Confronting the News:

The State of Independent Media in Latin America

A Report to the Center for International Media Assistance

By Douglas Farah

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CIMA Center for International Media Assistance

NED National Endowment for Democracy
Supporting freedom around the world

The Center for International Media Assistance (CIMA), a project of the National Endowment for Democracy, aims to strengthen the support, raise the visibility, and improve the effectiveness of media assistance programs by providing information, building networks, conducting research, and highlighting the indispensable role independent media play in the creation and development of sustainable democracies around the world. An important aspect of CIMA's work is to research ways to attract additional U.S. private sector interest in and support for international media development. The center was one of the of the main nongovernmental organizers of World Press Freedom Day 2011 in Washington, DC.

CIMA convenes working groups, discussions, and panels on a variety of topics in the field of media development and assistance. The center also issues reports and recommendations based on working group discussions and other investigations. These reports aim to provide policymakers, as well as donors and practitioners, with ideas for bolstering the effectiveness of media assistance.

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Farah covered the civil wars in Central America during the 1980s and the drug war in South America for the *Washington Post* in the 1990s, working in Colombia, Venezuela, Ecuador, and Bolivia. He also covered the emergence of Russian organized crime groups in Latin America and the Caribbean and the growth of Mexican drug cartels in the United States. In 2000, Farah was named the newspaper's West Africa bureau chief, based in Abidjan, Ivory Coast. He wrote extensively about the civil wars in Sierra Leone and Liberia.

Farah was awarded the Sigma Delta Chi Distinguished Service Award for Foreign Correspondence (1988) for a *Washington Post* series on right-wing death squads in El Salvador and the Maria Moors Cabot Prize (1995) by Columbia University for outstanding coverage of Latin America.

He holds a B.A. degree in Latin American studies and a B.S. in journalism from the University of Kansas and is the author of two books–*Blood from Stones: The Secret Financial Network of Terror* (2004) and *Merchant of Death: Viktor Bout and the New World Order* (2007).

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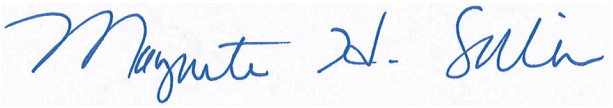
Preface

The Center for International Media Assistance (CIMA) at the National Endowment for Democracy commissioned this study of the state of independent media in Latin America. It is based on reports issued by established international media freedom watchdog organizations and interviews with more than 20 editors and reporters in Ecuador, Bolivia, Nicaragua, Honduras, El Salvador, Guatemala, and Colombia, both in person and through a questionnaire that was answered via e-mail.

CIMA is grateful to Douglas Farah, a veteran Latin America correspondent, for his research and insights on this topic.

We hope that this report will become an important reference for international media development efforts.



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Executive Summary

Freedom of expression and of the press in much of Latin America are under sustained attack by numerous authoritarian governments in the region, as well as non-state armed actors such as drug trafficking organizations and paramilitary groups. These attacks have made Latin America one of the most dangerous places in the world in which to be a journalist. Overall, the region, with the exception of the Caribbean, has suffered an almost uninterrupted deterioration of press freedoms over the past five years, reaching its lowest point since the military dictatorships of the 1980s.

Venezuela, a main focus of this report, ranks, along with Cuba, among the least free and transparent countries in the hemisphere, particularly in regard to freedom for the media, according to Freedom House's *Freedom of the Press Survey 2011* and other measures of democracy and transparency. Bolivia, Ecuador, Nicaragua, Argentina, and Colombia are all ranked as only partly free. The scores of all of these countries except Colombia have dropped over the past five years as the region's autocratic governments have taken steps to clamp down on freedom of information and the media, publicly labeling them enemies of the people. Public attacks by senior officials on the media as unprincipled agents of foreign interests are now routine in many countries.

What is qualitatively different in several countries discussed in this report, primarily the members of the self-proclaimed "Bolivarian Revolution" (Venezuela, Bolivia, Ecuador, and Nicaragua), is the sustained official, state-sponsored verbal and physical assaults on the independent media, coupled with the systematic implementation of laws to curb freedom of the press, media ownership, and access to public information. Across the Bolivarian states there is a remarkably similar pattern and methodology of attacking the media, one that is often reflected in Argentina as well. These methods include, among others:

- Criminalizing, through vaguely worded laws, the dissemination of certain types of information, such as news or images that "disturb" or "scare" the population and reports that foment "racism" or "denigrate" government officials.

- The manipulation of ownership laws and the use of airwaves to shut down outlets critical of the government.

- Greatly expanding government media with multi-million dollar investments in official news outlets that publish no dissenting views, while forcing all media to simultaneously air hundreds of hours of presidential speeches, regardless of the newsworthiness of the content.

- The creation of oversight boards that have broad and undefined authority to regulate and shut down media.

- These boards are part of a larger trend in these countries to curtail the independence of the judiciary, leaving those attacked with no viable legal recourse.

- A constant demonization of the media by the presidents and senior government officials, specifically identifying the media as enemies, traitors to the people, and part of the "oligarchy."

- A consistent refusal to investigate any of the hundreds of incidents of violence against the media, granting impunity to those carrying out the actions, despite repeated international denunciations.

- The punishment of the non-official media by withholding government advertising, often the main source of revenue, as well as raising taxes on their business inputs such as newsprint.

Public attacks by senior officials on the media as unprincipled agents of foreign interests are now routine in many countries.

These forms of significantly reducing media freedoms through quasi-legal means and harassment in some countries stands in contrast to the physical elimination of journalists by non-state actors, including drug traffickers, primarily seen in Mexico and Honduras, and to a lesser degree in Guatemala. While this report does not deal with the significant and dangerous situation faced by reporters in Mexico, it is clear that the International Press Institute's documentation of the killing of 31 journalists in that country from January 2008 through May 2011 makes it one of the most deadly countries in the world in which to report. Honduras, as well, has seen a significant spike in the killing of journalists, registering 17 from January 2009 through May 2011.

This varied ways of attacking the media and the free flow of information and opinion has had a significant chilling effect on reporting and citizen access to critical information, with the corresponding crippling of the democratic processes in those countries.

The constant verbal attacks on the media by heads of state and senior government officials–officially sanctioned violence against journalists most often in physical harassment, beatings, and threats–and the closing of dozens of independent media outlets has led to an increase in self-censorship as well as state censorship. This includes, primarily in Venezuela, restricting access to the Internet. A new round of restrictive laws passed in the past year in Ecuador, Bolivia, and Venezuela grant the governments even more power to shutter media deemed unfriendly to the government.

This series of government and government-sanctioned assaults has drawn sharp criticism from not only traditional press freedom watchdogs and human rights groups, but also from the Organization of American States (OAS), UNESCO, and a broad spectrum of international bodies that have seldom been drawn into the debate.

There are some bright spots in an overall bleak situation. Colombia, with the inauguration of President Juan Manuel Santos in August 2010, has marked a notable improvement in the relations between the media and the government. The abuses of the past, including widespread wiretapping campaigns and intimidation by security forces, have been reined in, and the public assaults on the media and individual reporters have stopped.

Across the region there is developing a network of important online sites to carry out serious investigative journalism in order to bring more transparency to the governments. There has been some significant movement in several countries such as Guatemala, El Salvador, and Colombia to codify access to public information.

But overall, the ability of the media to carry out its functions of accountability, investigation, and the dissemination of a broad range of ideas has been reduced–more so than at any time since the end of the military dictatorships in the region in the 1980s.

Regional Overview and Methodology

Over the past five years Latin America in general, with the exception of the Caribbean region, has seen a significant erosion of press freedoms and, in a growing number of countries, a direct confrontation between privately owned media and the governments. While overall global press freedoms have declined every year since 2005, as Freedom House noted, "the most pronounced setbacks occurred in Hispanic America."[1]

This is particularly true of the participants in the "Bolivarian Revolution," which espouses socialism for the 21st century. These include, Venezuela, Bolivia, Ecuador, and Nicaragua. However, there have been significant setbacks in other countries, particularly Argentina, Honduras, and Guatemala. The only country that showed notable improvement in the past two years has been Colombia, where the government of president Álvaro Uribe, which was extremely hostile to the independent media, handed over power in August 2010 to the government of Juan Manuel Santos, which has taken a much less aggressive stance.[2]

This report focuses on the countries with the greatest outstanding problems with freedom of the media driven by government animosity and hostility; why the deterioration in relations has occurred; and possible roads ahead. In addition, it will look at Honduras, where non-state actors have waged a brutal war to silence reporters investigating transnational criminal activities, primarily drug trafficking.

Over the past five years Latin America in general, with the exception of the Caribbean region, has seen a significant erosion of press freedoms.

Because of the level of violence and the killing of journalists, Freedom House rated both Honduras and Mexico, for the first time, as countries where the press is not free. They join Venezuela and Cuba in that category.[3]

Because of the significant amount of reporting on the situation of the media in Mexico, this report will not deal with critical situation there. The consistent monitoring of the situation of individual journalists and media in Mexico, by both international and national organizations, makes such information readily available. This is not meant to diminish in any way the critical nature of what is happening there, driven by drug-related violence and the government's somewhat tepid response to the very real threat. Other countries where non-state rather than state-sponsored coercion exist are examined.

All of the nations considered are members of the Organization of American States (OAS), whose Inter-American Commission on Human Rights contains the Declaration of Principles on Freedom of Expression, signed by each of these nations. Principle 1 of the declaration states: *Freedom of expression in all its forms and manifestations is a fundamental and inalienable right of all individuals. Additionally, it is an indispensable requirement for the very existence of a democratic society.*[4]

Freedom of the Press 2011: Americas			
Rank 2011	Country	Rating	Status
1	St. Lucia	15	Free
2	St. Vincent and Grenadines	17	Free
	United States of America	17	Free
4	Costa Rica	18	Free
	Jamaica	18	Free
6	Barbados	19	Free
	Canada	19	Free
8	Bahamas	20	Free
	St. Kitts and Nevis	20	Free
10	Belize	23	Free
	Dominica	23	Free
	Suriname	23	Free
13	Grenada	24	Free
	Trinidad and Tobago	24	Free
15	Uruguay	25	Free
16	Chile	29	Free
17	Guyana	30	Free
18	Antigua and Barbuda	38	Partly Free
19	Dominican Republic	40	Partly Free
20	El Salvador	42	Partly Free
21	Peru	43	Partly Free
22	Brazil	44	Partly Free
	Panama	44	Partly Free
24	Bolivia	46	Partly Free
25	Nicaragua	47	Partly Free
26	Haiti	49	Partly Free
27	Argentina	51	Partly Free
28	Ecuador	52	Partly Free
29	Colombia	56	Partly Free
30	Guatemala	59	Partly Free
31	Paraguay	60	Partly Free
32	Honduras	61	Not Free
33	Mexico	62	Not Free
34	Venezuela	76	Not Free
35	Cuba	92	Not Free
Developed by Freedom House for the 2011 Press Freedom Index			

Yet that right is being undermined daily. While many of the methods currently employed to silence the media are not new, they are now more systematic, more sophisticated, and couched in language of social transformation, legal renovation, and revolution as a justification for shutting down the flow of information to the public.

What is perhaps most alarming is that the publics in the affected nations, tired of decades of corruption and facing growing physical insecurity and economic declines, are putting up little resistance. International media watchdog groups, the OAS, the United Nations, and others have, in the past five years, put out a host of reports on the deteriorating ability to exercise freedom of expression in the region. But for the most part the governments moving most aggressively against this "indispensible requirement for the very existence of a democratic society" have accelerated their efforts to silence the independent media and paid little political price for doing so.

This study is not an attempt to catalogue every attack on the media in recent years, which now number into the hundreds. It is rather a look at the prevailing conditions and efforts to stifle independent media. It focuses on the countries participating in the Bolivarian Revolution calling for 21st century socialism because of the common approach of the leaders of those nations in attacking and dismantling the independent press.

What is perhaps most alarming is that the publics in the affected nations, tired of decades of corruption and facing growing physical insecurity and economic declines, are putting up little resistance.

For this report the author interviewed more than 20 journalists (editors and reporters) in Ecuador, Bolivia, Nicaragua, Honduras, El Salvador, Guatemala, and Colombia, both in person and through a questionnaire that was answered via e-mail.

In addition, relevant reports in both English and Spanish were reviewed.

Several of those interviewed did not wish to be quoted by name, given the constant attacks to which they are subjected and the recent trend toward criminalizing criticism of these governments. All concurred that the situation in the Bolivarian states is deteriorating, both in terms of personal security and access to information; that they exercise a significant amount of self-censorship that in the recent past was unthinkable; that the spate of criminal lawsuits has led the leadership of their media outlets to retreat from investigative reporting; and that their future as journalists was in doubt given the prevailing climate.

This has been exacerbated by the fact that, while the new constitutions written in Venezuela, Ecuador, and Bolivia guarantee freedom of expression, laws enacted regarding the media in fact make much reporting illegal, such as on political speech or on certain types of corruption.

"Journalists now regularly censor themselves because they are afraid of involuntarily letting slip a word or opinion that could be interpreted as racist or discriminatory," said Juan Javier Zeballos,

executive director of Bolivia's independent National Press Association (Asociación Nacional de la Prensa), which is supported by the National Endowment for Democracy. "We are now in the dysfunctional state of having to choose between holding onto the constitutional guarantees of freedom of the press or obeying the new electoral laws, which directly attack those freedoms. It is unprecedented." These laws prohibit interviewing candidates for judicial positions or divulging their opinions without the express consent of the national electoral council.[5]

Perhaps most significantly, there was almost no discrepancy among the multiple respondents from the different countries, with the exception of those in Guatemala and El Salvador, where the focus of their concern was threats to physical safety from non-state actors.

"These reforms, passed without any debate, are a clear attempt by the Venezuelan government to further its clampdown on critics and independent media."

— Carlos Lauría, Committee to Protect Journalists

Venezuela, under President Hugo Chávez, has in recent years moved aggressively to personally attack and demonize non-state media while taking control of the judiciary and criminalizing most forms of political opposition and dissenting opinion.

Chávez, as the leader of the Bolivarian revolution, has been the chief advocate of these measures, emulated to a large degree, by presidents Evo Morales in Bolivia, Rafael Correa in Ecuador, and Daniel Ortega in Nicaragua. As the Inter-American Press Association's director of press freedom, Ricardo Trotti, noted, the Bolivarian states "in fact, have a common plan to control the media."[6]

In addition, Argentina, under the leadership of Cristina Fernández de Kirchner (and prior to that of her predecessor and husband, Néstor Kirchner) has attacked the main opposition newspaper, moved to weaken it economically, and sanctioned illegal actions to block the newspaper's distribution.[7]

Equally worrisome are the moves by Venezuela and others to curtail information from the Internet. In December 2010, the Venezuelan national assembly, using the same type of vague and ill-defined language it has used to criminalize other types of speech, passed a law that makes it illegal to: "incite or promote hatred;" "foment citizens' anxiety or alter public order;" "disrespect authorities;" "encourage assassination;" or "constitute war propaganda."

"These reforms, passed without any debate, are a clear attempt by the Venezuelan government to further its clampdown on critics and independent media," said Carlos Lauría, of the Committee to Protect Journalists (CPJ). "We condemn these laws and believe that if they are not vetoed, Venezuela's democracy and freedom of expression will suffer serious setbacks."[8] The laws were not vetoed.

Latin America's News Media Under Siege

Origins of the Conflict and the Bolivarian Strategy

The populist leaders that have moved into direct and sustained confrontation with private media companies routinely couch their actions as part of an effort to implement a deep social transformation that is opposed by the traditional elites and their supporters, particularly the established media. All of the countries examined here have deep social divisions and significant income disparities. All except Argentina and Colombia rank among the poorest nations in the western hemisphere.

According to the common vision painted by the presidents of Ecuador, Venezuela, Bolivia, and Nicaragua, they are implementing historic changes to fundamentally transform their societies, and the media is an enemy of such changes and protector of past privilege. Given the revolutionary imperative to transform society, those who do not embrace the changes the leaders were elected to implement are obstacles. The state, relying on its credentials as a democratically elected government, can act on behalf of the people to stifle such dissent.

According to the common vision painted by the presidents of Ecuador, Venezuela, Bolivia, and Nicaragua, they are implementing historic changes to fundamentally transform their societies, and the media is an enemy of such changes.

The robust debate among media of different political views and styles that flourished in the 1980s and 1990s in the wake of military dictatorships and abuse was viewed–first by Chávez and Ortega and rapidly by the others as they were elected–as incompatible with the need to unite the people behind a revolutionary project. The model of the government in a permanent campaign mode, constantly mobilizing supporters behind a shifting mosaic of enemies, has become the paradigm.

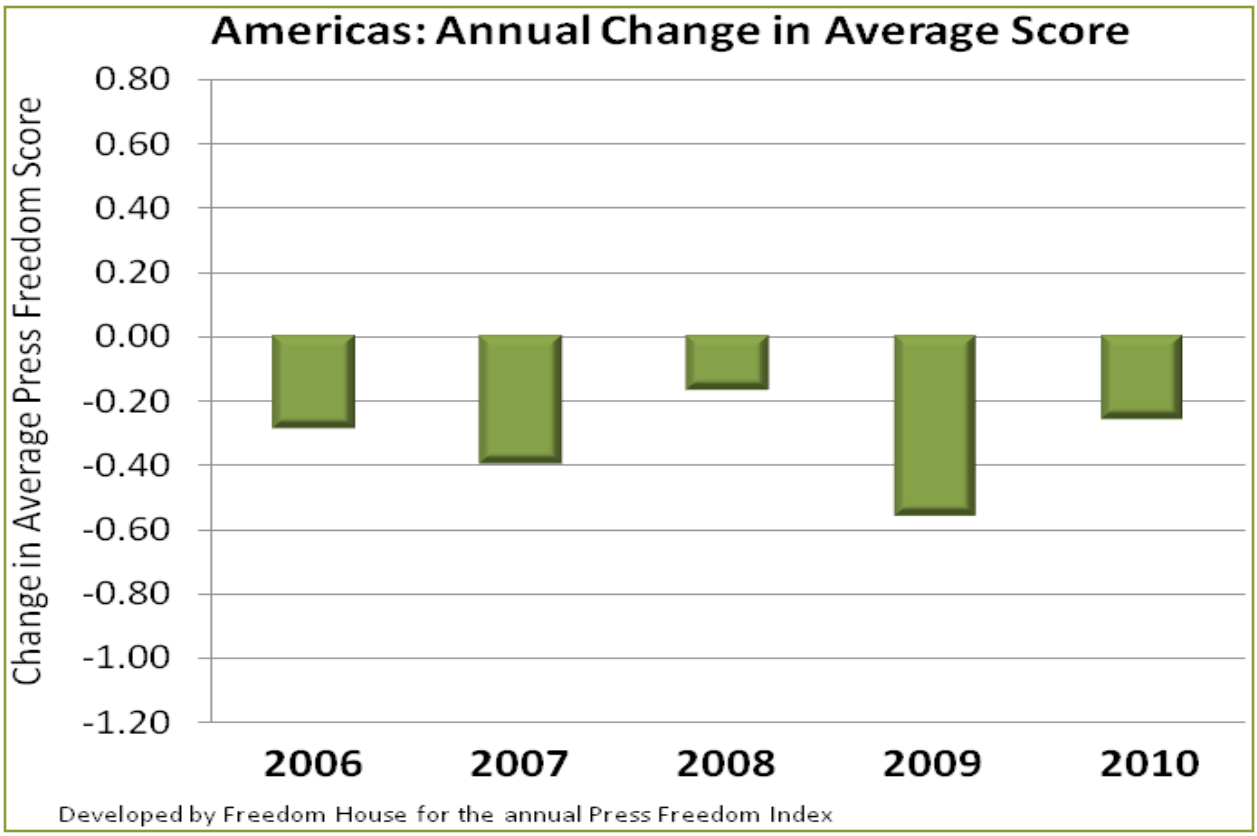
Because of this, investigations into the widespread corruption and nepotism cases in the new governments are especially sensitive, as the new leaders all campaigned on the promise to put an end to traditional corruption and inbred political patronage, and continue to claim their legitimacy based on this platform. Exposés, such as those on the ties of the campaign of Rafael Correa to drug trafficking organizations and the Revolutionary Armed Forces of Colombia (FARC), or corruption among senior police officials in Bolivia, or allegations of drug trafficking among senior Venezuelan government officials question the legitimacy of the governments.

The irony of the current situation in these countries is that it is highly unlikely that any of the presidents most hostile to the media would have won elections had their predecessors used the same methods against the media that they are now employing.

The media was a driving force in ending the military dictatorships in Bolivia and Ecuador and played a prominent role in exposing the corruption of the traditional political parties that led to the election of populist leaders. It was the ability of independent media to expose graft, incompetence, and corruption, as well as to cover alternative voices and opposition social movements, that allowed the populist leaders to gain the political traction necessary to win elections.

Chávez rose to prominence in large part because of the unfettered access to the media after his arrest for his 1992 unsuccessful coup attempt. Morales was a constant presence in the media as a leader of social protest movements that toppled three presidents in Bolivia before his election. Correa's short political career on his way to the presidency in one of the region's most unstable political situations was broadly covered and his message delivered without censorship. In short, these leaders rode to electoral victory on a wave of popular discontent, driven by years of corruption and limited political participation.

Nicaragua's Ortega is in a slightly different situation, having controlled for the past 30 years a party structure that won an armed revolution, served as president (1979-1990), built an extensive state media apparatus while in power, and maintained a broad media presence since. Nonetheless it is worth noting that during his initial tenure as president, Ortega constantly fought with and occasionally shut down the non-government media, particularly the newspaper *La Prensa*. The trend toward confrontation with all independent media has accelerated since Ortega was reelected in 2006, with his strongly expressed accusations that the media is a counter-revolutionary force largely run by the CIA.[9]



Perhaps born of their own experiences, these presidents have moved rapidly to shut off access to similar information regarding their governments. All presented themselves as having "clean hands" as compared to the corrupt traditional parties and oligarchies. So it is not surprising that the confrontations have grown more heated as the media have exposed cases of alleged corruption, complicity with insurgent groups, undue family influence, the breaking of campaign promises, and gross official incompetence, and have editorially opposed efforts to change the constitution in order to allow presidential reelection or government action widely viewed as eroding the independence of the judiciary and other institutions.

The common response has been to move to restrict the media's access to information, limiting that information to official channels.

"All interviews with public officials are supposed to be cleared and monitored by information ministry," said Arturo Torres, the head of the investigative unit of Ecuador's *El Comercio* newspaper, which has investigated numerous cases of corruption in the Correa administration. "This has led many officials to stop giving information to the press, especially in corruption cases, because they are afraid."[10]

Often the instruments of limiting information are more blunt. Morales in Bolivia banned the national media from his infrequent press conferences for six months, alleging complicity with the "opposition;" Ortega in Nicaragua has not held a single press conference since taking office in 2006 and deals with the public solely through state controlled outlets; and Correa in Ecuador has banned specific reporters viewed as hostile from news events and singled out others in national broadcasts for blistering attacks. These attacks are often echoed in the growing government-controlled media sectors.

In Nicaragua, one senior editor of a newspaper said, "everything is centralized in the presidency. No one is authorized to speak except the president and his wife. And they never speak in a setting where one could ask questions. It is all for state-controlled TV. There is a great amount of fear both by the officials who would like to talk and by us. Everything is reward and punishment, and we are viewed as the enemy."[11]

In Venezuela, as the Inter-American Press Association (IAPA) noted:

> Independent news media are continuing to have their access to senior government sources curtailed, as well as visits to ministers and deputy ministers, on repeated occasions things have not been covered because the invitation has not arrived or because entry has been denied to those who might ask controversial questions.
>
> Reporters form independent media are not being allowed to cover press conferences that Chávez gives, while still continuing are bureaucratic obstacles, security setups, attacks, threats and other offenses committed by supporters of the President against journalists.[12]

The Case of Globovisión TV

The merger of a pliant judiciary with attempts to silence independent media can be clearly seen in the case of Globovisión, Venezuela's most unapologetically critical TV station, which has been under growing attack by the Chávez government. Guillermo Zuloaga, the owner of the all-news channel, now lives in exile in the United States because of criminal investigations against him in Venezuela, and Chávez has repeatedly accused him of supporting the 2002 coup attempt.

Over the years, the government has taken numerous steps to push Globovisión off the air, including revoking its license to broadcast on anything other than cable. Chávez's public threats against Zuloaga and Globovisión, including publicly ordering a judge to reopen a closed case against him, have drawn harsh criticism from the OAS and the United Nations.

In May 2009, Chávez's government opened an investigation into whether Globovisión had broken the law by reporting on earthquake before the official TV stations had. The grounds for the investigation were that the information provided to the public about the quake could "generate alarm, fear, anxiety or panic among the population, giving individuals the feeling they are in danger and without protection." Chávez went on national television to denounce the report, although the report clearly stated that no harm had been caused.

It is worth quoting Chávez at length on this issue because it is one of clearest articulations he has given of his view of the independent media, particularly in a matter that one does not normally associate with national security, and the role of his government:

> We are in the presence of a terrorist attack from within: we must tell them, the white-collar terrorists, bourgeois terrorists wearing ties that do not wear hoods nor are they in the mountains. They have radio stations, television stations, and newspapers . . . We cannot allow four bourgeois going crazy with hate to continue to fire the shrapnel that they fire every day against the public morale. This cannot be permitted . . . Daily terrorism, daily violation of the constitution, daily violation of the laws, aggression against persons, the national collective, in many cases with name and surname.
>
> In a dictatorship they would already have been shut down, but there is democracy in Venezuela so the corresponding organs will act on this case . . . We will do what we have to do, and here we will wait for them. Impunity must end in Venezuela. They are playing with fire, manipulating, inciting to hatred, every day. I only tell them, and the Venezuelan people, that this will not continue.[1]

The human rights rapporteurs of both the United Nations and the OAS took the unusual step of issuing a joint statement condemning the investigation and Chávez's verbal tirade in response, saying "statements made by the highest-level government authorities" were generating an "atmosphere of intimidation in which the right to freedom of expression is seriously limited." The statement noted that, far from being

alarmist, the TV report on the quake had "noted that the quake had caused no serious damage and criticized the fact that official information had not been provided in a timely manner."[2]

According to interviews and published accounts, Zuloaga was initially arrested in March 2010 and ordered not to leave the country for telling the IAPA that Venezuela would have been a different country had the 2002 coup succeeded and saying that Chávez had ordered troops to fire on protesters during that event.

"The end of impunity must come," Chávez thundered back on state television. "The bourgeoisie used to do as they liked. For the bourgeoisie, there was no law, there was no constitution."[3] On several occasions Chávez ordered the judicial system to take measures against Zuloaga, although he had no criminal charges pending.

Unable to find any charges relating to media or finance, the court finally charged Zuloaga with hoarding vehicles from his car dealership and keeping too many vehicles at his home. He was ordered arrested on June 11, 2010, but he had already fled to the United States before he could be apprehended. Chávez said he had nothing to do with the arrest order.[4]

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1. Inter-American Commission on Human Rights, "Democracy and Human Rights in Venezuela," Organization of American States, December 30, 2009, 112.
2. Arthur Brice, "International Groups Worry Over Venezuela's Stance on Free Press," *CNN*, May 23, 2009 http://articles.cnn.com/2009-05-23/world/venezuela.globovision_1_president-hugo-chavez-venezuela-tv-stations?_s=PM:WORLD.
3. Jose Orozco, "Globovision's Zuloaga Released, Can't Leave Venezuela," *Bloomberg News Service*, March 26, 2010, http://www.bloomberg.com/apps/news?pid=newsarchive&sid=a7VMdrxri9rU#.
4. Jackson Diehl, "Challenging Chávez's Grip on Venezuela," *Washington Post*, July 12, 2010, http://www.washingtonpost.com/wp-dyn/content/article/2010/07/11/AR2010071103036.html.

There is little doubt that some of the media in Venezuela were viewed as supporting a 2002 coup attempt against Chávez. This marked the beginning of the most significant confrontation and attempts to shut down media outlets seen as opposed to the Bolivarian revolution. The constant allegations of an imminent U.S. invasion, another common theme among the Bolivarian leaders, are used to justify the need to clamp down on the media that could be conspiring with internal and external enemies.[13]

In addition to denying access to senior officials and a refusal–out of fear or conviction–by officials to provide information, there are virtually no freedom of information laws in effect and the few that exist are routinely ignored with impunity.

In Nicaragua, for example, most of the information on the hundreds of millions of dollars provided by Venezuela to Ortega's government and evidence of significant corruption came from the celebrated "Albaleaks" series published by a private news outlet that received leaked documents, not from official records.[14] In Bolivia, requests from media and opposition

congressional leaders for an accounting of the Iranian diplomatic presence in the nation, something that should be routinely available through the ministry of foreign affairs, did not even receive a response.[15] In Venezuela requests for information on the multi-billion dollar "bi-national" development funds, co-funded by Iran and Venezuela, are ignored even though the investment funds provide no accounting of any of the state money they receive and never appear to fund any projects.[16]

It is true that much of the private media is concentrated in relatively few hands. A recent study found that in each Latin American country, on average, more than 82 percent of all private media "information and communications activities are controlled by the top four operators."[17]

But in the overall delivery of news, the Bolivarian states have invested hundreds of millions of dollars in creating a new wave of official media outlets that now dwarf the private outlets.

The Bolivarian states have invested hundreds of millions of dollars in creating a new wave of official media outlets that now dwarf the private outlets.

For example, the Venezuelan government had only a handful of media outlets in 1999, at the beginning of the Chávez administration. The government now controls at least 238 radio stations, 28 television stations, more than 125 Internet sites, and 340 printing presses.[18] These include TeleSur, a satellite TV station that covers the continent and is partially owned by other countries, including Bolivia and Nicaragua, and covers only political events favorable to those governments.

The Ecuadorian government controlled one radio station when Correa took office in 2007 and now owns five television channels, four radio stations, two newspapers, and four magazines.[19] In Bolivia, the government has expanded its control from state-run television to include a news agency, a weekly newspaper, and a network of community newspapers, leading civic leaders to express concern over the conversion of the public media into a "proselytizing force" for Morales.[20]

While moving to expand the state-controlled operations, the Bolivarian states and Argentina have simultaneously moved to take other measures to cripple the independent media economically. For example, in Ecuador and Nicaragua the government levied new and unprecedented taxes on newsprint, removing the traditional exemptions for the written media.[21] Along with the withdrawal of paid government advertising and the unfettered use of the presidential right to have all official speeches broadcast live on all channels, this is a way to undercut further the already precarious economic standing of the independent media.

The obligation of all privately held media to broadcast, live and uninterrupted with no time constraints, all presidential speeches and other official government statements, regardless of the news value, has been condemned by the OAS, IAPA, and numerous other human rights groups and others that monitor freedom of expression. Chávez has broadcast a weekly show, *Aló Presidente*, since May 23, 1999, and the programs usually last several hours, during which

Chávez lectures, scolds, sings, recites poetry, questions cabinet ministers, and sometimes answers questions from the public.[22] This is essentially free government air time, with no possibility for any other point of view to receive anything close to equal time.

A media-monitoring group in Venezuela calculated that through January 2011 Chávez delivered more than 2,000 nationally televised speeches totaling 3,750 hours, or the equivalent of more than 156 days of air time.[23] As the OAS's Inter-American Commission on Human Rights noted in a stinging 2009 report on human rights in Venezuela , while a president has the right to communicate with the population on vital issues, this "does not confer the right to act without any limitations on that right...the lack of control in the exercise of this function could take it away from its legitimate purposes and be used for political proselytizing."[24]

Chávez responded to the report by calling it "pure excrement" and called the commission "a true mafia" that is part of the OAS, "which is why one of these days the organization must disappear."[25]

Correa in Ecuador has been less ambitious, running a two-hour weekly radio broadcast and invoking the right to demand national time on all TV stations to air much shorter pieces attacking his opponents and pushing his government's policies. There is also a weekly TV "cadena" or national broadcast, but it is generally about eight minutes long, not the hours that Chávez takes.[26] In May 2011, Morales in Bolivia introduced a law in congress, where his party controls both houses, that would emulate the Chávez model by requiring TV channels, including cable TV channels, and radio stations to "broadcast, with no compensation whatsoever, the official messages of the president." Failure to obey the law would result in the confiscation of "equipment and material, fines, and suspension from the airwaves." Given his control of both houses of congress and the judiciary, the law is likely to be passed this year.[27]

Control of the Judiciary and the Media

It is important to understand that the attacks on the press do not occur in a vacuum but as part of a larger set of actions these leaders have taken, with remarkable consistency, to stifle dissent and criminalize opposition in many forms. One of the primary focuses has been on establishing a judiciary that is openly supportive of the aims of the governments rather than one that is independent and acts within a system of checks and balances.[28]

The appointment of Venezuelan supreme court justices in late 2010 shows the interlocking nature of the attacks on the media with other efforts to gain near total control of other branches of the government, and the ideology behind the moves. As documented by Human Rights Watch and press reports, Chávez and his allies in the national assembly modified the timeline to appoint supreme court justices in order to appoint the nine permanent members before the new assembly, which had gained significant opposition presence, was seated.

Supreme court president Luisa Estella Morales, initiating the court's session in early 2011, stated that the laws in Venezuela "respond to an ideological purpose." Another justice, Fernando Torre

Alba, stated that the judiciary "has the duty to participate in the effective implementation, within its sphere, of the state's policies in the sense that it is developing a deliberate and planned action to implement Bolivarian democratic socialism ... This supreme court and other courts should severely sanction conduct that undermines the construction of Bolivarian socialism."[29]

As the IAPA noted, "the government still fears the independent and free press, and this has translated into a declared war on communication."[30] With little concern that the courts would interfere, Chávez then stepped up his attacks on the media and delegated to his vice president authority to grant, revoke, and suspend radio and television frequencies.[31]

Correa, Morales, and Ortega have all publicly attacked judicial rulings they did not like and demanded that judges take actions against their enemies. A common thread among these governments is the removal of the supreme courts to make room for more compliant judges and altering the constitutions to give the executive significant control of the judicial branch.[32]

A common thread among these governments is the removal of the supreme courts to make room for more compliant judges.

Earlier this year, Correa, in criticizing the National Electoral Council's decision to limit his ability to use his weekly national broadcasts to campaign in favor of a referendum, used perhaps the most inflammatory language to date. He accused the council of giving into pressure from the "manipulating, mediocre, corrupt, conspiring," media, "who are assassins with ink."[33]

The government sponsored 10 proposals in the referendum, including seeking to give the presidency much greater control over the judiciary and two questions dealing with the media: one making it illegal for media companies to hold stakes in financial institutions and the other seeking approval for the creation of an oversight board that would monitor radio, television, and printed media for "messages that are violent, sexually explicit, or discriminatory" and that would provide mechanisms for punishing the media and individuals for any violations.

The measures, widely criticized by media groups and judicial experts, were narrowly approved in the May 7, 2011, vote, receiving less than 50 percent of the votes cast but more than the "no" votes.[34] The Committee to Protect Journalists and other groups protested the control of media content, particularly in light of the vague wording of potential violations and the fact that the board would be government-appointed and responding to judges who will be hand picked by the executive branch. CPJ noted that Correa's "disdain for the media is no secret" and said the president had put his "own reputation ahead of the national interest of ensuring robust public debate."[35]

Correa has also followed the path pioneered by Chávez and Morales of filing multi-million dollar criminal lawsuits against media outlets that are critical of his policies or criticize him personally.

Bolivia's Morales has repeatedly called the media his "enemy" and publicly described the media and the Catholic Church as his primary political opponents. His government has concentrated the power of appointing judges in the executive branch, enacted a retroactive anti-corruption law, and established heavy criminal penalties for violation of the vaguely worded anti-racism law.[36] He has publicly demanded that reporters name their sources in articles about corruption, supported legislation to ban the use of anonymous sources [37] and filed a lawsuit against *La Prensa* for corruption stories that angered him.[38]

In Nicaragua, the Ortega government followed many of the same patterns, attacking prominent local journalists such as Carlos Fernando Chamorro and Luis Galeano, who are viewed as hostile to the Sandinista government. This has been mixed with what Reporters Without Borders (RSF in its French initials) described as a "witch hunt" against privately owned media "accused of wanting to 'destabilize' the government and 'working for the CIA'–charges fraught with risk of physical harm to those they are leveled against." RSF urged Ortega to "have this campaign of hatred and suspicion brought to an end, including in the legal domain, to guarantee the safety of journalists and to see that everything possible is done to ensure the right to freely inform the public."[39]

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In Argentina, the attacks on the media appear to be less a part of a comprehensive strategy to silence all dissent and more part of an ongoing electoral strategy by Fernández of constantly identifying enemies in order to maintain the unity of her supporters. However, this has led the Fernández government to apply many of the same strategies as the Bolivarian states.

"During the term of Néstor Kirchner and that of his wife, Cristina Fernández, the government appeals to confrontation as a way to gain supporters and minimize dissent," said Hugo Alconada, a respected investigative journalist at the newspaper *La Nación*. "At different times the chosen 'enemy' has been the International Monetary Fund, the United States, the Catholic Church, Uruguay, agricultural producers, the G-8, and, always, the media that does not follow the orders of the official propaganda machine or carries out uncomfortable investigations into scandals or corruption, or those that are owned by business sectors that have quarreled with the Kirchners after years of being close to them, like the Clarín group."[40]

The result has been a constant, public series of attacks by Fernández and senior officials on the media and government passivity (if not active encouragement) in the face of physical assaults on the facilities of newspapers viewed as hostile to the government. This included the actions of about 50 labor unionists who prevented the distribution of the *Clarín* newspaper and, to a lesser extent, *La Nación*, as policemen stood by. The coercive actions were taken despite court orders against them.

As IAPA noted earlier this year, "Identification of the exercise of freedom of expression as an enemy on the part of the government has not lost currency in this new era ... This attitude of encroaching on the newspapers' right to circulate freely by coercion and those affected not receiving the slightest defense by the authorities and even their disobeying express legal rulings amounts to a very serious curtailment of freedom of expression."[41]

The Fernández government protested the IAPA findings, saying that the media group Clarín posed a greater threat to free speech by stifling competition and attacking the government. IAPA president Gonzalo Marroquín dismissed that argument, saying, "Any journalist understands that the dimension and the action of a repressive government must be criticized when it goes against freedom of expression and freedom of the press. The damage a government can cause to freedom of expression is not comparable to the damage that the media company can cause."[42]

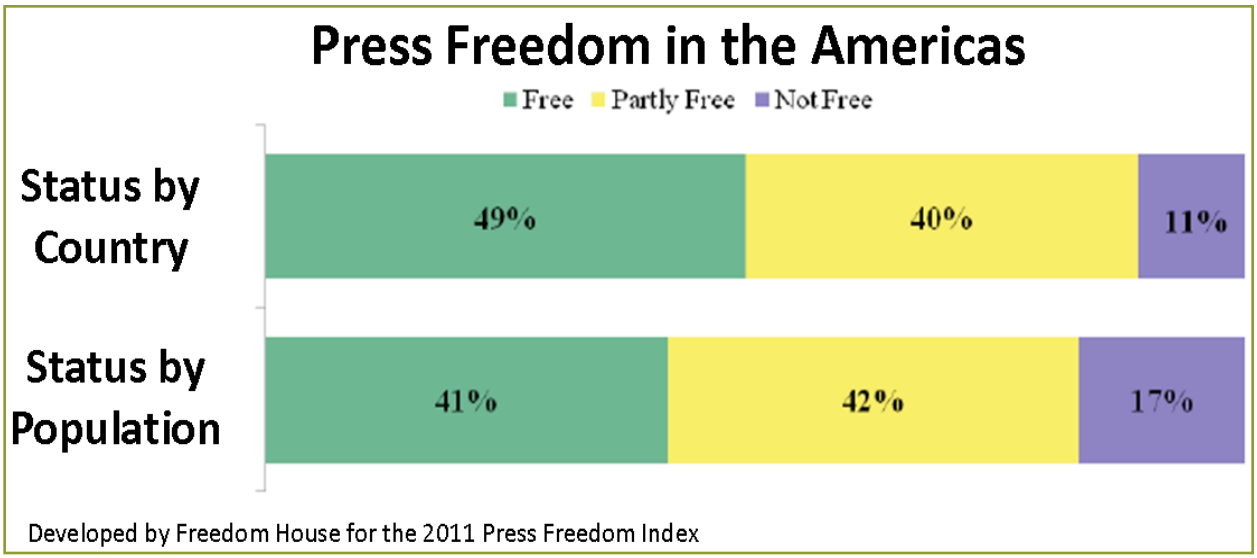
While Fernández is not officially part of the Bolivarian alliance, her government has moved closer to Chávez, both in political terms and in behavior toward the media. One manifestation of the growing ties, which drew widespread condemnation by media groups across the hemisphere, was the decision to award Chávez the Rodolfo Walsh Prize for defending freedom of the press.

Weapons of the State

> *The exercise of power and the use of public funds by the state, the granting of customs duty privileges, the arbitrary and discriminatory placement of official advertising and government loans, the concession of radio and television broadcast frequencies, among others, with the intent to put pressure on and punish or reward and provide privileges to social communicators and communications media because of the opinions they express threaten freedom of expression, and must be explicitly prohibited by law. The means of communication have the right to carry out their role in an independent manner. Direct or indirect pressures exerted upon journalists or other social communicators to stifle the dissemination of information are incompatible with freedom of expression.*
>
> –Declaration of Principles on Freedom of Expression,
> Inter-American American Commission on Human Rights

One of the most consistent methods used by governments to control the media is through the awarding of official advertising in radio, TV, and newspapers. Such advertising is often withheld from media that are perceived as critical of the government or that carry out serious investigative journalism, in direct violation of the OAS charter cited above.

Given the fragile economic state of the media in the countries in question, official advertising can account for more than half of a news outlet's advertising revenue and is seldom less than



30 percent of the advertising revenue stream, making it a very powerful tool. This violation of the OAS charter has been repeatedly denounced by the OAS special rapporteur for freedom of expression and by the IAPA.

Journalists in the region were unanimous in their assessment that the withholding of official advertising is one of the most effective methods of controlling what kinds of information they divulge and implanting a strong culture of self-censorship.

"The editors don't need to say anything, because we all know that if we say certain things about the government, we could all lose our jobs if they stop paying the official spots," said one radio journalist in Nicaragua. "We know where the lines are already. We know we can't really accuse the government of many of the corruption stories we know about because we would all be on the street."[43]

"The economic pressure is more nefarious than the physical threats," the reporter added. "It is a form of extortion that is invisible."

Another tactic pioneered by Chávez, and now in used in Nicaragua and Ecuador, is the use of licensing permits to broadcast as a way to silence the opposition media.

In January 2007, the Chávez government refused to renew the broadcast license of Radio Caracas Television (RCTV), a decision personally made by the president. The popular television station often hosted anti-Chávez guests for interviews as well as racy soap operas. RCTV had come under particularly harsh fire for encouraging protests against the government during the unsuccessful 2002 coup against Chávez and blacking out the news of Chávez's return to power. However, none of the directors was ever legally charged with any violation, and no judicial investigations were opened. Human Rights Watch condemned the closing of RCTV as "clearly a case of censorship," and other groups also denounced the closing as an assault on the media.[44]

RCTV survived as a cable TV station until 2010, when Chávez ordered it be taken off cable outlets because the station did not transmit Chávez's speeches live, as required by law.[45]

On July 3, 2009, the Chávez government announced the "democratization" of the radio broadcasting spectrum and announced the review of the concessions granted to 240 radio stations. Six days later, the government requested that the national assembly authorize the suspension of the transmissions of 32 of those stations.

While the initial justification for the action was couched in judicial terms–allegations that the owners had not met technical requirements or were illegally allowing third parties to use the licenses–the public announcement of the suspensions made it clear that the real reasons were political.

Minister of Popular Power for Public Works and Housing Diosdado Cabello stated to the national assembly:

> Radio broadcasting space has been one of the few areas in which the [Bolivarian] Revolution has not been felt ... If the dominant class, the oligarchy does not willingly cede its privileges, the people must oblige them to do so by force. And in this case in Venezuela the people means the government and we are going to do it. We are going to do it because, on the contrary, here they are preparing for us a coup similar to that of Honduras and they are going to start transmitting cartoon television stations and extinguish the radio stations.[46]

Another tactic pioneered by Chávez, and now in use in Nicaragua and Ecuador, is the use of licensing permits to broadcast as a way to silence the opposition media.

The assembly approved the measure on July 14, and on July 31 Cabello announced the names of the 34 stations, including 32 on the original list of 240 that were reviewed, that had to stop broadcasting immediately.[47]

"How can one say there is no censorship in Venezuela," said Catalina Botero, the OAS rappateur on freedom of expression. "There are 34 radio stations closed for reasons no one can understand, and the government is constantly sending threatening messages to the media."[48]

Correa in Ecuador has waged a similar fight with the main TV station there that has taken a strong editorial stance against his government, Teleamazonas. After a long series of disputes, Correa publicly stated he would shut the station down permanently. This came in the wake of the station's transmission of a secretly taped presidential conversation obtained by an opposition politician.[49] Correa then filed a series of lawsuits against the station. Following a subsequent fight with the president, the Correa government successfully ordered to station suspended from the air for three days in December 2009 for "transmitting false information."[50]

Since then Correa has escalated his verbal attacks on the independent media and accused the owners of the main newspapers and Teleamazonas of not paying taxes, of maintaining offshore bank accounts to hide their wealth, and of other illegal behavior. However, he has never used the evidence he says he has to bring criminal charges. Rather, he repeatedly attacks the media, calling them "hit men," "idiots," "trash," "corrupt," and other derogatory terms.

Earlier this year, in a move that drew widespread international condemnation and concern, Correa took a different tack, pressing criminal charges against editorial writers and authors he claims have slandered him.

On March 21, 2011, Correa filed a criminal libel suit against Emilio Palacio, a columnist at *El Universo*, one of the country's largest newspapers, for a column, headlined "No to Lies," calling Correa "the dictator" and said that the president ordered police to fire on civilians during a police mutiny in September 2010.[51] The suit also charges three members of the newspaper's board of directors. The suit requests three years in jail for each person, $50 million in damages from them individually and an additional $30 million in damages from the newspaper.[52]

Human Rights Watch called the suit "a direct assault on free speech" and called for the end to criminal suits in general and other watchdog groups strongly protested.[53]

Earlier this year, Correa took a different tack, pressing criminal charges against editorial writers and authors he claims have slandered him.

The criminal libel suit came just a few days after Correa had presented a civil libel suit against two investigative journalists, Juan Carlos Calderón and Cristian Zurita for their book, *The Big Brother (El Gran Hermano)*, in which they allege that the president's older brother, Fabricio, held millions of dollars in government contracts. The president asked for $10 million in damages, saying his good name and reputation had been maliciously attacked. The president later said he would withdraw the lawsuit if the authors publicly acknowledged they wrote the book with no evidence to substantiate their allegations.[54]

César Ricaurte, director of Fundamedios, a national press watchdog group supported by the NED, called the lawsuit "very serious, because it implies continuing on a path of judicial attacks on opinion and investigative journalism. The president is sending a signal that that is the line he will follow."[55]

In urging Correa to withdraw the suits, Jean-Francois Julliard of Reporters Without Borders, made the case for the dangers of such actions:

> We do not deny the gravity of the allegations made against you, nor their insulting nature in the case of the *El Universo* article. But we think these legal actions pose a grave danger for freedom of expression.

Ignored by the North

The worsening climate for independent news media in much of Latin America has failed to elicit much response from government and private donors in the United States and elsewhere in the developed world. Major media development implementers do not have a significant presence in the region when it comes to freedom of expression work.

USAID has funded an Internews project in Haiti to strengthen community radio and has supported work in Colombia and Venezuela, but is essentially absent from the rest of the region. IREX has a USAID-funded program in Latin America: to teach computer-assisted reporting to the the news staff of the Guatemalan newspaper *Siglo XXI* and strengthen its investigative reporting unit. The International Center for Journalists (ICFJ) has an innovative project, funded by the John S. and James L. Knight Foundation, allowing citizens to help news organizations track corruption in Panama and has done work in Latin America for years, but it is not active in freedom of the press work at the moment.

Total estimated State Department and USAID spending in fiscal 2010 for media freedom and freedom of information in the western hemisphere was about $1.54 million out of $140.4 million spent globally – or barely more than 1 percent.

"Latin America has been forgotten," Luis Botello, senior director for special projects at ICFJ, said in an interview with CIMA. "For years we've been saying, 'There's a need; there's a need.'"[1] After "amazing progress in the '80s and '90s," Botello said, "a very deep deterioration started to happen after the turn of this century," which he attributes to a sudden and dramatic shift of attention to the Middle East following the attacks of September 11.

The one major exception to this lack of attention from the United States is the National Endowment for Democracy (NED). Over the years, the NED's Latin America and Caribbean program has supported several organizations working for press freedom and for the protection of journalists in Argentina, Bolivia, Colombia, Ecuador, Paraguay, Peru, Venezuela, and, more recently, in Central America.

Botello said that in recent months he has seen a few State Department requests for proposals for projects in Argentina, Ecuador, and Venezuela, so perhaps there is a budding renewal of interest in the region's news media on the part of policymakers in Washington.

Rep. Ileana Ros-Lehtinen, chairman of the House Foreign Affairs Committee, criticized the State Department's recent record in Latin America on the occasion of the announcement of the resignation of Assistant Secretary of State for Western Hemisphere Affairs Arturo Valenzuela in mid-2011.

The assistant secretary's tenure, she said, coincided with "a period in which U.S. interests in Latin America were seriously challenged by anti-American dictators in the region. Hugo Chavez, Daniel Ortega, Evo Morales, Rafael Correa and the Castro brothers worked to enhance their power, censor the free press and diminish fundamental freedoms while allying themselves with the likes of Iran, China, and Russia," Ros-Lehtinen said.[2]

1. Luis Botello, telephone interview with CIMA, June 15, 2011.
2. Committee on Foreign Affairs, U.S. House of Representatives, May 6, 2011, http://foreignaffairs.house.gov/press_display.asp?id=1814.

> You have said you are demanding justice in "a personal capacity," not as president. Nonetheless, your detractors were addressing you in your capacity as president. In principle, you deserve respect because of the post you hold but, in practice, the person who governs a country is necessarily exposed to criticism, including criticism of the most radical kind. It goes with a democracy, in Ecuador and elsewhere.
>
> Regardless of their veracity, or their tone in the case of the *El Universo* column, such allegations raise matters of public interest and call for a response from you on the substance of the claims made. Nothing stops you from responding publicly by addressing the media that you are often quick to indiscriminately brand as enemies, when you are sometimes permitting an abusive exploitation of the right to use the media to transmit official messages ("cadenas").[56]

The situation in Nicaragua is somewhat less severe, but Ortega, who has dubbed the independent media "children of Goebbels," has nonetheless effectively used licensing of different media outlets to maintain significant control. He regularly has the official media attack journalists that run stories critical of the government through smear campaigns. For example, following his investigations into multi-million dollar extortion scheme by Ortega's Sandinista party, the official media aired stories, with no proof, that Chamorro was linked to international drug trafficking.[57]

Nicaraguan journalists said that most of the licenses of most independent TV media have not been renewed, despite the stations' efforts to comply with all the requisite paperwork before the different deadlines. Instead of granting a renewal, which should be routine, or denying the renewal, there is no official response.

"This is a way of keeping the media in line," one Nicaraguan TV journalist said. "At any time they can declare that your license is not renewed and put you off the air for operating illegally. But as long as you don't make trouble, they don't say anything. It is a way of keeping us in an irregular, illegal situation so they can attack us when they want."

This appears to be the case in the June 2009 shutdown of Radio La Ley outside of Managua. More than two dozen armed civilians seized the radio's broadcast equipment and took over the radio station the day before it was set to begin broadcasting, although all its papers were in order. The government alleged that owner, Santiago Aburto, a critic of Ortega, had taken too long to get his station on the air after receiving a license in 2004 (before Ortega was elected). The IAPA's then president, Enrique Calderón, said that "apart from the legal and administrative considerations, we are surprised by the excessive use of force to revoke a radio station's license."[58]

Honduras and Central America

While the Bolivarian states use official sanctions and attacks to limit the ability of the independent media to function, in other nations journalists are facing growing physical dangers for reporting on corruption, politics, and transnational organized criminal groups, particularly drug trafficking organizations.

Among the most dangerous countries for journalists currently is Honduras, long a bastion of relative calm for the media. The situation changed dramatically following the 2009 removal of President Manuel Zelaya and the deep political polarization that followed, which included restrictive new decrees on press freedoms.[59]

As Freedom House noted, some of the legal and constitutional provision that were suspended in 2009 were restored in 2010. "However, journalists' ability to work safely was severely compromised by a sharp rise in harassment and attacks in 2010, including the killing of six journalists in March alone," the report said. "The aggression and intimidation came from both sides of the political divide. The increase in violence, coupled with a climate of impunity in which journalists' deaths were not investigated thoroughly or in a timely manner, pushed Honduras's score ... just inside the Not Free bracket."[60]

RSF found that **"Honduras became the world's most dangerous country for the media in 2010 with a total of seven journalists slain in the first three months and three others fleeing abroad."**

RSF found that "Honduras became the world's most dangerous country for the media in 2010 with a total of seven journalists slain in the first three months and three others fleeing abroad.[61]

Aside from the loss of life and the chilling effect on journalism, what is troubling about the murders in Honduras is the lack of clarity surrounding who is doing the killing. Rather than being tied to organized crime, many of the killings seem to be political, either by pro- or anti-Zelaya forces. There do not seem to be significant ties to organized crime, at least from what preliminary investigations show.

"You get the impression that the government wants you in terror so you don't know what to report. Is this story about drugs too dangerous? What about this one about political corruption? At the end you don't report anything that will make powerful people uncomfortable," Geovany Domínguez, a senior editor of the newspaper *El Tiempo* in Tegucigalpa, told CPJ.

CPJ also found an "alarming pattern of impunity in these cases, as evidenced by the authorities' inability or unwillingness to take obvious steps to investigate the crimes and arrest the perpetrators. In one case, the government ignored a directive from the Organization of American States to provide protection to a journalist under threat–a television anchor who was later gunned down."[62]

Joel Simon, CPJ's executive director, noted that "Honduras is unique. In other parts of Latin America where violence against the press is endemic–Mexico, for example–it's tied to drug trafficking. In Honduras, at least as far as CPJ can determine, the violence against the press appears to have a political dimension. That's an extremely alarming development for the entire region."[63]

In Guatemala, journalists say they exercise significant self-censorship and have largely refrained from investigating drug trafficking that has helped give the nation one of the highest murder rates in the world. Of particular concern is the growing presence of Los Zetas, a particularly violent Mexican transnational criminal organization.

Following the murder and decapitation of 27 people in northern province of Petén by presumed Zetas, a series of "narco mantas" or drug gang graffiti painted on sheets hung over main streets, appeared in the region. They read in part, "Press, stop all the lies before the war turns against you."[64]

"We are simply not ready to do serious reporting on the drug cartels," said one senior editor at a Guatemalan newspaper. "The cost is too high, we can't protect our reporters, and we don't believe any story is worth getting someone killed. So, while we aspire to that, we are simply not able to do those types of investigations now."

Some Positive Trends

Despite the general deterioration in the overall trends in much of Latin America, there are also some positive trends, as described by journalists in the region. Rather than relying on traditional structures that the government can control or where troublesome journalists can be easily identified, the best investigative journalism is largely on the Internet.

While important, online journalism does not have the same impact that radio or television investigations might have, in large part because in most of the countries in question the rate of Internet penetration in households is significantly below 50 percent. In contrast, more than 90 percent of the population in most countries have access to radio and well above half have access to television in some form. Newspapers, while often not reaching the entire country, have a significant impact among the political elite. This means that, while good work is being done and done inways that is more difficult for the governments to control or punish, most of people in these countries do not have easy access to that information.

As the media is forced into silence and the independence of the judiciary is weakened, there are fewer and fewer options to induce these governments to change their behavior.

This will likely change in time, but the change is likely to be slow. Among the journalists that answered the questionnaire, none felt the new media was having a significant impact in challenging the traditional media in providing news to the general public.

The emerging sites include *Plaza Pública* in Guatemala, *El Fáro* in El Salvador, *IDL-Reporteros* in Peru, and others. In conversations with members of these sites, it is clear there is a significant effort underway to better coordinate, network, and join forces among them. In addition, newspapers like *Siglo XXI* in Guatemala are expending significant resources to launch an investigative team, and newsletters such as *Confidencial* in Nicaragua continue to publish groundbreaking investigations against long odds.

Conclusions and Recommendations

Despite some positive developments, however, the long-term trends in Latin America, particularly the Bolivarian states, are grim. Over time the governments of Nicaragua, Venezuela, Bolivia, and Ecuador have shown a growing willingness to shrug off even the harshest criticism from usually friendly forums such as the OAS and UNESCO. As the media is forced into silence and the independence of the judiciary is weakened, there are fewer and fewer options to induce these governments to change their behavior.

The overviews of the press situation in each of these countries have grown increasingly dire over the past five years. The physical harassment, legal maneuvering, threats, and blanket impunity for those who carry out the attacks has grown more egregious over time and there is no indication that this will change.

Instead, in Bolivia, Ecuador, and Venezuela the governments seem to be increasingly willing to attack the media in ever more aggressive ways, order the judiciary to take actions that often have no basis in law, and ignore the ensuing international rebukes. The result is citizenries that are less well-informed, with all that this implies for the health of democracy in the region.

Given the dire situation in the region, the limited resources available from the international sources and the growing imperviousness of the worst offending nations to outside criticism, there are few short-term ways to improve or strengthen the independent media in Latin America.

Despite the seeming indifference of the leaders of the Bolivarian states to how their record on press freedom is perceived internationally, it is worth noting that the governments still respond to criticism, particularly if it does not come from the United States.

Despite the seeming indifference of the leaders of the Bolivarian states to how their record on press freedom is perceived internationally, it is worth noting that the governments still respond to criticism, particularly if it does not come from the United States. One of the most effective tools remains sensitivity to the perceptions of Latin American colleagues and European leaders. To its credit, the IAPA has been a strong and effective voice on these vital issues, but is often dismissed as being a club defending its own (independent media leaders supporting other media leaders). Therefore it is incumbent on those nations in Latin America where press freedom remains strong, such as Brazil, Chile and Peru, to place media issues at the heart of the Latin American agenda, particularly in regional forums. Colombia, emerging from the sustained attacks on the media of the Uribe administration, could also show how democratic freedoms can be recovered within the rule of law.

There remains a great reluctance among Latin American leaders to be seen as interfering in the internal affairs of other countries. However, a constant reaffirmation of issues of freedom of expression and rule of law, based on the OAS charter and other international treaties to which all the nations, including the most egregious offenders, are signatories, should be a priority.

In addition to the individual countries, the OAS, as a regional body, has an obligation to focus on the combined issues of the rule of law and freedom of expression. It does so only with great caution and inconsistency. While it issues reports of great value, there is little follow up, and media issues are mostly absent from the regional debates.

Speaking on these issues may not have dramatic results, but it has been consistently shown that public denunciations by peers can have some moderating effect on the behavior of authoritarian governments.

One of the keys to maintaining the free flow of information will be the Internet. The NGO communities of the United States, Europe, and elsewhere should prioritize the funding of these sites until they are sustainable.

As noted earlier, one of the encouraging trends has been the growth of important online journalism enterprises that focus on investigative reporting and issues of transparency and accountability. Most of these currently receive outside funding to survive, and no overall economic model has been developed to insure sustainability. One of the keys to maintaining the free flow of information will be the Internet. The NGO communities of the United States, Europe, and elsewhere should prioritize the funding of these sites until they are sustainable.

The voice of the NGO community is extremely important and must continue to be heard. Media watchdogs like Reporters Without Borders, the Committee to Protect Journalists and others, along with human rights groups like Human Rights Watch, play a vital role in monitoring attacks on the media. These should be augmented where possible, and a unity of effort, rather than duplication, would allow more work to be done and the impact of the work to be felt more broadly.

As some in the U.S. Congress have noted, there has also been a striking silence in recent years by Washington on freedom of expression issues in Latin America and the defense of a free and independent media. This reflects in part the low level of priority accorded Latin America in policy circles since the 9/11 attacks. It may also reflect the already existing tensions between the United States and the Boliviarian bloc, as shown by the expulsions of the U.S. ambassadors to Bolivia, Venezuela, and Ecuador.

While public U.S. statements often generate a negative response, particularly in the Bolivarian states, journalists and others interviewed for this paper felt strongly that the United States has abandoned them and that incorporating media issues into the bilateral and multilateral agendas

is urgent. They viewed this not as U.S. interference, but as a clear statement of guiding U.S. principles in foreign policy, ones that often seem to be absent from the public arena. As with the OAS and other organizations, the monitoring and denunciations of freedom of expression and rule of law can and should be firmly grounded in the legal charters the nations are all signatories to, not as a unilateral U.S. view of how the world should work.

Clearly there remain many countries where the United States, Europe, and other donor nations can, despite shrinking aid budgets, identify and work on media training and judicial reforms to insure the protection of freedom of expression. This can and should be done as part of the strengthening of the democratic processes in those countries where such aid is possible. In relative terms the amount needed to train journalists or work for judicial reform is negligible and can certainly be done if the political will is there.

But just as importantly, the Latin America independent media must find its voice in new and dynamic ways. While the IAPA is an important vehicle, there are few other mechanisms for doing joint, cross border investigations, supporting journalists at risk, and reporting in the region about the shrinking space and constant attacks on the independent media. Groups in countries that enjoy more freedom and prosperity in the media should be willing to help those whose financial hold is precarious and whose voices are being silenced. As striking as the U.S. silence and the lack of overall European Union support are, the most deafening silence is in Latin America itself.

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