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**SILENCED ZONES:**  
Highly dangerous areas for the exercise of freedom of  
expression

Office of the Special Rapporteur for Freedom of Expression of the  
Inter-American Commission on Human Rights

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Special Rapporteur for Freedom of Expression

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# INTRODUCTION





1. The murder of journalists and media workers for reasons related to their work is the most serious violation of the right to freedom of expression. Acts of violence committed against journalists and media workers not only seriously violates their right to life but also aims to radically suppress their right to express themselves freely and create a self-censorship effect among other members of the media. Acts of violence committed because of the work that journalists do also seriously affects the social and collective dimension of the right to freedom of expression, given that they violate the right of societies and their citizens to seek and receive information and ideas of all kinds.<sup>1</sup>

2. Although the murder of journalists constitutes the most extreme and condemnable form of censorship and violence against the press, every year the Annual Report of the Office of the Special Rapporteur documents hundreds episodes representing other forms of violence against journalists, such as disappearances, threats, and attacks on journalists and media outlets from different places in the region.

3. As the Inter-American Court of Human Rights (Court or Inter-American Court) has established, “journalism can only be exercised freely when those who carry out this work are not victims of threats or physical, mental or moral attacks or other acts of harassment. Those acts constitute serious obstacles to the full exercise of freedom of expression.”<sup>2</sup>

4. Throughout its history, the Office of the Special Rapporteur has also paid special attention to the lack of timely and complete investigation in most of the cases involving different forms of violence against journalists, including murders. In the American hemisphere, this impunity has been the rule rather than the exception and the region has an alarming history of impunity with regard to crimes against journalists and media.<sup>3</sup> Indeed, in the most recent reports on the situation of human rights in different countries of the region, the IACHR and the Office of the Special Rapporteur have documented rates of impunity for crimes against journalists near or over 90% in countries like Mexico,<sup>4</sup> Guatemala,<sup>5</sup> and Honduras.<sup>6</sup>

5. When such crimes go unpunished, it encourages the repetition of similar violent acts and can result in the silencing and self-censorship of journalists.<sup>7</sup> Impunity creates a strong chilling effect on the exercise of freedom of expression and the negative consequences on democracy are particularly serious, given that they affect the free, open, and dynamic exchange of ideas and information. Specifically, the Inter-American Court has reiterated that impunity, understood as the “total lack of investigation, prosecution, capture,

3 I/A Court H.R.. Case of *Bámaca Velásquez v. Guatemala*. Merits. Judgment of November 25, 2000. Series C No. 70. Para. 211.

4 IACHR. [Situation of Human Rights in Mexico](#). OEA/Ser.L/V/II. Doc. 44/15. December 31, 2015. Para. 411.

5 IACHR. [Situation of Human Rights in Guatemala: Diversity, Inequality and Exclusion](#). OEA/Ser.L/V/II. Doc. 43/15. December 31, 2015. Para. 49.

6 IACHR. [Situation of Human Rights in Honduras](#). OEA/Ser.L/V/II. Doc. 42/15. December 31, 2015. Para. 207.

7 IACHR. Office of the Special Rapporteur for Freedom of Expression. [Special Study on the Status of Investigations into the Murder of Journalists in the Region for Reasons that May Be Related to their Work in Journalism \(1995-2005 Period\)](#). OEA/Ser.L/V/II.131. Doc. 35. March 8, 2008. Para. 129.

1 IACHR. Office of the Special Rapporteur for Freedom of Expression. [Special Study on the Status of Investigations into the Murder of Journalists in the Region for Reasons that May Be Related to their Work in Journalism \(1995-2005 Period\)](#). OEA/Ser.L/V/II.131. Doc. 35. March 8, 2008. Para. 1 and 9.

2 I/A Court H.R.. Case of *Vélez Restrepo and Family v. Colombia*. Preliminary Objections, Merits, Reparations, and Costs. Judgment of September 3, 2012. Series C No. 248. Para. 209.

trial and conviction,”<sup>8</sup> favors the chronic repetition of human rights violations.<sup>9</sup>

6. Pursuant to its mandate, the Office of the Special Rapporteur continually monitors that security situation of journalists. In that sense, this report takes up the standards established in the last report of this office on Violence against Journalists and Media workers, adopted by the IACHR in 2013. Previously, in the year 2008 the office published the report Study Special about the Murder of Journalists<sup>10</sup> in which already had registered a trend that has not changed since then: While journalism has become essential in the fight against corruption and abuse of authority, the evidence gathered indicates that the problem of violence against journalists in the Americas has intensified in recent years, in many cases in connection with the presence of organized crime in vast areas of the hemisphere and the cooptation or weakness of the State apparatus in those areas.<sup>11</sup>

7. To this we can add the violence unleashed by some state actors in retaliation for the disclosure of information concerning government corruption. The information revealed by the press in the hemisphere in most

cases is later backed up by judicial investigations, which seems to indicate that corruption and abuse of authority has increased in the region. Censorship has simultaneously increased through extreme violence aimed at journalists and harassment through civil or criminal litigation.

8. According to the figures reported by the Office of the Special Rapporteur, between January 1, 2010 and November 1, 2016, at least 162 journalists and media workers were murdered for reasons that may be related to the practice of their profession. In the past three years, the murder rate for journalists has remained high. In 2014 there were 25 reported murders allegedly linked to the exercise of freedom of expression; in 2015 there were 27, and in 2016 another 33 murders were documented. During that period dozens of journalists were reportedly displaced from their workplaces and hundreds received threats or were harassed or attacked for condemning corruption or reporting on criminal organizations, other powerful forces, and government corruption. Female journalists have reported being the victims of sexual violence, harassment, and intimidation in response to their professional activities.

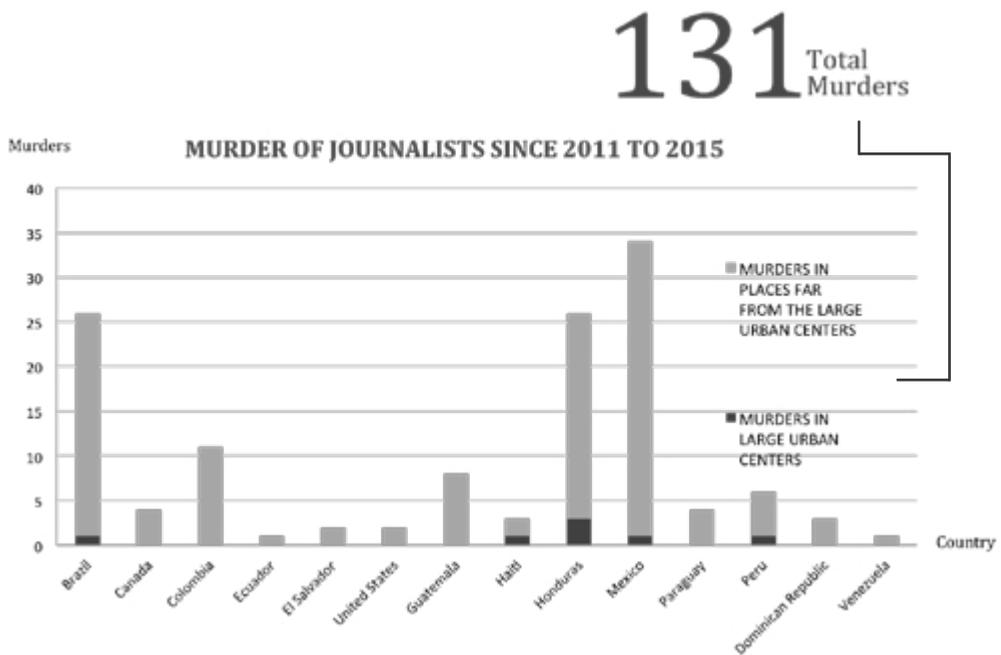
9. The Office of the Special Rapporteur has also observed the concentration of violence against journalists in areas far from the capitals, particularly transit and/or border areas. In fact, during the past decade, most of the murders that have taken place in the region—as well as other types of attacks on journalists like disappearances, kidnappings, threats, intimidation—have occurred in places far away from the large urban centers. Between 2011 and 2015, the Office of the Special Rapporteur documented the murder of 131 journalists, 124 of which occurred in areas far from large urban centers, in countries like Colombia, Guatemala,

8 I/A Court H.R.. Case of the “White Van” (Paniagua Morales et al.) v. Guatemala. Merits. Judgment of March 8, 1998. Series C No. 37. Para. 173.

9 I/A Court H.R.. Case of Bámaca Velásquez v. Guatemala. Merits. Judgment of November 25, 2000. Series C No. 70. Para. 211.

10 IACHR. [Office of the Special Rapporteur for Freedom of Expression. Special Study on the Status of Investigations into the Murder of Journalists during the 1995-2005 period for Reasons that may be Related to their Work in Journalism](#). OEA/Ser.L/V/II.131. Doc.35. March 8, 2008.

11 IACHR. [Annual Report 2013. Annual Report of the Office of the Special Rapporteur for Freedom of Expression](#). Chapter III (Violence Against Journalists and Media Workers: Inter-American Standards and National Practices on Prevention, Protection and Prosecution of Perpetrators). OEA/Ser.L/V/II.149. Doc. 50. December 31, 2013. Para. 12



Mexico, Honduras, Paraguay, and Brazil. It has also verified that those most affected were those journalists and media workers who covered local news about corruption, drug trafficking, organized crime, public safety, and related matters. In those regions where criminal organizations have a strong presence, journalists are caught in the crossfire and often—in order to safeguard their lives or physical safety, or even to keep working in their chosen profession—must align themselves with the interests of a given power, which means abstaining from reporting and remaining silent.<sup>12</sup>

10. The UN Special Rapporteur on the Promotion and Protection the Right to Freedom of Opinion and Expression stated that, “Local journalists continue to face daily challenges in situations

that have not reached the threshold of an armed conflict, but may be characterized by violence, lawlessness and/or repression. These range from restrictions to movement, including deportations and denial of access into a country or a particular area; arbitrary arrests and detention, particularly during public crises or demonstrations; torture and other cruel, inhuman or degrading treatment or punishment, including sexual violence against female journalists; confiscation of and damages to equipment, information theft, illegal surveillance and office break-ins; intimidation, including summons to police stations for questioning, harassment of family members, death threats, stigmatization and smear campaigns to discredit journalists; abductions or enforced disappearance to killings.”<sup>13</sup>

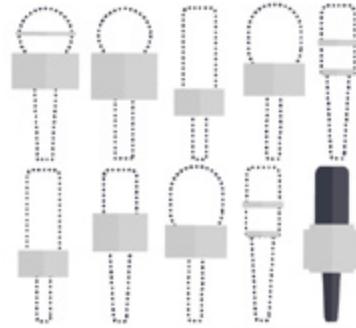
12 IACHR. [Situation of Human Rights in Honduras](#). OEA/Ser.L/V/II. Doc. 42/15. December 31, 2015. Para. 183; IACHR. [Situation of Human Rights in Mexico](#). OEA/Ser.L/V/II. Doc. 44/15. December 31, 2015.

13 United Nations. General Assembly. Report of the United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue. A/HRC/20/17. June

11. This scenario presents a number of challenges for the protection of journalists and media workers in the hemisphere, in particular worrisome scenario of violence against journalists and media workers laboring in areas or regions where there is significant organized crime, weak public institutions, collusion between criminals and local governments, and unstable employment conditions for journalists.



Of murders against journalist occurred in areas far from large urban centers, transit zones or borders.



RATES OF IMPUNITY  $\triangleq$  90%

The Office of the Special Rapporteur have documented rates of impunity for crimes against journalists near or over 90% in countries like Mexico, Guatemala, and Honduras.

4, 2012. Para. 48. Available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G12/137/85/PDF/G1213785.pdf?OpenElement>

# CHAPTER 1

## THE PHENOMENON OF SILENCED ZONES





12. In this report, the Office of the Special Rapporteur would like to call special attention to the phenomenon seen in different regions of the Americas where communities are being misinformed and silenced as a result of the violence unleashed by organized crime groups in furtherance of their unlawful aims, in some cases in complicity with local or regional authorities infiltrated by these groups. This type of violence particularly affects journalists and media workers, who in the past decade have been the direct victims of murder, kidnappings, and assaults in these complex scenarios of violence. The methods of the so-called “war on drug trafficking” and of armed conflicts—the latter of which are becoming less common in the region—are part of the main threats to the lives and safety of journalists.

#### Types of attacks on journalists and media workers in the Silenced Zones.



13. In its report on Violence against Journalists and Media Workers, the Office of the Special Rapporteur addressed the factors involved in violence against journalists and media workers and the State’s response, indicating that:

*Violence against journalists in the region is the result of a complex series of causes. (...) Nevertheless, in recent years, the number and size of organized criminal groups has increased, including drug trafficking cartels and other organized criminal groups. These currently represent the main threat to the lives and personal integrity of journalists. This situation presents a series of challenges for the protection of journalists and media workers in the hemisphere. In some regions, State institutions are too weak to respond effectively to threats from organized crime. The weakness of State institutions leaves journalists without effective protection from attacks perpetrated by organized crime, resulting in self-censorship as an immediate consequence.<sup>14</sup>*

14. The objective of those who attack the press is to prevent journalists or press workers from doing their work and keeping information contrary to their interests from reaching society. A recent report of Colombia’s National Center for Historical Memory [*Centro de Memoria Histórica*], entitled “Words and Silence,” concluded that in the context of the Colombian armed conflict, murdering journalists was a clearly defined war strategy that involved the differentiated participation of multiple actors, and had objectives that affected the victims, their relatives, media outlets, and the community. The murders were meant

<sup>14</sup> IACHR. [Annual Report 2013. Annual Report of the Office of the Special Rapporteur for Freedom of Expression](#). Chapter III (Violence Against Journalists and Media Workers: Inter-American Standards and National Practices on Prevention, Protection and Prosecution of Perpetrators). OEA/Ser.L/V/II.149. Doc. 50. December 31, 2013. Para. 20.

to stifle, silence, intimidate, pressure, and teach a lesson to journalists—all in the name of securing a future in which society would be deprived of information contradictory to their war objectives.<sup>15</sup>

15. Journalism, in the context of a democratic society, is one of the most important manifestations of freedom of expression and information. Journalistic work and the activities of the press are essential to functioning democracies, because journalists and the media keep society informed about current events and their various interpretations, a necessary condition for the public discourse to be robust, informed, and vigorous.<sup>16</sup> It is also clear that a free, independent, and critical press is a core element for the enjoyment of all the other freedoms that make up the democratic system.<sup>17</sup>

16. The inter-American case law has been consistent in reaffirming that, as a cornerstone of democratic society, freedom of expression is an essential condition for society to be sufficiently informed;<sup>18</sup> that the maximum possible flow of information is a requirement of the common good, and that the full enjoyment of freedom of information is what guarantees that maximum flow;<sup>19</sup> in

15 Centro Nacional de Memoria Histórica. *La palabra y el silencio. La violencia contra periodistas en Colombia (1977 – 2015)*, Bogotá, CNMH, 2015. Page 26. Available at: <http://centrodememoriahistorica.gov.co/micrositios/periodistas/informe.html>

16 I/A Court H.R., *Case of Herrera Ulloa v. Costa Rica*. Judgment of July 2, 2004. Series C No. 107. Paras. 117 - 118.

17 IACHR. Report No. 50/99. Case 11.739. Héctor Félix Miranda. México. April 13, 1999, Para. 42; IACHR. Report No. 130/99, Case 11.740. Víctor Manuel Oropeza. México. November 19, 1999. Para. 46.

18 I/A Court H.R., *Case of "The Last Temptation of Christ" (Olmedo-Bustos et al.) v. Chile. Merits, Reparations and Costs*. Judgment of February 5, 2001. Series C No. 73. Para. 68.

19 I/A Court H.R., *Compulsory Membership in an Association Prescribed by Law for the Practice of Journalism (Arts. 13 and 29 American Convention on Human Rights)*. Advisory Opinion OC-5/85 of November 13, 1985. Series A No. 5. Para. 77.

addition, the free circulation of ideas and news is inconceivable without a plurality of sources of information and respect for the media.<sup>20</sup>

17. Consequently, journalists and media workers can be vulnerable because of the role they play in society, as they are the ones who keep society informed about matters of public interest. "Obstacles created in order to hinder access to information of public interest may not only discourage journalists and other media actors from fulfilling their public watchdog role, but may also have negative effects on their safety and security. Attacks against journalists and other media actors constitute particularly serious violations of human rights because they target not only individuals, but deprive others of their right to receive information, thus restricting public debate, which is at the very heart of pluralist democracy,"<sup>21</sup> underscored the Declaration of the Committee of Ministers on the protection of journalism and safety of journalists and other media actors, adopted in 2014.

18. As mentioned in the introduction to this report, the Office of the Special Rapporteur continues to document high numbers of attacks on the press, year after year, in spite of the efforts made by many states in the hemisphere to curb the situation of violence affecting journalists and media workers. These attacks range from murders—the most brutal—to threats, assaults, accusations, and other forms of harassment. The Office

20 I/A Court H.R., *Compulsory Membership in an Association Prescribed by Law for the Practice of Journalism (Arts. 13 and 29 American Convention on Human Rights)*. Advisory Opinion OC-5/85 of November 13, 1985. Series A No. 5. Para. 78.

21 Council of Europe. Committee of Ministers. *Declaration of the Committee of Ministers on the protection of journalism and safety of journalists and other media actors*, adopted on 30 April 2014. Available at: <http://www.coe.int/en/web/media-freedom/committee-of-ministers>

of the Special Rapporteur has observed with concern the increase in localized violence in certain areas of the countries plagued by the presence and through traffic of criminal activities, often in rural or border areas. This violence has resulted in a heightened chilling effect on journalism, increased self-censorship, and the silencing of journalists.

19. This special report documents a number of representative cases that illustrate how organized crime, as well as state agents involved in corrupt acts, have developed strategies to silence the press in different regions of the hemisphere in order to impose information that is favorable to their interests and to silence information that reveals their methods of territorial and institutional control. This report also intends to deepen the dialogue with state institutions, civil society, and the media that face this situation through recommendations that enable the States to address this challenge through effective and focused policies of prevention, protection, and the criminal prosecution of perpetrators.

20. Indeed, in areas subject to territorial dispute by unlawful armed groups, those groups see the press as an obstacle or as a tool for accomplishing their objectives.<sup>22</sup> As the IACHR stated in its report on citizen security and human rights, “corruption and impunity have enabled criminal organizations to develop and establish parallel power structures.”<sup>23</sup>

21. In its 2010 Special Report on Freedom of Expression in Mexico, the Office of the Special Rapporteur

discussed in depth the factors that give rise to conditions conducive to violence against journalists, and concluded that, “the majority of murders, disappearances and kidnappings of journalists are concentrated in states that suffer from a strong presence of organized crime [...], in these regions organized crime represents the greatest threat to the life and physical integrity of journalists, especially those who report on local issues of corruption, drug trafficking, organized crime, public security and related matters.”<sup>24</sup> At the same time, the report noted that in some regions of Mexico the violence and intimidation against journalists is reportedly being perpetrated by armed groups that apparently maintain ties with political factions. The Office of the Special Rapporteur also reported on numerous complaints of persecution and acts of violence by police officers and members of the armed forces against journalists who try to cover issues related to public safety.<sup>25</sup>

22. There are areas of Mexico where journalists are now subject to intense intimidation by criminal groups interested in suppressing certain information in the media and disseminating that which serves their criminal interests. In this particularly risky scenario, it is extremely difficult for journalists to investigate and publish articles on topics like organized crime, corruption, and public safety.<sup>26</sup> In

22 IACHR. Office of the Special Rapporteur for Freedom of Expression. [Impunity, self-censorship and armed internal conflict: An analysis of the state of freedom of expression in Colombia](#). OEA/Ser.L/V/II Doc. 51. August 31, 2005. Para. 90.

23 IACHR. [Report on Citizen Security and Human Rights](#). OEA/Ser.L/V/II. Doc. 57. December 31, 2009. Para. 33.

24 IACHR. [Annual Report 2010. Report Of The Office Of The Special Rapporteur For Freedom Of Expression](#). Chapter II (2010 Special Report on Freedom of Expression in Mexico). OEA/Ser.L/V/II. Doc. 5. March 7, 2011. Para. 538.

25 IACHR. [Annual Report 2013. Annual Report of the Office of the Special Rapporteur for Freedom of Expression](#). Chapter III (Violence Against Journalists and Media Workers: Inter-American Standards and National Practices on Prevention, Protection and Prosecution of Perpetrators). OEA/Ser.L/V/II.149. Doc. 50. December 31, 2013. Para.18.

26 IACHR. [Annual Report 2013. Annual Report of the Office of the Special Rapporteur for Freedom of Expression](#). Chapter III (Violence Against Journalists and Media Workers: Inter-American Standards and

the same regard, during the IACHR's on-site visit to Mexico in September 2015, the Office of the Special Rapporteur was able to confirm that in those regions where organized crime has a strong presence, journalists are caught in the crossfire and often—in order to safeguard their interests—must align themselves with the interests of a given power, which means abstaining from reporting and remaining silent.

23. The report published by the National Center for Historical Memory of Colombia recognizes that the proximity of journalists to communities plagued with violence is a constant variable in crimes against freedom of expression. They are the ones who are close to the community's problems, building a pertinent memory of what happens, and they shine a light on the problems that some would like to hide.<sup>27</sup> The same report notes how drug traffickers in Colombia treated the press brutally because of the threat it posed to their interests, as well as its potential for disseminating favorable information. The crime organizations behind the drug trafficking viewed the press as an enemy to be annihilated, but at the same time saw it as a powerful force able to publicize their criminal exploits.<sup>28</sup>

24. In this same regard, the IACHR and its Office of the Special Rapporteur cautioned in the Report on the Situation of Human Rights in Guatemala that, "Given the difficulties surrounding their work,

some journalists are said to have opted in the past year for self-censorship to protect themselves from attacks and threats."<sup>29</sup> The Commission cited the collusion between government institutions and organized crime, especially in the country's rural areas. In this scenario, the lack of an appropriate State response, the impunity, and the corruption have allowed the violence perpetrated by those groups to continue. The victims of human rights violations, as well as their relatives, human rights defenders, legal practitioners, and journalists are exposed to the violence that these criminal groups represent.<sup>30</sup> The IACHR also observed that, "Violence transects Guatemala, affecting the whole of society and all groups. Aside from the context of violence and insecurity, there is the situation of those whose role in society or particular vulnerability due to historic discrimination and exclusion leads them to be disproportionately affected. They particularly include individuals who defend human rights in Guatemala, among them, indigenous authorities and leaders, environmental activists, trade union leaders, [judges and lawyers], (...) and journalists (...)."<sup>31</sup>

25. In its report on the Situation of Human Rights in Honduras, the IACHR observed that, "Organized crime - with which public officials and agents of the State security forces have been found to be involved - is perceived as the greatest threat to the life and physical integrity of those journalists in Honduras covering local news about corruption, land claims, drug trafficking, organized crime and public safety. Similarly, the information gathered during the on-site visit helped

National Practices on Prevention, Protection and Prosecution of Perpetrators). OEA/Ser.L/V/II.149. Doc. 50. December 31, 2013. Para. 23.

27 Centro Nacional de Memoria Histórica. La palabra y el silencio. La violencia contra periodistas en Colombia(1977–2015), Bogotá, CNMH, 2015. Page30. Available at: <http://centrodememoriahistorica.gov.co/micrositios/periodistas/informe.html>

28 Centro Nacional de Memoria Histórica. La palabra y el silencio. La violencia contra periodistas en Colombia(1977–2015), Bogotá, CNMH, 2015. Page5. Available at: <http://centrodememoriahistorica.gov.co/micrositios/periodistas/informe.html>

29 IACHR. [Situation of Human Rights in Guatemala: Diversity, Inequality and Exclusion](#). OEA/Ser.L/V/II. Doc. 43/15. December 31, 2015. Para. 289.

30 IACHR. [Situation of Human Rights in Mexico](#). OEA/Ser.L/V/II. Doc. 44/15. December 31, 2015. Para. 41-46.

31 IACHR. [Situation of Human Rights in Guatemala: Diversity, Inequality and Exclusion](#). OEA/Ser.L/V/II. Doc. 43/15. December 31, 2015. Para. 189.

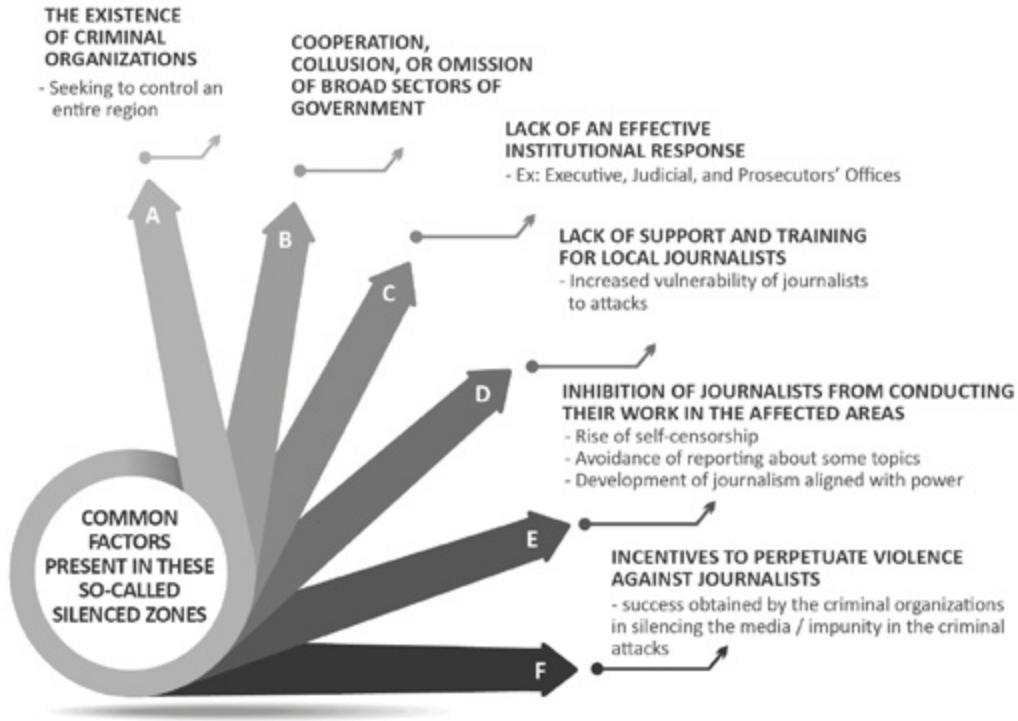
to confirm that there is a high risk to life and integrity of journalists exercising critical journalism and who are critical of governments following the 2009 coup d'état. This violence particularly affects journalists working in departments within the country and in rural areas, including, among others, the departments of La Ceiba, Yoro and Olancho."<sup>32</sup>

26. Commissioner Iván Velázquez of the UN International Commission against Impunity in Guatemala (CICIG) described the impact of the criminal organizations that operate in different territories of the region's countries and explained how in some cases they manage to co-opt state institutions. "In general (these criminal organizations that operate in the region), are very similar. In Colombia they probably reached a higher level of development—that is, they were able to co-opt the State more extensively, especially in many outlying areas. Criminal organizations involved in drug trafficking and paramilitary activities, or in other sectors with the guerrillas, gained a firm hold on local governments and, with the cooperation of those local governments, rose through the ranks of the State structure. In Guatemala, I think that (...) the co-optation of the State is underway. There are regions, particularly in the border departments of Guatemala, where municipal control is being exercised in this way by criminal organizations linked mainly to drug trafficking. With their economic influence and power of intimidation, they render any State authority ineffective, and they impose the law in those territories."<sup>33</sup>

27. The Office of the Special Rapporteur has observed that there are certain common characteristics or factors present in these so-called silenced areas that, in spite of the particularities of each situation, make them very similar when there is a context of attacks on journalists and media outlets. The Office of the Special Rapporteur has been able to identify the presence of the following factors: a) the existence of criminal organizations that operate outside the law and seek to control an entire region; b) the cooperation, collusion, or omission of broad sectors of government at different levels; c) the lack of an effective response from other state institutions (Executive, Judicial, and Prosecutors' Offices) called upon to meet the primary obligations of preventing, protecting, investigating, and punishing threats to life and safety and to guarantee the exercise of freedom of expression; d) the lack of support and training for local journalists, which makes them more vulnerable to these types of attacks, whether because of the way in which they approach the news phenomenon or because they are involved with authorities or even with criminal organizations; e) this complex set of factors inhibits journalists in the affected areas from conducting their work, limits freedom of expression, and produces a chilling effect on the free flow of information; it gives rise to self-censorship and reinforces the tendency to practice a type of journalism that avoids reporting on matters of security, corruption, or influence peddling, and to develop a kind of journalism that is aligned with power; f) the success obtained by the criminal organizations in silencing the media and opinion shapers over long periods of time, added to the impunity obtained by the masterminds and direct perpetrators of this type of violence, creates incentives to perpetuate violence against journalists.

32 IACHR. [Situation of Human Rights in Honduras](#). OEA/Ser.L/V/II. Doc. 42/15. December 31, 2015. Para. 183.

33 Prensa Libre. August 2, 2015. ["Es el miedo a la verdad lo que se opone a organizaciones como CICIG"](#).



28. In this report, the concept of “silenced zones” is used to describe the violence carried out against the physical or psychological integrity of journalists or media workers by criminal organizations, with or without the acquiescence of the state; however, we cannot ignore the fact that other means of institutional order meant to censor or hinder the work of the press persist in the region. In this regard, violence against journalists can occur through the use of the criminal law – the State’s main coercive power – to punish, repress, and inhibit speech critical of the actions of state authorities or about matters of public interest. In particular, the threat or imposition of a prison sentence based on criminal defamation [*desacato*] laws can have a chilling effect not only on journalists but on all of society. In fact, fostering a democratic and activist citizenry entails

designing institutions that enable rather than hinder deliberation on all matters and phenomena of public relevance.<sup>34</sup>

29. The Office of the Special Rapporteur has also observed through its monitoring activities that other problematic issues or indirect means contributing to self-censorship persist in many regions, such as the lack of objective criteria for the allocation of government advertising, the concentration of media ownership, the refusal of government authorities to disclose information in the public interest, among others. With respect to journalism that deals

<sup>34</sup> IACHR. [Annual Report 2013. Annual Report of the Office of the Special Rapporteur for Freedom of Expression](#). Chapter III (Violence Against Journalists and Media Workers: Inter-American Standards and National Practices on Prevention, Protection and Prosecution of Perpetrators). OEA/Ser.L/V/II.149. Doc. 50. December 31, 2013. Para. 8.

with local information, government advertising tends to heavily influence the sustainability of media outlets and independent journalists. The lack of effective access to public information also leaves journalists in a more vulnerable position, because they have to seek information from sources involved in violent activities, and the different versions of events that the press offers with regard to a single incident can trigger the retaliation of criminal groups in contexts of violence. In recent investigations, civil society organizations have exposed the way in which these other types of violence affect the information received in isolated communities.<sup>35</sup>

30. In its report on Violence against Journalists and Media Workers, the Office of the Special Rapporteur indicated that a comprehensive State policy to address violence against journalists has three elements: prevention, protection, and the investigation, prosecution, and punishment of the perpetrators of crimes against the press. The prevention of this type of violence assumes the state's positive obligation to promote an environment of free, independent, and diverse communications, which is a clear means of addressing the issue of misinformation.

31. With respect to the prosecution and punishment of crimes against journalists, the issue of impunity is a growing concern for the human rights protection bodies. It is crucial for the States to meet their obligation to investigate in order to identify the masterminds and direct perpetrators of those crimes, to serve justice in the specific case, prevent its repetition, and avoid the chilling effect that violence has on journalists. For its part, the IACHR has stated that,

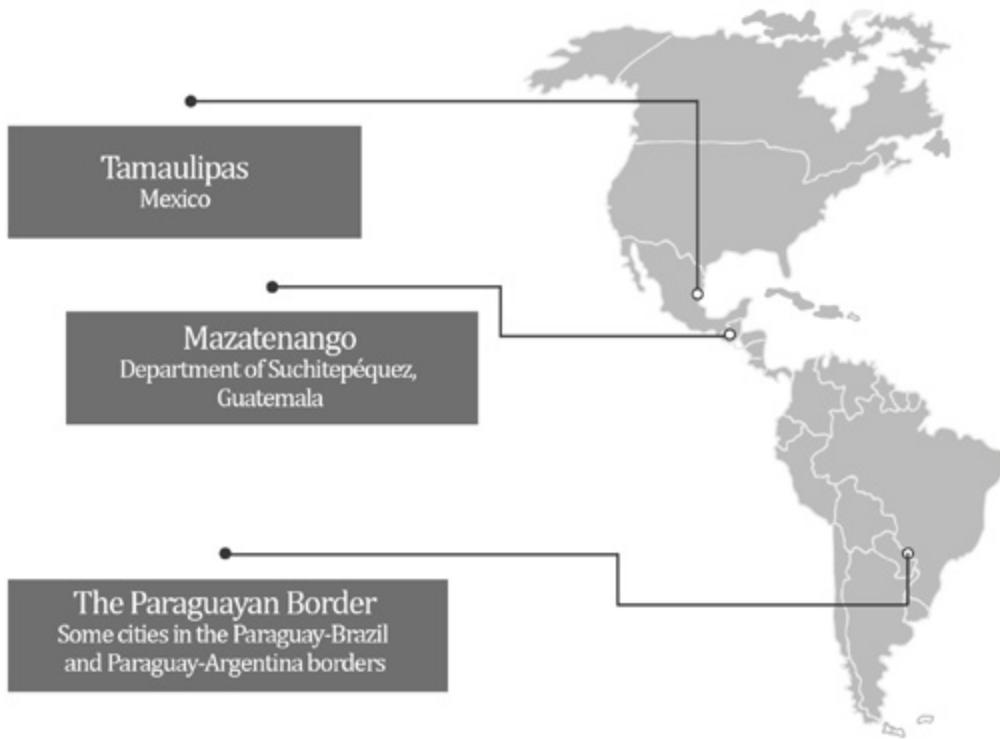
*[...] The [abdication] by a State of its duty to fully investigate the killing of a journalist is especially serious because of its impact on society. Likewise, this sort of crime has a chilling effect on other journalists, but also on every citizen, as it generates a fear of denouncing abuses, harassment and all kinds of illegal actions.<sup>36</sup>*

32. These positive obligations established for the states under international human rights law with respect to prevention, protection, and the attainment of justice as it pertains to the safety of journalists will be addressed in depth later in this report, in relation to the phenomenon of zones that have been silenced by organized criminal violence.

33. For purposes of illustrating how the aforementioned patterns are presented in each context, three representative cases that have taken place in different regions of the hemisphere are examined below: The case of Tamaulipas, Mexico, is one of the paradigmatic places with respect to the chilling effect and self-censorship resulting from attacks on the press by organized crime. The case of Mazatenango, a town in the Department of Suchitepéquez, Guatemala, is where two journalists were murdered in 2015 in a single act of violence, reportedly in relation to cases of municipal corruption. The case created a strong chilling effect on the profession of journalism. Finally, the chapter discusses the case of some cities in the borders of Paraguay—Brazil border that illustrates the vulnerability of journalists who investigate acts of corruption and drug trafficking in areas where the presence of criminal organizations is combined with the collusion of local authorities.

<sup>35</sup> E.g., Fundación para la Libertad de Expresión (FLIP). Cartografías de la Información. 2016. Available at: <http://flip.org.co/periodismo-colombia/>; IFEX-SPP Coalition (IFEXSPPC). Undated. [Report for Universal Periodic Review Paraguay 2016](#).

<sup>36</sup> IACHR. [Annual Report 1999](#). Report 130/99. Case 11.740. Víctor Manuel Oropeza, Mexico. November 19, 1999. OEA/Ser.L/V/II.106 Doc. 3. April 13, 2000. Para. 58.



34. The Office of the Special Rapporteur has recognized that some states of the region have enhanced guarantees for the practice of journalism in recent decades, including the incorporation of legal measures, the decriminalization of certain types of speech in the public interest and the creation of specialized protection programs for journalists; the strengthening of the independence and technical capacity of the judiciary; and the creation of specialized investigative bodies and judges.

35. In this sense the Office of the Special Rapporteur is especially grateful for the information and responses offered by the States mentioned in this report to the different requests made by this office. The information presented in this report is the result of the ongoing monitoring work that the Office of the Special Rapporteur

conducts through different mechanisms established in the inter-American instruments, including its annual report on the Situation of Freedom of expression in the Hemisphere; requests for information sent to the states mentioned in this report pursuant to Article 41 of the American Convention; thematic hearings announced by the IACHR on situations of violence against journalists in the countries where it is prevalent; and the reports published by the IACHR after its on-site visits to Mexico and Honduras, and the Report on the Situation of Human Rights in Guatemala. The Office of the Special Rapporteur is also grateful to the civil society organizations that specialize in the protection and safety of journalists in the hemisphere for the information they submit to this office on an ongoing basis, and for their extraordinary work to protect journalists at the local level.

## SILENCED ZONES: THREE EMBLEMATIC CASES



### a. Tamaulipas, Mexico

36. Over the course of the past decade, the Office of the Special Rapporteur for Freedom of Expression has paid special attention to the violence carried out against journalists, media workers, and media outlets in Mexico. The situation of journalists amidst the violence that the country is experiencing was the subject of particular follow-up in the Special Report on Freedom of Expression in Mexico (2010) and in the Report of the Inter-American Commission on Human Rights on the Situation of Human Rights in Mexico (2015). The most alarming acts of violence against journalists and the media, as well as the replies of the State, are also included in the Annual Reports of the Office of the Special Rapporteur.<sup>37</sup>

<sup>37</sup> IACHR. Office of the Special Rapporteur for Freedom of Expression. [2010 Special Report on Freedom of Expression in Mexico](#). OEA/Ser.L/V/II. Doc. 5. March 7, 2011; IACHR. [Situation of Human Rights in Mexico](#). OEA/Ser.L/V/II. Doc. 44/15. December 31, 2015.

37. While Mexico is experiencing a severe crisis of violence and insecurity that affects different sectors of the population, the violence against journalists has reached alarming levels, intensifying in recent years. The Office of the Special Rapporteur recognizes the progress made at the federal level to implement a special mechanism for the protection of journalists and the role that the National Human Rights Commission [*Comisión Nacional de Derechos Humanos*] (hereinafter the CNDH) plays in monitoring the violence against journalists, as well as the indispensable work of the civil society organizations that work on the safety of journalists and the fight against impunity for these crimes. Nevertheless, Mexico continues to be the most dangerous country in the region in which to practice journalism, and in various states journalists and media outlets face serious risks because of the work they do.<sup>38</sup>

<sup>38</sup> IACHR. [Situation of Human Rights in Mexico](#). OEA/Ser.L/V/II. Doc. 44/15. December 31, 2015. Para. 374.

38. The CNDH reported 107 murders of journalists between 2000 and September 2015; for its part, the Office of the Special Prosecutor for Crimes against Freedom of Expression [*Fiscalía Especial para la Atención de Delitos cometidos contra la Libertad de Expresión*] (Feadle) published figures on its website reporting that 103 journalists were killed between 2000 and August 31, 2015. The federal government's Mechanism for the Protection of Journalists and Human Rights Defenders has begun to develop a Monitoring and Analysis Unit that seeks to compile detailed and disaggregated statistics on attacks and crimes against freedom of expression in Mexico. The organizations specializing in the defense of freedom of expression report figures that are even higher.<sup>39</sup>

39. In its two most recent on-site visits, the Office of the Special Rapporteur verified that threats and harassment are a mainstay of daily life for journalists in various Mexican states, principally for those who cover stories involving cases of corruption, organized crime, drug trafficking, and citizen security. The Office of the Special Rapporteur has stated since at least 2010 that the information it has received and verified indicates that Mexico is the most dangerous country in the Americas to practice journalism.<sup>40</sup> Indeed, in 2015, nearly one in five murders of journalists in Latin America (22 per cent) occurred in Mexico: six of the 27 cases documented in this year's annual report that were related to journalistic work.<sup>41</sup>

39 IACHR. [Annual Report 2015. Annual Report of the Office of the Special Rapporteur for Freedom of Expression](#). Chapter II. (Evaluation of the State of Freedom of Expression in the Hemisphere). OEA/Ser.L/V/II. Doc. 48/15. December 31, 2015.

40 IACHR. Office of the Special Rapporteur for Freedom of Expression. [2010 Special Report on Freedom of Expression in Mexico](#). OEA/Ser.L/V/II. Doc. 5. March 7, 2011. Para. 12; IACHR. [Situation of Human Rights in Mexico](#). OEA/Ser.L/V/II. Doc. 44/15. December 31, 2015. Para. 385.

41 IACHR. [Annual Report 2015. Annual Report of the](#)

40. Every year the Office of the Special Rapporteur has been able to verify with concern that most of the murders, disappearances, and kidnappings of journalists are concentrated in outlying zones or regions; in the case of Mexico, the states plagued by the heaviest presence of organized crime include Veracruz, Guerrero, Chihuahua, Tamaulipas, and Oaxaca—all of which were visited by the IACHR and the Office of the Special Rapporteur during the past five years. According to the CNDH, if we disaggregate the statistics by state, it is possible to identify those that have the highest incidence of attacks on journalists. The CNDH maintains that Veracruz, Tamaulipas, Guerrero, Chihuahua, and Oaxaca have the highest number of murders. Indeed, between 2000 and January 31, 2016, nearly six out of every 10 murders of journalists in Mexico took place in these five states.<sup>42</sup>

41. During the IACHR's on-site visit to Mexico in 2015, the Office of the Special Rapporteur went to Veracruz—the state that has had the highest number of journalists killed in recent years—and was able to verify the crisis of confidence in state institutions that journalists in that region are experiencing, and the constant risks to which they are exposed. According to figures maintained by the CNDH, there were 16 murders and 4 cases of disappeared journalists between 2010 and 2015 in that state. According to information provided by Feadle, eight of the 40 cases in which it has exercised its authority to take over an investigation were from Veracruz.

[Office of the Special Rapporteur for Freedom of Expression](#). Chapter II. (Evaluation of the State of Freedom of Expression in the Hemisphere). OEA/Ser.L/V/II. Doc. 48/15. December 31, 2015.

42 Comisión Nacional de Derechos Humanos CNDH. [Recomendación General No. 24. Sobre el ejercicio de la libertad de expresión en México](#). February 8, 2016. Para. 22.

42. Veracruz shares the Gulf of Mexico with Tamaulipas, as well as the activity of organized crime groups.<sup>43</sup> In Veracruz, attacks on journalists have intensified in the past five years, with an extremely high number of murders, disappearances, and threats—in spite of which a small sector of the press held firm in its decision to report on these incidents. In Tamaulipas, in a similar context, many journalists have opted to remain silent, in good measure because they had previously endured threats, murder, and harassment. This has meant that in recent years, the spotlight has focused more on Veracruz with respect to the problem of violence in that sub-region, even though violence against journalists in Tamaulipas persists.

*Tamaulipas: the origin of violence against journalists in Mexico*

43. Although recently Veracruz has garnered national and international attention for the severity and magnitude of the violence perpetrated against journalists, it has not been the only region in which journalists have been affected by violence in Mexico. As the CNDH stated in its General Recommendation No. 24, the States of Oaxaca, Guerrero, Chihuahua, and Tamaulipas are also facing a critical situation with respect to the protection and safety of journalists.

44. The state of Tamaulipas, located on Mexico's northeastern border with the United States, was one of the first states to be gripped by the violence of organized crime groups, even before the state decided to wage a "war on drug trafficking." From the early 2000s, the drug trafficking cartels began to use violence against media outlets and journalists in the state to silence the

coverage of their criminal activities. As a result, Tamaulipas was cited in different civil society reports as "the root of fear" for the Mexican press.<sup>44</sup>

45. Over the past 15 years, three administrations in the state of Tamaulipas have faced the problem of violence in the context of the so-called "war on drug trafficking" prosecuted by federal and state security forces, and during this entire time journalists and media outlets have remained in the crosshairs of the crime groups. According to the CNDH, "Three out of every ten kidnappings in Mexico are reported in Tamaulipas, making it the state with the greatest number of such crimes." During the period between January 1, 2014, and August 31, 2015, there were 779 cases of kidnapping,<sup>45</sup> and according to official reports, one of the highest rates of murders, kidnappings, and extortions in the country.<sup>46</sup>

46. This context is one of structural violence, impunity, and self-censorship in the state's press. According to the Feadle of the Office of the Attorney General of the Republic [*Procuraduría General de la República*] (PGR), a total of 13 journalists were murdered in Tamaulipas between 2000 and 2015, which makes the state one of the most violent regions for the practice of journalism, after Chihuahua and Veracruz.<sup>47</sup> The CNDH agrees that

43 Drug Enforcement Administration (DEA). 2015. Mexico: Updated Assessment of the Major Drug Trafficking Organizations' Areas of Dominant Control. Available at: <https://www.dea.gov/docs/dir06415.pdf>

44 Article 19. M.I.E.D.O.: informe 2015 sobre violencia contra la prensa. March 18, 2015. Available at: <http://articulo19.org/m-i-e-d-o-informe-2015-sobre-violencia-contra-la-prensa/>

45 Comisión Nacional de Derechos Humanos (CNDH). *Recomendación General No. 24. Sobre el ejercicio de la libertad de expresión en México*. February 8, 2016. Para. 25.

46 Secretariado Ejecutivo del Sistema Nacional de Seguridad Pública. *Informe de víctimas de homicidio, secuestro y extorsión 2015*. September 20, 2016.

47 Fiscalía Especial para la Atención de Delitos Cometidos contra la Libertad de Expresión. *Informe Estadístico de la Fiscalía Especial para la Atención de Delitos Cometidos contra la Libertad de Expresión. Enero 2000-noviembre 2015*. November 2015.



Tamaulipas is one of the states with the highest number of slain journalists. It has noted that, despite this situation of structural violence, the state still “does not have specialized agencies dedicated to crimes against freedom of expression,” and therefore recommended that such agencies be created.<sup>48</sup>

47. The civil society organization Article 19 recalled in a recent report that Tamaulipas “was where the first murders of journalists who reported on acts of violence in in Mexico were documented.”<sup>49</sup> The origin of this violence can be traced back to 2000, with the murder of Pablo Pineda, a reporter from the daily newspaper *La Opinión* of the city of Matamoros. Although it is not clear where the crime was committed, Pineda’s body was found in the city of Harlingen, Texas, on the U.S. side of the border.<sup>50</sup> Pineda covered stories related to drug

trafficking, and prior to his murder had been the victim of an attempt on his life. In situations where there is a strong presence of organized crime, the action of the State security forces when they are called to act in defense of national security cannot be ignored as a risk factor. In its Report on the Situation of Human Rights in Mexico, the Inter-American Commission stated that during the period examined here, the administration of former President Felipe Calderón initiated the so-called “war on drug trafficking,” and from that time forward, the struggle among drug trafficking cartels in Mexico—and between the cartels and the federal government—intensified. “As a response to the increased violence, the authorities have decided to increase the role of the armed forces in public safety tasks, including a policy of confrontation with organized crime and the execution of joint operations between the armed forces and state and municipal security institutions.”<sup>51</sup>

48. Luis Roberto Cruz, a reporter for the magazine *Multicosas* of the city of Reynosa, was also killed that same year. The investigation into both homicides failed to establish motives or identify the masterminds. In 2009, in its General Recommendation No. 17 “on assaults on journalists and the prevailing impunity,” the CNDH included both cases as the first murders of journalists that took place in Mexico during the first decade of the 2000s.<sup>52</sup> In that document, the CNDH maintained that “The inattention to assaults on journalists has caused them to increase,” and condemned the murders of 52 journalists between 2000 and 2009, eight of which occurred in Tamaulipas.<sup>53</sup>

48 Comisión Nacional de Derechos Humanos (CNDH). [Recomendación General No. 24. Sobre el ejercicio de la libertad de expresión en México.](#) February 8, 2016.

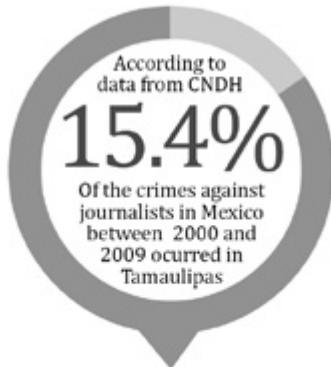
49 Article 19. M.I.E.D.O.: informe 2015 sobre violencia contra la prensa. March 18, 2015. Available at: <http://articulo19.org/m-i-e-d-o-informe-2015-sobre-violencia-contra-la-prensa/>

50 Committee to Protect Journalists (CPJ). Journalists killed. [Pablo Pineda](#); IFEX/Reporters Without Borders (RSF). April 18, 2000. [RSF calls for full-scale investigation into journalist’s assassination.](#)

51 IACHR. [Situation of Human Rights in Mexico.](#) December 31, 2015. Para. 2.

52 Comisión Nacional de los Derechos Humanos (CNDH). [Recomendación General No. 17. Sobre los casos de agresiones a periodistas y la impunidad prevaliente.](#) August 19, 2009.

53 Comisión Nacional de los Derechos Humanos



From 2000 to 2009, 52 murders of journalists, eight of which occurred in Tamaulipas, were documented.

#### *Threats and attacks to control the message*

49. According to information received by the Office of the Special Rapporteur, warnings issued by the criminal groups that started to operate in Tamaulipas more than a decade ago were a major source of intimidation meant to keep the media from reporting on violent acts related to drug trafficking and other activities of members or associates of the cartels. That practice was applied in the state to suppress information, as well as to disseminate information that would serve their criminal interests at various times.

50. The facts speak for themselves. In 2004, the annual report of the Office of the Special Rapporteur documented the murder of Roberto Mora, director of the newspaper *El Mañana* of the city of Nuevo Laredo, who was known for his investigations into drug trafficking. The logical theory would have been that

this crime was related to his work as a journalist, but for months after the murder the authorities followed a line of investigation related to his personal life. The director of *El Mañana* and her colleagues repeatedly condemned the murder as the work of organized crime, given the fact that Mora's investigations interfered with the interests of the cartels.<sup>54</sup> Media companies have also been exposed to different types of harassment on Mexico's west coast. In February 2006, the facilities of the newspaper *El Mañana*, which belongs to the principal newspaper chain in Tamaulipas, was attacked with gunfire and explosives.<sup>55</sup> One of the paper's reporters was shot, seriously wounded, and left with permanent injuries.<sup>56</sup>

51. This was the first attack using weapons and explosives against the facilities of a media outlet during the "war on drug trafficking,"<sup>57</sup> and it is viewed as one of the first intimidating messages sent to the press by the criminal groups that were establishing themselves in different parts of the country. Marking the presence of organized crime in a very symbolic way, the attack took place days after the newspaper had organized a seminar at its facilities about reporting on drug trafficking, sponsored by the Inter American Press Association (IAPA).<sup>58</sup> The newspaper's directors had been warning for months about the deteriorating

(CNDH). [Recomendación General No. 17. Sobre los casos de agresiones a periodistas y la impunidad prevaliente](#). August 19, 2009.

54 IACHR. [Annual Report of the Office of the Special Rapporteur for Freedom of Expression 2004](#). OEA/Ser.L/V/II.222. Doc. 5 rev. February 23, 2005. Chapter II. Para. 121; Univisión/YouTube. May 10, 2011. [Asesinato del Periodista Roberto Mora en México](#).

55 IACHR. [Annual Report 2006. Office of the Special Rapporteur for Freedom of Expression](#). OEA/Ser.L/V/II.127. Doc. 4 rev. 1. March 3, 2007. Para. 145.

56 El Universal. February 7, 2006. [Atacan a diario de Nuevo Laredo](#); Revista Proceso. February 7, 2006. [Ataque con granada al diario El Mañana; un reportero, herido](#).

57 IACHR. [Annual Report 2006. Office of the Special Rapporteur for Freedom of Expression](#). OEA/Ser.L/V/II.127. Doc. 4 rev. 1. March 3, 2007. Para. 145

58 Inter American Press Association (IAPA). January 29, 2006. [Mexico: Nuevo Laredo Seminar Conclusions](#).

conditions for the practice of journalism in Tamaulipas.<sup>59</sup>

52. In the following years, the newspaper *El Mañana* continued to be the target of attacks. In 2010, three reporters from the newspaper, Pedro Argüello, Miguel Ángel Domínguez, and David Silva, were kidnapped. Only Silva was released, but he did not report it to the authorities. Argüello and Domínguez remain disappeared.<sup>60</sup>

53. The building that houses *El Mañana* in Nuevo Laredo was once again attacked in May 2012. This new attack led the newspaper's directors to make the extreme decision to stop reporting and publishing information about acts of violence associated with organized crime.<sup>61</sup> In an editorial published on May 13, the newspaper announced, "We ask the public to understand that, for the length of time is necessary, we will abstain from publishing any information stemming from the violent conflict plaguing our city and other regions of the country." It stated that, "The Editorial Board of this company has arrived at this regrettable decision, obliged by circumstances of which we are all aware, and due to the absence of conditions for the free practice of journalism," while it also condemned all acts of unlawful violence.<sup>62</sup>

59 IACHR. [Annual Report 2004. Office of the Special Rapporteur for Freedom of Expression](#) EA/Ser.L/V/II.222. Doc. 5 rev. February 23, 2005. Chapter II. Para. 121; La Jornada. February 7, 2006. "[Desde 2004 vivimos que no había garantías para los periodistas, señala El Mañana](#)."

60 Committee to Protect Journalists (CPJ). [Silence or Death in Mexico's Press](#). September 8, 2010; IACHR. [Annual Report 2010. Report Of The Office Of The Special Rapporteur For Freedom Of Expression](#). Para. 562.

61 Revista Proceso. May 12, 2012. [Comando ataca a balazos el periódico 'El Mañana de Nuevo Laredo'](#); Animal Político. May 15, 2012. [El Mañana de Nuevo Laredo decide ya no cubrir temas del narco](#); Knight Center for Journalism in the Americas. May 14, 2012. [Second Mexican newspaper reports shooting attack in one week](#).

62 *El Mañana* de Nuevo Laredo. May 13, 2012. *Opinión*

54. Notwithstanding its decision to resort to forced self-censorship, two months after announcing that it was ceasing to report on organized crime, the newspaper sustained another attack. In July 11, 2012 unknown persons threw explosives at the newspaper's facilities. The same day, an office of the newspaper *El Norte* of the city of Monterrey was also attacked with explosives. In 2012, the area encompassing Tamaulipas and Nuevo León was part of a criminal dispute between drug trafficking cartels, and the attacks in Monterrey were seen as an extension of the conflict in the neighboring state.<sup>63</sup>

55. *El Mañana* inadvertently became a symbol of the chilling effect of the violence on journalism and on the local society, but it has not been the only media outlet subject to harassment in the region. In March 2012, the facilities of the newspaper *Expreso* of Ciudad Victoria were also attacked, which seemed to indicate that organized crime violence against journalists was not limited just to the border region, but extended to other areas of the state and to the capital city.<sup>64</sup> The Office of the Special Rapporteur documented this case in its 2012 annual report and noted that the newspaper *Expreso* published an article about the attack on its website, but shortly thereafter had to take it down and disable its website for a day.<sup>65</sup>

*Editorial*. Available at: <https://es.scribd.com/doc/93489651/Opinion-editorial>

63 Animal Político. July 11, 2012. [Atacan instalaciones de Grupo Reforma y El Mañana](#); Aristegui Noticias. July 11, 2012. ['El Mañana' es objeto de segundo ataque, 'El Norte' dice 'no a la intimidación'](#).

64 MVS Noticias. March 20, 2012. [Explota coche bomba frente a diario en Ciudad Victoria](#); IFEX/Inter American Press Association (IAPA). March 22, 2012. [IAPA concerned over explosion outside "Expreso" newspaper in Tamaulipas](#).

65 IACHR. [Annual Report 2012. Report of the Office of the Special Rapporteur for Freedom of Expression](#). Chapter II. (Evaluation of the State of Freedom of Expression in the Hemisphere). OEA/Ser.L/V/II.147.

56. Barely a week after the attack on *Expreso*, the Televisa television station in Matamoros was also attacked.<sup>66</sup> According to the annual report of the Office of the Special Rapporteur (2012), there was a string of attacks using explosive devices against the facilities of media outlets during that year. Given the number and intensity of the attacks, this onslaught of organized crime against the press managed to suppress the news coverage of criminal acts throughout the state.<sup>67</sup>

57. Over the past decade, Tamaulipas has been defined as a “zone of silence” due to the self-censorship effect of these practices, as well as the cartels’ practice of imposing information. Indeed, the criminal bosses even managed to encroach on the editorial departments to impose their criteria that the media should follow when reporting on these issues. A report by Mike O’Connor, a correspondent in Mexico for the Committee to Protect Journalists (CPJ), had warned that in Tamaulipas “their objective is to keep the public ignorant of their actions.”<sup>68</sup> “In many parts of Mexico, organized crime and drug cartels have been able to terrorize journalists in local or regional news organizations into not running stories the criminals don’t want the public to know about. Reporters who try are threatened or murdered. In much of the country, newspapers, TV and radio stations have just stopped covering stories that even hint about how organized crime is taking over.”<sup>69</sup>

Doc. 1. March 5, 2013. Para. 371.

66 El Universal. March 26, 2012. [Estalla explosivo junto a Televisa Matamoros](#); Knight Center for Journalism in the Americas. March 27, 2012. [Grenade explodes in front of TV station in northern Mexico](#).

67 IACHR. [Annual Report 2012. Report of the Office of the Special Rapporteur for Freedom of Expression](#). Chapter II. (Evaluation of the State of Freedom of Expression in the Hemisphere). OEA/Ser.L/V/II.147. Doc. 1. March 5, 2013.

68 Public Radio International (PRI). November 5, 2010. [Analysis : A PR Department for Mexico’s Narcos](#).

69 Public Radio International (PRI). November 5, 2010. [Analysis : A PR Department for Mexico’s Narcos](#).

58. According to information received by the Office of the Special Rapporteur, there are a number of matters of public interest whose coverage can lead to serious reprisals in Tamaulipas, including drug trafficking, human smuggling, prostitution, extortion, contraband, corruption in the customs service, and State contracts with companies associated with criminal groups. In these areas heavily influenced by groups engaged in unlawful activities, journalists are exposed to the risk of being contacted directly by the crime bosses of those organizations, who seek to impose information. Going against the interests of those groups can have very serious repercussions on the lives and safety of journalists.<sup>70</sup> The coverage of the border region in U.S. newspapers has been a crucial factor in disseminating information that cannot be published in places like Tamaulipas. The press in the State of Texas has reported on issues that are prohibited on the other side of the border, and have also covered the trials of crime bosses or businessmen and politicians involved in drug trafficking in the Texas courts. Due to the strong self-censorship, many episodes of extreme violence that occur in certain towns and cities have to be reported by the national and international press.

59. During 2010, the Office of the Special Rapporteur reported that foreign newspapers such as the *Dallas Morning News*, *Los Angeles Times*, *The New York Times*, and the *Washington Post* reported on violent acts in the cities of Nuevo Laredo and Reynosa, both in the border state of Tamaulipas, which could not be published there due to fear of organized

70 Freedom House. Comunicación enviada a la Relatoría Especial para la Libertad de Expresión. “Memorandum sobre la situación de periodistas en el estado de Tamaulipas. August 25, 2016. Available at: Archive of the Office of the Special Rapporteur for Freedom of Expression.

crime.<sup>71</sup> Alfredo Corchado, a longtime correspondent for the *Dallas Morning News*, explained that this is because the criminal groups do not want to provoke a reaction from the United States government. Nevertheless, there is an underlying fear: in 2007, Corchado had to leave the country when he received a death threat, supposedly from the criminal group *Los Zetas*; other newspapers, such as the *San Antonio Express-News*, took measures ordering their correspondent on the border to leave the city of Laredo, Texas and relocate in San Antonio as a precaution.<sup>72</sup> In August 2014, Adrián Gaona, the host of *Multimedios* in Reynosa, was kidnapped and was missing for two weeks before his body was found.<sup>73</sup> The CNDH documented this incident and attributed the kidnapping and murder to organized crime groups,<sup>74</sup> according to a list of attacks on freedom of expression mentioned in its General Recommendation No. 24 on the exercise of freedom of expression in Mexico. The so-called Gulf Cartel denied responsibility for the murder by hanging a sign, known in Mexico as a “*narcomanta*” on a street in Reynosa, but the crime has not been solved to this day.<sup>75</sup>

60. For more than a decade, the phenomenon of silencing has varied from city to city within the State of Tamaulipas. In Nuevo Laredo, for instance, the newspaper *El Mañana* has recently resumed coverage of violent incidents related to organized crime, while in cities like Tampico or Ciudad Victoria, such coverage has been suppressed. Beginning in May 2014, when the federal government announced a new security plan for the state, local media outlets local had more leeway to publish stories about violent acts. The “Tamaulipas Security Strategy” [*Estrategia de Seguridad Tamaulipas*] was launched in response to the wave of violence and consisted of reorganizing the coordination between federal security forces (Army, Navy, and Federal Police) and the State Police to dismantle criminal gangs and combat the trafficking of drugs, persons, weapons, and money.<sup>76</sup> In the early months of this security plan, the federal government reported the arrests of crime bosses and a decrease in crime,<sup>77</sup> and this offensive by the authorities against criminal groups was publicized in the regional media.<sup>78</sup>

61. In states like Tamaulipas, the influence of organized crime is a key risk factor, but we must also note the concern over institutional violence against journalists, which has also been a risk factor. On July 28, 2014 a journalist was taking photographs of police vehicles that were leaving the headquarters of the State Secretariat of Public Safety in the city of Reynosa. Although he had identified himself at

71 IACHR. [Annual Report 2010. Report Of The Office Of The Special Rapporteur For Freedom Of Expression](#). Chapter II. (Evaluation of the State of Freedom of Expression in the Hemisphere). OEA/Ser.L/V/II. Doc. 5. March 7, 2011. Para. 701.

72 Alfredo Corchado. *Midnight in Mexico A Reporter's Journey Through a Country's Descent into Darkness*. The Penguin Press. New York. 2013.

73 Revista Proceso. August 27, 2014. [Asesinan a locutor en Reynosa; Cártel del golfo se deslinda](#); Noticias de Tamaulipas. August 27, 2014. [Confirman asesinato de locutor de Multimedios Reynosa](#).

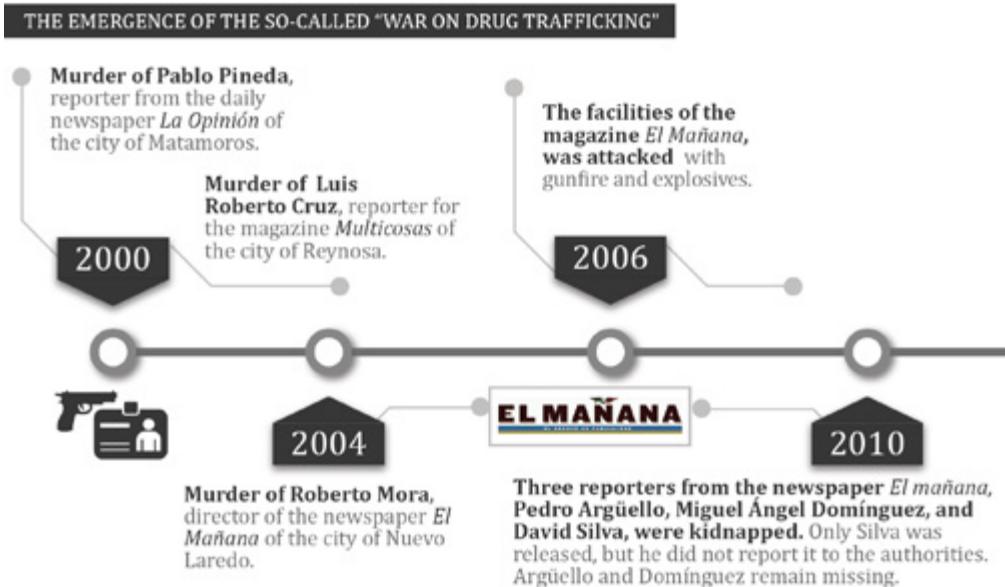
74 Comisión Nacional de Derechos Humanos (CNDH). [Recomendación General No. 24. Sobre el ejercicio de la libertad de expresión en México](#). February 8, 2016. Para. 86

75 Animal Político. August 31, 2014. [CNDH investiga asesinato del periodista Adrián Gaona en Tamaulipas](#); Milenio Diario. August 31, 2014. [El periodismo necesita inversión. Comparte este artículo utilizando los iconos que aparecen en la página. La reproducción de este contenido sin autorización previa está prohibida](#).

76 Secretaría de Gobernación. May 14, 2014. [Boletín informativo 245/15. Discurso del secretario Miguel Ángel Osorio Chong al anunciar la "Estrategia de Seguridad Tamaulipas" en Reynosa, Tamaulipas](#).

77 Wilson Center. Christopher Wilson and Eugenio Weigend. October 2014. ["Plan Tamaulipas. A New Security Strategy for a Troubled State"](#).

78 Milenio. November 17, 2014. [Informan resultados de estrategia de seguridad Tamaulipas](#); Televisa del Golfo. November 18, 2014. [Informan resultados de estrategia de seguridad en Tamaulipas](#).



the request of two police officers, the reporter was assaulted by those officers, who destroyed his camera equipment and arrested him, keeping him in custody for several days. The CNDH demanded that the government of Tamaulipas redress the harm and punish the perpetrators, as well as provide training to police officers and judicial employees on the protection of journalists, freedom of expression, and human rights.<sup>79</sup>

62. Although there have been changes in the context of violence, this succession of violent events has dragged on for over a decade against journalists and media outlets of various cities of Tamaulipas, and illustrates how organized crime has imposed silence on the press in Mexico. As the IACHR stated in its Report on the Situation of Human

Rights in Mexico, “Violence and the high levels of impunity make self-censorship the alternative journalists take in order to safeguard their rights to humane treatment and to life.”<sup>80</sup>

*Violence and harassment against journalism online*

63. The Internet allows everyone with access to the web to seek, receive, and disseminate information and ideas of all kinds. Its extraordinary decentralized design enhances the exercise of freedom of expression because it is a ubiquitous and low-cost medium. Indeed, all persons interested in issues pertinent to their communities have the effective ability to share information, opinions, and ideas through blogs, Internet platforms, and social networks. In Mexico and in Tamaulipas in particular, organized crime has also emphasized violence and intimidation against persons who take

79 Comisión Nacional de Derechos Humanos (CNDH). [Recomendación No. 019/2016. Sobre el caso de violación al derecho de acceso a la justicia en su modalidad de procuración de justicia, y a la libertad de expresión, en agravio de V, en el estado de Tamaulipas.](#) May 2, 2016.

80 IACHR. [Situation of Human Rights in Mexico.](#) OEA/Ser.L/V/II. Doc. 44/15. December 31, 2015. Para. 381.



advantage of the Internet to produce and publish information about the situation of everyday insecurity and to demand justice. The violence and pressure on journalists described in this report has also extended to the citizen journalists who prepare and share opinions and information through the social networks, protected by anonymity. In Tamaulipas, in view of the silencing of the traditional media, the anonymous use of social networks became a form of communication that for many seemed to be free of threats; however, in due time and in brutal fashion, organized crime also turned the Internet into a forum for harassment.

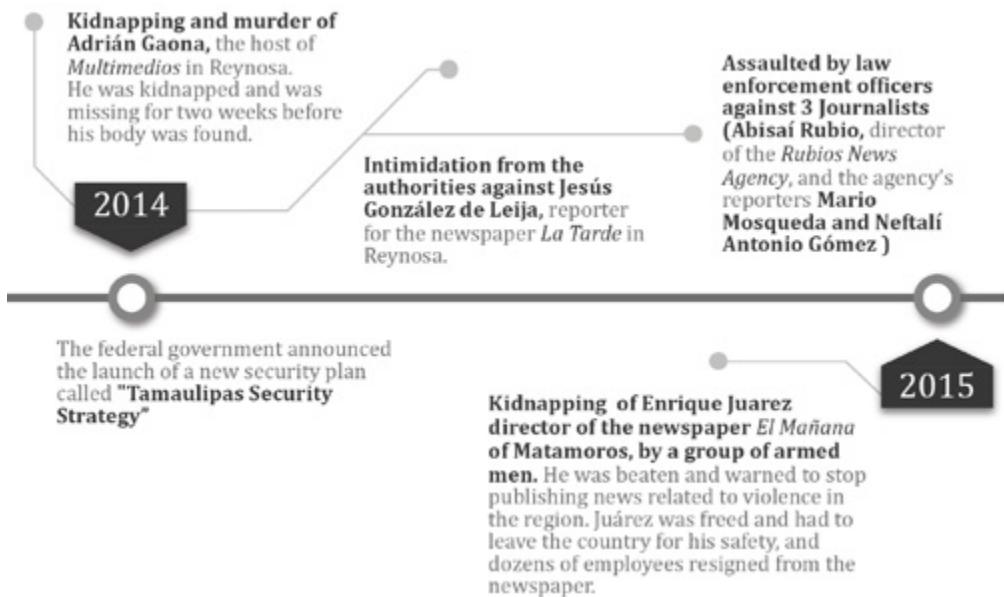
64. Anonymity is a challenge for criminal groups, which started to attack these types of journalists in 2011. That year there were at least three murders of Twitter users who reported on events related to organized crime. In September 2011, a man and a woman identified as anonymous bloggers were murdered and their bodies were hung from a bridge in the city of Nuevo Laredo. Another woman

who reported on criminal violence through her Twitter account, identified as María Elizabeth Macías, was murdered days later.<sup>81</sup>

65. In a press release following her murder, the Office of the Special Rapporteur stated that organized crime “has obligated people to use anonymity and social networks in order to be able to refer to controversial subjects such as violence associated with drug trafficking.”<sup>82</sup> The Office of the Special Rapporteur also advised the State that there should be no distinction between citizen journalists and those who work for established media outlets: “The investigation of threats or crimes committed against people who use social networks as a means of mass

81 IACHR. [Annual Report 2011. Report of the Office of the Special Rapporteur for Freedom of Expression](#). Chapter II. (Evaluation of the State of Freedom of Expression in the Hemisphere). OEA/Ser.L/V/II. Doc. 69. December 30, 2011. Para. 378.

82 IACHR. Office of the Special Rapporteur for Freedom of Expression. September 27, 2011. [Press Release R105/11 Office of the Special Rapporteur for Freedom of Expression Condemns Three Murders in Nuevo Laredo, Mexico](#).



communication of ideas, opinions and information, especially regarding matters of public interest, should be assumed with the same diligence and specialized attention as investigations regarding crimes committed against professional journalists.”<sup>83</sup>

66. In 2014, the IACHR was informed of the murder of Twitter user @Miut3, allegedly by an organized crime group. The journalist disseminated information related to public safety issues in Reynosa, Tamaulipas, through her Twitter account, and contributed to the page *Valor por Tamaulipas*. According to the information documented by the Office of the Special Rapporteur, the photograph of a murdered women was published on her Twitter account on October 16, along with messages inviting her followers to close their accounts rather than risk their lives. The Twitter account

was suspended. Those messages also reportedly stated that the alleged identity of the Twitter user was María del Rosario Fuentes Rubio. Fuentes Rubio, a doctor by profession, had been reported missing by a relative who said that on October 15 unidentified armed individuals had intercepted her outside a corporate office in the municipality of Reynosa.<sup>84</sup> The photos that were published on the Twitter account (@Miut3) were accompanied by the following message: “All I can say is, don’t make the same mistake that I did.

<sup>83</sup> IACHR. Office of the Special Rapporteur for Freedom of Expression. September 27, 2011. [Press Release R105/11 Office of the Special Rapporteur for Freedom of Expression Condemns Three Murders in Nuevo Laredo, Mexico.](#)

<sup>84</sup> IACHR. Office of the Special Rapporteur for Freedom of Expression. November 3, 2014. [Press Release R 129/14 Office of the Special Rapporteur Condemns Murders of two Communicators in Mexico](#); Artículo 19. October 16, 2014. [Reportan en redes sociales asesinato de twittera de Tamaulipas](#); SinEmbargo. October 16, 2014. [Ciudadana que exhibía por redes al narco en Tamaulipas es secuestrada y asesinada](#); Reporters Without Borders (RSF). October 23, 2014. [A netizen is killed in Tamaulipas](#); Animal Político. October 17, 2014. [PGJ-Tamaulipas investiga desaparición y presunto asesinato de periodista ciudadana](#); La Jornada. October 17, 2014. [Secuestran y asesinan en Reynosa a tuitera que combatía a narcotraficantes](#); Procuraduría General de Justicia del Estado de Tamaulipas. October 18, 2014. [Comunicado de la Procuraduría General de Justicia del Estado a 18 de octubre de 2014](#)

Nothing is gained. On the contrary, I now realize that I met my death in exchange for nothing (...) They are closer to us than you think.”<sup>85</sup> The State informed the Office of the Special Rapporteur that the case is being investigated by the State Anti-kidnapping Unit of the PGR of Tamaulipas, and the Feadle initiated the fact-finding report, which is reportedly in process.<sup>86</sup>

67. The criminals reportedly took notice of the surge in popularity of this account prior to committing this abominable crime, and in 2013 they tried to find out the identity of the person behind it. Pamphlets were distributed in various cities of the state offering up to MXN\$ 600 thousand Mexican pesos (US\$ 29 thousand) as a reward for information identifying the account’s authors.<sup>87</sup> The account was closed temporarily, but was later reactivated in order to keep reporting on issues of major public interest.<sup>88</sup>

68. The chilling effect of this case is clear. Fuentes’s murder in Tamaulipas resulted in fewer citizens reporting security alerts on social networks, and those who continued to do so changed their profiles and connections among

themselves.<sup>89</sup> Anonymous bloggers reportedly detected attempts to compile personal information from anonymous profiles by persons attempting to gain the trust of users who know other bloggers on social networks. This type of electronic surveillance was reportedly how the criminals were able to identify the victim.<sup>90</sup>

#### *A problem that remains urgent*

69. The Office of the Special Rapporteur would also like this report to reflect the fact that, while the situation of freedom of expression in Tamaulipas may be subject to ups and downs, it continues to face serious obstacles, and acts of violence and intimidation against journalists in particular continue to occur.

70. The methods change but the chilling effect is the same. Kidnapping, followed by a short time in captivity, can also be used to send messages to specific targets, as in the case of the director of the newspaper *El Mañana* of Matamoros, Enrique Juárez. On February 4, 2015, a group of armed men broke into the offices of the newspaper and kidnapped him. For an hour, they drove him around the city in circles while beating him and warning him to stop publishing news related to violence in the region. Juárez was freed and had to leave the country for his safety, and dozens of employees resigned from the newspaper.<sup>91</sup> The Office

85 La Jornada. October 17, 2014. [Secuestran y asesinan en Reynosa a tuitera que combatía a narcotraficantes](#); Radio Fórmula. October 17, 2014. [Difunden imagen de activista asesinada en Reynosa. Con Ciro Gómez Leyva](#).

86 Estados Unidos Mexicanos. Informe del Estado mexicano en respuesta a la Solicitud de Información conforme al artículo 41 de la Convención Americana sobre Derechos Humanos. August 12, 2016. Available at: Archive of the Office of the Special Rapporteur for Freedom of Expression.

87 IACHR. [Annual Report 2013. Annual Report of the Office of the Special Rapporteur for Freedom of Expression](#). Chapter II. (Evaluation of the State of Freedom of Expression in the Hemisphere). OEA / Ser.L/V/II.149. Doc. 50. December 31, 2013. Para. 648.

88 Revista Proceso. April 30, 2013. [Gobierno y narco, unidos contra “Valor por Tamaulipas”](#); 24 Horas. April 2, 2013. [Por amenazas, cierran Valor por Tamaulipas](#).

89 Freedom House. Comunicación enviada a la Relatoría Especial para la Libertad de Expresión. Memorándum sobre la situación de periodistas en el estado de Tamaulipas. August 25, 2016. Available at: Archive of the Office of the Special Rapporteur for Freedom of Expression.

90 Freedom House. Comunicación enviada a la Relatoría Especial para la Libertad de Expresión. Memorándum sobre la situación de periodistas en el estado de Tamaulipas. August 25, 2016. Available at: Archive of the Office of the Special Rapporteur for Freedom of Expression.

91 *El Mañana* de Matamoros. February 5, 2015. [Atentado a El Mañana de Matamoros](#); Animal Político. February 5, 2015. [Secuestran al director de](#)

of the Special Rapporteur learned that journalist Enrique Juárez was included in the Mechanism for the Protection of Journalists of the Ministry of the Interior [*Mecanismo de protección para Periodistas de la Secretaría de Gobernación*], which supported him by providing a panic button, security guards, and an emergency contact.

71. On February 6, unknown persons detonated an explosive device at the *Televisa* facilities in Matamoros.<sup>92</sup> These types of incidents reinforce fear among journalists, provide an incentive for self-censorship, and are a clear sign of how organized crime uses violence to impose content in line with its interests.

72. The intimidation of the press to prevent coverage of security-related events also comes from the authorities, as was clear in the case of Jesús González de Leija, a reporter for the newspaper *La Tarde* of Reynosa. On July 28, 2014, González was outside the headquarters of the Secretariat of Public Safety of Reynosa [*Secretaría de Seguridad Pública de Reynosa*] when he noticed heavy activity by State Police vehicles, and decided to take photographs of the convoy. State Police officers confronted the journalist when they noticed him, even though he was on a public thoroughfare. González identified himself as a journalist, but was detained. According to his account, the officers handcuffed him, beat him, and took his camera. He was kept incommunicado for several hours and later informed that he was being accused of assault and crimes against public servants.<sup>93</sup> On July 31, 2014,

González filed a complaint with the CNDH, which opened an investigation. It issued a recommendation to the government of Tamaulipas in May 2016, citing violations of the right to freedom of expression and access to justice.<sup>94</sup>

73. González's case is not the only reported case of a journalist being assaulted by law enforcement officers while covering a story. On April 4, 2014 three journalists were threatened by members of the Mexican Army while covering a traffic accident involving a military vehicle.<sup>95</sup> Abisaí Rubio, director of the Rubios News Agency, and the agency's reporters Mario Mosqueda and Neftalí Antonio Gómez were covering the incident when, according to their complaint, they were confronted by soldiers who threatened to "disappear them," physically assaulted them, and damaged their equipment.<sup>96</sup> The journalists filed a complaint with the Office of the Attorney General of the Republic [Procuraduría General de la República] and provided statements on May 9, more than a month after the events,<sup>97</sup> but no progress on the investigation has been reported.

[modalidad de procuración de justicia, y a la libertad de expresión, en agravio de V, en el estado de Tamaulipas.](#) May 2, 2016.

94 Comisión Nacional de Derechos Humanos (CNDH). [Recomendación No. 019/2016. Sobre el caso de violación al derecho de acceso a la justicia en su modalidad de procuración de justicia, y a la libertad de expresión, en agravio de V, en el estado de Tamaulipas.](#) May 2, 2016; [Periodistas en riesgo.](#) July 28, 2014. [Golpean y detienen a periodista en Tamaulipas.](#)

95 La Jornada. April 5, 2014. [Atacan soldados a reporteros que cubrían un percance en Nuevo Laredo;](#) HoyTamaulipas. April 4, 2014. [Periodistas son agredidos en Nuevo Laredo.](#)

96 IACHR. [Annual Report 2014. Annual Report of the Office of the Special Rapporteur for Freedom of Expression.](#) Chapter II. (Evaluation of the State of Freedom of Expression in the Hemisphere). OEA/Ser.L/V/II. Doc. 13. March 9, 2015. Para. 725.

97 IFEX/ Article 19. May 22, 2014. [Fiscalía Especial debe investigar agresión de militares a periodistas en México.](#)

[‘El Mañana’ de Matamoros; lo liberan horas después bajo amenazas;](#) Radio Fórmula. February 6, 2015. [Director de El Mañana de Matamoros ya está fuera del país.](#)

92 El Norte. February 6, 2015. [Lanzan granada contra Televisa Matamoros;](#) Milenio. February 7, 2015. [Lanzan granada contra Televisa Matamoros.](#)

93 Comisión Nacional de Derechos Humanos (CNDH). [Recomendación No. 019/2016. Sobre el caso de violación al derecho de acceso a la justicia en su](#)

*Arbitrary allocation of government advertising in contexts of violence*

74. Another factor that strongly influences the silenced areas is the infringement of freedom of expression through the arbitrary and discriminatory allocation of government advertising. Journalists in the State of Tamaulipas cite the use of government advertising to pressure directors and editors not to publish articles about insecurity and violence.<sup>98</sup> As the Office of the Special Rapporteur has reiterated on numerous occasions, these are indirect mechanisms that tend to suppress reporting on matters

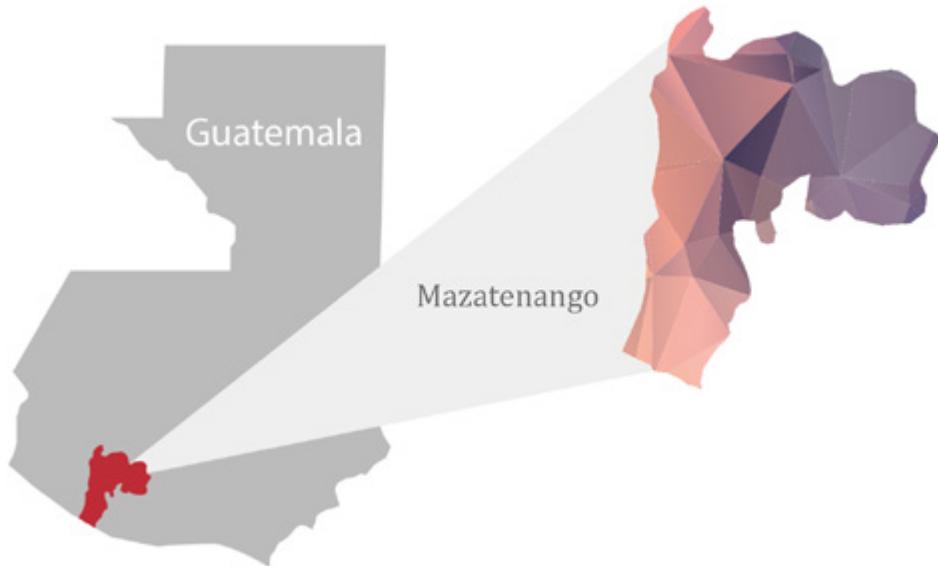
of public interest, communication, and the circulation of ideas and opinions.<sup>99</sup>

75. In a study on the allocation of government advertising conducted by *Fundar* and Article 19, several requests for information were sent to the government Tamaulipas, but went unanswered. When the 2014 Index to Access Spending on Government Advertising sought to determine spending on government advertising between 2011 and 2013, Tamaulipas was, along with Coahuila, Guerrero, and Puebla, one of the states that did not provide information for any of those three years.<sup>100</sup>

98 Freedom House. Comunicación enviada a la Relatoría Especial para la Libertad de Expresión. Memorandum sobre la situación de periodistas en el estado de Tamaulipas. August 25, 2016. Available at: Archive of the Office of the Special Rapporteur for Freedom of Expression.

99 IACHR. Office of the Special Rapporteur for Freedom of Expression. [Principles on the Regulation of Government Advertising and Freedom of Expression](#). OEA/Ser.L/V/II. CIDH/RELE/INF. 6/12. March 7, 2011.

100 Fundar and Article 19. Índice de acceso al gasto en publicidad oficial en las entidades federativas 2013. April 1, 2014. Available at: <http://fundar.org.mx/indice-de-acceso-al-gasto-en-publicidad-oficial-en-las-entidades-federativas-2013/>



## b. Mazatenango, Guatemala

76. In its Report on the Situation of Human Rights in Guatemala, the IACHR observed that, “Since 1996, the ensuing administrations have faced significant challenges in the wake of the armed conflict, including, dire socioeconomic conditions with high incidences of inequality and exclusion and widespread child undernourishment, all in the context of discrimination, corruption, increasing violence, the creation or continuation of de facto criminal powers, and the gradually increasing occupation of territory and power by drug trafficking organizations and gangs (pandilleros). Added to this, the institutional framework is weak, and with a system of justice with high levels of impunity. Compounding the above are ever-louder calls from civil society for justice and reparation for the gross human rights violations that were committed during the internal armed conflict and the rights ignored for decades as a result.”<sup>101</sup>

101 IACHR. [Situation of Human Rights in Guatemala: Diversity, Inequality and Exclusion](#). OEA/Ser.L/V/II. Doc. 43/15. December 31, 2015. Para. 49.

77. The severity of the security and human rights crisis in Guatemala spurred the 2006 creation of the International Commission against Impunity in Guatemala (CICIG) by the United Nations with the consent of the Guatemalan State. Its mandate is to investigate, dismantle, and eradicate clandestine apparatuses and illegal security forces that “seriously violate” human rights.<sup>102</sup>

78. In its report on the financing of politics in Guatemala, the CICIG indicated that, since 1984, the political system had taken on a number of characteristics that distinguished it from others in the region. These peculiarities include the fluidity of the party system; electoral volatility; the concentration of political options in the center and on the right of the political spectrum; the influence of the powers-that-be; and the continuity of the economic

102 International Commission Against Impunity in Guatemala (CICIG). [Acuerdo entre la Organización de Naciones Unidas y el Gobierno de Guatemala relativo al establecimiento de una Comisión Internacional contra la Impunidad en Guatemala \(CICIG\)](#). December 12, 2006.

and social status quo. With regard to the political culture, it stated that Guatemalan society is deeply divided and splintered along multiple lines including ethnicity, rural-urban differences, and regional tensions between the metropolitan area and the rest of the country. It is also plagued by the persistent acts of racism and exclusion on the part of elites.

79. According to the CICIG, the ties between criminal drug trafficking organizations and politics arise from the criminal groups' need for police protection, information, and the freedom to act in the areas where they operate. As such, from the beginning of the democratization process, these groups have financed election campaigns, contributing resources to the parties at various levels. Through political financing, criminal organizations seek to benefit from certain degrees of protection and information, as well as to occupy key positions in the State that allow them to diversify their businesses and exercise partial control or influence over security and justice institutions.<sup>103</sup>

#### *Journalists as guardians of the public interest*

80. The IACHR and its Office of the Special Rapporteur has continually received information indicating that the full enjoyment of the right to freedom of expression has been hindered by intimidating actions directed at media outlets and independent journalists. During the last years, the Commission has expressed its special concern over the attacks directed at social journalists who cover investigations into government administration, acts of corruption, and human rights violations.<sup>104</sup> In the Report

on the Situation of Freedom of Expression in Guatemala, written following a 2003 on-site visit of the IAHCR and the Office of the Special Rapporteur, they were already expressing concern over the spike in murders, threats, and intimidation of investigative journalists and human rights defenders who exercise their right to freedom of expression.<sup>105</sup>

81. Between 2010 and 2015, the Office of the Special Rapporteur documented 10 murders of journalists in different regions of Guatemala, including three cases in Suchitupéquez. These 10 homicides reflect in just five years half of the 23 journalists who have lost their lives in Guatemala since 1994, according to a report by the Committee to Protect Journalists.<sup>106</sup>

82. Through its annual reports, the Office of the Special Rapporteur has underscored its ongoing concern over the rise in assaults and acts of intimidation against journalists. In 2010, there were initial signs of the risks faced by journalists who cover information related to organized crime. On August 3, 2010, three reporters were assaulted by officers from the Counternarcotics Information and Analysis Division [*División de Análisis e Información Antinarcótica*] while the officers were conducting a search.<sup>107</sup> The 2011 report documented 15 assaults against journalists, compared to 10 cases in 2010.<sup>108</sup> That year the Office of the

[Diversity, Inequality and Exclusion](#). OEA/Ser.L/V/II. Doc. 43/15. December 31, 2015. Para. 281.

105 IACHR. [Justice and Social Inclusion: The Challenges of Democracy in Guatemala](#). Chapter VII. (The Situation of Freedom of Expression). OEA/Ser.L/V/II.118. Doc. 5 rev. 1. December 29, 2003. Para. 390.

106 Committee to Protect Journalists (CPJ). No date. [Journalists Killed in Guatemala since 1992/Motive Confirmed](#).

107 IACHR. [Annual Report 2010. Report Of The Office Of The Special Rapporteur For Freedom Of Expression](#). Chapter II. (Evaluation of the State of Freedom of Expression in the Hemisphere). OEA/Ser.L/V/II. Doc. 5. March 7, 2011. Para. 277.

108 IACHR. [Annual Report 2011. Report of the Office](#)

103 International Commission Against Impunity in Guatemala (CICIG). *El Financiamiento de la Política en Guatemala*. July 2015. Page 93-94, 101. Available at: <https://goo.gl/RPKirp>

104 IACHR. [Situation of Human Rights in Guatemala:](#)

Special Rapporteur warned of threats against media outlets by alleged drug trafficking gangs. Notable among other reported assaults that year was the threat against three radio stations in Cobán by criminals identified as members of the group or cartel known as *Los Zetas*. The criminals forced them to convey a message to President Álvaro Colom, threatening to burn down the radio stations and kill the relatives of station employees if they did not comply. That year police detained individuals who were posting banners signed by drug trafficking groups in the city of Quetzaltenango, with threatening messages telling media outlets to stop reporting on crime-related events.<sup>109</sup> In 2012, during its Universal Periodic Review, the Guatemalan government announced to the United Nations Human Rights Council that it was taking actions to strengthen the units for the investigation of crimes against journalists, as well as making progress on the creation of a national mechanism for the protection of journalists with the support of UNESCO and the Office of the United Nations High Commissioner for Human Rights in Guatemala.<sup>110</sup>

[of the Special Rapporteur for Freedom of Expression](#). Chapter II. (Evaluation of the State of Freedom of Expression in the Hemisphere). OEA/Ser.L/V/II. Doc. 69. December 30, 2011. Paras. 268 -278.

109 IACHR. [Annual Report 2011. Report of the Office of the Special Rapporteur for Freedom of Expression](#). Chapter II. (Evaluation of the State of Freedom of Expression in the Hemisphere). OEA/Ser.L/V/II. Doc. 69. December 30, 2011. Para. 269.

110 United Nations. General Assembly. Human Rights Council. [Informe nacional presentado con arreglo al párrafo 5 del anexo de la resolución 16/21 del Consejo de Derechos Humanos. Guatemala](#). A/HRC/WG.6/14/GTM/1. August 7, 2012; IACHR. [Annual Report 2012. Report of the Office of the Special Rapporteur for Freedom of Expression](#). Chapter II. (Evaluation of the State of Freedom of Expression in the Hemisphere). OEA/Ser.L/V/II.147. Doc. 1. March 5, 2013. Para. 268.

83. Nevertheless, and despite all of the recommendations made by the universal system as well as the Interamerican human rights protection system, the situation of violence and the impunity of crimes against journalists did not substantially improve. In 2014, the Office of the United Nations High Commissioner for Human Rights (OHCHR), reported an increase in attacks on journalists in Guatemala. The report states that 71 attacks were recorded in November 2014, compared to 57 the previous year—despite the fact that there were four reported murders in 2013 and none in 2014.<sup>111</sup> Civil society has a similar assessment: the *Observatorio para los Periodistas del Centro de Reportes Informativos de Guatemala* (Cerigua) has warned that, “Censorship and self-censorship continue to be one of the principal problem issues for members of the press in Guatemala, (...) in view of the danger posed by the power of local politicians or organized crime structures.”<sup>112</sup>

84. At the October 28, 2014 hearing on the situation of human rights defenders in Guatemala, the Commission received information on the increase in alleged detentions and acts of violence against journalists and media workers in Guatemala, and the prevailing impunity with which those crimes were met. It also received information about alleged acts of surveillance and cyber-attacks on media outlets, as well as lawsuits brought in retaliation against critical journalists in the country. Problems were also alleged in the design and implementation of a mechanism for the protection of journalists and with

111 United Nations. Report of the United Nations High Commissioner for Human Rights on the activities of his office in Guatemala 2014. Para. 49. Available at: <http://www.ohchr.org.gt/informes.asp>

112 Centro de Reportes Informativos de Guatemala (Cerigua). June 10, 2016. [Agresiones contra periodistas en Guatemala: urge programa de protección](#).

respect to the activities of the Unit for the Prosecution of Crimes against Journalists. The organizations that took part in the hearing reported that, according to official figures, as of August 2014, the Prosecution Unit had reportedly opened 44 case files on assaults against 89 journalists, 19 of whom were women. Sixty of the assailants were reportedly public servants, while 37 were private citizens. At the same time, the State maintained that it was respectful of journalists and dismissed as false the alleged rise in violence aimed at human rights defenders. It additionally reported on the creation of mechanisms and institutions for the protection of human rights defenders and journalists, and said that it had provided protection to various at-risk persons.<sup>113</sup>

85. In a context like Guatemala's, the full enjoyment of the right to freedom of expression is extremely important, as it is fundamental to the strengthening of "democracy, anti-corruption measures, good governance and in general the ability of society to take informed decisions."<sup>114</sup> In this regard, "Journalists deserve special concern not primarily because they perform heroic acts in the face of danger—although that is often the case—but because the social role they play is so important. (...) Violence against a journalist is not only an attack on one particular victim, but on all members of the society."<sup>115</sup>

113 IACHR. 153 Regular Period of Sessions. Public hearing : *Situación de defensores de derechos humanos en Guatemala*, October 28, 2014. Available at: <http://www.oas.org/es/cidh/multimedia/sesiones/153/default.asp>

114 United Nations. General Assembly. [Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns](#). A/HRC/20/22. April 10, 2012. Para. 23.

115 United Nations. General Assembly. [Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns](#). A/HRC/20/22. April 10, 2012. Para. 24.

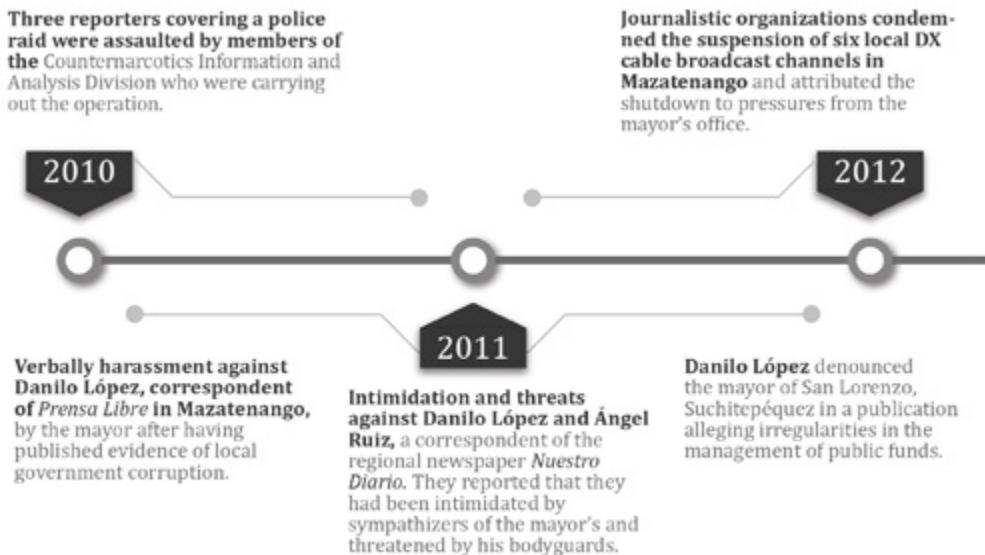
*Mazatenango, an example of violence in the regions and its effects*

86. The deterioration of the climate for a free press in Guatemala during the first years of the decade was also evident in towns far from the capital. An emblematic case is the 2015 double murder of two journalists on a public thoroughfare, in front of their colleagues, in the municipality of Mazatenango, department of Suchitepéquez—a crime that summoned the attention of the international community associated with freedom of expression because of the use of extreme and brutal violence by different actors to silence local journalists, and as a way of sending a sinister message.

87. According to the annual reports of the Office of the Special Rapporteur, three reporters covering a police raid were assaulted in 2010 by the Counternarcotics Information and Analysis Division who were carrying out the operation.<sup>116</sup> One year later, in July 2011, correspondent Danilo López of *Prensa Libre* in Mazatenango complained of being verbally harassed by the mayor after having published evidence of local government corruption. Days later, López and Ángel Ruiz, a correspondent of the regional newspaper *Nuestro Diario*, reported that they had been intimidated by sympathizers of the mayor's and threatened by his bodyguards.<sup>117</sup> López specifically reported having been the victim of threats several times over the following years. In 2013, Danilo López received a new threat. On June 8, 2011 he denounced the mayor of San Lorenzo,

116 IACHR. [Annual Report 2010. Report Of The Office Of The Special Rapporteur For Freedom Of Expression](#). Chapter II (2010 Special Report on Freedom of Expression in Mexico). OEA/Ser.L/V/II. Doc. 5. March 7, 2011.

117 IACHR. [Annual Report 2011. Report of the Office of the Special Rapporteur for Freedom of Expression](#). Chapter II. (Evaluation of the State of Freedom of Expression in the Hemisphere). OEA/Ser.L/V/II. Doc. 69. December 30, 2011.



Suchitepéquez in a publication alleging irregularities in the management of public funds. Following an investigation, the Guatemalan government reported that a probable cause hearing was requested against the mayor, but that he enjoys immunity.<sup>118</sup>

88. In April 2012, journalistic organizations condemned the suspension of six local DX cable broadcast channels in Mazatenango and attributed the shutdown to pressures from the mayor's office. Although the company stated at the time that the reasons for the shutdown were administrative, the complaint indicated that one channel had been suspended since the beginning of 2012 and was reestablished on the condition that it not criticize the mayor's office.<sup>119</sup>

118 IACHR. [Annual Report 2011. Report of the Office of the Special Rapporteur for Freedom of Expression](#). Chapter II. (Evaluation of the State of Freedom of Expression in the Hemisphere). OEA/Ser.L/V/II. Doc. 69. December 30, 2011.

119 IACHR. [Annual Report 2012. Report of the Office of the Special Rapporteur for Freedom of Expression](#). Chapter II. (Evaluation of the State of Freedom of Expression in the Hemisphere). OEA/Ser.L/V/II.147 Doc. 1. March 5, 2013.

89. Four journalists were murdered in Guatemala in 2013, and one of those killings took place in the Department of Suchitepéquez. The body of Carlos Alberto Orellana Chávez, the former director of *Radio Victoria* and a news anchor on the *Óptimo 23* television station, was found on August 12. The Guatemalan government ruled out the possibility that the murder was linked to Orellana's work as a journalist, and although the Office of the Special Rapporteur acknowledged that "there is no clear connection" to his work, it did ask for in-depth investigations to be conducted "without ruling out the theory of a connection to (...) freedom of expression."<sup>120</sup> On his program, Orellana covered topics of public interest to the community, and denounced corruption.<sup>121</sup>

120 IACHR. [Annual Report 2013. Annual Report of the Office of the Special Rapporteur for Freedom of Expression](#). Chapter II. (Evaluation of the State of Freedom of Expression in the Hemisphere). OEA / Ser.L/V/II.149. Doc. 50. December 31, 2013. Para. 451; Committee to Protect Journalists. August 20, 2013. [One journalist murdered, another attacked, in Guatemala](#).

121 Committee to Protect Journalists (CPJ). Journalist Killed. Guatemala. [Carlos Alberto Orellana Chávez](#);



This murder coincided with an armed attack against photojournalist and radio reporter Fredy Rodas in Mazatenango. On the night of August 12, 2013, armed individuals fired at least three shots at Rodas, a correspondent for *Radio Sonora* and reporter for the newspaper *Al Día*. In December 2013, authorities informed the Office of the Special Rapporteur that there had been progress in the investigation and that two suspects had been arrested and accused of carrying out the attack.<sup>122</sup>

90. In February 2014, the host of television news program 'Noticias y Más', Nery Morales, was the target of an armed attack from which she escaped unharmed. The night of February 12, she was on her way home in the municipality of Mazatenango, when two individuals on board a motorcycle shot at her and chased her until she found safety at a fire station.<sup>123</sup>

*Prensa Libre*. August 22, 2013. [Dan último adiós a periodista Carlos Orellana Chávez](#).

122 IACHR. [Annual Report 2013. Annual Report of the Office of the Special Rapporteur for Freedom of Expression](#). Chapter II. (Evaluation of the State of Freedom of Expression in the Hemisphere). OEA/Ser.L/V/II.149. Doc. 50. December 31, 2013. Para. 467.

123 IACHR. [Annual Report 2014. Annual Report of](#)

91. On March 10, 2015, Danilo López, a correspondent for *Prensa Libre*—one of the country's main newspapers—Federico Salazar, a correspondent for *Radio Nuevo Mundo*, and local journalist Marvin Túnchez were in the central square of the municipality of Mazatenango, a place where journalists regularly meet after preparing their articles. It was broad daylight, and they were some 20 meters from a police station, when two individuals on board a motorcycle drove up and shot them. López and Salazar died in the attack, and Túnchez was wounded.<sup>124</sup> The attack took place after López had reported being threatened at least twice by municipal authorities of Suchitepéquez, apparently as a consequence of articles denouncing misfeasance by government employees.

[the Office of the Special Rapporteur for Freedom of Expression](#). Chapter II. (Evaluation of the State of Freedom of Expression in the Hemisphere). OEA/Ser.L/V/II. Doc. 13. March 9, 2015. Para. 544.

124 IACHR. [Annual Report 2015. Annual Report of the Office of the Special Rapporteur for Freedom of Expression](#). Chapter II. (Evaluation of the State of Freedom of Expression in the Hemisphere). OEA/Ser.L/V/II. Doc. 48/15. December 31, 2015. Para. 657; Reporters Without Borders (RSF). March 11, 2015. [Two reporters gunned down in Mazatenango](#); *Prensa Libre*. March 11, 2015. [Corresponsal de Prensa Libre muere baleado en Mazatenango](#).



There were no known threats against Federico Salazar, but both were members of the recently created the *Asociación de prensa de Suchitepéquez*, of which they were the Vice President and Secretary, respectively.

92. A year earlier, López had given an interview in which he described the poor conditions for the practice of journalism in Mazatenango. “Journalists here are very vulnerable, mainly to the daily crime that is visible in the department day in and day out. We have no security, just like the journalists who work in the city,” he said, describing the climate of violence in the region.<sup>125</sup>

93. Three days after López and Salazar were killed, Giovanni Villatoro, a cameraman for the television channel Servicable, was murdered in the municipality of Chicacao, 25 kilometers from Mazatenango. The attack took place outside the television station’s offices.<sup>126</sup>

125 IACHR. [Situation of Human Rights in Guatemala: Diversity, Inequality and Exclusion](#). OEA/Ser.L/V/II. Doc. 43/15. December 31, 2015.

126 IACHR. [Situation of Human Rights in Guatemala: Diversity, Inequality and Exclusion](#). OEA/Ser.L/V/II.

The National Civil Police [*Policía Nacional Civil*] announced the arrest of three members of a criminal extortion gang for the murder.<sup>127</sup> The Ministry of the Interior cited the extortion of employees of Servicable as a possible motive for the crime.<sup>128</sup>

94. On March 17, 2015, one week after the attack, the Public Ministry reported that the investigating prosecutors received threats warning them to stop their inquiries in the case.<sup>129</sup> The *Asociación de prensa de Suchitepéquez* also reported threats against local journalists covering

Doc. 43/15. December 31, 2015.

127 IACHR. Office of the Special Rapporteur for Freedom of Expression. March 23, 2015. [Press Release R 35/15 The Office of the Special Rapporteur for Freedom of Expression Condemns Killing of Reporter in Guatemala](#).

128 Centro de Reportes Informativos de Guatemala (Cerigua). March 28, 2015. [Capturan a presunto autor intelectual del asesinato de Guido Villatoro](#); Soy502. March 14, 2015. [Detienen a tres presuntos involucrados en la muerte de camarógrafo](#).

129 IACHR. [Situation of Human Rights in Guatemala: Diversity, Inequality and Exclusion](#). OEA/Ser.L/V/II. Doc. 43/15. December 31, 2015.; Prensa Libre. March 17, 2015. [Amenazan a fiscales que investigan crímenes de periodistas](#); La Prensa Gráfica. March 18, 2015. [Amenazan a fiscales que indagan caso periodistas](#).

the investigation into the murder of their colleagues.<sup>130</sup>

95. Authorities detained a suspect the same day López and Salazar were murdered. Information from his cell phone led to the arrest of three other individuals.<sup>131</sup> In early July 2015, three men were prosecuted for the murders of López and Salazar, two of whom were police officers from the Protection Unit for Interior Ministry Officials. Two alleged suspects had been previously detained in the case and prosecuted for the offenses of conspiracy, murder, and attempted murder.<sup>132</sup> Five people in total were prosecuted for the murders of López and Salazar.<sup>133</sup>

96. Given the relevance of the case and the impact of the journalists' murder on the fight against corruption, the International Commission against Impunity in Guatemala (CICIG) began to monitor the investigation and later took it over when the evidence began to point toward the responsibility of local authorities.<sup>134</sup>

97. Given the upheaval created by the case, various Guatemalan media outlets decided to conduct a joint investigation to keep these crimes from going unpunished. The digital media outlets *Nómada*, *Soy 502*, *Plaza Pública*, and *Contrapoder* carried out a joint investigation with the support of the organization Cerigua, with the objective of establishing the facts of the case, contributing evidence to the investigation, and verifying that the investigation was not diverted in order to have the crimes go unpunished. The publication of the joint investigation of these three national media outlets, under the name *#LaVerdadpuedemas*, enabled the case to gain national and international prominence. In an article published in July 2015—four months after the crime—the journalists described the possible involvement of local authorities and organized crime groups operating in the area where the murders took place, and their objective of silencing journalists who were reporting on corrupt acts that involved at least four area mayors.<sup>135</sup> It also mentioned the relationship between journalist López and one of the mayors in question, with whom would he had spoken hours before the crime.

98. The investigation additionally made another extremely serious institutional revelation—the gang of assassins who killed the journalists was controlled by members of the National Civil Police [Policía Nacional Civil] (PNC); however, they stated that the investigations had not determined the identity of the masterminds who had hired the killers.<sup>136</sup>

130 IACHR. [Annual Report 2015. Annual Report of the Office of the Special Rapporteur for Freedom of Expression](#). Chapter II. (Evaluation of the State of Freedom of Expression in the Hemisphere). OEA/Ser.L/V/II. Doc. 48/15. December 31, 2015; Soy 502. June 26, 2015. [Periodistas en Suchitepéquez denuncian que amenazas continúan](#); Prensa Libre. June 26, 2015. [Amenazan a periodistas en Mazatenango por captura de policías](#).

131 United Nations. International Commission Against Impunity in Guatemala (CICIG). [Informe de la Comisión Internacional contra la Impunidad en Guatemala con ocasión de su octavo año de labores](#). November 13, 2015.

132 Prensa Libre. July 1, 2015. [Ligan a proceso detenidos por muerte de periodistas](#); Ministerio Público. July 1, 2015. [Juez liga a proceso y envía a prisión preventiva a sindicados por caso de asesinato de periodistas](#); Prensa Libre. March 12, 2015. [Capturan en Reu a presunto asesino de periodistas](#).

133 IACHR. [Situation of Human Rights in Guatemala: Diversity, Inequality and Exclusion](#). OEA/Ser.L/V/II. Doc. 43/15. December 31, 2015.

134 International Commission Against Impunity in Guatemala (CICIG). June 26, 2015. [Comunicado de prensa 031. Captura en casos de periodistas](#);

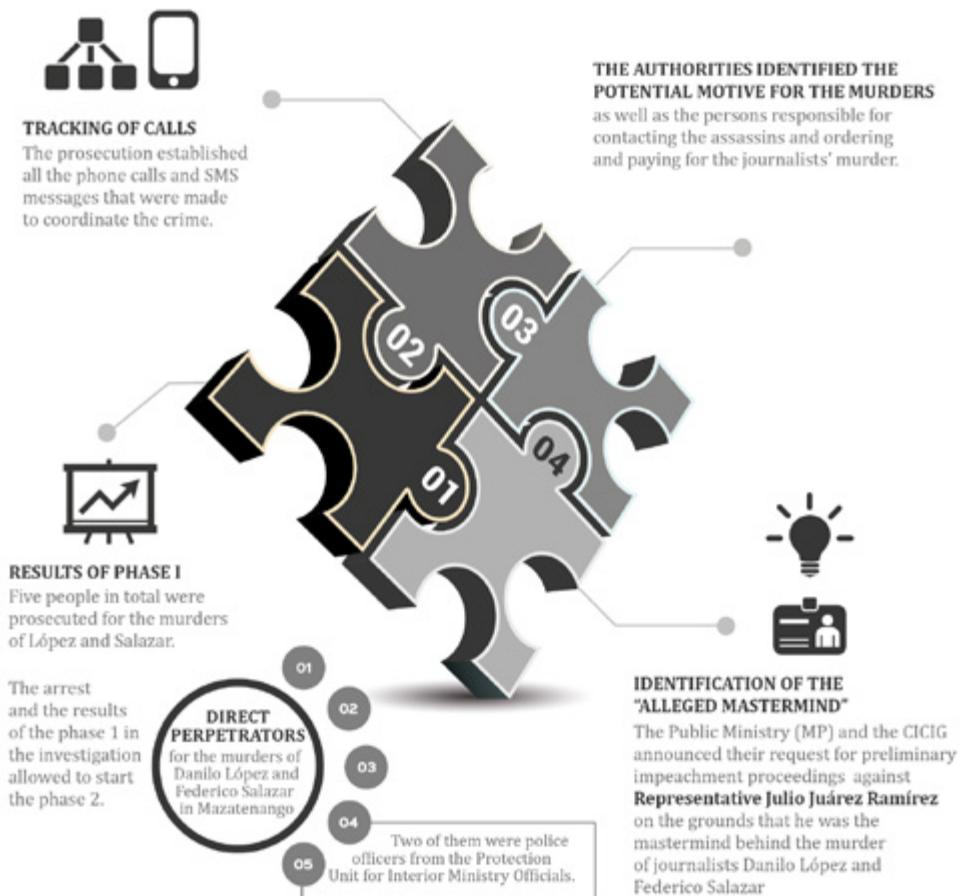
Contrapoder. July 3, 2015. [Los alcaldes de Suchitepéquez y el crimen del periodista](#).

135 Plaza Pública. July 3, 2015. [Los alcaldes de Suchitepéquez y el crimen del periodista](#); Nómada. July 2, 2015. [Los sospechosos de matar a periodistas de Suchi buscan su reelección con Líder-PP](#); Centro de Reportes Informativos de Guatemala (Cerigua). April 14, 2015. [Cuatro medios se unen en proyecto #LaVerdadPuedeMás](#).

136 International Commission Against Impunity in

## PHASES OF THE INVESTIGATION:

The investigation of the Public Ministry (MP) and the CICIG resulted in the identification of the direct perpetrators and the alleged mastermind of the crime.



99. A 2015 report of the International Commission against Impunity in Guatemala [Comisión Internacional Contra la Impunidad en Guatemala] (CICIG) included the case of slain journalists Danilo Flores and Federico

Salazar as part of a pattern of “high-powered homicidal organizations.” The Commission indicated that this definition refers to “organizations that intimidate and provoke anxiety in broad segments of the population. The high degree of impunity with which they act allows them to attack anyone. These organizations are engaged in countless criminal activities and in some cases influence the local political power structure.”<sup>137</sup>

Guatemala (CICIG). June 26, 2015. [Comunicado de prensa 031. Captura en casos de periodistas](#); Soy 502. July 3, 2015. [Los cuatro alcaldes ligados al asesinato de los periodistas de Suchi](#); Plaza Pública. March 10, 2015. [Las últimas palabras de Danilo López: “Tengo miedo, el ambiente está muy cargado”](#); Contrapoder. July 2, 2015. [Los alcaldes de Suchitepéquez y el crimen del periodista](#).

137 United Nations. International Commission against Impunity in Guatemala (CICIG). [Informe de la Comisión](#)

100. On January 26, 2017, the Public Ministry [*Ministerio Público*] (MP) and the CICIG announced their request for preliminary impeachment proceedings<sup>138</sup> against Representative Julio Juárez Ramírez on the grounds that he was the mastermind behind the murder of journalists Danilo López and Federico Salazar. At a press conference, the authorities set forth the possible motives for the journalists' murder and the connection to their professional activity. According to the authorities, the investigation was conducted in two phases. The first was conducted by the National Civil Police (PNC) and resulted in the identification of the direct perpetrators as well as the arrest and prosecution of four of them. The second phase of the investigation, carried out by the MP and the CICIG identified the potential motive for the murders as well as the persons responsible for contacting the assassins and ordering and paying for the journalists' murder. The MP and the CICIG determined that López's murder had been planned and ordered after he published an article in his digital media outlet *El Sur* about the existence of an investigation in the MP against Juárez Ramírez for tax evasion, since "the alleged mastermind, Juárez Ramírez, viewed [Danilo] López as a threat to the consolidation of his candidacy as district representative and as a challenge to his power in the area." They also stated that the death of journalist Federico López was collateral to the attack on López, and that the certainty of impunity led to the act being committed right in the town's central square.<sup>139</sup>

[Internacional contra la Impunidad en Guatemala con ocasión de su octavo año de labores](#). November 13, 2015.

138 Under Guatemalan law, the right to preliminary impeachment proceedings is the guarantee granted to public servants and dignitaries to not be detained or subjected to criminal proceedings before the respective judicial bodies unless there is a ruling from the competent authority. Congress of the Republic of Guatemala. Decree No. 85-2002.

139 International Commission against Impunity in

101. The MP and the CICIG stated that the crime may have been motivated by differences that had arisen between Danilo López and then-congressional candidate of the Leader Party [*Partido Líder*], Julio Juárez Ramírez. According to the investigation, those differences stemmed from Juárez's refusal to support Erik Rolando López's candidacy for mayor of the municipality of Cuyotenango, Suchitepéquez, who was supported by the journalist López; the investigation indicates that, following Juárez's refusal, on March 4, 2015, journalist Danilo López contacted a prosecutor from the MP's Office of the Human Rights Prosecutor to request information about the existence of investigations against Juárez. On March 6, 2015, López published an article in his digital media outlet *El Sur* about the existence of an investigation in the MP against Juárez Ramírez for tax evasion.<sup>140</sup>

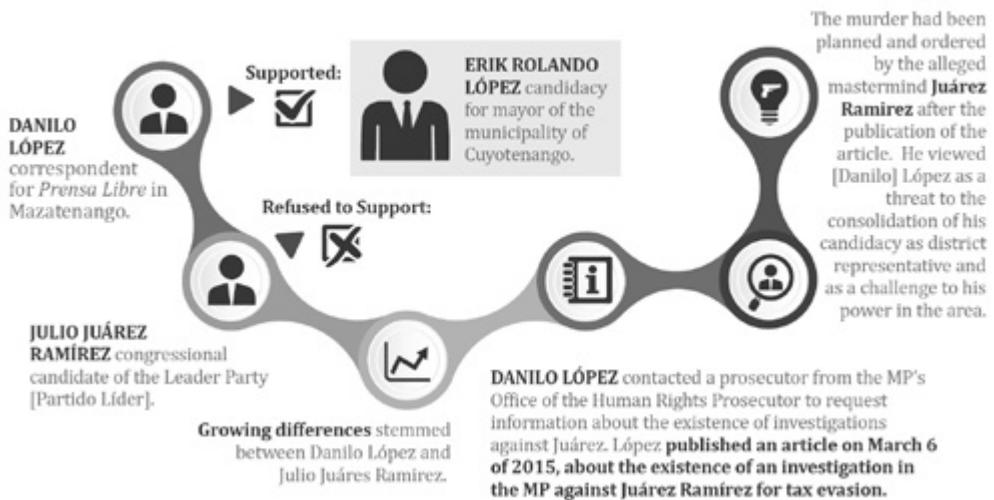
102. The actions taken by the body in charge of the investigations, in this case the Public Ministry, supported by the CICIG's action of taking on the investigation into the murder of the two journalists from Suchitepéquez in a timely and dedicated manner, demonstrates that the investigations conducted by a body that is protected from the influence of local interests and threats allows the State to provide an effective response in order to identify, capture, prosecute, and punish the perpetrators and prevent such crimes from going unpunished.

Guatemala (CICIG). January 26, 2017. [Comunicado de Prensa 008. Antejucio contra diputado y capturas en caso asesinato de periodistas](#); Public Ministry of Guatemala (MP)/Youtube. January 26, 2017. [Caso Periodistas: MP y Cicig coordinan detención de dos hombres y piden antejucio contra diputado](#).

140 International Commission against Impunity in Guatemala (CICIG). January 26, 2017. [Comunicado de Prensa 008. Antejucio contra diputado y capturas en caso asesinato de periodistas](#); Public Ministry of Guatemala (MP)/Youtube. January 26, 2017. [Caso Periodistas: MP y Cicig coordinan detención de dos hombres y piden antejucio contra diputado](#).

## POTENTIAL MOTIVE OF THE MURDERS

The Public Ministry (MP) and the CICIG identified the potential motive for the murders



### Job insecurity and lack of protection

103. The *#LaVerdadpuedemas* of *Nómada*, *Soy 502*, *Plaza Pública*, and *Contrapoder* initiative also highlighted the context of job insecurity for journalists in different regions of the country. In Mazatenango specifically, most journalists do not earn a fixed salary and their incomes are derived from the individual payments they receive for every article they publish.

104. The *Nómada* article stated that "Journalistic practices outside the capital have a variable that distinguishes them from reporters from larger media outlets from Guatemala City: correspondents get paid per article; they do not have a fixed salary. In order for their profession to be profitable, they sell their information to State entities and local media."<sup>141</sup> For its part, *Plaza Pública* noted that, during his nine years as a correspondent for *Prensa Libre* in Mazatenango, Danilo López

earned his living "from payments for articles published in the newspaper (as he did not have a fixed salary or benefits), and from those that he sold to other local media."<sup>142</sup>

105. The job insecurity of practicing journalism, plus the interest of different criminal actors in imposing or concealing information according to their interests, can also lead to bad practices on the part of journalists and media workers, which only increases their level of risk and vulnerability. Hence, one of the theories of Danilo López's murder floated by the media was that he had published information calling into question the administration of one of the mayors suspected of the crime, following a disagreement stemming from the awarding of an infrastructure contract. Allegedly, the journalist was advocating for the contract to be awarded to a specific contractor, and in the end the mayor awarded it to someone else.<sup>143</sup>

141 *Nómada*. July 2, 2015. [Los sospechosos de matar a periodistas de Suchi buscan su reelección con Líder-PP.](#)

142 *Plaza Pública*. July 3, 2015. [Los alcaldes de Suchitepéquez y el crimen del periodista.](#)

143 *Soy502*. July 3, 2015. [Los cuatro alcaldes ligados al asesinato de los periodistas de Suchi;](#) *Nómada*. July 2,

*Political instability: scenario for intimidation*

106. The political upheaval that Guatemala has undergone in recent years has been conducive to acts of governmental or judicial intimidation against journalists. An example of this is the case of Mayan journalist Francisca Gómez Grijalva, documented by the Office of the Special Rapporteur in its annual report. In May 2013, columnist Francisca Gómez Grijalva of the newspaper *Prensa Libre* was sued by the company Cementos Progreso over a column entitled “Water or Cement?” [“¿Agua o Cemento?”], which mentioned the needs and complaints asserted by the 12 communities of San Juan Sacatepéquez against the company. The company filed a complaint against the journalist and demanded that she be deposed with respect to the content of her column.<sup>144</sup>

107. One of the journalists who has been subjected to the most harassment in Guatemala is José Rubén Zamora, director of the newspaper *elPeriódico*, as well as some of the paper’s editors. According to information received by the Office of the Special Rapporteur, Zamora faced lawsuits from the Guatemalan Social Security Institute [*Instituto Guatemalteco de Seguridad Social*] alleging defamation and the incitement of violence, as well as from the Superintendency of Tax Administration [*Superintendencia de Administración Tributaria*] which notified *elPeriódico* that it was being audited to verify compliance with its tax obligations. Zamora called the act “tax persecution.” This occurred at the same time *elPeriódico* condemned the barring of one of its reporters from covering a meeting between President Pérez Molina and the

president of El Salvador, as well as acts of espionage.<sup>145</sup>

108. In November 2013, then-President Otto Pérez Molina filed a criminal complaint against *El Periódico*’s director, José Rubén Zamora, alleging coercion, extortion, blackmail, and violations of the Constitution, based on publications made by the newspaper. Zamora was ordered by the court not to leave the country, but in January 2014 the president withdrew his complaint. This journalist was also the subject of a criminal complaint brought by the Vice President of Guatemala, Roxana Baldetti Elías, who accused him of the offense of psychological violence against women because of publications made in *El Periódico* linking Baldetti to corrupt acts.<sup>146</sup>

109. This case was relevant a year later, when Pérez Molina and Baldetti resigned based on the investigation of acts of corruption documented by the International Commission against Impunity in Guatemala.<sup>147</sup> The investigations and resignations led to mass protests, most of which were peaceful. Following these events, in its 2015 report, the Office of the Special Rapporteur underscored the “exercise of the right to freedom of expression [...] as a form of participation by societies in strengthening democracy.”<sup>148</sup>

2015. [Los sospechosos de matar a periodistas de Suchi buscan su reelección con Líder-PP.](#)

144 IACHR. [Annual Report 2014. Annual Report of the Office of the Special Rapporteur for Freedom of Expression](#). Chapter II. (Evaluation of the State of Freedom of Expression in the Hemisphere). OEA/Ser.L/V/II. Doc. 13. March 9, 2015.

145 IACHR. [Annual Report 2014. Annual Report of the Office of the Special Rapporteur for Freedom of Expression](#). Chapter II. (Evaluation of the State of Freedom of Expression in the Hemisphere). OEA/Ser.L/V/II. Doc. 13. March 9, 2015.

146 IACHR. [Annual Report 2014. Annual Report of the Office of the Special Rapporteur for Freedom of Expression](#). Chapter II. (Evaluation of the State of Freedom of Expression in the Hemisphere). OEA/Ser.L/V/II. Doc. 13. March 9, 2015.

147 International Commission Against Impunity in Guatemala (CICIG). June 2, 2016. [Comunicado de prensa 047. Caso cooptación del Estado de Guatemala.](#)

148 IACHR. [Annual Report 2015. Annual Report of the Office of the Special Rapporteur for Freedom of Expression](#). Chapter II. (Evaluation of the State of Freedom of Expression in the Hemisphere). OEA/

110. The press coverage of the episodes of political unrest in Guatemala during 2014 and 2015 following the proceedings against Pérez Molina and Baldetti, as well as the presidential elections, was not exempt from violence. The Office of the Special Rapporteur documented that “Numerous journalists and cameramen were attacked on various occasions when they covered news relating to the judicial proceedings faced by former Vice President Roxana Baldetti, when she entered jail, and during her hearing before the judge. Journalists complained that they were beaten on those occasions and that the PNC used pepper spray against them. Following those incidents, the Attorney General of Guatemala ordered an investigation *ex officio*.”<sup>149</sup> Various assaults were also documented during the 2014 electoral process. The Office of the Special Rapporteur noted that “The exercise of freedom of expression is especially important during political campaigns and elections. It is a fundamental element of the process because [...] it provides instruments for the analysis of each candidate’s platform, thus enabling a greater degree of transparency and oversight of future authorities.”<sup>150</sup>

111. The harassment of the press was not only physical. There was also a clear deterioration of the environment for the exercise of freedom of expression. The Office of the Special Rapporteur stated that the signals of *CNN en Español*, *Guatevisión*, and *Canal Antigua* were interrupted by some cable television companies at different times, including during an interview with CICIG Commissioner Iván Velásquez in which he criticized the Leader Party [Partido Líder]. Several members of that party are cable company owners. In addition, in Suchitepéquez, cable channels Óptimo 23 and ATV24 were reportedly taken off the air by the company *Servicable*, owned by Congressman Enrique Maldonado of the Partido Patriota [the Patriots Party].<sup>151</sup>

112. According to information presented by the Inter American Press Association (IAPA) at the hearing on “Diversity, Pluralism, and the Concentration of Media Ownership in the Americas,” held during the IACHR’s 154<sup>th</sup> Session, the case of González “affects the quality and quantity of information received by Guatemalan citizens on matters of public interest.” In addition to the four open-signal television channels that it controls, *Albavisión* owns 66 of the 300 radio stations affiliated with the Guatemalan Broadcasting Chamber. Another 31 stations belong to the group *Emisoras Unidas*, 70 to *Radio Nuevo Mundo*, 20 to *Radio Corporación Nacional*, and 35 to *Radio Grupo Alius*. One of the stations belonging to González, *Radio Sonora*, is the country’s leading radio news broadcaster, and “is used constantly to send messages to the public that the government in power wants to make known.” “These messages include attacks on journalists, opposition politicians,

Ser.L/V/II. Doc. 48/15. December 31, 2015.

149 IACHR. [Annual Report 2015. Annual Report of the Office of the Special Rapporteur for Freedom of Expression](#). Chapter II. (Evaluation of the State of Freedom of Expression in the Hemisphere). OEA/Ser.L/V/II. Doc. 48/15. December 31, 2015.

150 IACHR. [Annual Report 2015. Annual Report of the Office of the Special Rapporteur for Freedom of Expression](#). Chapter II. (Evaluation of the State of Freedom of Expression in the Hemisphere). OEA/Ser.L/V/II. Doc. 48/15. December 31, 2015.

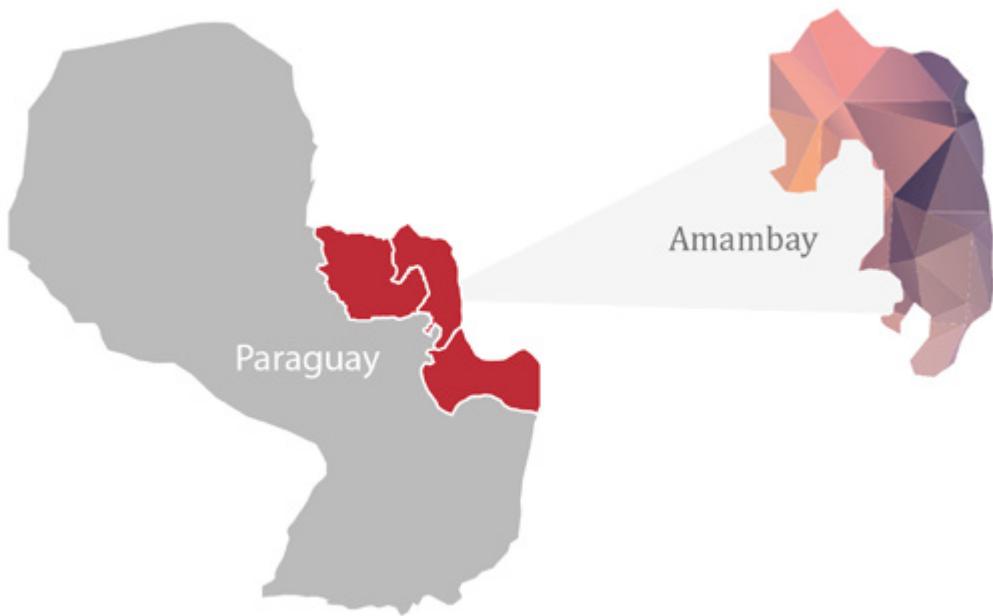
151 IACHR. [Annual Report 2015. Annual Report of the Office of the Special Rapporteur for Freedom of Expression](#). Chapter II. (Evaluation of the State of Freedom of Expression in the Hemisphere). OEA/Ser.L/V/II. Doc. 48/15. December 31, 2015.

academics, and people and institutions in general who oppose or express unfavorable opinions about the government in power,” said the IAPA. According to the IAPA, the station’s dominant position in the market gives it “virtually the power to elect presidents of the Republic and ensure that the public receives less critical information about the governments in

power.” The IAPA additionally reported that Albavisión “blocks the creation of new cable channels, and seeks to strangle the existing ones with conditions and threats against important advertisers, so they cannot place advertising in other media against [González’s] shareholder interests.”<sup>152</sup>

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152 IACHR. 154 Period of Sessions. Hearing “Diversity, pluralism and media concentration in the Americas”. March 16, 2015. [Document made available by IAPA.](#)



### c. The Paraguayan Border

113. This third case documents the practice of journalism in different areas of Paraguay's borders with Brazil or Argentina where criminal groups operate, especially during the past 10 years. Media workers in Paraguay also cite the persistence in these areas of a climate of violence that has gotten worse since the May 2014 murder of journalist Pablo Medina, a correspondent for the country's main newspaper (*ABC Color*).

114. The Departments of Ñeembucú and Misiones, bordering on Argentina in the south, and the Departments of Canindeyú, Concepción, and especially the department of Amambay, on the eastern border with Brazil, have become extremely dangerous for journalists working in those areas, where illegal business activities including drug, weapons, and fuel trafficking, among others, have been reported.

115. In recent years, Paraguay has witnessed the development of a phenomenon that the press and other actors, including State actors, call "narcopolitics." This phenomenon is characterized by drug traffickers supporting specific political figures in exchange for the favorable treatment of their interests, or drug traffickers that have become involved in political activity, even ascending to elected office.<sup>153</sup>

116. With the advancement of so-called "narcopolitics," freedom of expression has been affected insofar as journalists face serious difficulties when they try to report on specific unlawful activities being conducted in their communities, and the institutions—according to the journalists themselves—do not function as they should to protect them. Organized crime has exerted

<sup>153</sup> Última Hora. November 21, 2014. [Acceda al informe presentado sobre narcopolíticos](#); ABC Color. November 20, 2014. [Nombres de la narcopolítica](#); ABC Color. November 21, 2014. [Narcopolíticos: Senad maneja más nombres](#).

pressure on the press with the objective of suppressing media coverage of their activities, even the most evident ones. Threats, harassment, and even the recent death of some journalists has left an indelible mark on media workers, despite which they have maintained their commitment to informing society of what goes on in the highest risk areas.

117. During the IACHR's 159<sup>th</sup> Session, a hearing was held on the "Situation of the Right to Freedom of Expression in Paraguay," with the participation of civil society organizations, representatives of journalists' professional associations, and the State of Paraguay. At the hearing, the organizations stated that 17 journalists have been murdered in Paraguay since 1991, nearly all "in border regions and areas where the influence of organizations engaged in unlawful activities in Paraguay has made inroads (...) In those areas, the politicians who hold elected office tend to be the owners of media outlets, and they use those outlets to attack their political adversaries. Those attacks result in attacks against the journalists who work in those media (...)." The organizations additionally cited the existence of a widespread context of impunity for crimes against journalists, which has created an environment conducive to threats and assaults against journalists, especially those who report on drug trafficking and its ties to local politicians and police.<sup>154</sup>

118. For its part, the State acknowledged that the border zones have seen an increase in the presence of transnational criminal organizations and unlawful activities related to drug trafficking. It underscored that borders in the Americas are areas that face challenges, and asserted that authorities should therefore take a special approach

<sup>154</sup> IACHR. 159 Period of Sessions. Hearing "Situación del derecho a la libertad de expresión en Paraguay". December 22, 2016. Available at: <http://www.oas.org/es/cidh/multimedia/sesiones/159/default.asp>

to the issues that arise in those areas. With respect to the impunity of crimes committed against journalists in border areas, the State noted that the fact that events occur on the border can make it difficult to investigate and establish the facts in criminal cases, and to criminally prosecute the perpetrators, who in some cases are nationals of the neighboring country.<sup>155</sup>

### *Killings*

119. Murder is one of the most brutal forms of censorship, not only because it silences the voice of the victim but also because of the chilling effect it has on the victim's peers. Pablo Medina was a correspondent for the newspaper *ABC Color* in the Department of Canindeyú, and was murdered on October 16, 2014. He had a police guard when he was murdered, but two months prior to his death this protection had been withdrawn by the Ministry of the Interior. Changes in the government led to the elimination of private guards, although in Medina's case it was a special measure because of the threats he had received. Thirteen years earlier, on January 5, 2001, his brother and fellow journalist Salvador Medina had also been murdered in Capiibary, in the Department of San Pedro. Salvador Medina reported on acts of corruption and trafficking on the community radio station *Ñemity*. When he was killed, Pablo had spearheaded the investigation, which led to Pablo receiving death threats of his own.<sup>156</sup>

<sup>155</sup> IACHR. Period of Sessions. Hearing "Situación del derecho a la libertad de expresión en Paraguay". December 22, 2016. Available at: <http://www.oas.org/es/cidh/multimedia/sesiones/159/default.asp>

<sup>156</sup> Última Hora. April 16, 2015. *Padre del periodista Medina dice que también daría la vida para no callar*; ABC Color. January 5, 2012. *A 11 años del asesinato de Salvador Medina*; Inter American Press Association (IAPA). December 15, 2015. *Salvador Medina Velásquez*; IACHR. *Annual Report 2001. Annual Report of the Office of the Special Rapporteur for Freedom of Expression*. Chapter II (Evaluation of the State of

120. According to the information received by the Office of the Special Rapporteur, two individuals ambushed him and riddled him with bullets in an area near the town of Villa Ygatimí as he was returning from covering a story in the Ko'ë Porã neighborhood. The journalist was with his assistant, Antonia Maribel Almada, who was wounded in the attack and died later at the hospital.<sup>157</sup> Medina had been working as a journalist from the town of Curuguaty and published information and news on drug trafficking and irregularities allegedly committed by local authorities.<sup>158</sup> According to Interior Minister Francisco de Vargas, the journalist was the victim of constant threats, because of which he had been receiving sporadic police protection for certain reporting assignments.<sup>159</sup>

121. The case and its national and international impact gave rise to a rapid response from the State. Paraguayan President Horacio Cartes condemned the murder and declared that he would use “the full weight of the law and the lawful force of the State” to investigate and punish the perpetrators. The President also reiterated his appreciation for the

work of journalists in Paraguay.<sup>160</sup> Foreign Minister Eladio Loizaga also expressed his “strongest” condemnation of the crime.<sup>161</sup>

122. Within a short period of time, authorities determined that the main suspected mastermind of the murder was the then-mayor of the city of Ypejhú, Vilmar Acosta, who fled to Brazil. Based on the accusations of the Court of Conduct [*Tribunal de Conducta*] the ruling Colorado Party [*Partido Colorado*] decided to expel him from the group on November 7, 2014.<sup>162</sup>

123. The support, however, was not unanimous. Shortly after the murder, Paraguayan Supreme Court Justice Minister Víctor Núñez stated at a press conference that Medina “was writing about things he had no knowledge of” and “referred to case files he knew nothing about.” Medina had accused Justice Núñez of interceding on Vilmar Acosta’s behalf to get him released from jail in 2011, when he was in custody for his alleged involvement in a triple homicide after human hair and skeletal remains were found at his father’s house.<sup>163</sup>

Freedom of Expression in the Hemisphere).OEA/Ser.L/V/II.114. Doc. 5 rev. April 16, 2002. Para. 186.

157 Committee to Protect Journalists (CPJ). October 17, 2014. [Paraguayan journalist shot dead on way back from covering story](#); ABC Color. October 16, 2014. [Fallece segunda víctima de sicarios](#) Hoy. October 17, 2014. [Muerte de Medina, “grave ataque al periodismo”](#); Última Hora. October 24, 2014. [Jóvenes piden justicia para Antonia Almada](#).

158 IACHR. Office of the Special Rapporteur for Freedom of Expression. October 17, 2014. [Press Release R 122/14 Office of the Special Rapporteur Condemns Murder of Journalist in Paraguay](#); ABC Color. October 16, 2014. [Asesinan a corresponsal de ABC Color](#); El Comercio/Agencias. October 16, 2014. [Paraguay: Asesinan a periodista en zona dominada por narcos](#); Caracol Radio/EFE. October 16, 2014. [Asesinan a periodista en Paraguay, el tercero en lo que va de año](#).

159 Committee to Protect Journalists (CPJ). October 17, 2014. [Paraguayan journalist shot dead on way back from covering story](#); ABC Color. October 16, 2014. [“Pablo Medina recibía constantes amenazas”](#).

160 Presidencia de la República del Paraguay. October 16, 2014. [Mensaje del Presidente de la República](#); ABC Color. October 16, 2014. [Cartes: “Usaremos todo el peso de la ley”](#).

161 Ministerio de Relaciones Exteriores. October 17, 2014. [Loizaga reiteró condena por horrendo crimen que terminó con la vida del periodista de ABC](#); Última Hora. October 17, 2014. [Asesinato de periodista impacta al país, afirma canciller](#); ABC Color. October 17, 2014. [Muerte de periodista “daña imagen positiva del país”](#).

162 Hoy. November 7, 2014. [Partido Colorado expulsó a “narcointendente” de Ypejhú](#); ABC Color. November 7, 2014. [ANR expulsó a “Neneco” \(VIDEO\)](#); Última Hora. November 8, 2014. [Con un voto en disidencia, la ANR expulsó al prófugo Neneco Acosta](#).

163 El Confidencial/EFE. November 4, 2014. [Miembro de la Corte Suprema paraguaya carga contra periodista asesinado](#); Paraguay. November 4, 2014. [Núñez: “Negocian sobre el cadáver de Pablo Medina para perjudicarme”](#); ABC TV/YouTube. November 4, 2014. [Núñez cuestiona labor de Medina y se aferra al cargo](#).

124. Vilmar Acosta was finally arrested in March 2015, five months later, accused of being the mastermind behind the murder of journalists Pablo Medina and Antonia Almada. Acosta's brother Wilson and his nephew Flavio Acosta were also charged as direct perpetrators of the murder.<sup>164</sup> Flavio Acosta was detained in January 2016 in southern Brazil, where he remained in custody as of late September 2016 and was fighting extradition on the argument that he had Brazilian citizenship. Wilson Acosta reportedly remained a fugitive from justice.<sup>165</sup>

125. In March 2016, Vilmar Acosta Marques's driver, Arnaldo Cabrera, was convicted in this case. Although he was not charged with murder, he was sentenced to five years in prison for the offense of "failure to report a crime."<sup>166</sup> "After working with Vilmar as his driver, I found out that he had a problem with a local journalist named Pablo Medina, who was harming him politically. I heard this at a family gathering that he held," said Cabrera to the Office of the Prosecutor, according to an article published in *ABC Color*. "On that occasion, I heard that Vilmar Acosta was going to bring his brother Wilson Acosta from Brazil so he could eliminate the people who were damaging his political career," stated Cabrera.<sup>167</sup>

164 Paraguay.com. October 19, 2014. [Solicitan detención de Intendente de Ypehu](#); Hoy. October 18, 2014. [Asesinato a periodista: Ordenan detención de intendente](#).

165 Knight Center for Journalism in the Americas. January 11, 2016. [Second suspect in murder of Paraguayan journalist Pablo Medina captured in Brazil](#); Crónica. January 10, 2016. [Cae presunto asesino del periodista Pablo Medina](#); ABC Color. January 9, 2016. [Cae asesino de Pablo Medina](#); ABC Color. June 16, 2016. [Fiscalía brasileña pide tiempo en caso Flavio](#).

166 Knight Center for Journalism in the Americas. March 22, 2016. [First conviction handed down for 2014 murder of Paraguayan journalist Pablo Medina](#); Última Hora. March 21, 2016. [Condenan a 5 años de cárcel a ex chofer de Neneco](#).

167 ABC Color. March 22, 2016. [Exchofer de Neneco es condenado a cinco años de cárcel por caso Pablo](#).

126. "Once I also heard him tell his sisters that he was going to have the journalist killed because he had caused him harm on several occasions. He said the journalist was putting too much pressure on him through his publications, especially since, because of those publications, Vilmar Acosta had been detained and sent to Coronel Oviedo Prison," stated his former driver to the Court, according to an ABC Color report that shed light on the murder and its connection to Medina's work as a journalist. "After he got out of prison, they met up with Wilson to see how they could kill the journalist, and that day, he arrived on the date on which Pablo Medina was murdered," he added.<sup>168</sup>

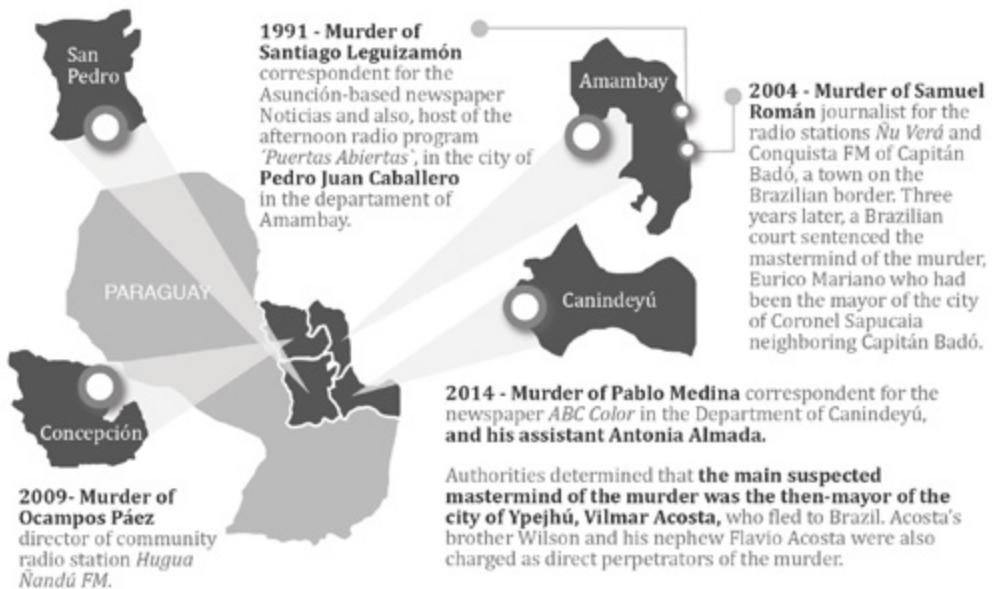
127. According to the Office of the Public Prosecutor of Paraguay, the Acosta Marques family controlled the trafficking of marijuana and other drugs in the Canindeyú area.<sup>169</sup> For this, they relied on the power they had in Ypehú, a city on the Brazilian border. The investigation, establishment of the facts, and timely punishment of the perpetrators, in addition to satisfying the demand for justice in this specific case, allows all of society to know about the impact of organized crime and its effects on democracy and freedom of expression in Paraguay.

128. This case drew the attention of Paraguayan institutions, and the National Congress [*Congreso Nacional*] spearheaded the investigation into the murder of journalist Pablo Medina, appointing a Bicameral Committee to investigate the crime and the infiltration of organized crime into State institutions.<sup>170</sup>

168 ABC Color. March 22, 2016. [Exchofer de Neneco es condenado a cinco años de cárcel por caso Pablo](#).

169 Ministerio Público. República del Paraguay. July 15, 2015. [Esta mañana detuvieron a cuñado de Vilmar Acosta Marques, procesado por tráfico de drogas](#).

170 IACHR. 159 Period of Sessions. [Audiencia Situación del derecho a la libertad de expresión en Paraguay](#). December 2, 2016.



129. The department of San Pedro borders on the departments of Concepción and Amambay to the north, and is also a dangerous zone in which to practice journalism. According to the information received by the Office of the Special Rapporteur, Medina had been threatened previously, after having reported the existence of a local mafia with alleged ties to the Partido Colorado [Colorado Party]. Nine months later, on October 16, the Court convicted Milciades Maylin as the direct perpetrator of the crime and sentenced him to 25 years in prison. The conviction was upheld and rendered final on March 27, 2002, by the VI Criminal Court of the Judicial District of Alto Paraná and Canindeyú.<sup>171</sup>

171 Proyecto Impunidad. Inter American Press Association (IAPA). June 6, 2006. [Veinticinco años de prisión y unos días de vacaciones](#); ABC Color. April 26, 2013. [La impunidad reina sobre la libertad de expresión](#).

130. Some freedom of expression and human rights organizations pointed to Justo Franco, a Colorado Party leader allegedly involved in the trafficking of timber from the forest reserve of the Paraguayan Ministry of Agriculture and Livestock in Capiibary, as the alleged mastermind of the crime.<sup>172</sup>

131. The first murder of a journalist for work-related reasons that occurred on the border was that of journalist Santiago Leguizamón, a resident of Pedro Juan Caballero and correspondent for the Asunción-based newspaper *Noticias*. He was also the host of the afternoon radio program 'Puertas Abiertas' on *Radio Mburucuyá*. Leguizamón was murdered in 1991. Prior to his death, the newspaper for which he worked published a series entitled "El Hampa en Pedro Juan" ["The Criminal Underworld in Pedro Juan"],

172 Proyecto Impunidad. Inter American Press Association (IAPA). No date. *De cabos sueltos y civiles prófugos*; Rebellion.org. February 4, 2001. Memo of Circular del Sindicato de Periodistas del Paraguay (SPP) on the murder of Salvador Medina.

which was an exposé on businesses tied to contraband smuggling, drug trafficking, and corruption. The IACHR declared the case of Santiago Leguizamón admissible in April 2016.<sup>173</sup>

132. Over the past 15 years, another five journalists were murdered in Paraguay, in addition to two Paraguayan journalists who were murdered in Brazil very near the border. Samuel Román was slain in 2004. He was a journalist for the radio stations *Ñu Verá* and *Conquista FM* of Capitán Badó, a town on the Brazilian border. Three years later, a Brazil court sentenced the mastermind of the murder, Eurico Mariano, to 17 years and nine months in prison. Mariano had been the mayor of the city of Coronel Sapucaia, just across from Capitán Badó in the State of Mato Grosso do Sul.<sup>174</sup>

133. Between 2007 and 2012, the Office of the Special Rapporteur documented the murder of 3 journalists for reasons connected to their profession in Paraguay. Although they did not all occur in the Department of Amambay, they highlight the difficult security situation faced by journalists in remote regions and border areas of Paraguay. Journalist Alberto Palma Godoy, a correspondent for the radio *Mayor Otaño* and *Chaco Boreál* radio stations, was murdered in 2007 after having received threats.<sup>175</sup> In 2009,

Martín Ocampos Páez, the director of community radio station *Hugua Ñandú FM* in the Department of Concepción, was murdered in his house. The station had regularly denounced the existence of drug trafficking operations in the area, which reportedly led to death threats.<sup>176</sup> In 2012, journalist Paulo Roberto Cardoso Rodrigues was murdered in Ponta Porã, a city in the State of Mato Grosso do Sul that borders on Pedro Juan Caballero. Rodrigues, known as Paulo Rocaro, was the editor-in-chief of *Jornal da Praça* and the founder of the news website *Mercosul News*. He was critical of the authorities in his work, and the preliminary police investigations reportedly determined that his death was likely connected to his practice of the profession.<sup>177</sup>

134. In 2014, journalists Fausto Gabriel Alcaraz and Edgar Fernández were murdered in Paraguay. Alcaraz, of *Radio Amambay 570 AM* in Pedro Juan Caballero, was killed on May 16, 2014, after having denounced on air alleged drug trafficking crimes on the border.<sup>178</sup>

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[Annual Report 2008. Report of the Office of the Special Rapporteur for Freedom of Expression.](#) OEA/Ser.L/V/II.134 Doc. 5 rev. 1. February 25, 2009. Para. 207.

176 Reporters Without Borders (RSF). February 17, 2009. [Asesinan al director de una radio comunitaria](#); Inter American Press Association (IAPA). Impunidad - Asesinatos. Midyear Meeting, March 13-16, 2009. Asunción, Paraguay. Available at: <http://www.sipiapa.org/notas/1129338-impunidad-asesinatos>; Radio Almenara. February 4, 2009. [Asesinado miembro de una radio Comunitaria en Paraguay](#); IFEX. February 16, 2009. [Community radio director Martín Ocampos Páez killed](#).

177 IACHR. Office of the Special Rapporteur for Freedom of Expression. February 15, 2012. [Press Release R18/12 Office of the Special Rapporteur Condemns a New Murder of a Journalist in Brazil](#); Folha de São Paulo. February 16, 2012. [Polícia diz acreditar que jornalista de MS foi morto por vingança](#); Associação Nacional de Jornais (ANJ). February 14, 2012. [ANJ pede rápida apuração sobre assassinato de jornalista](#).

178 IACHR. Office of the Special Rapporteur for Freedom of Expression. May 19, 2014. [Press Release R 59/14 Office of the Special Rapporteur Condemns Murder of Journalist in Paraguay](#); Última Hora. May 16, 2014. [Matan a periodista radial en Pedro Juan Caballero](#);

173 IACHR. [Report No. 24/16 Petition 66-07 Report on Admissibility Santiago Leguizamón Zaván and Family Paraguay](#). April 15, 2016.

174 ABC Color. April 27, 2004. [Crimen de Samuel Román es un mensaje de la mafia al periodismo](#); Inter American Press Association (IAPA). August 16, 2007. [IAPA hails conviction in Brazil in murder of Paraguayan newsmen](#); Committee to Protect Journalists (CPJ). August 10, 2007. [Former mayor receives prison sentence for journalist's murder](#).

175 Inter American Press Association (IAPA). August 24, 2007. [Condena la SIP asesinato de periodista en Paraguay](#); IACHR. Office of the Special Rapporteur for Freedom of Expression. August 28, 2007. [Press Release 176/07 Office of the Special Rapporteur for Freedom of Expression Deplores Murder of Journalist in Paraguay and Demands an Investigation](#); IACHR.

The murder of Fernández, of *Radio Belén Comunicaciones* in the department of Concepción, took place on June 19, 2014, in his own home. The journalist had been critical of judicial authorities in his area. An alleged mastermind behind this crime was promptly arrested.<sup>179</sup>

135. In 2015, journalist Gerardo Servián was murdered in Ponta Porã, the small Brazilian town that shares a border with Pedro Juan Caballero. This was the third murder of a journalist in that area in three years. Servián worked for the community radio station *Ciudad Nueva FM* of Zanja Pytã.<sup>180</sup>

136. In Concepción, former Colorado Party Congressman Magdaleno Silva was linked to drug trafficking. Silva was murdered in 2015. In Amambay, brothers

José Carlos and Robert Acevedo—of the Authentic Radical Liberal Party [Partido Liberal Radical Auténtico]—and the governor, Pedro González, faced politically, have accused each other to have ties to organized crime.<sup>181</sup>

137. The threats to journalists in Paraguay's border region have not stopped. The Office of the Special Rapporteur therefore welcomes the State's announcement that it is committed to creating a comprehensive system for the protection of journalists in the country. Indeed, the new *ABC Color* correspondent in Canindeyú has received messages saying that, "You are going to be the next one if you continue to write like this." The newspaper decided to stop covering police operations that take place in that area at night.

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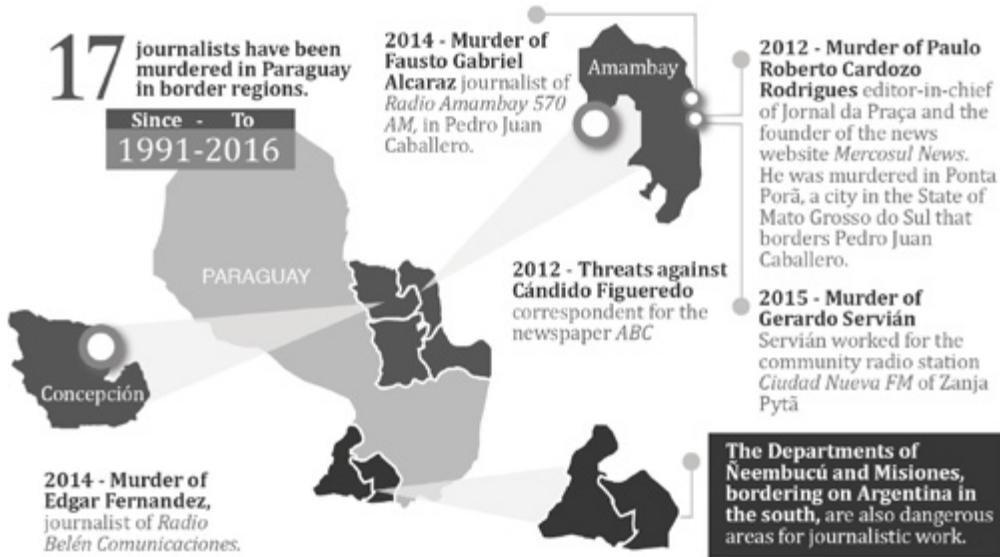
ABC Color. May 16, 2014. [Periodista asesinado a tiros en Pedro Juan](#); Hoy. May 16, 2014. [Sicarios acribillan a periodista en Pedro Juan](#); El Tiempo/EFE. May 16, 2014. [El periodista paraguayo Fausto Gabriel Alcaraz, conocido por sus denuncias contra el narcotráfico, murió hoy a consecuencia de los disparos efectuados por dos desconocidos](#); ABC Color. May 17, 2013. [Matan a tiros a periodista de Radio Amambay y acusan al narcotráfico](#).

179 IACHR. Office of the Special Rapporteur for Freedom of Expression. June 24, 2014. [Press Release R 70/14 Office of the Special Rapporteur Condemns Murder of Journalist in Paraguay](#); ABC Color. June 20, 2014. [Sicarios acribillan a radialista tras irrumpir en su casa en Concepción](#); La Vanguardia/EFE. June 20, 2014. [Asesinan a segundo periodista en Paraguay en poco más de un mes](#); Página 12. No date. [Van dos periodistas muertos en Paraguay](#); Paraguay.com. June 20, 2014. [Locutor asesinado criticaba a todos](#); Radio Amambay 570 AM. June 20, 2014. [SPP condena crimen de periodista concepcionero](#); ABC Color. June 21, 2014. [Detienen a supuesto homicida en Concepción](#); Paraguay.com. June 22, 2014. [Detienen a supuesto asesino de locutor](#); Radio Amambay 570 AM. June 22, 2014. [Detienen a supuesto homicida de periodista en Concepción](#).

180 IACHR. Office of the Special Rapporteur for Freedom of Expression. March 23, 2015. [Comunicado de Prensa R 34/15. Relatoría Especial condena asesinato de periodista paraguayo en Brasil](#); Correio do Estado. March 5, 2015. [Jornalista é executado a tiros por pistoleiros em Ponta Porã](#); Observatório da Imprensa. March 10, 2015. [Morte de radialista expõe riscos na fronteira entre Brasil e Paraguai](#).

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181 ABC Color. May 8, 2015. [¿Quién era Magdaleno Silva?](#); Última Hora. May 6, 2015. [Senad admite que Magdaleno tenía vínculos con narcos](#); Agencia Informativa Paraguaya. May 8 2015. [Senador Giuzzio confirma que Silva fue investigado por vínculos con el narcotráfico](#); ABC Color. August 8, 2008. [Documentos confirman vínculo de los hermanos Acevedo con el clan Yamil](#); ABC Color. May 31, 2014. [Región dominada por delincuentes](#); CPJ. April 27, 2015. [Informar con guardaespaldas en la frontera paraguaya](#); E'a. June 2, 2014. [Fiscal acusa a policías por escaso avance de la investigación de asesinato de periodistas](#); Radio Imperio. May 31, 2014. [Evitar que Amambay se convierta en "tierra de nadie"](#).



### *Threats and attacks on media outlets*

138. According to the Paraguayan State, 14 journalists currently have special protection measures in place due to the risks they face and the threats they have reported.<sup>182</sup> One of them is Cándido Figueredo, a correspondent for the newspaper ABC in the city of Pedro Juan Caballero.

139. Cándido Figueredo a correspondent for the newspaper ABC in the border region, and has had a security detail provided for by the State for nearly 20 years. Figueredo is nationally and internationally known for his reports denouncing drug trafficking and the ties between drug traffickers and local politicians. In 2015 he received the International Press Freedom Award from the Committee to Protect Journalists (CPJ) in acknowledgement of his work reporting on the problems on the border

<sup>182</sup> IACHR. 159 Period of Sessions. Hearing “Situación del derecho a la libertad de expresión en Paraguay”. December 22, 2016. Available at: <http://www.oas.org/es/cidh/multimedia/sesiones/159/default.asp>

between Paraguay and Brazil. Figueredo has received threats on several occasions, and his house has twice been the target of armed attacks.<sup>183</sup>

140. In its 2012 Annual Report, the Office of the Special Rapporteur indicated that Brazilian police alerted Cándido Figueredo to a plan to assassinate him that had been hatched by alleged drug traffickers. According to reports, Intelligence Service agents of the Brazilian Civil Police met with Figueredo and allowed him to listen to the recording of an intercepted phone call in which an alleged drug trafficker told an inmate in a Brazilian jail that he intended to murder Figueredo. The plan to kill the journalists reportedly stemmed from several articles published in ABC Color, in September 2011, reporting the existence of several

<sup>183</sup> Committee to Protect Journalists (CPJ). No date. *International Press Freedom Awards. Cándido Figueredo Ruíz, Paraguay*; ABC Color. September 19, 2015. *Cadena internacional destaca a periodista de ABC*; Committee to Protect Journalists (CPJ). April 27, 2015. *Reporting with bodyguards on the Paraguayan border*.

clandestine landing strips used for drug trafficking, which were later located and destroyed by authorities.<sup>184</sup>

141. According to the information provided by the State to this Office of the Special Rapporteur, Figueredo has personal security 24 hours a day, and there have also been random police patrols. The threats against him are reportedly being investigated by the Crime Unit of Pedro Juan Caballero.<sup>185</sup> The security detail assigned to the journalist means that he is under 24-hour guard by armed men, and works without leaving his house in order to avoid security incidents. He has stated that reporting from the border has meant having to live locked up inside his house in order to be safe.<sup>186</sup> The journalist maintained in an interview that, in Pedro Juan Caballero, “you have to take care, you have to know to look and listen, you have to know how to speak and how to move.”<sup>187</sup>

142. During 2016, the Office of the Special Rapporteur also documented an attack on the newspaper *La Jornada*, which is published in Ciudad del Este. Unknown persons opened fire on the newspaper’s facilities on September 8. Its director, José

Espínola, attributed the incident to the recent publication of journalistic reports in which three police officers were linked to the kidnapping and robbery of two employees of a private company. The following day, a National Police officer was detained as a suspect in the incident.<sup>188</sup> The day after that, explosives were thrown at the facilities of the Radio Amambay radio station. Two people who were inside the property, located in the town of Pedro Juan Caballero, were injured. These events reportedly occurred around 9:00 p.m., during the broadcast of a program hosted by journalist Patricia Ayala.<sup>189</sup> The radio station is owned by Senator Robert Acevedo, President of the Paraguayan Congress, who reportedly stated that the incident was a warning to his family because of the “fight against drug trafficking” that he spearheaded, and that this was the third occasion on which the station owned by his family was attacked.<sup>190</sup>

143. The attack on Radio Amambay reflects one of the difficulties faced by

184 IACHR. [Annual Report 2012. Report of the Office of the Special Rapporteur for Freedom of Expression](#), Chapter II. (Evaluation of the State of Freedom of Expression in the Hemisphere). OEA/Ser.L/V/II.147 Doc. 1. March 5, 2013. Para. 406. .

185 Misión Permanente del Paraguay ante la Organización de los Estados Americanos. Informe del Estado Paraguayo Relatoría especial para la libertad de Expresión. Nota No. 1283/16/MPP/OEA. November 28, 2016. Available at: Archive of the Office of the Special Rapporteur for Freedom of Expression.

186 Committee to Protect Journalists (CPJ). April 27, 2015. [Reporting with bodyguards on the Paraguayan border](#); ABC Cardinal. September 1, 2016. [“Hay políticos que darían todo porque yo cierre mis ojos y nunca más los abra”](#); Knight Center for Journalism in the Americas. October 5, 2016. [“My guards are almost family”: threatened journalist who has been living under 24-hour protection for 20 years](#).

187 ABC Cardinal. September 1, 2016. [“Hay políticos que darían todo porque yo cierre mis ojos y nunca más los abra”](#).

188 ABC Color. September 9, 2016. [Balearon diario La Jornada de CDE](#); Última Hora. September 9, 2016. [Detienen a sospechoso de atentar contra el diario La Jornada](#); Hoy. September 9, 2016. [Atentaron a balazos contra diario de Ciudad del Este](#); ABC Color. September 9, 2016. [Videos de los atentados a diario de Ciudad del Este](#); Vanguardia. September 10, 2016. [Acribillan con 15 balazos local del diario regional La Jornada](#); La Nación. September 10, 2016. [Policías habrían atentado contra el diario La Jornada](#); Paraguay.Com. September 11, 2016. [Sindicato de Periodistas condena ataques contra sede de dos medios](#)

189 ABC Color. September 9, 2016. [Lanzan una bomba contra Radio Amambay](#); Víctor Benítez/YouTube. September 9, 2016. [Atentado contra Radio Amambay](#); Paraguay.com. September 11, 2016. [Sindicato de Periodistas condena ataques contra sede de dos medios](#); Hoy. September 9, 2016. [Así atentaron contra Radio Amambay](#); TN23/YouTube. September 13, 2016. [Asociación Internacional de Radiodifusión repudia ataque contra Radio paraguay](#); TelefuturoInfo/YouTube. September 10, 2016. [Hallan dos granadas en el techo de radio tras atentado](#).

190 ABC Color. September 12, 2016. [Hermética reunión con presidente del Congreso](#); ABC Color. September 13, 2016. [Para Acevedo, atentado contra la radio de su familia sería una “distracción”](#).

journalists in the Paraguay—Brazil border area. The scant employment opportunities force local journalists to work as freelancers. In addition, as the organizations stated before the IACHR and to the United Nations for the Universal Periodic Review, one of the situations that creates a major risk for journalists is that many of the media outlets on the border are owned by politicians who use them as a forum for attacking their opponents, putting journalists in the middle of that confrontation. Added to this, the fact that journalists are in remote areas and working for small media outlets means that many times the violence committed against them does not attract national attention, which then becomes a factor that contributes to impunity.<sup>191</sup>

144. Despite being exposed to considerable levels of risk, journalists in the region may be resistant to accepting State protection. According to civil society organizations, a report prepared by a bicameral committee of the Paraguayan legislature concluded that 70% of the National Police is reportedly infiltrated by organized crime and that the criminal networks financed by drug trafficking have permeated Paraguayan government.<sup>192</sup> This explains the high level of mistrust that journalists have toward the National Police and judicial authorities.

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191 Coalición IFEX-SPP (CIFEXSPP). No date. [Report for Universal Periodic Review Paraguay 2016](#); IACHR. 159 Regular Period of Sessions. Hearing “Situación del derecho a la libertad de expresión en Paraguay”. December 2, 2016. Available at: <http://www.oas.org/es/cidh/multimedia/sesiones/159/default.asp>

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192 IACHR. 159 Regular Period of Sessions. Hearing “Situación del derecho a la libertad de expresión en Paraguay”. December 2, 2016. Available at: <http://www.oas.org/es/cidh/multimedia/sesiones/159/default.asp>

# **CHAPTER 2**

## **STATE OBLIGATIONS REGARDING VIOLENCE AGAINST JOURNALISTS**





145. The media and investigative journalism have become fundamental in the struggle against corruption, abuse of authority, serious human rights violations, and inefficiency in the performance of the Government. In the Americas, journalism plays a fundamental role in ensuring transparency in government activities, probity, responsible public administration, respect for social rights, and freedom of expression and of the press.<sup>193</sup>

146. In its report *Violence against journalists and media workers*, the Office of the Special Rapporteur rigorously and at length described States' obligations in response to violence against journalists based on the Inter-American legal framework and on other international human rights law instruments. For the purposes of this report, the Office of the Special Rapporteur considers it essential to reiterate these obligations, as ensuring compliance with them is tantamount to combating the violence against the press and its chilling effect and the resulting damage to democratic societies. This report focuses on the obligations that are particularly relevant to preventing violence toward and protecting communicators who work in so-called "silenced zones," or areas where reporting is difficult due to the presence of organized crime. In this section, the Office of the Special Rapporteur will also look at instruments of international law developed recently by international bodies to raise awareness on the need to combat violence against journalists and impunity for these crimes, as well as a

<sup>193</sup> Inter-American Democratic Charter: "Article 4. Transparency in government activities, probity, responsible public administration on the part of governments, respect for social rights, and freedom of expression and of the press are essential components of the exercise of democracy. The constitutional subordination of all state institutions to the legally constituted civilian authority and respect for the rule of law on the part of all institutions and sectors of society are equally essential to democracy".

series of good practices that some States in the region have been applying in this regard.

147. Violence against journalists compromises the rights to personal integrity, life, and freedom of thought and expression. Likewise, the lack of due diligence in the investigation, pursuit and punishment of all those responsible can result in an additional violation to the rights to access to justice and judicial guarantees of those affected and their family members. The American Convention on Human Rights ("American Convention" or "Convention") guarantees these rights in articles 4, 5, 13, 8 and 25.<sup>194</sup> Likewise, the American Declaration of the Rights and Duties of Man, on its turn, states that "[e]very human being has the right to life, liberty and the security of his person" and that "[e]very person has the right to freedom of investigation, of opinion, and of the expression and

<sup>194</sup> American Convention on Human Rights: "Article 4.

Right to Life 1. Every person has the right to have his life respected. This right shall be protected by law and, in general, from the moment of conception. No one shall be arbitrarily deprived of his life. [...] Article 5. Right to Humane Treatment 1. Every person has the right to have his physical, mental, and moral integrity respected. 2. No one shall be subjected to torture or to cruel, inhuman, or degrading punishment or treatment. All persons deprived of their liberty shall be treated with respect for the inherent dignity of the human person. 3. Punishment shall not be extended to any person other than the criminal. 4. Accused persons shall, save in exceptional circumstances, be segregated from convicted persons, and shall be subject to separate treatment appropriate to their status as unconvicted persons. 5. Minors while subject to criminal proceedings shall be separated from adults and brought before specialized tribunals, as speedily as possible, so that they may be treated in accordance with their status as minors. 6. Punishments consisting of deprivation of liberty shall have as an essential aim the reform and social readaptation of the prisoners. [...] Article 13. Freedom of Thought and Expression 1. Everyone has the right to freedom of thought and expression. This right includes freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing, in print, in the form of art, or through any other medium of one's choice. [...]"

## AMERICAN CONVENTION ON HUMAN RIGHTS



dissemination of ideas, by any medium whatsoever.” Similarly, the American Declaration guarantees the rights to petition and to justice.<sup>195</sup> The effective exercise of these rights includes both positive and negative obligations.

148. With regard to negative obligations, pursuant to the principles of international law, the State is responsible for all the acts and omissions in which its agents take part in the exercise of their duties, including when they surpass the limits of their area of competence.<sup>196</sup> OAS

<sup>195</sup> American Declaration of the Rights and Duties of Man: “Article XVIII. Every person may resort to the courts to ensure respect for his legal rights. There should likewise be available to him a simple, brief procedure whereby the courts will protect him from acts of authority that, to his prejudice, violate any fundamental constitutional rights. (...)Article XXIV. Every person has the right to submit respectful petitions to any competent authority, for reasons of either general or private interest, and the right to obtain a prompt decision thereon”.

<sup>196</sup> I/A Court H.R.. Case of the “Mapiripán Massacre” v. Colombia. Judgment of September 15, 2005. Series C No. 134. Para. 108; I/A Court H.R.. Case of the Pueblo Bello Massacre v. Colombia. Judgment of January 31,

Member States are required to ensure that their agents do not interfere with the rights to life and personal integrity and to refrain from carrying out actions that could violate these rights directly, such as acts of violence against their own citizens. Cases are continually reported in the region of State agents committing acts of violence against journalists, especially in the context of police or military action intended to combat crime or control demonstrations, as well as in cases of allegations of corruption or illegalities committed by local authorities.

149. As regards positive obligations, many of the most serious acts of violence against journalists in the Americas—homicides, disappearances, kidnappings and armed attacks on media outlets, among other acts—are committed by non-State actors, especially powerful criminal groups.

2006. Series C No. 140. Para. 111.



150. Based on Inter-American scholarship and case law, the State has three positive obligations that emanate from the rights to life, personal integrity, and freedom of expression. They are: the obligation to prevent, the obligation to protect and the obligation to investigate, try and criminally punish those responsible for these crimes.<sup>197</sup> As the Office of the Special Rapporteur has indicated, these obligations are complementary to each other: in order for free, robust, and unrestricted democratic debate to exist, violence against journalists must be combated through a comprehensive policy of prevention, protection, and procurement of justice.<sup>198</sup>

197 The United Nations (UN) Special Rapporteur on Freedom of Opinion and Expression, the Organization for Security and Co-operation in Europe (OSCE) Representative on Freedom of the Media, the Organization of American States (OAS) Special Rapporteur on Freedom of Expression and the African Commission on Human and Peoples' Rights (ACHPR) Special Rapporteur on Freedom of Expression and Access to Information. June 25, 2012. [Joint Declaration on Crimes Against Freedom of Expression](#).

198 IACHR. [Annual Report 2010. Report Of The Office Of The Special Rapporteur For Freedom Of Expression](#). Chapter II (Special Report on Freedom of Expression in Mexico 2010). OEA/Ser.L/V/II. Doc. 5. March 7, 2011.

151. Regarding this, the United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity establishes that:

*Promoting the safety of journalists and fighting impunity must not be constrained to after-the-fact action. Instead, it requires prevention mechanisms and actions to address some of the root causes of violence against journalists and of impunity. This implies the need to deal with issues such as corruption, organized crime and an effective framework for the rule of law in order to respond to negative elements (...).*<sup>199</sup>

152. To comply with these obligations, States must guarantee that journalism in particular and the right to freedom of expression generally can be exercised freely, thereby enabling the existence of informed societies. In particular, allowing an entire region to be silenced without adopting measures to stop threats against those exercising freedom of expression opens the door to other human rights violations and damages democracy. In order to prevent the creation of silenced zones and deal with those that already exist, States must commit to fostering an environment that is favorable to the exercise of freedom of expression, which can only be accomplished with a comprehensive policy that includes protection, prevention, and administration of justice.

Para. 541; IACHR [Second Report on the Situation of Human Rights Defenders in the Americas](#). OEA/Ser.L/V/II Doc. 66. December 31, 2011. Para. 472.

199 United Nations. United Nations Educational, Scientific and Cultural Organization (UNESCO). International Programme for the Development of Communication. United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity. Point 1.6. Available at: <http://www.unesco.org/new/en/communication-and-information/freedom-of-expression/safety-of-journalists/>.

153. In this regard, it is important to highlight that these obligations must be complied with not only in what regards journalists who work regularly in the traditional media but also regarding journalists or citizens who create content and/or disseminate information in the public interest on the Internet. This is in line with the definition of the United Nations Human Rights Committee, which in 2011 defined journalists as “a wide range of actors, including professional full-time reporters and analysts, as well as bloggers and others who engage in forms of self-publication in print, on the internet or elsewhere.”<sup>200</sup>

154. It should also be noted that all actions taken by states to comply with their obligations to prevent, protect, and investigate, try, and criminally punish those responsible for crimes against journalists must take into account the differentiating effect of crimes against journalists who are women.

### A. The obligation to prevent

155. States have an obligation to adopt measures to prevent violence against journalists and media workers. This obligation is particularly important in countries in which there is a risk of these incidents taking place and in specific situations in which authorities know or should know that there is a real and immediate risk of such crimes being committed.<sup>201</sup> In these situations, the absence of a general public policy of prevention can mean the State has failed to comply with its duty to prevent<sup>202</sup>.

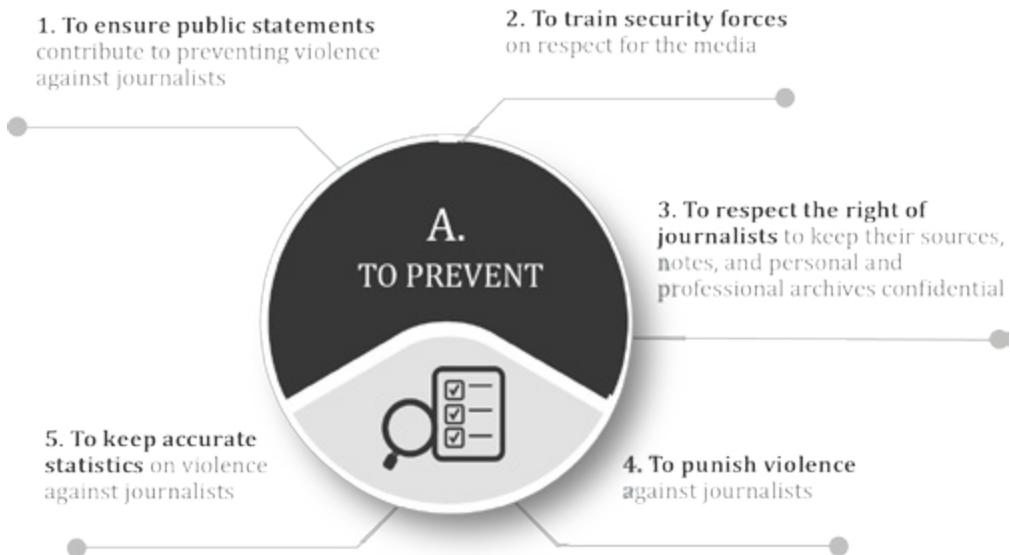
156. The Office of the Special Rapporteur has indicated that the obligation to prevent includes a series of specific obligations: the obligation to ensure its public statements contribute to preventing violence against journalists; the obligation to instruct its security forces to respect the media; the obligation to respect the right of journalists to the confidentiality of their sources, notes and personal and professional files; the obligation to punish violence against journalists; and the obligation to maintain precise statistics on violence against journalists.<sup>203</sup>

201 The United Nations (UN) Special Rapporteur on Freedom of Opinion and Expression, the Organization for Security and Co-operation in Europe (OSCE) Representative on Freedom of the Media, the Organization of American States (OAS) Special Rapporteur on Freedom of Expression and the African Commission on Human and Peoples’ Rights (ACHPR) Special Rapporteur on Freedom of Expression and Access to Information. June 25, 2012. [Joint Declaration on Crimes Against Freedom of Expression](#).

202 I/A Court H.R.. Case of *González et al (“Cotton Field”) v. Mexico*. Preliminary Exception, Merits, Reparations, and Costs. Judgment of November 16, 2009. Series C No. 205. Para. 282.

203 IACHR. [Annual Report 2013. Annual Report of the Office of the Special Rapporteur for Freedom of Expression](#). Chapter III (Violence Against Journalists and Media Workers: Inter-American Standards and National Practices on Prevention, Protection and Prosecution of Perpetrators). OEA/Ser.L/V/II.149. Doc. 50. December 31, 2013. Para. 2.

200 United Nations. Human Rights Committee. [General comment No. 34 Article 19: Freedoms of opinion and expression](#). CCPR/C/GC/34. September 12, 2011. Para. 44.



157. Compliance with this obligation is of vital importance in countries with areas in which journalists have turned to self-censorship in order to prevent this from being replicated in other places in the country where similar violence is taking place.

### **1. The obligation to ensure public statements contribute to preventing violence against journalists**

158. The Inter-American Court has found that the obligation to guarantee the rights of freedom of expression and personal integrity requires public officials to refrain from making statements that expose journalists and media workers to a great risk of acts of violence.<sup>204</sup> The Office of the Special Rapporteur has similarly indicated that government officials are responsible for ensuring their public speech does not expose journalists to greater risk of violence. In this regard,

<sup>204</sup> I/A Court H.R., *Case of Perozo et al v. Venezuela. Preliminary Exceptions, Merits, Reparations, and Costs*. Judgment of January 28, 2009. Series C No. 195.

the Office of the Special Rapporteur has recalled, among other things, that a simple but very effective measure of protection is for the most senior State officials to consistently, clearly, publicly, and firmly recognize the legitimacy and value of the work that journalists do, even when the information they disseminate is critical of the government or inconvenient to its interests. It is likewise crucial for authorities to energetically condemn attacks on journalists and push the competent authorities to act with due diligence and swiftness in clearing up the facts and punishing those responsible.<sup>205</sup>

<sup>205</sup> IACHR, [Annual Report 2010. Report Of The Office Of The Special Rapporteur For Freedom Of Expression](#). Chapter II: (Evaluation of the State of Freedom of Expression in the Hemisphere). OEA/Ser.L/V/II. Doc. 5. March 7, 2011. Para. 713. In that regard, the United Nations (UN) Special Rapporteur on Freedom of Opinion and Expression, the Organization for Security and Co-operation in Europe (OSCE) Representative on Freedom of the Media, the Organization of American States (OAS) Special Rapporteur on Freedom of Expression and the African Commission on Human and Peoples' Rights (ACHPR) Special Rapporteur on Freedom of Expression and Access to Information. June 25, 2012. [Joint Declaration on Crimes Against Freedom of Expression](#); United Nations. General

159. In States with a federal structure or in States where government authority is decentralized into a number of different levels, the speech of federal or national authorities might promote the legitimacy of journalism activities while locally, government statements remain hostile toward the media, exposing local communicators to a higher risk of violence. The Special Rapporteur recalls that a State answers as a whole to international law, the obligations of which extend to all its powers and levels of governance.

## 2. The obligation to train security forces on respect for the media

160. Appropriate instruction of State security forces on the role of the press in a democratic society constitutes an important step in preventing violence against journalists and media workers. For this reason, the Office of the Special Rapporteur has recommended that States adopt adequate preventive mechanisms in order to avert violence against media workers, including the training of public officials, particularly police and security forces, and, if necessary, the adoption of operation manuals or guidelines regarding respect for the right of freedom of expression.<sup>206</sup> This is particularly

important in relation to forces that carry out public security tasks which regularly bring them into direct contact with the members of the press who cover their activities, especially if the force in question was not originally trained for such public security tasks.<sup>207</sup>

161. The Office of the Special Rapporteur views this obligation as extremely important, considering that in many countries in the region, the struggle against organized crime and drug trafficking is conducted by a variety of different bodies of the armed forces and the police. Likewise, in many cases in which journalists are murdered or threatened in “silenced zones,” they were on the police beat, meaning that for their work, they are in contact with members of the armed forces, either because they are used by the journalists as sources of information or because they are the subject of the journalists’ reporting.

162. The call to provide training to security forces on freedom of expression and the role of journalists and media workers has been echoed by a number of international organizations. In their 2012 Joint Declaration on Crimes against Freedom of Expression, the special rapporteurs on freedom of opinion and expression highlighted that “appropriate training on crimes against freedom of expression, including gender specific crimes, should be provided to relevant law enforcement officials, including the

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Assembly. Report of the United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue. A/HRC/20/17. June 4, 2012. Para. 103. Available at: [http://ap.ohchr.org/documents/dpage\\_s.aspx?m=85](http://ap.ohchr.org/documents/dpage_s.aspx?m=85); United Nations. General Assembly. [Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns. A/HRC/20/22](#). April 10, 2012. Para. 110.

206 IACHR. [Annual Report 2012. Report of the Office of the Special Rapporteur for Freedom of Expression](#). Chapter II. (Evaluation of the State of Freedom of Expression in the Hemisphere). OEA/Ser.L/V/II. Doc. 1. March 5, 2013. Para. 4. See also, IACHR. [Annual Report 2009. Report of the Special Rapporteur for Freedom of Expression](#). Chapter VII (Conclusions and Recommendations). OEA/Ser.L/V/II. Doc. 51. December 30, 2009. Para. 4; IACHR. [Annual Report 2010. Report Of The Office Of The Special Rapporteur For Freedom Of Expression](#). Chapter II (2010 Special Report on Freedom of Expression in Mexico). OEA/

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Ser.L/V/II. Doc. 5. March 7, 2011. Para. 4; IACHR. [Annual Report 2011. Report of the Office of the Special Rapporteur for Freedom of Expression](#). Chapter V (Conclusions and Recommendations). OEA/Ser.L/V/II. Doc. 69. December 30, 2011. Para. 4.

207 The Committee has repeatedly pointed out that, since the armed forces lack the appropriate training to control citizen security, it is up to a civilian police force, efficient and respectful of human rights, to combat insecurity, crime and violence in the domestic field. IACHR. [Report on Citizen Security and Human Rights](#). OEA/Ser.L/V/II. Doc. 57. December 31, 2009. Para. 100.

police and prosecutors, as well, where necessary, to military personnel.”<sup>208</sup> Along the same lines, the UN Special Rapporteur on extrajudicial, summary or arbitrary executions has stated that “Law enforcement officials and the armed forces should receive training, as part of standard procedure, on the legitimacy of the presence of journalists during nonarmed and armed conflict and the legal protection for their safety.”<sup>209</sup>

### 3. The obligation to respect the right of journalists to keep their sources, notes, and personal and professional archives confidential

163. The right of journalists to keep their sources’ identities confidential helps ensure sources’ lives are not threatened for being potential witnesses. Protection of confidential sources not only contributes to the fundamental role of the media as watchdogs but also helps prevent journalists from becoming victims of acts of violence due to a source’s fear of being identified. For this reason, it should be ensured that, for example, no public official violates this confidentiality.<sup>210</sup>

208 The United Nations (UN) Special Rapporteur on Freedom of Opinion and Expression, the Organization for Security and Co-operation in Europe (OSCE) Representative on Freedom of the Media, the Organization of American States (OAS) Special Rapporteur on Freedom of Expression and the African Commission on Human and Peoples’ Rights (ACHPR) Special Rapporteur on Freedom of Expression and Access to Information. June 25, 2012. [Joint Declaration on Crimes Against Freedom of Expression](#).

209 United Nations. General Assembly. [Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns](#). A/HRC/20/22. April 10, 2012. Para. 118. See also, United Nations. United Nations Educational, Scientific and Cultural Organization (UNESCO). [San José Declaration](#). May 2-4, 2013.

210 IACHR. [Annual Report 2013. Annual Report of the Office of the Special Rapporteur for Freedom of Expression](#). Chapter III (Violence Against Journalists and Media Workers: Inter-American Standards and National Practices on Prevention, Protection and Prosecution of Perpetrators). OEA/Ser.L/V/II.149. Doc. 50. December 31, 2013.

164. In areas or regions with high rates of violence against the media, this obligation is especially important considering that revelation of journalists’ sources could put them at greater risk of retaliation by both the sources and the sources’ “enemies.”

### 4. The obligation to punish violence against journalists

165. In order to prevent violence against journalists and media workers, it is indispensable for legal systems to punish this conduct in a manner that is proportional to the damage committed.<sup>211</sup> In a more general sense, article 2 of the American Convention requires States to adopt legislative or whatever other measures that may be necessary to make the rights and freedoms recognized in the treaty effective.<sup>212</sup>

166. In cases of violence against journalists in areas with high rates of violence, such as the ones described in this report, journalists who suffer violence have often been previously attacked or threatened or seen their colleagues murdered, with neither the law nor the agencies in charge of administering justice being adequate for rigorously investigating and punishing these crimes.

211 I/A Court H.R.. Case of the *Rochela Massacre v. Colombia. Merits, Reparations, and Costs*. Judgment of May 11, 2007. Series C No. 163. Para. 193. As the Commission has pointed out, under international law, States have a fundamental obligation to ensure the right to life by establishing effective provisions in their domestic criminal law and by creating the necessary enforcement mechanisms. IACHR. [Report on Citizen Security and Human Rights](#). OEA/Ser.L/V/II. Doc. 57. December 31, 2009. Para. 44. See also, European Court of Human Rights. *Case of Kılıç v. Turkey*. Application no. 22492/93. Judgment of March 28, 2000. Para. 63.

212 IACHR. [Annual Report 2013. Annual Report of the Office of the Special Rapporteur for Freedom of Expression](#). Chapter III (Violence Against Journalists and Media Workers: Inter-American Standards and National Practices on Prevention, Protection and Prosecution of Perpetrators). OEA/Ser.L/V/II.149. Doc. 50. December 31, 2013.

In general, the fact that these types of crimes remain in almost absolute impunity in some parts of the region has encouraged recurrence.

### 5. Obligation to keep accurate statistics on violence against journalists

167. Understanding the magnitude and shape of violence against journalists and media workers is fundamental to implement effective policies of prevention, such as, for example, the design of trustworthy risk maps. In general, the IACHR has emphasized that State authorities must produce high-quality data that can be used to adequately plan the different operations of police forces, so as to favor preventative actions as opposed to repressive ones. The design and updated maintenance of trustworthy statistics and indicators on the different factors that contribute to violent or criminal acts constitute an irreplaceable tool for the implementation of an adequate process of strategic planning, which is a key piece of any public policy.<sup>213</sup>

168. In the 2016 reports on the situation of human rights in Honduras and Mexico, as well as in the 2013 report on truth, justice, and reparation in Colombia, the IACHR recommended that these three States produce detailed and disaggregated crime statistics on violence against journalists and the criminal prosecution thereof. The Office of the Special Rapporteur has recommended that the statistics include the type of crime committed (homicide, kidnapping, etc.); the victim's name, gender, and employer; the location and date of the attack, the person and/or group allegedly responsible (if known); the authority in charge of the investigation; and the case file number of the investigation, along with the current

<sup>213</sup> IACHR. [Report on Citizen Security and Human Rights](#). OEA/Ser.L/V/II. Doc. 57. December 31, 2009. Para. 187.

status of the investigation and/or legal process.

169. The Office of the Special Rapporteur thus appreciates the creation of the Prevention Unit [*Unidad de Prevención*] of the Federal Protection Mechanism of Mexico [*Mecanismo Federal de Protección de México*] (the creation and operating of which will be described in more detail in this chapter), whose work includes collecting statistics and creating a database that is constantly updated in order to perform risk mapping and identify the patterns to the attacks in different areas in Mexico. Initiatives like this are very important for identifying patterns to the attacks by region and preventing the formation of new areas where the media may be silenced, as they make it possible for the State to take proactive measures to protect the media.

## B. Obligation to protect

### 1. The obligation to protect at-risk journalists and media workers

170. Pursuant to the human rights laws of the Inter-American system, States have a special obligation to protect those who face special risk to their fundamental rights. The obligation to adopt specific measures of protection is dependent on the knowledge that there is a situation of real or imminent risk to a particular individual or group of individuals and a reasonable possibility of preventing or avoiding harm.<sup>214</sup>

<sup>214</sup> I/A Court H.R.. Case of *Pueblo Bello Massacre v. Colombia*. Judgment of January 31, 2006, Series C No. 140. Para. 123; I/A Court H.R.. Case of the *Sawhoyamaya Indigenous Community v. Paraguay*. *Merits, Reparations, and Costs*. Judgment of March 29, 2006. Series C No. 146. Para. 155; I/A Court H.R.. Case of *Valle Jaramillo et al v. Colombia*. *Merits, Reparations, and Costs*. Judgment of November 27, 2008. Series C No. 192. Para. 78; I/A Court H.R.. Case of *Case of González et al ("Cotton Field") v. Mexico*. *Preliminary Objections, Merits, Reparations, and Costs*. Judgment of November 16, 2009. Series C No.

171. The obligation to protect an at-risk journalist can be satisfied through the individual application of the measures necessary to ensure, among other things, the beneficiaries' right to life, to personal integrity, and to freedom of expression. When a particular country faces a systematic and grave structural situation of violence against journalists and media workers, States must establish special protection programs in order to serve these groups. At all times, the measures adopted must be adapted to the individual circumstances of the person at risk, including the person's gender, the need or desire to continue carrying out the same professional activities, and the person's social and economic circumstances.<sup>215</sup>

172. When measures are taken to protect journalists from the credible threat of damage to their physical integrity, the measures must take into account the needs specific to the profession of the beneficiaries, their genders, and other individual circumstances. In their 2012 Joint Declaration, the Special Rapporteurs stated that the measures of protection "must be adequate to the individual circumstances of the person at risk, including the person's gender, the need or desire to continue carrying out the same professional activities, and the person's social and economic circumstances."<sup>216</sup>

173. Likewise, the measures of protection for journalists and media workers must include a gender perspective that takes into account both the specific forms of violence suffered by women and the specific ways in which the protective measures are implemented that may be necessary or adequate for women journalists.

174. Finally, States also have a duty to adopt the measures necessary to ensure that those working in the media who have had to flee or exile themselves in response to a risk are able to return home safely. When it is not possible for these people to return, States must adopt measures enabling them to live in the place they chose in dignified conditions and with the necessary security measures and financial support to continue their work and family lives.<sup>217</sup>

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Rapporteur on Freedom of Expression and the African Commission on Human and Peoples' Rights (ACHPR) Special Rapporteur on Freedom of Expression and Access to Information. June 25, 2012. [Joint Declaration on Crimes Against Freedom of Expression](#).

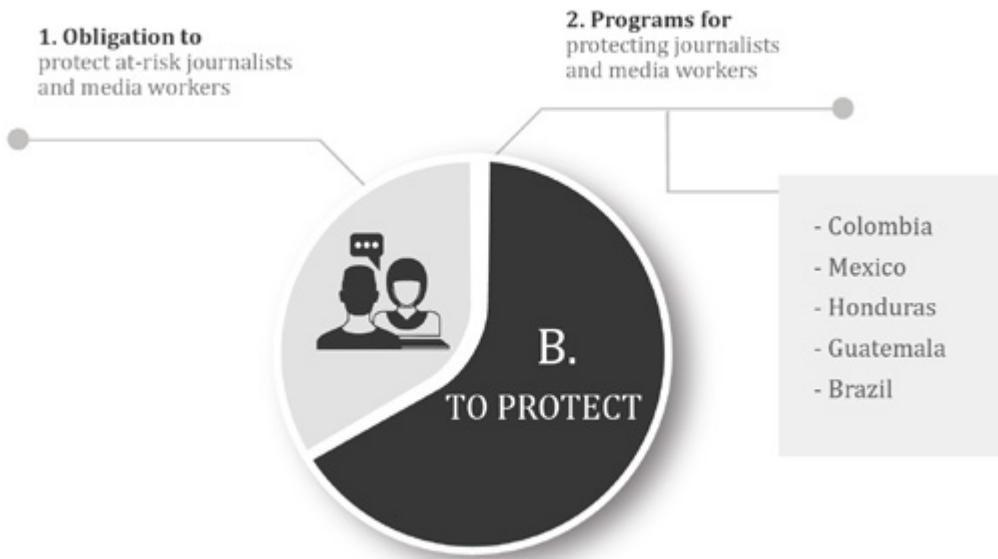
217 IACHR. [Annual Report 2012. Report of the Office of the Special Rapporteur for Freedom of Expression](#). Chapter V (Conclusions and Recommendations). OEA/Ser.L/V/II.147. Doc. 1. March 5, 2013. Para. 4 e). *See also*, IACHR. [Annual Report 2009. Report of the Special Rapporteur for Freedom of Expression](#). Chapter VII (Conclusions and Recommendations). OEA/Ser.L/V/II. Doc. 51. December 30, 2009. Para. 4 e); IACHR. [Annual Report 2010. Report Of The Office Of The Special Rapporteur For Freedom Of Expression](#). Chapter VI (Conclusions and Recommendations). OEA/Ser.L/V/II. Doc. 5. March 7, 2011. Para. 4 e); IACHR. [Annual Report 2011. Report of the Office of the Special Rapporteur for Freedom of Expression](#). Chapter V (Conclusions and Recommendations). OEA/Ser.L/V/II. Doc. 69. December 30, 2011. Para. 4 e); United Nations. General Assembly. Report of the United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue. A/HRC/20/17. June 4, 2012. Para. 102. Available at: [http://ap.ohchr.org/documents/dpage\\_s.aspx?m=85](http://ap.ohchr.org/documents/dpage_s.aspx?m=85)

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205. Para. 280. *See also*, IACHR. [Report on Citizen Security and Human Rights](#). OEA/Ser.L/V/II. Doc. 57. December 31, 2009. Para. 42.

215 The United Nations (UN) Special Rapporteur on Freedom of Opinion and Expression, the Organization for Security and Co-operation in Europe (OSCE) Representative on Freedom of the Media, the Organization of American States (OAS) Special Rapporteur on Freedom of Expression and the African Commission on Human and Peoples' Rights (ACHPR) Special Rapporteur on Freedom of Expression and Access to Information. June 25, 2012. [Joint Declaration on Crimes Against Freedom of Expression](#).

216 The United Nations (UN) Special Rapporteur on Freedom of Opinion and Expression, the Organization for Security and Co-operation in Europe (OSCE) Representative on Freedom of the Media, the Organization of American States (OAS) Special



## 2. Programs for protecting journalists and media workers

175. In situations in which violence against journalists and media workers is particularly widespread, States' obligation to protect them could require the creation of permanent and specialized protection programs.

176. Over the last decade, a number of countries in the region have followed the recommendations of international bodies like the IACHR and its Office of the Special Rapporteur by establishing special programs to protect journalists. The Office of the Special Rapporteur supports and highlights the efforts made by a number of States—including, Brazil, Mexico, and Honduras—to establish this type of program and progressively provide it with the resources to fulfill its objectives, notwithstanding the deficiencies and implementation problems that this Office has noted in its monitoring and ongoing dialogue with States on the situation of violence against journalists. Also, Argentina recently established a

limited protocol to protect journalists, while Guatemala is looking at setting up a special program to protect journalists and human rights defenders, and Paraguay informed the IACHR of passage of a law to establish such a program in response to violence against journalists in a number of areas in the country.

177. In the case of Colombia, the program for the protection of journalists has been operating since 2000, making it the oldest and best established in the region. For its part, the protection program in Mexico was legally established in 2012. In the case of Honduras, the mechanism was established through a law passed in 2015. Although it has not begun to operate, the State has announced regulations for it to make it fully operational. Likewise, other countries have taken measures to include journalists and media workers as beneficiaries of pre-existing programs for protection. Such was the case in Brazil. On September 27, 2016, through Resolution 479-E/2016, Argentina's ministry of Security [*ministerio de Seguridad de Argentina*]

approved a General Conduct Protocol for Protection of Journalism Activities [*Protocolo General de Actuación para la Protección de la Actividad Periodística*]. Both Paraguay and Guatemala are moving forward with processes to approve mechanisms to protect journalists. In the case of Paraguay, the State informed the Office of the Special Rapporteur that “a bill is before the National Congress on the protection of journalists and human rights defenders. The bill was submitted on November 17, 2016, as the Freedom of Expression and Protection of Journalists, Media Workers, and Human Rights Defenders Act” [*Proyecto de Ley “De libertad de expresión protección a periodistas, trabajadores de prensa y defensores de derechos humanos”*].<sup>218</sup>

178. This section provides a detailed examination of existing protection programs in the region, describing the best practices identified for their creation and implementation, as well as the main challenges they currently face. When States decide to establish specialized protection programs, it is crucial that they be implemented adequately and in good faith.

179. Indeed, the IACHR has found in a number of reports that these programs “can enable a State to comply with its obligation of protection.” However, some of the programs in the region “tend to have efficacy and design problems.”<sup>219</sup> The IACHR and its Office of the Special Rapporteur have defined some of the requirements that States must follow for protective mechanisms to be effective. For example, the Office of the Special

Rapporteur has recommended placing emphasis on: 1) the importance of guaranteeing the necessary personnel and financial resources for the adequate implementation of the mechanism; 2) the need to ensure effective coordination among the entities responsible for the implementation of measures of prevention, protection and procurement of justice; 3) the need to adequately define protective measures called for in the mechanism and the procedure for their adoption; 4) the need to guarantee the full participation of journalists, civil society, and beneficiaries in the implementation and operation of the mechanism; and 5) the benefits of seeking support from the international community for the mechanism’s operation.<sup>220</sup>

180. In addition, the IACHR has indicated that States must take into account that journalists and human rights defenders form two populations with certain distinct characteristics whose particular needs for protection must be taken into account when the protective program is designed and implemented, especially when the programs benefit both groups. The Office of the Special Rapporteur notes that it is important for the protection programs to guarantee that communicators are able to continue to perform their journalistic activities, as well as the specific needs of the profession (such as the privacy necessary to meet with sources) when designing the protective measures available, taking into consideration the circumstances of each specific case and in consultation with the potential beneficiary.

218 Misión Permanente del Paraguay Ante la Organización de los Estados Americanos. Nota 1283/16/MPP/OEA. Ref: Informe del Estado Paraguayo. Washington DC. November 28, 2016. Available at: Archive of the Office of the Special Rapporteur for Freedom of Expression.

219 IACHR. [Second Report on the Situation of Human Rights Defenders in the Americas](#). OEA/Ser.L/V/II Doc. 66. December 31, 2011. Para. 484-486.

220 IACHR. [Annual Report 2013. Annual Report of the Office of the Special Rapporteur for Freedom of Expression](#). Chapter III (Violence Against Journalists and Media Workers: Inter-American Standards and National Practices on Prevention, Protection and Prosecution of Perpetrators). OEA/Ser.L/V/II.149. Doc. 50. December 31, 2013; IACHR. [Annual Report 2010. Report Of The Office Of The Special Rapporteur For Freedom Of Expression](#). Chapter II (2010 Special Report on Freedom of Expression in Mexico). OEA/Ser.L/V/II. Doc. 5. March 7, 2011. Para. 712.

181. It is crucial for risk assessments and decisions on the adoption of protective measures to take into account the content of the journalistic work and the investigations that the potential beneficiary or the media outlet to which he or she belongs is carrying out and those investigations' possible connection with the alleged situation of risk under examination.

- Colombia

182. Law 418 in 1997 created a protection program under the ministry of the Interior aimed at people facing situations of risk “due to causes having to do with political or ideological violence, or with the armed internal conflict” and belonging to particular groups, such as leaders or activists with political groups, social organizations and human rights organizations.<sup>221</sup> In 2000, through Decree 1592, journalists and social communicators were for the first time recognized as a special at-risk population with the creation of the “Program for the Protection of Journalists and Social Communicators,” run by the General Directorate of Human Rights of the ministry of the Interior.<sup>222</sup> Decree 1592 also established the Committee for Regulation and the Evaluation of Risks [*Comité de Reglamentación y Evaluación de Riesgos*] (CRER), an interinstitutional body made up of representatives of the State and civil society whose purpose was to evaluate specific cases and recommend the adoption of protective measures.<sup>223</sup>

183. Likewise, in June of 2012, Decree 1225 was issued to “restructure and define some of the concepts and procedures described in Decree 4912 of

2011.”<sup>224</sup> Under this new legal framework, the “program for the prevention and protection of the rights to life, liberty, integrity and safety of persons, groups and communities” for “persons, groups and communities facing situations of extraordinary or extreme risk as a direct result of the exercise of their political, public, social or humanitarian activities or functions, or as a result of the exercise of their duties”<sup>225</sup> was created, unifying all the existing specific programs for the protection of individuals in situations of extraordinary or extreme risk. Among the 16 groups subject to protection due to risk included in the Program for Prevention and Protection are journalists and social communicators.<sup>226</sup>

184. Under this new structure, Colombia created the National Protection Unit [*Unidad Nacional de Protección*] (UNP), a legal body with administrative and financial autonomy and its own budget, ascribed under the ministry of the Interior, with the purpose of “articulating, coordinating and executing the provision of protective services” to those persons facing situations of extraordinary or extreme risk in Colombia.<sup>227</sup> The UNP is responsible for receiving and processing requests for protection; carrying out risk evaluations; implementing approved measures of protection; following up on the measures of protection granted; and communicating reported threats to the Office of the Attorney General of the Nation [*Fiscalía General de la Nación*].<sup>228</sup> The Program for Protection also has a Technical Body for the Collection and Analysis of Information [*Programa*

221 Congreso Nacional. [Ley No. 418. December 26, 1997](#). Article 81.

222 Presidencia de la República. [Decreto No. 1592. August 24, 2000](#). Article 1.

223 Presidencia de la República. [Decreto No. 1592. August 24, 2000](#). Article 2.

224 Presidencia de la República. [Decreto No. 1225 June 11, 2012](#).

225 Presidencia de la República. [Decreto No. 4912 December 26, 2011](#). Article 6.

226 Presidencia de la República. [Decreto No. 4912 December 26, 2011](#). Article 1.

227 Presidencia de la República. [Decreto No. 4065 October 31, 2011](#). Articles 1 and 3.

228 Presidencia de la República. [Decreto No. 4912 December 26, 2011](#). Article 28.

de Protección cuenta también con un Cuerpo Técnico de Recopilación y Análisis de Información] (CTRAI), an inter-institutional body made up of UNP and National Police officials. Among other things, it is responsible for collecting and analyzing in situ information following a request for protection. It is also required to report new threats to the Protection Program.<sup>229</sup> For its part, the Preliminary Evaluation Group [*Grupo de Valoración Preliminar*] (GVP) is the body responsible for carrying out risk evaluations based on the information provided by the CTRAI and indicating the protective measures that would be suitable in a specific case within a period of 30 days upon receiving consent from the applicant.<sup>230</sup>

185. The most senior deliberative body of the Colombian Protection Program is the Risk Assessment and Measure Recommendation Committee [*Comité de Evaluación de Riesgo y Recomendación de Medidas*] (Cerrem), which replaces the defunct CRER in the analysis of requests and ordering of protective measures that should be granted in each case, as well as their duration. In its analysis, the Cerrem must take into account the recommendations of the Preliminary Evaluation Group and the information provided by the entities participating in the Committee in order

to validate the risk level determination made by the GVP. Additionally, the Cerrem has the authority to recommend the adjustment, suspension or cancellation of preventative and protective measures based on the results of risk reassessments.

186. The Cerrem is a permanent body comprising five senior public officials with voice and vote.<sup>231</sup> It is presided over by the Director of the Human Right Directorate of the ministry of the Interior [*Director de la Dirección de Derechos Humanos del ministerio del Interior*]. Four delegates of each of the populations subjected to the program (including journalists) also participate in the Cerrem meetings as permanent guests, among other persons. The delegates participate exclusively in the analysis of the cases of the groups they represent and can provide any information they may have on the requests under consideration as material for the adoption of protective measures.<sup>232</sup>

187. The protective measures that the Colombian protection program provides are determined using two types of processes: an ordinary one and an urgent one that grants the director of the National Protection Unit the authority to put interim measures in place.

188. Depending on the risks situation of the potential beneficiary, the Cerrem can take the following measures: contingency plans; self-defense courses; police patrols and monitoring; arrangements for

229 Presidencia de la República. [Decreto No. 4912 December 26, 2011](#). Article 33.

230 Presidencia de la República. [Decreto No. 4912 December 26, 2011](#). Articles 34 and 35. According to the decree the *Grupo de Valoración Preliminar* (GVP) is coordinated by a delegate of the *Unidad Nacional de Protección* (UNP), and formed with a delegate of the Ministry of National Defense, a delegate of the National Police, a delegate of the *Programa Presidencial para la protección y vigilancia de los Derechos Humanos y el Derecho Internacional Humanitario*, and a delegate from the *Unidad Administrativa Especial de Atención y Reparación Integral a las Víctimas*. Also, the GVP has as its permanent special guests a representative of the *Fiscalía General de la Nación*, a representative of the *Procurador General de la Nación*, a representative of the *Defensor del Pueblo*, and the delegate of the *Secretaría Técnica de la Comisión Intersectorial de Alertas Tempranas*.

231 They are: the Director of the *Programa Presidencial de Derechos Humanos y DIH*, the Director of *Protección y Servicios Especiales* of the National Police, the Director of the *Unidad Administrativa Especial de Atención y Reparación Integral a las Víctimas*, and the Coordinator of the *Oficina de Derechos Humanos de la Inspección General de la Policía*. Presidencia de la República. [Decreto No. 4912 December 26, 2011](#). Article 36.

232 Presidencia de la República. [Decreto No. 4912 December 26, 2011](#). Articles 36-37.

individual protection (including armored vehicles, driver and bodyguard); journeys via land, river, ocean or air; temporary relocation, including economic assistance and the transportation of personal items; communication devices that allow for rapid contact with State agencies; and fortification and installation of security systems in the beneficiary's workplace and/or residence.<sup>233</sup> The law also allows for adopting other measures of protection different from the ones it sets forth, "taking into account a differential approach, the risk level, and factors of place."<sup>234</sup> Protection measures can be suspended should they be used improperly or at the request of the protected individual following consultation with and authorization by the Cerrem. The measures can be ended on the recommendation of this agency when the risk evaluation concludes that they are no longer necessary; on request of the beneficiaries; or upon expiration of the measure's term.<sup>235</sup> Current law also identifies the responsibilities of local and National Governmental entities with regard to the implementation of protective measures.<sup>236</sup>

189. According to the information provided by the Colombian State to the IACHR in 2015, provided to follow up on the recommendations made in the country report, 137 journalists enjoy some type of protective arrangement.<sup>237</sup> According to the information available, the budget approved for the agency for 2016 was COP\$ 477 million 189 thousand

(about US\$161 million).<sup>238</sup> According to information from the Fundación para la Libertad de Prensa (FLIP), a civil society organization that participates in the Cerrem as a permanent observer, "in 2015, the National Protection Unit had a budget of COP\$ 449 million 664 thousand (approximately US\$152 million) and held nine committees to assess risk and recommend measures (Cerrem). During these meetings, more than 150 requests for protection submitted by journalists were discussed, and protective measures were granted to approximately 70 per cent of applicants."<sup>239</sup>

190. The Office of the Special Rapporteur has recognized the efforts made by the State of Colombia to protect journalists whose lives are at risk through the protection mechanism.<sup>240</sup> Evidence of these efforts includes the political support the program has received for more than a decade, as well as the significant financial resources that have been allocated for its operation, the clarity of the legal framework and administrative proceedings surrounding its implementation, and the variety of protective measures available to the Cerrem.

191. Despite this progress, in their report Truth, Justice and Reparation: Fourth Report on Human Rights Situation in Colombia, the Office of the Special Rapporteur and the IACHR

233 Presidencia de la República. [Decreto No. 4912 December 26, 2011](#). Article 11.

234 Presidencia de la República. [Decreto No. 4912 December 26, 2011](#). Article 11, Para. 2.

235 Presidencia de la República. [Decreto No. 4912 December 26, 2011](#). Articles 44-46.

236 Presidencia de la República. [Decreto No. 4912 December 26, 2011](#). Articles 25-32.

237 República de Colombia, *Avances en materia de promoción, garantía y defensa de los derechos humanos en Colombia. Primer Semestre de 2015*. Nota S-GAID-15-088842. September 14, 2015. Page 49.

238 República de Colombia. Unidad Nacional de Protección. Resolución 0001 de 2016. January 4, 2016. [Por el cual se desagrega el detalle del anexo del Decreto de Liquidación correspondiente a las cuentas de Gasto de Personal, Gastos Generales y de Transferencia, de Funcionamiento y los gastos de inversión del Presupuesto de la Unidad Nacional de Protección-UNP para la vigencia fiscal 2016](#).

239 Fundación para la Libertad de Prensa (FLIP). 2015. [Paz en los titulares, miedo en la redacción](#). Page 55.

240 IACHR. Office of the Special Rapporteur for Freedom of Expression. [Impunity, self-censorship and armed internal conflict: An analysis of the state of freedom of expression in Colombia](#). OEA/Ser.L/V/II Doc. 51. August 31, 2005. Para. 107.

also noted persistent challenges in the implementation of the program for the protection of journalists and media workers. The Office of the Special Rapporteur observes the importance of establishing effective communication between the State agencies in charge of protecting the at-risk journalists and social communicators and the authorities responsible for investigating, trying and punishing those responsible for the alleged violations of their rights—including threats, attacks, harassment, and murders—perpetrated based on their professional activities. In this sense, the Commission notes the importance of the effective participation of the Office of the Attorney General of Nation in the different Cerrem divisions in its capacity as a special guest such that it is able to provide and receive key information on situations under analysis and the alleged human rights violations suffered by journalists and social communicators.<sup>241</sup> The IACHR has reiterated to the Colombian State “the urgent need that the State establishes, as State policy in the short-, mid- and long-term, investigation as a measure of prevention. The IACHR recalls that the lack of investigation of the facts that motivate the risk situation could generate a cumulative effect with regard to the constant increase of beneficiaries in the protection program and the powers of revision of the decisions adopted on protection.”<sup>242</sup>

241 IACHR. [Truth, Justice and Reparation: Fourth Report on Human Rights Situation in Colombia](#). OEA/Ser.L/V/II. Doc. 49/13. December 31, 2013. Para. 966.

242 IACHR. [Annual Report 2015. Chapter V](#). Follow-Up of Recommendations Issued by the IACHR in its Country or Thematic Reports. Follow Up on the Recommendations Made by the IACHR In The Report Truth, Justice and Reparation: Fourth Report on Human Rights Situation in Colombia. OEA/Ser.L/V/II. Doc. 48/15. December 31, 2015.

- Mexico

192. In 2012, Mexico became the second country in the region to adopt a specialized mechanism for the protection of at-risk journalists. As mentioned previously, the creation of such a program was one of the main recommendations of the IACHR and UN special rapporteurs following their August 2010 on-site visit to the country. The Mexican Congress discussed and eventually approved a “Law for the Protection of Human Rights Defenders and Journalists.” The law entered into force on June, 2012. The law creates the “Mechanism for the Protection of Human Rights Defenders and Journalists” in order to attend the State’s “fundamental responsibility to protect, promote and guarantee human rights.”<sup>243</sup> Its stated objective is to establish coordination between federal and state governments in the implementation of preventive and protective measures to guarantee the “life, integrity, liberty and security of persons who are in a situation of risk as a consequence of the defense or promotion of human rights or the exercise of freedom of expression and journalism.”<sup>244</sup> The mechanism is made up of a Government Council [*Junta de Gobierno*], an Advisory Board [*Consejo Consultivo*], and a National Executive Coordinator [*Coordinación Ejecutiva Nacional*], and it is run by the ministry of Interior.

193. The law for the protection of human rights defenders and journalists represents an important step taken by the Mexican government toward complying with the obligation to protect

243 Estados Unidos Mexicanos. Diario Oficial de la Federación. [Ley para la Protección de Personas Defensoras de Derechos Humanos y Periodistas](#). June 25, 2012. Article 1.

244 Estados Unidos Mexicanos. Diario Oficial de la Federación. [Ley para la Protección de Personas Defensoras de Derechos Humanos y Periodistas](#). June 25, 2012. Article 1.

at risk journalists, notwithstanding the implementation problems that have been noted throughout its existence.

194. Under Mexican law, the Government Council is the most senior level of the Mechanism and the main body for taking decisions on the granting of preventative and protective measures. The Government Council is made up of four representatives of the executive branch (Ministry of Interior, Office of the Attorney General of the Republic, Secretariat of Public Security, and Secretariat for Foreign Relations), a representative of the National Human Rights Commission, and four representatives of the Advisory Board, two of them independent experts on the defense of human rights and two of them experts on the exercise of freedom of expression and journalism.<sup>245</sup> Representatives from Congress, the judicial branch, the states, and the Mexico Office of the United Nations High Commissioner for Human Rights may participate in the Government Council sessions with speaking rights, but not voting rights<sup>246</sup>. The petitioners whose case is under consideration will also be called to participate in the sessions<sup>247</sup>. The main role of the Government Council is to evaluate, deliberate and rule on the granting and suspension of preventative and protective measures based on the information provided by the auxiliary units of the National Executive Coordinator.<sup>248</sup> In its decisions, the body

should respect “the pro persona, gender perspective, and best interest of the child principles, and other human rights standards.”<sup>249</sup>

195. The National Executive Coordinator is the body responsible for coordinating the operations of the Mechanism with federal entities, the sub-offices of the federal government, and autonomous agencies, and must be headed up by an official of the Ministry of Interior ranking just below under-secretary or equivalent. The body is also made up of three auxiliary technical coordination units: i) Case Receipt and Rapid Reaction Unit, which is responsible for receiving requests to be included in the Mechanism, analyzing and defining which cases will be addressed through an extraordinary proceeding, and implementing urgent protective measures; ii) Risk Assessment Unit, which is responsible for drawing up the risk assessment studies, recommending the preventative or protective measures to be adopted in each case, periodically following up on the implementation of the measures, and making recommendations with regard to their continuation, adequateness or conclusion. Under the law, both units must be made up of at least five risk assessment and protection experts, one of them an expert in the defense of human rights and another in journalism and the exercise of freedom of expression: iii) the Prevention, Follow-up and Analysis Unit, which is responsible for proposing preventative measures, monitoring attacks nationwide in order to collect the raw information and place it in a database; identifying patterns of attacks and preparing risk maps; and evaluating the effectiveness of

245 Estados Unidos Mexicanos. Diario Oficial de la Federación. [Ley para la Protección de Personas Defensoras de Derechos Humanos y Periodistas](#). June 25, 2012. Articles 5 and 13.

246 Estados Unidos Mexicanos. Diario Oficial de la Federación. [Ley para la Protección de Personas Defensoras de Derechos Humanos y Periodistas](#). June 25, 2012. Article 6.

247 Estados Unidos Mexicanos. Presidente de la República. Diario Oficial de la Federación. [Reglamento de la Ley para la Protección de Personas Defensoras de Derechos Humanos y Periodistas](#). November 30, 2012. Article 9.

248 Estados Unidos Mexicanos. Diario Oficial de la Federación. [Ley para la Protección de Personas](#)

[Defensoras de Derechos Humanos y Periodistas](#). June 25, 2012. Article 8.

249 Estados Unidos Mexicanos. Presidencia de la República. Diario Oficial de la Federación. [Reglamento de la Ley para la Protección de Personas Defensoras de Derechos Humanos y Periodistas](#). November 30, 2012. Article 22.

the preventative, protective and urgent measures implemented.<sup>250</sup>

196. Under the law, both the Case Receipt Unit and the Risk Evaluation Unit must be made up of at least five risk evaluation and protection experts, one of them an expert in the defense of human rights and another in journalism and the exercise of freedom of expression. The National Executive Coordinator is responsible for coordinating the different units, managing communications between them and the Government Council, and communicating the Council's decisions to the agencies in charge of implementing them.<sup>251</sup>

197. The mechanism also includes an Advisory Board, a consultation body of the Government Council made up of members of civil society. The Board is composed of nine advisors, including experts in the defense of human rights and the exercise of freedom of expression and journalism, four of whom are elected to participate in the Government Council. The Advisory Board is responsible for addressing consultations and formulating opinions requested by the Government Council on the programs and activities carried out by the National Executive Coordinator; submitting complaints before the Government Council that have been brought by petitioners or beneficiaries with regard to the implementation of the measures; and commissioning the independent Risk Evaluation Studies requested by the Government Council to resolve disputes.<sup>252</sup>

250 Estados Unidos Mexicanos. Diario Oficial de la Federación. [Ley para la Protección de Personas Defensoras de Derechos Humanos y Periodistas](#). June 25, 2012. Articles 17-23.

251 Estados Unidos Mexicanos. Diario Oficial de la Federación. [Ley para la Protección de Personas Defensoras de Derechos Humanos y Periodistas](#). June 25, 2012. Article 18.

252 Estados Unidos Mexicanos. Diario Oficial de la Federación. [Ley para la Protección de Personas Defensoras de Derechos Humanos y Periodistas](#). June

198. The law allows for both “ordinary” and “extraordinary” procedures for assigning the measures of protection requested. During the process and in the implementation of the measures, gender perspective must always be taken into account.<sup>253</sup> The beneficiary must not be under the protection of an arrangement or program set up by another State mechanism, except should they agree with the transfer of the protection responsibilities to the federal mechanism.<sup>254</sup>

199. The requests for protective or preventative measures are processed by the Case Receipt and Rapid Response Unit, which verifies that the request meets the requirements established by law and determines the type of proceeding to be adopted. In cases in which the petitioner declares that their life or physical integrity is in imminent danger, an extraordinary proceeding will be launched through which urgent protective measures are provided within no more than three hours of receipt of the request. They must be implemented over the following nine hours.<sup>255</sup> Simultaneously, the Receipt Unit must carry out an Immediate Action Evaluation Study and submit the case to the Risk Assessment Unit to begin the ordinary proceeding. Urgent measures can include evacuation, temporary relocation, specialized bodyguards, and the protection of the property where the

25, 2012. Articles 9-16.

253 Estados Unidos Mexicanos. Presidencia de la República. Diario Oficial de la Federación. [Reglamento de la Ley para la Protección de Personas Defensoras de Derechos Humanos y Periodistas](#). November 30, 2012. Article 2.

254 Estados Unidos Mexicanos. Presidencia de la República. Diario Oficial de la Federación. [Reglamento de la Ley para la Protección de Personas Defensoras de Derechos Humanos y Periodistas](#). November 30, 2012. Article 53, IV.

255 Estados Unidos Mexicanos. Diario Oficial de la Federación. [Ley para la Protección de Personas Defensoras de Derechos Humanos y Periodistas](#). June 25, 2012. Article 26.

beneficiary is located.<sup>256</sup> Urgent protective measures remain in force while the ordinary proceeding moves forward.<sup>257</sup>

200. In cases in which there is no imminent risk of physical danger or death, an ordinary proceeding is launched under which the Risk Assessment Unit must do a risk analysis, determine the level of risk and the beneficiaries of the measures, and define the protective measures within 10 days of the submission of the request.<sup>258</sup> The evaluation is brought for the analysis of the Government Council, which decrees the applicable preventative and protective measures that must be implemented by the National Executive Coordinator within a time period of no more than 30 days.<sup>259</sup> According to the law, protective measures include instructions, manuals, self-defense courses and the accompaniment of observers,<sup>260</sup> while the protective measures include the provision of communications devices, security cameras, locks, etc. in the home or workplace of the individual, bulletproof vests, metal detectors and armored cars.<sup>261</sup> The Risk Assessment Unit is responsible for the periodic

evaluation of the measures adopted, which can be increased or decreased by the Government Council based on these reviews.<sup>262</sup>

201. An important element for any system to protect journalists is that its measures not be intrusive or impede the journalist's work. Mexico's law explicitly establishes that at no time shall the measures granted "restrict the activities of the beneficiaries, or imply in surveillance or undesired intrusions in their professional or personal lives"<sup>263</sup>, and that these measures must be agreed with the petitioners.<sup>264</sup> In this sense, they can present a note of dissatisfaction to the Executive Secretariat of the Government Board against the resolutions of the Government Board and of the National Executive Coordination regarding the imposition or denial of measures; the insufficient or unsatisfactory fulfillment of measures; or the rejection of the Government Board's decisions by the authorities in charge of implementing the measures.<sup>265</sup> In the case of an extraordinary procedure, the beneficiaries may present notes of dissatisfaction to the National Executive Coordination against the resolutions of the Unit for Case Reception and Fast Reaction, on the access to the

256 Estados Unidos Mexicanos. Diario Oficial de la Federación. [Ley para la Protección de Personas Defensoras de Derechos Humanos y Periodistas](#). June 25, 2012. Article 32.

257 Estados Unidos Mexicanos. Diario Oficial de la Federación. [Ley para la Protección de Personas Defensoras de Derechos Humanos y Periodistas](#). June 25, 2012. Article 26.

258 Estados Unidos Mexicanos. Diario Oficial de la Federación. [Ley para la Protección de Personas Defensoras de Derechos Humanos y Periodistas](#). June 25, 2012. Article 27.

259 Estados Unidos Mexicanos. Diario Oficial de la Federación. [Ley para la Protección de Personas Defensoras de Derechos Humanos y Periodistas](#). June 25, 2012. Article 29.

260 Estados Unidos Mexicanos. Diario Oficial de la Federación. [Ley para la Protección de Personas Defensoras de Derechos Humanos y Periodistas](#). June 25, 2012. Article 34.

261 Estados Unidos Mexicanos. Diario Oficial de la Federación. [Ley para la Protección de Personas Defensoras de Derechos Humanos y Periodistas](#). June 25, 2012. Article 33.

262 Estados Unidos Mexicanos. Diario Oficial de la Federación. [Ley para la Protección de Personas Defensoras de Derechos Humanos y Periodistas](#). June 25, 2012. Articles 21, III and 8

263 Estados Unidos Mexicanos. Diario Oficial de la Federación. [Ley para la Protección de Personas Defensoras de Derechos Humanos y Periodistas](#). June 25, 2012. Article 30.

264 Estados Unidos Mexicanos. Diario Oficial de la Federación. [Ley para la Protección de Personas Defensoras de Derechos Humanos y Periodistas](#). June 25, 2012. Article 31.

265 Estados Unidos Mexicanos. Diario Oficial de la Federación. [Ley para la Protección de Personas Defensoras de Derechos Humanos y Periodistas](#). June 25, 2012. Articles 55 and 56; Estados Unidos Mexicanos. Presidencia de la República. Diario Oficial de la Federación. [Reglamento de la Ley para la Protección de Personas Defensoras de Derechos Humanos y Periodistas](#). November 30, 2012. Article 108.

extraordinary procedure or the adoption of urgent measures; against the deficient or unsatisfactory fulfillment of these measures; and against the rejection of the decisions of this Unit<sup>266</sup>.

202. In order to obtain financial resources additional to those provided in the federal budget for the mechanism, the law establishes the creation of the “Fund for the Protection of Human Rights Defenders and Journalists,” whose resources shall be dedicated exclusively to the implementation and operation of preventative, protective and urgent measures, as well as any other measures established in the law for the implementation of the mechanism. The fund shall be operated through a public trust. Its resources will be made up of, among other sources, contributions from the federal government, funds from the annual federal budget, and donations from individuals and corporations. Likewise, the fund must have a Technical Committee chaired by the Ministry of Interior, along with its own oversight body.<sup>267</sup>

203. Another extremely important design element is making the resolutions issued by the protection program authorities binding for other State bodies. In this case, the Mexican law establishes that the resolutions of the Government Council are binding for the federal authorities whose actions are necessary for compliance with the measures adopted.<sup>268</sup> Nevertheless, the law is not

similarly binding for the authorities of the individual states or the Federal District. For this, the law establishes the possibility of agreements signed by the federative entities and the federal government for implementing measures.<sup>269</sup> Regarding this, the Mexico Office of the United Nations High Commissioner of Human Rights (UNHCR) found that “coordination between federal and state authorities is one of the great challenges for the nascent protection mechanism given the federal structure of the Mexican State. (...) [T]he agreements that have been signed are a vehicle for promoting adequate coordination between the different levels of governance and guarantee a coherent response from the Mexican State.”<sup>270</sup>

204. In its report following the IACHR’s *in loco* visit to Mexico in 2015, the Commission received information that the non-governmental agency Freedom House in Mexico accompanied the National Executive Coordination Group [*Coordinación Ejecutiva Nacional*] (CEN) of the protective mechanism during 2014. A work plan was generated on the basis of this cooperation, which included, among other things, technical strengthening in three areas where methodologies needed to be adjusted: risk evaluation, processes and procedures of the National Executive Coordination Group, and lastly measures related to the Risk Evaluation and Risk Level Assessment Protocol.<sup>271</sup> In its observations to the draft of this report, the State specified that the strengthening

266 Estados Unidos Mexicanos. Diario Oficial de la Federación. [Ley para la Protección de Personas Defensoras de Derechos Humanos y Periodistas](#). June 25, 2012. Articles 59 - 60; Estados Unidos Mexicanos. Presidencia de la República. Diario Oficial de la Federación. [Reglamento de la Ley para la Protección de Personas Defensoras de Derechos Humanos y Periodistas](#). November 30, 2012. Articles 110 - 114.

267 Estados Unidos Mexicanos. Diario Oficial de la Federación. [Ley para la Protección de Personas Defensoras de Derechos Humanos y Periodistas](#). June 25, 2012. Articles 48-54.

268 Estados Unidos Mexicanos. Diario Oficial de la Federación. [Ley para la Protección de Personas](#)

[Defensoras de Derechos Humanos y Periodistas](#). June 25, 2012. Article 4.

269 Estados Unidos Mexicanos. Diario Oficial de la Federación. [Ley para la Protección de Personas Defensoras de Derechos Humanos y Periodistas](#). June 25, 2012. Articles 46 and 47.

270 Office in Mexico of the United Nations High Commissioner for Human Rights (OHCHR) [Informe sobre la situación de las y los defensores de derechos humanos en México: actualización 2012 y balance 2013](#). Para. 73.

271 Estados Unidos Mexicanos. Misión Permanente de México ante la OEA. Nota No. OEA-02252 a la Secretaría Ejecutiva de la IACHR. May 28, 2014.

process carried out with Freedom House has taken place in three phases. The first was dedicated to improve the methodology and internal procedure of the mechanism, which was able to overcome the backlog in the analysis of cases and took place through 2014; the second phase had as its objective of make protection measures more effective and include a gender perspective in their adoption, as well as training the mechanism's personnel throughout 2015; and, the third phase, tends to establish a program for the prevention of violence against journalists and media workers.

205. In this regard, the Office of the Special Rapporteur recognizes and appreciates the efforts of the Mexican State to address the difficulties that arose when the protection mechanism was first implemented and encourage expansion of the work to legitimize and strengthen the system with the goal of providing better protection to beneficiaries.

206. The Office of the Special Rapporteur also highlights the importance of the development of a policy for preventing violence against journalists as a part of the work performed by the protection mechanism and recognizes this as a good practice. As mentioned previously, a Unit for Prevention, Follow-up, and Analysis was established within the structure of the mechanism. That Unit became operational in 2016, and according to information received by the Office of the Special Rapporteur in September 2016,<sup>272</sup> it has up-to-date statistics available to it covering requests for protection from the mechanism, beneficiary individuals or groups, types of attacks, precautionary measures, protective measures, legal actions, closed case files, sessions of the Government Council, and requests for public information.

<sup>272</sup> Mecanismo para la Protección de Personas Defensoras de Derechos Humanos y Periodistas. [Informe Estadístico-Agosto 2016](#). August 2016.

207. According to the information provided by the mechanism, the Unit has a database to which trained officials add each attack reported by journalists, their professional organizations, or the media. The mechanism also includes in this database the repercussions of these attacks and the results made public of investigations of them.

208. The information contained in the database is collected through an alert system built by the unit itself that collects information by monitoring 300 local sources. This information is arranged into a dynamic, geo-referenced map that identifies areas of risk and prevalence. Information is entered into the database under different categories, including facts, rights affected, types of violence, risk factors, sources covering victim journalists, State response, and location in which the incidents take place. The Office of the Special Rapporteur sees this initiative as a useful tool to help State authorities design an effective response to the issue of violence against journalists concentrated in certain parts of the country and adopt measures of prevention, protection, and investigation to stop self-censorship and silence from taking over in these areas.

*The early warning systems of the protection mechanism*

209. One of the measures of prevention established in the Federal Law to Protect Human Rights Defenders and Journalists is the design of early warning systems and contingency plans "to prevent potential attacks on human rights defenders and journalists." As far as measures taken to comply with this mandate, the Office of the Special Rapporteur highlights the adoption of an early alert system for Veracruz and Chihuahua, two states with high rates of violence against the media. The alerts were established after an assessment of the risks faced by both

human rights defenders and journalists in those states. They entail a series of actions that state and federal authorities must take in coordination with the Federal Protection Mechanism and that include actions for prevention, protection, and administration of justice.

210. One of the cases mentioned in this report is that of the State of Veracruz, Mexico, which in recent years has been the state with the highest number of journalists murdered in Mexico. In a recent visit to Veracruz during the IACHR's *in loco* visit to Mexico (2015), the Office of the Special Rapporteur found that the journalists in the region are facing a crisis of confidence in state institutions due to the constant risks that they face. According to the information provided by the CNDH, from 2010 to 2015, 16 journalists were murdered in Veracruz and four were disappeared. In 2015, the Office of the Special Rapporteur documented the murder of six journalists in that state. Some of these terrible events have caught the attention of Mexican society and the international community because of the cruelty used to murder reporters covering news of significant public interest in the state.<sup>273</sup>

211. In that context, on November 3, 2015, the Department of Governance (SEGOB) established an Early Warning and Contingency Plan System to protect Veracruz journalists. The objective of this public policy program is to prevent possible attacks on journalists. It was adopted at the request of a group of journalists and of the Federal Journalist Protection Mechanism. In establishing this mechanism, in line with the assessment of a number of civil society

organizations, the Office of the Special Rapporteur, the UN High Commissioner for Human Rights, and others, the State recognized that Veracruz and Chihuahua are the Mexican states with the greatest number of journalists murdered and have the second highest number of people protected under the federal protection mechanism.

212. The special program entails 13 actions to be executed within 12 months, each with outcome indicators. The measures are categorized as follows: i) respect for the right to freedom of expression; ii) development of risk maps; iii) journalist safety; iv) strengthening and following up on investigations conducted by the ministry; v) training of public servants; vi) self-defense training for journalists; vii) improvement of working conditions for journalists; viii) quick response measures; and ix) program evaluation. According to the information provided by the State, the agreement has made it possible to provide human rights and freedom of expression training to public officials and established regular cooperation between the federal mechanism and Veracruz state authorities. Also, statistics have been collected and maps have been made to help identify at risk areas and populations. Likewise, investigations opened into attacks on journalists are being monitored.<sup>274</sup>

213. The Office of the Special Rapporteur also notes that the Government Council of the Federal Protection Mechanism took an important step by deciding to issue an early warning on August 11, 2016, aimed at preventing attacks against human rights defenders

273 IACHR. [Annual Report 2015. Annual Report of the Office of the Special Rapporteur for Freedom of Expression](#). Chapter II. (Evaluation of the State of Freedom of Expression in the Hemisphere). OEA/Ser.L/V/II. Doc. 48/15. December 31, 2015. Paras. 876 - 888.

274 Estados Unidos Mexicanos. Informe del Estado mexicano en respuesta a la solicitud de información conforme al artículo 41 de la Convención Americana sobre Derechos Humanos transmitida el 12 de agosto de 2016. México, Distrito Federal, September 9, 2016. Available at: Archive of the Office of the Special Rapporteur for Freedom of Expression.

and journalists in the state of Chihuahua. According to a number of organizations, the decision “represents a significant step forward because it explicitly recognizes the grave risk faced by people who work in journalism or defense of human rights in that state, which is one of the federal entities with the highest number of attacks on human rights defenders and the greatest number of journalists murdered.”<sup>275</sup> The decision was made in response to a request filed by a group of 25 human rights defender organizations in Chihuahua.

214. The Protection Mechanism performed an analysis of the situation of human rights defenders and journalists in Chihuahua and published it in July 2016. The analysis identifies situations that put the fundamental rights of human rights defenders and journalists at risk using an interpretive risk model with four elements: (i) territorial dynamics; (ii) violence; (iii) the conditions of at-risk social sectors, human rights defenders, and journalists; and (iv) the operation of the guarantees system. To collect the information needed for the interpretive risk model through the Prevention, Monitoring, and Analysis Unit, three methodologies were used: a timeline on violence was prepared; a risk map was drawn up to identify, locate, and analyze risk variables; and relevant institutional and social actors and relations were mapped out. The combination of these three methodologies enables projection of future risk scenarios.<sup>276</sup>

275 Federación Internacional de Derechos Humanos (FIDH), Observatorio (OMCT-FIDH) and Centro de Derechos Humanos de las Mujeres (CEDEHM). September 15, 2016. [México: Por primera vez se emite una alerta temprana para prevenir agresiones a defensores/as de derechos humanos y periodistas](#)”.

276 Estados Unidos Mexicanos. Secretaría de Gobernación. Subsecretaría de Derechos Humanos. Mecanismo para la protección de personas Defensoras de Derechos Humanos y Periodistas. Diagnóstico sobre la situación de las personas defensoras de derechos humanos y periodistas en el Estado de Chihuahua.

215. The analysis concludes that given “the territorial characteristics, the violence dynamics described in this document, and the weaknesses of the system of guarantees, it is likely that the attacks on human rights defenders and journalists will continue, as will violations of their human rights.”<sup>277</sup> It indicates that “the federation and federal entities must work together efficiently and strategically to enable developments of preventative initiatives that are structural and have a broad scope and that include the involvement of the affected populations in an exercise of democratic coresponsibility.”<sup>278</sup>

216. By adopting this special measure, the Mechanism committed to implementing the recommendations that the CNDH and the State Human Rights Commission of Chihuahua issued to the various governmental authorities involved in prevention of and protection from attacks on the populations in question.<sup>279</sup> The Commission hopes

Alerta Temprana. 2016. Available at: <http://www.gob.mx/segob/documentos/conoce-mas-sobre-el-mecanismo-de-proteccion-de-personas-defensoras-de-derechos-humanos-y-periodistas?idiom=es>

277 Estados Unidos Mexicanos. Secretaría de Gobernación. Subsecretaría de Derechos Humanos. Mecanismo para la protección de personas Defensoras de Derechos Humanos y Periodistas. Diagnóstico sobre la situación de las personas defensoras de derechos humanos y periodistas en el Estado de Chihuahua. Alerta Temprana. 2016. Available at: <http://www.gob.mx/segob/documentos/conoce-mas-sobre-el-mecanismo-de-proteccion-de-personas-defensoras-de-derechos-humanos-y-periodistas?idiom=es>

278 Estados Unidos Mexicanos. Secretaría de Gobernación. Subsecretaría de Derechos Humanos. Mecanismo para la protección de personas Defensoras de Derechos Humanos y Periodistas. Diagnóstico sobre la situación de las personas defensoras de derechos humanos y periodistas en el Estado de Chihuahua. Alerta Temprana. 2016. Available at: <http://www.gob.mx/segob/documentos/conoce-mas-sobre-el-mecanismo-de-proteccion-de-personas-defensoras-de-derechos-humanos-y-periodistas?idiom=es>

279 Estados Unidos Mexicanos. Secretaría de Gobernación. Subsecretaría de Derechos Humanos Mecanismo para la Protección de Personas Defensoras de Derechos Humanos y Periodistas. [Diagnóstico](#)

that all the government authorities involved—both federal and state—fulfill their commitments. It also hopes that journalists, human rights defenders, and civil society are able to participate effectively, actively, and with full guarantees in the development and monitoring of the early warning system.

217. The Office of the Special Rapporteur sees the use of early warnings as important as a way to facilitate interinstitutional coordination between the authorities in charge of prevention, protection, and administration of justice for crimes against journalists. At the same time, is important for institutions to recognize the difficult security situation facing journalists and human rights defenders in particular areas and the risks they face due to the work they do reporting on or revealing human rights violations committed by criminal groups. These mechanisms can be very useful in certain silenced zones to prevent increases in violence. But they can also be useful in places showing patterns of violence for State authorities to take early action with the participation of civil society to protect vulnerable populations and prevent violence and lack of visibility thereof from taking over.

#### *Special state-level mechanisms*

218. In recent years, certain states in the Federation have also established autonomous state mechanisms for prevention and the protection of at-risk journalists. For example, the Federal District, the state of Morelos,<sup>280</sup> the state of Veracruz, in November of 2012, facing a context of intense violence

[sobre la situación de las personas defensoras de derechos humanos y periodistas en el estado de Chihuahua](#). July 2016.

280 Estados Unidos Mexicanos. Estado de Morelos. [Convenio de Colaboración Interinstitucional para la implementación de acciones de prevención y protección para periodistas en el Estado de Morelos](#).

committed against journalists,<sup>281</sup> amended its Constitution to create a “State Commission for Attending to and Protecting Journalists.” The operation of the state mechanism was later outlined in the law passed in December 2012 and its corresponding regulations. Among other things, these norms establish the structure of the Commission and its administrative bodies, and the procedure for accessing protective measures.<sup>282</sup> Finally, according to the information received, other states in the Federation, including Chihuahua<sup>283</sup>, San Luis Potosí<sup>284</sup> e Hidalgo<sup>285</sup> also established mechanisms for protecting at-risk journalists.

219. Despite the progress made through both the Federal Protection Mechanism and the protection arrangements made by Mexico’s States, the Office of the Special Rapporteur notes that these entities still face the challenge of gaining credibility and trust in the eyes of beneficiaries and proposed beneficiaries. As the mechanism gains the trust of journalists and civil society organizations, more at-risk journalists will approach it to seek protection which,

281 In that regard, see: IACHR. [Annual Report 2012. Report of the Office of the Special Rapporteur for Freedom of Expression](#). Chapter II (Evaluation of the State of Freedom of Expression in the Hemisphere). OEA/Ser.L/V/II.147. Doc. 1. March 5, 2013. Para. 356-389.

282 Estados Unidos Mexicanos. Estado de Veracruz. [Constitución Política del Estado de Veracruz de Ignacio de la Llave](#). Article 67, V; Estado de Veracruz. Gaceta Oficial. [Ley Número 586 de la Comisión Estatal para la Atención y Protección de los Periodistas](#). December 3, 2012; Estado de Veracruz. Gaceta Oficial. [Reglamento Interior de la Comisión Estatal para la Atención y Protección de los Periodistas](#). February 14, 2013.

283 Estados Unidos Mexicanos. Estado de Chihuahua. [Acuerdo para la Implementación del Sistema Integral de Seguridad para Periodistas del Estado de Chihuahua](#). February 14, 2012.

284 Estados Unidos Mexicanos. Estado de San Luis Potosí. [Ley de Protección El Ejercicio del Periodismo del Estado de San Luis Potosí](#). May 25, 2013.

285 Estados Unidos Mexicanos. Estado de Hidalgo. [Ley de Protección a Personas Defensoras de Derechos Humanos y de Salvaguarda de los Derechos para el Ejercicio del Periodismo](#). August 27, 2012.

as demonstrated in the case of Colombia and already in some areas of Mexico, helps prevent crimes against journalists.

- Honduras

220. Both the IACHR and its Office of the Special Rapporteur have paid special attention to the violence perpetrated against journalists and media workers in Honduras and its effect on the respect for and guarantee of the right to freedom of expression. While acknowledging that the problem of violence and the high murder rate affect all sectors of Honduran society, the IACHR found during its 2014 *in loco* visit that journalists and communicators faced a grave situation of insecurity when exercising their freedom of expression that makes them a particularly vulnerable group. Given the seriousness of the situation facing people who do journalism in the country, the final report for the 2010 *in loco* visit by the IACHR indicates a need to establish a permanent protection mechanism to protect the lives and safety of journalists and communicators. For its part, in a report on the 2012 visit to Honduras, the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression highlighted the government's initiative to submit the draft bill on the protection mechanism. In that same report, the Rapporteur recommended that the mechanism have a committee made up of senior government representatives and its own budget, and that the protection measures must be compatible with the work that journalists do. The Office of the Special Rapporteur recognizes the commitment of the Honduran State to guaranteeing protection for human rights defenders and journalists in that it is taking up the recommendations of the Inter-American system and the universal system for the protection of human rights.<sup>286</sup>

<sup>286</sup>IACHR. [Annual Report 2013. Annual Report of the](#)

221. The Law for the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Officials of Honduras was passed on April 15, 2015, by unanimous vote of the National Congress in the third and final round of approval.<sup>287</sup>

222. The law<sup>288</sup> recognizes the importance of the work that human rights defenders, journalists, communicators, and justice officials do. Consequently, its objective is the protection and promotion of the constitutionally recognized rights and guarantees of natural and legal persons dedicated to defending human rights and freedom of expression and performing legal work that puts them at risk<sup>289</sup>. The principles established in this law include coordination between the State agencies in charge of protecting and promoting the rights of the target populations, from decree to implementation and execution of protection measures.<sup>290</sup> The law's principles also include a gender and differential focus for implementing protection measures that are tailored to each beneficiary.<sup>291</sup>

[Office of the Special Rapporteur for Freedom of Expression](#). Chapter III (Violence Against Journalists and Media Workers: Inter-American Standards and National Practices on Prevention, Protection and Prosecution of Perpetrators). OEA/Ser.L/V/II.149. Doc. 50. December 31, 2013. Para. 159.

<sup>287</sup> Congreso Nacional de Honduras. Decreto No. 34-2015. [Ley de protección para las y los defensores de derechos humanos, periodistas, comunicadores sociales y operadores de justicia](#).

<sup>288</sup> Congreso Nacional de Honduras, [Congreso Nacional aprueba en segundo debate Ley de Protección a Periodistas y Ley Anti Bullying](#). August 6, 2014; Teleprensa. [CN aprueba en segundo debate Ley de Protección a Periodistas y Ley Anti Bullying](#). August 7, 2014.

<sup>289</sup> Congreso Nacional de Honduras. Decreto No. 34-2015. [Ley de protección para las y los defensores de derechos humanos, periodistas, comunicadores sociales y operadores de justicia](#). Consideraciones and Article 2.

<sup>290</sup> Congreso Nacional de Honduras. Decreto No. 34-2015. [Ley de protección para las y los defensores de derechos humanos, periodistas, comunicadores sociales y operadores de justicia](#). Article 3.

<sup>291</sup> Congreso Nacional de Honduras. Decreto No. 34-

223. The law's general provisions broadly define those it considers as journalists, social communicators, photographers, camera operators, and photojournalists in the media as "natural people who perform the work of collecting, creating, processing, editing, commenting on, opining on, disseminating, publishing, or providing information through any media, whether print, broadcast, digital, graphic, or any other."<sup>292</sup>

224. Five types of measures were established for preventing and deterring risk to the rights of the target population: (i) preventative measures to reduce risk factors; (ii) reactive measures, including security and measures to address risk and protect the life and safety of the beneficiary; (iii) urgent measures of protection to immediately protect the life, integrity, and freedom of the affected individual; (iv) psychosocial measures focused on addressing psychological and social damage caused by violence; and (v) measures to deal with impunity, aimed at guaranteeing that those responsible for the attacks on beneficiaries are investigated, tried, and punished.<sup>293</sup> As far as tools of prevention, the law would strengthen accountability mechanisms, ratify international human rights instruments, and encourage a culture of respect for human rights.<sup>294</sup> It further establishes that the State must put mechanisms in place to facilitate results

monitoring and the struggle against impunity that would allow it to determine areas of risk and whether there has effectively been a reduction in human rights violations.<sup>295</sup>

225. The text approved would create a "National Council for the Protection of Human Rights Defenders,"<sup>296</sup> a consultative, deliberative, and advisory body of the National System for the Protection of Human Rights Defenders. This council would be made up<sup>297</sup> of representatives from each of the following agencies: the Human Rights, Justice, Governance, and Decentralization Office of the Department of State; the Foreign Affairs and International Cooperation Office of the Department of State; the Office of the Public Prosecutor; the Judicial Branch; the Office of the Attorney General of the Republic; the Security Office of the Department of State; the Office on Defense of the Department of State; the Bar Association of Honduras; the Journalism Association of Honduras; the Press Association of Honduras; the Association of Judges and Magistrates; the Prosecutors Association; and two civil society representatives recognized by the National Human Rights Commissioner. In addition to the ones already described, the Council's functions include "promoting or directing the design and implementation of manuals, public policies, and programs to guarantee and make effective the rights enshrined in the (...) law,"<sup>298</sup> as

2015. [Ley de protección para las y los defensores de derechos humanos, periodistas, comunicadores sociales y operadores de justicia](#). Article 3.

292 Congreso Nacional de Honduras. Decreto No. 34-2015. [Ley de protección para las y los defensores de derechos humanos, periodistas, comunicadores sociales y operadores de justicia](#). Article 5.

293 Congreso Nacional de Honduras. Decreto No. 34-2015. [Ley de protección para las y los defensores de derechos humanos, periodistas, comunicadores sociales y operadores de justicia](#). Article 5 numeral 15.

294 Congreso Nacional de Honduras. Decreto No. 34-2015. [Ley de protección para las y los defensores de derechos humanos, periodistas, comunicadores sociales y operadores de justicia](#). Article 12.

295 Congreso Nacional de Honduras. Decreto No. 34-2015. [Ley de protección para las y los defensores de derechos humanos, periodistas, comunicadores sociales y operadores de justicia](#). Article 16.

296 Congreso Nacional de Honduras. Decreto No. 34-2015. [Ley de protección para las y los defensores de derechos humanos, periodistas, comunicadores sociales y operadores de justicia](#). Article 20.

297 Congreso Nacional de Honduras. Decreto No. 34-2015. [Ley de protección para las y los defensores de derechos humanos, periodistas, comunicadores sociales y operadores de justicia](#). Articles 20 - 27.

298 Congreso Nacional de Honduras. Decreto No. 34-2015. [Ley de protección para las y los defensores de derechos humanos, periodistas, comunicadores](#)

well as present annual reports on the status of the target populations and make recommendations to the relevant authorities.<sup>299</sup>

226. The law also establishes that the General Directorate of the Protection System, the system's executive body, will form part of the structure of the Department of State in its human rights, justice, governance, and decentralization offices.<sup>300</sup> Its authorities include receiving all requests for protection and processing them; drafting operational protocols necessary for effective application of the law; and *ex officio* application of security measures when an individual under protection faces a risk requiring urgent measures. It also must request and constantly monitor provisional measures of the Inter-American Court of Human Rights, precautionary measures from the Inter-American Commission on Human Rights, and the corresponding security measures ordered by the State's judiciary bodies. The General Directorate will be the Executive Secretariat of the National Protection Council.

227. The law orders the creation of a Technical Committee for the Protection Mechanism that will be in charge of drafting the opinions resulting from risk analysis, deliberation, and decisions on requests for protection filed with the General Directorate.<sup>301</sup> The Technical Committee will be comprised of the

General Director of the Protection System and a representative of the Office of the Attorney General of the Republic, the Office of the Human Right Prosecutor, and the human rights department of the Department of State in the Security Office.

228. Pursuant to best practices and to the recommendations made by the IACHR and its Office of the Special Rapporteur, the measures issued must at no time restrict the work of the target population. The law establishes that the measures must be implemented within 48 hours of receipt of the order granting them.<sup>302</sup> It should also be noted that the decisions of the Technical Committee must follow the protocols established by the Directorate of the National Protection System. These protocols must take into consideration the differences between target populations as far as gender, ethnic origin, gender identity, sexual orientation, or any other condition requiring differentiated treatment.<sup>303</sup>

229. The mechanism gives authority to establish cooperation agreements with domestic and international bodies thereby enabling access to other sources of financing. All the information on the protection law and protection mechanisms will be subject to the rules established in the Transparency and Access to Public Information Act.

230. In its report on human rights and Honduras, the IACHR expressed appreciation at the adoption of the protection mechanism, but at the same time expressed a number of concerns received at various times from civil society

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[sociales y operadores de justicia](#). Article 24 numeral 4.

299 Congreso Nacional de Honduras. Decreto No. 34-2015. [Ley de protección para las y los defensores de derechos humanos, periodistas, comunicadores sociales y operadores de justicia](#). Article 24 numeral 6.

300 Congreso Nacional de Honduras. Decreto No. 34-2015. [Ley de protección para las y los defensores de derechos humanos, periodistas, comunicadores sociales y operadores de justicia](#). Article 28.

301 Congreso Nacional de Honduras. Decreto No. 34-2015. [Ley de protección para las y los defensores de derechos humanos, periodistas, comunicadores sociales y operadores de justicia](#). Article 31.

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302 Congreso Nacional de Honduras. Decreto No. 34-2015. [Ley de protección para las y los defensores de derechos humanos, periodistas, comunicadores sociales y operadores de justicia](#). Article 48.

303 Congreso Nacional de Honduras. Decreto No. 34-2015. [Ley de protección para las y los defensores de derechos humanos, periodistas, comunicadores sociales y operadores de justicia](#). Article 38.

organizations regarding the following requirements that are not provided for in the law's final provisions: (i) the National System of Protection of Human Rights Defenders would not have the necessary characteristics of functional autonomy; (ii) the incorporation of the Secretariat of Defense in the National Council for the Protection of Human Rights Defenders would not be appropriate for securing the safety of beneficiary groups and could jeopardize the trust of users in the mechanism; and (iii) reducing the number of representatives of the civil society in the National Council for the Protection of Human Rights Defenders would affect the participation of beneficiary groups in the mechanism.<sup>304</sup>

231. The IACHR has noted that properly equipping these mechanisms would help the State meet its obligation to protect by bringing it into closer contact with human rights defenders and informing it specifically on particular situations they face, consequently enabling it to intervene quickly, in a specialized way, and proportional to the risk that they may be facing.<sup>305</sup>

232. In the framework of the follow-up to the compliance of the recommendations made by the IACHR in its report on the situation of human rights in Honduras,<sup>306</sup> the State reported that during the short amount of time that the mechanism was in place, it handled 38 requests for protection, eight of them submitted by journalists.

304 IACHR. [Situation of Human Rights in Honduras](#). OEA/Ser.L/V/II. Doc. 42/15. December 31, 2015. Para. 381.

305 IACHR. [Second Report on the Situation of Human Rights Defenders in the Americas](#). OEA/Ser.L/V/II. Doc 66. December 31, 2011. Para. 484.

306 Gobierno de la República de Honduras. Secretaría de Derechos Humanos, Justicia, Gobernación y Descentralización. Informe sobre el estado de cumplimiento de las recomendaciones contenidas en el Informe sobre la Situación de Derechos Humanos en Honduras de la IACHR. August 17, 2016.

Further, according to the information received, during the process to draft its regulations, the recommendations made by international bodies—including the IACHR—were taken into account. The process also includes the participation of members of civil society.<sup>307</sup> With regard to the mechanism's budget, the National Congress budgeted "10 million lempiras to ensure the sustainability of the implementation of the law" and authorized "10 million lempiras (approximately US\$426,092.20) for the Special Protection Fund, which will enable it to make the protective measures effective."<sup>308</sup>

233. During the 159th ordinary period of sessions of the IACHR, a public hearing was called on the progress of the protection mechanism in Honduras in which both members of civil society and State representatives participated. At the hearing, civil society reported a number of challenges to the IACHR that have arisen in implementing the mechanism. They included minimal participation of civil society in the mechanism's various levels, as the protection mechanism's technical committee, which is in charge of conducting risk analysis and deciding what protection measures to adopt, is comprised only of State institutions. They also complained that the law establishes that the decisions of the technical committee can be challenged through a remedy that is ruled on by the General Directorate, which is part of the technical committee, meaning that the administrative appeal provides no guarantee of independence. While the regulations establish that a bill to amend the law will be submitted to correct the situation, civil society noted that so far, none has been submitted to the National

307 IACHR. Annual Report 2016. Chapter V. Follow-Up of recommendations made by the IACHR in the country report Honduras.

308 IACHR. Annual Report 2016. Chapter V. Follow-Up of recommendations made by the IACHR in the country report Honduras.

Congress. On measures of protection, the civil society representative stated that in the best cases, they have been limited to protecting the lives of people. However they have not taken into consideration that the measures must not block those they protect from working. They lamented that so far, no system had been put in place for handling information on the situation of prevention and protection for human rights defenders. Finally, they expressed concern at the mechanism's lack of transparency and reticence at disclosing the information requested by civil society.<sup>309</sup>

234. The Office of the Special Rapporteur recalls that for a protection program to be effective, it must be supported by a strong political commitment from the State and have sufficient and well-trained human resources for receiving the requests for protection, assessing the risk, and adopting and executing the protection measures, as well as monitoring the measures in place.<sup>310</sup> The State represented by the institutions that form the National Protection System must ensure that the law is followed, with special focus on the issues that have raised concerns, such as the participation of the Department of Defense and the implementation of transparent measures to guarantee civil society participation, such that sectors that are part of the target population but not part of professional organizations are represented in the National Protection Council. The State likewise must comply with the provisions of the law intended to guarantee the mechanism's financial sustainability.

235. Finally, evaluation of these State mechanisms must examine their effectiveness at reducing violence against human rights defenders, journalists, and justice officials in the country. Although the law provides for the creation of mechanisms to measure this, it is not clear who will be in charge of this important work.

236. The Office of the Special Rapporteur notes that the law was passed in April 2015, meaning that the mechanism is in the early stages of implementation. Resolution of a number of pending issues is therefore fundamental for ensuring its effectiveness and proper application. Among these challenges, the Office of the Special Rapporteur would particularly like to point to the importance of taking all needed measures to assign and train the staff necessary for the three technical aid units to operate effectively; guaranteeing that studies and implementation of urgent, preventative and protective measures are conducted in line with professional technical standards and with a differential approach according to the conditions of each beneficiary, following proper guidelines and meeting the deadlines set by law; and that the urgent measures and protective measures granted are not replaced or withdrawn prior to the resolution of potential disputes. The Office of the Special Rapporteur also observes that the mechanism faces a lack of trust on the part of beneficiaries and proposed beneficiaries. It is thus essential for the mechanism to adopt procedures to enable it to evaluate the effectiveness of the measures granted and implement processes that facilitate transparency.

309 IACHR. 159 Regular Period of Sessions. Hearing "Honduras: Mecanismo protección defensores". December 1, 2016. Available at: <http://www.oas.org/es/cidh/multimedia/sesiones/159/default.asp>

310 IACHR. *Second Report on the Situation of Human Rights Defenders in the Americas*. OEA/Ser.L/V/II. Doc 66, December 31, 2011. Para. 487.

- Guatemala

237. The State of Guatemala has expressed its intention to implement a protection mechanism since 2012, when, in the context of its participation in the Universal Periodic Review (UPR) before the UN Human Rights Council in October of 2012, the government of Guatemala announced that it was preparing a national plan for the protection of journalists from threats to their physical integrity.<sup>311</sup>

238. The IACHR, its office of the special Rapporteur, UNESCO, and the UN High Commissioner for Human Rights have repeatedly recommended that the State of Guatemala move forward in creating a program for protecting journalists and media workers. However, the implementation of such a protection system is still only the subject of talks. In 2014, a high-level roundtable and a technical roundtable were established—including the participation of the Presidential Committee for Coordinating Executive Policy on Human Rights [*Comisión Presidencial Coordinadora de la Política del Ejecutivo*](Copredek), the Governance Ministry, the Public Prosecutor, and the Department of Social Communication of the Presidency of the Republic [*Secretaría de Comunicación Social de la Presidencia de la República*] (SCSPR)—to design and implement a program to protect journalists.<sup>312</sup>

239. In 2015, the government took positive steps toward designing

311 United Nations. General Assembly. Human Rights Council. Report of the Working Group on the Universal Periodic Review Guatemala. A/HRC/22/8. December 31, 2012. Available at: <http://www.ohchr.org/SP/HRBodies/UPR/Pages/GTSession14.aspx>; La hora/Agencia CERIGUA. July 25, 2012. [Elabora plan para periodistas](#); Centro de Reportes Informativos sobre Guatemala (Cerigua). October 29, 2012. [Llamam a la acción para proteger a los periodistas en Guatemala](#).

312 IACHR. [Annual Report 2014. Annual Report of the Office of the Special Rapporteur for Freedom of Expression](#). Chapter II. (Evaluation of the State of Freedom of Expression in the Hemisphere). OEA/Ser.L/V/II. Doc. 13. March 9, 2015. Paras. 557-560.

a mechanism, with consultations with civil society and human rights organizations. The high-level roundtable and the technical roundtable worked to design and implement the mechanism for protecting journalists. The work continued with support from UNESCO and the Office of the UN High Commissioner for Human Rights (UNHCR). The process to build a mechanism resulted in a document entitled “Preliminary Proposal for a Program to Protect Journalists.” The document identifies the institutions that would form the program, their protective functions, and how coordination would operate. The document was discussed by journalists and defenders of the right to freedom of expression. Based on their comments, recommendations, and observations, the technical roundtable presented the conceptual design of the System for the Protection of Journalism Activities (SPEP).<sup>313</sup> However, a number of journalism associations said they had had little or no involvement in drafting the proposal. In 2016, following the inauguration of a new government, the administration of President Jimmy Morales moved to suspend the process and begin a new process for setting up the mechanism.

240. On July 19, representatives of the alliance of media organizations met with the president of Guatemala, Jimmy Morales, and presented him with the content of the proposal for creating a program or mechanism for protecting journalists. The president pledged to support the proposal and assured they would have the “full support” of the presidency for “making the project a reality.”<sup>314</sup>

313 IACHR. [Annual Report 2015. Annual Report of the Office of the Special Rapporteur for Freedom of Expression](#). Chapter II. (Evaluation of the State of Freedom of Expression in the Hemisphere). OEA/Ser.L/V/II. Doc. 48/15. December 31, 2015. Paras. 683-694.

314 República de Guatemala. Primer Informe del Estado

241. According to information published by civil society organization Cerigua, the organizations' proposal includes the creation of a surveillance and coordination unit made up of a highly qualified technical team, as well as a training unit with experts on freedom of expression and freedom of the press to work in coordination with the structure of the State. The fundamentals highlighted by the proposal include the following: the program must be apolitical; it must have space for agreement on and coordination of the defense of journalists; the State must commit to its responsibility on the issue, and journalists and communicators, professional associations, the media, and specialized institutions must all cooperate; and finally, the minimal necessary structure for supporting the mechanism adopted and designation of the necessary human and material resources for effectively implementing the program must be provided. Also, having updated, trustworthy, and accurate information on the situation of journalists, along with an instrument with data specific to the program, were seen as indispensable for building the safety and protection mechanism. The proposal recommends that preventative actions, training for police, prosecutors and judges on the issue, and providing the public prosecutor's crimes against journalists unit with the necessary resources be seen as priorities.<sup>315</sup>

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de Guatemala a la Ilustre Comisión Interamericana de Derechos Humanos sobre el cumplimiento de las recomendaciones contenidas en el "informe de la situación de Derechos Humanos en Guatemala: Diversidad, Desigualdad y Exclusión" 2015. October 10, 2016; Gobierno de la República de Guatemala. Secretaría de Comunicación. July 19, 2016. [Presidente de Guatemala expresa compromiso con protección a periodistas](#); IFEX/Cerigua. July 20, 2016. [Presidente de Guatemala recibe propuesta de Programa de Protección a Periodistas y asume compromiso](#); Prensa Libre. July 23, 2016. [Total apoyo del presidente](#).

315 IFEX/Cerigua. July 20, 2016. [Presidente de Guatemala recibe propuesta de Programa de Protección a Periodistas y asume compromiso](#); Prensa Libre. July 23, 2016. [Total apoyo del presidente](#).

242. The Office of the Special Rapporteur believes the Guatemalan State should make it a priority to comply with the recommendations of the international organizations and move forward in the process to create a mechanism to protect journalists and implement it as soon as possible. In particular, it is essential that the mechanism be implemented through a high-level official and inter-institutional committee; be led by a State authority with the ability to coordinate among different government organizations and authorities; have its own, sufficient resources; and guarantee the participation of civil society, journalists, and media workers, whose participation must also be guaranteed in the implementation and operation of that program. The Office of the Special Rapporteur reiterates that it is important for the programs for the protection of journalists to take into account the need to guarantee that journalists are able to continue to perform their professional activities and to guarantee their right to freedom of expression when designing the measures of protection available, taking into account the circumstances in each specific case and in consultation with the potential beneficiaries.

243. Despite the lack of a specialized mechanism, the country has other mechanisms in place for protecting victims, witnesses, and justice officials, to which journalists have access. The Service to Protect People Involved in Legal Proceedings and Individuals Connected to the Administration of Criminal Justice, which operates under Decree 70-96 of the Congress of the Republic, provides coverage to, among other people, "journalists who need it because they are at risk as a result of performing their duties to inform."<sup>316</sup> The

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316 Comunicación de la Misión Permanente de Guatemala ante la OEA. M12-OEA-F.9.2.1 No. 463-2013. April 22, 2013, que transmite la comunicación de la Comisión Presidencial de Derechos Humanos

Protection Service is set up within the organizational structure of the Office of the Public Prosecutor and its main role is to provide protection to individuals exposed to risks as a result of their participation in criminal proceedings.<sup>317</sup> The protection system is composed of a Board of Directors comprised of the Attorney General of the Republic, a representative of the Ministry of Interior and the director of the Office of Protection. Its responsibilities include designing general protection policies; approving programs and plans presented by the director of the Office of Protection; issuing general instructions for protection; and approving the necessary expenditures for the protection plans. The protection service has an Office for Protection that acts as the executor of the policies of the Board of Directors and decisions of the director. The Office of Protection is also responsible for examining requests for protection.<sup>318</sup>

244. As established in Decree 70-96, in order to access protection services, a request must be sent to a program official and information provided on the case. The information is analyzed through a review carried out by the Office of Protection that must take into account in its analysis whether the risk to which the petitioner is exposed is “reasonably certain” and the gravity of the punishable act and its “social transcendence.” The measures granted by the protection service include the protection of beneficiaries using security personnel; change of residence that could include housing, transportation and living expenses; protection of security personnel at the place of residence and/or the workplace of the beneficiaries; change of identity; and other benefits. The

measures can be lifted at the conclusion of the term granted if the circumstances of risk on which the protection was based have disappeared, or should the beneficiary fail to comply with the conditions or obligations established in the agreement signed with the director of the Board of Directors.<sup>319</sup>

245. Likewise, the Guatemalan State reported on the existence of the Coordinating Unit for the Protection of Human Rights Defenders, Administrators and Operators of Justice, Journalists and Social Communicators. The unit was created in 2004, became a Department in 2008, and currently has the status of Directorate. The agency is responsible for “coordinating the executive branch institutions in charge of granting and implementing protective measures for individuals who request precautionary, provisional and security measures before the Inter-American Commission on Human Rights, the Inter-American Court of Human Rights, the Rapporteurs of the Universal System [...], or national mechanisms. Its purpose is to guarantee effective compliance.”<sup>320</sup>

- Brazil

246. Brazil has also taken steps to include journalists under a protective mechanism for at-risk individuals. Although the mechanism in question is a “Program for the Protection of Human Rights Defenders” [“*Programa de Proteção aos Defensores dos Direitos Humanos*”] (PPDDH), the Brazilian State has indicated that the program may provide protection to journalists under a broad definition of human rights defenders.<sup>321</sup>

319 Estado de Guatemala. [Decreto número 70-96](#). August 27, 1996. Articles 8 - 11.

320 Comunicación de la Misión Permanente de Guatemala ante la OEA. M12-OEA-F.9.2.1 No. 463-2013. April 22, 2013, que transmite la comunicación de la Comisión Presidencial de Derechos Humanos (COPREDEH) Ref. P-150-2013/AFAF/MR/hm March 4, 2013.

321 United Nations. United Nations Educational, Scientific and Cultural Organization (UNESCO). [The](#)

(COPREDEH) Ref. P-150-2013/AFAF/MR/hm, March 4, 2013.

317 Estado de Guatemala. [Decreto número 70-96](#). August 27, 1996. Articles 1 - 2.

318 Estado de Guatemala. [Decreto número 70-96](#). August 27, 1996. Articles 3 - 7.

247. The program for the protection of human rights defenders was established in 2004 by the federal Executive Branch, under the Human Right Secretariat<sup>322</sup> [*Secretaria de Direitos Humanos*] (SDH). The program's current legal framework is based on Decree No. 6,044 of 2007<sup>323</sup>, which establishes the National Human Rights Defender Protection Policy [*Política Nacional de Proteção aos Defensores dos Direitos Humanos*] in order to establish "principles and directives for the protection and aid of physical or legal persons, groups, institutions, organizations, or social movements that promote, protect, or defend Human Rights and as a result of their actions or activities face a situation of risk or vulnerability."<sup>324</sup>

248. Likewise, Decree No. 6,044 provides the SDH 90 days to prepare a National Plan for the Protection of Human Rights Defenders. However, as of the publication date of this report, the Plan has not been adopted. Given the absence of a National Plan, the Decree grants the federal government and the states the option of adopting urgent protective measures - ex officio or upon request - that are "immediate, provisional, precautionary and investigative," in order to guarantee the "physical, psychological and financial integrity" of the at-risk or vulnerable human rights defender. Likewise, the Decree authorizes the federal government's human rights and public safety bodies to sign agreements with the states and the Federal District for the implementation of the protective measures.<sup>325</sup>

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[Safety of Journalists and the Danger of Impunity. Report by the Director-General.](#) CI-12/CONF.202/4 REV. March 27, 2012. Pages 22 - 23; Committee to Protect Journalists (CPI). December 18, 2012. [Brazil murders reflect tough reporting, lack of justice.](#)

322 Secretaria Especial de Direitos Humanos do Ministério da Justiça e da Cidadania. [Proteção dos Defensores de Direitos Humanos.](#)

323 Estado de Brasil. [Decreto 6044.](#) February 12, 2007.

324 Estado de Brasil. [Decreto 6044.](#) February 12, 2007. Article 1.

325 Estado de Brasil. [Decreto 6044.](#) February 12, 2007.

249. On the federal level, the PPDDH is in the hands of a General Coordination Committee, associated with the Human Rights Secretariat and composed of members of civil society and representatives of the executive, legislative and federal judicial branches. Likewise, states that have signed agreements to participate in the program have State Coordination Committees.<sup>326</sup> The national coordination committee and the state committees are deliberative bodies and have the authority to respond to requests for protection and determine which measures should be adopted and implemented.<sup>327</sup> The National Committee is in charge of the requests for protection that come from those states that do not have their own coordination committees. The federal program and participating states can also have a Federal Technical Team and state technical teams for evaluating requests for protection and the level of risk faced by applicants and their families, as well as periodically monitoring the cases.<sup>328</sup>

250. In order to access the program, at-risk human rights defenders or any other agency that is aware of the situation of risk must send the request for protection to the State Coordinator or the General Coordinator (when the state in question is not part of the program). The request is evaluated by the corresponding state or federal protective program. The request for protection must demonstrate the willingness of the potential beneficiary to access the program, the individual's actions for the defense of human rights, and the causal nexus between the risk and

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Article 3. Single paragraph.

326 Secretaria Especial de Direitos Humanos do Ministério da Justiça e da Cidadania. [Proteção dos Defensores de Direitos Humanos.](#)

327 Secretaria Especial de Direitos Humanos do Ministério da Justiça e da Cidadania. [Proteção dos Defensores de Direitos Humanos.](#)

328 Secretaria Especial de Direitos Humanos do Ministério da Justiça e da Cidadania. [Proteção dos Defensores de Direitos Humanos.](#)

the person's activity as a human rights defender. Following the risk assessment carried out by the technical teams, the state or general deliberative coordination bodies determine which measures must be adopted in a specific case, with the general objective of "guaranteeing protection in order that [human rights defenders] may continue working where they are located."<sup>329</sup>

251. The protective measures provided for under the program include periodic visits to the beneficiaries' workplaces, temporary relocation, and police protection. The program takes a holistic focus that seeks to deactivate the underlying causes of the insecurity and places emphasis on the coordination of protective actions with the measures that must be adopted in other areas of the State, such as the criminal justice system and land registry authorities.<sup>330</sup> The measures are periodically evaluated by the technical teams and can be lifted should the beneficiaries fail to comply with the program's rules, at the request of the beneficiaries, or upon the elimination of the threat or risk.

252. In general, the program has been implemented in states through agreements with civil society organizations. For example, in the state of Ceará, the PPDDH operates through an agreement between that state's Secretariat for Justice and Citizenry and non-governmental organization *Centro de Defesa e Promoção dos Direitos Humanos da Arquidiocese de Fortaleza* (CDPDH).<sup>331</sup>

329 Secretaria Especial de Direitos Humanos do Ministério da Justiça e da Cidadania. [Proteção dos Defensores de Direitos Humanos](#).

330 Secretaria Especial de Direitos Humanos do Ministério da Justiça e da Cidadania. [Proteção dos Defensores de Direitos Humanos](#)

331 Estado de Brasil. Estado de Ceará. August 1, 2012. [Equipe técnica do Programa de Proteção aos Defensores de Direitos Humanos recebe capacitação](#). See also, Centro de Defesa e Promoção dos Direitos Humanos da Arquidiocese de Fortaleza (CDPDH).

As of the publication of this report, six states have formally established the program, although it is being implemented in a total of nine Brazilian states.<sup>332</sup> The Office of the Special Rapporteur has received information on the difficulties the mechanism has faced adjusting to the needs of journalists and the lack of awareness among the media workers about it, both of which have detracted from its effectiveness at providing guarantees to those who are threatened due to their journalism activity.<sup>333</sup>

#### *Observatory on Violence against Communicators*

253. Brazil is the largest country in South America, and violence against journalists there has a distinct local context. While it cannot be said that journalists face a general situation of violence, in recent years, they have been threatened, harassed, and even murdered in certain areas of the country, such as for example the Northeast, Southeast, and Central East. For this reason, the Office of the Special Rapporteur highlighted the recommendation made in March 2014 by the Working Group on the Human Rights of Communication Professionals in Brazil [*Grupo de Trabalho sobre Direitos Humanos dos Profissionais de Comunicação no Brasil*] in its final report.<sup>334</sup>

March 24, 2015. [PEPDDH: Programa Estadual de Proteção aos Defensores de Direitos Humanos](#).

332 Sur Revista Internacional de Derechos Humanos. July 2016. [An analysis of the Latin American context: Brazil, Colombia and Mexico](#). Page 177; Justiça Global. Guia de Proteção para Defensoras e Defensores de Direitos Humanos. 2016. Page 38. Available at: <http://www.global.org.br/wp-content/uploads/2016/08/Guia-Defensores-de-Direitos-Humanos.pdf>.

333 Reporters Without Borders (RSF). April 20, 2016. [Brasil retrocede 5 lugares en la Clasificación Mundial de la Libertad de Prensa \(104º\)](#).

334 Secretaria Especial de Direitos Humanos do Ministério da Justiça e da Cidadania. March 11, 2014. [GT Comunicadores apresenta relatório final e propõe a criação de observatório](#).

254. This document, which has been approved by the Council for the Defense of the Rights of the Human Person [*Conselho de Defesa dos Direitos da Pessoa Humana*], recommended that the three branches of government—executive, legislative, and judicial—and its various agencies undertake a series of actions.<sup>335</sup> Its first recommendation was the creation of an “Observatory on Violence against Communicators” [*Observatório da Violência contra Comunicadores*]. Under the proposal, the Observatory should be structured with the following elements: 1) a unit for receiving and monitoring reports of violations; 2) a system of indicators; and 3) a mechanism for protecting communication professionals based on the experiences of the Special Human Rights Secretariat of the Ministry of Justice and Citizenry. In addition, the Special Secretariat of Human Rights recommended expanding the “national protection system to cover communicators facing threats, taking into account the specificities of the activities of these professionals, and, beyond the measures of protection provided to communicators, establishing measures to protect them in their workplaces,” including “civil society organizations that work on issues related to the exercise of freedom of expression and communicators in the National Office of the Protection Program to meet the particular needs of communicators,” and conduct “a campaign to inform journalists of the protection program.”

255. Decree No. 8.724 of April 27, 2016<sup>336</sup> created the Program for the Protection of Human Rights Defenders “for purposes of coordinating measures for the

335 Secretaria Especial de Direitos Humanos do Ministério da Justiça e da Cidadania. March 11, 2014. [GT Comunicadores apresenta relatório final e propõe a criação de observatório.](#)

336 Secretaria Especial de Direitos Humanos do Ministério da Justiça e da Cidadania. April 2016. [Decreto reestrutura ações de proteção aos defensores dos direitos humanos.](#)

protection of persons who are threatened because of their human rights defense work,”<sup>337</sup> and established its Deliberative Council, composed of two representatives of the Special Human Rights Secretariat of the Ministry of Women, Racial Equality, Youth, and Human Rights<sup>338</sup>, one of whom serves as the coordinator and the other as the representative of the National Public Security Secretariat of the Ministry of Justice. The decree similarly provides that one member of the Office of the General Attorney [*Ministerio Público Federal*] and one representative of the Judiciary [*Poder Judiciário*] may be invited to join the Council.<sup>339</sup> According to the decree, both are within the purview of the Special Human Rights Secretariat of the Ministry of Women, Racial Equality, Youth, and Human Rights.<sup>340</sup> Civil society considers some aspects of that decree problematic—for example, it does not provide for the participation of public agencies or civil society in the program’s coordination or deliberative council, nor does it cover institutions or groups that defend human rights, as it only provides protection to individuals. Also, the decree is limited to covering “threatened persons,” not people “facing risk or vulnerability.”<sup>341</sup>

256. More recently, according to information received by the Office of the Special Rapporteur, the country’s alleged political and financial crisis have affected the execution of the Protection Program<sup>342</sup> with measures such as

337 Estado de Brasil. [Decreto Nº 8.724. April 27, 2016.](#) Article 1.

338 The Ministry of Women, Racial Equality, Youth, and Human Rights was eliminated on May 12, 2016, through Provisionary Measure [Medida Provisória] No. 726.

339 Estado de Brasil. [Decreto Nº 8.724. April 27, 2016.](#)

340 Estado de Brasil. [Decreto Nº 8.724. April 27, 2016.](#)

341 Sur Revista Internacional de Derechos Humanos. July 2016. [An analysis of the Latin American context: Brazil, Colombia and Mexico.](#) Page 177.

342 Amnesty International. September 23, 2016. [Suspensão de convênios paralisa programa brasileiro de proteção aos defensores de direitos humanos;](#)

*Portaria 161*, published on June 13, 2016, that would suspend a number of activities conducted by the Justice and Citizenry Ministry, thereby impacting a number of human rights policies and programs.<sup>343</sup> On September 5, this *Portaria* was extended to December 31, 2016.

257. The criticisms of the Program to Protect Human Rights Defenders in Brazil focus particularly on the lack of the legal framework in the country despite the fact that since 2009, a bill has been before the National Congress; the lack of clarity on the methodology used by the PPDDH to assess risk; the alleged lack of protection strategies aimed at minority groups; and the difficulties that states have had communicating with human rights defenders and understanding their specific needs for protection.<sup>344</sup>

### C. Obligation to criminally investigate, try, and criminally punish

258. As mentioned previously in this report, impunity encourages the repetition of acts of violence against journalists. When crimes committed against journalists or media workers remain in impunity, it not only fosters an environment that is hostile toward the media but also has serious implications for democracy because it breaks the trust of victims and their relatives in State institutions and encourages journalists to self censor. Impunity has a strong chilling effect on the exercise of freedom of expression, and its consequences for democracy—which depends on the free, open and dynamic exchange of ideas and information—are particularly serious.<sup>345</sup>

259. Along these lines, the United Nations special Rapporteur for freedom of expression and opinion has stated that “impunity for those who attack and/or kill journalists is a central obstacle to guaranteeing the protection of journalists and press freedom, as it emboldens perpetrators as well as would-be perpetrators to attack journalists with no legal consequences. Indeed, impunity is one, if not the main cause of the unacceptably high number of journalists who are attacked or killed every year. States must recognize that in cases of violence against journalists, impunity generates more violence in a vicious cycle.”<sup>346</sup>

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Rede Brasil Atual. July 29, 2016. [Corta de verba afeta em cheio programas de proteção de testemunhas e segurança alimentar](#); Ponte. June 17, 2016. [Ministro da Justiça da gestão Temer paralisa tudo o que é relacionado a Direitos Humanos no Brasil](#); Conselho Nacional dos Direitos Humanos. [Nota Pública do Conselho Nacional dos Direitos Humanos pela revogação da Portaria n. 794/2016/MJC de 16 de setembro de 2016](#); Huffington Post Brasil. June 23, 2016. [Portaria do ministro da Justiça limita ações de direitos humanos e prejudica missão em Belo Monte](#); Brasil 247. June 20, 2016. [MP questiona Moraes sobre paralisação nos direitos humanos](#); Sur Revista Internacional de Derechos Humanos. July 2016. [An analysis of the Latin American context: Brazil, Colombia and Mexico](#).

343 Ministério da Justiça e Cidadania. *Portaria* No. 611. June 10, 2016. Available at: [http://www.lex.com.br/legis/27154900\\_PORTARIA\\_N\\_611\\_DE\\_10\\_DE\\_JUNHO\\_DE\\_2016.aspx](http://www.lex.com.br/legis/27154900_PORTARIA_N_611_DE_10_DE_JUNHO_DE_2016.aspx)

344 Sur Revista Internacional de Derechos Humanos. July 2016. [An analysis of the Latin American context: Brazil, Colombia and Mexico](#), pages 179-180; Justiça Global. *Guia de Proteção para Defensoras e Defensores de Direitos Humanos*. 2016. Pages 40-41. Available at: <http://www.global.org.br/wp-content/uploads/2016/08/Guia-Defensores-de-Direitos-Humanos.pdf>

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345 I/A Court H.R.. *Compulsory Membership in an Association Prescribed by Law for the Practice of Journalism* (Arts. 13 and 29 American Convention on Human Rights). *Advisory Opinion OC-5/85 of November 13, 1985*. Series A No. 5. Para. 70; IACHR. [Annual Report 2013. Annual Report of the Office of the Special Rapporteur for Freedom of Expression](#). Chapter III (Violence Against Journalists and Media Workers: Inter-American Standards and National Practices on Prevention, Protection and Prosecution of Perpetrators). OEA/Ser.L/V/II.149. Doc. 50. December 31, 2013. Para. 2.

346 United Nations. General Assembly. Report of the United Nations Special Rapporteur on the promotion



260. The Office of the Special Rapporteur has been able to document that in areas where journalists have chosen to self-censor, one of the problems they face is impunity for the attacks. While the perpetrators are identified in some cases, seldom are the masterminds identified or the criminal organization behind the crime dismantled.

261. The Office of the Special Rapporteur recalls that when it comes to violence against journalists and media workers, both the Court and the Inter-American Commission have found that a lack of compliance with the obligation to investigate incidents of violence against journalists may also represents a failure to fulfill the obligations to respect and guarantee the right to freedom of thought and expression.<sup>347</sup>

and protection of the right to freedom of opinion and expression, Frank La Rue. A/HRC/20/17. June 4, 2012. Para. 65.

347 I/A Court H.R.. Case of *Vélez Restrepo and Family v. Colombia*. *Preliminary Objections, Merits,*

262. Explanations for the generalized impunity seen in cases of violence against journalists vary. In some cases, it is possible to point to deficiencies in the law, such as amnesty laws or the disproportionate granting of leniency. There may also be institutional failings, such as a lack of technical capacity, adequate resources and specialized personnel in investigative bodies. The majority of the countries in the region have not put special protocols in place requiring authorities to exhaust the line of investigation into the exercise of the profession as a factor in cases of crimes committed against journalists. This presents an obstacle to the criminal prosecution of these crimes and is a special factor in the impunity of masterminds. Delays, omissions and failures in the timely and adequate carrying out of evidence procedures, especially with regard to initial investigative steps - such as crime scene analysis, the examination

*Reparations, and Costs*. Judgment of September 3, 2012 Series C No. 248. Para. 215.

of the corpus delicti and the collection of statements from witnesses - are elements that can contribute considerably to impunity in individual cases.

263. Likewise, another fundamental factor in many cases is the lack of independence and impartiality of the authorities responsible for pursuing the investigations and corresponding legal proceedings. This phenomenon is especially concerning in cases in which the security forces or State authorities are suspected to have participated in the crimes committed.

264. However, the complexity of this phenomenon suggests that other factors may also come into play, including a lack of political will to launch effective investigations or even the existence of a culture of intolerance toward criticism, or the tacit acceptance of the crimes committed, especially in cases in which the violence is committed against journalists who allege corruption among state authorities.

265. Finally, there are other considerably relevant social factors that cannot be ignored and that have to do with the existence of powerful criminal groups that, in some places, may seriously weaken the State's capacity to defend, guarantee and promote human rights. No doubt, in areas with a strong organized crime presence, another important factor is the improper influence exercised over the judicial system through intimidation, and in some cases the complicity of police officers, prosecutors and judges, as well as witnesses and civilian parties. In that sense, the lack of protective measures and adequate investigation into attacks on or even murders of witnesses, individuals linked to the investigation or the alleged perpetrators presents a significant obstacle to establishing the facts and the possibility of criminally prosecuting those responsible.

### **1. Obligation to adopt an adequate institutional framework that allows for the effective investigation, trial, and punishment of violence against journalists.**

266. The existence of an adequate institutional framework is crucial for States to be able to investigate, try and criminally punish crimes against journalists. In this sense, States have the obligation to guarantee that institutional frameworks are not designed so as to lead to or even encourage impunity when these crimes take place.

267. The first determining factor for complying with this obligation is assigning the responsibility to investigate and try these crimes to the authorities that will best be able to resolve them and that are autonomous and independent. States must ensure not only the hierarchical and institutional independence of the authorities responsible for moving the investigations and judicial proceedings forward, but also that their independence can be verified in practice in the case in question. In particular, the bodies of the inter-American system have repeatedly indicated that when State security services are alleged to have committed human rights violations, including acts of violence against journalists, under no circumstance can these cases be investigated and brought to trial under the military justice system. When local authorities have a limited investigative capacity and/or are more exposed to pressure from the criminal organizations that attack journalists, the potential for exercising federal jurisdiction is especially important. In States with centralized governments, pertinent law must allow the assignment of competency to investigate and punish these cases to authorities outside the sphere of influence of the officials being accused or the reach of the criminal organization concerned.

268. The second element of that obligation is the duty to clearly define the formal jurisdiction of the authorities in charge of investigating and processing these crimes. This obligation is especially fundamental for defining the authority to assert jurisdiction for those cases in which the domestic legal context allows for the possibility of federal authorities or authorities from a different jurisdiction taking over an investigation.

269. There are currently a number of examples in the region of public prosecutor offices or units dedicated exclusively to investigating crimes against journalists. In its report following its *in loco* visit to Mexico in 2010, the Office of the Special Rapporteur hailed the establishment of the Office of the Special Prosecutor on Crimes against Freedom of Expression [*Fiscalía Especial para la Atención de Delitos cometidos contra la Libertad de Expresión*] (Feadle), and it has highlighted the importance of keeping it within the structure of the Office of the Attorney General of the Republic (PGR). The Mexican government, through an agreement with the Prosecutor General of the Republic, dated February 15, 2006, created the Special Prosecutor's Office for Crimes against Journalists (FEADP), as an administrative body of Office of the Prosecutor General of the Republic's specialized in dealing with matters relating to criminal acts committed against journalists. The FEADP was subsequently modified in a new agreement of July 5, 2010, becoming the Office of the Special Prosecutor on Crimes against Freedom of Expression (Feadle), with the objective of responding "to the persistent and deeply-felt demand on the part of society as a whole with regard to the improvement and reinforcement of government actions which guarantee the physical and moral integrity of those engaging in journalistic or informative activities in Mexico."<sup>348</sup>

<sup>348</sup> IACHR. [Annual Report 2010. Report Of The Office Of](#)

270. In 2010 the rapporteurs for freedom of expression for the OAS and the UN recognized the importance of the creation of the Office of the Special Prosecutor for Crimes against Freedom of Expression [*Fiscalía Especial para la Atención de Delitos cometidos contra la Libertad de Expresión*] (Feadle) in the PGR, however they noted the need for political will in order to strengthen it and give more autonomy to the local PGRs, as well as strengthening the capability of action public agencies for human rights have. Due to the ambiguous and deficient jurisdiction of Feadle, recommendations were also made to make the necessary reforms in order to "allow the exercise of federal jurisdiction on crimes against freedom of expression."<sup>349</sup>

271. Complying with said recommendations, in May of 2013 the National Congress passed legal reform wherein it changed several federal laws to regulate Federal Public Prosecutor jurisdiction<sup>350</sup> and that of the federal justice system to prosecute and adjudicate crimes against journalists, persons or facilities that: "affect, limit or undermine the right to information or freedom of expression or of the press."<sup>351</sup> Said reform

[The Special Rapporteur For Freedom Of Expression.](#)

Chapter II: (2010 Special Report on Freedom of Expression in Mexico). OEA/Ser.L/V/II. Doc. 5. March 7, 2011. Paras. 719-722.

<sup>349</sup> IACHR. [Situation of Human Rights in Mexico](#). OEA/Ser.L/V/II. Doc. 44/15. December 31, 2015. Para. 416.

<sup>350</sup> Estados Unidos Mexicanos. Decreto por el que se reforman y adicionan diversas disposiciones del Código Federal de Procedimientos Penales, de la Ley Orgánica del Poder Judicial de la Federación, de la Ley Orgánica de la Procuraduría General de la República y del Código Penal Federal. May 3, 2013.

<sup>351</sup> Estados Unidos Mexicanos. Decreto por el que se reforman y adicionan diversas disposiciones del Código Federal de Procedimientos Penales, de la Ley Orgánica del Poder Judicial de la Federación, de la Ley Orgánica de la Procuraduría General de la República y del Código Penal Federal. May 3, 2013. In that regard, the reform provides, among other provisions, that the federal authorities may exercise their authority to assert jurisdiction in cases where the author's wilful

had as its objective to overcome the legal barrier that Feadle had to assume jurisdiction and be more effective in solving cases that may be related to the exercise of journalism.<sup>352</sup>

272. Following the IACHR's *in loco* visit to Mexico in 2015, it expressed concern regarding the obstacles that Feadle continues to face in practice to taking over investigations in cases of violence against journalists. The IACHR thus recommended "Remove all obstacles so that, in practice, the Specialized Prosecutor's Office for Attention to Crimes against Freedom of Expression [*Fiscalía Especial para la Atención de Delitos cometidos contra la Libertad de Expresión*] (Feadle) may absorb investigation of crimes against journalists and against freedom of expression. This way, make more effective the exercise of federal jurisdiction over crimes within its competence and guarantee that the most serious violations of freedom of expression are always investigated by that Office."<sup>353</sup>

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intent is presumed and at least one of the following circumstances occur: (i) when there are indications of the participation of a state or municipal public official in the offense; (ii) when the victim has indicated in his complaint that a public state or municipal official is responsible; (iii) in the case of serious crimes so qualified by law; (iv) when the life or physical integrity of the victim or offended person is at real risk; (v) when it is requested by the competent authority of the federative entity; (vi) when the facts constituting a crime have a significant impact on the exercise of the right to freedom of expression; (vii) when there are objective and generalized circumstances of risk for the exercise of the right to freedom of expression in the federal entity where the crime was committed or its results were manifested; (viii) when the act constituting an offense transcends the domain of one or more federal entities; or (ix) when, by judgment or resolution of a body provided for in any international treaty of which the Mexican State is a party, the international responsibility of the Mexican State has been determined by default or omission in the investigation, prosecution or prosecution of these offenses..

352 IACHR. [Situation of Human Rights in Mexico](#). OEA/Ser.L/V/II. Doc. 44/15. December 31, 2015. Para. 416.

353 IACHR. [Situation of Human Rights in Mexico](#). OEA/

273. In the case of Guatemala, in 2001 it created the "Prosecution Unit for Crimes against Journalists" [*Unidad Fiscal de Delitos cometidos contra Periodistas*] of the Human Rights Prosecution Section of the Office of the Public Prosecutor [*Fiscalía de Sección de Derechos Humanos del Ministerio Público*] and "it became the specialized Prosecution Unit with national jurisdiction in 2011." The purpose of the Prosecution Unit is to "give special treatment to crimes committed against journalists and to draw national attention to the existence of the Prosecution Unit for crimes against journalists, for purposes of implementing a direct procedure for the filing of complaints." The Unit reportedly has jurisdiction to handle all crimes committed against journalists "in the practice of their journalistic work" anywhere in the country. It is comprised by a Prosecutor, Assistant Prosecutors, and a Prosecution Officer.<sup>354</sup> In its report on the human rights situation of Guatemala, the IACHR observed "that the Unit for Crimes against Journalists in the Public Prosecution Service has been a welcome improved in terms of investigation and the arrest of aggressors, only has five attorneys to investigate, crimes, attacks, and threats against media personnel, with more than 100 cases still awaiting clarification"<sup>355</sup>.

274. In November 2016, Attorney General Thelma Aldana announced the restructuring of the Crimes against Journalists Unit with the goal of strengthening it and improving the quality of its investigations.<sup>356</sup>

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Ser.L/V/II. Doc. 44/15 December 31, 2015. Para. 63

354 IACHR. [Annual Report 2013. Annual Report of the Office of the Special Rapporteur for Freedom of Expression](#). Chapter II Evaluation of the State of Freedom of Expression in the Hemisphere. Guatemala. OEA Ser.L/V/II.149 Doc. 50. December 31, 2013. Para. 473.

355 IACHR. [Situation of Human Rights in Guatemala: Diversity, Inequality and Exclusion](#). OEA/Ser.L/V/II. Doc. 43/15. December 31, 2015. Para. 295.

356 Centro de Reportes Informativos de Guatemala

275. Though not focused specifically on crimes against journalists, the International Commission against Impunity in Guatemala (CICIG)<sup>357</sup> has also attracted attention as an innovative investigative body that employs international specialists to support domestic prosecutions of complex crimes.<sup>358</sup> The result of an agreement between the United Nations and the Government of Guatemala, CICIG was established in 2007 as an independent, international body designed to support the Office of the Public Prosecutor, the National Civil Police and other State institutions in the investigation of crimes committed by members of illegal security forces and clandestine security structures and, in a more general sense, help to disband such groups. To do so, CICIG assists with investigations and criminal prosecutions in select complex cases, as well as implementing steps—in accordance with its mandate—aimed at strengthening the institutions of the justice system so that they can continue to tackle these illegal groups in the future.<sup>359</sup> The UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression has observed that while “CICIG is not specifically directed towards journalists, it draws attention to issues at the heart of the problem of impunity.”<sup>360</sup> In this way, it has the

potential to address structural factors, including the role of organized crime and the weakness of the justice system, that contribute to violence and impunity in the case of journalists. More generally, CICIG’s approach to strengthening domestic investigative capacity by employing international experts to work side-by-side with national prosecutors may serve as a model for countries that have the political will to tackle violence against journalists but lack the technical expertise and resources to do so effectively.

276. In the case of the homicide of journalists Danilo López and Federico Salazar, which took place in Mazatenango and was covered in this report (chapter II), the Office of the Public Prosecutor has worked together with the CICIG. In July 2015, the Freedom of the Press Committee of the Association of Guatemala and Journalists lauded “the efforts of the Crimes against Journalists Unit” to investigate the murders of journalists and praised “the intent and willingness” of the CICIG commissioner, Iván Velásquez, to “assist in the investigations.”<sup>361</sup>

277. The Office of the Special Rapporteur also took note that the Office of the Attorney General of the Nation in Colombia created a series of special criminal investigation taskforces to look into threats against union members, human rights defenders, journalists, and justice officials issued due to their positions using technically advanced means. The group is made up of three prosecutors, two assistant prosecutors, a secretary, three computer crimes investigators, two forensic investigators, and five investigators from the National Office of the Technical Investigations Group [*Dirección Nacional del Cuerpo Técnico de Investigaciones*], which is under the Cyber Police Center [*Centro Cibernético*

(Cerigua). November 7, 2016. [Fiscal General anuncia fortalecimiento de la Unidad Fiscal de delitos contra Periodistas](#).

357 International Commission Against Impunity in Guatemala (CICIG). [Agreement to establish CICIG](#).

358 United Nations. General Assembly. Report of the United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue. A/HRC/20/17. June 4, 2012. Para. 68. Available at: [http://ap.ohchr.org/documents/dpage\\_s.aspx?m=85](http://ap.ohchr.org/documents/dpage_s.aspx?m=85)

359 International Commission Against Impunity in Guatemala (CICIG). [Agreement to establish CICIG](#).

360 United Nations. General Assembly. Report of the United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue. A/HRC/20/17. June 4, 2012. Para. 68. Available at: [http://ap.ohchr.org/documents/dpage\\_s.aspx?m=85](http://ap.ohchr.org/documents/dpage_s.aspx?m=85)

361 Asociación de Periodistas de Guatemala. July 31, 2015. [Comunicado de la Comisión de Libertad de Prensa de la APG](#).

*Policia*].<sup>362</sup> Although as of the publication of this report, no cases have been solved by this task force, its creation is a recognition of the challenge of investigating crimes such as threats against journalists and recognizes the challenges presented by a digital environment to preventing crimes against journalists and protecting them.

278. Third, necessary measures must be adopted to protect judges, prosecutors, witnesses, and other individuals who take part in criminal investigations in order to protect them from external pressures, including threats, attacks, and other forms of intimidation.

279. On this point, in the merits report in the case of Nelson Carvajal v. Colombia, the IACHR stated that “in cases involving a violent death in which State agents and/or powerful criminal groups are under investigation for their participation, States must ensure that the responsibility to investigate and prosecute human rights violations is assigned to the authorities that are in the best position to adjudicate them effectively, autonomously, and independently. In this respect, States must establish safeguards so that the competent authorities can operate without being subject to the influence of the government official or criminal organization allegedly involved in the crime. At the same time, they must guarantee that the witnesses and relatives of the victim are able to participate in the proceedings without fear of retaliation. These safeguards may entail, for example, removing the

investigation from the jurisdiction of the local authorities, or changing the venues of criminal proceedings.”<sup>363</sup>

280. This measure is particularly important in the areas labeled by this report as “silenced zones” because the violence exercised against the media has not only a chilling effect that impacts other journalists but also can impact society, resulting in people refusing to make complaints or in victims, their relatives, or their colleagues declining to participate actively in investigations or the eventual criminal trials of those responsible due to fear of retaliation.

281. In its third report on the human rights situation in Colombia following its *in loco* visit in December 1997, the Commission stated that “The legitimate fear of public authorities involved in the administration of justice, as well as witnesses, also contributes to the ineffectiveness of criminal proceedings in human rights cases processed in the civilian justice system. Those responsible for human rights abuses sometimes ensure their impunity by threatening or attacking those who might contribute to a sanction against them.” Effectively, it reiterated that the issue of fear of becoming the victim of retaliation had affected judges, attorneys, judicial police, and “witnesses who are key in determining the authorship of the facts under investigation and whose testimony can shed light on the facts and convict the guilty parties.”<sup>364</sup>

282. Fourth, opportunities must be provided for sufficient training of investigative police officers, prosecutors

<sup>362</sup> Fiscalía General de la Nación. Resolución 249. February 19, 2015. “Por medio de la cual se conforma un grupo de tareas especiales para la investigación de conductas punibles sobre Amenazas a través de medios tecnológicos en contra de miembro de organización sindical, defensor de derechos humanos, periodista o servidor público perteneciente a la Rama Judicial o al Ministerio Público o sus familiares, en razón o con ocasión al cargo o función que desempeñe”. Available at: <https://goo.gl/j4TSc4>

<sup>363</sup> IACHR. [Report No. 21/15. Case 12.462. Report on merits. Nelson Carvajal Carvajal and Family. Colombia.](#) OEA/Ser.L/V/II.154. Doc. 15. March 26, 2015. Para. 156.

<sup>364</sup> IACHR. [Third Report on the Human Rights Situation in Colombia.](#) Chapter V (Administration of Justice and Rule of Law). OEA/Ser.L/V/II.102. Doc. 9 rev. 1. February 26, 1999.

and judges to ensure that investigations into crimes against freedom of expression are exhaustive, rigorous and effective, and that all aspects of these crimes are minutely examined.

283. Likewise, for the success of investigations into crimes against freedom of expression, investigators should receive sufficient human, financial, logistical and scientific resources to collect, secure and evaluate evidence and carry out other tasks necessary for determining responsibility.

284. Finally, in contexts in which there is a continual risk of acts of violence against journalists and impunity prevails, States should create specialized investigative units in charge of investigating crimes against freedom of expression.

## **2. Obligation to Act With Due Diligence and Exhaust Lines of Investigation Connected to The Victim's Exercise of Journalism**

285. The Inter-American Court has highlighted that the obligation of due diligence means that criminal investigations must exhaust all logical lines of investigation. In particular, "due diligence" requires that investigations pursued by the State take into account the complexity of the facts, the context in which they took place, and the patterns that explain them, ensuring that nothing was left out as the evidence was collected and logical lines of investigation are followed. This aspect is crucial for States to fulfill their duty, indicated previously, to investigate, criminally prosecute, and punish the perpetrators and masterminds.

286. The obligation to investigate with due diligence and exhaust all logical lines of inquiry is especially relevant in cases of violence against journalists, given that an investigation that does not look

into issues related to context - such as the professional activity of the journalist - is less likely to get results and will probably raise questions as to the authorities' willingness to solve the crime.

287. In the 2015 report on the human rights situation in Mexico, both the Commission and its Special Rapporteur expressed concern after observing "the practice to not exhaust the investigation line related to the profession, as this sends a message of justice by proxy. This omission creates a barrier to reaching the masterminds, only accomplishing perpetrator convictions, allowing for a reduction in impunity statistics and sending a mixed message to society since there is no explanation to what actually took place."<sup>365</sup>

288. For its part, the IACHR also indicated in the section on impunity for crimes against journalists of its report on the human rights situation in Honduras that "it is essential for all institutions to have special protocols in place that require the authorities to exhaust all lines of inquiry related to the practice of journalism in cases involving crimes against journalists. The institutions must also have adequate resources and personnel specialized in investigating such matters."<sup>366</sup>

289. As the IACHR stated in its report on the merits in the case of Nelson Carvajal v. Colombia, the "State is also required to investigate, and if appropriate, punish all perpetrators of crimes, including direct perpetrators, masterminds, accomplices, collaborators, and accessories to human rights violations. Moreover, it must investigate the structures through

<sup>365</sup> IACHR. [Situation of Human Rights in Mexico](#). OEA/Ser.L/V/II. Doc. 44/15. December 31, 2015. Para. 425.

<sup>366</sup> IACHR. [Situation of Human Rights in Honduras](#). OEA/Ser.L/V/II. Doc. 42/15. December 31, 2015. Para. 213.

which the crimes are committed and the criminal organizations to which the perpetrators belong. As previously explained, 'due diligence' demands that the investigations conducted by the State take account of 'the complexity of the facts, the context in which they occurred, and the systematic patterns that explain why the events occurred,' ensuring that there are no 'omissions in gathering evidence or in the development of logical lines of investigation.'<sup>367</sup> This obligation is especially relevant in cases of violence against journalists, which oftentimes are committed by criminal networks that act with the tolerance or acquiescence of State agents, and in which the direct perpetrator of the crime is merely carrying out orders.<sup>368</sup>

290. In this regard, the Office of the Special Rapporteur appreciates the creation of the Analysis and Context Unit [*Unidad de Análisis y Contexto*] (UNAC) of the Office of the Attorney General of the Nation of Colombia. While this unit is not focused exclusively on investigating crimes committed against journalists, the concept under which it was created can help solve certain cases of violence against journalists, especially because it enables understanding of patterns of violence committed by organized crime. The unit was created in 2012 "as a crime policy tool focused mainly on addressing organized crime by using forensic and context analysis tools to draw connections between the individual pieces of information currently held by the various offices of the public prosecutor. Likewise,

it will take over the processes involved in the situations and cases classified as priority by the Situations and Cases Prioritization Committee of the Office of the Attorney General of the Nation [*Comité de Priorización de Situaciones y Casos de la Fiscalía General de la Nación*]."<sup>369</sup> Among its considerations, the Resolution creating that unit states that "the current judicial management system requiring all crimes be investigated at the same time, in the same way, and as isolated incidents impedes the creation of real crime policy through designing and implementing strategies to effectively combat the various criminal phenomena attributable to organized crime." It also states that investigation of the cases as isolated incidents has led to high rates of impunity.

291. The unit is made up of a lead prosecutor and two offices: (i) forensic analysis, made up of a interdisciplinary team of specialists in politics, defense and security, drug trafficking, finance, social issues, economics, etc.; and (ii) coordination of priority situations and cases, made up of delegated prosecutors, an administrative secretary, and a judicial police unit.<sup>370</sup> The Office of the Special Rapporteur has learned that the case of journalist Claudia Julieta Duque, who was subjected to psychological torture, is assigned to this unit. The Office of the Special Rapporteur thus notes that although the inexhaustible struggle of the journalist for justice in her case should be recognized, it is also noteworthy that since her case was taken over by the Analysis

367 I/A Court H.R.. Case of the *Rochela Massacre v. Colombia*. Merits, Reparations, and Costs. Judgment of May 11, 2007. Series C No. 163. Para. 158; I/A Court H.R.. Case of *Manuel Cepeda Vargas v. Colombia*. Preliminary Exceptions, Merits, Reparations, and Costs. Judgment of May 26, 2010. Series C No. 213. Para. 106-110 and 167.

368 IACHR. [Report No. 21/15. Case 12.462. Report on merits. Nelson Carvajal Carvajal and Family, Colombia](#). OEA/Ser.L/V/II.154. Doc. 15. March 26, 2015. Para. 156.

369 República de Colombia. Fiscalía General de la Nación. Resolución No. 01810. Por medio de la cual se crea la Unidad Nacional de Análisis y Contextos. October 4, 2012. Available at: <http://www.fiscalia.gov.co/colombia/priorizacion/unidad-nacional-de-analisis-y-contextos/>

370 República de Colombia. Fiscalía General de la Nación. Resolución No. 01810. Por medio de la cual se crea la Unidad Nacional de Análisis y Contextos. October 4, 2012. Article 4. Conformación. Available at: <http://www.fiscalia.gov.co/colombia/priorizacion/unidad-nacional-de-analisis-y-contextos/>

and Context Unit, some noteworthy progress has been achieved, including linking the crimes to their masterminds.

### **3. Obligation to investigate within a reasonable period of time**

292. In a number of its rulings, the Inter-American Court has established that excessive delay in the investigation of acts of violence can constitute a *per se* violation of judicial guarantees. The authorities responsible for the investigation must act quickly, avoiding unjustified delays that would lead to impunity and violate due judicial protection of the right.

### **4. Obligation to remove legal obstacles to the investigation and effective and proportional punishment of the most serious crimes against journalists**

293. The IACHR has called special attention to the use of general amnesty laws to block the investigation of grave human rights violations committed against journalists. Likewise, a number of international organizations have also expressed concern at the effect that prescription provisions have had on the criminal investigation and punishment of the most serious crimes committed against journalists for exercising their profession. States also have a duty to guarantee that punishments applied to individuals convicted of acts of violence

committed against journalists and media workers over the exercise of their profession be proportionate and effective. In this sense, the Inter-American Court has determined that in order for the State to satisfy its obligation to investigate, try and, where applicable, punish and provide redress for grave human rights violations committed under its jurisdiction, it must observe the principle, (among others) of the proportionality of the punishment and serving of the sentence. Although the existence of leniency for sentences is legitimate in a democratic society, its application in this case, especially to serious acts of violence such as murder, torture and forced disappearance, must take place pursuant to the parameters established by international human rights law.

### **5. Obligation to facilitate victim participation**

294. Inter-American human rights law requires States to ensure that victims of human rights violations or their relatives have full access and agency at all stages and levels of the investigation and in the corresponding trial, pursuant to domestic law and the provisions of the American Convention. This must include ample opportunity to participate and be heard, both in the clearing up of the facts and the punishment of those responsible, as well as in the search for just compensation.

# CHAPTER 3

## VIOLENCE AGAINST WOMEN JOURNALISTS





295. It is important for all actions taken by States to comply with their obligations to prevent, protect, and investigate, try, and criminally punish those responsible for crimes against journalists to address specific gender-based needs and risks. Along these lines, the General Assembly of the United Nations—in a resolution on the safety of journalists and the issue of impunity<sup>371</sup>—and the Security Council of the United Nations—in Resolution 2222 on protecting journalists and armed conflicts<sup>372</sup>—have pointed out that security measures for journalists must take into account the risks faced specifically by journalists as they do their work. Frank La Rue, the former Special Rapporteur on freedom of expression and opinion, indicated in his report to the General Assembly of the United Nations that women journalists face additional risks, such as sexual assaults that can take place while they cover the news when they become victims of deprivation of liberty. In many cases, such incidents are not reported for fear that due to cultural beliefs or professional reasons, blame could fall on them.<sup>373</sup> Special Rapporteur on freedom of expression and opinion David Kaye stated in his most recent report on restrictions on freedom of expression that women are exposed to certain limitations to their right to freedom of expression due to their gender. He thus expressed concern at the acts of violence and systematic threats of

sexual and physical assault that have been reported against women exercising their right to freedom of expression.<sup>374</sup>

296. In its annual reports, the Office of the Special Rapporteur has recorded the different forms that violence and harassment against women journalists takes in the region. According to these reports, the situation faced by women has not improved despite the recommendations made by this office to the States to specifically prevent this harassment. In its report on Violence against Journalists and Media Workers, it indicated that, “the information compiled by the Office of the Special Rapporteur, violence committed against female journalists as a result of their work has particular characteristics stemming from the social constructs of gender and discrimination to which women have traditionally been subjected. This violence is manifested in different ways, from murder and sexual violence—including sexual harassment—to intimidation, abuse of power, and threats based on gender. According to the information available, violence against women is perpetrated by different actors, including State agents, sources of information, and colleagues, and it takes place in diverse contexts and settings, including the street, the workplace, and State offices or institutions.”<sup>375</sup>

371 United Nations. General Assembly. The safety of journalists and the issue of impunity. A/RES/69/185. February 11, 2015. Available at: <http://www.un.org/es/ga/69/resolutions.shtml>

372 United Nations. Security Council. Protection of civilians in armed conflict. S/RES/222(2015). May 27, 2015. Available at: <http://www.un.org/es/sc/documents/resolutions/2015.shtml>

373 United Nations. General Assembly. Report of the United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue. A/HRC/20/17. June 4, 2012. Para. 52. Available at: <http://www.ohchr.org/EN/Issues/FreedomOpinion/Pages/Annual.aspx>

374 United Nations. General Assembly. Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression. David Kaye. A/71/373. September 6, 2016. Para. 48. Available at: <http://www.ohchr.org/EN/Issues/FreedomOpinion/Pages/Annual.aspx>

375 IACHR. [Annual Report 2013. Annual Report of the Office of the Special Rapporteur for Freedom of Expression](#). Chapter III (Violence Against Journalists and Media Workers: Inter-American Standards and National Practices on Prevention, Protection and Prosecution of Perpetrators). OEA/Ser.L/V/II.149. Doc. 50. December 31, 2013. Para. 251.



297. States have an obligation to prevent and protect and to investigate, try and punish those responsible for these crimes. According to inter-American case law, in cases of violence against women, in addition to the general obligations above indicated, States also have a particularly strong obligation to act with due diligence pursuant to existing provisions on the subject of the rights of women, such as the Convention of Belem do Para. Likewise, States have an obligation to adopt protective measures in specific cases in which individual journalists are at special risk of becoming victims of violence. In this task, States must take into consideration the specific risk of violations to their human rights that different groups of women face as a result of the intersection of other different reasons for discrimination, including race, ethnicity, age, sexual orientation, and others.<sup>376</sup>

376 IACHR. [Annual Report 2013. Annual Report of the Office of the Special Rapporteur for Freedom of Expression](#). Chapter III (Violence Against Journalists and Media Workers: Inter-American Standards and National Practices on Prevention, Protection and

298. As far as the obligation to investigate, it is relevant to highlight that it has additional scope in cases of crimes committed against women journalists. In all cases, it is crucial for the authorities in charge to be duly trained on issues of gender. Regarding this, the United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity states, “Female journalists also face increasing dangers, highlighting the need for a gender-sensitive approach. In carrying out their professional duties, they often risk sexual assault, whether in the form of a targeted sexual violation, often in reprisal for their work; mob-related sexual violence aimed against journalists covering public events; or the sexual abuse of journalists in detention or captivity. Furthermore, many of these crimes are not reported as a result of powerful cultural and professional stigmas.”<sup>377</sup>

Prosecution of Perpetrators). OEA/Ser.L/V/II.149. Doc. 50. December 31, 2013. Para. 259 - 262.

377 United Nations. United Nations Educational, Scientific and Cultural Organization (UNESCO). International Programme for the Development of Communication. United Nations Plan of Action on

299. One of the challenges involved in the attacks women journalists suffer is the failure to report these incidents. As a result, the statistics that may be available on the issue do not necessarily reflect reality. Regarding this, the Office of the Special Rapporteur highlights work done by organizations throughout the region to document the existence of this issue. For example, Mexican organization Cimac has been a pioneer in conducting surveys of women journalists and standardizing statistics on the attacks of which they are victims. Recently, with the support of UNESCO in Guatemala, the organization Civitas conducted a study on violence against women journalists that warned of the “normalization” of sexual harassment of women reporters and journalists in that country. In its report, the organization highlights that women journalists may be victimized not only by those actors who traditionally commit acts of violence against the media but also by their sources, colleagues, and others.<sup>378</sup> The nature of the phenomenon is such that complaints are few, and therefore the problem remains unseen.

300. Based on its 2015 *in loco* visit to Mexico, the IACHR and its Office of the Special Rapporteur received information indicating that in recent years, while violence against journalists has increased, “violence against women journalists has increased by percentage at a higher rate than the violence against male journalists [... and] in many cases the violence was psychological in nature.”<sup>379</sup> According to the information received, women journalists who have been the victims of some type of attack tended to

cover issues related to politics, citizen security, organized crime, and the police beat. The Office of the Special Rapporteur calls on States to conduct surveys on the risks specifically facing women journalists with the understanding that women journalists, who are generally younger, are taking a leading role in the coverage of violence and corruption, either because they receive lower salaries or because coverage of these issues has been abandoned by journalists with more experience due to the violence.

301. In recent statements adopted on the safety of journalists, both the United Nations General Assembly and the Security Council have alluded to the differentiated fact that violence has on women journalists due to “the specific risks faced by women journalists in the exercise of their work, and underlining, in this context, the importance of taking a gender-sensitive approach when considering measures to address the safety of journalists.”<sup>380</sup> Along these lines, the Office of the Special Rapporteur has welcomed the fact that laws establishing mechanisms of protection—such as in Mexico and Honduras—have enshrined the gender perspective as one of the elements to take into account when assessing risk and implementing measures. In addition, the Office of the Special Rapporteur stressed the importance of the decisions of the Constitutional Court of Colombia ordering that the protection mechanism adjust its protection measures to the specific needs of women beneficiaries.<sup>381</sup>

the Safety of Journalists and the Issue of Impunity, Point 1.17. Available at: <http://www.unesco.org/new/en/communication-and-information/freedom-of-expression/safety-of-journalists/>.

378 Civitas. Informe de grupos focales sobre acoso sexual a mujeres periodistas en Guatemala. 2015.

379 IACHR. *Situation of Human Rights in Mexico*. OEA/Ser.L/V/II. Doc. 44/15. December 31, 2015. Para. 428.

380 United Nations. General Assembly. The safety of journalists and the issue of impunity. A/RES/69/185. February 11, 2015. In that regard: United Nations. General Assembly. Human Rights Council. The protection of journalists. A/HRC/33/L.6. September 26, 2016; United Nations. Security Council. Protection of civilians in armed conflict. S/RES/2222 (2015). May 27, 2015.

381 IACHR. *Annual Report 2013. Annual Report of the Office of the Special Rapporteur for Freedom of Expression*. Chapter III (Violence Against Journalists and Media Workers: Inter-American Standards and

302. The special risks to which women journalists are exposed must be taken into account in order to prevent the intimidation or fear that may arise from an attack or the risk of one from leading to women journalists self-censoring. The Office of the Special Rapporteur

reminds States of the need to improve mechanisms of prevention, protection and judicial response in order to fully comply with the obligations described in this report and guarantee women the full exercise of their freedom of expression.

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National Practices on Prevention, Protection and Prosecution of Perpetrators). OEA/Ser.L/V/II.149. Doc. 50. December 31, 2013.

# CHAPTER 4

## PROTECTION OF JOURNALIST ON LINE





303. The obligations to prevent, protect, and investigate violence against journalists must be met not only regarding journalists who work for traditional media outlets but also for journalists who work for online media or on the various platforms that the Internet provides. The implementation strategy for the United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity states that “[...] the safety of journalists, and the combating of impunity for crimes against their use of freedom of expression, can only be effectively addressed through a holistic approach. This is because the Plan perceives safety as a broad category that extends from preventive, protective and pre-emptive measures, through to combating impunity and promoting a social culture which cherishes freedom of expression and press freedom. Notably, the Plan also acknowledges that safety spans both online and offline worlds and those solutions require informed action at global, regional, national and local levels whilst at the same time responding to contextual specificities in each case.”<sup>382</sup>

304. The dawn of the Internet marked the beginning of a series of profound changes in human communication. While it has had a democratizing impact on the exercise of freedom of expression and the collection and dissemination of information and news, at the same time, significant challenges have arisen to the safety of communicators as a result of the greater opportunities that the new technologies offer as far as surveillance, intimidation, and State censorship, as well as private control of communication.

305. The Internet enables people in general to seek, receive, and impart information and ideas of all kinds. Its unique design enhances the exercise

<sup>382</sup> United Nations Educational, Scientific and Cultural Organization (Unesco). [Implementation Strategy 2013-2014 UN Plan of Action on the Safety of Journalists and the Issue of Impunity](#).

of freedom of expression, extending it beyond the use journalists make of it. Indeed, anyone interested in issues related to their community are able to share information, opinions, and ideas over the Internet and social networking platforms. In this regard, the Special Rapporteur for the promotion and protection of the right to opinion and expression stated in his 2012 report that most media outlets have developed web versions of their publications, making the Internet essential for disseminating news to a more global audience. Newspaper journalists have thus been published online along with “citizen journalists,” the latter of which play a very important role in documenting and disseminating on-the-ground news, thus “increasing access to sources of information, stimulating informed analysis and promoting the expression of diverse opinions, particularly in moments of crises.”<sup>383</sup>

306. The Office of the Special Rapporteur has observed in recent years that journalists are increasingly migrating from traditional media outlets to online media, publishing their work on web portals, blogs, and social networks. This trend has been joined by citizen journalists who, through a number of different technologies, share information on issues that are in the public interest for the communities in which they live. In areas with a generalized context of violence against traditional media, the Internet is a safer alternative from which to continue informing society, as by using it anonymously and through social networks, people can address controversial issues such as the violence associated with drug trafficking.<sup>384</sup>

<sup>383</sup> United Nations. General Assembly. Report of the United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue. A/HRC/20/17. June 4, 2012. Para. 61. Available at: [http://ap.ohchr.org/documents/dpage\\_s.aspx?m=85](http://ap.ohchr.org/documents/dpage_s.aspx?m=85)

<sup>384</sup> IACHR. Office of the Special Rapporteur for Freedom

However, in order for this to be possible, the digital environment must also provide safe conditions for people who wish to take part.<sup>385</sup>

307. Unfortunately, the Office of the Special Rapporteur observes that people who use the Internet to inform are exposed to risks that threaten the free exercise of their right to freedom of expression. On one hand, they are exposed to the kind of cyberattacks that come with the digital environment, while on the other, they are exposed to violence and become victims of threats, harassment, and stigmatization, and are even killed.

308. A report from the United Nations Special Rapporteur on extrajudicial executions on attacks on journalists online points out that one of “[o]ne of the main changes in the way in which the news is disseminated around the world in recent years has been the emergence of online journalists, both professionals as well as people who are untrained, who use social media. With the spread and increased availability of technology, the pool of who we now consider journalists has expanded rapidly, and so has the number of people who are potential targets of those who want to control the flow of information. In parts of Mexico, for example, the conventional media have for all practical purposes been replaced by new media—and assassins have likewise moved their sights.”<sup>386</sup>

309. In this section, the Office of the Special Rapporteur seeks to highlight need for States to prevent, protect, and investigate attacks committed against people who report over the Internet. By doing so, the Office of the Special Rapporteur joins the efforts of the Special Rapporteur for freedom of opinion and expression of the UN and international organizations such as UNESCO and civil society organizations in describing the phenomenon and proposing possible solutions.<sup>387</sup>

310. In his 2015 annual report, UN Special Rapporteur on the right to freedom of opinion and expression David Kaye stated that “Internet has profound value for freedom of opinion and expression, as it magnifies the voice and multiplies the information within reach of everyone who has access to it. Within a brief period, it has become the central global public forum. As such, an open and secure Internet should be counted among the leading prerequisites for the enjoyment of the freedom of expression today. But it is constantly under threat, a space — not unlike the physical world — in which criminal enterprise, targeted repression and mass data collection also exists. It is thus critical that individuals find ways to secure themselves online, that Governments provide such safety in law and policy and that corporate actors design, develop and market secure-by-default products and services.”<sup>388</sup>

of Expression. September 27, 2011. [Press Release R105/11 Office of the Special Rapporteur for Freedom of Expression Condemns Three Murders in Nuevo Laredo, Mexico.](#)

385 United Nations. General Assembly. The safety of journalists and the issue of impunity. A/RES/69/185. February 11, 2015. Available at: <http://www.un.org/es/ga/69/resolutions.shtml>; United Nations. General Assembly. Report of the United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue. A/HRC/20/17. June 4, 2012. Para. 61. Available at: [http://ap.ohchr.org/documents/dpage\\_s.aspx?m=85](http://ap.ohchr.org/documents/dpage_s.aspx?m=85)

386 United Nations. General Assembly. United Nations.

General Assembly. [Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns.](#) A/HRC/20/22. April 10, 2012. Para. 36. Available at: <http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session20/Pages/ListReports.aspx>

387 Committee to Protect Journalists (CPJ). [Journalist Security Guide. Chapter 3 \(Technology Security\)](#); Freedom House and International Center for Journalists. [Seguridad Digital y Móvil para Periodistas y Blogueros](#); Fundación para la Libertad de Prensa (FLIP). [Manual Antiespías: Herramientas para la protección digital a periodistas.](#)

388 Office of the United Nations High Commissioner for Human Rights. Special Rapporteur for Freedom of

311. The Office of the Special Rapporteur has recognized on various occasions that the right to freedom of expression is favored when States protect the privacy of digital communications, as well as the confidentiality, integrity, and availability of data and computer systems.<sup>389</sup> Its report on freedom of expression and the Internet addressed the concept of cybersecurity as an element linked to “the protection of a set of legally protected interests, such as infrastructure and information that is stored or in any way administered through the Internet, but not of the technological medium used to commit any kind of crime”. As consequence “by virtue of the open and decentralized configuration of the Internet, governments should seek a security model in which there are shared responsibilities among the different actors as well as a diversity of media, from the training of users and the implementation of technical security devices to the sanctioning of acts that in fact threaten or attack the legal interests protected by “cybersecurity.””<sup>390</sup>.

312. The 2012 Joint Declaration of the rapporteurs on freedom of expression of the UN and the IACHR established that “all restrictions on freedom of expression, including those that affect speech on the Internet, should be clearly and precisely established by law, proportionate to the legitimate aims pursued, and based on

a judicial determination in adversarial proceedings. In this regard, legislation regulating the Internet should not contain vague and sweeping definitions or disproportionately affect legitimate websites and services”<sup>391</sup>.

313. As this Office has reiterated on a number of occasions, the exercise freedom of expression requires a private space free from threats. In view of this close relationship between freedom of expression and privacy, States should avoid the implementation of any measure that restricts, in an arbitrary or abusive manner, the privacy of individuals. This privacy is understood in a broad sense as every personal and anonymous space that is free from intimidation or retaliation, and necessary for an individual to be able to freely form an opinion and express his or her ideas as well as to seek and receive information, without being forced to identify him or herself or reveal his or her beliefs and convictions or the sources he or she consults<sup>392</sup>. The 2013 Joint Declaration of the rapporteurs on freedom of expression of the UN and the IACHR stated that “Any surveillance of communications and interference with privacy that exceeds what is stipulated by law, has ends that differ from those which the law permits, or is carried out clandestinely must be harshly punished. Such illegitimate interference includes actions taken for political reasons against journalists and independent media.”<sup>393</sup>

Expression. Report on the promotion and protection of the right to freedom of opinion and expression. May 1, 2016. Available at: <http://www.ohchr.org/EN/Issues/FreedomOpinion/Pages/Annual.aspx>

389 United Nations Special Rapporteur on the Protection and Promotion of the Right to Freedom of Opinion and Expression and Special Rapporteur for Freedom of Expression of the Inter-American Commission on Human Rights. June 21, 2013. [Joint Declaration on surveillance programs and their impact on freedom of expression.](#)

390 IACHR. [Annual Report 2013. Annual Report of the Office of the Special Rapporteur for Freedom of Expression.](#) Chapter IV (Freedom of Expression and the Internet). OEA/Ser.L/V/II.149. Doc. 50. December 31, 2013. Para. 120.

391 UN Special Rapporteur for Freedom of Opinion and Expression and the IACHR-OAS Special Rapporteur on Freedom of Expression. January 20, 2012. [Joint Declaration on Freedom of Speech on the Internet.](#)

392 IACHR. [Annual Report 2013. Annual Report of the Office of the Special Rapporteur for Freedom of Expression.](#) Chapter IV (Freedom of Expression and the Internet). OEA/Ser.L/V/II.149. Doc. 50. December 31, 2013. Para. 132.

393 United Nations Special Rapporteur on the Protection and Promotion of the Right to Freedom of Opinion and Expression and Special Rapporteur for Freedom of Expression of the Inter-American Commission on Human Rights. June 21, 2013. [Joint Declaration on surveillance programs and their impact on freedom of](#)

314. In this regard, it is important to highlight the protection of sources that must be in place not only for journalists who work in traditional media but also for those who receive and disseminate information in the public interest over the Internet. UN special Rapporteur on the promotion and protection of the right to freedom of expression David Kaye said in his report on protecting sources of information and whistleblowers that “Protection must also counter a variety of contemporary threats. A leading one is surveillance. The ubiquitous use of digital electronics, alongside government capacity to access the data and footprints that all such devices leave behind, has presented serious challenges to confidentiality and anonymity of sources and whistleblowers.” Along those same lines, the Rapporteur recommended to States that “National legal frameworks must protect the confidentiality of sources of journalists and of others who may engage in the dissemination of information of public interest. Laws guaranteeing confidentiality must reach beyond professional journalists, including those who may be performing a vital role in providing wide access to information of public interest such as bloggers, ‘citizen journalists’ ”<sup>394</sup>.

315. The Office of the Special Rapporteur has observed that decisions to conduct surveillance that invades individual privacy must be authorized by independent judicial authorities, who must state why the measure is suitable to accomplish the aims pursued in the specific case; whether it is sufficiently restricted so as not to infringe upon the right in question more than necessary;

[expression](#).

394 United Nations. General Assembly. Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, David Kaye. A/70/361. September 8, 2015. Available at: <http://www.ohchr.org/EN/Issues/FreedomOpinion/Pages/Annual.aspx>

and whether it is proportionate in relation to the interests pursued. Investigative proceedings involving an invasion of privacy authorized by law and by a competent judge must also respect other due process safeguards. States must ensure that the judicial authority is specialized and competent to make decisions on the legality of the communications surveillance, the technologies used, and its impact on the sphere of rights that could be involved, and that they have sufficient guarantees to carry out their duties in an adequate manner. Finally, the Office of the Special Rapporteur observes that, at the very least, the decision-making criteria adopted by the courts should be public.<sup>395</sup>

316. Today, there are a growing number of tools that contribute to fostering freedom of expression. With a cellular telephone, we can upload content directly to the web or exchange information from a single server using Bluetooth technology; encryption software, such as Tor, ensures high levels of privacy for telecommunications; and digital media enables us to collect evidence in cases of mistreatment or abuse.<sup>396</sup> UNESCO’s most recent report on this issue, entitled “Building Digital Safety for Journalism,” explains that a number of applications developed recently enable people whose access to offline communications is blocked to exchange information safely and using encryption.<sup>397</sup> The same report notes that

395 IACHR. [Annual Report 2015. Annual Report of the Office of the Special Rapporteur for Freedom of Expression](#). Chapter II (Evaluation of the State of Freedom of Expression in the Hemisphere). OEA/Ser.L/V/II. Doc. 48/15. December 31, 2015. Para. 111.

396 United Nations. General Assembly. Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, David Kaye. A/HRC/29/32. May 22, 2015. Available at: <http://www.ohchr.org/EN/Issues/FreedomOpinion/Pages/Annual.aspx>

397 United Nations Educational, Scientific and Cultural Organization (UNESCO). [Building Digital Safety for Journalism. A survey of selected issues](#). 2016. Page 22.

when evaluating the different ways of protecting freedom of expression on the Internet, the safeguards must protect not only the content but also the means used to transmit it. In fact, they must protect the whole communication environment: from the applications used to find the information to the codes and protocols connecting devices to the digital world, to the hardware itself, cables, and wireless towers that transmit the data.<sup>398</sup>

317. The Office of the Special Rapporteur also considers civil society initiatives to train journalists to use the tools necessary to protect themselves digitally to be very important, along with development of applications to make this easier.

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<sup>398</sup> United Nations Educational, Scientific and Cultural Organization (UNESCO). [Building Digital Safety for Journalism. A survey of selected issues](#). 2016. Page 22.



# CHAPTER 5

## THE ROLE OF OTHER ACTORS: MEDIA OUTLETS AND CIVIL SOCIETY





318. Although the obligations to prevent, protect, and investigate are the international responsibility of States, there is no doubt that other actors are key for the protection of at-risk journalists, especially in areas in which the risk is higher due to the characteristics of the context, such as in the case of silenced zones.

319. Based on this, the media play a decisive role in guaranteeing the protection of journalists and other workers, both those with which it has a labor relationship and freelance journalists. Thus, the Special Rapporteurs stated in their 2012 Joint Declaration that “[m]edia organizations should be encouraged to provide adequate safety, risk awareness and self-protection training and guidance to both permanent and freelance employees, along with security equipment where necessary.”<sup>399</sup> The UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions has similarly stated that “While recognizing the often competitive nature of the relationships among media workers worldwide, it is important to set competition aside where issues of safety are involved.”<sup>400</sup>

320. As this report has explained, one of the factors that increase the vulnerability of journalists and media workers in areas with significant organized crime and corruption is labor

instability. In this regard, it is important for the media to adopt protocols for protecting journalists and providing them with opportunities to receive training on tools for protecting themselves, both physically and online.

321. As noted by the Special Rapporteur on the right to freedom of expression and opinion of the UN “journalists and media organizations also have a responsibility to take precautionary safety measures to ensure their own protection. Additionally, by voluntarily adhering to global standards of professionalism, journalists can also enhance their credibility in the eyes of society and their legitimate protection concerns. Such standards of journalistic professionalism include those that have been developed and adopted by journalists and media workers themselves.”<sup>401</sup> Along the same lines, the UN Special Rapporteur on extrajudicial, summary or arbitrary executions stated that “Media agencies should provide appropriate basic and advanced security training for journalists and media personnel. [...] They should also provide safety and self-protection guidance for their employees, giving them security equipment as necessary and offering training to both their permanent and freelance employees.”<sup>402</sup> Also, the United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity warns that it is important to urge “all stakeholders, and in particular the media industry and its professional associations, to establish general safety provisions for journalists, including but not limited to

399 The United Nations (UN) Special Rapporteur on Freedom of Opinion and Expression, the Organization for Security and Co-operation in Europe (OSCE) Representative on Freedom of the Media, the Organization of American States (OAS) Special Rapporteur on Freedom of Expression and the African Commission on Human and Peoples’ Rights (ACHPR) Special Rapporteur on Freedom of Expression and Access to Information. June 25, 2012. [Joint Declaration on Crimes Against Freedom of Expression](#).

400 United Nations. General Assembly. United Nations. General Assembly. [Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns](#). A/HRC/20/22. April 10, 2012. Para. 144.

401 United Nations. General Assembly. Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue. A/HRC/20/17. June 4, 2012. Para. 60. Available at: <http://www.ohchr.org/EN/Issues/FreedomOpinion/Pages/Annual.aspx>

402 United Nations. Asamblea United Nations. General Assembly. [Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns](#). A/HRC/20/22. April 10, 2012. Para. 145.

safety training courses, health care and life insurance, access to social protection and adequate remuneration for free-lance and full-time employees.<sup>403</sup> In its report entitled *Violence against journalists and media workers*, the Office of the Special Rapporteur gave examples of good practices as far as measures taken by the media and civil society organizations that focus on providing advisory services and training on issues like self-defense, drafting protocols, and digital security.<sup>404</sup>

322. Solidarity between domestic and international media is a key element for ending the silence that organized crime and corruption wish to impose in different areas in the hemisphere. The Office of the Special Rapporteur has highlighted that in addition to the security measures taken by media organizations, experience in the region demonstrates that solidarity and cooperation among media outlets can make a notable contribution to the safety of journalists. One example of this from the cases described in this report, which demonstrates how collaboration with media from other regions makes it possible to report what happens in the so-called silenced zones and reduces the risk to local journalists, is the case of Tamaulipas, Mexico. Because this state shares a border with the United States, media outlets in US border cities have been able to cover the incidents of violence that take place there. As a result, the reporting can continue without the people doing it

403 United Nations. United Nations Educational, Scientific and Cultural Organization (UNESCO). International Programme for the Development of Communication. United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity. Point 5.22. Available at: <http://www.unesco.org/new/en/communication-and-information/freedom-of-expression/safety-of-journalists/>.

404 IACHR. *Annual Report 2013. Annual Report of the Office of the Special Rapporteur for Freedom of Expression*. Chapter III (Violence Against Journalists and Media Workers: Inter-American Standards and National Practices on Prevention, Protection and Prosecution of Perpetrators). OEA/Ser.L/V/II.149. Doc. 50. December 31, 2013.

facing such a high risk. Another recent example of agreements between media outlets to provide coverage and visibility to local issues is the one struck between *El Faro* in El Salvador and the *New York Times*, in the United States. These two papers jointly conducted an investigation into the *maras* (gangs) operating in El Salvador that are blamed for the majority of the acts of violence that take place in that country. The agreement made it possible to conduct the investigation over the course of one year. It was published in both El Salvador and the United States.

323. The UN Special Rapporteur on extrajudicial, summary or arbitrary executions stated that “Local journalists and foreign correspondents play complementary roles. While journalists based in their home countries have local legitimacy and offer an insider’s view, foreign correspondents are often well placed to attract international attention. Whereas local journalists are often more vulnerable, foreign correspondents may prove to be more difficult to silence, and can in some cases continue to spread the message.”<sup>405</sup>

324. It is also important to highlight the importance of cooperation between media outlets to follow up on investigations of cases of violence against journalists. One good example is the *#LaVerdadPuedeMás* initiative of four Guatemalan media outlets—*Revista ContraPoder*, *Nómada*, *Plaza Pública*, and *Soy502*—that covered the murder of journalists Danilo López and Federico Salazar in the Mazatenango department of Suchitepéquez. The coverage ensured the case not only domestic but international attention. The articles published by these four publications described how local corruption and local power operates and how it affects the exercise of journalism.

405 United Nations. General Assembly. *Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns*. A/HRC/20/22. April 10, 2012. Para. 102.

The publications also reported on the initial progress in the case that led to the arrest of the perpetrators, which included local police officers.

325. In Colombia, the organizations *Andiarios*, *Colprensa*, and the *Fundación para la Libertad de Prensa* led the *¡Pitalito sin Censura!* initiative in response to the murder of journalist Flor Alba Núñez, which took place in the Pitalito department of Huila in 2015. A number of domestic and regional media outlets published articles written by eight journalists from different media outlets who were in charge of looking into the journalism work Flor Alba was doing to determine who might be behind her murder. This was an extension of *Proyecto Manizales*, carried out by a number of print media outlets following the murder of journalist Orlando Sierra in 2002. That project was able to draw the authorities' attention to the case, and thanks to the research done by journalists, progress was made in the police investigation.<sup>406</sup>

326. One example of a media outlet that has taken important steps in this regard is Brazil's *TV Globo*. Following the murder of investigative reporter Tim Lopes in June, 2002, Lopes, an investigative reporter with *TV Globo* in Rio de Janeiro, was seized, tortured and killed when he was discovered using a hidden camera to document the sexual exploitation of minors by drug trafficking organizations who organized "funk" dance parties in the community of Vila Cruzeiro, in Rio's Complexo do Alemão. Over the following three years, a total of seven people were captured, convicted and sentenced for Lopes' murder, including all those

accused as the direct perpetrators and as the crime's mastermind. The success of the prosecution effort in this case can be attributed to various factors, among them, the role of the media itself. Though Lopes tended to operate behind the camera and was therefore little known by the public prior to his death, the *Globo* network used its television, radio and newspaper outlets throughout the country to launch an "Enemies of Rio" campaign drawing attention to the murder and calling for justice. The media publicized the government's anonymous tip hotline and the reward offered for information on the whereabouts of the presumed mastermind, drug lord Elias Pereira da Silva. The Journalists' Union of Rio de Janeiro and the *Associação Brasileira de Imprensa* organized public events to press the authorities to resolve the crime, while Lopes' colleagues at *TV Globo* closed an edition of the network's leading news program, 'Jornal Nacional', dressed in black and applauding in recognition of Lopes. These actions combined to assert strong and sustained pressure on the authorities to bring Lopes' killers to justice.<sup>407</sup>

327. Civil society organizations also play a valuable role in the prevention of attacks, the protection of journalists, and the struggle against impunity. The Office of the Special Rapporteur highlights the extraordinary role played by civil society organizations and media and journalist associations in preventing, providing protection from, and reporting on violence against journalists. Their activity is crucial for the continent and has often raised the alarm on these issues, which affect freedom of expression.

406 Knight Center for Journalism in the Americas. November 10, 2015. [Colombian journalists launch investigation to fight for justice for murdered colleague](#); *El Tiempo*. November 10, 2015. [Los medios se unen para la campaña 'Pitalito sin Censura'](#); *Semana*. November 9, 2015. [Pitalito sin censura](#); *El Pílon*. November 10, 2015. [Pitalito sin censura](#).

407 IACHR. [Annual Report 2013. Annual Report of the Office of the Special Rapporteur for Freedom of Expression](#). Chapter III (Violence Against Journalists and Media Workers: Inter-American Standards and National Practices on Prevention, Protection and Prosecution of Perpetrators). OEA/Ser.L/V/II.149. Doc. 50. December 31, 2013. Para. 172.

328. As concerns the so-called silenced zones, in the view of the Office of the Special Rapporteur, the visits that regional organizations make to these areas to raise awareness internationally on the issues facing journalists and media workers are important. Examples of this include the visits some made by IFEX-ALC to Paraguay to assist local organizations<sup>408</sup>; the visits to monitor cases, such as those regularly made by the Committee to Protect Journalists (CPJ); and the mission led by a number of regional organizations, one of them being the Inter-American Press Association (IAPA), and local organizations to follow up on the murder of journalist Gregorio Jiménez de la Cruz in Veracruz, Mexico. As a result of that mission, a report was published containing a series of recommendations for the Mexican State.<sup>409</sup> Meanwhile, the IAPA has also historically made country visits to evaluate the freedom of expression situation or specific cases of murdered journalists.

329. Generally speaking, local and international organizations play a fundamental role by monitoring the measures taken by States with regard to their duties to prevent crimes

against journalists, protect journalists, investigate crimes, and punish those responsible for them. Some of these organizations also dedicate themselves to monitoring attacks against women journalists, analyzing their situation from a gender perspective. In many countries, the monitoring work of these organizations constitutes the only source of statistics on violence against journalists. Likewise, civil society organizations can play an important role by counseling journalists and media outlets so that they are able to access their States' preventative and protective mechanisms and the precautionary measures handed down by international bodies. In that sense, it is crucial for expert organizations to play a role in government initiatives to establish protective mechanisms and in the operation of those mechanisms. Legal counsel provided by civil society organizations during the criminal prosecution of attacks against journalists is also crucial, especially in legal systems that allow the victim to act as a civil or auxiliary party in criminal proceedings.<sup>410</sup> A variety of organizations have also developed guides and security standards for communicators, both analog and digital.

408 Coalition IFEX- Sindicato de Periodistas de Paraguay (SPP) (CIFEXSPP). [Informe para el Examen Periódico Universal Paraguay 2016](#). No date.

409 Committee to Protect Journalists (CPJ), Reporters Without Borders (RSF), Periodistas de a Pie, Casa de los Derechos de Periodistas and Inter American Press Association (IAPA) took part in that observer mission. Committee to Protect Journalists (CPJ). April 2, 2014. [Unprecedented response to Mexican journalist's murder](#).

410 IACHR. [Annual Report 2013. Annual Report of the Office of the Special Rapporteur for Freedom of Expression](#). Chapter III (Violence Against Journalists and Media Workers: Inter-American Standards and National Practices on Prevention, Protection and Prosecution of Perpetrators). OEA/Ser.L/V/II.149. Doc. 50. December 31, 2013. Paras. 284 - 285.

# CHAPTER 6

## CONCLUSIONS AND RECOMMENDATIONS





## CONCLUSIONS

330. Violence against journalists in general and the murder of journalists over their work specifically is the most serious violation of freedom of expression, not only because it endangers the lives and safety of victims but because these crimes are multifaceted offenses. That is, they affect a series of legally protected rights, including: i) the right of victims to express themselves and express their ideas; ii) the chilling effect on journalists working in the same area, region, or country; and iii) effects on the right of freedom of expression in its collective dimension by depriving society as a whole of its right to be informed. Consequently, democratic debate is also affected, as the kind of free and open debate necessary for a healthy and robust democracy is restricted or suppressed.

331. On the American continent, the situation of violence against the media and media workers is part of a generalized situation of impunity for crimes affecting freedom of expression, leading to an environment that is hostile to the media and facilitates repetition of these acts. Although the Office of the Special Rapporteur has recognized the efforts made by States in the region on the administration of justice to solve these crimes, it should be noted that the vast majority of criminal convictions and punishments are for the material perpetrators, not, generally speaking, the masterminds or all those suspected in carrying out the attacks.

332. With regard to the phenomenon of silenced zones, the Office of the Special Rapporteur is particularly concerned that in recent years, violence against media workers and journalists and the majority of murders of them over the last five years have taken place in particular areas and regions of different countries, even while

declining in the capitals or urban centers throughout the region. In many of these places, organized crime has a strong presence, while in others, organized crime goes hand-in-hand with high rates of corruption, which has enabled these organizations to co-opt government authority. The situation has left journalists in an even greater situation of risk and vulnerability. Because of this, journalists covering local news on government corruption, drug trafficking, organized crime, public safety, and other issues are frequently targets of attacks and greatest risk of being victims of violence.

333. As a result of the violence, impunity, and lack of effective response from State authorities, many journalists have opted for self-censorship in order to protect themselves. The Office of the Special Rapporteur notes with concern that an increasing number of journalists are forced to stop investigating and disseminating information significantly in the public interest to their local communities in order to avoid retaliation against their lives or physical safety or that of their relatives. Over the last decade, a number of areas and communities throughout the Americas have been silenced completely due to the chilling effects of this climate of violence and impunity. In these places, journalists and many media outlets have decided to stop covering a variety of topics and adjust their coverage to cover issues that do not cross the de facto local powers, forming zones of silence. This creates a situation in which information is restricted, meaning that society in these locations is not sufficiently informed. Consequently, and as the IACHR and the Inter-American Court have indicated repeatedly, it can be said that a society that is not well informed is not a society that is truly free.

334. It is precisely the role that journalists play in these zones, as the ones who keep it informed on matters of public interest and their closeness to the communities they cover that places them at greater risk. The objective of violence against journalists is to silence the media. However, it also inhibits democratic debate on matters of public interest.

335. These regions have their own characteristics, although there are some similarities such as: the presence of organized crime; high rates of government corruption that makes it easier to co-opt state institutions; the absence of an effective response by the authorities in charge of prevention, protection, and administration of justice; and a lack of support or assistance for journalists that exposes them to greater risk. All these factors inhibit journalists in the affected areas from doing their work, limits freedom of expression, and has a chilling effect on the free flow of information, leading to self-censorship and strengthening the trend toward journalism that avoids reporting on issues of security, corruption, or influence trafficking, opting instead for journalism that is aligned with power.

336. The situation of violence against the media of that many countries on our continent are facing requires a decisive response from States. They must have policies tailored to the factors leading to this violence according to each individual social context and its consequences for the lives of those affected. These policies must address the obligations to prevent violence against journalists, protect at-risk journalists, and administer justice when journalists' rights have been violated. Without a comprehensive public policy guaranteeing the right to seek, receive, and disseminate information through any means, societies will never be able to make the free and informed

decisions necessary to combat criminality and corruption, and citizens will never be able to exercise active and informed oversight of State actions to address organized crime and corruption and protect the community.

337. In consequence, it is crucial for States to take concrete measures to comply with their obligation to protect the lives, physical integrity and freedom of expression of journalists. This means at least three kinds of obligations as explained in this report. In effect, States have the duty to prevent violence, protect at-risk journalists, and seriously investigate the crimes committed. These obligations must be met not only with regard to those who exercise journalism but for anyone who shares information that is in the public interest, either online or off-line.

338. States must recognize the differentiated effect that violence has on women journalists and, as a result, use this perspective in adopting measures to protect women journalists and investigate attacks on them. States must provide incentives for these types of crimes to be reported.

339. Given the growing number of journalists working online, public policies are needed for preventing violence and protecting journalists that take into account the specific characteristics of the digital environment and provide the necessary guarantees for journalists to do their work safely and without fear of becoming victims of cyber attacks or surveillance of their communications. Protection of sources in the digital realm is essential for the exercise of journalism. Any restriction on source confidentiality must be exceptional and authorized by a judge who weighs the measure's legality, suitability, and proportionality.

340. Likewise, other actors can play a crucial role in the protection of journalists who have received threats. These actors include the media companies and civil society organizations. Positive experiences such as the ones described in this report are fundamental for fighting impunity for crimes against freedom of expression. These include journalistic investigations that show the trauma underlying the violence against journalists in particular areas and picking up the lines of investigation that were being followed by threatened or murdered journalists. Also, organizations that conduct visits to these silenced zones or issue regular reports on these situations and made a permanent monitoring of the situation of violence in the referred zones play an extraordinary role.

341. Some States in the region have taken important steps toward meeting their obligations. As shown by the experiences detailed in this report, some States have created specialized protection programs for journalists, and established dedicated prosecutorial units and tribunals to investigate and try the perpetrators of violence against journalists. These initiatives represent important expressions of political will and in some cases have achieved significant results. The region's accumulated experience for us states interested in taking decisive steps toward meeting their international obligations in this area. Nonetheless, it is much more that can and must be done to ensure that journalists in the region can freely and securely carry out their work, and to guarantee the free flow of information so essential for healthy democratic societies.

## RECOMMENDATIONS

1. States must adopt a comprehensive public policy of prevention, protection, and administration of justice for cases of violence against journalists. These policies must take into account the specific needs of each country and the needs of each region, especially for zones where journalists are faced with greater risk and where self-censorship is high.

2. Attacks against journalists must be rejected and condemned at the highest levels of State power while at the same time recognizing the importance of the role the journalists play in democratic societies. In this regard, States must adopt a legal framework that guarantees the free and full exercise of the right to freedom of expression.

3. It is vitally important for States to assume the commitment of maintaining updated and disaggregated statistics on violence against journalists. There can be no effective public policy without clearly identifying the characteristics of the phenomenon, the most vulnerable journalists, the sources of risk, the assailants, and the zones in which this violence is prevalent, among other indicators. This information will be a substantive element in the comprehensive policy for addressing this phenomenon. Keeping detailed, up-to-date statistics may make it possible to take early action to prevent risks from materializing.

4. From the statistics, protection mechanisms that States can rely on tools like geo-referencing of the threats and violence against journalists to warn the media and prevent the risks they face in a particular region, as well as take coordinated actions with the various governments involved to prevent harm to the rights of communicators and ensure that local communities receive relevant information.

5. The members of the armed forces and the military must receive training on freedom of expression, the importance of journalists in democratic societies, and the need to protect them. This is particularly relevant in contexts in which there is a significant military presence, such as the fight against drug trafficking, armed conflict, during protests, etc. This training should be provided at all levels of the military hierarchy and in administrative headquarters as well as in States' remote and border regions.

6. In countries in which a specialized protection program has been established for protecting journalists, it is crucial that it work to win the trust of current and future beneficiaries. Trust is created insofar as the program produces concrete results, by preventing beneficiaries from becoming the victims of attacks. However, protection programs must also act with transparency and allow both the beneficiaries and other journalists and civil society to monitor what happens inside that program.

7. The measures adopted under the protection program must also be the result of a process to come to an agreement with the beneficiary so that the protection measures adopted are effective for the context in which the beneficiary works and do not inhibit the beneficiary from doing journalism. These measures must take a gender perspective and a differentiated focus into account for women journalists.

8. The authorities responsible for providing protection must coordinate with the authorities in charge of investigating acts of violence against journalists and media workers. The most effective way to provide protection is by ending impunity in crimes committed against journalists.

9. States must make a clear commitment to the struggle against impunity and crimes against journalists and understand the chilling and silencing effect that the violence and impunity have on the existence of a free media and a democratic society.

10. Investigations into crimes committed against journalists must take into account the possibility of a connection to their work, and should the investigation conclude that the crime was not related to journalism activity, the authorities have a duty to demonstrate why that is. In this regard, it is important for States to adopt protocols to facilitate and support the investigation by making it a requirement to exhaust the possibility that the journalist's work was the motive. This measure would make it possible to find both the perpetrators and the masterminds who commit violence against the media in a particular area. The protocols must also take into account the particular characteristics and complexities of each type of violence, for example in the case of threats.

11. States must also investigate the structures through which the crimes are committed and the criminal organizations to which the perpetrators belong. The investigations conducted by the State must take account of the complexity of the facts, the context in which they occurred, and the systematic patterns that explain why the events occurred.

12. The investigations must be carried out by specialized prosecutor units. Not only must these units exist structurally but they also must have sufficient political support to do their work without obstacles such as lack of budget or staff, or a legal framework that in practice limits the unit from acting effectively.

13. Prosecutors should receive frequent training on freedom of expression. For this, the Office of the Special Rapporteur sees it as important to create academic spaces that include the participation of both prosecutors and journalists to foster dialogue and exchange to encourage mutual understanding.

14. The authorities must ensure the protection of everyone who takes part in criminal proceedings to solve crimes against journalists. This means that they must provide any guarantees that may be necessary for witnesses and relatives as well as the victims themselves to participate and move the process forward without fear of retaliation against their lives or integrity.

15. States must adopt adequate, specific, and effective measures for preventing all forms of violence against women journalists and must try those responsible for such attacks. It also must encourage reporting of such attacks by victims. Is important for the State to train its agents on the risks to which women journalists are exposed.

16. Investigations into acts of violence committed against citizen journalists or journalists who use social networks as a way to mass communicate their ideas, opinions, and information, especially on matters of public interest, must be conducted with the same diligence and focus as investigations into crimes committed against professional journalists.

17. States should guarantee the safety of the digital environment, as well as network privacy and anonymity. States must also protect the confidentiality of the sources of journalists or people disseminating information in the public interest over the Internet.

18. Media outlets must commit to adopting protection protocols for journalists who freelance for them. Along the same lines, they must help train their staff on both physical and digital security and provide them with the necessary tools.

