

Calendar No. 178

110TH CONGRESS
1ST SESSION

S. RES. 211

Expressing the profound concern of the Senate regarding the transgression against freedom of thought and expression that is being carried out in Venezuela, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 21, 2007

Mr. LUGAR (for himself, Mr. DODD, Mr. BIDEN, Mr. HAGEL, Mr. COLEMAN, Mr. OBAMA, Mr. SUNUNU, Mr. NELSON of Florida, Mr. MCCAIN, Mr. ISAKSON, Mr. MARTINEZ, Mrs. CLINTON, and Mr. KENNEDY) submitted the following resolution; which was referred to the Committee on Foreign Relations

MAY 24, 2007

Reported by Mr. BIDEN, without amendment

RESOLUTION

Expressing the profound concern of the Senate regarding the transgression against freedom of thought and expression that is being carried out in Venezuela, and for other purposes.

Whereas, for several months, the President of Venezuela, Hugo Chávez, has been announcing over various media that he will not renew the current concession of the television station “Radio Caracas Televisión”, also known as RCTV, which is set to expire on May 27, 2007, because

of its adherence to an editorial stance different from his way of thinking;

Whereas President Chavez justifies this measure based on the alleged role RCTV played in the unsuccessful unconstitutional attempts in April 2002 to unseat President Chavez, under circumstances where there exists no filed complaint or judicial sentence that would sustain such a charge, nor any legal sanction against RCTV that would prevent the renewal of its concession, as provided for under Venezuelan law;

Whereas the refusal to renew the concession of any television or radio broadcasting station that complies with legal regulations in the matter of telecommunications constitutes a transgression against the freedom of thought and expression, which is prohibited by Article 13 of the American Convention on Human Rights, signed at San Jose, Costa Rica, July 18, 1978, which has been signed by the United States;

Whereas that convention establishes that “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”;

Whereas the Inter-American Declaration of Principles on Freedom of Expression, approved by the Inter-American Commission on Human Rights, states in Principle 13, “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.”;

Whereas, according to the principles of the American Convention on Human Rights and the Inter-American Declaration of Principles on Freedom of Expression, to both of which Venezuela is a party, the decision not to renew the concession of the television station RCTV is an assault against freedom of thought and expression and cannot be accepted by democratic countries, especially by those in North America who are signatories to the American Convention on Human Rights;

Whereas the most paradoxical aspect of the decision by President Chavez is that it strongly conflicts with two principles from the Liberator Simón Bolívar’s thinking, principles President Chavez says inspire him, which state that “[p]ublic opinion is the most sacred of objects, it needs the protection of an enlightened government which knows that opinion is the fountain of the most important of events,” and that “[t]he right to express one’s thoughts and opinions, by word, by writing or by any other means, is the first and most worthy asset mankind has in society. The law itself will never be able to prohibit it.”; and

Whereas the United States should raise its concerns about these and other serious restrictions on freedoms of thought and expression being imposed by the Government of Venezuela before the Organization of American States: Now, therefore, be it

1 *Resolved*, That the Senate—

2 (1) expresses its profound concern about the
3 transgression against freedom of thought and ex-
4 pression that is being attempted and committed in
5 Venezuela by the refusal of the President of Ven-
6 ezuela, Hugo Chavez, to renew the concession of the
7 television station “Radio Caracas Televisión”
8 (RCTV) merely because of its adherence to an edi-
9 torial and informational stance distinct from the
10 thinking of the Government of Venezuela; and

11 (2) strongly encourages the Organization of
12 American States to respond appropriately, with full
13 consideration of the necessary institutional instru-
14 ments, to such transgression.

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