

110TH CONGRESS
1ST SESSION

H. CON. RES. 77

Calling on the Government of Venezuela to respect a free and independent media and to avoid all acts of censorship against the media and free expression.

IN THE HOUSE OF REPRESENTATIVES

MARCH 1, 2007

Mr. WELLER of Illinois (for himself, Mr. SCHIFF, Mr. PENCE, Mr. FORTUÑO, Mr. WOLF, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. LAMBORN) submitted the following concurrent resolution; which was referred to the Committee on Foreign Affairs

CONCURRENT RESOLUTION

Calling on the Government of Venezuela to respect a free and independent media and to avoid all acts of censorship against the media and free expression.

Whereas freedom of the press and freedom of expression are under threat in Venezuela;

Whereas Venezuelan President Chavez announced on December 28, 2006, that Radio Caracas Television (RCTV), Venezuela's oldest private, commercial broadcaster founded in 1953, would not have its broadcasting license renewed, and therefore the license would expire on May 28, 2007;

Whereas RCTV claims its broadcasting license doesn't expire until 2022, and that President Chavez is suppressing coverage that is critical of his administration;

Whereas the decision not to renew the broadcasting license of RCTV lacks transparency and appears to be politically motivated;

Whereas calls of concern regarding the decision not to renew the broadcasting license of RCTV have been expressed by international media organizations, including: Instituto Prensa y Sociedad (Institute of Press and Society), the Committee to Protect Journalists, the International Press Institute, Reporters Without Borders, and the Inter American Press Association;

Whereas Organization of American States (OAS) Secretary General Jose Insulza said the decision not to renew the broadcasting license of RCTV gives the appearance of a form of censorship against freedom of expression, and at the same time serves as a warning against other news organizations in Venezuela, leading such organizations to limit their actions at the risk of facing the same fate as RCTV;

Whereas the OAS Special Rapporteur for Freedom of Expression, Ignacio Alvarez, has said that the closure of RCTV will mean Venezuelans would be deprived of a source of news that offered critical views of the government;

Whereas the decision not to renew the broadcasting license of RCTV is only the latest in a series of maneuvers the Government of Venezuela has taken to limit press freedom;

Whereas Venezuela has been noted to have a steady decline in press freedom over the past several years;

Whereas Freedom House rates freedom of the press in Venezuela as “not free”;

Whereas the Government of Venezuela has passed laws since 2004 to restrict the media and free expression;

Whereas the 2004 Law of Social Responsibility in Radio and Television regulates the type of content that is allowed in radio and television programming in Venezuela;

Whereas this law gives the Government of Venezuela the power to impose onerous fines on, and suspend broadcasting rights of, media outlets that publish messages “contrary to the security of the nation”, as determined by the Venezuelan Government;

Whereas a second offense for a publishing message “contrary to the security of the nation” may lead to the suspension of a media outlet’s broadcasting license for five years;

Whereas the 2004 Law of Social Responsibility in Radio and Television is vaguely worded such that it can be easily used with political motivation and applied to severely restrict freedom of expression;

Whereas the provisions of this law violate international standards protecting free expression and could penalize broadcasters’ legitimate expression of political views;

Whereas in 2005, journalists in Venezuela were barred from reporting on the military, hospitals and stadiums, and the judiciary;

Whereas on November 1, 2005, columnist David Ludovic was pressured by President Chavez’s security personnel into

handing over a tape of interviews done adjacent to the Palacio Blanco, the Miraflores presidential palace;

Whereas on January 23, 2006, at the request of the Venezuelan Attorney General, Venezuelan courts banned ten media outlets from reporting on the criminal case involving the car bomb assassination of Danilo Anderson, the prosecutor who led the probe into the 2002 coup against President Chavez;

Whereas Human Rights Watch has noted that, at moments of political tension, the Venezuelan National Commission of Telecommunications (CONATEL) warns media directors of punishments that they face for coverage that violates Venezuelan law;

Whereas desacato (disrespect) laws were enacted in Venezuela as part of the 2005 criminal code reform law;

Whereas the use of desacato laws have a serious and chilling effect on the public and the media, since such laws deter not only criticism but also public scrutiny of alleged misconduct by the government;

Whereas under Venezuela's desacato laws, insulting the President of Venezuela is punishable by six to 30 months in prison and making comments that could "expose another person to contempt or public hatred" is punishable by one to three years in prison and a severe fine;

Whereas journalist and government critic Ibeyise Pacheco of the daily El Nacional was convicted and placed under house arrest for one week under Venezuela's desacato laws;

Whereas in July 2005, the Venezuelan Attorney General invoked desacato laws to investigate the Caracas-based

newspaper El Universal for an article allegedly criticizing his office and the judiciary;

Whereas in February 2006, television journalist and presidential critic Jose Ovidio Rodriguez Cuesta, known as Napoleon Bravo, was prosecuted under Venezuela's desacato laws for public criticism of the Venezuelan Supreme Court;

Whereas the Government of Venezuela controls two national television stations, a national radio network, and a wire service, and President Chavez regularly exercises his power to preempt programming in private media outlets to ensure extensive broadcasting of government announcements;

Whereas President Chavez has been granted the power to rule for the next 18 months by decree in Venezuela through an "enabling law," further eroding the democratic process and checks on concentrated government power, making the need for an independent press even greater; and

Whereas freedom of the press, freedom of speech, and freedom of expression that allow multiple viewpoints to be heard are essential components to a healthy and well-functioning democracy: Now, therefore, be it

1 *Resolved by the House of Representatives (the Senate*
2 *concurring), That Congress—*

3 (1) expresses support for members of the media
4 in Venezuela who are facing an assault on their
5 rights to freedom of the press, freedom of speech,
6 and freedom of expression;

1 (2) expresses deep concern regarding the an-
2 nouncement of Venezuelan President Chavez not to
3 renew the broadcasting license of Radio Caracas Tel-
4 evision (RCTV);

5 (3) calls upon the Government of Venezuela to
6 immediately reverse its decision not to renew the
7 broadcasting license of RCTV;

8 (4) urges the Government of Venezuela to cre-
9 ate an independent body to assign and renew broad-
10 casting licenses in Venezuela;

11 (5) calls upon the Government of Venezuela to
12 respect the rights of an independent media to freely
13 communicate and broadcast through print, radio,
14 and television without fear, intimidation, censorship,
15 or the threat of censorship; and

16 (6) urges the Government of Venezuela to re-
17 spect the rights of freedom of expression for all Ven-
18 ezuelans.

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