results but they were attacked by mobs of Sandinistas sympathizers and gang members that had been hired by the Government. The gang members were armed with brand new "machetes" and even guns. These mobs ruled Managua for several days; many journalists from independent newspapers and TV stations were attacked and the Police did nothing to protect the citizens. That has been the behavior of the Police ever since.

In August of 2009 a peaceful march organized by the Coordinadora Civil was also attacked by mobs and several of its leaders were beat up by the mobs, again mainly members of the Sandinista party and of several youth gangs. And again the Police did nothing to protect the citizens that were marching peacefully.

On the anniversary of that fraud, which the government celebrated as a "huge victory" November 2009, Ortega's sympathizers attacked LA PRENSA with stones and "morteros", causing damage to some of the building's windows.

The daily newspapers are also being hit by an unconstitutional tax (clearly violates article 68 of the Constitution) imposed by what we call the Arce Law, named after Bayardo Arce who is the Presidential Economic Adviser but when he was at the

National Assembly pushed for a law that would tax the importation of paper – the single most expensive item in the production of newspapers – and other raw materials. This new tax is greatly responsible for the hike in newspaper price to the public, which in turn has had its effect on newspaper circulation that has declined more than 20 per cent, thus reaching less Nicaraguans.

ALBA AND THE CONCENTRATION OF BUSINESSES IN ORTEGA'S HANDS

Another way that Ortega is controlling the media is by buying TV and radio stations. The most famous case has been Channel 8, which is said was bought for eight million dollars, but it doesn't belong to the Government. It was bought with the money that Ortega receives from the Venezuelan oil that Albanisa (a company owned by PDVSA and Petronic, Nicaragua's state oil importer, but in fact is controlled by Ortega) imports to the country. Channel 8 no longer transmits the news and commentary programs produced by Carlos Fernando Chamorro, a journalist that worked with Ortega in the 1980's and then was the editor of Barricada but now has become one of his strongest critics.

The interview programs that Channel 8 produces now only features government or party officials, just like Channel 4.

Albanisa imports today 98 per cent of the oil used in Nicaragua, but it only pays Venezuela 50 per cent of the market price. The oil is sold to the Nicaraguans at market prices and the 50 per cent that remains is supposed to be divided into 25 per cent for "government social programs" and the other 25 per cent is used entirely at Ortega's discretion. According to newspapers investigations, Ortega has received each year since 2008 at least 400 million dollars through this scheme.

That money is not reported to the National Treasury or to the National Budget and has allowed Ortega to buy not only a TV Channel, but a hotel and a world class cattle ranch. Both were Seminole tribe investments in Nicaragua.

This money has also allowed Albanisa to buy 50 gas stations from the Swiss firm Glencore, Albanisa also generates 60 per cent of the energy that Nicaragua consumes today.

The Albanisa scheme has made Ortega one of the richest men in the country and he is willing to use all that money to stay in power. One of the few institutions that are standing in his way in Nicaragua are the independent newspapers and I have no doubt that if he has the chance he would make them disappear and if he gets a reelection he will then have that chance.

Mr. ENGEL. Thank you very much, Mr. Enriquez. Mr. Aguirre.

**STATEMENT OF MR. ALEJANDRO AGUIRRE, PRESIDENT,
INTER AMERICAN PRESS ASSOCIATION, DEPUTY EDITOR
AND PUBLISHER, DIARIO LAS AMERICAS**

Mr. AGUIRRE. Thank you, Mr. Chairman, and members of the committee. It is a great honor for me to be here today.

My name is Alejandro Aguirre and I am the President of the Inter American Press Association based in Miami, Florida. I am also deputy editor and publisher of Diario Las Americas.

The IAPA represents 1,200 newspapers and media outlets in the hemisphere. Since 1950, we have worked hard fulfilling a free flow of information and opinion in emerging democracies through various programs, including our Chapultepec program, assisting news outlets in developed democracies, as well as assisting journalists where new media are overtly or covertly suppressed, especially in the investigation of assassinations through our impunity project.

In the last 10 years, political dynamics has changed to such a degree that many of the democratic successes achieved in the previous decades have been overturned and thousands of journalists in Latin America and the Caribbean are reporting under threat of incarceration or murder.

The suppression of the free press is typically exercised in two ways: Either through direct government-sponsored actions or through an almost total breakdown in civil society, in which terrorist groups and/or drug cartels intimidate journalists, at times aided by weak or corrupt local and law enforcement officials.

Mr. Chairman and members of the subcommittee, you are very familiar with the various political realities in Latin America, and time constraints don't permit me to go into many specific details here, but just let me say that the increase in media suppression in countries such as Venezuela, Argentina, Cuba, Ecuador, Bolivia, Nicaragua, Brazil and others, and the murder of journalists in countries such as Mexico, Honduras and Colombia, are stifling the independent press as these actions are intended.

But for the brave voices that continue to report in any way they can despite the consequences, the flow of information in many of these countries would be completely lost. These men and women face direct threats against them and their families, surveillance of their loved ones, and ultimately brutal kidnapping and murders.

In Venezuela, the shutdown of RCTV is now in its third year, 34 radio stations and five television stations have been closed. An arrest order was given for Mr. Guillermo Zuloaga, owner of Globovision, after President Chavez criticized him just last week. The order for arrest was made public the day the World Cup started.

In Cuba, the half-century-old dictatorship allows no semblance of free speech as we know it. The women in white were physically attacked for demanding free speech as was the blogger Uani Sanchez, 20 journalists remain in jails. Ecuador recently approved the communications law which, among other things, requires a mandatory membership to a national journalist association, prior censorship and a legal requirement to observe a government-mandated ethical

conduct. These types of laws are becoming a disturbing trend in the hemisphere.

We recognize President Obama for having expressed his concern for having freedom of the press directly to the President of Ecuador, as well as Secretary of State Clinton and Assistant Secretary Valancuella's discussions on this issue with the Ecuadorian Government, and we applaud their efforts.

There are a number of cases of judicial censorship in Venezuela, Peru and Argentina, and there is government censorship in Brazil in the newspaper O Estado.

This not just a threat to these countries, but it is also a threat to nations which live by the tenets of freedom of speech and the press. The suppression of freedom anywhere is a threat to freedom everywhere. Specifically, the loss of a free press in Latin America, I believe, poses a direct threat to the interests of the United States. Organized crime flourishes in places where there is little or no journalistic activity. These activities then lead onto greater infiltration of illegal drugs and weapons, in many cases crossing over U.S. border. It creates an environment leading to the exodus of an economically viable population which becomes a desperate population fleeing their home countries out of fear for their lives.

Since the beginning of this year, 12 journalists have been murdered, at least seven in Honduras, four in Mexico, and one in Colombia, and the whereabouts of six reporters who disappeared in Mexico on the same day remain unknown. The United States can continue to play a very important role in encouraging free press in the hemisphere and assisting those who are seeking to use their voice for the purpose of independent reporting. The role of the U.S. Government and continued attention by this subcommittee is critical in this effort for the sake of this nation and the free world because freedom of speech is the cornerstone of all democracies.

Thank you again for this opportunity, Mr. Chairman and members of the committee. I look forward to any questions you may have.

[The prepared statement of Mr. Aguirre follows:]



**SOCIEDAD INTERAMERICANA DE PRENSA
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Alejandro Aguirre, President
Inter American Press Association
Subcommittee Hearing on Press Freedom in the Americas
Washington, D.C.
June 16, 2010

Chairman, The Honorable Eliot L. Engel (D-NY)

Thank you, Mr. Chairman and members of the Committee. It is a great honor to be here today.

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toward fomenting a free-flow of information and opinion in emerging democracies through various programs including our Chapultepec Project; assisting news outlets in developed democracies; as well as assisting journalists where news media are overtly or covertly suppressed, especially in the investigation of assassinations through our Impunity Project.

In the last ten years, political dynamics have changed to such a degree that many of the democratic successes achieved in the previous decades have been overturned, and thousands of journalists in Latin America and the Caribbean are reporting under threat of incarceration or murder.

The suppression of the free press is typically exercised in two ways: either through direct government-sponsored actions such as in Cuba and Venezuela, among others, or through an almost total breakdown in civil society in which terrorist groups and/or drug cartels intimidate journalists, at times aided by weak or corrupt local and law enforcement officials.

Mr. Chairman and members of the Sub-Committee, you are very familiar with the various political realities in Latin America, and time constraints don't permit me to go into many specific details here, but let me just say that the increase in media

suppression in countries such as Venezuela, Argentina, Cuba, Ecuador, Bolivia, Nicaragua, Brazil, and the murder of journalists in countries such as Mexico, Honduras and Columbia are stifling the independent press as these actions are intended.

But for the brave voices who continue to report in any way they can despite the constant threat of reprisals the flow of information in many of these countries would be completely lost. These men and women work in the face of threats against them and their families, surveillance of their loved ones and ultimately brutal kidnapping and murders.

In Venezuela the data paints a dismal picture-- the shutdown of *RCTV* is now in its third year, as are those of 34 radio stations last year and five TV stations at the beginning of 2010. An arrest order was given for Mr. Guillermo Zuloaga, owner of *Globovisión* after President Chávez criticized publicly just last week. It was made public the day the World Cup started.

In Cuba the half century old dictatorship allows no semblance freedom of speech as we know it. The "Woman in White" are physically attacked for demanding Free Speech as was the blogger Yoani Sánchez. Twenty journalists remain in jails.

Ecuador recently approved a Communication Law which requires the imposition of mandatory membership to a national journalists association; prior censorship; and a legal requirement to observe a government mandated ethical conduct. These types of laws are becoming a disturbing trend in the hemisphere.

We recognize President Obama for having expressed directly to the President of Ecuador, his concern for freedom of the press, as well as Secretary of State Clinton and Assistant Secretary Valenzuela's discussions on this issue with the Ecuadorean government and we applaud their efforts.

There are a number of cases of judicial censorship such as in Venezuela, Peru, and Argentina, and there is government censorship in the Brazilian newspaper *O Estado*.

This is not just a threat to the citizens of these countries, but it is also a threat to countries which live by the tenets of freedom of speech and of the press. The suppression of freedom anywhere is a threat to freedom everywhere. Specifically, the loss of a free press in Latin America poses a direct threat to the interests of the United States.

Organized crime flourishes in places where there is little or no journalistic reporting due to intimidation. These activities lead to greater infiltration of illegal drugs and weapons, in many cases, crossing over U.S. borders. It creates an environment leading to the exodus of an economically-viable population which becomes a desperate population fleeing their home countries out of fear for their lives.

Since the beginning of this year, 11 journalists have been murdered (six in Honduras, four in Mexico and one in Colombia), and the whereabouts of six others who have disappeared in Mexico remain unknown.

The United States can continue to play a very important role in encouraging a free press in Latin America, and encouraging those that are seeking to use their voice for the purposes of independent reporting.

Specifically, the Department of State should continue to promote bilateral discussions with Latin American and Caribbean countries which either engage in government-sponsored suppression or are dealing with criminal entities within their borders and are in need of assistance.

The role of the U.S. Government and the continued attention by this Sub-Committee is critical in this effort, for the sake of this nation and the free world, because Freedom of Speech is the cornerstone of all democracies.

Thank you again for this opportunity, Mr. Chairman and members of the Committee.

I look forward to answering any questions you may have.

Mr. ENGEL. Thank you very much, Mr. Aguirre, and let me start with Mr. Granier.

You have given us a very graphic picture of the lack of press freedoms in Venezuela, basically confirming what many of us have heard and have been saying. The international community has been unified in condemning actions taken by President Chavez against RCTV, the European Union and the U.S. Senate both passed resolutions in support of RCTV, and human rights organizations, including Human Rights Watch and the Washington Office on Latin America, have been outspoken. The Organization of American States' independent human rights mechanisms also have stood in solidarity with you.

What I am really asking basically is how can we help? What can we do? What more can the international community do to support you and other journalists and media owners in Venezuela? What would be most helpful because we are all concerned about it? As you can see it cuts across party lines.

Mr. GRANIER. First of all, I would say we have an election coming on September 26. The government, through the electoral council, is not allowing international witnesses to come and watch the election. Perhaps the democratic parliaments from all over the world insisted on being present there, even if not invited, to see what is going on, to prevent any fraud, that would be very helpful.

The Organization of American States, as Ms. Botero said, has two different concerns, so to say: One is the protection of human rights and we feel perfectly happy with all of the work they have done. The other is the political side of the Organization of American States which seems to be stifled and seems to be not help at all for democracy in the continent.

I mean, I have been reading and actually the Secretary General gave me today another copy of the Inter American Democratic Chart, and I read it, and I ask myself what is the purpose of this chart. If we have violations against democracy and freedoms and rights happening in Venezuela, in Bolivia, in El Salvador, in Nicaragua, in Honduras, in so many places, in Cuba but Cuba is not

a member, so what is the purpose? He wrote us a very nice letter after the closure of RCTV International, the Secretary General, offering his mediation.

I answered his letter accepting the mediation, and came to Washington to ask him further to go to Venezuela and to see what is happening there. I mean, hundreds of students who have protested in the streets are subject to criminal procedures. That could mean for those kids between 18 and 24 years in prison, in a Venezuelan prison. By the way, Venezuelan prisons are the most dangerous of all prisons in the continent, and that has been proven time and again.

And so I came here. I asked him to go to Venezuela to see what was happening not only to media, I mean, over 34 radio stations shut down, several television stations shut down, students in prison, are persecuted, and he hasn't been there because the Government of Venezuela has not asked him to go there. So something has to be done, I think, regarding the powers of the—

So to answer your question, perhaps give more power to the Organization of American States or reorganize it, and be present at the election on September 26.

Mr. ENGEL. Let me ask you one other question, Mr. Granier. How much opposition media remains in Venezuela both on radio and TV, and the printed media, printed press? How much remains?

Mr. GRANIER. In television, the only independent station is Globovision, which is under terrible threats right now not only there is an order to imprison Mr. Zuloaga, also his son, and one other shareholder in the station is also subject to—I mean, his bank was shutdown and he is being persecuted now. None of the others are—not even independent, not even neutral, I would say. On average they broadcast 3½ hours of Chavez's propaganda or Chavez's speeches a day, on average 3½ hours a day on every radio and television station in Venezuela. I can provide you with the figures if you want to.

In the printed press the situation is different. They are facing a very tough economic situation. Venezuela for five quarters the economy has been slowing down at a very fast pace. We have been losing ground at about 5 percent per quarter, and it appears to be getting worse. On top of that there is inflation.

In printed media, well, in all media in general advertising income grows more than proportionally when the Gross Domestic Product is going up, but it also decrease more than proportionally. So they are in a very tough situation. On top of that for their print they need dollars in order to acquire—Venezuela is not a paper printer producer, and is not a printing machine producer, so all spare parts, all paper print, most of the things you need to do a paper, excepting the work of the journalists, has to be imported. For that you need foreign currency.

In the past 4 weeks, foreign currency has practically been not available to anybody, and now it is becoming available in a very short supply, and controlled by a partisan organization, so they depend on the goodwill of those people to get the news print they need, and the very small stations, what are called community station, they depend on a budget provided by the government. If they

carry news that the government doesn't like, their license is cancelled, and we have several cases of that happen.

So, in general, I would say that—I mean, five or six newspapers over the country and some independent journalists that still do their work, but I will end with this. The president of the journalist association is ending his term right now, and he was looking for a job. Nobody wanted to give him a job because as president of the journalist association he had a critical position regarding some measures taken by the government, so the government doesn't like him, so he is moving away from the country, and that is happening to several other journalists.

Mr. ENGEL. Thank you. Mr. Enriquez, let me ask you just a quick question. In Nicaragua, there were municipal elections that were held a couple of years ago that were generally thought to be fraudulent. Can the opposition press write about that?

Mr. ENRIQUEZ. Yes, the opposition press can write about that. In fact, we have done a lot of investigations about how the fraud was committed. Nevertheless, whenever we do that or whenever we launch an investigation on the government, we are usually attacked either personally or during Mr. Ortega's speeches.

In one occasion he even called those—that we were doing media terrorism, and on the anniversary of that fraud that Ortega celebrated it as a big victory, there was a caravan of his followers or people that he also, because there are thousands of people that he pays to go to these speeches, and they attacked La Prensa with the stones and mortars, and they caused some damage. So they hold us directly responsible for the reaction, international reaction that provoked this fraud.

Thank you. Mr. Mack.

Mr. MACK. Thank you, Mr. Chairman, and I have only got one, maybe two questions, because I know that we are running out of time, but I want to pick up the OAS, and I would like to ask each one of you if you believe that the OAS is promoting freedom of the press and democracy in the hemisphere or do you think it is a hinderance by not—you know, almost the inaction of the OAS is creating a scenario in which some of these countries feel like they can follow in Chavez's lead?

So if we could just go down the line and kind of give me your opinion of whether or not you think the OAS is functioning properly and if you think it should be reorganized.

Mr. SIMON. As someone who was involved many years ago with the creation of the Special Rapporteur's office and advocated for the creation of that position, I can say that the addition of that office has created a greater emphasis within the structure of the OAS that focuses on human rights, and that is to the advantage.

It is hugely important to have an advocate like Catalina Botero within the organization, making sure that these issues are brought to the attention of the organization.

I have to say honestly that I cannot think of a recent example in which the political part of the organization was directly involved in efforts that successfully defended the right to freedom of expression or press freedom, and I will leave it at that.

Mr. MACK. Thank you.

Mr. GRANIER. I think it has proven to be totally useless. I mean, it has been of no help whatsoever in defending democracy or in defending freedom of expression or in defending rights of any kind. It is sad to say that.

On the other hand, the Inter American Commission on Human Rights is the only international court we have to go to with our problems, and the problem is that they have no teeth with their decisions, so their decisions are not implemented until there is a government willing to accept them.

Regarding the Rapporteur, well, I am glad Ms. Botero is here, but I mean, she has been the only person willing to listen. For example, in my personal case I have been threatened to death and bombs have been thrown at my home. The only person who has listened to that complaint is Ms. Botero.

I mean, I went to the attorney general in Venezuela. I went to the civil courts, I went to the penal courts. I went to all the possible authorities in Venezuela and nothing has been done. I mean, those people, and they have been clearly identified, walk around the streets in Venezuela. There is a documentary produced by a Spanish television station showing them acting freely. They have been trained by the army. They have been not only trained by the army, they are protected by the army. They are supplied by the army.

So regarding the Rapporteur for freedom of information and the American Commission on Human Rights, I think their work is commendable, and they have been helping that.

Regarding the Inter American—I mean, the Democratic Chart, this has to be reviewed. I mean it is no use at all.

Mr. MACK. Thank you.

Ms. NUNO. I agree with the comments. I have to say that it is important to make a difference within the human rights organs., The Inter American Commission and the Inter American Court on Human Rights. They have done a terrific job, not only the Rapporteurship on freedom of expression, but for example, the Inter American Court has issued in Nicaragua—it has order that the Nicaraguans modify the legislation so that the elections cannot—well, the fraud in elections cannot take place.

And I agree with Mr. Granier when he says that we have one challenge is to comply with those resolutions. Those resolutions are very, very important, and right now we have to fight, or we have to lobby for those resolutions to be complied with.

I think that the OAS and the countries that are part of the OAS, including the U.S. of course, need to give more budget to the commission and to the court. They have done a terrific job, and they need more budget and more resources to continue doing this terrific work.

Regarding the OAS, I just want to say that yes, there are many challenges. Many challenges regarding democracy specifically. We were in Lima in the OAS General Assembly and we were saying, for example, there has to be a follow-up mechanism for this Inter American Democratic Charter. We were urging the OAS members states, for example, to give funding and support for the creation of a Special Rapporteurship that really monitors and prevents and in-

forms the OAS member states on specific democracy issues or freedom of expression issues that are really threatened our nations.

So maybe that is one way to—I don't know—to try to support those efforts and to, of course, make them more stronger because they lack many effective ways right now.

Mr. ENRIQUEZ. I think the OAS has to go through a complete overhaul. Right now the way it is working it is to me a presidents' club, and what I mean by that is that only when a president is interested in bringing an issue to the OAS, he can be listened or the issue can be taken into consideration.

We could see how Mr. Insulza during the crisis in Honduras, he traveled down to Managua to an emergency meeting, tried to defend democracy in Honduras, the funny thing was that right beside him was Raul Castro, and that was incredible to me that he was trying to defend democracy in Honduras while Raul Castro was beside him with 50 years as a dictator.

So it has to go through a great overhaul because they put a lot of attention when a President is, you know, for naming it in a way, in trouble, but in Nicaragua we are living a permanent coup and no one is listening, at least at the OAS, and those are not my words. A permanent coup was used when one of the most respected lawyers in Nicaragua, because it is a permanent coup that Ortega is doing against the Supreme Court, against the National Assembly, against the electoral, Supreme Electoral Council.

As I said, if it is going to work, we have to change the way it works. Thank you.

Mr. AGUIRRE. Congressman, when I was a young man I remember hearing a quote from a former Secretary General of the OAS who said that the OAS will be what the member states want it to be, and I can only give you a personal opinion to your question, but I think that when you have many governments in the hemisphere that are democratic in origin but as time goes by behave in more authoritarian ways, that is the kind of policies you will see reflected in the OAS, and I think that is why people perceive a double standard with the organization at its worst or at its best, an inability to really hold human rights, universal human rights that the organization is sworn to uphold, and I don't think that that is going to be able to be changed under the current system.

Mr. MACK. Thank you, Mr. Chairman. I agree with our panel today that the OAS in my opinion is a hinderance, not a help, and it needs to be changed because, if not, we are not going to get the real change that we need in Latin America. Thank you, Your Honor.

Mr. ENGEL. Before I call on Mr. Sires, I want to just note that we have been called for a series of votes. So we have a few minutes left, and Mr. Aguirre, I think you are still a young man, so don't put yourself down.

Mr. Sires.

Mr. SIRES. Thank you, Mr. Chairman.

You know, I keep hearing about Chavez money going into Nicaragua, going into Argentina, you know, going into these other places. I was just wondering how much of that has an impact on the press and the people how they report things. Anyone want to take a—I am always reading about how much money Chavez

throws into these countries, you know, Bolivia, Nicaragua, and Argentina and some of these other places. How much do you think that impacts the press?

You know, we have a saying in Spanish—we have a saying in Spanish you either pay the press or you beat it up, so I was just wondering—Mr. Aguirre?

Mr. AGUIRRE. Congressman, that is an excellent question. I was told at one time that during the Nicaraguan Presidential elections almost \$400 million of aid was given to the Government of Nicaragua for political purposes. If you consider the size of the country and the GDP of the country, that is huge, and because of the way that the government used this money to create groups that sometimes turned to violence or intimidating acts to the opposition, that definitely has a chilling effect on the press because the independent press is not a friend of these types of regimes, and that kind of—that amount of money gives you such an incredible amount of influence and power that you really can start to act with impunity.

Mr. SIRES. Mr. Enriquez?

Mr. ENRIQUEZ. Well, in Nicaragua we have seen how, an example is Channel 8, they just went out and bought it, and now it is now an outlet for Ortega. There has been other cases of small TV stations and radio stations which they are simply working with the government. They are, as Mr. Granier said, not even neutral because they are receiving a heavy amount of advertising and that advertisement and the payment does not come out of the budget usually because they don't have enough money, but it comes out of Albanisa.

We have also seen how they have money that they do not report to anyone, and they can contract these kind of people to be aggressive against independent press. Four hundred million dollars is what Ortega, according to our calculations, Ortega is receiving each year since 2008.

Mr. SIRES. He is a wealthy man. Mr. Granier?

Mr. GRANIER. In the Venezuelan case, it hasn't worked at all. In 12 years I haven't seen one single journalist who has changed his position regarding Chavez because of any undue influence from the government. I could not say the same for media owners. I have seen plenty of them who were strongly against Chavez at one point in time and they were seduced by easy dollars or by advertising from the government or by special compensations.

Regarding other countries, I think it depends on the quality of the press. For example, in Argentina, Chavez has given billions of dollars and yet you see the Argentinean press is still independent, both La Nacion and Clarin are independent. You can say the same with the television stations. In Chile, he has spent a lot of money promoting underground groups, and it hasn't worked very well in Peru. Even in Ecuador, Ecuador the press still remains independent. I mean, all the papers like El Comercio, I mean several papers both in Guayaquil and Quito.

So I think it depends on the quality of the press in each country. I repeat, I have not seen one single journalist who was turned pro-government because he was paid or anything. They have not been convinced neither by arguments nor by money.

Mr. SIRES. Great. Thank you very much.

Mr. GRANIER. Thank you.

Mr. ENGEL. Thank you. Mr. Smith.

Mr. SMITH. Thank you very much. I want to ask the panel just as I asked Ms. Botero to look into the deployment of Chinese cyber police, as well as Cuba, Nicaragua, anywhere else, because I do think under the cover of working on the media their worst practices are being replicated and it is the way of shutting down—it is easy to attack paper, it is a little harder to attack the Internet, so please look into that.

Let me just point out another point, In 1984, and Mr. Enriquez, you make the point that the Carlos Fernando Cherago from Baracada has gone over to the opposition side. How do the people react when you are attacked, your friends are attacked? Are they attacked as well?

And I would note parenthetically back in 1984, you know, just to get a little glimpse of just how harsh some of these people can be, Baracada, three other Members of Congress and I went and met with Ortega, fought with him in an argument about human rights for about 2 hours, and the way that they misrepresented us was astounding.

I mean, we get bad press here sometimes. You write a letter to the editor. But it was just—I mean, it was grossly misinformation, gross misinformation, and it just taught me a lesson of just how bad some of these groups can be.

And finally, the Human Rights Council, Nicaragua and Cuba have both gone through their universal periodic reviews, press freedom issues were raised. I know the Universal Periodic Review they suggested a monitor go to Cuba, and I was there with the Mondavalladaries when he won the first resolution on Cuba at the old Human Rights Commission, and, frankly, everyone who talked to that commission who happened to be a political prisoner was retaliated against, and yet the U.N. continues to have Cuba sitting as a member in good standing on the Human Rights Council.

That is an absolute outrage and it makes a mockery of the Human Rights Commission and Human Rights Council, and those who permit it at the U.N. ought to hang their heads in shame that such a rogue nation could sit there, run interference for other rogue nations, including themselves.

Mr. ENGEL. Well, thank you very much, Mr. Smith. I want to thank all the panelists for very, very good testimony. I know we talked about hypocrisy. I know, Mr. Enriquez, you mentioned the hypocrisy of Raul Castro being concerned about freedom on Honduras when he provides none for his own country.

We had to chuckle before when we saw that Nicaragua suspended relations with Israel because it objected to the incident on the flotilla when there were no freedoms, as you pointed out, Mr. Enriquez, in Nicaragua; limited freedoms in terms of press freedom. And similarly with Ecuador. They call its ambassador to Israel to protest, yet we had Emelio Palacio being given a jail sentence, and we had Mr. Correa's statements about press in this country which concerned Secretary Clinton who made some comments about it as well.

So I think that hypocrisy reigns supreme, but this committee, this subcommittee, we will continue to focus attention on the free-

doms of the press in all these places, and I thank all of you for your really good, all five of you, for your really good expert testimony and your concerns. I think that if we bring these things to light and we keep shining a light on them, that is the best way to make sure that they are changed, and that we have the freedom of the press that the peoples of all the Americas deserve.

So thank you very much for your great testimony, and the hearing is now adjourned.

[Whereupon, at 4:20 p.m., the subcommittee was adjourned.]

A P P E N D I X



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SUBCOMMITTEE HEARING NOTICE
COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515-0128

SUBCOMMITTEE ON THE WESTERN HEMISPHERE
Eliot L. Engel (D-NY), Chairman

TO: MEMBERS OF THE COMMITTEE ON FOREIGN AFFAIRS

You are respectfully requested to attend an OPEN briefing, to be followed by a hearing of the Subcommittee on the Western Hemisphere, to be held in **Room 2172 of the Rayburn House Office Building** (and available live, via the **WEBCAST link on the Committee website at <http://www.hcfa.house.gov>**).

DATE: Wednesday, June 16, 2010

TIME: 2:00 p.m.

BRIEFING BY: Ms. Catalina Botero Marino
Special Rapporteur for Freedom of Expression
Office of the Special Rapporteur
Inter-American Commission on Human Rights

The Hearing Will Begin Immediately After the Briefing

SUBJECT: Press Freedom in the Americas

WITNESSES: Mr. Joel Simon
Executive Director
Committee to Protect Journalists

Mr. Marcel Granier
President and Director General
Radio Caracas Televisión Internacional (RCTV)

Alejandra Nuño, J.D.
Program Director for Central America and Mexico
Center for Justice and International Law

Mr. Eduardo Enriquez
Managing Editor
La Prensa

Mr. Alejandro Aguirre
President, Inter American Press Association
Deputy Editor and Publisher, Diario Las Americas

By Direction of the Chairman

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COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515

STATEMENT OF
THE HONORABLE ENI F.H. FALEOMAVAEGA
CHAIRMAN
SUBCOMMITTEE ON ASIA, PACIFIC AND THE GLOBAL
ENVIRONMENT

before the
COMMITTEE ON FOREIGN AFFAIRS
SUBCOMMITTEE ON THE WESTERN HEMISPHERE

“Press Freedom in the Americas”

JUNE 16, 2010

Mr. Chairman, in 1787, Thomas Jefferson made one of his more memorable comments on the necessity of a free press. "The basis of our government being the opinion of the people," Jefferson said, "the very first object should be to keep that right; and were it left to me to decide whether we should have a government without newspapers, or newspapers without a government, I should not hesitate a moment to prefer the latter."

The other founding fathers demonstrated their understanding of the criticality of a free press to democracy by making it the subject of the Constitution's First Amendment, which states that "Congress shall make no law... abridging the freedom of speech, or of the press."

Freedom of the press is a cherished right of the people, but it differs from other personal freedoms in that it is both individual and institutional. It applies not just to a single person's right to publish and express ideas, but also to the right of print and broadcast media to express political views and to cover and publish news. A free press is, therefore, one of the foundations of a democratic society. As Walter Lippmann, the 20th-century American columnist, wrote, "A free press is not a privilege, but an organic necessity in a great society." Indeed, as society has grown increasingly complex, people rely more and more on newspapers, radio, television and the internet to keep abreast of world news, opinion and political ideas. Perhaps one of the more telling signs of the importance of a free press is that, inevitably, when antidemocratic forces take over a country, one of their first acts is to muzzle the press.

Unfortunately, many of the countries in the Americas limit the freedom of the press. According to Freedom House, over half of Latin America does not have a free press, and Cuba and Venezuela are categorized as "not free." Venezuela, for example, has revoked the licenses of television stations for being critical of the government. Dissident reporters in the countries listed as "partly free" and "not free" are harassed, intimidated and even murdered. Mexico had 12 murders last year and Honduras already has had 7 through May. Overall, in the past two years, there have been 35 killings of journalists in Latin America. Yet, it is not merely violence against reporters that encroaches on press freedom. Threats of imprisonment and revocation of licenses often lead to a weak press, one prone to self-censorship, such as in Guatemala, according to Freedom House reports.

Despite all this, there is progress in Latin America. In April 2009, the Brazilian Supreme Court ruled that the press law providing prison sentences for journalists was unconstitutional. That same year, Argentina decriminalized libel and slander and Costa Rica eliminated prison terms for criminal defamation. In other countries such as Chile and Colombia, steps have been taken to dismiss criminal penalties against journalists accused of libel. There has been great progress; but there remains much to be accomplished.

In Colombia, ranked as the fifth worst nation worldwide by the Committee to Protect Journalists, 73 journalists were murdered in the past 18 years, including three killed last year, and two this year. Formerly disbanded armed groups, such as the Revolutionary Armed Forces of Colombia (better known as FARC) and the Black Eagles, have returned to criminal activity, and have forced journalists to leave their region, if not the country. The Department of

Administrative Security, meanwhile, has been accused of illegal surveillance, intimidation and harassment of journalists, justices and other critics.

Such harassment is prevalent in much of Latin America, and is especially evident in Cuba. Long considered one of the worst media environments in the world, fully one-eighth of its 200 political prisoners are independent journalists. The government also uses intimidation tactics and even violence, as was the case in November 2009 when Yoani Sanchez and two other bloggers were assaulted by state security agents.

The suppression of freedom of the press is not limited to direct action by the government, but can also result from a lack of action against offenders. In Honduras and Mexico, the two countries rated as the most dangerous for journalists this year and last respectively, reporters covering beats on drug trafficking, crime and government corruption are regularly targeted. The lackadaisical efforts of the governments of these two countries to investigate cases and institute safeguards are just as threatening to freedom of the press as direct government suppression.

Venezuela, in particular, has instituted a system of censorship under the guise of legitimacy. By making spurious charges against media groups, such as Radio Caracas Television, the government claims to revoke licenses and disband organizations legally. Globovision's president, Guillermo Zuloaga, was arrested this past March for making remarks deemed offensive to President Chavez at an Inter-American Press Association meeting. The Chavez government has accused 240 radio stations of failure to update licenses; 34 have since been shut down.

Such Orwellian domination of the press is a violation not only of the freedom of expression, but also of the human rights of citizens to be informed. Given the mixed story on press freedom in the Americas, this hearing is especially timely, and I want to thank you, Mr. Chairman for convening it.

**Chairman Eliot L. Engel
Questions for the Record**

**House Committee on Foreign Affairs
Subcommittee on the Western Hemisphere**

“Press Freedom in the Americas”

Response from Mr. Joel Simon, Executive Director, Committee to Protect Journalists

1) What steps can Mexico take to improve its standing as the most dangerous country in the hemisphere for journalists and media workers?

There is a simple and clear strategy that will make a difference in Mexico: Federalize crimes against freedom of expression.

It’s a strategy supported by international and domestic press freedom organizations, journalists, political institutions—and even President Calderon, who met with a delegation from CPJ in June 2008 and pledged to propose legislation to address the issue. That no legislation has been enacted despite near-universal support reflects the deep dysfunctionality of Mexico’s political system.

What would “federalization” mean? In Mexico, murders are investigated and prosecuted by state authorities, who are notoriously corrupt. There have been many documented instances in which state police and prosecutors have been shown to be in the payroll of the drug cartels. In other words, they are in no position to investigate these crimes, and often actively obstruct the investigations.

CPJ and other groups have proposed making it a federal crime to use violence or the threat of violence to impede the exercise of free expression, a right the federal government is bound to protect under the Mexican Constitution. Various permutations of this approach have been put forward by the president and Congress, but none has been enacted into law.

Federalizing crimes against freedom of expression would not solve the problem of unchecked violence against journalists in Mexico. Obviously, violence against all elements of society is endemic. Federal authorities have corruption problems of their own. Moreover, despite reforms, the Mexican criminal justice system remains extremely deficient.

Federalization would recognize that the murders of journalists and others exercising their right of free expression has become a national crisis in Mexico. It would provide a legal framework for prosecuting cases, even as capacity to do so remains limited. And it would create federal accountability, which would allow Mexican civil society to more effectively push for the issue to be addressed, and put the issue more firmly on the binational and international agenda.

2) What can the Mexican government do to ensure that accurate reporting on Mexico’s drug trade comes out while also guaranteeing the safety of the country’s journalists?

The failure of Mexico's criminal justice system, both dysfunctional and overburdened, to prosecute those responsible for targeting journalists has left the press wide open to attack from criminal groups. Drug cartels are controlling vast areas of the country and creating an environment of fear and intimidation among members of the media. With scores of reporters and media outlets indulging in self-censorship, it is becoming increasingly difficult for reporters to cover the drug trade and report on organized crime.

What it comes down to is this: The trafficking organizations in Mexico are controlling the information agenda, using violence and other means to determine what is and what is not news.

Managing information is a key component of any military or political strategy. President Calderon cannot win the drug war in Mexico if he cedes the information agenda to the trafficking organizations. While it may not be possible for the president to ensure that all reporting is "accurate" (which is not really the role of government anyway), the administration can ensure that a greater variety of voices are heard and that journalists are able to carry out their basic function of documenting and disseminating information with some modicum of security.

