



Testimony before the Subcommittee on the Western Hemisphere

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“Challenges to Democracy in the Western Hemisphere”

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

I will focus my testimony on the threats that journalists face while reporting the news and its impact on fundamental human rights, including freedom of expression and access to information. In different countries throughout the hemisphere, broad aspects of public discourse are limited by the threat of physical violence, government censorship, restrictive legislation, and financial pressures. The lack of vigorous debates on issues of public interest, which is the cornerstone of modern democracies, is creating political instability, reducing government accountability, and compromising economic development.

With the exception of Cuba, democracy in the Americas has become firmly entrenched. While many countries in the region have great investigative journalism, editorial independence, and critical coverage, reporters and media outlets are still exposed to both violence and government

repression. The role of journalists as democracy's watchdogs has gradually become more dangerous. Violence and official legal harassment are the main emerging trends that illustrate the major challenges facing the press in the Western hemisphere, according to CPJ research.

During the last two decades, transnational criminal networks have extended their influence and spread a wave of lethal violence across Latin America. Political turmoil and weakened institutions have been the consequences of their unlawful behavior. In this context, coverage of crime, corruption, human rights abuses, and other sensitive issues made journalism a high-risk profession. Scores of journalists have been killed, disappeared, and brutally attacked with total impunity as dysfunctional and overburdened judicial systems have been incapable to bring to justice those responsible for these crimes, CPJ research shows.

With more than 50 journalists killed or disappeared over the last six years, Mexico is the deadliest country for the press in the Americas, and one of the most dangerous worldwide. Media outlets have seen their offices bombed or fired upon and their websites hacked. Violence linked to organized crime and corruption have devastated the news media and stripped citizens of their rights to freedom of expression and access to information. Terror and censorship have destroyed the ability of the press to report the news while placing Mexico's future as a democracy at risk.

A climate of widespread impunity exacerbates the problem. Journalists are attacked while reporting on complicity between criminals and officials, and they have been targeted while pursuing crime or corruption stories. Crimes are almost completely unsolved, not only as a product of negligence and incompetence, but of pervasive corruption among law enforcement. The lines between political and criminal groups are often unclear, raising the risk for reporters. Local reporters pay the highest price, as the global trend shows. Nearly nine out of ten journalists killed worldwide are journalists reporting on issues in their own community, according to CPJ research.

In April, CPJ commended the approval of legislation that implements a constitutional amendment giving federal authorities in Mexico broader jurisdiction to prosecute crimes against freedom of expression as a step forward in the fight against impunity. The legislation establishes accountability at senior levels of the national government, evading the more corrupt and less effective state law enforcement officials. The administration of President Enrique Peña Nieto must now show full political will to break this terrible cycle of impunity.

Criminal organizations and impunity have also forced the press into silence in some Central American countries, but nowhere more so than in Honduras. With the highest homicide rate in the world, according to United Nations statistics, a climate of violence and widespread impunity has made this country one of the most dangerous in the region. Rampant gang violence, the presence of powerful Mexican drug cartels, and deep societal polarization following the 2009 coup that ousted Manuel Zelaya are all factors that have made the work of reporters even more perilous. A total of 16 journalists have been killed in Honduras since July 2009, at least three in direct reprisal for their work, CPJ research shows. Pervasive impunity and negligent and incompetent investigative work often make it difficult to determine motives in murder cases, CPJ research shows. Honduran authorities' approach toward the killings of journalists has aggravated the problem. Officials have played down the threat, often arguing that the murders are not related

to the work of journalists. But so far they have not presented concrete evidence to make their case.

While investigative journalism is thriving in Brazil, a spike in lethal violence has made this country one of the most dangerous for journalists in the world, according to CPJ research. Four reporters have been killed so far this year, at least three of them in direct retaliation for their journalism. In 2012, the second consecutive year, Brazil appeared on CPJ's Impunity Index, which calls attention to countries where journalists are murdered regularly and the killers go unpunished. The country was also named to CPJ's Risk List, which identified 10 places where press freedom suffered in 2012. Nine out of ten journalists killed in the past two years had reported on official corruption or crime and all but one worked in provincial areas. Reporters are more vulnerable to attack in provincial areas where law enforcement is weak. Journalists who work in urban centers are not immune to threats and violence. Those who cover organized crime, official corruption, and drug trafficking have faced serious risks and, in certain cases, are forced into hiding and exile. The case of investigative journalist Mauri König, a special reporter with the Curitiba-based daily *Gazeta do Povo*, is striking. In late 2012, König received serious death threats after an investigative series on police corruption in the state of Paraná. After a follow-up story last December, he was warned of a plot to kill him and shoot up his house. König went into hiding and returned to Brazil several weeks later.

Even as lethal violence has drastically declined in the last decade, Colombia continues to rank among the most murderous countries for journalists worldwide, with 44 journalists killed in reprisal for their work since 1992. While authorities have made strides in combating impunity in cases of murdered journalists, improvements in the overall security climate have generally outpaced judicial gains, CPJ research shows. While the number of killings has decreased, threats have been on the rise. This year, CPJ has documented a series of press freedom cases that illustrate the serious risks journalists still face when reporting on sensitive issues. Authorities recently discovered a plot to kill a prominent journalist and two political analysts who had been investigating links between local politicians and organized crime. According to Colombian officials, an assassin had been hired and paid to kill Gonzalo Guillén, a freelance investigative journalist who has produced documentaries and reported for the Miami newspaper *El Nuevo Herald*. In May, eight provincial reporters covering land restitution efforts by the government were threatened by a group that said they had 24 hours to abandon the northern city of Valledupar. Ricardo Calderón, who heads *Semana* magazine's investigative unit, barely escaped an assassination attempt in May, CPJ research shows.

Besides the threat of physical violence, the subsequent most pressing issue for the regional media is an array of restrictive legislative, judicial, and regulatory measures imposed by democratically elected governments. Showing disdain for the institutions of democracy, several governments are seeking to stifle dissent and control the flow of information. Describing critical journalists as the unelected opposition, these governments have become increasingly intolerant to media criticism.

Venezuela provides the starkest example of the lack of tolerance to different views and opinions. As CPJ research shows, in the last 14 years Venezuela has used different laws, regulatory measures, and judicial decisions to progressively break down the private press. With majority in the National Assembly, and control over the judiciary and government regulators, authorities

have closed dozens of broadcasters, censored critical coverage, sued reporters for defamation, excluded those deemed unfriendly from official events, and intimidated critical journalists.

At the same time, Venezuela has built an unprecedented state media empire that is used to harass critics and obscure issues like crime and corruption. During the past decade, Venezuela has invested heavily to build a large state press conglomerate to further the government's political agenda, CPJ research shows. While state media largely broadcast propaganda at the expense of plural viewpoints, it is also used as a platform to launch attacks and smear critical journalists.

Globovisión, the only network critical of the government still on the air until recently, was sold in May to businessmen with close ties to the Maduro administration. Since then, the network has dramatically toned down its criticism while many of its journalists and hosts have left the station with accusations of censorship, according to CPJ research. Globovisión was sold after being hit with huge fines, an array of regulatory sanctions, and facing the probability that its license would not be renewed in 2015.

Venezuela has served as a model to other leaders in the region who are trying to weaken the press, repress dissent, and exert control over information. But perhaps none has learned the lesson better than President Rafael Correa of Ecuador, whose policies have transformed the country into one of the hemisphere's most restrictive nations for the press, according to CPJ research. Ecuador has made use of archaic criminal defamation laws to silence critical journalists. A former op-ed editor and three executives with the largest circulation daily *El Universo* were sentenced to three years in prison and \$40 million in fines for allegedly defaming the president in an opinion column. President Correa also filed a \$10 million civil defamation lawsuit against investigative journalists Juan Carlos Calderón and Christian Zurita, authors of a book called *Gran Hermano* (Big Brother) on official corruption. Both journalists were ordered to pay \$1 million each in damages to Correa. The president later pardoned the journalists and executives in both cases. But Correa's statement after the pardon—that he was forgiving, but not forgetting—was interpreted as warning to all journalists who report critically on his administration.

The new Communications Law approved in June by the Ecuadoran National Assembly represents a severe blow to freedom of expression, according to CPJ and other regional and international press freedom organizations. The law establishes regulation of editorial content and gives authorities the power to impose arbitrary sanctions and censor the press. The restrictive provisions and vague language of this legislation run counter to constitutional guarantees and international standards on freedom of expression. The law not only undermines journalists' ability to report critically but threatens the right of citizens to be informed about sensitive issues. The legislation, which created a state watchdog entity to regulate media content, is filled with ambiguous language demanding that journalists provide accurate and balanced information or face civil or criminal penalties. Article 26, for instance, prohibits “media lynching” that is defined as “the dissemination of concerted and reiterative information ... with the purpose of undermining the prestige” of a person or legal entity. Media outlets found violating this provision could be ordered to issue public apologies and would be subject to criminal and civil sanctions that are not specified in the legislation.

In the last few years, Cuba has projected an image of a nation opening up economically, but the government of President Raúl Castro has taken no important actions to promote freedom of expression and access to information. The authorities' decision to eliminate exit visa regulations that had long restricted Cuban travel is a positive step that has allowed government critics to travel abroad. But harassment and intimidation of independent journalists and political dissidents have remained constant. Though the government has almost abandoned its policy of long-term detentions, short-term detentions and harassment, especially surrounding widely covered events, is a common practice. Internet penetration remains low, with existing public connections slow and expensive. The installation of a fiber-optic cable project financed by Venezuela was completed, but analysts say Internet access is still elusive for most Cubans. The general population goes online at hotels or government-controlled Internet cafés by means of expensive voucher cards. Defying economic and legal obstacles, a vibrant number of independent bloggers detail everyday life and offer criticism of the Cuban government. Their blogs are hosted outside the country and are largely blocked on the island. Cuba placed ninth on CPJ's global survey of most censored countries.

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