

3-27-2003

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### Recommended Citation

LADB Staff. "Media Conditions in Region." (2003). <https://digitalrepository.unm.edu/noticen/9070>

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## Media Conditions in Region

*by LADB Staff*

*Category/Department: Central America*

*Published: 2003-03-27*

The Inter-American Press Association (IAPA) held its semiannual meeting in El Salvador in late March, during which the organization examined, country by country, restrictions placed upon the press by governments and other entities, and abuses against individual journalists.

The organization found, and published in its concluding document, that "throughout the hemisphere press freedom has been harmed by governments, politicians, and the courts, which persist in applying restrictive and obsolete laws." In some countries, paramilitary or guerrilla groups, and civilian governmental supporters, also constrain journalists and the media. The main problem in the hemisphere was physical attacks on journalists, including murders and threats. There were also attacks on reporters attributed to mobs during demonstrations.

Arrests of media personnel also occurred. Governments introduced bills or passed laws restricting press freedom or threatening it. These included harassment by government audit in Guatemala (see NotiCen, 2002-06-27) and court challenges to media tax breaks in Nicaragua. Another impediment to press freedom was obligatory licensing of journalists. This occurs in Honduras and Nicaragua, as well as in countries outside Central America and the Caribbean. Obligatory licensing also came up in Panama, but the executive branch shot the proposal down.

IAPA placed its hopes on the inter-American human rights system, especially the Inter-American Court of Human Rights (IACHR), the Inter-American Commission on Human Rights, and its Special Rapporteur for Freedom of Expression to improve the situation. The organization documented specific problems, and specific abuses, on a country-by-country basis. The following are the details: Costa Rica There were no new violations of press freedom. This was attributed to a lack of new lawsuits, rather than to changes in restrictive legislation. The lack of new court filings against the press could, in turn, be evidence of self- censorship in the media.

The Inter-American Commission on Human Rights filed a complaint against Costa Rica in February, alleging a violation of the rights of reporter Mauricio Herrera Ulloa (see NotiCen, 2001-02-22) of La Nacion. Herrera was fined about US\$100,000 and his name was ordered published in the Judicial Registry of Criminals for a story he wrote on a former ambassador to the International Atomic Energy Agency. He was convicted of defaming the ambassador. The newspaper was also convicted and the Corte Suprema upheld the convictions. La Nacion was also ordered to remove links to the ambassador in its online edition, even if those links were to European papers, and to replace them with links to the holding of the judgment.

The commission's petition asked the Inter-American Court to overturn the Corte Suprema judgment and to order changes to the legislation concerning injury to reputation. The petition argued that "use of a criminal concept is out of proportion and unnecessary in a democratic society,

and is an indirect restriction on press freedom." It also asserted public interest in the controversy in the European press about the ambassador's alleged corrupt acts. Moreover, Herrera was convicted by means of a court ruling that the journalist was responsible for demonstrating the truth of what is published. He was convicted without the prosecution having to demonstrate that he had ever committed a fraudulent act. IAPA detected a violation of the presumption of innocence in this.

In other legal action, three men were charged in January with the July 2001 murder of reporter Parmenio Medina Perez. Medina's reporting was allegedly the motive for his killing. The special commission on press freedom of the Legislative Assembly was taken to task for gutting bills to modify legislation affecting freedom of expression. IAPA said that they "altered the proposals so that they were totally useless to ease the restrictive environment created by the restrictive laws."

## *Cuba*

In Cuba, IAPA noted a curious mix of news censorship and harassment of journalists with the emergence of several new, independent news publications. A new publication, *De Cuba*, has published its second edition, the first having come out in December 2002. The news magazine is distributed by the independent library project, which has been extended to all the provinces. IAPA describes *De Cuba* as "intended for the Cuban reader who lives on the island, with the intention of opening a window of press freedom in the censored internal environment," and says it comes at a time of "a surge of alternative magazines and bulletins, assisted by access to computers and photocopy machines, and the help of organizations and individuals abroad."

The report mentions by name *Trabajador Cubano*, published by independent trade unionists; *Nueva Izquierda*, by the dissident *Corriente Socialista Democratica Cubana*; *Perfil Social*, sponsored by the Jesus Yanez Pelletier Foundation; and several more, including television broadcasts. The report goes on to laud "a climate of creativity, professional vigor, and alternative thought [coming] at the same time as a growing interest in training independent journalists. Some groups have organized technical courses, and other journalists are studying under a special program of Florida International University." It also mentions that Cuban Press Day was celebrated on March 14 with an invitation from the Cuban Journalists Federation to 60 independent journalists from all over the country to a workshop on journalistic ethics.

The Federation and the Marquez Sterling Society represent almost all the independent journalists on the island. That was the good news; the bad was that "this space of relative tolerance contrasts with the totalitarian rigidity and repression against other displays of free expression."

Notice was taken that Bernardo Arevalo Padron, founder of the independent agency *Linea Sur*, is still in jail, serving a six- year term since November 1997 on charges of contempt of President Fidel Castro and Vice President Carlos Lage. Three other independent reporters have been detained since the beginning of last year and await trial: Carlos Alberto Dominguez of *Agencia Cuba Verdad*, Carlos Brizuela Yera of *Independent Journalists Colegio of Camaguey*, and Lester Tellez of the *Agencia de Prensa Libre Avilena*. All are in prison. Brizuela was allegedly beaten in jail by a guard in January, losing vision in one eye. The report also chronicles harsh police repression of journalists

who try to cover the internal opposition and prisoners of conscience. The police actions included detentions, warnings, stops, threats, and fines. More than a dozen reporters were named as having experienced these measures.

Other violations included confiscation of foreign reporters' work materials, delays and denials of journalists' requests for foreign travel, and police raids on information sources disguised as crackdowns on drugs, corruption, and other illegal activities, said the report.

## *El Salvador*

In El Salvador, the major impediments to journalistic freedom are government denial of access and continuing attacks against journalists while doing their work. The problem seems to be that, "despite the constitutional guarantee, there is no legal mechanism that requires officials to provide information....Journalists' requests for information are often denied or postponed indefinitely." An example of this is the area of health, where authorities have centralized information about patients and illnesses and do not allow hospitals to provide information of public interest. Journalists, therefore, work with incorrect information on sensitive subjects like epidemics. There is currently a doctors strike in the country and it is impossible to know the effect on public health.

Autonomous agencies, like the electricity utility and the aqueduct and sewer utility, refuse to provide information about the management of their budgets and other facts of public interest. Access to information in the judicial branch is also routinely denied, all the way to the Corte Suprema, which does not disclose its rulings, and there is a gag rule in the criminal code restricting access to court hearings. Criminal laws threaten the media and journalists with disqualification and prison for the crimes of libel and defamation. The State Audit Court has been completely closed to the media.

The report also cites harassment by political parties, from the right-wing Partido de Conciliacion Nacional (PCN) to the leftist Farabundo Marti para la Liberacion Nacional (FMLN), against journalists. Visa delays for journalists investigating corruption by international corporations were also noted. Guatemala Here, IAPA reports that press freedom has deteriorated considerably despite a firm stance by the independent press against government harassment.

Much of the trouble stems from President Alfonso Portillo's severe criticisms of the media in his ongoing battles with the private sector, of which the media are part. Portillo has threatened editors, and Jose Ruben Zamora, editor of *elPeriodico*, has filed a complaint against him. The Corte Suprema has accepted the case, and the Congreso has named a commission to investigate it. Public prosecutors have admitted tapping journalists' phones. Ominously, government intimidation has extended to a resumption of the practice of photographing journalists covering official events. This was routine during the height of the years of press repression, 1978-1983, when the highest number of murders occurred.

Journalists have also been called to testify in court cases, threatening their protection of sources. Tax authorities and auditors have also been used by the government to harass newspapers. One

newspaper won a court case seeking to stop the practice. In February, two reporters, one from the agency Cerigua and a columnist from Prensa Libre, were attacked under as yet unexplained circumstances. On the bright side, all this has led to a boost for press credibility and a general increase in daily circulation.

## *Honduras*

The major threat here is the imposition of obligatory licensing of journalists. This is mostly a potential problem at the moment, since more than half of working journalists in the country are not licensed and have not been sanctioned. There has, however, been a wave of incidents against individuals in the broadcast media. As an example, on Feb. 6, the program Interpretando la Noticia left the air. Director Eduardo Maldonado said he left because of "persecution, censorship, and control" by the government. Taxation harassment schemes, similar to that in Guatemala, have also been employed against the media.

Nicaragua Obligatory licensing is an issue in Nicaragua. The Corte Suprema has under consideration, but has not yet ruled, on the constitutionality of the law authorizing the practice. Taxation is also an issue. Sandinista legislator Bayardo Arce, a former commandant of the FSLN, is seeking repeal of a constitutional exemption from taxes for the media. President Enrique Bolanos had been telling the press that the breaks should be given up voluntarily but later said that he was not opposed to them. The media do pay taxes on advertising, purchases, and other non-news-related income.

## *Panama*

A transparency law that would enable press and citizen access to official information was significantly weakened by President Mireya Moscoso's decision in May to establish regulations restricting it. Journalism organizations and the ombuds office have contested the constitutionality of the restrictions, but the Corte Suprema has not yet ruled. Dominican Republic President Hipolito Mejia criticizes reporters, calling them "Talibans" and "reckless," but has said that he does not mean it in a pejorative sense. IAPA reported that this does not inhibit press freedom. Beyond that, the major issue is that the case of columnist Narciso Gonzalez, who disappeared in 1994 after criticizing then President Joaquin Balaguer for electoral fraud, remains unresolved. In January, several military officials were absolved of any responsibility by a court, effectively closing the case.

## *Haiti*

The Association of Haitian Journalists has compiled reports of 90 attacks against independent journalists, the closure of several radio programs and one station, and physical assaults on reporters, some of whom have fled the country. Death threats are rife, and too numerous to count. Journalists have modified their work to prevent actions against them. The list of specifics is long. The source of most of this is the government and pro-government military organizations. President Jean Bertrand Aristide has said repeatedly that he respects the press, but the evidence is overwhelming that he does not.

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