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THREATS TO PRESS FREEDOM IN THE AMERICAS

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THE WESTERN HEMISPHERE

OF THE

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THREATS TO PRESS FREEDOM IN THE AMERICAS

WEDNESDAY, JULY 29, 2015

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON THE WESTERN HEMISPHERE,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC.

The subcommittee met, pursuant to notice, at 2:42 p.m., in room 2172, Rayburn House Office Building, Hon. Jeff Duncan (chairman of the subcommittee) presiding.

Mr. DUNCAN. A quorum being present, the subcommittee will come to order.

I would now like to recognize myself for an opening statement.

In 1776, the Second Continental Congress of the thirteen United States of America declared: We hold these truths be self-evident, that all men are created equal, and they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness.

In 1791, the United States of America adopted the Bill of Rights, which among other things, affirmed the American citizens' freedom of speech, the press, and the right of people to peacefully assemble, the ability to speak openly without censure or fear of reprisal as a hallmark of free peoples everywhere. And the freedom of press is critical to sustaining democracy and the rule of law and enabling people to remain free from state and in some cases, nonstate control or oppression.

Journalists provide needed accountability for governments by challenging conventional thinking; reporting on different and often opposing viewpoints; and offering people information that informs their understanding of the issues. Unfortunately, in our hemisphere, a trend of conditioning and even curtailing press freedoms in several countries is deeply disturbing.

From severe government repression and outright targeting of journalists by Cuba, Venezuela, and Ecuador to organized crime, corruption, and impunity in other countries in Latin America, journalists have very difficult jobs, often risking their very lives and their loved ones to bring information and the truth to their fellow citizens.

Although the purpose of this hearing is to highlight some of the more concerning trends of threats to press freedoms in the Americas, I do want to note that there are some bright spots in the region with Canada and most of the Caribbean having relatively

open media environments in comparison to other countries in the region.

In recent years, several international press rights monitoring organizations have expressed growing concerns about the deterioration of press freedoms in Latin America. Groups, like Freedom House, Reporters Without Borders, the Committee to Protect Journalists, and the Inter-American Press Association, all report on threats to freedoms of the press in the Western Hemisphere. And we are fortunate to have key experts from some of these groups represented here today to testify about their work.

I also want to commend the efforts of the Organization of American States Special Rapporteur for Freedom of Expression, who has done some important work on threats to freedom of the press through highlighting progress and problems within specific countries in the Americas through the comprehensive annual reports. These reports are excellent tools for providing transparency and accountability to countries in the region.

In addition, I also want to congratulate the Special Rapporteur for his efforts to bring to public awareness the issue of government surveillance programs that have threatened journalists' rights of privacy and freedom of expression.

According to the Reporters Without Borders' 2015 World Press Freedom Index, only three countries in the Western Hemisphere managed to score in the top 20 of 180 countries documented: Canada, Jamaica, and Costa Rica. Notoriously, Mexico and Cuba were among the worst offenders in the Western Hemisphere listed in that report.

When it comes to violence against the media, Mexico exists as one of the most dangerous countries for media, with journalists often receiving extortion and kidnapping threats from government officials, criminal groups, and other transnational gangs. In fact, Mexico accounts for more than a third of all of the killing of media workers and journalists in the hemisphere since 2009.

In addition, Cuba ranks worst in the region, according to Freedom House, and among the 10 most censored countries in the world according to the Committee to Protect Journalists. Furthermore, Cuba and Venezuela have been singled out frequently and consistently for having repressive media environments and for often targeting peaceful protesters and political dissidents.

In these countries, independent journalists and bloggers are often subject to government sanction, harassment, and detention. Just last year, we saw Venezuelan security forces opening fire on journalists during student demonstrations that ultimately turned deadly. These conditions have led to more than 400 Venezuelan journalists living in exile today.

In addition to these countries, Ecuador, Honduras, and Peru all received their worst press freedom scores in over a decade from Freedom House. A controversial 2013 communications law in Ecuador has led to chilling environment, self-censorship, and intimidation for press organizations. Honduras passed a new secrecy law and has limited critical reporting of the government. Peru has seen an increase in threats against journalists and ongoing impunity and a lack of willingness to address past crimes against journalists.

More over, Brazil has seen at least 16 journalists killed in direct response for their work since President Rousseff took office in January 2011. In Nicaragua, complete state control of the media has occurred through a monopoly, with the single exception of one single independent television channel. Other concerns about general deterioration of press freedoms in Latin America include the governmental abuse of libel and defamation laws, a general lack of support for the protection of journalists, reporters, and media workers, and in some places an outright attempt to eliminate an independent media altogether.

So, in conclusion, threats to the press freedoms and the Americas are ongoing and increasing. Abraham Lincoln once stated that "No man is good enough to govern another man without that other's consent.". Today, in the Western Hemisphere, there are some people who are seeking to do just that: Control populations; prevent freedom of thought and expression; and eliminate avenues for questioning; state control by silencing the voice of those who are most able to speak truth to power.

Our witnesses today are uniquely positioned to share their research and personal experiences in various countries of oppression, and I look forward to considering how the U.S. can better engage in the region to more effectively partner with other countries to promote the freedom of press.

With that, I will turn to the ranking member, Mr. Sires, for an opening statement he may have.

Mr. SIRES. Thank you, Mr. Chairman.

Good afternoon, and thank you to our witnesses for being here today. And especially Alfredo Corchado and Nicolás Pérez, who traveled a long way to be here. We certainly appreciate you being here.

Freedom of expression is a keystone that holds any democracy together. Being able to speak without censorship is a right that should never be stifled. Furthermore, it is the number one mechanism to hold people in government accountable for their actions. In recent years, many organizations dedicated to freedom of speech and advancing civil societies have been trying to bring attention to the deterioration of press freedom in Latin America.

Cuba has consistently been characterized as having one of the most repressive media environments in the world, with the Castro regime controlling all aspects of the print and electronic media. Venezuela and Ecuador have made deliberate attempts to eliminate their dissenters and inhibit free speech. They have harassed and fined the media; shut down their operations; and even physically attacked journalists who are trying to expose the state-sponsored crackdown against peaceful, political dissenters.

Ecuador's 2013 law forces media organizations to print government-mandated edits, and corrections have led to the country's wide censorship. This institutionalized tactic to censor the Ecuadorian population is unacceptable. In other countries, such as Mexico and Honduras, an increase in drug-related violence and worsening security situation have created a culture of impunity, allowing the violence against journalists and press institutions to go unpunished.

Mexico has unfortunately become one of the most dangerous places on Earth for journalists, with journalists regularly targeted for reporting organized crime or corrupt government officials. Mexico accounts for more than one-third of the killings of members of the media in Latin America in 2009. In Honduras, 8 million members have already lost their lives this year. Even in Colombia, journalists are under constant threat from paramilitary groups.

As a child in Cuba, I witnessed the deterioration of democracy as the Castro regime took over the islands and systemically destroyed all aspects of freedom of speech and expression. There is strong connection between countries' Democratic values and freedoms afforded to the press. Working to preserve freedom of speech and pushing back against those who seek to quiet their dissenters should be a top priority when engaging with our neighbors in the region.

I look forward to hearing from our panelists to hear their assessment of the hemisphere's state of affairs when it comes to the freedom of speech.

Mr. DUNCAN. I want to thank the ranking member.

And before we get started, I just want to enter into the record an article from the New York Times. I know we are talking about freedom of the press, but it is an example of government really restricting things.

Peru's Government on Monday ordered that telecommunications companies grant police warrantless access to cell phone users, locations, and other call data in realtime and store that data for 3 years. This is really alarming to me because the metadata will cover where you are making a call, the time, and who you are talking to. There has been a lot of discussion in Congress about this sort of thing with NSA, but I want to enter this into the record.

Without objection, so ordered.

So any other members that may have an opening statement?

Mr. DeSantis, do you have an opening statement?

Mr. DESANTIS. No, thanks.

Mr. DUNCAN. Okay.

Ms. KELLY. I want to thank the chair and ranking member and our witnesses for holding this important hearing on press freedom in Latin America.

We are truly fortunate to live in and be Representatives of a Nation that recognizes and respects free press. The basis of our Government is to be for and by the people. And in that spirit, the opinion of the people matters. In many ways, the press are guardians of the people's opinion here in America.

That is why I am concerned by reports that our neighbors in Mexico, Venezuela, Honduras, and Ecuador have experienced a deterioration of press freedom. Whether it be politically motivated or the result of criminal activity, this erosion of press freedom in these areas that are valued and respected by our Nation cannot continue.

I look forward to our thoughtful discussion here today about free speech and that threat in our hemisphere. It is critical to the progress and prosperity of our Nation. I want to thank you again.

I yield back.

Mr. DUNCAN. Thank you, Ms. Kelly.

And so the bios are in the information provided. I won't read those today. We will go ahead and get started.

There will be a lighting system in front of you. Five minutes is what you will be recognized for. When it gets to 1 minute left, it will go to yellow, and at the expiration, it will turn red. If you could try to wrap up around that time. I won't be hard on that, but I will start tapping the gavel when we get a little close.

So the first witness is Dr. Carlos Ponce, and you are recognized for 5 minutes.

STATEMENT OF CARLOS PONCE, PH.D., DIRECTOR OF THE LATIN AMERICA PROGRAM, FREEDOM HOUSE

Mr. PONCE. Thank you very much.

Chairman Duncan, Ranking Member Sires, DeSantis, Kelly, distinguished members of the committee, it is an honor to testify before you on the state of the press freedom in Latin America. I ask that my full testimony be submitted to the record.

I will briefly summarize the work of Freedom House; the current landscape for press freedom in Latin America, which today faces a more severe and diverse set of challenges than at any point in the previous years. They rank—the intimidation, the downward trajectory in the region is terrible at this time, and we can summarize what is going on in the region with a simple word, "impunity."

The work of Freedom House has been extended in the whole region. Since mid-1941, Freedom House has been working for fundamental freedoms in the world and has been working the previous years in several countries in the region: Mexico, Ecuador, Venezuela, Nicaragua, Honduras. And in an annual Freedom of the Press Report, the situation in the region is more than sad. Only 43 percent of the region is free. The rest is not free or partially free.

Freedom House has been training also journalists in Mexico in digital security: 1,300 journalists trained in Mexico. We have been helping also the Mexican Government with the Federal Protection Mechanism for Journalists.

In Venezuela and in Ecuador, we have been helping several organizations that works with journalists or support journalists or train journalists.

We have assisted 120 requests for protection from at-risk journalists in Mexico, Brazil, Colombia, Honduras, Ecuador, Guatemala, Peru, and Haiti. This is a huge challenge right now in the region: Extortion, persecution, the use of the judicial system against the journalists. One of three countries in Latin America, 15 percent, are rated free only. The rest, just 2 percent of the population live in free media environment.

We see the same situation from Mexico to Argentina, each one of the countries. If we record each one of the countries, we see the situation in Mexico, in Honduras, in Guatemala. The situation is getting worse. And the problem is the allocation of resources to go against the journalists. We see lack of access to information; lack of resources for the independent journalists and the investigative journalists; persecution directly against journalists; impunity against the attacks against the journalists; lack of protection; the monopoly of the media ownership, and the use of the power of the

state to buy directly or indirectly the media outlets in each one of the countries. Abuse for each one of the countries in the region.

In Argentina, since 2008, journalists and media owners have been demonized, persecuted, and threatened. And the relationship between the government and the critical press, it is really critical against all the media outlets. Total control of the use of the power of the state to buy media or to buy publicity in each one of the media and to persecute directly journalists.

Juan Pablo Suarez, editor of the online daily Ultima Hora, was charged with inciting collective violence and terrorizing the population. So it is the use of the judiciary ones and over to persecute each one of the journalists.

We can say that is the same situation in Colombia, a weak police justice system that doesn't work to protect the journalists so the journalists keep facing the same impunity and persecution.

In Cuba, the situation is getting worse. With the normalizations, the diplomatic situations have been improving in Cuba. But every Sunday, we can see the Ladies in White. Every Sunday, we see the persecution against the civil society. We see the persecution not only in Cuba. When the Cubans are trying to leave the country, they also have problems in Panama, El Salvador. They have persecution also by the regime in trying to infuse the long arm of the regime.

We see the persecution in every independent journalist in Cuba. All the organizations that try to bring information outside Cuba have been persecuted. Even bloggers have been persecuted in Cuba. Cubanet has been playing definitely a good role in Cuba, but it has been persecuted all the time.

In the case of the Ecuador, not only is it about journalists, it is about cartoonists, like Bonilla, persecuted by the government directly. The government simply persecuted also organizations for civil society like Fundamedios. Ecuador experienced the second largest decline in the world, the freedom of the press from 2008 to 2013. It is going downward in the last year; 180 cases of persecution in Ecuador, and recently, the hacking team against all the organizations in Ecuador.

Honduras is the most deadliest country for journalists.

Guatemala, 72 organizations reported 177 during this administration of—the current administration in Guatemala. The aggression against journalists, the persecution, killing against the journalists.

Mexico. Mexico has been going downward in terms of the protection of the journalists, and it is not free since 2011, according to Freedom House.

In Venezuela, 1,773 aggressions against journalists documented so far in just 10 years, from 2005 to 2015. And the government control of all the media in Venezuela and now persecution even the Web pages that operate in Venezuela. Seven journalists killed since 2005. There is no independent media in Venezuela.

It is the same situation in Mexico.

Nicaragua, government ownership of all the media in Nicaragua and the persecution of anyone who wants to simply express the right to go and ask independent election in Nicaragua, persecuted

by the police, persecuted by the regime now. And we can see that this is a pattern around the region.

Mr. DUNCAN. Dr. Ponce, if you can start wrapping up.

Mr. PONCE. Yeah. Yeah.

Now, just a recommendation. We need to publicly express concerns about the situation of the attacks of the journalists, bloggers, citizen reporters, and activists. And we need to also support the independent and alternative media programs in the region; support establishment and strengthen and well fund an efficient program to support mechanisms, protection mechanisms in each one of the countries.

One of the positive things is Honduras has a mechanism. Mexico has a mechanism. Colombia has a mechanism. But they need economic support. Provide support to the Inter-American Commission of Human Rights and the Offices of the Special Rapporteur for Freedom of Expression. And pass the Global Magnitsky Human Rights Accountability Act right now.

[The prepared statement of Mr. Ponce follows:]

PERSECUTION AND PROSECUTION: JOURNALISTS UNDER THREAT IN LATIN AMERICA

Written Testimony by Dr. Carlos E. Ponce
Director of Latin America Programs, Freedom House

House Foreign Affairs Subcommittee on the Western Hemisphere

"Threats to Press Freedom in the Americas"

July 29, 2015

Introduction

Chairman Duncan, Ranking Member Sires, distinguished members of the committee: it is an honor to testify before you on the state of press freedom in Latin America. I ask that my full testimony be submitted for the record. I'll briefly summarize the work of Freedom House; the current landscape for press freedom in Latin America—which today faces a more severe and diverse set of challenges than at any point the last five years; and I'll provide some concrete recommendations for policymakers, who we believe should more actively engage the region's governments, civil society, and multilateral institutions in promoting press freedom as a fundamental pillar of democracy.

The Work of Freedom House

Founded in 1941, Freedom House promotes freedom and democracy around the world through a unique combination of research, programming, and advocacy. Our annual *Freedom of the Press* report assesses the legal, political, and economic factors impacting the degree of print, broadcast, and internet freedom in 199 countries and territories, assigning numerical rankings that correspond to classifications of each country's media as "Free," "Partly Free," or "Not Free."

We also carry out in-country programs. Since 2011 we have trained 1300 journalists in Mexico in digital security and professional skills. We work with local governments to establish structures that better protect journalists and human rights defenders. We are providing the Mexican government technical assistance for the Federal Protection Mechanism for Journalists and Human Rights Defenders and have trained more than 300 government officials on journalist protection strategies. In Venezuela and Ecuador we have supported the efforts of local civil society organizations to push back against restrictive media laws and document cases of persecution of media outlets and journalists. We also provide journalists and bloggers who come under threat with emergency medical, legal, security and humanitarian assistance, and relocation to safer areas. In Latin America, we have assisted with over 120 requests for protection from at-risk journalists in Mexico, Brazil, Colombia, Honduras, Ecuador, Guatemala, Peru, and Haiti.

Challenges to Press Freedom in Latin America

A free press is a key pillar of a vibrant and functioning democratic society. Worldwide, press freedom has declined to its lowest point in more than ten years. According to our 2015 report, which looks at the events of 2014, only fourteen percent of the world's population – one in seven people – lives in countries with a free press. Only three of the countries in Latin America – or 15 percent – are rated Free, and just two percent of the population live in Free media environments. Ecuador, Honduras, Mexico, Peru, and Venezuela received their worst press freedom scores in over a decade. The report highlights a growing regional trend of government persecution and harassment of journalists, as well as an increase in violent attacks carried out by state and non-state actors with near-complete impunity.

Press freedom in the Americas faces a more severe and diverse set of challenges than at any point in the last five years. While some progress has been made to push back against censorship in the region, increased violence against journalists and new forms of censorship now pose a significant concern. We are seeing the arbitrary allocation of public resources to control media outlets, legislation to restrict press freedom, a lack of access of information for independent journalists, arbitrary use of regulation and oversight, government censorship, an environment of intimidation that inhibits dissenting speech, political persecution, and impunity for crimes against journalists. Weak rule of law in some countries and inefficient institutions in others increase the risk to journalists.

Ecuador, Venezuela, and to a lesser degree Brazil, have undertaken efforts over the last five years to diminish the mandate of the Inter-American Commission on Human Rights' Special Rapporteur for Freedom of Expression and strip it of resources. Though these efforts have been unsuccessful thus far, the Ecuadorian and Venezuelan governments remain openly hostile toward the Organization of American States and have taken steps to establish parallel institutions with few if any human rights enforcement mechanisms.

Argentina

In Argentina, since 2008, journalists and media owners have been demonized, persecuted and threatened, and the relationship between the government and critical press outlets remains tense. The government has opted for a two-pronged strategy to control critical media: first, through the adoption of a media law aimed directly at undermining freedom of the press by destroying the country's most popular media outlet, Grupo Clarin; and by perpetrating direct attacks to any journalist who criticizes the government or who investigates corruption. Juan Pablo Suárez, editor of the online daily Última Hora, was charged with "inciting collective violence" and "terrorizing the population" after he refused to hand over footage of a police officer being arrested.

Second, through their business cronies the government has managed to create a state-owned and government-friendly media conglomerate. The most notorious case is that of Sergio Szpolski, a media magnate who is now running as one of President Kirchner's candidates for mayor in the province of Buenos Aires.

Brazil

In Brazil, journalists face violence, impunity for crimes committed against them, judicial censorship, fines, and jail sentences. Four journalists were killed in 2014, and several more were attacked while covering protests against inflation, government performance, and World Cup expenditures.

Colombia

In Colombia, weak police and justice-sector institutions, particularly at the local level, fail to adequately protect members of the press from physical attacks. Police and government officials are sometimes complicit. Media workers continue to face frequent physical attacks related to their coverage of sensitive

topics, such as organized crime and corruption. A local Colombian press watchdog recorded at least 131 threats and other abuses against the press in 2014. Two journalists were killed in a three-week span earlier this year, both of whom had been repeatedly threatened for their reporting on cases of government corruption.

Cuba

Cuba remains the worst violator of press freedom in the region. News media is owned and controlled by the state and independent press publications are considered illegal and are classified as "enemy propaganda." Government agents routinely infiltrate the ranks of independent journalists, often accusing them of being mercenaries working at the behest of foreign powers. Despite the diplomatic opening between the United States and Cuba and the resulting release of over 50 political prisoners in late December, many journalists are still arrested with regularity in Cuba and official censorship remains pervasive.

Ecuador

In Ecuador, journalists and media outlets face hostile rhetoric from the government and ever-growing legal harassment. Ecuador experienced the second largest decline in the world from 2008 to 2013, resulting in a "Not Free" rating. The enforcement of the 2013 Communication Law, whose controversial provisions included the creation of two powerful regulatory bodies, has added to an environment marked by self-censorship and intimidation and led to legal sanctions brought against media outlets in at least 118 cases. Having been subject to hefty fines, sanctions, persistent harassment from government leaders, and threats in certain cases, several major outlets have reduced the frequency of their production and distribution, modified their editorial lines, or closed entirely. Press freedom watchdogs including the independent NGO Fundamedios have been repeatedly investigated by the government and threatened with fines and potential closure for their monitoring and reporting of attacks on freedom of expression.

Honduras

Honduras is one of the region's deadliest countries for journalists. In a 10-day span over the last month, three journalists were killed in apparent connection to their work. Press freedom also suffers from official censorship, reinforced by media owners' nearly unconditional support for the government. The concentration of all media sources in a few powerful hands created a self-censorship environment. The

government has been intolerant to dissenting views. A reporter covering a political dispute and the passage of a new secrecy law, which is currently suspended, was charged with sedition in 2014.

Guatemala

Rule of law in Guatemala is particularly weak, leaving journalists unprotected. In the outer provinces, organized crime and drug trafficking groups have amassed control and imposed censorship. Because it is impossible to safely report on these criminal groups, journalists self-censor. Journalists are routinely threatened, and some have been killed due to their investigations, so many are afraid to report on sensitive issues. Exposing corruption and organized crime took the life of three journalists last march, two in the city of Mazatenango on March 10 and a third on March 13 in the nearby town of Chicacao.

Mexico

Freedom House downgraded Mexico's press freedom environment to "Not Free" in 2011, and it has remained in that category ever since. Mexico is one of the world's most dangerous places for media workers. In 2014, three journalists were killed in direct connection to their work, and a journalist was assaulted once every 26.7 hours– nearly double the rate reported under the Felipe Calderon administration. Forty-eight percent of attacks recorded by Article 19 were perpetrated by public officials. In 2015, there have already been six journalists murdered.

Mexico's Federal Telecommunications and Broadcasting Act, which passed in 2014, allowed greater competition in the telecommunications and broadcast media sectors, but it also grants the government powers to monitor and shut down internet activity during protests and track mobile phone users. It also established an onerous registration process that makes it more difficult for community radio stations to obtain licenses.

Reporters face police aggression while covering protests, and self-censorship remains widespread. Carmen Arestegui, a leading journalist and host of the most-listened-to radio program in Mexico, was fired along with her investigative team after uncovering and reporting on an allegedly corrupt real estate purchase by the first lady of Mexico (the "Casa Blanca" scandal). Ms. Arestegui's digital platform received a series of attacks after publishing an investigation on the Apatzingan massacre, which alleged that federal police, rather than competing criminal groups, were responsible for many of the killings.

Venezuela

Venezuela is among the most restrictive environments in the region for press freedom. The media climate is permeated by government intimidation, including harassment, persecution, and strong anti-media rhetoric. The 2004 Law on Social Responsibility of Radio and Television gives the government the authority to control radio and television content. Transparency of media ownership structures is lacking, and state-exacerbated economic problems, including high inflation and difficulties obtaining foreign currency for purchasing newsprint, have made it difficult for print media to afford to stay in business. In May, 22 media executives were banned by the Venezuelan judiciary from leaving the country in a clear act of government censorship that violated the Venezuelan Constitution, the American Convention on Human Rights, and rulings made by the Inter-American Court of Human Rights protecting the republication of information from third-party sources.

Positive Developments

Despite the troubling overall trend in Latin America, there are some countries making encouraging improvements.

Uruguay

Uruguay has taken positive steps to address the region-wide problem of excessive media concentration. Uruguay's Broadcasting Communications Services Law creates a truly independent commission and more effectively ensures equitable and independent distribution of broadcast frequencies among public, private, and community-owned outlets. Uruguay also has one of Latin America's most advanced and effective journalist-protection systems.

Mexico and Honduras

Mexico and Honduras have taken some positive steps on paper, such as creating protection systems for journalists and committing to fulfill their international commitments to ensure freedom of expression. However, greater resources, professional capacity, and political will are needed to make these commitments a reality.

Policy Recommendations

There are a number of steps the United States Congress can take to more actively engage the region's governments, civil society, and multilateral institutions in promoting press freedom as a fundamental pillar of democracy.

1. **Publicly and privately express concerns to Latin American governments about the frequency and severity of attacks on journalists, bloggers, citizen reporters, and activists and the pervasive impunity for those attacks.** Issues of freedom of expression and protection of journalists should be raised by U.S. officials in bilateral meetings, inter-parliamentary conferences, and joint security discussions. The United States should also support rule of law reforms to improve prosecution, including the creation of special prosecutors for crimes against freedom of expression, as in Mexico. These positions must be accompanied by the necessary resources and political commitments to actually carry out thorough investigations. The United States should also recommend mechanisms to facilitate journalists' and the public's access to government information.

2. **Support independent and alternative media and programs that address restrictive media environments.** The United States should support the development of alternative media outlets to combat excessive concentration in the control and ownership of communications media. Emphasis should be placed on supporting impartial, accurate reporting in environments where it is in limited supply and should be tailored to create media that is financially sustainable and able to operate in and respond to the political pressures that exist in each environment. Emphasis should also be placed on addressing the issues underpinning a lack of media freedom in each country.

3. **Support the establishment and strengthening of well-funded and efficient protection mechanisms for journalists and human rights defenders.** The Unites States should press countries in the region to create mechanisms to protect journalists, similar to those developed in Mexico and Colombia, and support these mechanisms with the necessary technical assistance and financial and human resources. U.S. funding allocated for the Alliance for Progress for the Northern Triangle (Honduras, Guatemala and El Salvador) must require the inclusion of freedom of the press provisions as well as mandatory support for mechanisms to protect journalists and end impunity.

4. **Provide robust support to the Inter-American Commission on Human Rights (IACHR) and the Office of the Special Rapporteur for Freedom of Expression.** Despite efforts to defund the Special Rapporteur and diminish its mandate, the office continues to play a key role in drawing attention to violations of freedom of expression in the region. Governments like those of Mexico and Honduras, which are concerned about their international image, take the reports and statements issued by the Rapporteur very seriously. In countries like Venezuela, where the government is openly hostile to the Special Rapporteur and the IACHR more broadly, IACHR public statements and provisions of precautionary measures in individual cases provide critical protection to human rights activists who are subject to harassment or persecution from the state.

5. **Pass the *Global Magnitsky Human Rights Accountability Act***
   The *Global Magnitsky Human Rights Accountability Act* would build on current U.S. policy of condemning human rights abuses and supporting human rights defenders by imposing tangible consequences in the form of visa bans and asset freezes on foreign officials responsible for gross human rights violations or large-scale corruption. The U.S. Congress should swiftly pass this legislation to hold accountable those officials responsible for attacks on journalists and press freedom in Latin America.

Conclusion

As we state in our *Freedom of the Press* report, unfettered access to information—about politics, religion, corruption, and the countless other potentially sensitive topics that have a direct impact on people's lives—is a central pillar of any free society because it enables individuals to evaluate such questions for themselves, rather than through a filter devised by those in power. It allows citizens to demand accountability from their own governments, to debunk propaganda and to advocate for social change and political reform as they see fit. Restrictions on expression may be a politically expedient way to react to public discontent and insecurity, but long-term stability and prosperity demands open debate, the complete exposure and analysis of odious views, the development of persuasive counterarguments, and the implementation of policies to address underlying grievances and social ills.

Press freedom in the Americas faces a more severe and diverse set of challenges than at any point in the last five years. Journalists are under threat from both state and non-state actors, whether in the form of

laws that restrict press freedom, government censorship, political persecution and harassment, or violent attacks. Congress should more actively engage the region's governments, civil society, and multilateral institutions in promoting press freedom as a fundamental pillar of democracy.

Thank you, and I look forward to your questions.

Mr. DUNCAN. Thank you.

Dr. Carlos Lauría, you are recognized for 5 minutes.

STATEMENT OF MR. CARLOS LAURÍA, SENIOR AMERICAS PROGRAM COORDINATOR, COMMITTEE TO PROTECT JOURNALISTS

Mr. LAURÍA. Thank you, Mr. Chairman.

I would like to commend Chairman Duncan and members of the House Subcommittee on the Western Hemisphere for holding this important hearing and for providing the Committee to Protect Journalists the opportunity to testify before you. CPJ is an independent, nonprofit organization dedicated to promote freedom of press worldwide and defend the rights of journalists. It is an honor to speak to you today.

What I have experienced in more than a decade at CPJ is that while Latin American media are certainly freer and more vibrant now than during previous decades, journalists in the region continue to face serious challenges on different fronts. The regional press continues to hold governments accountable, exposing corruption and human rights abuses in the face of ongoing threats by organized crime and officials in their attempt to thwart freedom of expression.

Despite the strong tradition of independent, investigative, and critical media in many countries of the region, journalists are increasingly vulnerable to both violence and government harassment. More than 30 years of democratization in the region, transnational criminal networks have extended their sway and spread a wave of unprecedented violence across Latin America. Scores of journalists have been killed and disappeared. Media outlets have been bombed and forced into silence. The consequences are devastating: Many regional democracies have deteriorated due to political instability and weakened institutions.

Violence tied to drug trafficking has made Mexico one of the dangerous countries in the world for the press, according to CPJ research. More than 50 journalists have been killed or disappeared since 2007. Compounding the problem of violence is a climate of pervasive impunity. Crimes against the press are never solved, not only as a result of negligence and incompetence but also because of widespread corruption among law enforcement officials, particularly at the state level.

Breaking the cycle of impunities surrounding crimes against the press is Mexico's greatest challenge. Legal changes, although necessary, will be clearly insufficient without strong political will for President Enrique Pena Nieto's administration.

Amid the violence and volatility caused by organized crime and corruption in Central America, Honduras and Guatemala have also experienced an alarming increase in the numbers of attacks against the press. Nearly complete impunity for these crimes means the cases go mostly unresolved and the motives unexplained, a CPJ report published in September found.

Despite Brazil's image as an international political and economic leader and its position as the host of next year's summer Olympics, the country has become one of the most dangerous in the world for the press. According to CPJ research, at least 16 journalists have

been killed in direct reprisal for their work since January 2011, while six others were murdered in unclear circumstances.

In the lead up to the 2016 summer Olympics, President Dilma Rousseff will have to grapple with many problems, including a sluggish economy, the unfolding corruption scandal within the state oil company, and the prospect of renewed protests, like those that erupted around the 2014 FIFA World Cup. Precisely at those times, Brazil needs a vibrant, independent press that can freely report on these matters and carry out its work without fear of reprisal.

In the next year, the world's fourth largest democracy will receive a flood of tourists and find itself under the spotlight for international media attention. Before that occurs, the Brazilian Government needs to go beyond rhetoric and make good on the promise to protect the press and combat impunity.

While security in Colombia has improved in recent years and the number of killed journalists have dramatically decreased in the last decade, impunity is entrenched and threats and violence against journalists continue. Problems, such as overloaded prosecutors and mishandling of evidence, have delayed criminal investigations for years.

Besides the issue of violence, the second most persistent problem facing the Latin American press is the series of judicial, legislative, and regulatory restrictions placed on the press by democratically elected governments that seek to control the flow of information and stifle the dissent. Showing disdain for the institutions of democracy, several governments are seeking to suppress dissent, limit critical voices, and censor the news that undermines their public positions. Describing critical journalists as the unelected opposition, these governments have become increasingly intolerant to media criticism.

Venezuela provides the most blatant example of intolerance toward views and different opinions. The Government of Venezuela, Nicolás Maduro, has employed an array of tactics to weaken the press, and few remaining critical media still standing in Venezuela, according to CPJ research.

Nearly all of Venezuela's strategies and tactics to rein in and isolate critical journalists have been emulated by sympathetic governments across the region, from Nicaragua to Ecuador. But nobody has a been better apprentice than Ecuadorian President Rafael Correa, whose policies have transformed the country into one of the hemisphere's most restrictive nations for the press.

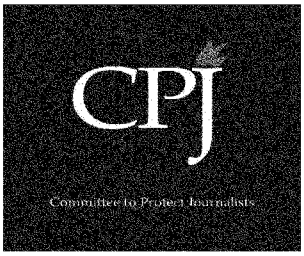
Lastly, as I testify before Congress today, I must also mention the climate for press freedom in the United States has deteriorated in recent years. Decisions by the Department of Justice in seizing journalists' phone records and emails, the aggressive prosecutions of whistleblowers who leak classified information to the press, and the massive surveillance of communications send an unequivocal chilling message to journalists and their sources, particularly on issues of national security that are of vital information to the public.

At the same time, just as troubling, these actions in the United States set a terrible example for the rest of the world, especially

where governments routinely justify the intervention in the media by citing national security.

Thank you.

[The prepared statement of Mr. Lauría follows:]



Testimony before the Subcommittee on the Western Hemisphere

Committee on Foreign Affairs

United States House of Representatives

Submitted by Carlos Lauría

Americas Senior Program Coordinator

Committee to Protect Journalists

July 29, 2015

Threats to Press Freedom in the Americas

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

What I have experienced in more than a decade at CPJ is that while the Latin American media are certainly freer and more vibrant now than during previous decades, journalists in the region continue to face serious challenges on different fronts. The regional press continues to hold governments accountable, exposing corruption and human rights abuses in the face of ongoing threats by organized crime and officials in their attempts to thwart freedom of expression.

Despite the strong tradition of independent, investigative, and critical media in many countries of the region, journalists are increasingly vulnerable to both violence and government harassment. More than 30 years after democratization in the region, transnational criminal networks have extended their sway and spread a wave of unprecedented violence across Latin America. Scores of journalists have been killed and disappeared. Media outlets have been bombed and forced into

censorship. The consequences are devastating: many regional democracies have deteriorated due to political instability and weakened institutions.

In this environment, coverage of crime, corruption, and other sensitive issues has made journalism a high-risk profession. Censorship due to violence in Latin America has reached one of its highest points since most of the region was dominated by military rule more than three decades ago, CPJ research shows.

Violence tied to drug trafficking has made Mexico one of the most dangerous countries in the world for the press, according to CPJ research. More than 50 journalists have been killed or have disappeared since 2007. Nowhere is that more evident than in Veracruz, the most dangerous state in Mexico. At least 11 reporters have been killed since 2011, four of them in direct reprisal for their work, according to CPJ research. At least three journalists have disappeared in the state in the same time period.

The problem of violence has gone far beyond the journalistic profession and affects all of society. Mexicans are unable to make informed decisions because of the difficulties the press faces in its daily work. An uninformed society is a less transparent and less democratic one. Compounding the problem of violence is a climate of pervasive impunity. Crimes against the press are almost never solved, not only as a result of negligence and incompetence but also because of widespread corruption among law enforcement officials, particularly at the state level.

The 2013 approval of the constitutional amendment that gives federal authorities greater jurisdiction over crimes against freedom of expression was a step forward as it changed the legal framework for the protection of this fundamental human right. Breaking the cycle of impunity surrounding crimes against the press is Mexico's greatest challenge. Legal changes, although necessary, will be insufficient without strong political will from President Enrique Peña Nieto's administration.

Amid the violence and volatility caused by organized crime and corruption in Central America, Honduras and Guatemala have also experienced an alarming increase in the number of attacks against the press. Near-complete impunity for these crimes means the cases go mostly unresolved and the motives unexplained, a CPJ report published in September found.

Honduras and Guatemala, two of the world's deadliest countries according to United Nations statistics, are beset by impunity and in neither country is it clear who or what is behind the violence. This uncertainty has worsened the tense climate in Central America, which is experiencing widespread violence and a collapse of the already limited rule of law due to a rise in organized crime activity. The influx of gang members deported from the U.S., the increasing presence of Mexican drug cartels, and the lingering divisions and institutional weakness from political violence and conflict in the 1970s and 1980s are affecting the entire region. But these problems have not manifested into attacks against journalists as harshly in other countries where violence is rampant, like El Salvador—where, CPJ research shows, the most recent murder of a journalist in relation to his work was in 2011—as they have in Honduras and Guatemala.

Outside the capital cities of Honduras and Guatemala, where the rule of law is particularly fragile and organized crime groups exert control, journalists see threats everywhere and are reluctant to report on sensitive issues. The press in the capitals Tegucigalpa and Guatemala City is afraid that the space for critical reporting is declining under governments they view as intolerant to dissent. In both countries, as a result, the public is being deprived of vital information at a critical moment.

Despite Brazil's image as an international political and economic leader and its position as the host of next year's Summer Olympic Games, the country has become one of the most dangerous in the world for the press. According to CPJ research, at least 16 journalists have been killed in direct reprisal for their work since January 2011, while six others were murdered in unclear circumstances. Two journalists were murdered in less than one week in May with levels of brutality—one was decapitated and the other tortured and mutilated—previously unheard of in the country.

Unlike countries around the world where journalists are killed regularly, the Brazilian justice system has made significant strides in the past two years, achieving a record of at least six convictions in journalist murder cases. While this is an encouraging sign, in all but one of these cases, the chain of accountability has ended with the hit men.

The faltering justice in these cases may be related to the victims' lack of national prominence—most were provincial journalists outside of major urban centers—and the nature of what and whom they were investigating when they were killed. Sixty-five percent of journalists murdered in Brazil were reporting on corruption and in 52 percent of the cases the suspected perpetrators are government officials, according to CPJ research.

In a meeting with a CPJ delegation in May 2014 to discuss the climate for press freedom, President Dilma Rousseff told CPJ her administration was committed to pursuing a goal of "zero impunity" in journalists' murders. Rousseff said her administration would push to implement a mechanism to protect journalists under imminent risk and support legislative efforts that would allow crimes against free expression to fall under federal jurisdiction. More than a year later, these efforts have stalled. While deadly violence against the press continues to rise, the presidential election last October put concrete measures on hold and hindered legislative action.

In the lead-up to the 2016 Rio Summer Olympic Games, the president will have to grapple with many problems, including a sluggish economy, the unfolding corruption scandal within the state oil company, and the prospect of renewed protests like those that erupted around the 2014 World Cup. Precisely at those times, Brazil needs a vibrant, independent press that can freely report on these matters and carry out its work without fear of reprisal. In the next year, the world's fourth-largest democracy will receive a flood of tourists and find itself under the spotlight of international media attention. Before that occurs, President Rousseff needs to go beyond rhetoric and make good on her promise to protect the press and combat impunity.

The eastern border between Brazil and Paraguay is yet another particularly dangerous region in Latin America for journalists. Pedro Juan Caballero and other Paraguayan border cities have become havens for smugglers of everything from cocaine and marijuana to cigarettes and

electronics. There are widespread allegations of collusion between local politicians and drug smugglers, some of whom react violently when they come under scrutiny from the news media.

For example, on October 16, 2014, a well-known border reporter for the national daily *ABC Color*, Pablo Medina Velázquez, was shot to death. Medina had received numerous death threats in response to his reports on cocaine and marijuana trafficking on the border. In Pedro Juan Caballero, two journalists have been gunned down in the past two years. CPJ research shows that five journalists have been killed for their work in Paraguay since 1992, including Medina's brother, radio journalist Salvador Medina, who was murdered in 2001 after reporting on smuggling. As a result of factors ranging from botched investigations to official misconduct, none of the masterminds behind these killings have been convicted or imprisoned, judicial officials told CPJ.

While security in Colombia has improved in recent years and the number of journalists killed has decreased drastically in the last decade, impunity is entrenched and threats and violence against journalists continue, according to CPJ research. Problems such as overloaded prosecutors and mishandling of evidence have delayed criminal investigations for years.

CPJ, which began tracking the killings of journalists in 1992, has documented 46 journalists killed directly for their work in Colombia, and an additional 36 killings in which the motive is not clear. Even when the killers are caught and convicted, the masterminds who target reporters nearly always remain free, CPJ research shows. Investigations often fall apart due to problems such as overburdened prosecutors, a lack of information sharing, mishandling of evidence, and malfeasance by judicial officials.

In a historic conviction, in June former regional Assemblyman Francisco Ferney Tapasco González was sentenced to 36 years in prison for masterminding the 2002 killing of prominent Colombian journalist Orlando Sierra Hernández, deputy editor of the daily *La Patria*. The convictions marked the first time that everyone involved in a journalist's murder had been brought to justice, but as of July 2015, all three men had yet to be apprehended. In a meeting with a CPJ delegation in May, President Juan Manuel Santos pledged to make the fight against impunity a priority of his administration.

Besides the issue of violence, the second most persistent problem facing the Latin American press is the series of judicial, legislative, and regulatory restrictions placed on the press by democratically elected governments that seek to control the flow of information and stifle dissent. Showing disdain for the institutions of democracy, several governments are seeking to suppress dissent, limit critical voices, and censor news that undermines their public positions. Describing critical journalists as the unelected opposition, these governments have become increasingly intolerant to media criticism.

Venezuela provides the most blatant example of intolerance toward different views and opinions. The government of President Nicolás Maduro has employed an array of tactics to weaken the few remaining critical media outlets in Venezuela, according to CPJ research. In recent years, private media outlets, such as the Globovisión TV station and *El Universal* newspaper, have been sold to business groups with alleged ties with the government. As a result, both have toned

down their coverage. Most TV and radio stations are either pro-government or rarely question official policies. *Tal Cual*, a harshly critical newspaper that faced seven government lawsuits as well as tax investigations, scaled back its print edition from six days per week to just a single weekend edition in April and has laid off most staffers. Facing government lawsuits, rising costs, diminishing advertising revenue, and the illness of its founder, the 15-year-old newspaper has downsized in a last effort to survive.

Meanwhile, a newsprint shortage due to currency controls has curtailed the ability of many newspapers to circulate and has forced others out of business, according to CPJ research. The local press group Institute for Press and Society (IPYS) reported that between September 2013 and August 2014, 34 newspapers and magazines in 11 states had encountered difficulties securing newsprint. Some reduced their size or eliminated sections. Due to the newsprint shortage, six newspapers had closed and four others had temporarily stopped printing.

President Maduro's administration has regularly censored the news by ordering Internet service providers to block websites that provide the black market exchange rate, suppressing reports of economic upheaval, and taking a fiercely critical 24-hour news international cable station off the air. Today, most critical media outlets are either gone or scared into silence, and a vast state media conglomerate replicates the government's positions.

Nearly all of Venezuela's strategies and tactics to rein in and isolate critical journalists have been emulated by sympathetic governments across the region, from Nicaragua to Ecuador. But nobody has a better apprentice than Ecuadoran President Rafael Correa, whose policies have transformed the country into one of the hemisphere's most restrictive nations for the press, according to CPJ research. Journalists are routinely subjected to legal measures, defamation suits, and public insults, according to CPJ research.

More than two years after the enactment of the Communications Law, which went into effect on June 25, 2013, the legislation has led to dozens of sanctions, including fines approaching US$100,000, and many decisions are still pending. The law is filled with ambiguous language demanding that journalists provide accurate and balanced information or face civil or criminal penalties. It also demands press coverage of events of "public interest" such as presidential visits. The law has resulted in dozens of fines and sanctions against independent news media, and the overall impact of the law, described by experts as one of the most restrictive promulgated in Latin America in the last decade, has been chilling for journalists trying to do in-depth reporting, according to CPJ research.

Even before the Communications Law was passed, Ecuadoran journalists were under siege. President Correa successfully sued *El Universo* as well as two investigative reporters who wrote a critical book about his brother. During his Saturday TV broadcasts, which must be carried by all TV stations, Correa regularly berates the press as corrupt and calls journalists "ink assassins."

The official pressure has also led to a slump in advertising at some media outlets because companies don't want to be associated with news organizations that closely scrutinize government actions. Other legal measures have discouraged in-depth reporting, such as reforms

to the country's electoral law that prohibit biased reporting and allow candidates to sue news outlets that allegedly violate the law.

In the last few years, Cuba has made some strides in the press freedom landscape, including the 2013 reforms in legislation that allow political opponents and independent journalists and bloggers to travel internationally for the first time in decades. Also remarkable was the 2014 launch of prominent blogger Yoani Sánchez's news website *14ymedio*. While its content is inaccessible to most Cubans, who lack unfiltered connections to the Internet, its reporters have been able to work without serious restrictions. While there are still hurdles on the path to U.S.-Cuba normalization, the effect of such an extraordinary turn in the relationship between both countries could be positive for freedom of expression. As a result, journalists will hopefully be able to do their jobs without the ongoing threat of being imprisoned solely for reporting and expressing critical opinions, and with the possibility of having Internet access without filters, obstructions, or prohibitive costs. Changes won't happen overnight. In order to improve its record on free expression, Cuba must ratify and implement international human rights agreements in order to guarantee freedom of expression and information; end the use of detention, surveillance, and smear campaigns against independent journalists and bloggers; remove legal barriers to individual Internet access and extend access to the population at large; release all imprisoned journalists; and dismantle a legal framework that punishes independent journalism.

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

On World Press Freedom Day 2015, U.S. Secretary of State John Kerry said, "Freedom of expression is one of the country's core values and one which we will continue to defend both at home and overseas." The U.S. government and members of Congress must ensure that the issue of violence against the press in Latin America and actions taken by governments to stifle dissent and censor critics are regularly addressed as part of bilateral communications, during international summits, and in meetings of intergovernmental organizations. While maintaining this commitment on a global level, the U.S. should use the influence it has in Latin America to ensure that journalists in the region are able to do their job freely and safely. Those whose rights are violated should know that they will have the support of the U.S. government in seeking justice.

Mr. DUNCAN. Thank you.

Mr. Paolillo, you are recognized for 5 minutes.

STATEMENT OF MR. CLAUDIO PAOLILLO, CHAIRMAN, FREEDOM OF THE PRESS AND INFORMATION COMMITTEE, INTER–AMERICAN PRESS ASSOCIATION

Mr. PAOLILLO. Thank you, Mr. Chairman.

My name is Claudio Paolillo. I am the chairman of the Freedom of the Press and Information Committee, Inter-American Press Association. On behalf of the Inter-American Press Association, I want to thank this subcommittee for this invitation to participate in this important hearing. We have already submitted to the subcommittee a written and detailed report with some recommendations.

Freedom of the press and of expression in the hemisphere underwent a marked deterioration in recent months due to a significant increase in direct and indirect censorship and physical attacks on journalists. Violence carried out by organized crime, drug traffic hit men, and police-style groups on the orders of several governments in the region left on balance, more than 20 journalists murdered during the past 12 months in Honduras, Paraguay, Mexico, El Salvador, Colombia, and Peru.

But while the murders of journalists is terrible news for press freedom in the region, let me focus on two types of censorship which are of main concern to IAPA. Firstly, censorship in the Cuban dictatorship. The Governments of the United States and Cuba began a new relationship on July 20. Of course, it is too early to make definitive evaluations, but the reopening of Embassies in Washington and Havana did not produce any improvement in the practice of journalism or people's access to free information.

Nobody in Cuba is authorized to establish an independent media external to the government, and the ones that exist are those belonging to the regime. Internet access is virtually impossible for ordinary citizens.

Now, recently, 15 independent journalists, bloggers, and activists for freedom were arrested. After the resumption of relations with the United States, practices of meetings, arrests, intimidations, harassment, and vandalism against openness and independent journalists persisted; three of them are in jail now.

The government of Raul Castro has asserted repression, using paramilitaries trying to avoid the traces of the regime to be recorded. In 2014, there were 9,000 arrests for short periods, which is the new repressive tactic of the Castro brothers. Since IAPA's point of view, the resumption of relations between the U.S. and Cuba will not be good news per se unless there is good news for the return of freedom to the Caribbean island.

The least we can expect after more than a half a century is a kind of give and take, something like a barter with the Cuban regime. The isolation policy applied during 15 years can be discussed, but the price of defending freedom was valid during this 15 years, and it is valid now.

Secondly, censorship in legal dictatorships. With varying degrees, there are now legal dictatorships in Venezuela, Nicaragua, Bolivia, and Ecuador. Argentina has followed similar paths, but in that

country, there still remains some liberties that make it a unique case. This description of legal dictatorships may sound a bit strong, but we would try to explain it using the example of Ecuador.

Since January 2007, in Ecuador, President Rafael Correa imposes a system which keeps in his fist the control of the three branches. He has decided to perpetrate endlessly in office to silence the independent and critical press, Correa displaced an ongoing campaign against the media, journalists, and citizens who have different opinions from his.

But unlike Cuba, where there is in place a dictatorship that everyone recognizes as such, in Ecuador and the other countries mentioned, there are constitutions and laws based on which the freedoms of speech and press are attacked legally. In Ecuador is in force since June 2013 the communications act, the most perfect and effective gag law created in recent times in Latin America. This law is imposed against any critical comment by a team of 300 officials who are under the order of a censor appointed and directed by President Correa.

To give you an idea, the gag law already enabled the government to impose 37 types of sanctions against nongovernment media outlets: Five verbal warnings, seven fines, four orders of rectifications, four answers imposed by the government, four orders to apologize, seven written warnings, two suspensions of radio frequencies, and three forced answers in specific radio programs.

In Ecuador and the other countries mentioned, one can say that there are elected governments but not necessarily democratic governments and much less republican governments. Yes, there are elections, but there is no separation of powers. There is no independent judiciary. There is no respect for individual rights, and freedom of the press is constantly under attack. Therefore, we speak about legal dictatorships.

Paradoxically, as they are elected, it is more difficult to denounce them than the very Cuban dictatorship. Without a free press, as our Declaration of Chapultepec says, democracy doesn't exist, let alone free and legitimate elections. You cannot say that people choose when they do not know what are they going to choose.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Paolillo follows:]

Inter-American Press Association (IAPA) report Subcommittee on the Western Hemisphere

House Committee on Foreign Affairs

Washington, D.C.

July 29, 2015

INTRODUCTION

Freedom of the press and of expression in the hemisphere underwent a marked deterioration in recent months due to a significant increase in direct and indirect censorship and physical attacks on journalists.

Violence carried out by organized crime, drug traffic hitmen and police-style groups on the orders of several governments of the region left a balance of more than 20 journalists murdered during the past 12 months in Honduras, Paraguay, Mexico, El Salvador, Colombia and Peru.

In Cuba three journalists remain behind bars with sentences of up to seven and 14 years imprisonment, while there continues the massive detention of dissidents for the simple act of expressing their political opinions.

Two journalists, one in Mexico and another in Argentina, have had to go into exile as a result of threat to their lives, thereby adding to a long list headed by Venezuelan journalists, with more than 400 of them currently spread out across 34 countries.

The censorship was also applied to media in Ecuador through a ruling of the Constitutional Court that ratified what is established in the Communication Law turning the work of the press into a public service. As part of this crude censorship an agency for the control of content punished more than 30 media, four newspapers had to stop publishing and a couple of radio stations have been closed down.

In Venezuela the government of President Nicolás Maduro continues to deny foreign exchange for the purchase of supplies for print media. More than 30 newspapers are hit by the lack of newsprint and more than a dozen have already ceased publishing.

With the same regulatory spirit as that which prevails in Venezuela and Ecuador, parts of these censorship or restrictive methods have been applied in other countries throughout the continent, constituting obstacles on the free broadcast of printed or television news, as well as on social media, and we have observed an

increase in the shutting down of Twitter accounts and the prosecution or harassment of bloggers or internet users.

Various countries have increased the fiscal persecution of, and imposition of heavy fines on, communications media as a result of their criticism of government activities or denunciation of administrative corruption.

The lack of transparency and access to public information continues to be an obstacle to the free practice of journalism in Argentina, Bolivia, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Peru and Dominican Republic. Perhaps the most positive news last year has been the enactment of the Law on Access to Public Information and Transparency in Paraguay.

As a result of their desire to control the communications spectrum, some governments such as the ones of Argentina, Ecuador and Venezuela, employ the strategy of purchasing news companies using front men, or of controlling radio and television space from which they can launch attack on their critics, placing in question the reputation of communicators and encouraging harassment and persecution. The case of Nicaragua is notorious, as the government has increased its monopoly of its own media and where there is only one independent television channel.

This report focus on Argentina, Bolivia, Cuba, Ecuador, Nicaragua and Venezuela; countries where freedom of expression and of the press continues to deteriorate.

ARGENTINA

The climate of press freedom continues to be adverse. There has been no end to official and semi-official attacks on those who engage in criticism, abuse in the placement of official advertising, lack of access to public information and regulatory and administrative bias.

The scenario is increasingly complex for the press. The discovery of the body of prosecutor Alberto Nisman with a bullet in the head one day before going to Congress to give details of a denouncement of Argentina's President has been unsettling citizens this year. The prosecutor's indictment involved the President with a secret agreement with the government of Iran to prevent the prosecution of senior Iranian officials, responsible for the largest act of terrorism in Argentina's history when the July 18, 1994 blew up a car bomb in front of a Jewish medical institution called AMIA, which left 85 dead and over 300 wounded.

Meanwhile the scourge of drug trafficking continues to extend in Argentina and is beginning to seriously hinder the work of the press.

The government reacted by accusing sectors of the judiciary and news media of engaging in political destabilization maneuvers. President Cristina Kirchner railed against the media for its coverage of the mass march that took place on the one-month anniversary of the prosecutor's death, referring once more to the "national chain of hatred and pessimism", accusing newspapers Clarín and La Nación of having appropriated the newsprint company Papel Prensa and describing freedom of expression as an apparently exclusive privilege of those newspapers.

The stigmatization and indictment by the government of certain media for reporting on questions that are uncomfortable for those in power continues to be common practice. President Cristina Kirchner and senior public officials, such as the Chief of Cabinet, constantly suggest that some media, along with other sectors of society, are concocting destabilizing maneuvers. These are accusations that involve risks for the physical integrity of journalists. Encroachment is another of the tools used to go after dissidents and it has reached the point that the official organization La Cámpora, with funds that are presumed to be public ones, finances unauthentic editions of media such as Clarín to attack the newspaper itself and opposition political leaders.

Although some media excluded from placement of official advertising today are receiving a portion of it, the levels of a discretional nature in its award and the disproportion regarding any objective basis continue to be very high. This pertains to the federal government and to provincial governments.

The levels of official advertising continued to grow in the last six months. In February the government announced a decreed increase of the equivalent of $ 21 million dollars at the official rate of exchange destined for the dissemination of national official acts. This left the amount used by the federal government during 2014 above $ 200 million, which is practically double what was approved at the due time by the federal Congress. If there are added the advertisements of decentralized bodies and state-owned companies, the Fútbol para Todos (Soccer for All) program and the maintenance of public media, the total figure is tripled.

Beyond the exponential growth that official advertising has had in recent years of no less concern is the discretional nature with which it is distributed. This continue to be used as a tool of editorial restriction, in open contradiction to what has been established by the Supreme Court in its rulings and by the recommendations made by the OAS Office of Special Rapporteur for Freedom of Expression among other international bodies.

This practice is not exclusive to the federal government. The government of the city of Buenos Aires has increased the level of official advertising in an exponential manner since it took office. And that of the province of Buenos Aires, to mention the other of the two big Argentine districts, has flooded the streets with announcements that carry the color which distinguishes the governor, fully launched, and ahead of the legal times, for his campaign for president.

Five years after the enactment of the Audiovisual Communication Services Law there are noted to be suggestive lacks of definition and delays in its application. Throughout all this time there has not been an equitable treatment of companies that must comply with what has been established by law. A new chapter was added early in October when the application authority rejected the plan of voluntary adherence to the law by the Grupo Clarín, initiating a transfer of function of the audiovisual media that it consists of. On declaring the constitutionality of the articles of the law that had been questioned by Clarín the Argentine Supreme Court said that the application authority must respect the equality of treatment and act with independence of the government and of any pressure group. The application authority is not complying with the Court's demands in delaying the review of the

adaptation plans presented by other media on granting new deadlines to some of them and on promptly resolving the discretional splitting up of a group of media.

On December, Judge Horacio Alfonso issued a precautionary measure that suspended the forced break-up of the Grupo Clarín group's media, previously ordered by the AFSCA (Federal Audiovisual Communication Services Authority), in an action that amounts to discriminatory and instrumental use of the law, contrary to the ruling of the Supreme Court that requires equal treatment in the application of the media law. Two weeks earlier an appeals court ruling upheld Judge Alfonso's decision. At the same time, 10 leading Grupo Clarín journalists obtained a writ issued by Judge Pablo Cayssials which suspended the termination of those media due to the certain risk to their sources of income and their freedom of expression.

The law on access to public information continues to be pending.

BOLIVIA

Already underway is a political model stated to be socialist and communal, presented once more by Vice President Álvaro García Linera at the official start of the current government's third consecutive term of office. The model, according to official explanations, seeks the definitive takeover of power with total control of the economy and means of production, which presupposes control over the transmission of ideas, opinions and messages through mass media.

During the last Presidential election, the case of the state-owned channel put in evidence a conduct of total contempt for public opinion when the Communication Minister justified the absence of that broadcast media outlet from the debate among presidential candidates, claiming to "not know" who defines its policies, she being the one who is chair of the board of directors of that company.

Official pressure on independent media also included ruling on the interview with government candidates. A journalist with the privately-owned network TV Uno complained that in order to do an interview with the candidate for Vice President imposed were the subjects while others were vetoed, such as links with the illicit drug trade.

Also of concern was the indiscriminate use of public funds during the electoral campaign, with enormous advertising expenditures and coverage by state-owned media of the governing party candidates. In this case there was no questioning of those in power as they had been co-opted by the government.

Since taking office in January 2006 President Morales has accused the press of having become a political player opposed to his regime for denouncing situations of abuse of power and corruption in the government.

The government is continuing with the creation of a network of government and pro-government media that compete with privately-owned media. It strengthened the television network Bolivia TV and radio Patria Nueva with the creation of a network of indigenous radio stations and the purchase of shares in privately-owned media, turning them into pro-government media, as is the case of some newspapers and TV channels. These state-owned media receive official advertising to the detriment of the privately-owned media.

Following the denunciation of cases of corruption or matters of public interest the government filed lawsuits against the La Paz newspapers La Prensa and Página Siete. After the publication of a report on Bolivia's maritime claim legal proceedings were begun against La Razón journalists.

Despite a protest by media organizations the government has ordered a life insurance for journalists which could hit the media's limited budgets. The law requires media to spend 1% of real and effective revenues, prior to deduction of VAT and taxes on the transactions.

The Anti-Racial Law, passed in 2010, makes such journalistic work a criminal offense and allows for the possibility of imprisonment of a journalist or shutdown of a news media outlet, while the Electoral Regime Law also contains restrictions on the coverage of special electoral processes such as election of members of the judicial branch of government.

The government threat of most concern is the plan for a Communication Law that could open the door to the takeover and control of social organizations in the work of the media.

Between 2013 and 2014 there was recorded a methodical prosecution of independent news companies for alleged tax debts, and at the same time a policy of discrimination in the placement of official advertising, with the intent to lessen

the independence of editorial stances. This was evidenced in the recent electoral campaign in which media supporting the government benefitted.

In addition there are being imposed rules that require media to publish free of charge big announcements of support for state campaigns of the people's security or the mandatory nature of paying for a life insurance for media workers.

Independent media are having financial difficulties that are making unsustainable their operations and the payment of salaries and social security.

Tax pressure, lack of official advertising - the government does give official advertising to media outlets and journalists are not critical - and the new life insurance requirement are leading some media into a situation of survival.

The new modality combines traditional pressures against freedom of expression with those against freedom to do business.

Several newspapers have suffered ongoing harassment by officials responsible for enforcing payment of taxes. Some cases are anecdotal. Officials of the Internal Revenue Service (SIN) visited a newspaper and requested archived information dated prior to the launch of the paper, in a vain attempt to impose a fine for failure to comply with payment.

This kind of case occurs systematically every time a media outlet publishes some news that is disagreeable for the government. The response of the officials is immediate; they visit the media outlet and request documentation.

The officials also go to advertisers, warning them that the contracting of space in the newspaper concerned will imply tax reprisals for the person or company that ignores the warning.

The government already controls, directly or indirectly, several news media, both print and audiovisual. Under the Communication Ministry there operates a network of more than 130 community radio stations in rural towns.

According to the policy laid down by the Communication Ministry state-owned media must be at the service of the political needs and watchwords of the Government. Canal 7, Televisión Boliviana, radio network Patria Nueva and the newspaper Cambio reflect that policy.

The eagerness for state control in 2014 affected the Foundation for Journalism set up in 2007 by common agreement of the National Press Association (ANP) and the La Paz Journalists Association as the academic arm of those two groups.

The directors of the Foundation for Journalism, whose five-year term ended in 2014, drew up formal cooperation and joint work agreements with the Communication Ministry without consulting the ANP. Due to that the ANP decided not to recognize those agreements and leave in status quo its institutional relationship with the Foundation.

This year 2015 will be the seventh year with no news about the death of radio broadcaster Carlos Quispe. Neither has there been any progress in the cases of murdered journalists Víctor Hugo and Verónica Peñasco in the town of El Alto, nor of that of Eugenio Aduviri at government headquarters.

CUBA

In spite of the important reestablishment of relations between the governments of Cuba and the United States, and the opening of embassies last week, no improvements have been noticed in the practice of journalism or access of the population to new channels of information. Recently, more than half a hundred activists and numerous independent journalists, bloggers, and alternative reporters have been arrested. On the other hand, continues censorship of digital sites that cover Cuban matters from a critical point of view. Access to the Internet by the population is virtually nonexistent.

In this period, as has it always happened, persisted the practices of beatings, detentions, intimidation, acts of vandalism and harassment of opponents and independent journalists. Typical totalitarian instrument, official press continues to be a vehicle of propaganda, hiding and distorting what is happening inside and outside the country. The profession of journalist continues to be one of the most dangerous in the country. At present there are three imprisoned journalists: Danilo Maldonado, José Antonio Torres and Yoennis de Jesús Guerra.

Journalist and former correspondent of the official newspaper Granma, José Antonio Torres, is still in the Boniato prison in Santiago de Cuba after being sentenced to fifteen years for supposed crimes of espionage. The reporter finally decided to make contact with independent media on the island and provided testimony about his case, revealing irregularities during the trial that led to a disproportionate sentence.

Also, reporter Yoennnis de Jesús Guerra is still carrying out a sentence of seven years for a supposed crime of theft and illegal sacrifice of cattle. Jailhouse violence and serious health issues have led this correspondent of the independent press agency Yayabo Press to live a real Calvary of suffering behind bars.

The independent journalism movement has gone through moments of great tension and repression. Among the most critical of these came at the end of December when artist Tania Bruguera, who had planned a performance in the Plaza de la Revolución, with the idea of opening up the microphones for "one minute of freedom of expression" to any Cuban who wanted to participate. The official response was a disproportionate and extensive wave of repression.

The government of Raúl Castro continues the trend toward "paramilitarization" of repression, with great physical and verbal violence, but attempting not to leave legal footprints. Short-term detentions increased considerably according to a report published in February by Amnesty International. The group recorded a 27% increase in short-term detentions in 2014, based on data from the Cuban Commission on Human Rights and National Conciliation, which counted 9,000 short-term arrests during the year.

More than half a hundred activists and numerous independent journalists, bloggers, and alterative reporters were arrested. The IAPA condemned the events and pointed out the arbitrariness of the arrests of reporter Victor Ariel González, photographer Claudio Fuentes, activists Antonio González Rodiles and Eliécer Ávila, as well as the house arrest of members of the editorial staff of the digital newspaper 14ymedio, led by the famous journalist and blogger Yoani Sánchez, regional vice president of the IAPA Committee on Freedom of the Press and Information.

Among those detained were also reporters from the news sites Cubanet, HablemosPress and Diario de Cuba. Even today Bruguera is prevented from leaving the country, since authorities have taken away his passport and he is under police investigation.

The turning of the screws of repression against artistic creators has also been felt against Danilo Maldonado, better known as El Sexto. The graffiti artist and sketcher prepared a performance for December 26 and was arrested as he drove a car toward Central Park with two pigs that had their backs painted with the names "Fidel" and "Raúl". El Sexto continues in detention at the Valle Grande Prison without yet being taken to court.

Writer and blogger Ángel Santiesteban, Casa de las Américas Prize winner in 2006, has been in prison since December 2012. He was sentenced to five years for supposed common crimes. He received the benefits of a reduction of his sentence. The irregularities in the Santiesteban case have been denounced repeatedly by various non-governmental legal organizations.

In February 2014 the Empresa de Telecomunicaciones de Cuba (Etecsa) implemented e-mail service on mobile telephones. In just one year, the service has grown to half a million users among the two million four hundred thousand active cell telephones, one of the lowest figures on the planet. The new modality of e-mail by cellphone joins the opening, since 2013, of new Internet access points, now totaling 154. Under the name of Nauta, the service includes electronic mail and navigation at prices that vary between 1.50 CUC and 4.50 CUC per hour of connection. In recent weeks there has been a reduction of prices by half, but they continue to be excessively high for an average wage of 20 CUC per month.

Between January 7 and 8, 39 activists were released from prison, completing a total of 53 names revealed by the government of the United States in conversations between Washington and Havana. For most of the cases, it was not a process of liberation, but rather a change of injunction since no sentence was commuted, nor any document issued that proves the status of freedom.

On December 9, activists Sonia Garro, Ramón Alejandro Muñoz, and Eugenio Hernández had also been released. Independent reporter Juliet Michelena Díaz, arrested on April 7, was also released on November 14.

Alternative information and illegal connections to networks have also gained strength over recent months. Official figures such as Vice President Miguel Díaz-Canel Bermúdez and former Minister of Culture Abel Prieto have spoken up against the so-called "package", a compilation of audio-visual material transmitted by alternative means and which constitutes a sort of "Internet without Internet" for Cubans.

Wireless networks for exchange of files have continued growing in number and users. SNET, the most extensive in the western part of the island, could have more than eight thousand computers connected, although it is speculated that there may be more than twenty thousand. These are connections between terminals, for the primary purpose of exchange of files and games on line. In spite of the apparent non-political nature, these clandestine networks are pursued and interrupted frequently. Some of their administrators have been arrested, with confiscation of their technical equipment, and receipt of heavy fines.

After an attempt to renew themes and point criticism toward daily problems, the official press has not been able to create genuine space for debate nor capture the interest of younger Cubans. Programs such as the emblematic Cuba Dice [Cuba Says], which is transmitted within the framework of the primary television news program, seem to be trapped in a vise of blaming bureaucrats and pointing out the poor work of lower-level functionaries, while throwing a good part of the responsibility onto a "lack of social discipline". It continues to be taboo to question the political system or its leadership, or to comment on the electoral process or operations of the National Assembly, as well as to ask questions about the judicial structure and the Ministry of the Interior itself.

As a glimmer of hope we saw the release of contractor Allan Gross, who was completing a sentence of fifteen years after being accused of committing crimes against State Security by delivering communications equipment to people considered to be of the opposition. However, with his departure from the country, there has been no change in regulations regarding the transport or sale of such equipment to individuals, which are prohibited.

In the middle of last year, Google authorized the use of several of its services that had been blocked on the island, such as the free downloading of Android apps and

some functionalities of Google Analytics. Netflix, the company that provides streaming of series, also reported that it will begin to operate in the Cuban market, and a few weeks ago Apple joined the wave, with the creation of a department which it called Support of the Cuban People through which it will be able to distribute both hardware and software. The government still has not taken steps in increase connectivity.

On the other hand, censorship of digital sites continues, such as the case of the portals Cubanet, Cubaencuentro, 14ymedio, and many other websites that cover Cuban matters from a point of view critical of the government. Along with these technological filters, pressure against independent journalists continues unabated. At the beginning of 2015 historian and Diario de Cuba collaborator Boris González Arena was expelled from his job at the International Cinema School of San Antonio, an evident reprisal for his political activities and his opinion columns. Juan Carlos Fernández, a correspondent for Revista Convivencia, has also received a number of threats from the police due to his work.

The Pro-Freedom of the Press Association (APLP), a group made up of some 80 independent communicators from around the country, has also suffered pressure from state security agents, who have called in several of its reporters for interrogations. The organization has not received a reply to its request for registration of associations with the Ministry of Justice that it made on March 6, 2006, which sought legalization of the entity.

All those reporters who work without wanting to become part of the docile official press are in a similar situation of illegality. Thus it is that, given the lack of legal support, continuous arrests, and frequent confiscation of work material and censorship, the profession of journalist continues to be one of the most dangerous in the country.

ECUADOR

The government, with frankly populist roots, has developed a campaign of hostility and disparagement against the media, journalists and citizens who hold different opinions. The legal instrument for this attack on freedom of the press and

expression is the Communications Act of June 2013 and by an award of the Constitutional Court dated September of this year. The Communication Act is the most perfect and effective gag law that exists today in Latin America.

President Rafael Correa has enforced the silencing of all those that dissent from the "official truth", whether they be news media, social and political organizations, journalists, members of the public in general, members of the opposition, or dissidents. Using propaganda as a battering ram and the Communication Law as an instrument of censorship, he has shut down and punished the media and has imposed a culture of fear which has cut off public debate and the right to freedom of expression for members of the public.

In order to rule and to control this public service, two entities exist and are fully operational: the Council for Information and Communication Regulation and Development (Cordicom) and the Superintendence of Information and Communication (Supercom), which employ about 300 officials to control and track newspapers, TV channels and radios in search for non-compliances with the law. They also retain private companies to fulfill this task. In June, the results of the first monitoring were published after reviewing every news or commercial ad to determine whether it contains any discriminatory, violent message or if it encouraged any sexual, work crime or others.

Direct attacks by the President Rafael Correa against media and journalists are added. The presidential criticisms are also aimed at the Inter-American Press Association (IAPA) and at the Inter-American Commission on Human Rights (IACHR) for accepting the requests of various local social organizations. Another means of criticizing independent media are the publicly-owned media.

An example of this was the note in the newspaper of the Ecuadorean Presidency, El Ciudadano, headlined "The Guayaquil press was silent and justified the 1922 massacre", in which were accused the newspapers El Universo and El Comercio of being silent and justifying the deaths occurring after the workers' march of November 15 that year. The information was repeated in the government newspaper El Telégrafo, on the television channel Gamatv appropriated by the government and mentioned on several occasions by President Correa in his Saturday hookups.

The Superintendence of Information and Communication (Supercom) and the Communication Council (Cordicom) are the governmental bodies from which the media are watched. The work of these control bodies is translated into five warnings, seven pecuniary fines, four rectifications, four obligatory responses, four required apologies, seven written warnings, two suspensions of radio frequencies and three ordered responses to be broadcast during specific radio programs.

Of the 37 disciplinary measures imposed in these last five months, the majority of them were taken on radio news media outlets (16), the press (11) and television (8) and on a cartoonist and a mayor.

As a product of this control the television channel Teleamazonas decided to take off the air the comic programs "La Pareja Feliz" (The Happy Couple) and "Vivos" (Alive). Acting in the same way was radio station Exa, taking a questioned program off the air.

The Supercom also sanctioned the first case of "media lynching" brought by sports leader Luis Chiriboga of the Ecuadorean Football Federation, requiring the channel to apologize for comments aired in a sports program. One of the frequencies cut out was that of the radio of the National Journalists Union (UNP), a station with 34 years' history.

Since November last year both the newspaper *El Universo* and its cartoonist, Xavier Bonilla, known as Bonil, faced trial over the allegation that a cartoon published had discriminatory content. On February 13 Supercom punished *El Universo* with the publication, in the same space, of a public apology to the groups that felt affected by the allegedly discriminatory content and reprimanded Bonilla in writing, warning him to correct his practice and abstain from acts at odds with current legal norms.

The silencing of the humor had its corollary in the going on air of the Facebook page "Crudo Ecuador" (Raw Ecuador) on February 19 after his owner received a bouquet with threats to his life and family. The incident began after the page, specializing in making jokes that go viral on the Web, published a photo of the president shopping in a European mall.

Journalists who are frequently discredited in the presidential hookups are: Alfredo Pinoargote, Diego Oquendo, Alfonso Espinoza de los Monteros, Gonzalo Rosero and cartoonist Bonil.

Four activists' Twitter accounts critical of the regime were shut down at the request of the Spanish company Ares Right, the same one that on previous occasions in the name of the public television channel Ecuador Tv has managed to shut down YouTube videos uncomfortable for the government.

The interventions of President Correa to silence the humor have had an international echo. On two occasions the host of the program "Last Week Tonight" on the HBO channel, John Oliver, satirized the president.

Mery Zamora, former head of the National Teachers Union, was the victim of harassment on social media with the sowing of intimate photo montages of her. She denounced these actions as part "of the hatred and persecution" of which she is victim in order to discredit her. She stressed that the persecution of her during more than five years had arisen from President Correa's Saturday hookups and in television networks.

In another area, Ecuavisa reporter Teo Posso and his news team were physically and verbally attacked by supposed supporters of a soccer team when it reported on a possible standstill of the Ecuadorean Championship.

One of latest development, the newspaper La Hora maintained its constitutional right to resist paying a fine of $3,540 imposed by the Superintendency of Information and Communication (Supercom), the entity enforcing the Communications Organic Law, for not having covered and published declarations by the mayor of Loja city on February 23.

IAPA President Gustavo Mohme, editor of the Lima, Peru, newspaper La República, declared, "The argument for this fine provides us the rationale for what we have been saying about this law, it being a weapon that the government uses to intervene in content and overrule the editorial criteria of the media". He added that the Ecuadorean government "once again is showing how it uses regulations to control public discourse".

Claudio Paolillo, chairman of the IAPA's Committee on Freedom of the Press and Information and editor of the Montevideo, Uruguay, weekly Búsqueda, stated that with this "new attack" the government, through its "state interventionism" of communications "comes to the point of defining what is information of public interest, where and when it should be published, and what is the language that the media should use", in order to publish the official texts that the government demands.

The newspaper El Comercio was ordered by Supercom to publish on its front page a rectification and public apologies to a minister and the general manager of a state-run hydraulic project as a result of a news item published on April 5. The order was the result of a complaint filed by the minister.

Additionally, the Communication Ministry of the Presidency (SECOM) was not satisfied with the publication of a reply that the newspaper El Universo was ordered to provide. SECOM has formally complained about the newspaper to Supercom, demanding that there be published headlines and adjectives attacking the media outlet, as they were sent, despite the fact that the legal framework does not determine it in this way.

NICARAGUA

The state of press freedom has deteriorated with the consolidation of the authoritarian government which is increasingly controlling the branches of government, municipalities, the police and the army.

The government controls public opinion through the "stockpiling" of news media, as was said by the Bishop of Estelí, Monsignor Abelardo Mata. This signifies that it is taking over or neutralizing all the news media that it can. The duopoly denounced in previous IAPA reports had a new chapter. The Ortega-Murillo presidential family controls Canal 2 television which had already passed before into the hands of Ángel González, a Mexican media owner who now kept Canal 7 which previously was a relay station of Canal 2. González does not allow the government to be criticized on his channels. He had channels 9, 10, 11 and 7 and owns the company RATENSA, with at least three FM radio stations.

The presidential family controls channels 2, 4, 6 (state-owned channel), 8, 13 and 47 and cable subscription channel 91. Only channel 12 remains independent.

The government continues to use secrecy. No minister or official is authorized to give information of any kind to media that are not allied to the government. The law on access to information is not being complied with. All ministers and autonomous agencies are prohibited from placing advertisements with media that are not allied with the government. Since he took office eight years ago President Daniel Ortega has not given even one press conference.

The government does not respect the Law on Access to Public Information and is not keeping updated the Web sites of government, bodies which rather are full of partisan political propaganda. On special occasions he gives very lengthy speeches, ordering radio and television hookups, with even international subscription cable channels remaining off the air.

"Partner" Rosario, as the president's wife is called, Rosario Murillo, coordinator of the Communication and Citizenry Council, is the only person authorized to give information in the government. She does so with a daily report that is transmitted by all the official media and is heard over public loudspeakers in marketplaces. That way she carries out a policy designed by her to not produce "contaminated" information, according to a document that was leaked and which set out the communication lines in the Ortega administration.

The lack of equality in the distribution of official advertising, almost nil for independent media, has caused many small media outlets to disappear, especially on-air papers.

VENEZUELA

The governmental communication hegemony is an indisputable fact. There remain few independent media for whom it costs to survive amid an institutional, social and economic deterioration.

The work of the press —seriously harming the demands of democratic life— is becoming impossible. Almost non-existent is access to information in the hands of the government, as it is reduced to what is declared without questioning, verification or checking by officials of the regime. Prior censorship, whether through the respective legislation of control of contents in force or the most recent and disgraceful acquisition of social news media until yesterday independent, apparently private and hidden following pacts of confidentiality, subdues editorial stances. Criminalized and subject to being taken to court is every form of dissident social and political expression, whether by journalists, neighborhood leaders, students or politicians. The official evangelistic propaganda captures the key hours of radio and television programming, generates through repeated official or presidential networks an effect of informational blackout.

The few independent media that remain are victims of the adverse economic environment caused by the government of Nicolás Maduro.

In May, IAPA condemned a court order in Venezuela that prevents the departure from the country of 22 executives and representatives of news media involved in a lawsuit filed by National Assembly President, Diosdado Cabello, for their having reproduced an article that links him with drug trafficking.

Judge María Eugenia Núñez issued the restriction which prohibits owners and executives of the newspapers El Nacional and Tal Cual and the online publication La Patilla to leave Venezuela, as requested by Cabello in a suit filed on April 23.

Those three media outlets reproduced a report published by the Spanish newspaper ABC based on statements by Leamsy Salazar, a former close collaborator of Cabello (bodyguard of the late Hugo Chavez.) The information, attested to by the Spanish newspaper's editors, declared that Cabello was one of the heads of the Soles drug cartel that engages in cocaine trafficking in Venezuela.

Among the 22 persons subject to the court order are Miguel Henrique Otero, editor of El Nacional, Teodoro Petkoff Malec, editor of Tal Cual, and Alberto Federico Ravell, owner of La Patilla.

In April, IAPA condemned civil and criminal charges filed by the speaker of Venezuela's National Assembly, Diosdado Cabello, against several Venezuelan media for reproducing information published by a Spanish media outlet.

The National Assembly on April 21 approved a report by the People's Power and New Media Permanent Committee that rejected what it said was a campaign by Venezuelan and international media against Cabello. The case refers to statements by Cabello's former Security Chief, Leamsy Salazar, who was said to be collaborating with United States authorities investigating Cabello's alleged involvement with the Soles drug cartel.

IAPA President Gustavo Mohme declared, "We condemn the fact that in Venezuela the government always describes as media campaigns and conspiracies any information that can be critical of that point out wrongdoing". Mohme added: "In these cases the government should investigate and clarify the alleged denunciations, instead of berating the media and suing them for what they reproduce". Cabello filed civil and criminal charges against "shareholders, editors, editorial boards and owners" of the newspaper El Nacional and digital platforms La Platilla and Tal Cual, as well as against Spain's ABC.

The chairman of the IAPA's Committee on Freedom of the Press and Information, Claudio Paolillo, said, "This action is one more demonstration of the ease that the regime has to use an acquiescent judicial body with the intent of accusing the media and journalists and violating press freedom and the people's right to know the facts".

There are two kinds of censorship of information —prohibition of access to official information imposed by government officials or heads of supposedly independent media, and the recent purchase by anonymous shareholders. The censorship by the "new" and unknown owners of recently acquired media have in common the reduction of space for denunciations, not reporting on political leaders, and the suspension of columnists, changes in headlines and modifications of news reports.

In a communiqué signed by noted economists it is said that "chronic shortage at the national level and the scarcity of goods and supplies of all kinds along with a contraction of the economy and loss of jobs are part of the serious consequences

that Venezuelans are facing since last year". This also affects the written press, radio and television and their sources of work.

Maduro's government indiscriminately suppresses all dissidence of opinion or protest and also sends to prison, along with politicians or opinion-voicers, those who produce some assets. There is the presence of an economic and media war following the queues that Venezuelans line up in at the doors of the markets and pharmacies affected by rationing.

A part of the opposition made public a document titled Acuerdo Nacional (National Agreement) in which the country and the regime were invited to move towards a different stage that considers in-depth social and institutional corrections. Signing the document, published in the newspaper El Nacional, was political prisoner Leopoldo López, María Corina Machado and Caracas metropolitan mayor Antonio Ledezma.

On February 20, while President Maduro was speaking on the radio and television, strongly armed and hooded officials, without having prior investigation or court order, kidnapped Ledezma, who is the most important and popularly elected government authority in the capital. Maduro made the announcement, arguing that the reason he gave the order to the Attorney General's Office against Ledezma was because he had signed and made public the National Agreement for Transition towards Democracy. He judged it to be an attempt to destabilize his government.

Similarly, Diosdado Cabello moved to deprive of privilege —as he had done with María Corina Machado— Congressman Julio Andrés Borges, the leading party authority of the opposition Mesa de la Unidad Democrática (Democratic Union Table).

The censorship of all that, except what runs through social media while servers operate under government control and what the international press say, have been constant. The government seeks to set up a wall of silence under fear and threats, while a Navy officer, who was the Chief of Security of late President Hugo Chávez, accused the authorities of the Executive Branch and Congress of having usurped power and being in collusion with drug traffickers.

Between October and December 2014 there were recorded 42 cases of restriction of freedom of expression. Of these 31% were threats and intimidations and 25% acts of censorship. And as regards the victims, they are not only journalists but every dissident person, human rights defenders, authors and political activists.

The year 2014 closed with 64 political prisoners, among them 20 students charged with taking part in public protests. The year 2015 opened with 40 people detained for protesting and reporting on a demonstration or being near one. The majority of them were released. Two of the victims were tortured with electricity, NGOs reported.

On December 2 the Constitutional Tribunal of the Supreme Court denied the request for access to information by the Ombudsman's office on the state of sexual and reproductive health in the country, requested by the NGO Espacio Público (Public Space) and human rights organizations Provea and Acción Solidaria. The Tribunal declared in regard to another Espacio Público petition that information concerning telecommunications is a state secret.

Cencoez, a government body responsible for provision of foreign exchange, similarly has denied providing information to the media about the availability of this. It denied El Nacional information on the use of foreign exchange between July and October 2014.

In February student demonstrators had their mobile phone and Internet service cut off for many hours. Conatel in December prohibited the Senos Ayuda Civil Association from carrying out a television campaign to give the numbers of people who had died from cancer.

The censorship by the "new" and unknown owners of recently acquired media have in common the reduction of space for denunciations, not reporting on political leaders, and the suspension of columnists, changes in headlines and modifications of news reports.

On January 14 journalists with the El Universal newsroom complained that the newspaper print and online editions were censored following a press conference given by presidential candidate Henrique Capriles, Miranda state governor.

The same thing occurred after the visit of former presidents of Chile, Mexico and Colombia. El Universal reporter Reyes Theis complained of censorship ordered by that newspaper's president, Jesús Abreu Anselmi, of statements made by Andrés Pastrana, former President of Colombia, who said that "the political prisoner status of Leopoldo López was confirmed".

Journalists Roberto Deniz and Carmen Rosa Gómez complained of pressures they had received at El Universal and they resigned.

Radio station FM Center fired reporter Ingrid Bravo Balabú. Its executives argued that she was not giving balanced reports on actions by the opposition.

On February 27 the daily newspaper *Tal Cual*, headed by Teodoro Petkoff, ceased circulating, turning itself into a weekly, over newsprint problems and pressured by seven lawsuits made against it be people in the regime. On February 6 the government, through Conatel, decided not to renew the operating license of Radio Infanta 90.9 FM in Barinas, a critic of the regime. On January 26 the Bolivarian National Police seized the photos of news photographers María Gabriela López and Alex Delgado of *El Propio* and *El Nacional* after covering a police operation and threatened them with burning their equipment.

On December 14 the newspaper *El Guayanés* ceased publishing when its newsprint supplies ran out. Its digital version shut down on January 1 after its operation was declared financially unsustainable. The program "Actualidad Informativa" (Current News) moderated by journalist Héctor Caldera and aired by 92.7 FM radio in Monagas was taken off the air in the middle of its broadcast.

In December unidentified persons hurled two fragmentary grenades at the offices of the regional newspaper *El Siglo* in Aragua state.

The persecution extends to social media. Seven tweeters (Lessy Marcano, Ginette Hernández, Inés Margarita González Árraga, Víctor Andrés Ugas, Danieli Benítez, Leonel Sánchez Camero and Abraham David Muñoz Merchan) have been the object of detention and criminal charges.

RECOMMENDATIONS

- The IAPA requests the United States government to urge in each meeting of governments of the Inter American community that all countries - particularly those mentioned in this report: Argentina, Bolivia, Cuba, Ecuador, Nicaragua and Venezuela - comply with the principles of the Inter-American Democratic Charter, which states that freedom of expression and of the press and the people's right to information are essential for democratic life and the common good.

- Every government should be asked to ensure, promote and defend freedom of expression as a fundamental human right. All governments should react when someone is persecuted, imprisoned, insulted, attacked or violated for expressing his or her ideas. Certainly no one should remain silent when those abuses and outrages come from the very government.

- The United States government should clearly express that elections alone do not build democracy. This system demands a clear separation of powers, independent judges, transparency in public administration and a respectful environment that empowers diverse and plural ideas, as corresponds to a state of law.

- The IAPA is optimist that the governments of Cuba and the United States have reestablished diplomatic relations. In the spirit of collaborating in this new climate of reconciliation and of greater freedoms that is looming, the IAPA has asked President Castro to allow a delegation to visit his country.

- The IAPA had stressed the need for free speech and press freedom to be relevant issues on the agenda of the new diplomatic relations between both

countries and urged the government of Cuba to release José Antonio Torres from prison, and those of independent journalists Ángel Santiesteban, in jail since December 2012, and Yoennis de Jesús Guerra, since October 2013.

Report submitted by: **Claudio Paolillo**, IAPA Chairman of the Freedom of the Press and Information Committee; and, **Ricardo Trotti**, IAPA Executive Director.

Mr. DUNCAN. Thank you so much.

Mr. Pérez, you are recognized for 5 minutes.

STATEMENT OF MR. NICOLÁS PÉREZ LAPENTTI, CO–DIRECTOR, EL UNIVERSO IN ECUADOR

Mr. PÉREZ. Mr. Chairman, members of the subcommittee, free speech and the free press are under attack in Ecuador. President Rafael Correa declared the independent press as his number one enemy within his first year in office. In the last 8 years, journalists, opinion leaders, and media owners, have been denigrated, harassed, and singled out by President Correa and public officials on government-controlled media and on the streets.

In 2012, El Universo, its opinion editor, and its three directors, myself included, were sentenced to pay $40 million in reparations to President Correa personally and to serve 3 years in prison for publishing an unflattering op-ed column about the President. This situation forced the publisher to seek asylum and the rest of us into exile. The Inter-American Commission for Human Rights issued a precautionary measure urging Ecuador's highest court to suspend the sentence on the case.

The international community's reaction and support were overwhelming. Leading media outlets, human rights organizations, academics, professional organizations, and international political figures, including President Jimmy Carter, expressed their outrage about the grotesque nature of this case.

In the end, President Correa granted us his personal pardon, and this newspaper was spared from shutting down. Until this day, the judicial precedent is still alive, and its chilling effect on the Ecuadorian society is palpable. Now we will look for justice beyond our borders. Our case against the state of Ecuador is pending at the Inter-American Commission for Human Rights.

Today, the Ecuadorian media faces a subtle yet more threatening scenario. Censorship of free speech and the free press has been sanctioned into law. President Correa's majority in Congress passed the communications law 2 years ago. In the eyes of this law, information is a public service and the media is a public utility, no different than your local power and light company. Therefore, it all has to be intensely regulated by the government.

A special agency was created to uphold the lost mandate that all information be verified, contrasted, timely, and contextualized. And to enforce this law, a superintendent was selected from a short list of three candidates nominated by President Correa himself.

Since then, this agency has obliged media outlets to rectify and apologize for publishing information inconvenient for the government. Furthermore, imposing confiscatory fines that start at 10 percent of revenues averaged in the last 3 months, these fines double each time the infraction recurs in a 6-month period. As an example, the first fine El Universo faces is approximately $350,000; the second fine would be $700,000; the third, $1.4 million; and so on.

This new law enables the government to silence the press by imposing progressive fines that could bankrupt any media outlet. This outrageous situation is unique in the region. No other country has

a law that enables censorship of the printed press by the highest levels of government.

For 94 years, through four generations, El Universo has endured through all forms of hostile political power, yet we are certain that this is the free press' darkest hour in Ecuador. Freedom of expression in all its forms is a fundamental right essential to democracy. These United States and Ecuador have a long history of shared democratic values included on several human rights treaties which our nations are signatories of.

This is why we respectfully urge this House not to remain a silent witness to these attacks on the cherished, fundamental rights. Therefore, we recommend, first, that you state your concern about the current state of freedom of expression in Ecuador and condemn the policies and practices that seek to silence the free press; second, to initiate a direct dialogue on these crucial issues of freedom of expression with Ecuador's legislative branch; third, stand by the Inter-American Commission of Human Rights through this challenging time when it has been the target of attacks by the Ecuadorian Government; fourth, support and strengthen the Commission's Office of the Special Rapporteur for freedom of expression, which is the last line of defense for dissenting voices in the region; and, finally, place freedom of expression as a top priority on the United States' foreign policy agenda toward Ecuador and other countries facing the same challenges. Thank you.

[The prepared statement of Mr. Pérez follows:]

US House of Representatives
Subcommittee on Foreign Affairs - Western Hemisphere
Hearing on Freedom of Expression in Latin America

Written Testimony

Nicolás Pérez Lapentti
EL UNIVERSO

Guayaquil, Ecuador

Introduction

Freedom of speech is one of the fundamental values of democracy and a key pillar of the open society. The price to pay for this fundamental right, however, is not small. Throughout the globe and across history, freedom of speech has faced formidable challenges and encountered daunting obstacles. Yet this is only to be expected, as those who are enemies of democratic ideals would prefer to silence those who oppose them. Freedom of the press, the natural consequence of freedom of speech, is particularly bothersome to the enemies of liberty and democracy. Indeed, it is only natural that those who will power rather than justice, hegemony rather than pluralism, and tyranny rather than liberty would rather hide their evil deeds in the darkness, away from the eyes of the people. Conversely, those who oppose them have an ally in the light that exposes those deeds to the public eye, and that light is precisely a free and independent press. It is not a surprise then that the greatest challenges to the freedom of the press usually arise in those societies where the enemies of the open society have grown powerful. In the past 8 years, the Ecuadorian press has been the target of constant threats and harassments by the government led by president Rafael Correa. This harassment and persecution has taken many shapes and been manifested in many ways, some more obvious than other. The purpose of this document is to summarize, as concisely as possible, the grave challenges faced by the press in Ecuador. In particular, we will focus our attention on the situation faced by newspaper "El Universo", and the negative effects that the 2012 Communication Law is having not only on the newspaper but also on freedom of speech. Finally, we will present some recommendations that the United States Congress could adopt to help in the struggle for a free and independent press in our nation.

I
Correa and the press

1. Rafael Correa, the current president of Ecuador, won the national elections on 2006. His victory ended a long period of institutional instability where a series of violent uprisings ended prematurely the presidency number of Ecuadorian heads of state. Furthermore, the widespread belief that Ecuador's political actors used the power entrusted upon them to further the interests of small economic elites, both national and foreign, further alienated the people from its governing institutions. Ecuador was ripe for change and Rafael Correa, a complete newcomer unaffiliated with any of the current political parties, seemed to be the breath of fresh air our nation so direly needed[1].

2. Correa's charismatic personality as well as its stated commitment to institutional and economic reform quickly made him an extremely popular figure[2]. Furthermore record high oil prices, Ecuador's principal source of revenue, made it possible for Correa to launch a very ambitious and generous array of social welfare programs aimed at reducing poverty and inequality. This combination of charisma, economic welfare and rejection of the instability of the past all worked together into giving Correa's presidency an unprecedented amount of popular support. This popular support, however, meant also that large segments of the population turned a blind eye to or even supported Correa's attacks on some very basic institutions necessary for the functioning of a true liberal democracy.

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[1] See in general VERDOSOTO Custode, Luis. Los actores y la producción de la democracia y la política en Ecuador Edit. Abya-Yala. Quito 2014 pp. 335 410.

[2] CONAGHAN, Catherine. "Correa's plebiscitary democracy" in Journal of Democracy Vol 10 No. 2. April 2008.

3. Indeed, enjoying this enormous amount of support, one of Rafael Correa's first moves was the summoning of a Constituent Assembly via popular referendum. With 82% of the electorate having voted in its favor, the Constituent Assembly was entrusted with the drafting of a new Constitution meant to radically change Ecuador's political structures. Given the infatuation that the Ecuadorian people felt for Correa at that moment, it is an unsurprising fact that Correa managed to secure most seats of the Assembly for members of a political party of his own creation, controlling 80 of the 130 seats available.

4. Correa's control over the Constituent Assembly, however, not only secured him a Constitution tailor-made for his ambitions as head of state, but also secured him control over the legislative branch as Correa sent the previous democratically elected congress into recess making the Constituent Assembly take-over all legislative functions, even months after the text of the new Constitution was completed. In one fell swoop Correa managed to create a tailor-made Constitution, control the legislative branch and effectively exclude all traditional parties from the political process. With control of both branches, Correa further proceeded to restructure the Supreme Court in 2009 and again in 2011 filling up the positions with people loyal to his persona and ideology[3].

5. Correa's attack on Democratic Liberalism did not limit itself on repeated attempts to take control over civil society[4]. In particular, Correa's attack on privately owned media became a notorious yet

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[3] An extensive research of the lack of independence of the judiciary under Correa government is found in PASARA, Luis Judicial independence in Ecuador's judicial reform process. DPLF Washington 2014. http://www.dplf.org/sites/default/files/indjud_ecuador_executivereport_eng.pdf

[4] See CONAGHAN, Catherine. "Surveil and Sanction: the Return of the State and Societal Regulation in Ecuador" European Review of Latin American and Caribbean Studies N. 98 (2015), April, pp. 7-27.

routine aspect of his regime. Indeed, according to Fundamedios[5], an NGO that monitors freedom of the press in the Andean region, there have been at least 597 government attacks on the media since 2008. These attacks have taken a myriad of forms but there are some distinguishable ways in which these attacks have been carried out[6]:

(i) Seizure of media property by the hand of the State. Because of the 1999 banking crisis the government took control of several financial institutions. As a result, the government became the creditor of many media outlets that had been heavily indebted. President Correa decided to seize these outlets promising that they will put on sale after few months so that the government could recover the public funds channeled to assist these distressed companies.[7] However, to this date the government hasn´t sold these media companies. On the contrary, it has funded them with public funds and is running their operations in competition with the private media. Thus, now the government own a media conglomerate that includes the two most watched TV stations as well as several radio stations. Not only has the seizure of property constituted an attack on freedom of speech in and of itself, but the lack of a pubic media tradition as well as Correa's particular vision of government means that in practice these media outlets are put directly into the service of Correa's administration and in the advancement of his own political agenda as a propaganda machine.

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[5] http://www.fundamedios.org/

[6] This section draws from DE LA TORRE, Carlos. "Populist Playbook: The Slow Death of Democracy in Correa's Ecuador", in World Politics Review. March 19, 2015. http://www.worldpoliticsreview.com/articles/15335/populist-playbook-the-slow-death-of-democracy-in-correa-s-ecuador (Last updated July 28, 2015 9:48 EST)

[7] http://www.lahora.com.ec/index.php/noticias/show/1043746/-1/Arranc%C3%B3_venta_de_bienes_de_los_Isa%C3%ADas.html#.VbfTlRs5DF4

(ii) The establishment of a constant and direct communication with the ordinary citizen, often attacking the press.[8] President Correa created a weekly and national broadcast where he personally publicizes the accomplishments done by his government that week. This broadcast is transmitted every Saturday and receives the name "Enlace Ciudadano" (Citizen's Link"). This platform, however, is very often used to attack the opposition and the media. Often enough the president will "unmask" the "lies" that the independent media tell about his administration and will publicly insult and shame the reporters and journalists. Common epithets used to attack his critics, journalists included, are "corrupts" "idiots", "mediocre", "liars", and "traitors". Correa will also actively discourage the purchase of newspapers critical of him, often tearing them apart in front of the camera.

(iii) The widespread use of *cadenas nacionales* (national broadcasts) as propaganda. As in many countries, in Ecuador the government has the right to address the nation through TV and radio stations in cases of an emergency. Under previous governments, this right was exceptionally exercised. However, under the administration of President Correa, the number of *cadenas nacionales* has increased exponentially. In 2010, the BBC reported that Correa had surpassed President Chavez in the number of *cadenas nacionales*. By 2009 the Correa's government had produced 233 of such type of program.[9] The number of this type of broadcast has continued to grow. TV and radio stations have to accommodate their pogrammed schedules to allow the government to broadcast the official view about a wide array of issues in the form of propaganda. A worrisome feature of these broadcasts is the fact that the government uses

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[8] See supra DE LA TORRE

[9] http://www.bbc.com/mundo/america_latina/2010/01/100115_0115_ecuador_cadenas_jaw.shtml

them to attack independent journalists and media outlets that are critical of its policies. The government routinely interrupts news programs or talk shows to attack the journalists who are the host of those programs.

(iv) Correa has extensively used libel laws to attack and silence critical journalists. While we will explore the El Universo case later, ---the most salient example of this policy--- it is worth noting here that that case is far from isolated. Indeed Correa and his associates have advanced the idea that despite being notorious public figures they are entitled to the same protection against libel and slander than a regular citizen. As such, Correa has personally sued newspapers, journalists and opinion columnists that have criticized his administration. In the El Universo case, the courts granted Correa an award of $40,000,000.00 in reparations for economic and moral damages that he had allegedly suffered because an Op-ed piece. Similarly he demanded $2.000.000 in reparation when two journalists uncovered allegations of corruption and nepotism concerning Correa and his brother. It is a testimony to Ecuador's lack of judicial independence that in each occasion he has obtained a favorable ruling by the courts. In fact, the case law of Ecuador does not record rulings like the ones won by Correa.

(v) Correa's administration has advanced the thesis that freedom of the press should not be seen as a corollary to freedom of speech and as such an inherent individual human right but rather as the provision of a public service such as electricity or water. This ontological categorization meant that the press ought to be regulated and controlled in the same way that any public utility should. As a result, the 2013 Communication Law, which will be discussed later, contains a considerable amount of restrictive regulation and penalties. The administration is entrusted in

making sure that the media provides information in an "objective manner" and is equipped with many coercive mechanisms to enforce it. The constant imposition of fines, inflicted every time a journal fails to deliver news "objectively", has become a real financial burden that threatens to bankrupt the already fragile media business. Furthermore, the constant vigilance and threat of coercion has resulted in "self-censorship", a situation where even formally independent media outlets self-refrain from reporting news that could be inconvenient for the government in fear of fines.

(vi) Besides the severe fines mentioned in the previous paragraph Correa's government has also adopted other policies and measures designed to strangle financially the media. For instance, the law forbids media owners to hold any stock in any other enterprise that is not their particular media company. In the case of El Universo its owners were forced to sell a cruise operation in the Galapagos Islands that they controlled long before the law was enacted. The government also abstains from buying adds in any critical newspaper or other media outlet and encourages other business to do so, depriving them from an important source of income. The state has also increased the price of paper hurting newspaper production. These strategies have resulted in financial distress to many media companies.

6. However, the most perverse element of the Correa's war against the free press of Ecuador is that his war is legal. While in the past, governments' abuses against journalists were incontestable breaches of the constitution and laws of the nation, today such abuses occur within the framework of the legal system. In today's Ecuador, violations of the right of freedom of expression are legal. The National Assembly and the Executive Branch to that purpose have established a complex web of laws, regulations, and institutions. A key component of this

process is the lack of independence of the judiciary, which has permitted these abuses to take place.[10]

II
El Universo Case

1. Being one of the most prominent and most widely circulating newspapers in Ecuador, it is of little surprise that "El Universo" quickly became one of the most prominent targets of Correa's anti-media campaign. The newspaper, alongside its owners and staff, has been routinely subjected to harassment, public insult, and legal action in attempts to censor the paper or outright bankrupt it. The most serious of these attacks was a libel lawsuit enacted against the paper, where after the publication of an unflattering opinion column, Correa sued the paper seeking the exorbitant amount of $80.000.000 dollars in personal reparations.

2. The case is relevant not only because it shows the level of confrontation that Correa has developed against the paper. The case is also crucial because most of the arguments advanced by the government during the trial as well were later incorporated into the 2012 Communication Law.

Lawsuit and Court Decision

3. On March 21, 2011 Rafael Correa filed a criminal lawsuit against Emilio Palacio, the directors of newspaper El Universo --Carlos Pérez, Cesar Pérez and Nicolás Pérez--, and El Universo itself. In his complaint, President Correa asked the judge to condemn Mr. Palacio and El Universo's directors to 3 years in prison and payment of US$

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[10] See supra the PASARA's report.

50,000,000 for damages. In the same lawsuit, he also asked the judge to condemn El Universo to pay him US$ 30,000,000 for damages. Thus his total request for damages summed up to US$ 80,000,000.[11] It is important to note that although the plaintiff held the position of President of Ecuador, he made clear in his complaint and during the trial that he was suing the defendants as a "private citizen". In fact, the charges were filed under special provisions of Ecuadorean Criminal Procedure Code that allows for "private actions" for very few situations[12]. Yet, contradictorily, even though President Correa supposedly acted as a private citizen, in his brief's final request, he asked the judge to consider him an authority. Because the Ecuadorean Criminal Code increases the punishment for defamation when the victim is a public official, President Correa said that "*consequently, the penalty for the defendants [has to be] the maximum sentence of 3 years in prison*".[13] Although President Correa did not explain in his

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11 See the criminal "private accusation" filed by President Correa at https://www.dropbox.com/s/eij3b710xupptdf/Querella%20y%20Sorteo%20Caso%20el%20Universo.pdf

12 This was an unusual step under Ecuadorian Law. The alleged offenses of Palacio against President Correa dealt with actions adopted by him as a public official not as private citizen. Therefore he should have filed a denunciation with the General Prosecutor office rather than commencing a private action.

13 See criminal complaint, p. 145. According to Art. 491 of the Criminal Code of Ecuador when the victim of defamation is a private citizen the penalty goes from six months to two years but if the victim is a public authority the penalty goes from six months to three years. (Art. 491. - Those who are found guilty of calumnious defamation will be sentenced to a term from six months up to two years in prison…" Art. 493. - A term from six months up to three years in prison will be imposed to those who have addressed to the authorities imputations that constitutes a calumnious defamation".). The crime of calumnious defamation against an authority is also known in Latin America legal tradition as the crime of "desacato" (contempt). As Prof. Richard Fallon said in an expert, opinion filed with the National Court, Art. 493 is a rather surprising provision since it grants less, rather than more protection to free speech. See his opinion at the end of this document. In some countries of the region defamation is not longer a crime and therefore the victim's only cause of action is a civil one. This legislative trend has been in part the result of the Inter American Commission of Human Rights efforts to increase the protection of free speech in the Americas. A key instrument has been the Declaration of Principles of Freedom of Expression of the Inter American Convention of Human Rights. (http://www.oas.org/en/iachr/expression/showarticle.asp?artID=26&lID=1) issued by the Commission on December 16, 2000. However, many Latin American countries, including Ecuador, still maintain the crime of "desacato" in their laws. President Correa once said in an interview: "*thanks God*" Ecuador still considers defamation as crime. See at http://www.lahora.com.ec/index.php/noticias/show/1101301152/-1/Video%3A_Presidente_Correa_cuestiona_a_Human_Rights_Watch.html

complaint how he has reached the figure of US$ 80 million as compensation for his damaged honor and prestige, one of his attorneys explained during a television interview, that one of the elements he had considered in assessing the damages was the newspaper's circulation and the reach of his internet site. Issues that –according to him– were going to be discussed during the trial[14].

4. Article 489 of the Ecuadorian Criminal Code defines *defamation* as *"false imputation of a crime"*.[15] Thus, according to Correa, Palacio's comments amounted to accusing him of undertaking a criminal conduct. Furthermore, according to Correa, Palacio's conduct was contrary to both Article 11 and 13 of the Inter American Convention of Human Rights, since, although the Convention protects freedom of expression, it doesn't suppress other rights, such as the right to protect one´s honor, dignity and prestige[16].

5. The sentence of first level accepted all the charges filed against the defendants. The only difference between what President Correa asked in his complaint and what the ruling conceded to him is with respect to the monetary compensation. Instead of ordering the defendants to pay President Correa $80.000.000, the sentence directed the defendants to pay him "only" $40.000.000. With respect to the monetary damage the judge said that: *"To a person with the characteristic of the plaintiff being insulted in the way that the column 'No to the Lies' does, which has had received national and international attention, which offends*

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[14] The interview can be found on the following website: http://www.ecuadorenvivo.com/2011040769975/politica/demanda_en_contra_de_newspaper_el_universo_no_es_con_el_objetivo_de_obtener_ninguna_ganancia.html

[15] Criminal Code. Art. 489. – A defamation is: Calumnious, when it consist in the false imputation of a crime; and, No Calumnious, when it consists in any other expression uttered in discredit, dishonor or scorn of another person., or in through any other action performed with the same object".

[16] Criminal complaint, p. 52

him in connection with the events of September 30, 2010, which has received local and international negative responses, this does produce serious damages, both in the way of actual losses because it undermines the trust that the persons have on him, and in the way of future earnings, which is related with the future projection of a statesman in his activities, both public and private, because in front of his students, possible voters, etc., the column 'Not to lies' does produce a deterioration and underestimation of his personality; for which the request of monetary compensation that has been filed ***does not carry the intention of enrichment but rather the just assessment of actual losses and future profits*** *suffered by his honor and good name."*[17]

6. The court of appeal confirmed summarily the ruling of the judge of the first level. As expected, the decision caused dismay among the legal community and human right organizations. Several leading law professors issued their opinion as the case was moving to the National Court. Harvard professor on constitutional law, Mr. Richard Fallon whose opinion we attached to this document. (See Annex No. 1)

Political Asylums

7. During the proceedings before the judge of first instance, a group of followers of President Correa attacked Mr. Palacio on the street. Fearing from his personal safety and the wellbeing of his family, Palacio abandoned Ecuador on August of 2011. While

[17] Sentence of first instance, p. 153.

in the United States, he filed for political asylum, which was granted on August of 2012.[18]

8. After the National Court announced its verdict, the Publisher of El Universo, Mr. Carlos Perez, took refuge in the Panamanian Embassy in Ecuador. The government of Panama granted Mr. Pérez diplomatic protection and requested Quito to provide him with the necessary protection to leave the country.[19] Once President Correa issue a pardon Mr. Pérez left the Panamanian Embassy.

International Actions

9. The reaction of the international community against the decision of the National Court to confirm the ruling of Judge Paredes was overwhelming. A number of NGOs condemned the decision including Human Rights Watch, Amnesty International, Inter-American Commission of Human Rights, Article 19, and the international group named The Friends of Inter-American Charter for Democracy, which included former president Jimmy Carter.

10. One of the key pieces of the international community reaction against the decision of the National Court was a decision adopted by the Inter American Commission of Human Rights at the request of the defendants. On February 21, 2012, the Commission issued a precautionary measure requesting

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[18] http://www.reuters.com/article/2012/08/30/us-usa-ecuador-journalist-idUSBRE87T1MF20120830

[19] http://www.lahora.com.ec/index.php/noticias/show/1101285040/-1/Carlos_P%C3%A9rez,_de_El_Universo,_est%C3%A1_asilado_en_la_Embajada_paname%C3%B1a_en_Quito.html#.VbfrQUJViko

Ecuador to suspend the enforcement of the verdict that the National Court had announced few days before[20].

11. It is important to note that on October 3, 2010, Mr. Emilio Palacio and the three editors of El Universo filed a complaint against the Republic of Ecuador with the IACHR[21]. In essence the complaint claims that the Republic of Ecuador have breached the Inter American Convention of Human Rights by allowing President Correa to pursue his criminal case. It also claims that the Convention have been breached because of the serious violations of due process of law, including the independence of judiciary. It is in the context of this proceeding that the IACHR issued its precautionary measure.

12. Given the enormous amount of international pressure, Rafael Correa decided to grant a pardon to Palacio and the Directors and El Universo, and to renounce the economic compensation of the sentence. Under Ecuadorean law a private criminal proceeding as the one commenced by President Correa, allows the victim to pardon the defendants. It is important to note, however, that the pardon itself *does not* revoke the judicial ruling. Rather, the pardon just means the ruling will not cause any effects, but it remains valid in the sense that all of the accused are still considered guilty of the crime and the sentence can be invoked as a valid precedent.

13. As such, despite the pardon given, the case against the Ecuador is still active in the IHRC, with several amicus briefs submitted by academics all over the world condemning the grotesque nature of the case and the clear human rights violations that had

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[20] http://www.fundamedios.org/alertas/cidh-otorga-medidas-cautelares-en-caso-el-universo/

[21] The case is identified as "Emilio Palacio Urrutia y otros. P 1436-11

been perpetrated by Correa's administration. A number of these amicus briefs have been annexed to this document, including one drafted by Yale Law School.

III
The Communication Law

1. The Communication Law of 2013 is the latest and most dangerous weapon the regime has in its war against the independent media. In many ways this law represents a graver threat that the misuse of libel and slander laws, or even the verbal harassment suffered by journalists. This is so because the law gives the abuse an *institutional sanction* that other forms of abuse lack, it makes the attacks a part of the system itself rather than an anomaly.

2. The law itself was approved with an overwhelming majority, something unsurprising given that Correa's party controlled 108 of the 137 available sits in Congress. The size of this majority also meant that the debate on the merits of this law was also short. The law was widely seen from its outset as a serious threat to the free press, earning the nickname "Ley Mordaza" ("Gag Law") for fear that this law would be used for censorship purposes.

3. While in paper the law professes to adhere to the principles of freedom of expression and freedom of the press, its actual content lies in contradiction with these ideals. This is so because many of the provisos of the law effectively create a system that greatly increases the power of the administration for regulating the media. While it is undeniable that having some regulation is not necessarily against the democratic many of these regulations effectively create a system of censorship. The problem lies in what essentially constitutes a deliberate *ontological mistake*: freedom of the press, rather than being considered a natural consequence of the natural right of free speech, is

considered a *public service* and the media outlets *public utilities* that distribute that good (Art. 71). The press is no different than the providers of pubic water or the electric grid. As such, rather than exercising an inherent right to free speech, the journalist is in the same position than a manufacturer or producer, *which in turn means that regulation is necessary to protect the consumer*. Indeed, it is no longer the right of the journalists to express themselves, but rather it is the "consumer" of information that has a *right* to "objective, contextualized and contrasted" information just in the same was that the consumers of running water have a right to a proper service. It becomes then the job of the State to "protect" the consumer against biased information.

4. The Communication Law misguided ontological characterization of what freedom of the press is thus opens the door for bureaucrats, not journalists or readers themselves, to establish what constitutes unbiased or objective information. To do so, the law created an independent agency named "SUPERCOM" whose sole purpose is to monitor the content presented by the media and evaluate its objectivity, as well as hearing the complaints of citizens who also question the objectivity of these. The power of the SUPERCOM is not an abstraction, as those found "guilty" of presenting skewed information are subjected to progressively higher fines.

5. According to Ecuadorian Law, being an administrative body (not a judicial one), the SUPERCOM's decisions are immediately executable although they can be appealed later in a court of law. The process of appeal can be long and given the amount of the fines, a media outlet finance can be severely crippled by one of them.

6. There are other worrying provisions. One of them is the one referring to "media lynching", a term used to designate a situation when there is "a concerted effort, coordinated by several media or carried out by just

one, to destroy a person honor or prestige". The danger of this proviso becomes evident when we realize than in practice this is meant not to protect the average citizen on the street, but rather public officials. This proviso, in essence, is a way to make political scandals illegal to report, as the repetition of the original story and its follows-up could be deemed a "media lynching" punishable under the law. This limitation is aberrant and goes against the universal principle that public officials, by their very career choice, have tacitly relinquished their right to stay away from public scrutiny, even "unfair" ones (in U.S. Case Law that was the operating principle in *Sullivan vs. New York Times*).

IV
El Universo under the Communication Law

1. Using the resources provided by the 2013 Communication Law, the Superintendence of Communication (SUPERCOM) has been able to repeatedly either impose or threaten to impose substantial fines for very questionable reasons. While the following cases do not represent an exhaustive list, they are perhaps the most outrageous and will serve as a good example on how the system is used arbitrarily to attack El Universo:

    (i) On December 2013, a group of policemen entered into the house of congressman Fernando Villavicencio, a political opponent of the regime. The police operative, conducted around 5AM, was justified on grounds that it was suspected that the congressman illegally possessed "highly sensitive" information that jeopardized "homeland security". A few days later, El Universo published a political cartoon by Xavier "Bonil" Bonilla satirizing the event. In January 2014 the SUPERCOM initiated an administrative procedure against El

Universo claiming that the cartoon was based on "misleading and biased" information. As a result, the SUPERCOM imposed a fine equivalent to 2% of the paper's revenue for the past 3 months, as well as forcing Bonil to publish a public rectification.

(ii) On July 2014, congressman Agustin Delgado, an ex-professional soccer player now turned into a member of Correa's political party, made a speech in front the National Assembly. Unfortunately for Mr. Delgado, he stuttered a great deal as he was reading through the written speech in front of him. Many took the incident humorously and a number of parodies quickly emerged in the social media. Bonil, being a political cartoonist himself, drew a cartoon parodying the event. As a result, congressman Agustin Delgado and members of some afro-Ecuadorian organizations started a procedure in the SUPERCOM accusing the cartoonist of disseminating "racist propaganda" (Mr. Delgado is afro-Ecuadorian). As a result of this, the SUPERCOM ordered the newspaper to issue a formal apology signed by its Publisher in 72 hours.

(iii) On April 2015 as the president was traveling in his motorized escort in the city of Riobamba while simultaneously a number of demonstrations against his regime were occurring. There was a clash in which angry protesters jeered against the president and there were reports that some of them acted violently. Once placed under arrest, the accused demonstrators defended themselves arguing that "the president provoked us", a fact that was reported by El Universo. The President's Press Secretary, Mr. Fernando Alvarado Espinel, unsatisfied with the way in which the report seemed to "skew the facts" in favor of the protestors

version of the events, initiated an administrative process against El Universo. The SUPERCOM decided the case in his favor and forced El Universo to publish a formal rectification and a formal apology signed by its Publisher.

(iv) On April 2015, the newspaper published a story explaining the effects of a $1.700.000.000 debt owed by the central government to social security on the functioning of the social security system itself. Unsatisfied with the story, once again, the President's Press Secretary, Mr. Fernando Alvarado Espinel, initiated an administrative process in the SUPERCOM claiming that the story represented an "arbitrary manipulation" of the facts. The SUPERCOM decided the case in his favor, giving a 72-hour period for a rectifying as well as imposing a fine equivalent to 10% of the last 3 months total revenue and also a formal apology signed by its Publisher

2. The Communication Law imposes increasing penalties for repeated "offenders" meaning that next infraction could cost up to millions of dollars. This heavy burden not only represents an unfair financial burden, but could potentially bankrupt the company.

V
Recommendations

The purpose of this document is not to attack the administration of president Correa nor the nation of Ecuador. Rather, this document is born out of a deep and sincere concern for the state of the Ecuadorian free press. We believe that freedom of expression is a fundamental right that transcends national borders, an affirmation that is so enshrined in the modern international law system. As such it is with a humble heart but firm conviction that we ask for the United States House of Representatives not to remain a silent witness of the slow death of

freedom of expression in Ecuador. We therefore advance the following recommendations:

1. **Articulate** your concern for the current state of Freedom of Expression in Ecuador and condemn the policies and practices that seek to silence the free press.

2. **Stand by** the Inter-American Commission of Human Rights through this challenging time when its being the target of attacks by the Ecuadorian government.

3. **Support and Strengthen** the office of the Special Rapporteur for Freedom of Expression which is the last line of defense for dissenting voices in the region.

4. **Place** Freedom of Expression as a top priority of the United States foreign policy agenda towards Ecuador and other countries facing the same challenges.

5. **Initiate** a direct dialogue on these crucial issues of Freedom of Expression with Ecuador's legislative branch

Mr. DUNCAN. Thank you.

And, Mr. Corchado, 5 minutes.

STATEMENT OF MR. ALFREDO CORCHADO, MEXICO BUREAU CHIEF, THE DALLAS MORNING NEWS

Mr. CORCHADO. Thank you, Mr. Chairman.

My name is Alfredo Corchado, and I am the Mexico bureau chief for the Dallas Morning News, based in Mexico City. On behalf of my colleagues in Mexico, I thank you for the opportunity to talk about such a critical issue, freedom of expression.

I would also like to commend Chairman Duncan, Ranking Member Sires, and members of the Committee on Foreign Affairs for this important hearing.

I live in, work in, call home a country where in recent months every 26 hours a reporter is attacked, most of them by either the government or criminal gangs. Too many journalists in my homeland of Mexico have paid the ultimate price. This afternoon, I hope to honor their memory.

Mexico, as many have mentioned, is one of the most dangerous places to be a journalist. Every day, I walk in the shadow of more than 120,000 people killed or disappeared in just over 8 years, among them dozens of Mexican journalists, colleagues who were more vulnerable and face a more dangerous and precarious situation than I do.

Drug traffickers and corrupt government officials bully reporters, harassing them if they are lucky or silencing them for good if they are not. Today, I speak to you in the memory of more than 50, or as many as 120, journalists who have either been killed or disappeared since Mexico's political transition began in 2000.

Today, there are regions in Mexico where reporters have elected to sensor themselves. In other words, see nothing, say nothing. These are known as regions of silence. And who can question the logic of my Mexican colleagues? The vast majority of those cases remain unsolved. Mexico's rule of law remains so, so weak. Institutions are virtually nonexistent. Crimes go unpunished.

As my Mexican colleague Javier Garza, who collaborates on a project called "Journalists at Risk" that documents attacks against the press, says, "The most worrying aspect of this growing trend of violence is that Mexico is going backwards." This is a sad irony because, even with the advances in elections, government transparency, and media competition in the last 15 years, press freedom in Mexico is smaller, not bigger.

Mexico's inability to protect its journalists and defenders of freedom of expression against criminals is beyond shameful. It is both shocking and offensive to those who believe that journalism is a powerful tool to shine the light and to hold the powerful accountable.

Just as outrageous, my Mexican colleagues say, in Mexico they still kill you twice—once with the bullet, a blow to the head, or in a barrel of acid, and then they kill you again through character assassination, by spreading rumors about you, or even pressing criminal charges, as we have repeatedly seen with other journalists, especially those working in rural communities across Mexico, whether Veracruz, Oaxaca, Tamaulipas, Zacatecas, Michoacan, and so on.

Even in Mexico City, where we thought journalists like Carmen Aristegui were untouchable, it appears now that we were wrong. One of the most influential journalists in Mexico, Aristegui and her team uncovered, among other big stories, that the President and his wife had purchased a $7.1 million home from a government contractor—clearly a conflict of interest.

Aristegui and other journalists organized a Web site for whistleblowers. In any democratic country, such acts of courage in journalism would be awarded. In Mexico, Aristegui and her team were fired. Whatever, whoever is behind the firing, one thing is certain: Freedom of expression in Mexico is threatened even further.

I was born in Mexico and grew up in the United States, earning along the way a blue U.S. passport. Today, I am a binational citizen, holding both U.S. and Mexican citizenship. Yet I believe that being an American is the reason I report on stories that many of my colleagues don't live long enough to tell. Those are stories about the very same people who now hold pockets of the country hostage.

In July 2007, I got a call from a U.S. trusted source asking me, where are you? In Mexico City, in my neighborhood of La Condesa, I replied; why? We have information that the Zetas, a criminal paramilitary group, plan to kill an American journalist within 24 hours, and I think it's you. Get out.

I felt the ground under me collapse, my legs weaken, the life in me sucked away. I felt betrayed. I had wanted to believe that I was a son of Mexico, and now someone wanted to kill me. I was a mess.

I had once asked the same source about the likelihood that an American journalist would be targeted by a cartel. He said, I have good news and bad news. The good news: A Mexican cartel does not want to harm an American journalist. It would bring too much attention to their estimated $30 billion, $40 billion industry. The consequences could be too messy for them. The bad news: You don't look American, bro.

See, I tell you this story because I want to make something very clear. I am by no means more courageous or braver than any of my Mexican colleagues. I just want to believe that, if something happens to me, someone, somewhere, someone in this room, will seek justice. I won't be just another number, I won't be a faceless victim. Because, as bad as my situation may sound, the danger I face pales in comparison to what my Mexican colleagues confront. Simply put, I have more protection.

In conclusion, in Mexico, Latin America, and across the world, journalists will only be safe when the aggressors, whether criminal groups or public authorities, are brought to justice, when criminals pay a price.

Today in Mexico, attacks against journalists are rarely, if ever, solved. Mexico's National Human Rights Commission reported last year that nearly 90 percent of the attacks, murders, and disappearance of journalists remain unpunished. As we say in Mexico, "La vida no vale nada."

The Mexican Government has a method in place to protect journalists, one that the U.S. Government supports. The government also has a special prosecutor. But both the mechanism and the prosecutor have been largely ineffective.

The U.S. Government needs to do more to continue pressuring Mexico by raising concerns about attacks against freedom of expression. Otherwise, as the Washington Office on Latin America recently stated, freedom of expression will continue to be limited in Mexico unless Mexican authorities conduct full investigations and prosecutions of these crimes and implement effective mechanisms to protect human rights defenders and journalists at risk. We could not agree more.

Again, thank you very much.

[The prepared statement of Mr. Corchado follows:]

The Dallas Morning News

Testimony before the Subcommittee on the Western Hemisphere Committee on Foreign Affairs
United States House of Representatives
Submitted by Alfredo Corchado
Mexico Correspondent for The Dallas Morning News
July 29, 2015
"Threats to Press Freedom in the Americas"

My name is Alfredo Corchado and I am the Mexico Bureau Chief for The Dallas Morning News based in Mexico City. On behalf of my colleagues in Mexico I thank you for the opportunity to talk about such a critical issue... freedom of expression.

I would also like to personally commend Chairman Jeff Duncan and the members of the House Subcommittee on the Western Hemisphere for holding this important hearing.

I live in, work in, call home a country where every 26 hours a reporter is attacked - most of them by either the government, or criminal gangs. Too many journalists in my homeland of Mexico have paid the ultimate price. Today I hope to honor their memory.

Mexico, as many of you may know, is one of the most dangerous places to be a journalist.

Everyday, I walk in the shadow of more than 120,000 people killed, or disappeared in just over eight years, according to government statistics. Among them: dozens of Mexican journalists, colleagues who are more vulnerable and face a much more dangerous and precarious situation than I do.

Drug traffickers and corrupt government officials bully reporters—harassing them if they are lucky or silencing them for good, if they are not. Today, I speak to you in the memory of more than 50, or as many 120, some organizations, like Freedom House estimate, journalists who have either been killed or disappeared since Mexico's political transition began in 2000.

Today, there are regions in Mexico where reporters have elected to censor themselves. In other words, *see nothing, say nothing.* These are known as *regions of silence.*

Who can question the logic of my Mexican colleagues? The vast majority of those cases remain unsolved. Mexico's rule-of-law remains so, so weak. Institutions are virtually nonexistent. Crimes go unpunished. As my Mexican colleague Javier Garza, who collaborates in a project called Journalists at Risk that documents attacks against the press, says..."the most worrying aspect of this growing trend of violence is that Mexico is going backwards. "

This is a sad irony, because even with advances in elections, government transparency and media competition in the last 15 years, "...press freedom in Mexico is smaller ... not bigger," Garza said.

According to Freedom House, Mexico, from 2001 to 2011, was considered a "free country." Since 2011, Freedom House has rated Mexico "Not Free," in its annual Freedom of the Press report. That's right up there with Ecuador, Venezuela and Cuba. This is a designation that the Mexican government vehemently denies. Having worked in Cuba, I can say that when it comes to freedom of expression Mexico is indeed no Cuba. Yet, Mexico's inability to protect its journalists and defenders of freedom of expression against criminals is beyond shameful. It is both shocking and offensive to those who believe that journalism is a powerful tool to shine the light and hold the powerful accountable.

Just as outrageous, my Mexican colleagues say: In Mexico they still kill you twice: Once with a bullet, a blow to the head, or in a barrel of acid and then they kill you again through character assassination by spreading rumors about you, or even pressing criminal charges as we have seen repeatedly with journalists, especially those working in rural communities across Mexico.

The cause of so much violence against journalists, not only the most extreme form, such as murder,

kidnapping or beatings, but also threats, spying and harassment, is simple: impunity. Every attack against a journalist that goes unpunished invites the next one. Any politician, public official, police commander or criminal who wants to kill, kidnap, beat or threaten a journalist can do so because most of the people who have done it before got away with it.

Even in Mexico City, where we thought journalists like Carmen Aristegui were untouchable it appears now we were wrong. One of the most influential journalist in Mexico, Aristegui and her team uncovered, among other big stories, that the president and his wife had purchased a $7.1 million dollar home from a government contractor, clearly a conflict of interest. Aristegui and other journalists organized a website for whistleblowers. In democratic countries such acts of courage in journalism would be awarded. In Mexico, Aristegui and her team lost their job.

Whatever, whoever is behind the firing, one thing is certain: freedom of expression in Mexico is threatened even further.

I was born in Mexico and grew up in the United States, earning along the way, a blue U.S. Passport. Today, I'm a binational citizen, holding both US and Mexican citizenship. Yet, I believe that being American is the reason I report on stories that many of my colleagues don't live long enough to tell. Those are stories about

the very same people who now hold pockets of the country hostage.

On July 2007, I got a call from a trusted U.S. source asking me, "Where are you?"

"In Mexico City, in La Condesa," I replied. Why?

"We have information that the Zetas plan to kill an American journalist within 24 hours and I think it's you. Get out."

The Zetas are Mexico's vicious paramilitary criminal organization. Some of the members, originally Mexican soldiers, were trained by US special elite forces to help defend the country from drug traffickers. A small group deserted and later formed their own criminal enterprise, known as the Zetas. They took over police departments, mayor's offices, newsrooms, entire regions. Now they were after me.

I felt the ground under me collapsed, my legs weaken, the life in me sucked away. I felt betrayed. I had always wanted to believe that I was a son of Mexico, and now someone wanted to kill me. I was a mess.

I had once asked this source about the likelihood that an American journalist would be targeted by a cartel. He said he had good and bad news: the good news, a Mexican cartel doesn't want to harm an American

journalist. It would bring too much attention to their estimated $30 billion to $40 billion industry. The consequences could be too messy for them. The bad news: You don't look American, carnal, bro.

See, I tell that story because I want to make something very clear: I am by no means more courageous or braver than any of my Mexican colleagues. I just want to believe that if something happens to me, someone, somewhere, someone in this room, will seek justice. I won't be just another number. I won't be a faceless victim.

Because as bad as my situation may sound, the danger I face pales in comparison to what my Mexican colleagues confront. If there's one take away today it is this one, one that I grapple with everyday. I believe I have been able to take more risks in my job simply because I am an American citizen and cartels fear the wrath of the U.S government. I have more protection.

In Mexico, Latin America, and across the world, journalists will only be safe when the aggressors – whether criminal groups, or public authorities – are brought to justice, when they pay a price. Today, in Mexico attacks against journalist are rarely, if ever solved. Mexico's National Human Rights Commission, CNDH, reported last year that nearly 90 percent of the attacks, murders and disappearances of journalists remain unpunished. As we say in Mexico: *La Vida No*

Vale Nada (Life is not worth a thing).

The Mexican government has a mechanism in place to protect journalists, one that the U.S. government supports. The government also has a special prosecutor. But both the mechanism and the prosecutor have been rarely enforced and largely ineffective. The US government needs to continue pressuring Mexico by raising concerns about attacks against Freedom of Expression.

Otherwise as WOLA (The Washington Office on Latin America) recently stated: Freedom of expression will continue to be limited in Mexico unless Mexican authorities conduct thorough investigations and prosecutions of these crimes, and implement effective mechanisms to protect human rights defenders and journalists at risk. We couldn't agree more.

Again, thank you very much.

Mr. DUNCAN. I want to thank you.

I want to thank the witnesses, many of which have traveled a long way to be here with us today, from Ecuador, from Uruguay and Mexico. And I know all of you traveled a good bit, so thank you very much.

And, Senor Paolillo, Montevideo is one of my favorite places. I have traveled there personally and love it. The Rio de la Plata is just beautiful. So I love your country.

I will say this. A question to you. You mentioned Argentina. Was Argentina restricting freedom of the press prior to President Kirchner, or are we seeing it trend that way and landing on these lists during her tenure?

Mr. PAOLILLO. Well, as I already said, Argentina is not the same as Venezuela, Ecuador, Bolivia, and Nicaragua. There remain a number of liberties that are under attack by the Kirchners' government mainly. We have to take in account that the Kirchners are now 12 years in office, first Nestor Kirchner, then his wife.

But there are a score of denounces of journalist, freedom-of-the-press organizations against Argentina. Because, for example, the President used the national chain for channels and radios to insult journalists, to expose the private lives of journalists. And on media also, there is suppression, absolutely illegitimate.

And there is managing money with discretionary political differences. Millions of dollars of official advertisement that goes for the media that is in favor of the government, that doesn't go to the media that is critical or independent.

So, yes, in Argentina, it seems the Kirchner family took power, the freedom of the press has lowered. But, in Argentina, as we don't have in Ecuador or Venezuela and Nicaragua and Bolivia, there still remain TV programs, for example, or newspapers that can fight against this authoritarian regime but not a totalitarian regime yet.

Mr. DUNCAN. I take a particular interest in Argentina just because of Señor Alberto Nisman and the Iranian issue and Hezbollah, tri-border region, and the attacks on the AMIA Cultural Centers and whatnot back in the 1990s and the investigation. So I wondered whether the Argentine people are getting their right and the truth on that issue with Iran or whether Mr. Nisman was telling the truth, and his unfortunate death. So I am following that very closely.

I wanted to ask Dr. Ponce, is there a direct correlation between the deterioration of press freedom and weak judicial systems? And the reason I ask is we hear a lot about rule of law, talked even today about rule of law in Latin America. And so the judicial systems are very important. So is there a direct correlation between deterioration of freedom of press or press freedom and the judicial system?

Mr. PONCE. Yes. Thank you very much for your question.

Yes, it is a direct correlation. In all the countries where we see the deterioration of the freedom of the press, freedom of expression, we see that the institutions are not working or that there is no independence.

The worst case is Cuba. Of course, you don't have any judiciary in Cuba. Then you have Venezuela, in which the person of the Con-

gress or the Assembly directly control the judiciary and ask for some people to take some people to jail. Or you have the same situation in Mexico, in which you have impunity; or in Honduras, in which the judiciary is weak; or Ecuador, in which the government controls the judiciary.

As soon as the government begins to control the judiciary, there is no independence, and there is actually impunity for the crimes against——

Mr. DUNCAN. So the threats and the physical attacks and other things on the media, on the journalists themselves, go unpunished.

Mr. PONCE. Unpunished. And, in some cases, like in Venezuela or in Cuba, you have the government directly attacking the journalists.

Mr. DUNCAN. We saw that in Panama, not necessarily with journalists but with demonstrators.

Mr. PONCE. It is not only in Panama. In El Salvador directly, the Government of Cuba—well, allegedly, the Government of Cuba and the Ministry of Security of El Salvador tried to deport 11 Cubans just because they want to go to participate in an international event in El Salvador. So it is not only in their countries; they are trying to impose also their regimes outside the country.

It is the same case with Venezuela, persecuting human rights activists anytime that they travel to go to an Inter-American Commission, to go to the U.N., they are persecuted by the regime anytime they travel.

So it is not only the impunity for the case against the journalists; it is the government directly persecuting journalists in each one of these countries.

Mr. DUNCAN. Wow. So it would be your opinion that journalists are being specifically targeted as a result of their reporting?

Mr. PONCE. Oh, yes.

Mr. DUNCAN. They are not just victims of a broader deterioration of the security conditions in the country. They are actually being targeted because they are journalists and their type of reporting.

Mr. PONCE. You can establish the link between the death of the journalists in Guatemala or the death of the journalists in Mexico with their investigative reporting. They have been investigating a precise case of corruption or precise case of abuses, and they got killed in each own country.

Right now, for example, in the case of Guatemala, you see some journalists, they have been reporting about the campaign and about the abuses in the campaign. And this one candidate, Baldizon, threatened directly the journalists.

So the journalists has been under attack not only by the government, not only by the people behind the power, also for the people who wants to take control of the country. It is a sad situation in the region.

Mr. DUNCAN. All right. Not supposed to happen in democratic governments, right?

My time is up. I will turn to the ranking member for 5 minutes.

Mr. SIRES. Thank you, Mr. Chairman.

You know, one of my disappointments is, every time we have somebody from the State Department here, they tell us how in the Western Hemisphere they are becoming more democratic and they

are having more elections, and I tell them that I disagree with that assessment. Anytime you have these governments which stifle freedom of speech, I don't think that is a democratic pathway.

And I believe that there is almost like a domino theory. You get one country that starts stifling the press. The other country sees that this country is getting away with it. He starts doing it. The other country sees that these two countries have it, and they start doing it. I think that is what is happening in the Western Hemisphere. It started with Cuba, Venezuela. Then you have Ecuador, Bolivia, you know, Guatemala, Honduras.

Is there anyplace in the Western Hemisphere where the press is strongest? Anybody.

Mr. Laurría?

Mr. LAURÍA. I mean, I would say it is not all black and white. There are examples of great investigative work in the Americas, all around Latin America. I mean, in Brazil, for example, you have great work by investigating journalists, revealing, exposing corruption. And you can see the country being hit by probably the most largest corruption scandal in decades of a state-owned company and the press revealing some of those corruption scandals.

Even in countries like Mexico, for example, where areas are outside the control of the government and are virtually taken by organized crime, you have great examples of courageous journalists doing work, investigative work, on drug trafficking, on corruption, on the collusion between authorities and organized crime.

I will cite two examples in Mexico. The magazine Zeta, in the city of Tijuana, that suffered the murder of two of its editors in the past and continues to do great work investigating the Arellano Felix cartels and drug trafficking and corruption there. And another magazine in the state of Sinaloa, where the famous druglord Chapo Guzman was born, Riodoce, in a context of violence, they are still doing great, great work.

And I can cite examples on different countries where journalists, despite the threat of violence, the threat of persecution, the threat of jail, are doing very courageous work, even in Venezuela and in Cuba. You have a prominent blogger, Yoani Sanchez, launching a magazine, 14ymedio, doing remarkable work.

So I am encouraged, greatly encouraged, by those examples of great work despite these challenges.

Thank you.

Mr. PAOLILLO. Yes, I would like to say that, first, 14ymedio is a great job of Yoani Sanchez, as you said. It's okay. But no Cuban can read 14ymedio. We can read 14ymedio from abroad but not from Cuba.

But I would like to underline, as to your question, that there are some countries where freedom of the press is more or less respected, or mainly respected. And that includes Costa Rica. That includes my country, Uruguay, which is a leftist government, but, nevertheless, there is respect for freedom of the press.

Brazil, as Carlos said, is another example. Without the freedom of the press in Brazil, the big cases of corruption wouldn't have been known by the people and by the judiciary after that.

Panama, who had—the press of Panama, who had a bad time during the Martinelli period, they printed denounces about the cor-

ruption of that government. And they had the freedom to do it, and they did it. And now the former officers of the Martinelli government are going to jail in Panama because of the work and the job of the press.

Thank you.

Mr. SIRES. Mr. Corchado?

Mr. CORCHADO. I would just echo what Carlos said. I mean, there are many journalists in Mexico, who, in spite of the dangers, in spite of the risks, continue to do great investigative work.

But, as I said in my testimony, I mean, the consequences are great. You have someone like Carmen Aristegui, who does an incredible investigation, and the price she is paying. You have other journalists, many who have sought political asylum in the United States, paying a big price.

Yet, in spite of the dangers, there are many people who still believe in journalism holding the powerful accountable.

Mr. SIRES. Thank you.

Mr. DUNCAN. The gentleman's time has expired.

The chair will recognize the former chairman of the committee and the chairwoman of the Middle East and North Africa Subcommittee, Ms. Ros-Lehtinen, for 5 minutes.

Ms. ROS-LEHTINEN. Thank you so much. Thank you, Chairman Duncan and Ranking Member Sires, for convening this important hearing on a topic that receives very little attention here in the U.S. You have excellent panelists. I congratulate you for selecting them.

Press freedom in Latin America is indeed under threat from regimes that seek to squash any dissenting voices. The Inter American Press Association noted at its 70th general assembly in October that press freedoms and freedom of expression have suffered a noticeable decline last year, in 2014.

Venezuela's law of 2004, la Ley de Responsabilidad Social en Radio y Television, is designed to muzzle broadcast media into submission, leaving journalists and editors with no choice but to self-censor their own content. The Venezuela model has been copied successfully, lamentably, in Argentina's 2009 law, Ley de Servicios de Comunicacion, and Ecuador's Ley Organica de Comunicacion. And, as we speak, the Bolivian Government threatens to enact a similar law.

In Ecuador, we also see journalists being attacked and sued by Correa, as all of you have pointed out, or media outlets fined for running articles that are deemed to be in opposition to the current regime in power.

In Nicaragua, Ortega continues to restrict press freedom by harassing and seeking to censor media outlets or making it difficult for them to operate in a free and open environment. Equally concerning are the physical attacks that journalists have suffered at the hands of police forces and armed thugs on the orders of officials seeking to curtail coverage of events that portray a negative image of their decadent regimes.

In my native homeland of Cuba, Freedom House ranks Cuba 193 out of 199 in their press freedom ratings. And despite the Obama administration's best efforts to present to us a change in Cuba, as the panelists have pointed out, the Castro regime still considers

clandestine printing as a crime against the public order. And many of the digital media, as you have pointed out, are available for outside of Cuba, but normal, everyday Cubans have no access to it.

And, furthermore, any press outlet that tries to portray an independent analysis of the reality of what occurs in Cuba, such as the human rights violations and the continued attacks against Las Damas de Blanco, the Ladies in White, they are expelled from the country.

Yet, despite a decline in press freedom, nowhere does the battle for freedom rage stronger than in the confines of cyberspace. Latin America and all of its regimes are increasingly challenged by digital vehicles such as social media blogs, Internet news aggregators. It has become impossible to hide its atrocities from being documented in graphic, painstaking detail by social media, even if it is not available in those countries, angering their perpetrators, who have tried, in varying degrees of success, to ban these digital vehicles.

So this is a key moment for the future of a free press in Latin America. The United States must remain vigilant of proposals to regulate or sensor the Internet in our hemisphere. A free Internet is the key to fighting against the atrocities in Latin America and the last bastion of freedom against the scornful tyrannical regimes that plague our hemisphere today.

I want to ask Dr. Ponce about Venezuela.

December 6 is elections. Is it plausible for an election to be considered fair if opposition candidates can only spread their messages almost exclusively through the Internet?

One of the main concerns in Venezuela is the imposing size of state-owned media. Critical outlets like El Universal and Globovision, among many others, have been swallowed by the hegemonic state apparatus. And now we have the elections coming up; they no longer count on a vehicle to deliver their messages to the general public.

How do you analyze the upcoming elections and the viability of candidates without access to the state-owned media?

Mr. PONCE. As simple as "no." No, the truth of Venezuela is everything is manipulated in the election. From the selection of their party to the electoral authorities, they violate their own constitution to select the current members of the electoral authorities. They have violated the law, established new rules, changing the rules of the game. They did that before, and they continue doing that.

Instead of electoral service, they are going to have a scored service with UNASUR or whatever is there. They are not going to allow the European Union, they are not going to allow the OAS. Or, if they allow them, it is going to be at the last minute.

This is the time for the European Union, the OAS, or any serious institutions to begin monitoring the investment in the campaign, the control in the media, the capacity of the opposition to fight back. They have been criminalizing some candidates, banning them for participating in the election. They have been also persecuting bloggers, Web pages, LaPatilla. Some of the owners of the media have been persecuted by the regime.

There is actually an activity directly by the president of the Parliament persecuting all the NGOs that work directly monitoring

the institutions, some of them monitoring the media. There is no separation of power.

Even the international media, they have been kicking out the international media, like NTN24. They have been also restricting the access of CNN to Venezuela.

So it is impossible with just some blogs and Web page to control what is going on in Venezuela, to monitor the situation in Venezuela. It is going to be an uphill battle for a weak opposition to win a battle against a criminal authoritarian regime.

Ms. ROS-LEHTINEN. Thank you.

And just one last note, Mr. Chairman and Mr. Sires. As we know, in Cuba, the Castro regime expects all press, works of literature, films, everything to meet an inflexible ideological standard set by the Communist Party before its content is disseminated to the masses. So we have a monopoly of the Communist Party hindering the free flow of information. And this impacts the work of pro-democracy activists and journalists and entrepreneurs, and they really have very few tools to get around this obstacle.

Thank you for holding this hearing, Mr. Chairman and Mr. Sires.

Mr. DUNCAN. Thank you so much. And I think the best answer of the day was "Cuba is Cuba." That is exactly right. It kind of sums up your comments.

I am going to turn to the ranking member for a second round of questions.

Mr. SIRES. I was just wondering, Mr. Corchado, Mr. Pérez, are you concerned that these thugs have a long reach when you are in this country? Are you concerned for your safety here? When you do an article on corruption or when you do an article exposing the government's abuses and you are here, do you have concerns that these people have that long of a reach?

Mr. CORCHADO. I mean, as I said in the testimony, whatever danger I face really pales in comparison to my colleagues in Mexico. I mean, I want to believe that once I cross into the U.S. I am safe.

I constantly feel like I have to remind people, especially if I am on the Mexican side of the border, that I am an American citizen. I carry my passport around with me. Every year, I come to Congress here and I get my congressional ID as a form of protection.

I don't put it past criminal groups—I mean, they are definitely here in the United States. They are in many cities. But I want to believe that there is a price to pay and that they won't touch an American journalist. I mean, it is an economic war. It is not a religious, it is not a political—it is an economic battle. So I want to believe that the consequences of the price will be too high.

Mr. SIRES. Mr. Pérez?

Mr. PÉREZ. Well, I do—I certainly feel safe on American soil. But, in my case, I still have my family and my enterprise back in Ecuador. So, to answer your question, yes, maybe I personally feel safer here, but anything that I might say here might be taken, you know, back home and be taken in retaliation to, you know, my family and my enterprise.

Mr. SIRES. Anybody else?

Mr. PAOLILLO. Yes. About the reach of these——

Mr. SIRES. Different groups.

Mr. PAOLILLO. Yes. This information we have already gave to you here. I would like to talk about the U.S. and the U.S. Government and U.S. Congress. Thank you for organizing this panel and this hearing.

But it is my point of view, the United States Government is not so involved in these problems as we would like the U.S. Government to be. Of course, we are not asking for any intervention, military intervention, nothing like that. But as a suggestion, I have this one. The Congress of the United States should persuade the executive branch to have a stronger voice in body where America and Latin America interact; that is the Organization of American States.

There is no news about legal dictatorships, as I call them, in Latin America. In the past, Mr. Anastasio Somoza, who was the dictator of Nicaragua for 40 years, used to say—used to hold elections, and he said, don't worry, you can vote freely, but the one who is going to count the vote is me, so don't worry about that. And he remained in power for 40 years as a dictator.

So this is happening now in our countries, in some of our countries. In the countries I mentioned, there are legal dictatorships.

And there is in place and was approved precisely in September 11, 2001, a document in the Organization of American States that is called the Inter-American Democratic Charter that was approved by all the governments of the region and is still in force.

I think, just as we ask to other governments of Latin America, we ask the Government of the United States to urge each members of governments of the inter-American community to put in practice the principles that are in that charter that is in place now, is in force now. That is the only thing.

Thank you.

Mr. SIRES. Thank you.

Do you want to add something?

Mr. LAURÍA. Yeah. I mean, I would like to just reflect on what the real problem for the public and democratic system of censorship due to violence and censorship due to government repression is creating. And I think that, you know, because of violence, because of government repression, many journalists, many media outlets across the hemisphere are not able to report the news.

I think that this is leaving many people in many countries unable to make informed decisions, and this is because of the difficulties the press faces in its daily work. And I think that an uninformed society is a less transparent and a less democratic one.

So this is, I think, one of the biggest challenges these threats against the press are creating in the hemisphere.

Thank you.

Mr. DUNCAN. I want to thank you.

Mr. Corchado, I just have a quick question. And this isn't in the prepared questions I had; something came to mind.

Do you think the Mexican people and the world got the full story or have gotten the full story over the missing college students, the 43 students? And was there any intimidation or anything by the Mexican Government over that incident?

Mr. CORCHADO. I don't think anyone on either side of the border really has the full story on that. I mean, a human rights report just

came out that talked about a lot of the inconsistencies, a lot of the problems, a lot of the challenges. So it remains in large part still a mystery, what happened to the 43.

Mr. DUNCAN. Yeah. Well, my heart and prayers go out to the families and Mexico in general. And maybe one day the whole story will come out.

Mr. Pérez, how would you assess Ecuador's implementation of the 2013 communications law?

Mr. PÉREZ. In our case, specifically, we have a long history, as I detail in my written report, that it has affected us, you know, personally, and the newspaper, our enterprise.

Now, in a general sense, just coming after our lawsuit, it has definitely cemented this chilling effect that is centered on the Ecuadorian society right after El Universo's sentencing. And what it did is actually, you know, sanction into law everything that—all of the precedents that came from the El Universo case.

So the chilling effect that first came upon the Ecuadorian society from El Universo's sentencing was sanctioned into law, and today we do see self-censorship everywhere.

Now, in Mr. Lauría's intervention, he says—and I do commend also, there are few journalists taking big risks personally, because most of them are not belonging to media outlets anymore. These people are by themselves blogging, and they are taking big risks by freely opining about what is going on in Ecuador. But there are a diminishing number.

Mr. DUNCAN. Are they having to blog anonymously, or are they open with it?

Mr. PÉREZ. They are open with it.

Mr. DUNCAN. Wow.

Mr. PÉREZ. They are open with it. But there is still an ever-fewer number of them. So we have a fewer number of independent media outlets running in the country. One of them shut down for financial and pressure reasons. El Comercio from Quito has been bought out from an international investor. And so what is left are, you know, the two newspapers in Guayaquil and a TV broadcast station from Guayaquil.

So we do see an ever-diminishing number and a few journalists taking risks, but most of them actually being censored or silenced. You know, self-censorship is a reality in our country.

Mr. DUNCAN. Well, let me ask you this. How active is social media in Ecuador?

Mr. PÉREZ. It is very active, and it is——

Mr. DUNCAN. So does that act as a check and balance on the government to actually support journalists or to keep them honest?

Mr. PÉREZ. Yes and no. Social media has become more and more used in Ecuador. It is even more popular than ever. But——

Mr. DUNCAN. Who does the public lean on more? Are they trusting social media more than they are the traditional journalist, or vice versa?

Mr. PÉREZ. Well, when I say social media is being used more, I mean not so much as, I guess, a reporting tool, more of a, really, a popular expression tool.

Mr. DUNCAN. But not dissemination of information.

Mr. PÉREZ. Well, it is used for that, too. But I guess, as I said, there is a diminishing number of independent media outlets and independent journalists using them. There is an ever-greater number of just citizens actually concerned about, you know, and discussing using social media. But as that number of citizens grows, the presence of the government on social media grows even faster.

Mr. DUNCAN. Wow.

Mr. PÉREZ. So, you know, it has been documented, the troll centers that the government runs and the number of trolls that, you know, use social media to harass and poke at people that are opining independently. And the same in just the present, you know, harassing, you know, social media users. The famous case of Crudo Ecuador, who was singled out in a weekly address and, you know, harassed until he shut down his Web page.

Mr. DUNCAN. Right.

Mr. Paolillo, in Uruguay, social media, is that very active? Is it a check and balance on the—and what is your take on social media throughout the region? I am curious about this now.

Mr. PAOLILLO. About Uruguay, I can say that the press is the main thing to the check and balances in that country, because there is freedom of the press in the country. So social media is very active, but the press is very active also. So that is a very—the very best environment for freedom of expression, one of the best environments in Latin America, I think.

The rest of the region, I can see that citizens, regular citizens, using more and more social media to protest against authoritarian regimes. But the government still points out to the traditional media to silence the information and the reports or whatever. So, despite that social media is growing, the activities of regular citizens in social media is growing, the traditional media still has a lot of force in Latin America.

And regular people are not doing investigative reporting, checking facts or whatever. They are just denouncing situations. But you cannot compare that with the traditional media. There is no mistake of Mr. Correa and his colleagues targeting the traditional media, because this is the one that has the journalists paid for doing investigations, deep investigations.

So I think, again, social media is very active throughout the region, but the traditional media is also very important.

Mr. DUNCAN. I mean, that is interesting, it is reactive. We saw that in Ferguson, Missouri, where social media propagated a false narrative on what the events were, and the traditional media picked up on that, and that became the narrative, but it was later proven not to be the correct sequence of events and what actually happened.

And so, you know, traditional media has to try to find a sweet spot with social media's reactiveness, as you say, and traditional reporting, which is investigative, it is background, it is digging a little more. So I think everyone in journalism is probably struggling with that to some degree.

Mr. Lauría, if you would like to chime in?

Mr. LAURÍA. Yes.

Social media in Mexico, we have found at CPJ, has become a way for citizens to be informed, especially in areas where organized

crime are controlling territory and the media cannot do any kind of reporting, not even massive shootouts in broad daylight. Those reports are off-limits for journalists working in print, in broadcast. And, you know, there are areas in Mexico where citizens can only get information in social media networks.

So, in that case, social media is filling a vacuum. There is an information vacuum in many places in Mexico. People are completely uninformed of what is going on in their communities because the press has not fulfilled its role. It is completely muzzled.

Mr. DUNCAN. Let me ask you this. Are bloggers invited to press events by the government?

Mr. LAURÍA. If they are invited?

Mr. DUNCAN. Are they invited? Are they able to cover it? You know——

Mr. LAURÍA. In some areas.

Mr. DUNCAN. Right.

Mr. LAURÍA. Yeah. Yeah. Definitely.

Mr. DUNCAN. Here in America, I know, and in my State, for a while bloggers were not treated as traditional journalists and weren't invited. And I just wondered because——

Mr. LAURÍA. Yeah.

Mr. DUNCAN. So, Dr. Ponce, do you want to chime in? I think this might be the last question of the day.

Mr. PONCE. Yes. The problem with social media only is that social media is also open for the regimes. They have established blogs. They have established their own Twitter accounts. They persecute some of the people that tweet. For example, a reporter who denounced the crime, the Nisman crime, he had to flee the country.

So they persecute the users of Twitter. They persecute the users of social media. But they also create their own media. They create their own blogs, they create their own information. They try to manipulate information. And, in some cases, there are bloggers in every country who are producing information, and it is impossible to substitute investigative journalists.

One of the things that is missing in the social media, in the blogs and all the series of media that we have around, is the investigative journalist and the access from this media to the majority of the population.

In Cuba, it is through El Paquete that the people is learning about what is going on outside, reading the newspaper from Miami with El Paquete. It is not through the social media. In Venezuela, it is not through the social media. They learn from CNN, and they learn from some Twitters and some other forms.

But it is really hard for these platforms to get to the majority of the people or to pay for the investigative journalists.

Mr. DUNCAN. Right. You know, think about the game-changer that social media and access to the Internet would be in Cuba. I think about that often.

Well, listen, I want to thank you all for being here and taking time. I know we monkeyed with the time today to start the hearing a little earlier, and then it became later due to votes, but I want to thank you. And I look forward to following up on this at a later date.

So, pursuant to Committee Rule 7, members of the subcommittee are permitted to submit written statements to be included in the official record. And, without objection, the hearing record will remain open for 5 days to allow statements, questions, extraneous materials for the record and subject to the limitation rules.

With that, we will stand adjourned.

[Whereupon, at 4:06 p.m., the subcommittee was adjourned.]

APPENDIX

Material Submitted for the Record

SUBCOMMITTEE HEARING NOTICE
COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515-6128

Subcommittee on the Western Hemisphere
Jeff Duncan (R-SC), Chairman

TO: MEMBERS OF THE COMMITTEE ON FOREIGN AFFAIRS

You are respectfully requested to attend an OPEN hearing of the Committee on Foreign Affairs, to be held by the Subcommittee on the Western Hemisphere in Room 2172 of the Rayburn House Office Building (and available live on the Committee website at http://www.ForeignAffairs.house.gov):

DATE: Wednesday, July 29, 2015

TIME: 2:00 p.m.

SUBJECT: Threats to Press Freedom in the Americas

WITNESSES:

Carlos Ponce, Ph.D.
Director of the Latin America Program
Freedom House

Mr. Carlos Lauria
Senior Americas Program Coordinator
Committee to Protect Journalists

Mr. Claudio Paolillo
Chairman
Freedom of the Press and Information Committee
Inter-American Press Association

Mr. Nicolás Pérez Lapentti
Co-Director
El Universo in Ecuador

Mr. Alfredo Corchado
Mexico Bureau Chief
The Dallas Morning News

By Direction of the Chairman

The Committee on Foreign Affairs seeks to make its facilities accessible to persons with disabilities. If you are in need of special accommodations, please call 202/225-5021 at least four business days in advance of the event, whenever practicable. Questions with regard to special accommodations in general (including availability of Committee materials in alternative formats and assistive listening devices) may be directed to the Committee.

COMMITTEE ON FOREIGN AFFAIRS

MINUTES OF SUBCOMMITTEE ON *The Western Hemisphere* HEARING

Day *Wednesday* Date *July 29, 2015* Room *2172*

Starting Time *2:42 p.m.* Ending Time *4:06 p.m.*

Recesses ____ (____ to ____) (____ to ____) (____ to ____) (____ to ____) (____ to ____) (____ to ____)

Presiding Member(s)

Chairman Jeff Duncan

Check all of the following that apply:

Open Session [✓]
Executive (closed) Session [ ]
Televised [ ]

Electronically Recorded (taped) [✓]
Stenographic Record [✓]

TITLE OF HEARING:

"Threats to Press Freedom in the Americas"

SUBCOMMITTEE MEMBERS PRESENT:

Reps. Duncan, DeSantis, Kelly, Ros-Lehtinen, Sires

NON-SUBCOMMITTEE MEMBERS PRESENT: *(Mark with an * if they are not members of full committee.)*

HEARING WITNESSES: Same as meeting notice attached? Yes [✓] **No** [ ]
(If "no", please list below and include title, agency, department, or organization.)

STATEMENTS FOR THE RECORD: *(List any statements submitted for the record.)*

TIME SCHEDULED TO RECONVENE _____
or
TIME ADJOURNED *4:06 p.m.*

Mark O. Walker
Subcommittee Staff Director

MATERIAL SUBMITTED FOR THE RECORD BY THE HONORABLE JEFF DUNCAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF SOUTH CAROLINA, AND CHAIRMAN, SUBCOMMITTEE ON THE WESTERN HEMISPHERE

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AMERICAS

Peru Decrees Warrantless Geolocation Tracking of Cellphones

By THE ASSOCIATED PRESS JULY 27, 2015, 9:28 P.M. E.D.T.

LIMA, Peru — Peru's government on Monday ordered telecommunications companies to grant police warrantless access to cellphone users' locations and other call data in real time and store that data for three years, a decree that civil libertarians called an unconstitutional invasion of privacy.

The government published the legislative decree on a national holiday and a day before Peru's independence day celebrations, when schools, government offices and most businesses are closed. Its contents were not debated in Congress and it was enacted under special powers that lawmakers recently granted to President Ollanta Humala's government.

Activist Katitza Rodriguez of the Electronic Frontier Foundation said she had not seen "any legal provision anywhere that stripped geolocation data of constitutional communications privacy protections as explicitly" as the Peruvian decree.

It follows a global pattern of governments seeking to fast-track surveillance legislation without public debate, said Rodriguez, the foundation's international rights director.

The government said the measure is needed to fight organized crime in a country plagued by cocaine trafficking, extortion, murder-for-hire, illegal logging and land trafficking. The decree does not allow eavesdropping on actual conversations without a court order.

As a safeguard against abuse, the decree stipulates that police must retroactively obtain a judge's approval in order to use the data in court.

Digital rights attorney Erick Iriarte said that does not offer much protection because while a judge "could revoke the use of the data, (if I am the police) I already have the data."

The so-called metadata covered by the decree includes "where you are making a call, the time and who you are talking to," and that is an invasion of privacy, Iriarte said.

He said he was very concerned over which branches of Peru's police will have custody over and access to the information.

The decree specifies a "special unit," but Peru's national police force is plagued by corruption, with sensitive information regularly leaked for political reasons and sometimes shared with criminals.

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