

CHAPTER II

SITUATION OF THE FREEDOM OF EXPRESSION IN THE REGION

A. Introduction and methodology

1. This chapter describes some aspects related to the freedom of expression in the countries of the region.

2. The chapter is divided into four sections: section A is the introduction and explains the methodology used; section B consists of the evaluation of the freedom of expression situation in the region in 2006; section C contains facts and episodes related to the exercise of the freedom of expression in the member states that occurred in 2006 that have been considered symbolic, paradigmatic, and/or descriptive of the situation in each country, and in the region; and section D is a table showing the assassinations of journalists and other media workers perpetrated in 2006 for reasons that may be related to their journalistic work. Although they are also included in section C, the Office of the Special Rapporteur considered it useful to include a table showing just the assassinations, which is the most brutal violation of the right to freedom of expression.

3. States are under an obligation, emanating from the American Convention, not only to respect human rights but also to guarantee their observance, which implies that they are obligated to investigate and sanction those responsible for all acts of violence, including those committed by persons who are not state agents. Accordingly, this report includes not only assassinations, threats, and attacks allegedly committed by state agents, but also those for which private persons are allegedly responsible.

4. The evaluation of the situation of freedom of expression in the region presented in section B is based on the information received by the Office of the Special Rapporteur, which is detailed in section C, and the information collected during working visits to the member states. The sources of information received appear in section C, in footnotes that include, when available, the corresponding Internet link. In the year 2006, the Office of the Special Rapporteur made working visits to Ecuador, Panama, Uruguay, and Costa Rica.

5. The facts and episodes contained in section C were classified based on the Declaration of Principles of Freedom of Expression approved by the Inter-American Commission on Human Rights, as was done in the last two annual reports.¹ The facts related to Principles 10 and 11 of the Declaration of Principles on Freedom of Expression were compiled jointly, taking into account that in most cases criminal defamation laws are invoked for the same purposes as *desacato* statutes.²

¹ The idea of drawing up a Declaration of Principles on Freedom of Expression was born of the recognition of the need to establish a legal context to regulate the effective protection of the freedom of expression in the region, incorporating the prevailing doctrines recognized in various international instruments. In the course of its 108th session, in October 2000, the Inter-American Commission on Human Rights approved the declaration prepared by the Office of the Special Rapporteur. The declaration is fundamental for interpreting Article 13 of the American Convention on Human Rights. Its adoption not only recognizes the importance of protecting the freedom of expression in the Americas, but also incorporates into the inter-American system the international standards for the more effective exercise of this right. Available at: <http://www.cidh.oas.org/relatoria/showarticle.asp?artID=25&IID=1>.

² Principle 10. Privacy laws should not inhibit or restrict investigation and dissemination of information of public interest. The protection of a person's reputation should only be guaranteed through civil sanctions in those cases in which the person offended is a public official, a public person or a private person who has voluntarily become involved in matters of public interest. In addition, in these cases, it must be proven that in disseminating the news, the social communicator had

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6. Positive developments, where they have occurred, are considered in a separate section under the heading "Progress".

7. The Office of the Special Rapporteur receives information on the freedom of expression in the members states from different sources, analyzes it directly, and takes the measures it considers appropriate, such as issuing press releases and sending letters to the states requesting information.³

8. The information received daily is used to prepare and disseminate a quarterly press release on the situation of freedom of expression in the region, a practice begun in 2006.⁴ The preparation and dissemination of the quarterly press release is aimed at expanding and deepening the public debate on violations of the right to freedom of expression in the Americas. The quarterly press releases drawn up in 2006 were used as relevant input for preparing this chapter.

9. The Office of the Special Rapporteur also includes in this chapter reports on the assassinations of journalists that may be related to their work as journalists, based on preliminary information mainly from the media and non-governmental organizations. The Office of the Special Rapporteur emphasizes that the international obligation of the state to investigate and punish those crimes includes its duty to determine the motives.

10. As in reports from earlier years, both in the evaluation of the situation of freedom of expression in the region in section B and in the description of paradigmatic facts and episodes in section C, there is a marked prevalence of information from the media, reflecting the information received. In this regard, the states, civil society organizations, academics, and individuals are invited to send information to the Office of the Special Rapporteur on the situation of freedom of thought and expression in journalism, and also in other spheres.

11. The Office of the Special Rapporteur would like to thank the states, civil society organizations, media outlets, and academic sectors for the information sent in 2006 on the situation of freedom of expression in the region.

B. Evaluation

12. The year 2006 was an especially violent time for journalism in the region. According to the information received by the Office of the Special Rapporteur, at least 19 persons were assassinated in 2006 in the Americas for reasons that could be related to their journalistic work. This figure is especially worrisome considering the downward trend that had begun to be seen in the region.

13. The vulnerability of media workers in Mexico to organized crime, especially the drug-trafficking cartels, was made clear in its most tragic dimension in 2006, when there were nine

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the specific intent to inflict harm, was fully aware that false news was disseminated, or acted with gross negligence in efforts to determine the truth or falsity of such news.

Principle 11. Public officials are subject to greater scrutiny by society. Laws that penalize offensive expressions directed at public officials, generally known as '*desacato* laws,' restrict freedom of expression and the right to information.

³ The Office of the Special Rapporteur receives information that is sent, among others, by non-governmental organizations, states, and journalists affected.

⁴ The quarterly press releases can be found at: <http://www.cidh.org/relatoria/showarticle.asp?artID=683&IID=2>.

assassinations of media workers in Mexico alone. Two were assassinated in the state of Oaxaca, two in the state of Veracruz, one in the state of Michoacán, one in the state of Tamaulipas, one in the state of Chihuahua, one in the state of Guerrero, and one in the Federal District. In addition, one journalist was disappeared in the state of Michoacán.

14. During these 12 months, homicides were also committed for reasons that may be related to the practice of journalism in Brazil, Colombia (three cases), Ecuador, Guatemala, Guyana, and Venezuela. In addition, one journalist was disappeared in Paraguay.

15. The Office of the Special Rapporteur issued press releases on the occasion of assassinations perpetrated against journalists and other media employees, and urged the state to undertake a proper investigation to determine the causes of the crimes, punish the direct perpetrators and masterminds, and make reparation to the next-of-kin of the victims when appropriate.⁵ The Office of the Special Rapporteur once again urges the states to investigate these cases speedily and to do their utmost to ensure that these crimes not remain in impunity.

16. The absence of a proper investigation into the assassinations of journalists in the region in 2006 and in previous years has been a motive of constant concern for the Office of the Special Rapporteur. These crimes frequently remain in impunity. The failure to punish the direct perpetrators and masterminds of these homicides spurs on the occurrence of new assassinations.

17. In this regard, the Office of the Special Rapporteur views as a positive step the creation, in Mexico, of the Office of the Special Prosecutor for Crimes against Journalists in the Office of the Attorney General of the Republic, in February 2006. Nonetheless, it is worrisome that according to Article 4 of Executive Order A/031/06, by which this Office of the Special Prosecutor was created, the crimes allegedly committed by organized crime must be investigated and prosecuted by the Office of the Deputy Attorney General for Specialized Investigations into Organized Crime, which could leave most or all assassinations of journalists outside of the jurisdiction of this new Office of the Special Prosecutor.

18. To the vicious circle of assassinations, impunity, and new assassinations is added the self-censorship resulting from this situation. When the states do not guarantee the right to life, journalists have to continue putting their lives and often those of their families at risk, or abandon their investigations and not report on certain issues.

19. Members of society may not find out about the existence of such self-censorship, or may not know its prevalence among the journalists and media on which they depend for information. Nonetheless, society pays a high price when such a situation is imposed, since in a democracy it is essential that the citizenry be able to exercise its right to become informed on any topic.

20. In addition, in 2006 physical attacks and threats continued to have an adverse effect on the full exercise of the freedom of expression. The Office of the Special Rapporteur received information on attacks on and threats to journalists in Argentina, Bolivia, Brazil, Colombia, Cuba, El Salvador, the United States, Guatemala, Haiti, Honduras, Mexico, Paraguay, Peru, Dominican Republic, Uruguay, and Venezuela.

21. The Office of the Special Rapporteur continues receiving information on journalists who have been forced to leave the cities where they reside and work, or even their countries, due

⁵ The press releases of the Office of the Special Rapporteur are available at: <http://cidh.org/relatoria/artListCat.asp?catID=1&IID=2>.

to the possibility that death threats might be carried out. According to the information received, this problem is especially pressing in Colombia, where, during 2006, at least two journalists felt forced to leave their cities, and a third journalist felt forced to leave the country, due to death threats.

22. Other journalists who decide to ignore the threats live in permanent fear, some with police escorts. Those who opt for this path run a high risk and sometimes end up paying with their lives, as shown by the fact that several of the journalists assassinated in 2006 had been threatened before the crimes were perpetrated.

23. Practically all cases of threats and attacks remain in impunity and frequently investigations are not even begun. As is the case with impunity in homicide cases, the lack of proper investigations and sanctions in cases of threats and attacks results in the proliferation of such acts, since the perpetrators almost never suffer consequences for them.

24. Accordingly, journalists find themselves in a situation of total vulnerability in the face of persons who threaten and attack them in order to silence them and hide information of potential interest to society. Journalists once again face a tragic choice between continuing to put themselves at risk and self-censorship.

25. The IACHR has established that the lack of a serious, impartial, and effective investigation, and punishment, of the direct perpetrators and masterminds of these crimes constitutes not only a violation of due process guarantees but also a violation of the right to publicly and freely provide information and express oneself, giving rise, therefore, to the international responsibility of the state.⁶ Moreover, principle 9 of the Declaration of Principles on Freedom of Expression provides: "It is the duty of the state to prevent and investigate such occurrences, to punish their perpetrators and to ensure that victims receive due compensation."⁷

26. The Office of the Special Rapporteur once again urges the states to make use of all the legal mechanisms available to them to carry out this duty, so as to express, without any doubt, their will to ensure the free exercise of the freedom of expression. Impunity in the case of these violations must be eradicated from the region.

27. The threats and attacks in 2006 came from the widest array of sectors, including state agents. The Office of the Special Rapporteur expresses its profound concern over this fact. Information has been received on threats and physical attacks on journalists perpetrated or ordered by police, military personnel, governors, mayors, and legislators, as well as advisers and those in charge of the security of high-level government officials. According to the information received, incidents of this sort occurred in Argentina, Bolivia, Brazil, Cuba, Guatemala, Honduras, Mexico, Peru, the Dominican Republic, and Venezuela.

28. Journalists and other persons also suffer criminal charges for *desacato* and defamation for disseminating information or opinions critical of the authorities. These judicial actions have a deterrent effect on the exercise of the freedom of expression.

⁶ IACHR, Report No. 50/99, Case 11,739 (Mexico), April 13, 1999.

⁷ Principle 9. The murder, kidnapping, intimidation of and/or threats to social communicators, as well as the material destruction of communications media violate the fundamental rights of individuals and strongly restrict freedom of expression. It is the duty of the state to prevent and investigate such occurrences, to punish their perpetrators and to ensure that victims receive due compensation.

29. In 2006, public officials continued to make arbitrary use of such criminal proceedings in order to silence journalists and other persons, and there were convictions in Brazil, Mexico, Peru, Uruguay, and Venezuela. In the case of Uruguay, there was a worrisome step backwards with a Supreme Court judgment that ratified a conviction and imprisonment of a journalist, and in so doing undid progress reflected in the case-law of that same court dating from 1997.

30. These criminal proceedings are possible because many OAS member states have not brought their criminal legislation into line with the standards that emanate from the decisions, opinions, and reports of the organs of the inter-American system for the protection of human rights and those that emanate from the Declaration of Principles on Freedom of Expression, especially Principles 10 and 11.

31. The IACHR has noted that criminal statutes on *desacato*, which provide special protection for the honor and reputation of public officials, are incompatible with the right to freedom of expression provided for at Article 13 of the American Convention, for in a democratic society public officials, rather than receiving such special protection, should be exposed to a greater level of scrutiny so as to facilitate a wider public debate and democratic oversight of their actions.

32. Principle 11 of the Declaration of Principles on Freedom of Expression notes: "Public officials are subject to greater scrutiny by society. Laws that penalize offensive expressions directed at public officials, generally known as '*desacato* laws,' restrict freedom of expression and the right to information."

33. The Office of the Special Rapporteur notes that in recent years, *desacato* statutes have been derogated in nine countries of the region. This reveals a positive trend that should be taken into account by the authorities of those states that keep such laws on the books.

34. Based on these considerations, the Office of the Special Rapporteur urges the member states that still have *desacato* statutes to repeal them. In this regard, the Office of the Special Rapporteur notes major progress in 2006 with the elimination of the *desacato* statute in Guatemala through a decision by the Constitutional Court.

35. As regards the criminal statutes on defamation, the standards of the inter-American system for the protection of human rights have established that it is not proportional, in a democratic society, to punish offenses to honor and reputation that derive from the dissemination of information on matters of public interest with criminal sanctions. Criminal proceedings arising from the dissemination of information of public interest discourage investigation and debate on issues relevant to society and inhibit criticism, which has a negative impact on democracy.

36. Principle 10 of the Declaration of Principles on Freedom of Expression indicates: "...The protection of a person's reputation should only be guaranteed through civil sanctions in those cases in which the person offended is a public official, a public person or a private person who has voluntarily become involved in matters of public interest. In addition, in these cases, it must be proven that in disseminating the news, the social communicator had the specific intent to inflict harm, was fully aware that false news was disseminated, or acted with gross negligence in efforts to determine the truth or falsity of such news."

37. The Office of the Special Rapporteur recalls that journalists provide a fundamental service to democracy, and have the right to do their work without the concern of being subject to prison sentences as a result. Protecting honor and reputation in such situations should be done through the right to rectification or response, and through proportional civil sanctions, handed down

in proceedings that take into account the parameters of Principle 10 of the Declaration of Principles on Freedom of Expression.

38. Cuba is the country of the region with the largest number of journalists in prison. The Office of the Special Rapporteur expresses once again its concern over this situation, and asks the State to release them.

39. Another problem to which the Office of the Special Rapporteur continues paying attention is prior censorship. Even though it is expressly prohibited in the American Convention⁸, the Office of the Special Rapporteur received information on cases of prior censorship that occurred in 2006 in Argentina, Brazil, Canada, Cuba, El Salvador, Peru, and Venezuela.

40. This problem became especially pressing in Brazil, where the laws allow the justice system to prohibit the dissemination of information. In 2006, the Office of the Special Rapporteur received information on seven judicial decisions that prohibited the publication and dissemination of certain information there.

41. The Office of the Special Rapporteur recalls that Principle 5 of the Declaration of Principles provides: "Prior censorship, direct or indirect interference in or pressure exerted upon any expression, opinion or information transmitted through any means of oral, written, artistic, visual or electronic communication must be prohibited by law. Restrictions to the free circulation of ideas and opinions, as well as the arbitrary imposition of information and the imposition of obstacles to the free flow of information violate the right to freedom of expression."

42. In 2006, journalists have also been threatened by the authorities and courts to reveal the identity of their confidential sources of information and to hand over their files and notes. Information was received indicating that such situations occurred in 2006 in Brazil, Canada, and the United States. In contrast, progress was made in this area in Mexico, where reforms were approved establishing the right to keep information confidential and to keep sources confidential for journalists, at the federal level. The Office of the Special Rapporteur recalls that Principle 8 of the declaration provides: "Every social communicator has the right to keep his/her source of information, notes, personal and professional archives confidential."

43. In addition to those more direct violations, the Office of the Special Rapporteur observes a growing trend towards intolerance of criticism on the part of several governments in the region. This is reflected in the recurrent use, by the authorities, of more subtle methods for coercing the press, which if analyzed in isolation may appear relatively harmless, but which taken together indicate worrisome situations and trends in several countries.

44. The unlawful and abusive use of public power to coerce the press has occurred, according to the information received by the Office of the Special Rapporteur, through the use of discriminatory policies in the allocation of government advertising, discrimination in access to official sources, dismissals from state-owned media outlets and private media as a result of government pressure, and administrative inspections by government organs.

⁸ Article 13(2) of the American Convention on Human Rights provides: "The exercise of the right provided for in the foregoing paragraph shall not be subject to prior censorship but shall be subject to subsequent imposition of liability, which shall be expressly established by law to the extent necessary to ensure: a. respect for the rights or reputations of others; or b. the protection of national security, public order, or public health or morals." Article 13(4) establishes: "Notwithstanding the provisions of paragraph 2 above, public entertainments may be subject by law to prior censorship for the sole purpose of regulating access to them for the moral protection of childhood and adolescence."

45. The Office of the Special Rapporteur recalls that indirect restrictions on the freedom of expression are prohibited by the American Convention on Human Rights⁹ and that Principle 13 of the Declaration of Principles on Freedom of Expression establishes: "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."

46. The Office of the Special Rapporteur has also monitored the situation of the right of access to information, which continues to be problematic in most of the member states. The facts are descriptive of the prevalence of a culture of secrecy that imposes obstacles on the implementation of access-to-information policies.

47. The Office of the Special Rapporteur has received data on cases in which there are central government policies and guidelines for expanding and deepening access to information in the hands of the state, yet mid-level officials are unaware of or ignore these instructions and continue denying persons access to the information they request. In other cases, the officials in charge of providing information require that the person seeking the information show a direct interest in it, or that they reveal how they intend to use it.

48. Information has also been received on other cases in which the information is denied by a significant number of state offices, and the persons interested are forced to file a writ of *amparo* to gain access. Accordingly, a writ designed for exceptional cases ends up being used routinely because it is the only way to exercise the right of access to information.

49. Nonetheless, 2006 also saw progress in this area. The Honduran Congress adopted the Law on Transparency and Access to Public Information in November, and the Uruguayan legislature is studying a bill on the same topic.

50. The Office of the Special Rapporteur urges the states to adopt the measures necessary to ensure the widest access to information in its control in keeping with the standards of the inter-American system for the protection of human rights, including the adoption of laws on the subject, the implementation of transparency and access-to-information policies, and the training of public officials.

51. All the problems indicated above have a common denominator, namely, the increased vulnerability of journalists who work in the interior of their countries, as compared to those who work in the capital cities. The situation of journalists in the interior is generally more precarious, and a higher proportion of physical attacks and threats are recorded, as well as greater vulnerability to direct and indirect pressures from the state and local authorities and greater difficulties gaining access to information. The Office of the Special Rapporteur, which has already reported its findings of this situation in earlier years, reiterates its concern and urges the states to adopt appropriate measures.

⁹ Article 13(3): "The right of expression may not be restricted by indirect methods or means, such as the abuse of government or private controls over newsprint, radio broadcasting frequencies, or equipment used in the dissemination of information, or by any other means tending to impede the communication and circulation of ideas and opinions."

52. In addition, the Office of the Special Rapporteur has previously stated its concern over the information it has received about “the possible consolidation of practices that impede the existence of diversity and pluralistic expression of opinions, given the concentration of ownership of communications media, including print media as well as radio and television.”¹⁰ In 2006, the concentration of media ownership continued to constitute a problem in several countries of the region. Accordingly, the Office of the Special Rapporteur reiterates its concern over the lack of progress towards resolving the situations of concentration of media ownership in those countries where such a situation exists.

53. On this issue, Principle 12 of the Declaration of Principles on Freedom of Expression states: “Monopolies or oligopolies in the ownership and control of the communication media must be subject to anti-trust laws, as they conspire against democracy by limiting the plurality and diversity which ensure the full exercise of people’s right to information. In no case should such laws apply exclusively to the media. The concession of radio and television broadcast frequencies should take into account democratic criteria that provide equal opportunity of access for all individuals.”

54. The Office of the Special Rapporteur has interpreted this principle indicating that the existence of monopolies or oligopolies constitutes a serious obstacle to the dissemination of one’s own thoughts, and to receiving different opinions: “In modern society, mass communications media, such as television, radio and the press, have an undeniable power in the cultural, political, religious [...], formation of society’s inhabitants. If these media are controlled by a small number of individuals, or by a single one, this in fact creates a society in which a small number of persons exercise control over information and, directly or indirectly, over the opinions received by the rest of society. This lack of pluralism in information is a serious obstacle to the functioning of democracy. Democracy requires the confrontation of ideas, debate and discussion. When this debate does not exist or is weakened due to the fact that sources of information are limited, this directly contravenes the principal pillar of democratic functioning.”¹¹

55. The Office of the Special Rapporteur has said that “it is the state’s duty to guarantee equal opportunities for all for with respect to the discrimination-free receiving, seeking out, and sharing of information through any communication channel whatsoever, eliminating all measures that discriminate against the equal and full participation of individuals or groups in their countries’ political, economic, and social life,”¹² and it has indicated that “the traditional mass media are not always accessible for disseminating the needs and claims of society’s most impoverished or vulnerable sectors. Thus, community media outlets have for some time been insisting that strategies and programs that address their needs be included on national agendas.”¹³

56. In 2006 information was received on the efforts of some states to put forward solutions in this area. In Uruguay there is a bill on the issue before the legislative branch, in Chile the Executive branch announced its intent to legislate in this area, and in Colombia the Government announced its intention to organize a public bidding for community radio stations in the capitals of the 24 departments.

¹⁰ IACHR, Report of the Office of the Special Rapporteur for Freedom of Expression. 2002, vol. III. OEA/Ser.L/V/II.117 Doc. 5 rev, March 7, 2003, chapter II, para. 20.

¹¹ IACHR, Report of the Office of the Special Rapporteur on Freedom of Expression. 2000, vol. III. OEA/Ser.L/V/II.111, Doc. 20 rev, April 16, 2001, para. 55.

¹² IACHR, Report of the Office of the Special Rapporteur for Freedom of Expression. 2002, vol. III. OEA/Ser.L/V/II.117 Doc. 5 rev, March 7, 2003, chapter IV, para. 7.

¹³ *Id.*, para. 38.

57. Nonetheless, in some countries of the region there were also judicial and administrative orders to shut down community radio stations, and some police operations that included the seizure of equipment were carried out with unnecessary violence and arrests of persons associated with the radio stations. Community radio stations were shut down even in countries in which the legislation has not been amended so as to allow community radio stations access to government licenses, so as to be able to operate legally. One example is Guatemala, where several operations were carried out to shut down stations, seize radio equipment, and arrest persons associated with community radio stations.

58. In addition, in Mexico the reforms to the Federal Law on Radio and Television and the Federal Law on Telecommunications approved April 12, 2006, provide complex rules for the assignment of broadcasting frequencies to community radio stations. In the same vein, these reforms do not establish clear and transparent criteria regarding the granting of permits, conferring an excess degree of discretion to the state authorities that make this type of decisions.

59. In summary, in 2006 there has been little progress in the freedom of expression in the region, at the same time as the problems and obstacles to the exercise of this right continue to be serious and worrisome.

60. Forward progress in terms of respect for this right requires a greater political will on the part of the member states of the OAS so as to give impetus to reforms in their legislation and to implement policies that guarantee societies wide latitude in exercising the freedom of thought and expression. The States' expressions of good will are positive, but effective actions should also be taken.

61. The right to freedom of expression is essential to a democratic system, and at the same time its exercise deepens and enriches democracy. The Office of the Special Rapporteur urges the states to maximize their efforts so as to deepen respect for this fundamental right and guarantee its full exercise, thereby contributing to the consolidation of democracies in the region.

C. Situation of the freedom of expression in the member states

62. The information presented in the section that starts here has been sent by the states, individuals, communication media and non gubernamental organizations. It also includes the information compiled by the Office of the Special Rapporteur for Freedom of Expression.

ARGENTINA

PRINCIPLE 5 OF THE DECLARATION OF PRINCIPLES ON FREEDOM OF EXPRESSION (Prior censorship, interference, and direct and indirect pressure)

63. On October 17, 2006, the Citizen Environmental Assembly (Asamblea Ambiental Ciudadana) of Gualeguaychú ordered that a group of Uruguayan journalists be removed from one of its sessions. At the meeting, the organization's strategy to keep a pulp mill from being installed in Uruguay was being debated. A spokesperson for the organization said that it would not have happened had the journalists been Argentine.¹⁴

¹⁴ APF Digital, *La presencia sin autorización de periodistas uruguayos en la sesión fue "una falta de respeto hacia la Asamblea"*, October 20, 2006, available at: http://www.apfdigital.com.ar/despachos.asp?cod_des=72925.

PRINCIPLE 8 OF THE DECLARATION OF PRINCIPLES ON FREEDOM OF EXPRESSION (Right of every social communicator to keep his or her sources, notes, and personal and professional files confidential)

64. On May 11, 2006 unknown persons intervened in and stole email messages of journalist Daniel Santoro, of the daily *Clarín*. It is indicated that the correspondence stolen included messages that he had exchanged with a federal judge regarding a drug-trafficking investigation. In addition, on 22 May 2006 journalists Ernesto Tenenbaum and Luis Majul denounced that unknown persons had intervened in their email accounts. The reporters indicated that the correspondence intervened in included communications with political leaders, authorities, and businesspersons, which had been forwarded from their own email accounts to other contacts. The journalists indicated that the intervention may have been done by government intelligence services.¹⁵

PRINCIPLE 9 OF THE DECLARATION OF PRINCIPLES ON FREEDOM OF EXPRESSION (Homicide, kidnapping, intimidation and/or threats to social communicators, and material destruction of communications media)

65. On February 18, 2006, journalist Juan Cruz Sanz and photographer Juan Obregón, of the daily *Perfil*, were reportedly assaulted by three persons who emerged from the residence of the President of the Republic in Río Gallegos, province of Santa Cruz, when they tried to take pictures of or obtain a statement from the president. According to information received, those persons hit the photographer in the face and tried to take his camera from him. They also threatened to reveal for whom they worked and to leave the place, alleging that they were on private property.¹⁶

66. Throughout year journalist Carlos Furman, host of *Destapando la olla* on *FM 2 de Octubre* in Santa Elena, province of Entre Ríos, suffered harassment, threats, and attacks after criticizing the performance of the mayor (*intendente*). According to information received, he was beat up twice in public places. On June 10, 2006, unknown persons shot at the door of his home and in the last days of September pamphlets appeared in the street auguring his death. The pamphlet that was distributed in the city showed a swastika and read: "Jewish New Year. Death to Carlos Furman." For several months he used a bulletproof vest and since June he has had police guards. The police have not determined who is responsible for either of the incidents. Furman is currently living in a medical office because, according to him, no one wants to rent him housing for fear that the property will become the target of attacks. To celebrate year-end 2006 he went to the town where he was born, Villa Domínguez, but spent the night in the police station to protect his family.¹⁷

67. On September 27 and 28, 2006, journalists and directors of media outlets received death threats by telephone and by email. On September 27, 2006 *Editorial Perfil* received two email

¹⁵ Reporters Without Borders, *Otros dos periodistas víctimas de pirateo informático*, May 23, 2006, available at: http://www.rsf.org/article.php3?id_article=17740; Diario Clarín, *Crece el escándalo por el espionaje electrónico contra periodistas*, May 22, 2006, available at: <http://www.clarin.com/diario/2006/05/22/um/m-01200246.htm>; Instituto Prensa y Sociedad, *Continúan denuncias por espionaje en correos electrónicos de periodistas*, May 23, 24 and 31, 2006. Available at: <http://www.ipys.org/alertas/atentado.php?id=801>.

¹⁶ Reporters Without Borders, *Intimidaciones a periodistas provinciales: se degrada el clima entre la prensa y el poder*, February 24, 2006, available at: http://www.rsf.org/article.php3?id_article=16565.

¹⁷ Instituto Prensa y Sociedad, *Amenazan y agreden a periodista radial*, June 13, 2006, available at: <http://www.ipys.org/alertas/atentado.php?id=810>; Foro de Periodismo Argentino, *Periodista en Entre Ríos vive encerrado y custodiado*, October 4, 2006, available at: http://www.fopea.org/contenido/inicio/periodista_en_entre_r_os_vive_encerrado_y_custodiado. FOPEA, email sent to the Office of the Special Rapporteur on January 18, 2007.

messages addressed to the company's president, Jorge Fontevecchia, and his family. According to the information received, one of the messages said: "Stop screwing with the national government. You know the story about the father who lost a son ... may it not happen to you." ("*Dejate de joder con el gobierno nacional. Conocé la historia del padre que perdió un hijo . . . que no te pase*"). The other email said: "Recoleta, what a nice zone to live in, and what a nice zone for a bomb to explode in.... Do not screw with the President any more" ("*Qué Linda zona Recoleta para vivir, qué Linda zona también para que explote una bomba.... No jodás más al Presidente*"). *Editorial Perfil* reported that Mr. Fontevecchia also received threats by telephone that week directed against him and his children. Joaquín Morales Solá, a columnist with the daily *La Nación* and host of the weekly new program *Desde el Llano* on cable television, said he had received two threatening phone calls on September 28, 2006. He indicated that the message said: "This is the beginning: You will feel the next one in your body" ("*Éste es el comienzo: La próxima la sentís en el cuerpo*"). "Stop it if you do not want to see the seed from below" ("*Parála si no querés ver la semilla desde abajo*"), the second call indicated. These threats came one day after high-level government authorities accused Mr. Morales Solá of praising former dictator Jorge Videla in an editorial published during the military government, which the journalist refuted.¹⁸

PRINCIPLE 13 OF THE DECLARATION OF PRINCIPLES ON FREEDOM OF EXPRESSION (direct and indirect pressure)

68. On September 22, 2006, legal representatives of *Editorial Perfil* and *Diario Perfil* informed the Office of the Special Rapporteur that the Argentine government decided to exclude those media from the distribution of government advertising and apply a policy of hindering access to information held by the state to journalists and photographers who worked for those media. *Editorial Perfil* considers that this decision is part of an effort by the Executive branch to censure *Revista Noticias* and *Diario Perfil* for its editorial line.¹⁹

69. On October 4, 2006, the program *Recorriendo el Espinel*, on radio station *LT24* of San Nicolás, province of Buenos Aires, was taken off the air. According to the information received, a legislator from the province threatened that the radio station would not receive any more government advertising unless it suspended its broadcast of that program.²⁰

70. In October 2006 it was reported that the Government had stopped several bills seeking to regulate the allocation of government advertising.²¹

BOLIVIA

PRINCIPLE 9 OF THE DECLARATION OF PRINCIPLES ON FREEDOM OF EXPRESSION (Homicide, kidnapping, intimidation and/or threats to social communicators. and material destruction of communications media)

¹⁸ Committee to Protect Journalists, *Dos periodistas críticos reciben amenazas de muerte*, October 2, 2006, available at: <http://www.ifex.org/es/content/view/full/77622/>.

¹⁹ *Editorial Perfil*, documentation sent to the Office of the Special Rapporteur for Freedom of Expression.

²⁰ Reporters Without Borders, *Suprimido un programa de radio por presiones del presidente de la Cámara de Diputados de la provincia de Buenos Aires*, October 11, 2006, available at: http://www.rsf.org/article.php3?id_article=19148.

²¹ *La Nación*, *Frena el Gobierno tres proyectos de ley que regulan la publicidad oficial*, October 17, 2006, available at: http://www.lanacion.com.ar/edicionimpresa/politica/nota.asp?nota_id=850010.

71. On November 13, 2006, photographer Martín Alípaz, of *EFE* news agency, was assaulted while photographing a police operation to remove demonstrators from the highway running from La Paz to Oruro. He indicated that even though he had identified himself, the police beat him, took his digital camera, and returned it to him without the memory card. According to the information received, he suffered slight injuries as a result of being kicked. On November 14, 2006, after the news agency lodged a protest with the government, the police returned the material and apologized for the incident.²²

72. On December 12, 2006, several journalists were assaulted, allegedly for giving space in their radio or television programs to opinions contrary to autonomy for the department of Santa Cruz. According to the information received, journalist Efraín Montero, of *Canal 7*, was being beat up until some local residents interrupted the beating. In addition, journalist Julio Peñaloza was reportedly approached in the street by persons who questioned his statements and followed him until he took refuge in a nearby hotel and escaped through a side door on a police motorcycle. In addition, staff members of *Radio Alternativa* were threatened by another group of persons, after which the radio station cancelled its programs and began to broadcast only music.²³

73. On December 15, 2006, journalists were attacked in Santa Cruz in the context of a confrontation between a group of demonstrators and the police. According to the information received, photographer Wilson Gallardo, of the newspaper *El Nuevo Día*, was hit by a rock in the nose, and cameraman Silvio Aráoz, of *ATB*, was kicked in the back, both when they tried to photograph the confrontation. It was also indicated that journalist José Luis Ledezma, of *Megavisión*, received a fist in the face, and his cameraman, José Luis Herrera, was beaten in the back with a stick. In addition, journalist Juan Carlos Vaca, of *Full Activa TV*, was kicked and stoned in the face, and his cameraman was beat in the face with a stick.²⁴

74. On December 15, 2006, journalist Iván Canelas, of the daily *La Razón*, and a photographer from the same newspaper, Fernando Cartagena, were assaulted while covering a protest. According to the information received, the police dispersed a protest by youths who were sympathizers of the Movimiento Al Socialismo (MAS); when they realized that the journalists were present they approached them, insulted the reporter, and beat the photographer in the abdominal area.²⁵

BRAZIL

PRINCIPLE 5 OF THE DECLARATION OF PRINCIPLES ON FREEDOM OF EXPRESSION (Prior censorship, interference, direct and indirect pressure)

75. On May 17, 2006, the Regional Electoral Court of the State of Amapá ordered that the weekly *Folha do Amapá* remove from its website the May 12, 2006 issue, because it considered that the reports published there were harmful to the reputation of the governor of

²² Instituto Prensa y Sociedad, *Policía agrade a fotógrafo de Agencia de Noticias*, November 15, 2006, available at: <http://www.ipys.org/alertas/atentado.php?id=941>.

²³ Instituto Prensa y Sociedad, *Manifestantes agreden a periodistas críticos de intento separatista en Santa Cruz*, December 14, 2006, available at: <http://www.ipys.org/alertas/atentado.php?id=991>.

²⁴ *La Razón*, *Nueve periodistas fueron agredidos cuando trabajaban*, December 16, 2006, available at: http://www.la-razon.com/versiones/20061216%5F005757/nota_244_369005.htm.

²⁵ *La Razón*, *Nueve periodistas fueron agredidos cuando trabajaban*, December 16, 2006, available at: http://www.la-razon.com/versiones/20061216%5F005757/nota_244_369005.htm.

Amapá. It is indicated that the weekly removed that issue from the website, but that it has appealed the decision.²⁶

76. On May 29, 2006, a Civil Court in Campo Grande, capital of Mato Grosso do Sul, ordered the daily *O Correio Do Estado* to pay 500 reais for each copy it distributes in which reference is made to former mayor Andre Pucinelli without meeting the requirements of "objectivity of information," "verification of the sources," and "impartiality and independence." The decision was appealed on April 20, 2006.²⁷

77. On July 26, 2006, a judgment of the Superior Electoral Tribunal prohibited distribution of the May issue of *Revista do Brasil*. According to the information received, the court prohibited both the distribution of printed copies and circulation of the magazine via Internet. The decision was reported to be motivated by alleged electoral propaganda against one of the candidates for president of the republic.²⁸

78. On August 19, 2006, the copies of issue number 9 of the *Revista do Observatório Social* were seized by order of a judge in Ouro Preto, state of Minas Gerais. According to the information received, that issue denounced the illegal use of child labor by multinational mining firms operating in the region.²⁹

79. On August 27, 2006, a judge from the Regional Electoral Tribunal of the Federal District prohibited all media in his jurisdiction from revealing the content or even making mention of the existence of a recording that taped an alleged conversation between two politicians. The news was made known to the public through journalist Ricardo Noblat's blog on the website of the newspaper *O Estado de São Paulo* on August 27, 2006. That night a judicial officer went to the newspaper's office in Brasília to deliver the order with the prohibition. In the considering paragraphs of the decision, the judge argued that disseminating the conversation could cause electoral harm to the politicians.³⁰

80. On August 30, 2006, the Federal Police entered the offices of the weekly *Hoje* in Belo Horizonte, state of Minas Gerais, to confiscate computers and supplies from the newsroom. The publication's director, Joseti Alves, said that the weekly was accused of violating election laws for having published articles on alleged irregularities in the office of a former minister of tourism.³¹

81. On October 25, 2006, the Regional Electoral Tribunal for the state of Paraná prohibited the press from reporting on a police operation at the request of a candidate for governor.³²

²⁶ Committee to Protect Journalists, *Tribunais garantem mandatos judiciais contra dois jornais*, June 2, 2006, available at: http://www.cpj.org/news/2006/americas/brazil02june06na_pt.html.

²⁷ Committee to Protect Journalists, *Courts grant injunctions against two newspapers*, June 2, 2006, available at: <http://www.cpj.org/news/2006/americas/brazil02june06na.html>.

²⁸ Associação Brasileira de Imprensa, *ABI protesta contra proibição da circulação da Revista do Brasil*, August 14, 2006, available at: <http://www.contag.org.br/noticiawsem.php?id=79>.

²⁹ O Jornalista, *Justiça apreende revista que denunciou trabalho infantil*, August 22, 2006, available at: <http://www.ojornalista.com.br/news1.asp?codi=1827>.

³⁰ Reporters Without Borders, *Atos de censura e apreensão de material de redação às vésperas das eleições gerais*, September 6, 2006, available at: http://www.rsf.org/imprimir.php3?id_article=18778.

³¹ Reporters Without Borders, *Atos de censura e apreensão de material de redação às vésperas das eleições gerais*, September 6, 2006, available at: http://www.rsf.org/imprimir.php3?id_article=18778.

³² Instituto Prensa y Sociedad, *Tribunal prohíbe a medios informar sobre operativo policial a pedido de grupo político*, October 27, 2006, available at: <http://www.ipys.org/alertas/atentado.php?id=918>.

PRINCIPLE 8 OF THE DECLARATION OF PRINCIPLES ON FREEDOM OF EXPRESSION (Right of every social communicator to keep his or her sources, notes, and personal and professional files confidential)

82. On October 31, 2006, three journalists from the magazine *Veja* were pressured to reveal their sources of information when questioned by the Federal Police in the city of São Paulo.³³

PRINCIPLE 9 OF THE DECLARATION OF PRINCIPLE ON FREEDOM OF EXPRESSION (Homicide, kidnapping, intimidation of and/or threats to social communicators, and material destruction of communications media)

83. On May 18, 2006, three armed persons attacked the press of the daily newspaper *Tribuna Livre* in São Paulo. According to the information received, the individuals beat several employees and issued a warning that they should stop publishing news related to the criminal organization Primeiro Comando da Capital (PCC).³⁴

84. On July 20, 2006, news entrepreneur Manoel Paulino da Silva was assassinated; he was the founder and owner of the newspaper *Hoje Jornal* in the city of São Bernardo do Campo, state of São Paulo. According to the information received, Mr. Manoel da Silva was driving his car in the city of Guarujá when unidentified individuals approached him from another car, shooting several times in his direction. Subsequently, the car he was driving crashed into a wall and went up in flames.³⁵

85. On July 24, 2006, journalist Ajuricaba Monassa de Paula was assassinated. According to the information received, the death was caused by a blow by a council member from the city of Guapiririm, state of Rio de Janeiro. According to the information received, the incident occurred after an argument, in a public plaza, in front of many witnesses. The journalist had been publishing articles critical of that council member and of the conduct of the municipal government.³⁶

³³ Reporters Without Borders, *Três jornalistas são vítimas de pressões da Polícia Federal*, November 3, 2006, available at: http://www.rsf.org/article.php3?id_article=19570; Inter-American Press Association, *Condena la SIP intimidación contra periodistas brasileños*, November 1, 2006, available at: <http://www.sipiapa.org/espanol/pressreleases/srchcountrydetail.cfm?PressReleaseID=1785>.

³⁴ Committee to Protect Journalists, *Jornal atacado no rastro de onde de crimes*, May 19, 2006, available at: http://www.cpj.org/news/2006/americas/brazil19may06na_pt.html.

³⁵ State Secretariat for Public Security of São Paulo, *Gerente de jornal é assassinado em Guarujá*, July 20, 2006, available at: http://www.ssp.sp.gov.br/home/noticia.aspx?cod_noticia=8812; Terra Noticias, *Dono de jornal é assassinado no litoral de SP*, July 20, 2006, available at: <http://noticias.terra.com.br/brasil/interna/0,,OI1075617-EI5030,00.html>; Inter-American Press Association, *La SIP pide investigación por asesinato de periodista en Brasil*, July 26, 2006, available at: <http://www.sipiapa.org/espanol/pressreleases/srchcountrydetail.cfm?PressReleaseID=1706>. The Office of the Special Rapporteur for Freedom of Press issued a pronouncement on this assassination in its press release 146/06, *Office of the Special Rapporteur for Freedom of Expression condemns the Assassination of Two Journalists in Brazil and Requests an Adequate Investigation*, July 28, 2006, available at: <http://www.cidh.org/relatoria/showarticle.asp?artID=672&IID=2>.

³⁶ Associação Brasileira de Imprensa, *Assassinado Ajuricaba Monassa*; July 25, 2006, available at: <http://www.abi.org.br/primeirapagina.asp?id=1568>; United Nations Educational, Scientific and Cultural Organization – Information Society Observatory, *Diretor-Geral da UNESCO condena o assassinato do jornalista brasileiro Ajuricaba Monassa de Paula*, available at: http://osi.unesco.org.br/arquivos/documentos/dg_assassinato_jornalista.html; Reporters Without Borders, *Jornalista septuagenário é espancado até a morte por vereador*, July 27, 2006, available at: http://www.rsf.org/article.php3?id_article=18393. The Office of the Special Rapporteur for Freedom of Expression issued a pronouncement on this assassination in its press release 146/06, *Office of the Special Rapporteur for Freedom of Expression condemns the Assassination of Two Journalists in Brazil and Requests an Adequate Investigation*, July 28, 2006, available at: <http://www.cidh.org/relatoria/showarticle.asp?artID=672&IID=2>.

86. On August 29, 2006, journalist Roberto Baía, correspondent in Arapiraca of the newspaper *Tribuna de Alagoas*, reported having received threats from a deputy from the state of Alagoas after publishing an article on the alleged sale of votes in the interior of the state.³⁷

87. On September 17, 2006, journalist Karla Konda, of the newspaper *Bom Dia*, was assaulted. According to the information received, she was trying to cover a party organized by a legislator from the state of São Paulo for the purpose of collecting votes, which is illegal. When she identified herself as a reporter to one of the legislator's campaign advisers, he allegedly hit her in the face and kicked her in the legs.³⁸

88. On October 19, 2006, journalist Roberto Pazzianotto, of the daily *Dois Pontos*, received a death threat from a captain of the Military Police in São Paulo, allegedly for his reports on the police agent's involvement in a fight.³⁹

89. On October 23, 2006, some 20 soldiers from the Army Police in Campo Grande, state of Mato Grosso do Sul, assaulted photographers Adriano Hany, of the web page *Campo Grande News*, and João Carlos Castro, of the newspaper *Folha do Povo*, who were covering the death of a soldier in a military barrack.⁴⁰

PRINCIPLES 10 AND 11 OF THE DECLARATION OF PRINCIPLES ON FREEDOM OF EXPRESSION (Use of defamation laws by public officials, and *desacato* laws)

90. On June 14, 2006, Edilberto Resende da Silva, Jairo Batista Nascimento, and Ermógenes Jacinto de Sousa were convicted and sentenced to eight months detention and a fine for the crime of defamation based on the Press Law (Lei de Imprensa). The trial was initiated in the wake of the publication of information in the newspaper *Resistencia Camponesa* regarding a commander of the Military Police in the city of Jara, state of Rondônia. Those convicted and the organizations denouncing the matter allege that this trial is part of a campaign by the police and local politicians to persecute the newspaper due to the reports published regularly by the newspaper.⁴¹

CANADA

PRINCIPLE 5 OF THE DECLARATION OF PRINCIPLES ON FREEDOM OF EXPRESSION (Prior censorship, interference, and direct and indirect pressure)

91. On April 22, 2006, the federal government prohibited news coverage of the ceremony involving the repatriation of a group of corpses of Canadian soldiers killed in Afghanistan, and prevented the press from entering the Trenton military base. According to the information

³⁷ *Tribuna de Alagoas*, *Deputado José Pedro ameaça jornalista da Tribuna*, August 30, 2006, available at: <http://www.tribunadealagoas.com.br/interna.php?id=23266&pagina=Pol%C3%ADtica>.

³⁸ Instituto Prensa y Sociedad, *Asesor de diputado agrade a periodista*, September 25, 2006, available at: <http://www.ifex.org/es/content/view/full/77320/>.

³⁹ Instituto Prensa y Sociedad, *Policía amenaza de muerte a periodista*, November 8, 2006, available at: <http://www.ipys.org/alertas/atentado.php?id=931>.

⁴⁰ Instituto Prensa y Sociedad, *Militares agreden a fotógrafos en cuartel*, October 26, 2006, available at: <http://www.ipys.org/alertas/atentado.php?id=916>.

⁴¹ Associação Brasileira de Imprensa, *Liga camponesa denuncia perseguição*, August 3, 2006, available at: <http://www.abi.org.br/primeirapagina.asp?id=1583>.

received, the federal government had ordered that only the next-of-kin and military personnel could have access.⁴²

PRINCIPLE 8 OF THE DECLARATION OF PRINCIPLES ON FREEDOM OF EXPRESSION (Right of every social communicator to keep his or her sources, notes, and personal and professional files confidential)

92. On November 29, 2006, PEN Canada reported that the Ontario Superior Court of Justice ordered journalist Derek Finkle to hand over the documents used to write his book *No Claim to Mercy*, which would endanger the identity of his confidential sources. As of this writing, he was still trying to get the court to revoke that order.⁴³

COLOMBIA

PRINCIPLE 9 OF THE DECLARATION OF PRINCIPLES ON FREEDOM OF EXPRESSION (Homicide kidnapping, intimidation of and/or threats to social communicators, and material destruction of communications media)

93. On January 28, 2006, the correspondent for *The New Herald* in Florencia, Olga Cecilia Vega, was threatened by unknown persons. According to the information received, she received several threats by telephone after interviewing Raúl Reyes, an alleged member of the Fuerzas Armadas Revolucionarias de Colombia (FARC).⁴⁴

94. On February 4, 2006, journalist Gustavo Rojas Gábalo, host of the program *El Show de Gaba* on *Radio Panzemu*, suffered an assassination attempt when unknown persons shot him in the clavicle and the head. He died on March 20, 2006, in a hospital, as a result of the attack. He had denounced government corruption and had been denounced for slander and libel. According to information received, on April 1, 2006, three of the four alleged direct perpetrators were arrested, two of whom had belonged to the Autodefensas Unidas de Colombia (AUC), and an arrest warrant was issued for the fourth alleged assassin.⁴⁵

95. On February 8, 2006, journalist Antonio Sánchez Sánchez, of the daily *El Meridiano* of Córdoba, felt forced to leave the city of Montería, department of Córdoba, after receiving death threats by phone. It is indicated that the threats began after publication of an article in which he revealed a secret incursion of the guerrillas in the municipality of Valencia. It is also indicated that he generally denounced corruption and administrative irregularities in the region.⁴⁶

⁴² Reporters Without Borders, *Media ban on return of dead soldiers*, April 27, 2006, available at: http://www.rsf.org/article.php3?id_article=17469.

⁴³ PEN Canada, *Court subpoena of documents of writer Derek Finkle raises concerns for protection of confidential sources*, November 29, 2006, available at: <http://www.pencanada.ca/media/media-DerekFinkle29Nov06.pdf>.

⁴⁴ Reporters Without Borders, *Amenazada de muerte y forzada al exilio una corresponsal de New Herald*, February 8, 2006, available at: http://www.rsf.org/article.php3?id_article=16387.

⁴⁵ Fundación para la Libertad de Prensa, *Murió periodista herido en atentado el pasado 4 de febrero*, March 21, 2006, available at: http://www.flip.org.co/secciones/alertas/06_03_21_alerta001.html; Reporters Without Borders, *Detenidos tres de los cuatro presuntos asesinos de Gustavo Rojas Gabalo*, April 4, 2006, available at: http://www.rsf.org/article.php3?id_article=16377.

⁴⁶ Reporters Without Borders, *Un periodista obligado a marcharse de su ciudad tras recibir amenazas de muerte*, February 9, 2006, available at: http://www.rsf.org/article.php3?id_article=16410.

96. From June 3 to 5, 2006, three journalists from the daily *El Heraldo* of Barranquilla were threatened by false bombs left at their respective places of residence.⁴⁷

97. On July 6, 2006, journalist Herbin Hoyos Medina, host of the program *Las voces del secuestro* and director of the program *Amanecer en América* on *Radio Caracol*, announced that he had received several death threats and that he felt forced to flee Colombia to save his life. According to information received, on July 2, 2006, he received an email message signed by the Frente de Acción y Justicia por la Libertad y la Democracia, apparently a group of demobilized paramilitaries. The message said: "It is of no use to defend criminals who have caused harm to Colombia." It also contained threats of reprisals against him and those around him, and gave him an ultimatum: "You have 72 hours to leave the country." He had reported on persons convicted of drug-trafficking and awaiting extradition to the United States. Mr. Hoyos Medina had been kidnapped from the studios of *Radio Caracol* on March 13, 1994, by the Fuerzas Armadas Revolucionarias de Colombia (FARC), and had a permanent police escort since 2002.⁴⁸

98. On August 9, 2006, journalist Milton Fabián Sánchez, of the radio station *Yumbo Estéreo*, was assassinated. According to the information received, Mr. Sánchez was shot several times when heading to his home in Yumbo, department of Valle del Cauca, and died shortly thereafter, after being taken to a local health center. He hosted institutional programs such as *Notas de Gestión* and *La Personería*, both of the city government of Yumbo, and the community program *Mesa Redonda*, where political issues were discussed.⁴⁹

99. On August 22, 2006, journalist Atilano Pérez Barrios, a commentator with *Radio Vigía* of Todelar Cartagena, was assassinated. An unknown person entered his home, where he was watching television with his wife and child, and shot him twice in the abdomen. He hosted a Sunday morning program called *El Diario de Marialabaja* in which he leveled strong criticism at government corruption and paramilitary influence in the municipality of Marialabaja. According to information received, on his last program, on August 20, Mr. Pérez Barrios asserted that right-wing paramilitary groups were financing the mayoral campaigns of five candidates in Marialabaja. His family members indicated that he had received death threats a short time before the crime.⁵⁰

100. On October 19, 2006, journalist Otoniel Sánchez, of the program *Tribuna Deportiva* of *Canal CNC*, left the city of Cartago, in Valle del Cauca, after receiving threats, and after unknown persons fired gunshots at his home six times.⁵¹

⁴⁷ Fundación para la Libertad de Prensa, *Amenazados tres periodistas de Barranquilla con bombas falsas*, June 6, 2006, available at: http://www.flip.org.co/Alertas/Amenazas/2006/ale06_06_06.htm.

⁴⁸ Reporters Without Borders, *Un director de programa de Radio Caracol anuncia su salida del país tras recibir un ultimátum de una organización mafiosa*, June 12, 2006, available at: <http://www.ifex.org/es/content/view/full/75641>.

⁴⁹ Fundación para la Libertad de Prensa, *Asesinado periodista en Yumbo, Valle*, August 9, 2006, available at: <http://www.flip.org.co/veralerta.php?idAlerta=20>; Instituto Prensa y Sociedad, *Asesinan a periodista radial en Cali*, August 11, 2006, available at: <http://www.ipys.org/alertas/atentado.php?id=837>. The Office of the Special Rapporteur for Freedom of Expression issued a pronouncement on this assassination in its press release 149/06, *Office of the Special Rapporteur for Freedom of Expression Condemns Assassination of Journalist in Colombia and Demands Prompt Investigation*, August 11, 2006, available at: <http://www.cidh.oas.org/relatoria/showarticle.asp?artID=675&IID=2>.

⁵⁰ Inter-American Press Association, *Deplora la SIP asesinatos de periodistas en Venezuela y Colombia*, August 29, 2006, available at: <http://www.sipiapa.org/espanol/pressreleases/srchcountrydetail.cfm?PressReleaseID=1743>; Committee to Protect Journalists, *Comentador radial colombiano asesinado a tiros en su casa*, August 28, 2006, available at: http://www.cpj.org/news/2006/americas/colombia28augr06na_sp.html. The Office of the Special Rapporteur for Freedom of Expression issued a pronouncement on this assassination in its press release 151/06, *Office of the Special Rapporteur for Freedom of Expression condemns the murder of journalists in Colombia and Requests an Adequate Investigation*, August 31, 2006, available at: <http://www.cidh.org/relatoria/showarticle.asp?artID=677&IID=2>.

⁵¹ Instituto Prensa y Sociedad, *Periodista abandona su ciudad tras amenazas de muerte*, October 23, 2006, available at: <http://www.ipys.org/alertas/atentado.php?id=913>.

101. On November 9, 2006, journalist Olga Brú Polo, of the daily *El Meridiano de Sucre*, received threats for having published reports on irregularities committed in the city government of Sincelejo, capital of the department of Sucre.⁵²

102. Since late November 2006, journalists Robinsón Ruz Ruz of the radio station *Radio Piragua* and José Ponce Obispo, director of information with *Radio Galeón*, have received repeated threats. It was indicated that paramilitary groups operating in the Atlantic coast region were likely responsible.⁵³

COSTA RICA

PRINCIPLES 10 AND 11 OF THE DECLARATION ON FREEDOM OF EXPRESSION (Use of defamation laws by public officials and *desacato* laws)

103. On May 3, 2006, the Fourth Chamber of the Supreme Court of Justice of Costa Rica rejected the motion of unconstitutionality filed against Article 7 of the Press Law (Ley de Imprenta), which punishes crimes committed by the media up to 120 days of prison.⁵⁴

CUBA

PRINCIPLE 5 OF THE DECLARATION OF PRINCIPLES ON FREEDOM OF EXPRESSION (Prior censorship, interference, direct and indirect pressure)

104. On September 15, 2006, a state security officer disconnected the telephone line of the director of the news agency *Jóvenes sin Censura*, Liannis Meriño Aguilera, which was used to transmit news reports.⁵⁵

PRINCIPLE 9 OF THE DECLARATION OF PRINCIPLES ON FREEDOM OF EXPRESSION (Homicide, kidnapping, intimidation of and/or threats to social communicators, and material destruction of communications media)

105. On May 23, 2006, journalist Armando Betancourt was detained and beaten by members of the police while covering the eviction of a group of families in the city of Camagüey.⁵⁶

106. On September 17, 2006, journalist Abel Escobar Ramírez was detained by the police and held for six hours. According to information received, his personal address and telephone books

⁵² Instituto Prensa y Sociedad, *Amenazan a periodista por denunciar corrupción en gobierno local*, November 15, 2006, available at: <http://www.ipys.org/alertas/atentado.php?id=940>.

⁵³ Reporters Without Borders, *Dos periodistas de la costa atlántica en el punto de mira de los paramilitares*, December 4, 2006, available at: http://www.rsf.org/article.php3?id_article=19990.

⁵⁴ Reporter Without Borders, *Se mantiene el artículo 7 de la Ley de Imprenta*, 9 de mayo de 2006, disponible en: http://www.rsf.org/article.php3?id_article=17614; Visit of the Office of the Special Rapporteur for Freedom of Expression to Costa Rica, meeting with the President of the Constitutional Chamber of the Supreme Court of Justice, November 28, 2006.

⁵⁵ Payolibre, *Continúa represión contra directora de Jóvenes sin Censura*, September 26, 2006, available at: <http://www.payolibre.com/noticias/noticias2.php?id=396>.

⁵⁶ Committee to Protect Journalists, *Periodista encarcelado en Cuba tras cubrir desalojos del gobierno*, May 20, 2006, available at: http://www.cpj.org/news/2006/americas/cuba30may06na_sp.html; Reporters Without Borders, *Un periodista independiente en detención preventiva*, June 8, 2006, available at: http://www.rsf.org/article.php3?id_article=17859.

were seized from him. When he inquired into the reason for his arrest, a police officer answered that it was for disobedience.⁵⁷

107. On September 21, 2006, journalist Oscar Sánchez Madan was detained by two officers of the Political Police when leaving a working meeting with the Movimiento Independiente Opción Alternativa (MIOA) and activists from the Movimiento Femenino Marta Abreu (MFMA), in the town of Pedro Betancourt. According to the information received, the agents took them in a car to the police unit at Unión de Reyes. The journalist indicated that he was threatened and physically assaulted, as he was beaten and punched. At the police unit a notebook and pencil were seized from him, and a warning was drawn up for not being employed with the government. He was fined 30 pesos for failure to appear in response to an earlier summons issued by an officer of the National Revolutionary Police.⁵⁸

108. On October 5, 2006, journalist Juan Carlos Linares Balmaceda was detained by police agents, who questioned and threatened him in the city of Havana.⁵⁹

109. On October 6, 2006, journalist Luis Felipe Rojas Rosabal was arrested in the province of Holguín and had books, office materials, and personal documents confiscated from him.⁶⁰

110. On October 26, 2006, members of the Municipal Council of the Committees for the Defense of the Revolution called into question the journalism of Virgilio Delat and threatened to have him imprisoned for his articles on the dengue epidemic that was spreading in the city of Santiago.⁶¹

111. On October 31, 2006, journalist Ahmed Rodríguez Albacia, of the press agency *Jóvenes sin Censura*, was expelled from the municipality of Antilla, province of Holguín. A Rapid Response Brigade at the service of the Cuban political police forced him to leave the place under threat of assassination. From December 4 to 12, 2006, he had been detained at the general headquarters of the State Security forces in Havana for "disseminating false news that constitutes an attack on international peace." He was released under surveillance. Mr. Rodríguez Albacia denounced that he and his family have been harassed by the political police since early 2006.⁶²

⁵⁷ Jóvenes Sin Censura, *Arrestan a periodista independiente*, September 27, 2006, available at: <http://bitacoracubana.com/desdecuba/portada2.php?id=2996>.

⁵⁸ Bitácora Cubana, *Golpean brutalmente a un periodista independiente en Cuba*, September 26, 2006, available at: http://www.prnoticias.com/prn/hojas/noticias/detallenoticia.jsp?noticia=22218&repositorio=0&pagina=1&idapr=1_esp_1.

⁵⁹ CUBANET, *Juan Carlos Linares detenido y amenazado*, October 12, 2006, available at: <http://www.cubanet.org/CNews/y06/oct06/13a2.htm>.

⁶⁰ CUBANET, *Arrestan a periodista independiente y a un opositor en Holguín*, October 12, 2006, available at: <http://www.cubanet.org/CNews/y06/oct06/13a3.htm>.

⁶¹ CUBANET, *Funcionarios de los CDR amenazan a periodista independiente*, November 1, 2006, available at: <http://www.cubanet.org/CNews/y06/nov06/02a1.htm>.

⁶² CUBANET, *Expulsado periodista independiente de su pueblo natal*, November 2, 2006, available at: <http://www.cubanet.org/CNews/y06/nov06/03a1.htm>; Reporters Without Borders, *En libertad, tras ocho días detenido, el periodista Ahmed Rodríguez Albacia*, December 14, 2006, available at: http://www.rsf.org/article.php3?id_article=20032; IFEX, *En libertad, tras ocho días detenido, el periodista Ahmed Rodríguez Albacia*, December 22, 2006, available at: <http://www.ifex.org/es/content/view/full/80069>.

112. On November 3, 2006, journalist Pedro Enrique Martínez Machado, of Santiago, was arrested and questioned by State Security officials. It was indicated that he was threatened with imprisonment for *desacato*.⁶³

113. On November 6, 2006, journalist Guillermo Espinosa Rodríguez, of the *Agencia de Prensa Libre Oriental* (APLO), was convicted and sentenced to two years house arrest for "social dangerousness" ("*peligrosidad social*"), and was prohibited from continuing his journalistic activities under threat of being sent to prison.⁶⁴

114. On December 5, 2006, activist Raimundo Perdigón Brito was sentenced to four years imprisonment for the crime of "pre-criminal social dangerousness" for establishing an independent news agency in the province of Sancti Spiritus. He was detained on November 29, 2006, and told that he would be released if he shut down the news agency he had established on November 17, 2006.⁶⁵

115. On December 19, 2006, journalist Carlos Serpa Maceira, of the Agencia Sindical Press and director of the press office of Puente Informativo Cuba Miami, was detained in Old Havana.⁶⁶

116. On December 29, 2006, journalist Lianis Meriño Aguilera was detained by state security agents in Obrero Banes, province of Holguín. She was held for two hours at the fire station. According to the information received, one of the agents accused her of disseminating false information and warned her to give up her activities as a journalist. It is indicated that she had published an article on the *CubaNet* website on the dismissal of two persons from a tobacco factory, allegedly because of their sexual orientation.⁶⁷

ECUADOR

PRINCIPLE 9 OF THE DECLARATION OF PRINCIPLES ON FREEDOM OF EXPRESSION (Homicide, kidnapping, intimidation of and/or threats to social communicators, and material destruction of communications media)

117. On February 13, 2006, the body of journalist José Luis León Desiderio was found near his residence with a gunshot wound to the head. According to the information received, Mr. León Desiderio worked with the daily *El Telégrafo* and several radio stations, including *Radio Minutera*, and generally denounced gang violence and the lack of additional police action in Guayaquil. It was indicated that he had received threats according to which if he continued reporting on the action of the gangs he would face serious consequences.⁶⁸

⁶³ CUBANET, *Arrestan por unas horas a periodista independiente en Santiago de Cuba*, November 10, 2006, available at: <http://www.cubanet.org/CNews/y06/nov06/13a3.htm>.

⁶⁴ Reporters Without Borders, *El periodista Guillermo Espinosa Rodríguez condenado a dos años de arresto domiciliario*, November 8, 2006, available at: http://www.rsf.org/article.php3?id_article=19615.

⁶⁵ Inter-American Press Association, *Condena la SIP sentencia y arresto de periodistas independientes en Cuba*, December 7, 2006, available at: <http://www.sipiapa.org/espanol/pressreleases/srchcountrydetail.cfm?PressReleaseID=1817>.

⁶⁶ CUBANET, *Imponen multa a Serpa Maceira*, December 21, 2006, available at: <http://www.cubanet.org/CNews/y06/dec06/22a3.htm>.

⁶⁷ Reporters Without Borders, *La Seguridad del Estado amenaza a una joven periodista independiente*, January 3, 2006, available at: http://www.rsf.org/article.php3?id_article=16086.

⁶⁸ Reporters Without Borders, *Asesinado en Guayaquil un periodista radiofónico: descartada a priori la hipótesis crapulosa*, February 16, 2006, available at: http://www.rsf.org/article.php3?id_article=16474.

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118. On March 19, 2006, in Quito the president of Ecuador signed the Declaration of Chapultepec.⁶⁹

EL SALVADOR

PRINCIPLE 5 OF THE DECLARATION OF PRINCIPLES ON FREEDOM OF EXPRESSION (Prior censorship, interference, direct and indirect pressure)

119. On December 20, 2006, the First Justice of the Peace of Sonsonate, Astrid Yanira Pineda, reportedly prevented a team from the daily *La Prensa Gráfica* from entering the offices of the judicial center in Sonsonate, where a preliminary hearing was being held in the case of 14 persons accused of multiple homicides in the area.⁷⁰

PRINCIPLE 9 OF THE DECLARATION OF PRINCIPLES ON FREEDOM OF EXPRESSION (Homicide, kidnapping, intimidation of and/or threats to social communicators. and material destruction of communications media)

120. On March 9, 2006, journalist Rosa Elvia Campos, of the daily *Co Latino*, was assaulted in the municipality of Mejicanos, department of San Salvador, allegedly by militants of the Frente Democrático Revolucionario (FDR) party. According to the information received, the assault occurred when she was trying to get statements from a politician from the FDR. He refused to answer and instructed his followers not to make statements to her, arguing that she worked for a newspaper owned by the Frente Farabundo Martí para la Liberación Nacional (FMLN). It was indicted that a group of persons surrounded her and one of them struck her with a blunt object.⁷¹

121. On July 5, 2006, several journalists were assaulted during a confrontation between antiriot police and university students who were participating in a street protest. Journalist Ernesto Landos of Teledos was pursued by a group of demonstrators who broke one of the windows of the vehicle in which the press crew was driving. In addition, a group of demonstrators took the camera from photographer Felipe Ayala, of *El Diario de Hoy*, and returned it to him after taking the memory card, where the images were recorded.⁷²

122. On November 3, 2006, journalist Oscar Servellón, correspondent for radio stations *YSKL* and *Ecopavas* in the city of Cojutepeque, received a death threat. The unknown persons left an anonymous written threat directed to him and his brother Eric Servellón.⁷³

UNITED STATES

⁶⁹ Inter-American Press Association, *Estado ecuatoriano suscribe declaración sobre libertad de prensa*, March 21, 2006, available at: <http://www.ifex.org/es/content/view/full/73054/>.

⁷⁰ Asociación de Periodistas de El Salvador, *Libertad de expresión en El Salvador, Estado de la prensa 2006*, December 28, 2006, available at: <http://www.apes.org.sv/comunicados12.asp?CatNum=2&CatName=nota>.

⁷¹ PROBIDAD, *Periodista es agredida por militantes de partido político*, March 13, 2006, available at: <http://www.ifex.org/es/content/view/full/72810/>.

⁷² Asociación de Periodistas de El Salvador, *Libertad de expresión en El Salvador, Estado de la prensa 2006*, December 28, 2006, available at: <http://www.apes.org.sv/comunicados12.asp?CatNum=2&CatName=nota>.

⁷³ Asociación de Periodistas de El Salvador, *APES denuncia nuevas amenazas y agresiones a periodistas*, November 13, 2006, available at: <http://www.apes.org.sv/comunicados12.asp?CatNum=1&CatName=nota>.

PRINCIPLE 5 OF THE DECLARATION OF PRINCIPLES ON FREEDOM OF EXPRESSION (Prior censorship, interference, direct and indirect pressure)

123. On June 15, 2006, it was reported that four journalists were expelled from the base at Guantánamo on orders of the government, without being able to culminate their investigations after the suicides of three prisoners.⁷⁴

PRINCIPLE 8 OF THE DECLARATION OF PRINCIPLES ON FREEDOM OF EXPRESSION (Right of every social communicator to keep his or her sources, notes, and personal and professional files confidential)

124. On May 21, 2006, the attorney general of the United States, Alberto Gonzales, stated that the federal government could sue journalists who reveal information classified as secret by the Defense Department.⁷⁵

125. On September 21, 2006, two journalists from the *San Francisco Chronicle*, Lance Williams and Mark Fainaru-Wada, were given 18-month prison sentences for contempt of court for refusing to reveal the sources from which they obtained testimony that professional athletes had given before a court, in a trial regarding the use of steroids. The judge had ordered that the testimony be under sealed and ordered an investigation when the articles were published. The judgment also includes a fine, imposed on the newspaper, of US\$ 1,000 daily until the sources were revealed. The newspaper and the journalists appealed and the effects of the judgment have been suspended.⁷⁶

126. On November 27, 2006, the Supreme Court rejected a petition from *The New York Times* that sought to keep federal prosecutors from reviewing the telephone records of journalists Judith Miller and Philip Shenon related to their investigations into the alleged participation of businesses in the financing of terrorist activities.⁷⁷

PRINCIPLE 9 OF THE DECLARATION OF PRINCIPLES ON FREEDOM OF EXPRESSION (Homicide, kidnapping, intimidation of and/or threats to social communicators, and material destruction of communications media)

127. On May 1, 2006, journalist Tony Valdez of *Fox News* received death threats after his coverage of the protests by immigrant groups calling for reform of U.S. immigration policies and opposing the deportation of undocumented foreigners.⁷⁸

⁷⁴ Inter-American Press Association, *IAPA protests expulsion of reporters from Guantánamo*, June 15, 2006, available at: <http://www.sipiapa.org/espanol/pressreleases/chronologicaldetail.cfm?PressReleaseID=1686>.

⁷⁵ Inter-American Press Association, *Preocupa a la SIP cualquier esfuerzo legislativo en Estados Unidos que busque penalizar la divulgación de información clasificada*, May 26, 2006, available at: <http://www.sipiapa.org/espanol/pressreleases/chronologicaldetail.cfm?PressReleaseID=1668>; El Diario (United States), *Gonzales y la libertad de prensa*, May 27, 2006, available at: <http://www.eldiariony.com/noticias/detail.aspx?section=25&desc=Editorial&id=1396692>.

⁷⁶ San Francisco Chronicle (United States), *Chronicle calls federal case against BALCO reporters flawed*, January 10, 2007, available at: <http://sfgate.com/cgi-bin/article.cgi?file=/c/a/2007/01/10/BAGFNGAS26.DTL&type=printable>.

⁷⁷ Inter-American Press Association, *La SIP lamenta decisión judicial en Estados Unidos sobre confidencialidad de las fuentes periodísticas*, December 29, 2006, available at: <http://www.sipiapa.org/espanol/pressreleases/srchcountrydetail.cfm?PressReleaseID=1813>.

⁷⁸ Diario La Opinión (United States), *Denuncian amenazas de muerte*, May 6, 2006, available at: <http://www.laopinion.com/print.html?rkey=0000000000000104130>.

128. As of this writing, Sudanese cameraman Sami Al-Haj, of the *Al-Jazeera* television network, continued to be held at Guantánamo without any formal indictment. According to the information received, he was arrested in December 2001 by members of the Pakistani Army along the Afghan border; then handed him over to U.S. soldiers. He was taken to the U.S. naval base at Guantánamo, Cuba, on June 13, 2002. It is indicated that he was subjected to interrogations in situations of sleep deprivation, lengthy periods of exposure to the sun, and other mistreatment, and that he has not been allowed to contact his family. His lawyer said that in April 2006 Mr. Al-Haj told him that he wanted to commit suicide.⁷⁹

PRINCIPLE 12 OF THE DECLARATION OF PRINCIPLES ON FREEDOM OF EXPRESSION (Monopolies, oligopolies, and allocation of radio and television frequencies)

129. On September 18, 2006, a report by the Federal Communications Commission (FCC) was released according to which the trend towards concentration of media ownership has intensified in recent years. According to the information received, the report indicates that from March 1996 to March 2003, there was a 5.9 percent increase in the number of radio stations in the country, but a decline of 35 percent in the number of radio station owners. It is added that the largest owner of radio stations in the United States owned 62 stations in 1996 and 1,233 stations in 2003.⁸⁰

GUATEMALA

PRINCIPLE 9 OF THE DECLARATION OF PRINCIPLES ON FREEDOM OF EXPRESSION (Homicide, kidnapping, intimidation of and/or threats to social communicators, and material destruction of communications media)

130. On May 18, 2006, journalist Mario René Escobedo, a correspondent with the newspaper *El Quetzalteco* in Huehuetenango, and the person in charge of the section *Mi Región Huehue*, was assaulted by an officer of the National Civilian Police. According to the complaint he lodged with the Office of the District Prosecutor of the Public Ministry, the police officer insulted him, pushed him, and tried to take his camera, saying that “journalists only publish lies.” The police officer said he was upset because he was sanctioned after articles were published denouncing irregularities.⁸¹

131. On June 13, 2006, cameraman Carlos Morales, of television news station *Noti7* of channel *Televisiete*, was assaulted by members of the private security service in the Tikal I neighborhood of Zone 7 in Guatemala City. According to the information received, he and journalist Dunia Rocibel Recinos were covering a story on the alleged prohibition on free movement affecting a

⁷⁹ Reporters Without Borders, *Reporteros sin Fronteras reclama de nuevo la libertad de Sami Al-Haj, cinco años después de la llegada de los primeros detenidos en Guantánamo*, January 10, 2007, available at: http://www.rsf.org/article.php3?id_article=20343.

⁸⁰ Office of Senator Barbara Boxer, *Boxer Concerned About Report Suppression at FCC*, September 18, 2006, available at: <http://boxer.senate.gov/news/releases/record.cfm?id=263223>.

Ambito Financiero, *FCC ordenó destrucción de informe crítico de concentración de medios*, September 15, 2006, available at: <http://legislaciones.amarc.org/06-09-15-EuuFccOrdeno.htm>.

⁸¹ Cerigua, *Guatemala: Presentarán denuncia de agresión a la SIP*, May 20, 2006, available at: www.cerigua.org/portal/observatorio/notas_de_prensa_mayo_06.pdf.

clergyman who defends migrants' human rights. When Mr. Morales was taking pictures of the guards, they pointed their shotguns at him, insulted him, and one of them kicked him.⁸²

132. On August 23, 2006, journalist Vinicio Aguilar, host of a political analysis program on *Radio 10*, was attacked and suffered a gunshot wound. According to the information received, two unknown persons approached him on motorcycle and shot him in the mouth. The bullet exited the cheek and he underwent surgery. According to *Radio 10*, its directors and employees had received death threats on several occasions for reporting on a trial for alleged tax evasion by a conglomerate of firms. According to the information received, on August 22, 2006, a phone threat was received directed against the radio station's director, Óscar Rodolfo Castañeda, in which he was threatened with death if he didn't leave the country within eight days. On August 30, 2006, the IACHR issued precautionary measures to protect the life and personal integrity of Mr. Aguilar and other persons.⁸³

133. On September 10, 2006, the corpse of radio journalist Eduardo Heriberto Maas Bol, correspondent for *Radio Punto*, was found in Cobán, department of Alta Verapaz, with five gunshot wounds. On September 12, 2006, the police arrested one of the persons allegedly responsible for the crime.⁸⁴

PRINCIPLE 12 OF THE DECLARATION OF PRINCIPLES ON FREEDOM OF EXPRESSION (Monopolies, oligopolies, and assignment of radio and television frequencies)

134. In March 2006, nine indigenous community radio stations were shut down in the departments of Chimaltenango and Huehuetenango. On March 2, 2006, prosecutors from the Public Ministry accompanied by police seized documentation on radio stations affiliated with the Consejo Guatemalteco de Comunicación Comunitaria (CGCC). On March 9, 2006, the radio station *Voz Latina* of Chimaltenango was shut down, and on March 15 its director, Ana Piedad Martín, was arrested; she was released after posting bond. On March 9, 2006, the radio stations *Presencia Stéreo*, *Cairo*, and *Mayense*, of the department of Chimaltenango, and the radio station *Acción*, of the department of Huehuetenango, were shut down. In addition, on March 15, 2006, Oscar Rafael López, director of the radio station *Stereo Nolber Sideral*, of the department of Huehuetenango, and staff member Esbin Martínez Palacios, were arrested. Both were released after paying a fine.⁸⁵

⁸² Centro de Reportes Informativos sobre Guatemala, *Camarógrafo agredido en la capital; empleado de un periódico regional golpeado*, June 20, 2006, available at: <http://www.ifex.org/es/content/view/full/75175/?PHPSESSID>.

⁸³ El Nuevo Diario (Nicaragua), *Periodista herido de bala en Guatemala*, August 23, 2006, available at: <http://www.elnuevodiario.com.ni/2006/08/23/ultimahora/1636>; Reporters Without Borders, *La libertad de prensa en peligro de nuevo: un periodista asesinado y otros dos amenazados de muerte*, September 11, 2006, available at: http://www.rsf.org/article.php3?id_article=18814; Committee to Protect Journalists, *In Guatemala, a radio host wounded in shooting*, August 24, 2006, available at: <http://www.cpj.org/news/2006/americas/guatemala24aug06na.html>; Instituto Prensa y Sociedad, *Desconocidos abalean a periodista radial*, August 24, 2006, available at: <http://canada.ifex.org/es/content/view/full/76556>.

⁸⁴ Prensa Libre, *Matan a periodista en Cobán*, September 11, 2006, available at: <http://www.prensalibre.com.gt/pl/2006/septiembre/11/151419.html>; Inter-American Press Association, *Urge la SIP investigación por asesinato de periodista en Guatemala*, September 11, 2006, available at: <http://sipaia.org/espanol/pressreleases/srchcountrydetail.cfm?PressReleaseID=1756>; Instituto Prensa y Sociedad, *Asesinan a periodista radial*, September 11, 2006, available at: <http://www.ipys.org/alertas/atentado.php?id=863>; Instituto Prensa y Sociedad, *Capturan a presunto asesino de periodista*, September 21, 2006, available at: <http://www.ipys.org/alertas/atentado.php?id=878>. The Office of the Special Rapporteur for Freedom of Expression issued a pronouncement on this assassination in its press release 153/06, *Office of the Special Rapporteur for Freedom of Expression Condemns the Murder of Journalist in Guatemala and Demands Prompt Investigation*, September 13, 2006, available at: <http://www.cidh.org/relatoria/showarticle.asp?artID=679&IID=2>.

⁸⁵ Reporters Without Borders, *Cierran nueve radios comunitarias*, March 21, 2006, available at: http://www.rsf.org/article.php3?id_article=16809.

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135. On February 3, 2006, a decision of the Constitutional Court effectively did away with the criminal *desacato* provisions on nullifying Articles 411, 412, and 413, of the Criminal Code, which had codified it. The court's ruling came in response to an appeal filed in June 2005 by the president of the Cámara Guatemalteca de Periodismo, Mario Fuentes Destarac. The Constitutional Court based its ruling on the principles established in the Guatemalan Constitution, the American Convention on Human Rights, and the Declaration of Principles on Freedom of Expression of the Inter-American Commission on Human Rights.⁸⁶

GUYANA

PRINCIPLE 9 OF THE DECLARATION OF PRINCIPLES ON FREEDOM OF EXPRESSION (Homicide, kidnapping, intimidation of and/or threats to social communicators, and material destruction of communications media)

136. On January 30, 2006, Ronald Waddell, former host of a television program on *HBTV Channel 9*, was assassinated by unknown persons who shot him as he was getting in his car. Mr. Waddell was a known activist on behalf of the rights of Afrodescendant citizens, and was critical of government policies. According to the information received, he had also denounced the existence of death squads in Guyana.⁸⁷

HAITI

PRINCIPLE 9 OF THE DECLARATION OF PRINCIPLES ON FREEDOM OF EXPRESSION (Homicide, kidnapping, intimidation of and/or threats to social communicators, and material destruction of communications media)

137. On October 24, 2006, journalist Ernst Cadichon, of *Radio Galaxie*, was beaten by police while covering a student protest in front of the presidential palace, which resulted in a broken arm and several contusions.⁸⁸

HONDURAS

PRINCIPLE 9 OF THE DECLARATION OF PRINCIPLES ON FREEDOM OF EXPRESSION (Homicide, kidnapping, intimidation of and/or threats to social communicators, and material destruction of communications media)

138. On May 8, 2006, radio journalist Jesús Octavio Carvajal denounced that he had received death threats and had been physically assaulted. He alleges that the threats and assaults

⁸⁶ Office of the Special Rapporteur for Freedom of Expression of the OAS, *Press release 132/06: Office of the Special Rapporteur for Freedom of Expression Expresses its Approval of the Elimination of Desacato Laws in Guatemala*, February 3, 2006, available at: <http://www.cidh.oas.org/relatoria/showarticle.asp?artID=652&IID=2>.

⁸⁷ Inter-American Press Association, *La SIP condena asesinato contra periodista en Guyana*, February 3, 2006, available at: <http://www.sipiapa.org/espanol/pressreleases/chronologicaldetail.cfm?PressReleaseID=1594>; Reporters Without Borders, *Opposition journalist gunned down in Georgetown*, February 2, 2006, available at: http://www.rsf.org/article.php3?id_article=16339.

⁸⁸ Haiti Support Group, *Port-au-Prince's InfoHaiti.net is reporting that a Radio Galaxie journalist, Ernst Cadichon, was beaten up by policemen as he covered a student demonstration outside the presidential palace in Champ de Mars on Tuesday 24 October*, October 31, 2006, available at: http://www.haitisupport.gn.apc.org/fea_news_main53.html.

were ordered by a high-level government official in Tegucigalpa after he publicly called into question that official's role in negotiations regarding the El Tigre dam, along the border with El Salvador. It is indicated that Mr. Carvajal left Honduras temporarily for fear of the reprisals that might be carried out against him.⁸⁹

139. Journalists Robert Marín García and Dina Meetabel Meza, of the publication *Revistazo.com* and members of the Asociación por una Sociedad Más Justa (ASJ), received threats after investigating alleged breaches of labor law by private security firms. The Inter-American Commission on Human Rights granted precautionary measures on December 20, 2006, to protect the life and physical integrity of these journalists and other members of the organization after the ASJ's attorney and adviser, Dionisio Díaz García, was assassinated.⁹⁰

PRINCIPLES 10 AND 11 OF THE DECLARATION OF PRINCIPLES ON FREEDOM OF EXPRESSION (Use of defamation laws by public officials and *desacato* laws)

140. Journalist Julio Ernesto Alvarado, director of the news program *Mi Nación* of *Canal 13 Honduras* of Tegucigalpa, was the target of a complaint for defamation and slander. The dean of the School of Economics of the public Universidad Nacional Autónoma de Honduras (UNAH), Belinda Flores de Mendoza, filed the complaint after the journalist accused her, on July 4, 2006, of having been put in her post irregularly, and of being implicated in an alleged illegal sale of diplomas at the UNAH.⁹¹

141. Journalist Francisco Romero, of the program *Hablemos de Noche* of *Canal 45 RCN*, was the target of a complaint for defamation and slander brought by the son of education minister Octavio Pineda after the reporter accused him of being implicated in alleged irregularities in that ministry. One month earlier Mr. Romero had been the subject of a complaint by the national coordinator of programs and projects of the Ministry of Education, Yance Juárez, after he accused her of nepotism in August 2006.⁹²

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142. On November 23, 2006, the Honduran Congress approved the Law on Transparency and Access to Public Information.⁹³

MEXICO

⁸⁹ Diario El Heraldo, *CPH se solidariza con periodista*, May 10, 2006, available at: <http://www.elheraldo.hn/nota.php?nid=50034&sec=12&fecha=2006-05-10>.

PROBIDAD, *Honduras: Periodista denuncia ante Fiscalía agresión de funcionario*, May 10, 2006, available at: http://probidad.net/cs/index.php?option=com_content&task=view&id=167&Itemid=29.

⁹⁰ PROBIDAD, *Tras amenazas, asesinan abogado integrante del equipo de investigación periodística de organización social*, December 6, 2006, available at: <http://www.ifex.org/fr/content/view/full/79654>.

⁹¹ PROBIDAD, *Dos nuevas querellas por delitos contra el honor enfrentan periodistas*, October 13, 2006, available at: http://probidad.net/cs/index.php?option=com_content&task=view&id=421&Itemid=29 and at: <http://www.ifex.org/20fr/content/view/full/78391/>.

⁹² PROBIDAD, *Dos nuevas querellas por delitos contra el honor enfrentan periodistas*, October 13, 2006, available at: http://probidad.net/cs/index.php?option=com_content&task=view&id=421&Itemid=29 and at: <http://www.ifex.org/20fr/content/view/full/78391/>.

⁹³ PROBIDAD, *Congreso aprueba Ley de Transparencia y Acceso a la Información Pública, que permitirá a los ciudadanos exigir cuentas a sus servidores públicos*, November 30, 2006, available at: <http://www.ifex.org/es/content/view/full/79500/>.

PRINCIPLE 9 OF THE DECLARATION OF PRINCIPLES ON FREEDOM OF EXPRESSION (Homicide, kidnapping, intimidation of and/or threats to social communicators, and material destruction of communications media)

143. On January 14, 2006, journalist Olivier Acuña Barba, director of the publication *Sinaloa Dos Mil*, was detained by the police and accused of homicide. He said he had been tortured by the police to get him to confess. A report prepared by the National Commission on Human Rights of Sinaloa verified the presence of signs of torture. The journalist argues that the accusation was a set-up to punish him for his investigative journalism and to keep him from publishing any more, since his articles implicated police and other powerful persons in the state in illegal activity. As of this writing he was still being held.⁹⁴

144. On January 14, 2006, journalist Julio César Ortega Quiroz, editor-in-chief of the magazine *La Neta Times* and who also works with *Radio Palacio*, was beaten by members of a municipal police patrol from Caborca, in the state of Sonora. According to the information received, the police forced him to get out of his car, beat him, and took him to the police station, where they threatened him. It is indicated that Mr. Ortega Quiroz lodged frequent complaints about an alleged conflict between the office of the mayor of Caborca and some members of the Municipal Police thought to be involved in drug-trafficking.⁹⁵

145. On February 6, 2006, two unknown persons broke into the offices of the daily *El Mañana*, in the city of Nuevo Laredo, state of Tamaulipas. According to the information received, they entered shooting at the front desk of the newspaper, and went to the editorial offices, where they insulted those present and threatened to set off a grenade. Journalist Jaime Orozco Trey suffered serious gunshot wounds and lost his mobility in both legs as a result of the attack. In addition, there was material damage. *El Mañana* had been providing special coverage of the wave of violence that affects that region.⁹⁶

146. On March 9, 2006, journalist Jaime Arturo Olvera Bravo was assassinated when an unknown person shot him while he was walking hand-in-hand with his child to the bus station in the municipality of La Piedad, state of Michoacán. The unknown person shot him in the head and then fled in a vehicle that was waiting with the motor running. Mr. Olvera Bravo was a correspondent for the daily *La Voz de Michoacán* until April 2002. Since then he had worked as a freelance journalist and denounced attacks against the local press in the context of his coverage of police matters.⁹⁷

147. On March 10, 2006, journalist Ramiro Téllez Contreras, of *Radio EXA 95.7 FM*, was shot down in front of his home in Nuevo Laredo, state of Tamaulipas, when heading to his place of work. It is indicated that Téllez had received threats days before he was assassinated. Shells were

⁹⁴ State Human Rights Commission of Sinaloa, *EXPEDIENTE No.: CEDH/III/014/06*, March 7, 2006, available at: <http://www.cedhsinaloa.org.mx/recomendaciones/2006/RECO7.doc>.

⁹⁵ Reporters Without Borders, *Violencia policial contra un periodista: Reporteros sin Fronteras hace un llamamiento al gobernador del Estado de Sonora*, January 23, 2006, available at: http://www.rsf.org/article.php3?id_article=16233.

⁹⁶ Office of the Special Rapporteur for the Freedom of Expression, *Press Release 133/06 Office of the Special Rapporteur for Freedom of Expression Condemns Recent Attacks against Mexican Press*, February 16, 2006, available at: <http://www.cidh.oas.org/relatoria/showarticle.asp?artID=653&IID=2>.

⁹⁷ Diario Cambio de Michoacán, *Amenazan de muerte a periodista*, May 24, 2006, available at: <http://www.cambiodemichoacan.com.mx/vernota.php?id=44529>; Reporters Without Borders, *Asesinan a disparos a dos periodistas en veinticuatro horas*, March 13, 2006, available at: http://www.rsf.org/article.php3?id_article=16728.

found at the site of the attack, with caliber 9 mm, 40 mm, and 45 mm, which, according to the information received, are frequently used by drug-traffickers in the region.⁹⁸

148. On May 4, 2006, three foreign photographers were detained by the police in San Salvador Atenco, state of México. María Sostres, from Spain, Samantha Dietmar, of Germany, and Valentina Palma, from Chile, were participating in a tribute to a 14-year-old youth assassinated the night before during a repressive operation that resulted in one killed, a dozen persons wounded, and more than 200 persons detained, including the photographers. According to the information received, the police confiscated their materials, including film, photographs, and cameras. They then suffered physical violence and some police officers touched them while making sexual insinuations. The three photographers were finally expelled from the country.⁹⁹

149. On May 10, 2006, journalist Oscar Mario Beteta, of *Radio Fórmula*, received death threats by telephone from persons who identified themselves as hired gunmen in the state of Tamaulipas. It is indicated that the threats were also directed against him, his wife, and his child, and that they were presumably related to his comments against a presidential candidate.¹⁰⁰

150. On May 24, 2006, journalist Antonio Ramos Tafolla was taken by force by unknown persons in the municipality of Apatzingán, state of Michoacán. According to the information received, the perpetrators were drug-traffickers who threatened to kill him if he continued investigating issues related to organized crime and drug-trafficking. The incident occurred after he filed a report on his radio show about a confrontation among drug-traffickers, hired gunmen, and state police.¹⁰¹

151. On June 21, 2006, reporter Manuel Acuña López, of the daily *Por Esto!*, was assaulted by unknown persons who threw explosives at his home in Mérida, state of Yucatán. It is indicated that the reporter has publicly accused the governor of the state as the mastermind behind the assassination attempt directed against him.¹⁰²

152. The newspaper *Por Esto!* was attacked repeatedly in 2006. In June unknown persons set ablaze the car belonging to *Por Esto!* reporter Manuel Acuña López. On August 22, 2006, a homemade bomb was thrown at the car of another journalist from the same newspaper, Jaime Vargas Chablé; the attack destroyed the car but no one was wounded. The two journalists had published articles on government corruption in Mérida. On August 23, 2006, two hand grenades exploded in the entrance to the newspaper's offices in Cancún, but no one was wounded. On September 1, 2006, the main offices of *Por Esto!* in the city of Mérida were attacked with grenades. According to the information received, the explosion injured two guards and caused

⁹⁸ Diario El Universal, *Matan a periodista en Nuevo Laredo*, March 10, 2006, available at: <http://www.el-universal.com.mx/notas/335472.html>; Reporters Without Borders, *Asesinan a disparos a dos periodistas en veinticuatro horas*, March 13, 2006, available at: http://www.rsf.org/article.php3?id_article=16728.

⁹⁹ Reporters Without Borders, *Detenciones abusivas, violencia y represión excesiva: Reporteros Sin Fronteras denuncia la brutalidad de la represión policial en San Salvador Atenco*, May 11, 2006, available at: http://www.rsf.org/article.php3?id_article=17662.

¹⁰⁰ Diario Crónica, *Recibe Radio Fórmula amenaza de muerte contra Óscar Mario Beteta*, May 8, 2006, available at: http://www.cronica.com.mx/nota.php?id_notas=240022.

Centro Nacional de Comunicación Social, <http://www.cencos.org>

¹⁰¹ Diario Cambio de Michoacán, *Amenazan de muerte a periodista*, May 24, 2006, available at: <http://www.cambiodemichoacan.com.mx/vernota.php?id=44529>.

¹⁰² Reporters Without Borders, *Un periodista víctima de atentado sospecha que el gobernador de Yucatán ha sido su autor intelectual*, June 29, 2006, available at: <http://www.ifex.org/es/content/view/full/75378>.

damage to the newspaper's infrastructure. The newspaper has investigated numerous cases of government corruption and drug-trafficking, especially the activities of the Sinaloa cartel in the Yucatán peninsula.¹⁰³

153. On July 11, 2006, the family members of reporter Rafael Ortiz Martínez, of the daily *Zócalo* and radio station *XHCCG*, filed a complaint over his disappearance as of July 8, 2006, in the city of Monclovo. The previous week, Rafael Ortiz had published articles about prostitution in the downtown area of Monclovo and on a hepatitis C contagion at a center for services and reinsertion.¹⁰⁴

154. On August 9, 2006, the body of reporter Enrique Perea Quintanilla was found along a highway of the state of Chihuahua with signs of torture and two gunshot wounds. Several weeks later the channel *TV Azteca* received a video from an anonymous source in which two persons appear who identify themselves as the perpetrators of the homicide and who state that they received the order to kill him from leading drug-traffickers in the Juárez cartel.¹⁰⁵

155. On August 23, 2006, a grenade exploded near the offices of the daily newspaper *Que Quintana Roo Se Entere*, of Cancún, state of Quintana Roo. The explosion wounded one man in charge of cleaning the vehicles used by the newspaper for distribution.¹⁰⁶

156. On August 30 and September 6, 2006, workers from the community radio station *Voladora Radio* received death threats through email messages. On September 1, 2006, one of the staff members of the radio station was attacked while traveling in his car; rocks were thrown at the windows, which were shattered. On September 19, 2006, the Inter-American Commission on Human Rights issued precautionary measures to protect the life and physical integrity of the members of the community radio station.¹⁰⁷

157. On September 5, 2006, journalist Eugenia Cícero and photographer Aurelio Suárez, of the evening newspaper *PM*, and photographer Jaime Murrieta, of *El Diario*, state of Chihuahua, were assaulted by a group of persons, presumably agents of the State Investigation Agency (AEI:

¹⁰³ Committee to Protect Journalists, *Ataque con granadas contra un diario en Cancún que investiga el tráfico de drogas; auto de periodista destruido por bomba*, August 25, 2006, available at: <http://www.ifex.org/es/content/view/full/76570/>.

Reporters Without Borders, *Tres heridos en ataque con granadas contra oficina en Mérida del diario "Por Esto!"*, September 5, 2006, available at: <http://www.ifex.org/es/content/view/full/76788/>.

¹⁰⁴ Office of the Special Rapporteur for Freedom of Expression, *Press Release 145/06: Office of the Special Rapporteur for Freedom of Expression Voices Concern over the Disappearance of a Journalist in Mexico*, July 19, 2006, available at: <http://www.cidh.oas.org/relatoria/showarticle.asp?artID=670&IID=2>.

¹⁰⁵ El Diario de Chihuahua, *Ejecutan a periodistas*, August 10, 2006, available at: <http://www.eldiariodechihuahua.com.mx/notas.php?IDNOTA=33023&IDSECCION=Portada&IDREPORTERO=Alberto%20De%20lgado>; Reporters Without Borders, *En un dudoso video confiesan su crimen los presuntos asesinos del periodista Enrique Perea Quintanilla*, October 17, 2006, available at: http://www.rsf.org/article.php3?id_article=18549. The Office of the Special Rapporteur on Freedom of Expression issued a pronouncement on this assassination in its press release 150/06, *Office of the Special Rapporteur on Freedom of Expression Condemns the Murder of Journalist in Mexico and Demands Prompt Investigation*, August 16, 2006, available at: <http://www.cidh.oas.org/relatoria/showarticle.asp?artID=676&IID=2>.

¹⁰⁶ Committee to Protect Journalists, *Ataque con granadas contra un diario en Cancún que investiga el tráfico de drogas; auto de periodista destruido por bomba*, August 25, 2006, available at: <http://www.ifex.org/es/content/view/full/76570/>.

Reporters Without Borders, *Tres heridos en ataque con granadas contra oficina en Mérida del diario "Por Esto!"*, September 5, 2006, available at: <http://www.ifex.org/es/content/view/full/76788/>.

¹⁰⁷ World Association of Community Radio Broadcasters, *Amenazan de muerte a periodistas de radio comunitaria La Voladora*, September 9, 2006, available at: <http://legislaciones.amarc.org/06-09-09-MexicoAmenazan.htm>.

Agencia Estatal de Investigación). According to the information received, they were pursued and shot at by some 20 armed agents of the AEI who were shooting at them after the reporters photographed them drinking beer in public. When the agents reached them, they pulled them from their vehicles, punching them, beat them, and kicked them while they were on the ground. They also stole their cameras, cell phones, and wallets with personal documents. The three were hospitalized. Mr. Murrieta had polytraumatism, a fractured nasal septum, and open wounds on his head including his forehead. According to the information received, an agent from AEI was detained three hours later, when he was identified as one of the assailants.¹⁰⁸

158. On September 15, 2006, reporters Mario Viveros Barragán, Juan Pablo Ramos Jiménez, and Miguel Ángel Fuentes Cortina, of *Canal 6 de Julio*, were assaulted presumably by security agents. According to the information received, they filmed the police arresting youths in downtown Mexico City, after which several agents beat the reporters and destroyed some of their equipment.¹⁰⁹

159. On October 27, 2006, *Indymedia* cameraman Brad Will was assassinated while covering the intervention of the Federal Preventive Police in the conflict in the state of Oaxaca. According to the information received, the shots came from where the Municipal Police force was located. Two of his alleged assassins were released on December 1 after spending one month in preventive detention. That same day, in the context of the federal intervention in Oaxaca, Osvaldo Ramírez, photographer for the daily *Milenio*, suffered a gunshot wound. The events occurred in the city of Santa Lucía del Camino.¹¹⁰

160. On November 10, 2006, the corpse of journalist Misael Tamayo Hernández, director of the regional daily *El Despertar de la Costa*, appeared in the city of Ixtapa Zihuatanejo, state of Guerrero. According to the information received, on November 9 he had filmed an editorial on alleged embezzlement in the Water Administration Board of Zihuatanejo. It was also indicated that the daily generally published information on settlements of accounts among drug-traffickers in the area.¹¹¹

¹⁰⁸ El Diario, *Atentan vs. periodistas de EL DIARIO y PM*, September 6, 2006, available at: <http://www.diario.com.mx/nota.asp?notaid=57bcda644d792f837e6ea350da10e8aa>.

El Universal, *Agreden en Juárez a 3 reporteros*, September 7, 2006, available at: http://estadis.eluniversal.com.mx/estados/vi_62438.html.

La Jornada, *Agreden a periodistas que cubrían reunión de narcos y supuestos policías en Juárez*, September 7, 2006, available at: <http://www.jornada.unam.mx/2006/09/07/038n1est.php>.

¹⁰⁹ Reporters Without Borders, *Brutalidad policial contra tres documentalistas de la sociedad Canal 6 de Julio*, September 19, 2006, available at: http://www.rsf.org/article.php3?id_article=18909.

¹¹⁰ La Jornada, *Brad Will*, October 30, 2006, available at: <http://www.jornada.unam.mx/2006/10/30/017a1pol.php>; Reporters Without Borders, *Identificados presuntos asesinos del camarógrafo Brad Will*, October 30, 2006, available at: http://www.rsf.org/article.php3?id_article=19483. The Office of the Special Rapporteur for Freedom of Expression issued a pronouncement on this assassination in its press release 156/06, *Office of the Special Rapporteur for Freedom of Expression Regrets Death of Journalist in Mexico and Calls for Appropriate Investigation*, October 31 2006, available at: <http://www.cidh.org/relatoria/showarticle.asp?artID=682&IID=2>.

¹¹¹ PR Noticias, *Hallan muerto a Misael Tamayo, director de El Despertar*, November 13, 2006, available at: http://www.prnoticias.com/prn/hojas/noticias/detallenoticia.jsp?noticia=25270&repositorio=0&pagina=1&idapr=2_esp_1; Reporters Without Borders, *Aparece asesinado en un motel el director de un diario regional*, November 13, 2006, available at: http://www.rsf.org/article.php3?id_article=19695. The Office of the Special Rapporteur for Freedom of Expression issued a pronouncement on this assassination in its press release 157/06: *Office of the Special Rapporteur for Freedom of Expression Deplores Murders of Journalists in Mexico and Calls for Due Investigation*, November 21, 2006, available at: <http://www.cidh.org/relatoria/showarticle.asp?artID=684&IID=2>.

161. On November 16, 2006, the corpse of José Manuel Nava Sánchez, director of the daily *Excélsior* from 2002 to 2005, was found with wounds inflicted by a bladed weapon in his apartment in Mexico City. On November 6, 2006, he had presented his book *Excélsior, el asalto final*, in which he narrates and criticizes the sale of the newspaper, and asserts that that operation took place in conditions marked by “extreme irregularity.”¹¹²

162. Since November 20, 2006, José Antonio García Apac, director of the weekly *Ecos* of the Tepalcatepec basin, state of Michoacán, has been disappeared. According to the information received, *Ecos* had been publishing investigations into drug-trafficking in Michoacán.¹¹³

163. On November 21, 2006, the reporter of the magazine *Testimonio* and correspondent for *Alarma* magazine, Roberto Marcos García, was assassinated by several gunshot wounds near the town of Matoza, state of Veracruz. He had regularly covered the robbery of imported goods and drug-trafficking in Veracruz, among other issues. Colleagues who knew him indicated that he had received death threats on his cell phone.¹¹⁴

164. On November 30, 2006, the corpse of Adolfo Sánchez Guzmán, a reporter with the *Xhora Stereo* radio station and a correspondent for *Televisa*, was found. The body was found in the city of Nogales, state of Veracruz, with gunshot wounds and signs of torture. He was investigating the activity of persons who were assaulting trucks in the region. On December 4, 2006, the state police announced that three days earlier they had detained and imprisoned two individuals in the context of the investigation into this homicide.¹¹⁵

165. On December 2 and 3, 2006, journalists Saúl Contreras and Rafael Saavedra, of the daily *El Mundo* of Córdoba, in the state of Veracruz, received death threats. Contreras was traveling on his motorcycle on December 2, 2006, when four individuals forced him to stop at gunpoint, beat

¹¹² Diario El Dictamen, *Hallan muerto a José Manuel Nava, ex director de Excélsior*, undated, available at: <http://www.eldictamen.com.mx/1a.asp?idn=52753>; Inter-American Press Association, *SIP solicita investigación urgente de asesinato contra periodista en México*, November 17, 2006, available at: <http://www.sipiapa.org/pressreleases/chronologicaldetail.cfm?PressReleaseID=1798>. The Office of the Special Rapporteur for Freedom of Expression issued a pronouncement on this assassination in its press release 157/06, *Office of the Special Rapporteur for Freedom of Expression Deplores Murders of Journalists in Mexico and Calls for Due Investigation*, November 21, 2006, available at: <http://www.cidh.org/relatoria/showarticle.asp?artID=684&IID=2>.

¹¹³ IFEX, *Desaparece un periodista en el Estado de Michoacán, después de investigaciones al narcotráfico*, December 6, 2006, available at: <http://www.ifex.org/da/layout/set/print/layout/set/print/content/view/full/79652/>; Inter-American Press Association, *Alarmada la SIP por violencia contra periodistas en México*, December 6, 2006, available at: <http://www.sipiapa.org/espanol/pressreleases/srchcountrydetail.cfm?PressReleaseID=1819>; Instituto Prensa y Sociedad, *Desaparece Director de semanario en Michoacán*, December 5, 2006, available at: <http://www.ipys.org/alertas/atentado.php?id=974>.

¹¹⁴ El Universal, *Asesinan a reportero en carretera Veracruz-Alvarado*, November 21, 2006, available at: http://www.eluniversal.com.mx/notas/vi_389357.html; Instituto Prensa y Sociedad, *Asesinan a reportero en Veracruz*, November 22, 2006, available at: <http://www.ipys.org/alertas/atentado.php?id=961>; Inter-American Press Association, *SIP pide a futuro presidente de México prioridad sobre asesinatos contra periodistas*, November 24, 2006, available at: <http://www.sipiapa.org/espanol/pressreleases/srchcountrydetail.cfm?PressReleaseID=1804>; Committee to Protect Journalists, *Periodista investigativo asesinado cerca de Veracruz*, November 23, 2006, available at: <http://www.ifex.org/es/content/view/full/79325/>.

¹¹⁵ Jornada, *Hallan asesinado a reportero en Veracruz*, November 30, 2006, available at: <http://www.jornada.unam.mx/2006/12/01/index.php?section=estados&article=043n2est>; Inter-American Press Association, *Consternación de la SIP por nuevo asesinato de periodista en México*, December 1 2006, available at: <http://www.sipiapa.org/espanol/pressreleases/srchcountrydetail.cfm?PressReleaseID=1807>; Instituto Prensa y Sociedad, *Asesinan a reportero en Veracruz, policía detiene a presuntos homicidas*, December 4, 2006, available at: <http://www.ipys.org/alertas/atentado.php?id=970>; Reporters Without Borders, *Detenidos dos sospechosos del asesinato del periodista Adolfo Sánchez Guzmán*, December 5, 2006, available at: http://www.rsf.org/article.php3?id_article=19958.

him, and told him he was “sentenced to die” for his publications. Saavedra was threatened once again the next day. They had published information on drug-trafficking in the region.¹¹⁶

166. On December 8, 2006, Raúl Marcial Pérez, editorial writer for the regional daily *El Gráfico*, in the indigenous locality of Juxtlahuaca, Oaxaca, was assassinated. It was indicated that armed individuals burst into the newspaper’s newsroom and opened fire, shooting at him; he died immediately. He had a column in which he regularly criticized the governor of Oaxaca.¹¹⁷

167. On December 9, 2006, photographer Haniel Morgan Chávez, of the daily *El Imparcial* of Oaxaca, was assaulted. According to the information received, he was at the offices of the Office of the Attorney General of the State for an interview when he was assaulted – beaten and kicked – by members of the Ministerial Police, who were also said to have taken his camera and cell phone.¹¹⁸

PRINCIPLES 10 AND 11 OF THE DECLARATION OF PRINCIPLES ON FREEDOM OF EXPRESSION (Use of defamation laws by public officials and *desacato* laws)

168. On May 2, 2006, journalist Olga Wornat and *Proceso* magazine were held liable by a Civil Court of the Federal District to pay compensation for moral injury to the former first lady, for publishing a report on her divorce. On May 16, 2006, the Superior Court of Justice of the Federal District vacated the judgment, ordering that the proceeding start anew. On October 16, 2006, a court of appeals affirmed the judgment. On January 23, 2006, the Superior Court of Justice of the Federal District absolved *Proceso* but ordered journalist Olga Wornat to pay compensation of 500,000 Mexican pesos (about US\$ 45,000), an amount less than that established by previous judgments.¹¹⁹

169. From December 11 to 19, 2006, journalist Angel Mario Ksheratto, of the daily *Cuarto Poder*, was once again in prison in the context of a trial for defamation brought by an official of the state of Chiapas. In August 2002, he published a report that a chief of the Department of Schools of the government of Chiapas had used public funds to purchase a house, after which she lodged a complaint against him for defamation. Mr. Ksheratto had already been in prison in the context of this trial from February 4 to 22, 2006, and other times in previous years. The prison sentences provided for by the legislation of Chiapas for this type of offense are two to three years as a minimum and five to nine years as a maximum.¹²⁰

¹¹⁶ Inter-American Press Association, *Alarmada la SIP por violencia contra periodistas en México*, December 6, 2006, available at: <http://www.sipiapa.org/espanol/pressreleases/srchcountrydetail.cfm?PressReleaseID=1819>. La Jornada, *Amagan de muerte a reporteros de El Mundo de Córdoba*, December 5, 2006, available at: <http://www.jornada.unam.mx/2006/12/06/index.php?section=estados&article=040n3est>.

¹¹⁷ El Universal, *Condenan el asesinato de periodista en Oaxaca*, December 14, 2006, available at: http://www.eluniversal.com.mx/estados/vi_63274.html; Reporters Without Borders, *Asesinado en Oaxaca un periodista y líder indígena; curiosamente se ha descartado la hipótesis profesional*, December 12, 2006, available at: http://www.rsf.org/article.php3?id_article=20116.

¹¹⁸ Reporters Without Borders, received by email.

¹¹⁹ Instituto Prensa y Sociedad, *Juez ordena a periodista y a semanario pagar indemnización por daño moral contra Primera Dama*, May 5, 2006, available at: <http://www.ipys.org/alertas/atentado.php?id=791>; Pueblo en línea, *México: Anulan sentencia contra periodista que escribió sobre Sahagún*, May 17, 2006, available at: <http://spanish.peopledaily.com.cn/31617/4379605.html>; Proceso, *La demanda: Proceso absuelto*, January 23, 2007, available at: <http://www.proceso.com.mx/noticia.html?sec=0&nta=47654>.

Reporters Without Borders, *La periodista Olga Wornat y el semanario Proceso condenados a pagar 144.000 euros a la primera dama*, October 18, 2006, available at: http://www.rsf.org/article.php3?id_article=19328.

¹²⁰ Reporters Without Borders, *De nuevo en libertad con fianza el periodista chiapaneco Angel Mario Ksheratto*, December 20, 2006, available at: http://www.rsf.org/article.php3?id_article=16418; Committee to Protect Journalists,

170. On December 22, 2006, charges were dropped against journalist Lydia Cacho, author of the book *Los demonios del Edén*, published in December 2005, in the criminal proceeding that had been brought against her for defamation. In the book, she denounced a network of pederasts in which politicians and businessmen were allegedly involved. The complaint had been brought by a businessman who is mentioned in the book as being involved with a pederast. The dismissal was based on the fact that the criminal defamation statute had been derogated. In addition, the investigation by the Supreme Court of the Nation into the governor of Puebla, accused by her of conspiracy with the above-mentioned businessman for her to be raped in prison. The plan had allegedly been discussed in some phone conversations that were recorded and made public in February 2006 by the Mexican press. She lodged the complaint with the Office of the Attorney General of the Republic, against the governor, for the crimes of bribery, improper exercise of public office, influence-peddling, collusion of public employees, torture, and attempted rape, among others.¹²¹

PRINCIPLE 12 OF THE DECLARATION OF PRINCIPLES ON FREEDOM OF EXPRESSION (Monopolies, oligopolies, and assignment of radio and television frequencies)

171. On April 12, 2006, reforms to the Federal Law on Radio and Television and to the Federal Law on Telecommunications were enacted, generating an intense debate. It was criticized that these legislative reforms establish that the concessions of radio and TV would be determined through a bidding process based exclusively in an economic criterium; that the new concessions would last 20 years; and that they would not include limits to the quantity of communication media that can be owned by a sole proprietor.

172. In the same vein, it was said that these reforms establish new norms for the radio and television stations of cultural, educational and community nature. It was pointed out that these stations have to apply for permits before the government but the norms do not establish clear and transparent criteria for their granting, which confers an excess degree of discretion to the authorities in charge of making such decision. Neither do they establish a percentage of the radioelectrical spectrum to be used by this type of stations, or timeframes for the consideration of the applications, or a number of permits that have to be approved. The Office of the Special Rapporteur considers that these norms may negatively impact the access of minorities to community radio permits.¹²²

PROGRESS

173. On February 15, 2006, the Office of the Special Prosecutor for Crimes against Journalists was established in the Office of the Attorney General of the Republic, with jurisdiction to direct, coordinate, and supervise the investigations and, as appropriate, the prosecution of crimes

...Continuation

MEXICO: Journalist accused of criminal defamation released on parole, December 20, 2006, available at: http://cpj.org/cases06/americas_cases_06/mexico19dec06ca.html.

¹²¹ La Jornada, *Pierde Kamel Nacif demanda contra Lydia Cacho*, January 3, 2007, available at: <http://www.jornada.unam.mx/2007/01/03/index.php?section=politica&article=005n2pol>; La Jornada, *Cacho, dispuesta a demostrar la confabulación en su contra*, January 10, 2007, available at: <http://www.jornada.unam.mx/2007/01/10/index.php?section=politica&article=010n2pol>.

¹²² Government of Mexico, *Ley Federal de Radio y Televisión y Ley Federal de Telecomunicaciones*, Letter from the Government of Mexico to the Inter-American Commission on Human Rights, April 10, 2006; United Nations, *Palabras del señor Amerigo Incalcaterra, Representante en México de la Alta Comisionada de las Naciones Unidas para los Derechos Humanos, con motivo de la celebración del Día Mundial de la Libertad de Prensa*, May 2, 2006, available at: <http://hchr.org.mx/documentos/conferencias/1conferencia.pdf>.

committed against Mexico or foreign journalists in Mexican territory motivated by their work as journalists.¹²³

174. On April 28, 2006, the Legislative Assembly of the Federal District approved two measures, one to decriminalize defamation and slander, the other to recognize journalists' right to protect the identity of their confidential sources. The "Law on Civil Responsibility for the Defense of Honor, Privacy, and Reputation," published in the Official Gazette on May 19, 2006, eliminates "crimes of honor" such as defamation and slander from the criminal code of the Federal District, steering such complaints to the civil courts. The right to keep sources confidential was codified through adoption of the Law on Journalists' Privilege (Ley del Secreto Profesional del Periodista), published in the Official Gazette on June 7, 2006.¹²⁴

175. On June 6, 2006, amendments to the Federal Code of Criminal Procedure and the Federal Criminal Code entered into force that protect the right of journalists to keep their sources and materials confidential. The reforms were approved by the federal Congress on April 18, 2006, and entered into force when published in the Diario Oficial de la Federación on June 6, 2006. With these reforms, which stemmed from an initiative introduced by Senator Sadot Sánchez Carreño on November 25, 2003, the right to keep information and sources confidential was established for journalists, attorneys, physicians, and clergy.¹²⁵

176. On December 8, 2006, it was reported that the plenary of the Supreme Court of Justice of the Nation found prior censorship of political party publicity during election campaigns to be unconstitutional. It was established that sanctions may only be applied after the political parties disseminate their messages, if they break the law.¹²⁶

NICARAGUA

PRINCIPLE 9 OF THE DECLARATION OF PRINCIPLES ON FREEDOM OF EXPRESSION (Homicide, kidnapping, intimidation of and/or threats to social communicators, and material destruction of communications media)

177. On February 23, 2006, supporters of the mayor of the city of Granada went to Managua, where, for one hour, they blocked the gate at the offices of the newspaper *La Prensa*, demanding a meeting with the directors and that the newspaper stop publishing information on alleged irregularities in the municipal government. The newspaper also reported that in addition its

¹²³ Diario Oficial, *Acuerdo A/031/06 del Procurador General de la República, por el que se crea la Fiscalía Especial para la Atención de Delitos cometidos contra Periodistas*, February 15, 2006. Office of the Attorney General of the Republic, *Discurso de David Manuel Vega Vega en su toma de potestad como Fiscal Especial para la Atención de Delitos Cometidos en Contra de Periodistas*, February 22, 2006, available at: <http://www.pgr.gob.mx/cmsocial/coms06/220206.htm>.

¹²⁴ Committee to Protect Journalists, *Dos medidas aprobadas en Ciudad de México protegen a periodistas*, April 28, 2006, available at: http://www.cpj.org/news/2006/americas/mexico28apr06na_sp.html.

¹²⁵ Office of the Special Rapporteur for Freedom of Expression, *Press Release 136/06: Office of the Special Rapporteur for Freedom of Expression Expresses Satisfaction with Legislative Processes in Mexico*, April 20, 2006, available at: <http://www.cidh.org/relatoria/showarticle.asp?artID=658&IID=2>; Senate of the Republic, *Gaceta Parlamentaria XL Legislatura*, August 9, 2006, available at: <http://www.senado.gob.mx/sen60/sgsp/gaceta/?sesion=2006/08/09/1&documento=46>; Reporters Without Borders, *Protección del secreto de fuentes y despenalización de los delitos de prensa: Reporteros Sin Fronteras aplaude los progresos legislativos*, April 20, 2006, available at: http://www.rsf.org/article.php?id_article=17257.

¹²⁶ La Jornada, *Declaran ilegal la censura previa a los promocionales de partidos*, December 8, 2006, available at: <http://www.periodistasenlinea.org/modules.php?op=modload&name=News&file=article&sid=2166&mode=thread&order=0&thold=0>.

correspondents in Granada, Arlen Cerda, and in Siuna, José Garth, were harassed after reporting on alleged acts of corruption by municipal and judicial authorities.¹²⁷

PARAGUAY

PRINCIPLE 9 OF THE DECLARATION OF PRINCIPLES ON FREEDOM OF EXPRESSION (Homicide, kidnapping, intimidation of and/or threats to social communicators, and material destruction of communications media)

178. On February 4, 2006, Enrique Galeano, a journalist with *Radio Azotey* and publisher of the magazine *Aló Vecino*, of the department of Concepción, was last seen in the city of Horqueta. Since the date he disappeared, several Paraguayan and international organizations have urged the government to take the measures necessary to locate him. Galeano generally denounced the activities of drug-traffickers and their alleged relations with local politicians.¹²⁸

179. On February 27, 2006, two individuals on a motorcycle opened fire on the vehicle that was taking them to the correspondent of the daily *ABC Color*, Juan Augusto Roa, in Itapúa, department of Encarnación, but they missed their target. According to the information received, the region is one of the centers of trafficking in illegal drugs and stolen cars. He has investigated cases of local corruption, among others.¹²⁹

180. On June 19, 2006, police personnel seized equipment from the community radio station *Manantial FM*, in Carayaó, department of Caaguazú, beating the personnel who tried to stop the operation. It is indicated that on that same date the National Telecommunications Commission seized broadcast equipment from radio station *Tenondé FM* in Coronel Oviedo, department of Caaguazú.¹³⁰

181. On July 17, 2006, journalist Luis Alcides Ruiz Díaz, of the weekly *Hechos*, denounced that he had received death threats. He generally reports on drug-trafficking in the city of Pedro Juan Caballero, by the border with Brazil.¹³¹

PRINCIPLES 10 AND 11 OF THE DECLARATION OF PRINCIPLES ON FREEDOM OF EXPRESSION (Use of defamation laws by public officials and *desacato* laws)

182. On December 5, 2006, the Supreme Court of Justice convicted journalist Luis Verón, of the daily *ABC Color*, and sentenced him to 10 months of community service for the

¹²⁷ Inter-American Press Association, *Hostigamiento contra el diario "La Prensa" y sus periodistas por sus reportajes sobre presunta corrupción*, February 28, 2006, available at: <http://www.ifex.org/fr/content/view/full/72549/>.

¹²⁸ Office of the Special Rapporteur for Freedom of Expression, *Press Release 135/06 Office of the Special Rapporteur Voices its Concern over the Disappearance of Journalist in Paraguay*, April 12, 2006, available at: <http://www.cidh.oas.org/relatoria/showarticle.asp?artID=657&IID=2>; Reporters Without Borders, *Desaparición de Enrique Galeano: el Sindicato de Periodistas hace un llamamiento al Presidente Nicanor Duarte Frutos*, October 12, 2006, available at: http://www.rsf.org/article.php3?id_article=16437.

¹²⁹ Reporters Without Borders, *Atentado a un corresponsal del diario ABC Color*, March 1, 2006, available at: http://www.rsf.org/article.php3?id_article=16611.

¹³⁰ World Association of Community Radio Broadcasters, <http://legislaciones.amarc.org>

¹³¹ Committee to Protect Journalists, *Amenazan de muerte a periodista tras informe sobre narcotráfico*, July 19, 2006, available at: <http://www.ifex.org/alerts/content/view/full/75775/>.

crimes of defamation, for having published an article in which he criticized an architectural restoration project.¹³²

PERU

PRINCIPLE 5 OF THE DECLARATION OF PRINCIPLES ON FREEDOM OF EXPRESSION (Prior censorship, interference, and direct and indirect pressure)

183. On May 25, 2006, reporter Henry Vásquez Limo was detained by technical Air Force personnel in Chiclayo while recording images at an Air Force base. It is indicated that they seized his recording equipment.¹³³

184. On October 30, 2006, a criminal court of Lima ordered the director of the daily *Expreso*, Luis García Miró, to refrain from publishing any news or report related to a former minister of justice. The order accompanied a judicial decision to open an investigation into a complaint lodged for the crime of libel and aggravated defamation, after a series of accusations published by *Expreso* against the former minister.¹³⁴

PRINCIPLE 9 OF THE DECLARATION OF PRINCIPLES ON FREEDOM OF EXPRESSION (Homicide, kidnapping, intimidation of and/or threats to social communicators, and material destruction of communications media)

185. On May 26, 2006, journalists Walter Rocha Chocos and Gudelia Galvez Tafur received death threats by phone. It is indicated that previously both had reported on acts of corruption in the provincial government of Huaraz.¹³⁵

186. On July 28, 2006, reporter Armando Ávalos, of the television station *Frecuencia Latina*, and *América Televisión* journalist Maribel Toledo, were reportedly assaulted by members of the security detachment accompanying former president Alejandro Toledo while covering the presidential inauguration. According to the images broadcast by the television station, Ávalos was beaten in the face with his own microphone by the lieutenant providing security to the former president.¹³⁶

187. From July to September 2006, journalists from several media in the city of Casma, region of Ancash, were intimidated and threatened by telephone after publishing reports on administrative irregularities committed by the police in that city. Journalist Ronald Márquez Rosales, director of the news program *Casma al Día* on *Sideral TV Canal 7* said he had received threats and that unknown persons were maintaining surveillance at his house after he published a report in July concerning the alleged irregular purchase of a motorcycle by police from Casma. In addition, four

¹³² Instituto Prensa y Sociedad, *Corte Suprema condena a periodista a diez meses de trabajo social*, December 6, 2006, available at: <http://www.ipys.org/alertas/atentado.php?id=976>.

¹³³ Asociación Nacional de Periodistas del Perú, *Detienen a periodista y le requisan equipos de grabación*, June 11, 2006, available at: <http://www.anp.org.pe/nota.php?id=1584>.

¹³⁴ Instituto Prensa y Sociedad, *Jueza viola Constitución Política al imponer censura previa a Director de Diario*, November 15, 2006, available at: <http://www.ipys.org/alertas/atentado.php?id=943>.

¹³⁵ Asociación Nacional de Periodistas del Perú, *Periodista denuncia que funcionario municipal lo amenazó de muerte*, June 11, 2006, available at: <http://www.anp.org.pe/nota.php?id=1580>; Instituto Prensa y Sociedad, *Amenazan a periodistas, posiblemente por difundir caso de corrupción*, May 30, 2006, available at: <http://www.ifex.org/es/content/view/full/74753>.

¹³⁶ Instituto Prensa y Sociedad, *Periodista de televisión agredido por integrante de la seguridad presidencial*, July 28, 2006, available at: <http://www.ifex.org/fr/content/view/full/76586/>.

other journalists who denounced they had been threatened accuse the chief of police of Casma, Major Marino Jiménez Carrera, of being responsible. One of them is journalist Gustavo Samame León, of *Radio Estudio 99*, who indicated he had been intimidated by the commissioner after disseminating, on August 14, 2006, the complaints of several citizens who alleged they had been mistreated by the same police agent. According to the journalist, the chief of police refused to give him his version of the facts and threatened to discredit him in other media. In addition, journalist Aldo Meza Torres, of *Radio Estudio 99*, says that he was threatened by the chief of police in late August 2006 at the offices of the radio station after revealing alleged illegal collections by a police officer in the city. On September 7, 2006, Pablo Carrión Hurtado, a correspondent with *Radio Programas del Perú*, received two threats by telephone and said he had recognized the voice. Journalist Elio Cock Aguilar, of *Radio Calor*, also reported having received threats after having disseminated reports by citizens alleging mistreatment and illegal collections at the police station.¹³⁷

188. On November 24, 2006, photographers Walter Upiú and Eitam Abramovich were reportedly assaulted by members of the National Police when covering a march at the Plaza de Armas of Lima marking the International Day for the Elimination of Violence against Women.¹³⁸

189. On December 2, 2006, journalist Miguel Ángel Palomino, of the daily *Chimbote*, was threatened with a revolver by a captain from the Police Emergency Squad. Ángel Palomino had photographed him consuming alcoholic beverages with other police during working hours, after which they threatened him, pursued him in a patrol car, and took his briefcase.¹³⁹

190. In April 2006 journalist Marilú Gambini went underground after being assaulted and receiving death threats. She had published investigations into drug-trafficking in the city of Chimbote and continued publishing, while hiding, in the weekly *Investigando*, of Chimbote. On December 14, 2006, she once again received a death threat. The authors of the threat told her that they knew her whereabouts and would kill her. According to Gambini, this new threat could result from the fact that on November 27, 2006, the Transitory Criminal Chamber of the Supreme Court of Justice ordered that the drug-trafficking case against the owners of the fishing company Hayduk, who were denounced in her articles, had been reopened.¹⁴⁰

PRINCIPLES 10 AND 11 OF THE DECLARATION OF PRINCIPLES ON FREEDOM OF EXPRESSION (Use of defamation laws by public officials and *desacato* laws)

191. On November 10, 2006, the director of the daily *El Comercio del Cusco*, Julio Jara Ladrón de Guevara, and journalist Carolina Zamalloa, of the same newspaper, were convicted and sentenced to one year in prison, to be suspended, and ordered to pay a fine as civil reparation for the criminal offense of defamation. The complaint was brought by a professor at the Escuela de

¹³⁷ Instituto Prensa y Sociedad, *Intimidación a director de programa de televisión*, August 9, 2006, available at: <http://www.ifex.org/es/content/view/full/76237/>; Instituto Prensa y Sociedad, *Cuatro periodistas amenazados, acusan al comisario de ser el responsable*, September 12, 2006, available at: <http://www.ifex.org/es/content/view/full/76990/>; Coordinadora Nacional de Radio, *Periodistas denuncian amenazas de la Policía*, September 5 2006, available at: <http://www.cnr.org.pe/noticia.php?id=15272>.

¹³⁸ IFEX, *Policía agrede a reporteros gráficos cuando cubrían una marcha de mujeres en Lima*, November 27, 2006, available at: <http://www.ifex.org/es/content/view/full/79387/>.

¹³⁹ Instituto Prensa y Sociedad, *Policía intimida a periodista en Chimbote*, December 6, 2006, available at: <http://www.ipys.org/alertas/atentado.php?id=978>

¹⁴⁰ Instituto Prensa y Sociedad, *Continúan amenazas de muerte contra periodista, a pesar de estar en la clandestinidad*, December 15, 2006, available at: <http://www.ipys.org/alertas/atentado.php?id=995>.

Bellas Artes (School of Fine Arts) of Cuzco for having published, in September 2005, an accusation by female students against the professor for sexual harassment.¹⁴¹

192. On December 13, 2006, journalists Pedro Salazar Angulo, director of the daily *El Oriente*, and Óscar Olavarría Saldaña, chief of information for the daily *La Región de Iquitos*, were convicted and sentenced to prison (suspended) and to pay compensation for defamation and slander. The case began in 1990, when they published the complaint of a woman who accused Mr. Muñoz, who was then the Superior Prosecutor of Loreto, of rape. Mr. Muñoz was removed from the post as a result of this complaint, but was reinstated in 2004 thanks to a writ of *amparo*. The daily published the complaint once again, and the prosecutor filed the complaint against the newspaper.¹⁴²

DOMINICAN REPUBLIC

PRINCIPLE 9 OF THE DECLARATION OF PRINCIPLES ON FREEDOM OF EXPRESSION (Homicide, kidnapping, intimidation of and/or threats to social communicators, and material destruction of communications media)

193. On March 8, 2006, unknown persons kidnapped journalist Roberto Sandoval in front of his house in Santo Domingo and threatened to kill him. According to the information received, he jumped from the kidnappers' vehicle when the driver ordered his accomplice to shoot him. The assailants looked for Sandoval but he hid in a wooded area until they fled, the local press reported. He hosts the programs *Tribuna de la Noche* on *Radio Comercial* and *Justo a Tiempo* on local cable television. Sandoval generally reports on crime and is critical of authorities in the Dominican Republic.¹⁴³

194. On August 16, 2006, Orlando Ramos, photographer with the newspaper *Clave Digital*, was beaten and detained for several hours after he attempted to photograph the first lady. The person responsible for the attack was said to have been the chief of the bodyguards assigned to the first lady.¹⁴⁴

195. On August 29, 2006, the publisher of the newspaper *Por un nuevo periodismo*, Miguel Aponte Vigueira, reported that members of the presidential guard beat him and arrested him as he was preparing to distribute his newspaper in the National Palace.¹⁴⁵

URUGUAY

PRINCIPLE 9 OF THE DECLARATION OF PRINCIPLES ON FREEDOM OF EXPRESSION (Homicide, kidnapping, intimidation of and/or threats to social communicators, and material destruction of communications media)

¹⁴¹ Instituto Prensa y Sociedad, *Sentencian a Director y a periodista de Diario por difamación*, November 10, 2006, available at: <http://www.ipys.org/alertas/atentado.php?id=936>.

¹⁴² Instituto Prensa y Sociedad, *Sentencian a periodistas por difamación y calumnia*, December 14, 2006, available at: <http://www.ipys.org/alertas/atentado.php?id=992>.

¹⁴³ Committee to Protect Journalists, *Periodista que cubre temas policiales secuestrado, amenazado de muerte; huye con heridas menores*, March 10, 2006, available at: <http://www.ifex.org/es/content/view/full/72780/>.

¹⁴⁴ Inter-American Press Association, *Fotógrafo golpeado mientras intentaba hacerle una foto a la primera dama, detenido varias horas*, August 18, 2006, available at: <http://www.ifex.org/es/content/view/full/76414/>.

¹⁴⁵ El Caribe CDN, *Periodista denuncia agresión*, August 30, 2006, available at: http://www.elcaribecdn.com/articulo_multimedios.aspx?id=97603&guid=3D145B3AA7D9498FB7C44C72425C3FC6&Seccion=63.

196. On September 13, 2006, journalists were attacked while trying to interview the former president, Gregorio Álvarez, who governed during the military dictatorship. The reporters tried to approach the former president to question him about accusations against him regarding human rights violations during his government, but were beaten by persons who were surrounding Mr. Álvarez. The journalists attacked were Pablo Meléndrez, of the daily *La República*, Leonardo Pérez, of the radio station CX 26 *Sodre*, María José Pino, of television station VTV, and Soledad Acuña, of *Radio Sarandí*.¹⁴⁶

PRINCIPLES 10 AND 11 OF THE DECLARATION OF PRINCIPLES ON FREEDOM OF EXPRESSION (Use of defamation laws by public officials and *desacato* laws)

197. On August 30, 2006, the Supreme Court of Justice of Uruguay handed down the final judgment in which it reinstated the sentence of five months in prison, suspended, against journalist Carlos Dogliani Staricco, for the crime of defamation. He was accused of defamation due to articles in which he denounced a case of fraud and corruption committed by a mayor. The court affirmed that the right to honor imposes a limit on the right to inform, and that the facts on which the coverage is based do not constitute a relevant defense. This decision represented backsliding from the progress made by the same Supreme Court of Justice in earlier decisions.¹⁴⁷

PROGRESS

198. On May 30, 2006, a group of non-governmental organizations submitted a bill on Access to Public Information and Informational Amparo to the legislature. The legislature is also considering a bill called Use of the Radioelectric Spectrum and Community Radiobroadcast Media that incorporates international standards in this area. On December 16, 2006, the Office of the Special Rapporteur for Freedom of Expression urged the legislature to consider these initiatives promptly.¹⁴⁸

VENEZUELA

PRINCIPLE 5 OF THE DECLARATION OF PRINCIPLES ON FREEDOM OF EXPRESSION (Prior censorship, interference, and direct and indirect pressure)

199. On October 12, 2006, the National Electoral Council (CNE) ruled in favor of opening the first case against a journalist for the alleged violation of rules on campaign publicity, approved July 31, 2006, by the CNE in the face of the presidential election of December 2006. Journalist

¹⁴⁶ Instituto Prensa y Sociedad, *Agreden a periodistas cuando preguntaron a general sobre violaciones de derechos humanos durante dictadura militar*, September 18, 2006, available at: <http://www.ifex.org/da/layout/set/print/layout/set/print/content/view/full/77141/>.

¹⁴⁷ Committee to Protect Journalists, *Corte Suprema de Uruguay restituye veredicto de injuria: En un golpe para la libertad de prensa, Corte determina un curso contrario al de la región*, September 26, 2006, available at: http://www.cpj.org/news/2006/americas/uruguay26sept06na_sp.html.

¹⁴⁸ Asociación de Prensa Uruguaya, *Prensa Uruguaya critica restricciones a la justicia*, July 5, 2006, available at: <http://www.terra.com/noticias/articulo/html/act439797.htm>; Office of the Special Rapporteur for Freedom of Expression, *Comunicado de Prensa 159/06: Relatoría Especial para la Libertad de Expresión emite recomendaciones a Uruguay al finalizar su visita de trabajo*, December 16, 2006, available at: <http://www.cidh.org/relatoria/showarticle.asp?artID=686&IID=2>. Visit of the Office of the Special Rapporteur for Freedom of Expression to Uruguay, meetings with legislators, Legislative Palace, Montevideo; December 14, 2006.

Miguel Ángel Rodríguez, host of the program *La Entrevista* de RCTV, is being investigated for supposedly promoting the “Mi Negra” card, proposed by an opposition presidential candidate.¹⁴⁹

200. On November 9, 2006, the mayor of Maturín prohibited the local media from covering an official act, presumably in retaliation for press reports of corruption in his government. The media affected were the daily newspapers *La Prensa* and *El Periódico* of Monagas, and radio stations *Órbita* and *93.5 La Gran FM*. On November 12, 2006, the mayor prohibited journalists from those media from entering the municipal government buildings, and announced that it will take official advertising away from them.¹⁵⁰

201. On November 10, 2006, officials of the Venezuelan Army kept several media from covering the ceremony of the anniversary of Venezuelan aviation in the municipality of Palavecino, state of Lara, allowing only government media to enter. The impacted media were the daily newspapers *El Impulso* and *El Universal*, and the private channels *Globovisión*, *Telegen*, and *RCTV*.¹⁵¹

202. On December 3, 2006, officials identified as employees of the National Telecommunications Commission (CONATEL) ordered the network *Telemundo* to suspend its broadcasts of the presidential elections, which were coming from a hotel in Caracas.¹⁵²

PRINCIPLE 9 OF THE DECLARATION OF PRINCIPLES ON FREEDOM OF EXPRESSION (Homicide, kidnapping, intimidation of and/or threats to social communicators, and material destruction of communications media)

203. On March 7, 2006, a court of the state of Táchira ordered the imprisonment of Gustavo Azócar Alcalá, host of the program “Café con Azócar” on the channel *Televisora del Táchira* and correspondent of the daily *El Universal*. Mr. Azócar was transferred that same day to the penitentiary of Santa Ana, situated on the outskirts of San Cristóbal. His detention was requested by the Public Ministry, which asserted that he had not appeared at hearings in proceedings on “diversion of public funds” and “fraud.” Gustavo Azócar Alcalá is known for his positions critical of the Venezuelan government.¹⁵³

204. On April 5, 2006, photographer Jorge Aguirre of the daily *El Mundo* was assassinated while covering a protest in Caracas. The assassination was committed by a person on a scooter, who shot him in public while he was inside a car. Before dying, Mr. Aguirre was able to photograph the person who shot him. According to the information received, on April 13, 2006, the attorney general of Venezuela announced the arrest of a former police officer as the alleged

¹⁴⁹ Venevisión, *CNE investigará nueve casos más por presunta violación a norma de publicidad y propaganda*, October 11, 2006, available at: http://www.democracia2006.com/notas_prensa/documentos/2006/111006_1.htm.

¹⁵⁰ Instituto Prensa y Sociedad, *Venezuela: Alcalde impide cobertura a medios*, November 20, 2006, available at: http://www.ipys.org.ve/alertas_coberturamonagas.htm; Reporters Without Borders, *Un alcalde censura a cuatro medios de comunicación que le critican*, November 15, 2006, available at: http://www.rsf.org/article.php3?id_article=19753

¹⁵¹ Instituto Prensa y Sociedad, *Venezuela: impiden acceso a medios durante Acto Oficial*, November 20, 2006, available at: http://www.ipys.org.ve/alertas_coberturalara.htm.

¹⁵² Instituto Prensa y Sociedad, *Impidieron transmisión de elecciones a cadena Telemundo*, December 6, 2006, available at: <http://www.ipys.org/alertas/atentado.php?id=975>.

¹⁵³ Reporters Without Borders, *Controvertida detención de un periodista televisivo*, March 8, 2006, available at: http://www.rsf.org/article.php3?id_article=16695.

assassin, and days later a prosecutor for the Caracas metropolitan area said that an active-duty police officer was believed to be the driver of the scooter.¹⁵⁴

205. On August 23, 2006, journalist Jesús Rafael Flores Rojas, of the daily *Región*, was assassinated in the state of Anzoátegui. An individual shot him eight times in the locality of El Tigre and fled in a car awaiting him at a distance of a few meters. He was writing about issues including reports of corruption in the local public administration. The authorities reported that the alleged direct perpetrators of his assassination were killed in a shoot-out with police.¹⁵⁵

206. On September 22, 2006, the offices of radio station *La Maripeña*, in Maripa, state of Bolívar, was attacked. According to the information received, the assailant was the head of security of the municipality of Sucre, in the state of Bolívar, and one of the mayor's bodyguards. The assailants broke down the gate protecting the radio station and stole a transmitter of electricity, making it impossible for the station to broadcast until two days later.¹⁵⁶

207. On October 4, 2006, photographer Frank Pereira, of the weekly *San Diego Al Día*, was attacked while covering a protest near the city hall of San Diego. It was indicated that the attack, perpetrated by four persons – including one uniformed police officer – was ordered by a mayor.¹⁵⁷

208. On November 21, 2006, the editor of the daily *El Impulso*, José Ángel Ocanto, received threats after denouncing arms trafficking in the state of Lara.¹⁵⁸

209. On November 22, 2006, journalist Marianne Martín, correspondent for the state television station *Venezolana de Televisión* (VTV), was assaulted by seven persons who reportedly

¹⁵⁴ Unión Radio, *Fiscalía informa que sospechoso de asesinato de periodista Jorge Aguirre es un ex polichacao*, April 13, 2006, available at: <http://www.unionradio.com.ve/Noticias/Noticia.aspx?noticiaid=165240>; Reporters Without Borders, *Un policía en funciones inculcado en el asesinato de Jorge Aguirre*, April 26, 2006, available at: http://www.rsf.org/imprimir.php3?id_article=16943; Inter-American Press Association, *Condena la SIP asesinato de periodista venezolano y reclama por otros casos todavía impunes*, April 7, 2006, available at: <http://www.sipiapa.org/espanol/pressreleases/srchcountrydetail.cfm?PressReleaseID=1643>; Ministry of People's Power for Communication and Information of the Bolivarian Government of Venezuela, *Esclarecido 70% del asesinato del reportero gráfico Jorge Aguirre*, April 14, 2006, available at: http://www.minci.gov.ve/noticias-nacionales/1/4578/esclarecido_70del_asesinato.html. The Office of the Special Rapporteur for Freedom of Expression issued a pronouncement on this assassination in its press release 134/06, *Office of the Special Rapporteur for Freedom of Expression Deplores Assassination in Venezuela*, April 6, 2006, available at: <http://www.cidh.org/relatoria/showarticle.asp?artID=656&IID=2>.

¹⁵⁵ Sindicato Nacional de Trabajadores de la Prensa, *Sicario asesina a periodista en oriente de Venezuela*, August 28, 2006, available at: <http://www.ifj.org/default.asp?index=4157&Language=ES>; El Tiempo, *Fueron abatidos presuntos homicidas de comunicador social*, August 30, 2006, available at: <http://www.eltiempo.com.ve/noticias/default.asp?id=84640>; Committee to Protect Journalists, *Columnista venezolano tiroteado frente a su casa*, August 29, 2006, available at: http://www.cpj.org/news/2006/americas/ven29aug06na_sp.html. The Office of the Special Rapporteur for Freedom of Expression issued a pronouncement on this assassination in its press release 152/06, *Office of the Special Rapporteur for Freedom of Expression Condemns the Murder of Journalist in Venezuela and Demands Prompt Investigation*, August 31, 2006, available at: <http://www.cidh.org/relatoria/showarticle.asp?artID=678&IID=2>.

¹⁵⁶ Instituto Prensa y Sociedad, *Venezuela: personal de seguridad de municipio ataca sede de Radio*, September 29, 2006, available at: http://www.ipys.org.ve/alertas_sucre.htm.

¹⁵⁷ Aporrea, *Alcalde opositor Enzo Scarano agrede salvajemente a reportero gráfico de Periodistas por la Verdad*, October 6, 2006, available at: <http://www.aporrea.org/ddhh/n84709.html>.

¹⁵⁸ IFEX, *Individuo, enojado por foto publicado en diario, amenaza a periodista*, November 28, 2006, available at: <http://www.ifex.org/es/content/view/full/79394/>.

pushed and molested her while calling her “*chapista*,” while she was covering a march called by the opposition in the state of Lara.¹⁵⁹

210. On November 24, 2006, journalists Beatriz Adrián, Edwin Moreno, and José Luis Ochoa, of the television station *Globovisión*, were attacked while covering a protest in front of the Casa Militar de Gobierno. The assailants were said to be three soldiers who demanded that the material they were filming be handed over.¹⁶⁰

PRINCIPLES 10 AND 11 OF THE DECLARATION OF PRINCIPLES ON FREEDOM OF EXPRESSION (Use of defamation laws by public officials and *desacato* laws)

211. On April 11, 2006, journalist Mireya Zurita, director of the daily *El Siglo*, was convicted and sentenced to 18 months in prison for authorizing, in 2003, the publication of a communiqué blaming the loss of one lot of drugs on the chief of investigations of the Scientific, Criminal, and Criminology Corps (CICPC: Cuerpo de Investigaciones Científicas, Penales y Criminalísticas) of the state of Aragua. The Second Trial Court of the State of Aragua argued that she committed aggravated defamation, and, during the trial, refusal to reveal the source behind the accusation against the police officer.¹⁶¹

212. On July 10, 2006, a court of appeals ruled favorably on a request by the prosecutor to set aside the dismissal of the case against journalist Napoleón Bravo, which means that a new criminal proceeding will go forward against the journalist for the crime of insult (*vilipendio*). The case was begun on September 7, 2004, after Mr. Bravo said on his television program *24 horas*, broadcast on the channel *Venevisión*: “What’s the use of the Supreme Court of Justice? What are they useful for? Why that hefty tome? Why don’t they put a brothel or something like that there?”¹⁶²

213. On October 16, 2006, the daily newspaper *El Impulso* was sued for defamation and libel by a director of the Institute of Welfare and Social Assistance (Instituto de Previsión y Asistencia Social) of the Ministry of Education (IPASME), in the city of Barquisimeto, state of Lara. The complaint revolves around the publication of a letter in the “readers’ corner” section in July 2005 in which a beneficiary of the IPASME criticized the administration of the institute. In September 2005, the alleged signer of the letter denied having been its author, and stated that they used her name to discredit the institution.¹⁶³

PRINCIPLE 13 OF THE DECLARATION OF PRINCIPLES ON FREEDOM OF EXPRESSION (direct and indirect pressure)

214. On May 19, 2006, the regional legislature of the state of Bolívar recommended to the city hall of Caroní that the offices of the daily newspaper *El Correo del Caroní* be vacated and

¹⁵⁹ Instituto Prensa y Sociedad, disseminated by IFEX, *Manifestantes empujan, manosean a periodista de canal de televisión estatal*, December 11, 2006, available at: <http://www.ifex.org/es/content/view/full/79870/>.

¹⁶⁰ IFEX, *Militares golpean a camarógrafo del canal de televisión Globovisión, evitan que el equipo cubra una protesta, acoso contra ese medio es reiterado*, November 27, 2006, available at: <http://www.ifex.org/es/content/view/full/79389/>.

¹⁶¹ Instituto Prensa y Sociedad, *Condenan a 18 meses de prisión a directora de diario*, April 19, 2006, available at: <http://www.ipys.org/alertas/atentado.php?id=780>.

¹⁶² Analítica Venezuela, *¡Insólito! Napoleón Bravo a juicio por comparar al TSJ con un burdel*, July 19, 2006, available at: <http://www.analitica.com/va/sociedad/articulos/8145690.asp>.

¹⁶³ Instituto Prensa y Sociedad, *Venezuela: demandan a Diario por difamación e injuria*, October 26, 2006, available at: http://www.ipys.org.ve/alertas_elimpulso.htm.

demolished to “recover public spaces in recreation areas.” It is indicated that the measure is to retaliate for the newspaper’s position critical of the governor’s performance.¹⁶⁴

215. On various dates throughout 2006, the President and other high-level authorities of Venezuela indicated that the concessions granted to television stations would be reviewed.¹⁶⁵ On December 28, 2006, the President announced: “There will be no new concession for that coup-mongering channel that was called Radio Caracas Televisión. The measure is already being drafted, so you can start ... turning off the sets, for no media outlet at the service of coup-mongering, against the people, against the nation, against the dignity of the Republic, is going to be tolerated here. Venezuela is self-respecting.”¹⁶⁶ A pro-government legislator, in response to the question, “some say that Venevisión also acted like a coup-monger in 2002, why is it that only RCTV is being punished,” stated that: “this revolution, and I say this with the greatest depth and seriousness, is a revolution of love, for some it is a revolution very much bound up with the lessons of Christ. There is belief in pardon to the extent that there is contrition.”¹⁶⁷

D. Assassinations possibly related to the exercise of journalism

Victims	Place and date	Information received
Manoel Paulino Da Silva, owner and journalist, <i>Hoje Jornal</i>	Brazil São Bernardo do Campo, state of São Paulo July 20, 2006	He was shot from a vehicle while driving. According to executives of the newspaper, he had not received threats nor had he published information that could be a motive for the assassination. The police have not discarded any

¹⁶⁴ Noticiero Unión Radio, *Director del Correo de Caroní afirma que se quiere “demoler” la libertad de expresión*, May 22, 2006, available at: <http://www.unionradio.com.ve/Noticias/Noticia.aspx?noticiaid=168873>; Instituto Prensa y Sociedad, *Parlamento Regional pide desalojo y demolición de sede de Diario*, May 23, 2006, available at: <http://www.ipys.org/alertas/atentado.php?id=800>; Inter-American Press Association, *Legislatura del Estado de Bolívar inicia procedimiento para desalojar diario, demoler su sede*, May 23, 2006, available at: <http://www.ifex.org/es/content/view/full/74551>; Committee to Protect Journalists, *Editor considera que el exhorto estatal del desalojo de su periódico es un intento de acallar al Diario por sus críticas*, May 22, 2006, available at: <http://www.ifex.org/es/content/view/full/74674>.

¹⁶⁵ Office of the Special Rapporteur for Freedom of Expression, Note to Ministry of Foreign Relations of July 6, 2006, described in: Diario El Universal, Caracas, *Relatoría de la OEA Advirtió sobre Amenaza de Revocar Concesiones*, July 7, 2006, available at: http://buscador.eluniversal.com/2006/07/08/pol_ava_08A741085.shtml and at Ministry of Foreign Relations, *Comunicado del Ministerio de Relaciones Exteriores de la República Bolivariana de Venezuela sobre la Nota Emanada el 06 de Julio de 2006 de la Relatoría Especial para la Libertad de Expresión de la Comisión Interamericana de Derechos Humanos*, Caracas, July 8, 2006, available at http://buscador.eluniversal.com/2006/07/07/pol_art_07105B.shtml; Office of the Special Rapporteur for Freedom of Expression, Press Release 144/06, *The State of Freedom of Expression in the Region (April - June 2006)*, July 7, 2006, available at: <http://www.cidh.org/relatoria/showarticle.asp?artID=669&IID=2>

¹⁶⁶ El Universal, *No habrá nueva concesión para ese canal golpista RCTV*, December 29, 2006, available at: http://www.eluniversal.com/2006/12/29/pol_art_128531.shtml. Office of the Special Rapporteur for Freedom of Expression, *Special Rapporteur Expresses Concern over the Situation of Radio Caracas Television in Venezuela*, December 31, 2006, available at: <http://www.cidh.org/relatoria/showarticle.asp?artID=688&IID=2>.

¹⁶⁷ El Universal, *Entrevista a Carlos Escarrá, diputado: “Por mí iríamos al comunismo”*, January 22, 2007, http://noticias.eluniversal.com/2007/01/22/pol_art_149006.shtml. The former minister of communications and current president of *Telesur* stated: “The President has been talking about seven strategic lines and identifies as a priority the line of socialist ethics; we think that we have to move towards a new strategic plan, especially when there are two major measures at that level: non-renewal of the RCTV concession and the purchase of CMT by Telesur.... The new strategic outlook proposed, the struggle in the ideological camp has to do with a battle of ideas for hearts and minds. A new plan needs to be drawn up, and what we propose is that it be towards the communicational and informational hegemony of the State. Constructing hegemony in the Gramscian sense.... And hegemony in the Gramscian sense is that, that one cultural group convinces another group of its values, principles, and ideas. We propose that there be a series of measures in several areas to construct the communicational and informational hegemony that makes possible the ideological and cultural battle to foster socialism.” Diario El Nacional, *Entrevista con Andrés Izarra*, January 8, 2007, p. A4.

¹⁶⁸ State Secretariat for Public Security of São Paulo, *Gerente de jornal é assassinado em Guarujá*, July 20, 2006, available at: http://www.ssp.sp.gov.br/home/noticia.aspx?cod_noticia=8812; Terra Noticias, *Dono de jornal é assassinado*

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		hypothesis. ¹⁶⁸
Ajuricaba Monassa de Paula, freelance journalist	Brazil Guapirimim, state of Rio de Janeiro July 24, 2006	Died after being beaten by a council member from the city of Guapirimim. He generally published stories critical of that council member and the local government. ¹⁶⁹
Milton Fabián Sánchez, journalist with the radio station <i>Yumbo Estéreo</i> .	Colombia Yumbo, department of Valle de Cauca August 9, 2006	Was shot when heading home. He ran institutional programs of the mayor's office, and a community political forum. ¹⁷⁰
Atilano Pérez Barrios, host and commentator on <i>Radio Vigía de Todelar</i>	Colombia Marialabaja, Cartagena August 22, 2006	Unknown persons entered his home and shot him twice in the abdomen. He criticized government corruption and the involvement of paramilitaries in politics and in the government agencies of Marialabaja. He had received death threats. ¹⁷¹
José Luis León Desiderio, journalist with <i>Radio Minutera</i>	Ecuador Guayaquil February 13, 2006	He was found near his home with a gunshot wound to the head. He denounced gang violence and the lack of police action in Guayaquil. He had been threatened. ¹⁷²
Eduardo Heriberto Maas Bol Radio journalist, correspondent with <i>Radio Punto</i>	Guatemala Cobán, department of Alta Verapaz September 10, 2006	He was found in his car with five gunshot wounds. Two days later the police arrested one of the alleged direct perpetrators of the assassination. ¹⁷³

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no litoral de SP, July 20, 2006, available at: <http://noticias.terra.com.br/brasil/interna/0,,OI1075617-EI5030,00.html>; Inter-American Press Association, *La SIP pide investigación por asesinato de periodista en Brasil*, July 26, 2006, available at: <http://www.sipiapa.org/espanol/pressreleases/srchcountrydetail.cfm?PressReleaseID=1706>. The Office of the Special Rapporteur for Freedom of Expression issued a pronouncement on this assassination in its press release 146/06, *Office of the Special Rapporteur for Freedom of Expression Condemns the Assassination of Two Journalists in Brazil and Requests an Adequate Investigation*, July 28, 2006, available at: <http://www.cidh.org/relatoria/showarticle.asp?artID=672&IID=2>.

¹⁶⁹ Associação Brasileira de Imprensa, *Assassinado Ajuricaba Monassa*; July 25, 2006, available at: <http://www.abi.org.br/primeirapagina.asp?id=1568>; United Nations Educational, Scientific and Cultural Organization – Information Society Observatory, *Diretor-Geral da UNESCO condena o assassinato do jornalista brasileiro Ajuricaba Monassa de Paula*, available at: http://osi.unesco.org.br/arquivos/documentos/dg_assassinato_jornalista.html; Reporters Without Borders, *Jornalista septuagenário é espancado até a morte por vereador*, July 27, 2006, available at: http://www.rsf.org/article.php3?id_article=18393. The Office of the Special Rapporteur for Freedom of Expression issued a pronouncement on this assassination in its press release 146/06, *Office of the Special Rapporteur for Freedom of Expression Condemns the Assassination of Two Journalists in Brazil and Requests an Adequate Investigation*, July 28, 2006, available at: <http://www.cidh.org/relatoria/showarticle.asp?artID=672&IID=2>.

¹⁷⁰ Fundación para la Libertad de Prensa, *Asesinado periodista en Yumbo, Valle*, August 9, 2006, available at: <http://www.flip.org.co/veralerta.php?idAlerta=20>; Instituto Prensa y Sociedad, *Asesinan a periodista radial en Cali*, August 11, 2006, available at: <http://www.ipys.org/alertas/atentado.php?id=837>. The Office of the Special Rapporteur for Freedom of Expression issued a pronouncement on this assassination in its press release 149/06, *Relatoria Especial para la Libertad de Expresión Condemns Assassination of Journalist in Colombia and Demands Prompt Investigation*, August 11, 2006, available at: <http://www.cidh.oas.org/relatoria/showarticle.asp?artID=675&IID=2>.

¹⁷¹ Inter-American Press Association, *Deplora la SIP asesinatos de periodistas en Venezuela y Colombia*, August 29, 2006, available at: <http://www.sipiapa.org/espanol/pressreleases/srchcountrydetail.cfm?PressReleaseID=1743>; Committee to Protect Journalists, *Comentador radial colombiano asesinado a tiros en su casa*, August 28, 2006, available at: http://www.cpj.org/news/2006/americas/colombia28augr06na_sp.html. The Office of the Special Rapporteur for Freedom of Expression issued a pronouncement on this assassination in its press release 146/06, *Office of the Special Rapporteur for Freedom of Expression Condemns the Assassination of Two Journalists in Brazil and Requests an Adequate Investigation*, July 28, 2006, available at: <http://www.cidh.org/relatoria/showarticle.asp?artID=677&IID=2>.

¹⁷² Reporters Without Borders, *Asesinado en Guayaquil un periodista radiofónico: descartada a priori la hipótesis crapulosa*, February 16, 2006, available at: http://www.rsf.org/article.php3?id_article=16474; Federación Latinoamericana de Trabajadores de la Comunicación Social, *Repudian asesinato de dos periodistas en Ecuador*, February 27, 2006, available at: <http://www.periodismoenlinea.com/noticias/noticia28022006.html>.

¹⁷³ Prensa Libre, *Matan a periodista en Cobán*, September 11, 2006, available at: <http://www.prensalibre.com.gt/pl/2006/septiembre/11/151419.html>; Inter-American Press Association, *Urge la SIP*

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Ronald Waddell, former anchorman <i>HBTV Canal 9</i>	Guyana January 30, 2006	Unknown persons shot him as he was getting in his car. He was recognized for his defense of the rights of Afrodescendants, and had denounced the existence of death squads. ¹⁷⁴
Jaime Arturo Olvera Bravo, freelance journalist	Mexico Municipality of La Piedad, state of Michoacán March 9, 2006	Assassinated by an unknown person. He had denounced attacks against the local press. ¹⁷⁵
Ramiro Téllez Contreras, journalist, radio <i>Exa 95.7 FM</i>	Mexico Nuevo Laredo, state of Tamaulipas March 10, 2006	He was shot down outside his home. Shells of calibers frequently used by drug-traffickers in the region were found. He had received threats days before being assassinated. ¹⁷⁶
Enrique Perea Quintanilla, journalist	Mexico state of Chihuahua August 9, 2006	Was found along a highway with signs of torture and two gunshot wounds. ¹⁷⁷

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investigación por asesinato de periodista en Guatemala, September 11, 2006, available at: <http://sipiapa.org/espanol/pressreleases/srchcountrydetail.cfm?PressReleaseID=1756>; Instituto Prensa y Sociedad, *Asesinan a periodista radial*, September 11, 2006, available at: <http://www.ipys.org/alertas/atentado.php?id=863>; Instituto Prensa y Sociedad, *Capturan a presunto asesino de periodista*, September 21, 2006, available at: <http://www.ipys.org/alertas/atentado.php?id=878>. The Office of the Special Rapporteur for Freedom of Expression issued a pronouncement on this assassination in its press release 153/06, *Office of the Special Rapporteur for Freedom of Expression Condemns the Murder of Journalist in Guatemala and Demands Prompt Investigation*, September 13, 2006, available at: <http://www.cidh.org/relatoria/showarticle.asp?artID=679&IID=2>.

¹⁷⁴ Inter-American Press Association, *La SIP condena asesinato contra periodista en Guyana*, February 3, 2006, available at: <http://www.sipiapa.org/espanol/pressreleases/chronologicaldetail.cfm?PressReleaseID=1594>; Reporters Without Borders, *Opposition journalist gunned down in Georgetown*, February 2, 2006, available at: http://www.rsf.org/article.php3?id_article=16339.

¹⁷⁵ Diario Cambio de Michoacán, *Amenazan de muerte a periodista*, May 24, 2006, available at: <http://www.cambiodemichoacan.com.mx/vernota.php?id=44529>; Reporters Without Borders, *Asesinan a disparos a dos periodistas en veinticuatro horas*, March 13, 2006, available at: http://www.rsf.org/article.php3?id_article=16728.

¹⁷⁶ Diario El Universal, *Matan a periodista en Nuevo Laredo*, March 10, 2006, available at: <http://www.el-universal.com.mx/notas/335472.html>; Reporters Without Borders, *Asesinan a disparos a dos periodistas en veinticuatro horas*, March 13, 2006, available at: http://www.rsf.org/article.php3?id_article=16728.

¹⁷⁷ El Diario de Chihuahua, *Ejecutan a periodistas*, August 10, 2006, available at: <http://www.eldiariodechihuahua.com.mx/notas.php?IDNOTA=33023&IDSECCION=Portada&IDREPORTERO=Alberto%20DeIgado>; Reporters Without Borders, *En un dudoso vídeo confiesan su crimen los presuntos asesinos del periodista Enrique Perea Quintanilla*, October 17, 2006, available at: http://www.rsf.org/article.php3?id_article=18549. The Office of the Special Rapporteur on Freedom of Expression issued a pronouncement on this assassination in its press release 150/06, *Office of the Special Rapporteur for Freedom of Expression Condemns the Murder of Journalist in Mexico and Demands Prompt Investigation*, August 16, 2006, available at: <http://www.cidh.oas.org/relatoria/showarticle.asp?artID=676&IID=2>.

Brad Will, cameraman with <i>Indymedia</i>	Mexico State of Oaxaca October 27, 2006	He was shot from the place where the Municipal Police were situated, while covering the intervention of the Federal Preventive Police in the conflict in the state of Oaxaca. Two of his alleged assassins were released on December 1, 2006, after one month of preventive prison. ¹⁷⁸
Misael Tamayo Hernández, director of the regional daily <i>El Despertar de la Costa</i>	Mexico Ixtapa Zihuatanejo, state of Guerrero November 10, 2006	His corpse appeared the day after publication of an editorial signed by him regarding alleged embezzlement in the Water Administration Board of Zihuatanejo. The daily generally published information on settling of accounts among drug-traffickers in the area. ¹⁷⁹
José Manuel Nava Sánchez, former director of the daily <i>Excélsior</i>	Mexico Mexico City, Federal District November 16, 2006	His body was found in his apartment with 30 stab wounds. One week before his death he had presented his book <i>El Asalto Final</i> , in which he criticized the sale of <i>Excélsior</i> . ¹⁸⁰
Roberto Marcos García, journalist with the magazine <i>Testimonio y Alarma</i>	Mexico Matoza, state of Veracruz November 21, 2006	Was struck by a car and then received four gunshot wounds. Had denounced cases involving theft of imported goods and drug trafficking in Veracruz. ¹⁸¹

¹⁷⁸ La Jornada, *Brad Will*, October 30, 2006, available at: <http://www.jornada.unam.mx/2006/10/30/017a1pol.php>; Reporters Without Borders, *Identificados presuntos asesinos del camarógrafo Brad Will*, October 30, 2006, available at: http://www.rsf.org/article.php3?id_article=19483. The Office of the Special Rapporteur for Freedom of Expression issued a pronouncement on this assassination in its press release 156/06, *Office of the Special Rapporteur for Freedom of Expression Regrets Death of Journalist in Mexico and Calls for Appropriate Investigation*, October 31, 2006, available at: <http://www.cidh.org/relatoria/showarticle.asp?artID=682&IID=2>.

¹⁷⁹ PR Noticias, *Hallan muerto a Misael Tamayo, director de El Despertar*, November 13, 2006, available at: http://www.prnoticias.com/prn/hojas/noticias/detallenoticia.jsp?noticia=25270&repositorio=0&pagina=1&idapr=2_esp_1; Reporters Without Borders, *Aparece asesinado en un motel el director de un diario regional*, November 13, 2006, available at: http://www.rsf.org/article.php3?id_article=19695. The Office of the Special Rapporteur for Freedom of Expression issued a pronouncement on this assassination in its press release 157/06: *Office of the Special Rapporteur for Freedom of Expression Deplores Murders of Journalists in Mexico and Calls for Due Investigation*, November 21, 2006, available at: <http://www.cidh.org/relatoria/showarticle.asp?artID=684&IID=2>.

¹⁸⁰ Diario El Dictamen, *Hallan muerto a José Manuel Nava, ex director de Excélsior*, undated, available at: <http://www.eldictamen.com.mx/1a.asp?idn=52753>; Inter-American Press Association, *SIP solicita investigación urgente de asesinato contra periodista en México*, November 17, 2006, available at: <http://www.sipiapa.org/pressreleases/chronologicaldetail.cfm?PressReleaseID=1798>. The Office of the Special Rapporteur for Freedom of Expression issued a pronouncement on this assassination in its press release 157/06, *Office of the Special Rapporteur for Freedom of Expression Deplores Murders of Journalists in Mexico and Calls for Due Investigation*, November 21, 2006, available at: <http://www.cidh.org/relatoria/showarticle.asp?artID=684&IID=2>.

¹⁸¹ El Universal, *Asesinan a reportero en carretera Veracruz-Alvarado*, November 21, 2006, available at: http://www.eluniversal.com.mx/notas/vi_389357.html; Instituto Prensa y Sociedad, *Asesinan a reportero en Veracruz*, November 22, 2006, available at: <http://www.ipys.org/alertas/atentado.php?id=961>; Inter-American Press Association, *SIP pide a futuro presidente de México prioridad sobre asesinatos contra periodistas*, November 24, 2006, available at: <http://www.sipiapa.org/espanol/pressreleases/srchcountrydetail.cfm?PressReleaseID=1804>; Committee to Protect Journalists, *Periodista investigativo asesinado cerca de Veracruz*, November 23, 2006, available at: <http://www.ifex.org/es/content/view/full/79325/>.

Adolfo Sánchez Guzmán, journalist with radio station <i>Xhora Stereo</i> and correspondent for <i>Televisa</i>	Mexico Nogales, state of Veracruz November 30, 2006	Was found with gunshot wounds and signs of torture. Had investigated persons assaulting trucks in Veracruz. On December 3, 2006 two persons were detained as the alleged assassins. ¹⁸²
Raúl Marcial Pérez, editorial writer for the regional daily <i>El Gráfico</i>	Mexico Juxtlahuaca, state of Oaxaca December 8, 2006	Armed individuals broke into the newspaper's offices and opened fire on him. He generally criticized the governor of Oaxaca in his opinion column. ¹⁸³
Jorge Aguirre, photographer with the daily <i>El Mundo</i>	Venezuela Caracas April 5, 2006	A person on a scooter shot him, in public, when he was inside a car. Before dying he was able to photograph the person who shot him. The authorities reported that a former police officer was arrested as the alleged assassin, and an active-duty police officer was allegedly involved. ¹⁸⁴
Jesús Rafael Flores Rojas, journalist with the daily <i>Región</i>	Venezuela El Tigre, state of Anzoátegui August 23, 2006	An individual shot him eight times and fled in a car that was waiting for him a few meters away. He wrote about issues including reports of corruption in the local public administration. According to the authorities, the alleged direct perpetrators of the assassination were killed in a shoot-out with police. ¹⁸⁵

¹⁸² Jornada, *Hallan asesinado a reportero en Veracruz*, November 30, 2006, available at: <http://www.jornada.unam.mx/2006/12/01/index.php?section=estados&article=043n2est>; Inter-American Press Association, *Consternación de la SIP por nuevo asesinato de periodista en México*, December 1, 2006, available at: <http://www.sipiapa.org/espanol/pressreleases/srchcountrydetail.cfm?PressReleaseID=1807>; Instituto Prensa y Sociedad, *Asesinan a reportero en Veracruz, policía detiene a presuntos homicidas*, December 4, 2006, available at: <http://www.ipys.org/alertas/atentado.php?id=970>; Reporters Without Borders, *Detenidos dos sospechosos del asesinato del periodista Adolfo Sánchez Guzmán*, December 5, 2006, available at: http://www.rsf.org/article.php3?id_article=19958.

¹⁸³ El Universal, *Condenan el asesinato de periodista en Oaxaca*, December 14, 2006, available at: http://www.eluniversal.com.mx/estados/vi_63274.html; Reporters Without Borders, *Asesinado en Oaxaca un periodista y líder indígena; curiosamente se ha descartado la hipótesis profesional*, December 12, 2006, available at: http://www.rsf.org/article.php3?id_article=20116.

¹⁸⁴ Unión Radio, *Fiscalía informa que sospechoso de asesinato de periodista Jorge Aguirre es un ex polichacao*, April 13, 2006, available at: <http://www.unionradio.com.ve/Noticias/Noticia.aspx?noticiaid=165240>; Reporters Without Borders, *Un policía en funciones inculpado en el asesinato de Jorge Aguirre*, April 26, 2006, available at: http://www.rsf.org/imprimir.php3?id_article=16943; Inter-American Press Association, *Condena la SIP asesinato de periodista venezolano y reclama por otros casos todavía impunes*, April 7, 2006, available at: <http://www.sipiapa.org/espanol/pressreleases/srchcountrydetail.cfm?PressReleaseID=1643>; Ministry of People's Power for Communication and Information of the Bolivarian Government of Venezuela, *Esclarecido 70% del asesinato del reportero gráfico Jorge Aguirre*, April 14, 2006, available at: http://www.minci.gov.ve/noticias-nacionales/1/4578/esclarecido_70del_asesinato.html. The Office of the Special Rapporteur for Freedom of Expression issued a pronouncement on this assassination in its press release 134/06, *Office of the Special Rapporteur for Freedom of Expression Deplores Assassination in Venezuela*, April 6, 2006, available at: <http://www.cidh.org/relatoria/showarticle.asp?artID=656&IID=2>.

¹⁸⁵ Sindicato Nacional de Trabajadores de la Prensa, *Sicario asesina a periodista en oriente de Venezuela*, August 28, 2006, available at: <http://www.ifj.org/default.asp?index=4157&Language=ES>; El Tiempo, *Fueron abatidos presuntos homicidas de comunicador social*, August 30, 2006, available at: <http://www.eltiempo.com.ve/noticias/default.asp?id=84640>; Committee to Protect Journalists, *Columnista venezolano tiroteado frente a su casa*, August 29, 2006, available at: http://www.cpj.org/news/americas/ven29aug06na_sp.html. The Office of the Special Rapporteur for Freedom of Expression issued a pronouncement on this assassination in its press release 152/06, *Office of the Special Rapporteur for Freedom of Expression Condemns the Murder of Journalist in Venezuela and Demands Prompt Investigation*, August 31, 2006, available at: <http://www.cidh.org/relatoria/showarticle.asp?artID=678&IID=2>.