



**International Secretariat**  
*Americas desk*  
5, rue Geoffroy Marie  
75009 Paris-France  
Tél: (33) 1 44 83 84 64  
Fax: (33) 1 45 23 11 51  
E-mail: [americas@rsf.org](mailto:americas@rsf.org)  
Web: [www.rsf.org](http://www.rsf.org)

# **VENEZUELA**

## **Caught between an authoritarian president and intolerant media**

Enquiry : Régis Bourgeat

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### ***Press freedom threatened by a “dictator” and “coup-supporters”***

The press freedom situation was extremely confused in January 2003. For the past month, much of the privately-owned press had been backing a strike called by the opposition with the aim of forcing President Hugo Chávez to resign. By carrying spots inciting civil disobedience, appeals for an army uprising and misinformation, this press was not just supporting the strike, it was taking part in it and was thereby sacrificing adherence to the most fundamental professional principles. Eight months earlier, the privately-owned news media had backed a coup d'état that had succeeded in ousting President Chávez for 48 hours.

Press freedom was often violated during the general strike of December 2002 and January 2003. There was a surge in the already significant number of physical attacks on journalists by presumed Chávez supporters. The headquarters of several privately-owned news media were besieged and TV station vehicles were set on fire. Attacks were also targeted against state-owned media, which had become the president's propaganda tools, and community news media, deemed by the opposition to be too supportive of the government.

The threats to press freedom increased at the end of January. Sensing that the strike was beginning to flag, Chávez used the media's excesses as grounds for reprisals. A draft law on the “social responsibility” of the news media received the national assembly's initial approval, administrative proceedings were started against TV stations, pressure was put on several opposition media in the form of tax measures, and the reintroduction of exchange controls threatened access to newsprint.

Polarisation reached an unprecedented level. The opposition and most of the privately-owned news media accused Chávez of being a “dictator” and of trying to censor the press, while Chávez accused them of being “coup-supporters” and “traitors.”

It was at this point that two Reporters Without Borders representatives made a fact-finding visit to Caracas from 11 to 18 February. They met with journalists, editors and lawyers of the privately-owned press, journalists with the state-owned media, journalists with community media, foreign correspondents, the head of CONATEL (the government agency that regulates broadcast licences) and opposition members.

Reporters Without Borders regrets that neither President Chávez nor any member of his government responded to its requests for an interview.

The purpose of the visit, conducted in this situation of acute polarisation, was to investigate the violations of press freedom being reported by the privately-owned press while also looking at the accusations of misconduct being levelled against the press by President Chávez's supporters.

## **Press freedom eroded by polarisation**

Venezuela has undergone two major crises in the past 12 months: the attempted coup of 11 April 2002 and the opposition general strike in December 2002 and January 2003. The two crises have shown how polarised Venezuelan society has become and the serious repercussions this has had on press freedom: increase in physical attacks on journalists, shutting down of news media and restrictions on access to public information. At the same time, the views being voiced by both government and opposition (which is backed by most news media) have never been so intolerant, to the point of using or endorsing censorship.

### ***The April 2002 coup attempt***

An opposition general strike was in its third day on 11 April 2002. Hundreds of thousands of people were marching in the streets. When the protesters decided to head toward the presidential palace, shooting broke out and in the ensuing confusion 20 persons were killed and more than 80 were wounded. Part of the army announced that it was joining the opposition and the president was overthrown that evening. Pedro Carmona, the president of the private sector grouping Fedecámaras, was appointed to head the de facto government and promptly announced that he was dissolving parliament and the supreme court. However, amid demonstrations calling for the ousted president's reinstatement and with the support of loyalists within the army, Chávez returned to the presidential palace on the night of 13 April.

The three days that the coup attempt lasted were among the worst for press freedom in the past year. Control of the news had become a major factor in the battle since 8 and 9 April. On more than 30 occasions, the government used article 192 of the telecommunications act allowing it to commandeer the TV and radio airwaves. A report

by Andrés Bello Catholic University (UCAB) in Caracas entitled “The April crisis and the right to freedom of expression and information” said the government was probably trying to combat the news broadcasts of the privately-owned TV stations which were giving the opposition protests extensive coverage.

The TV stations were forced to broadcast another Chávez speech on 11 April, at the very moment that the trouble was starting in the street. They tried to broadcast the opposition protest at the same time as the president’s address by splitting their screens. Chávez immediately announced that he was suspending all terrestrial broadcasting by the main TV stations, which were accused of “inciting violence.” But they were able to continue broadcasting by satellite. Meanwhile, photographer Jorge Tortoza of the daily *Diario 2001* was fatally injured by gunfire and around ten other news photographers and cameramen were wounded in very confused circumstances.

The terrestrial broadcasting of the privately-owned stations was restored in the evening, after part of the army went over to the opposition. But it was now the turn of the state TV broadcaster *Venezolana de Televisión (VTV)*, also known as *Canal 8*, to be banned. Officials sent by the pro-opposition governor of the state of Miranda put its transmitters out of commission and then barred employees from entering the building for the next two days. Shortly before this was done, Mendoza had said: “This Canal 8 trash must be stopped.”

Although short-lived, the de facto government that was installed during the night of 11 April immediately cracked down on news media considered to be pro-Chávez. An attempt was made to search the state news agency *Venpress* on 12 April. Three community broadcasters (*Radio Perola*, *TV Caricuao* and *Radio Catia Libre*) were raided and a fourth (*Catia TV*) was surrounded and access was blocked. Accused of firing on opposition protesters the previous day, Nicolas Rivera of *Radio Perola* was arrested on 12 April and his home was searched. He was freed two days later after being tortured.

On 13 April, while Chávez supporters took to the streets of Caracas and the city was abuzz with rumours of the president’s return, the privately-owned TV stations ran cartoons and soap operas. They later claimed that they did not have any footage of the demonstrations and their crews could not go out for security reasons. Their failure to report on the protests and moves to restore Chávez angered his supporters. Dozens of

them demonstrated outside the headquarters of *RCTV*, *Globovisión* and *Venevisión* at the end of the afternoon, going so far as to throw stones at the facade of the *RCTV* building.

This lack of reporting was a deliberate policy, according to Andrés Izarra, an *RCTV* producer. He said he was instructed to ignore demonstrations by Chávez supporters. “We were told no pro-Chávez material was to be screened,” Izarra said. If they had wanted to, the TV stations could have used the footage being run by the international networks such as *CNN* or the reports provided by the international news agencies and foreign correspondents, who never stopped covering developments. Even more seriously, the retransmission in Venezuela of the Colombian station *Radio Caracol* was suspended by its Venezuelan partner, a subscriber service, while *Caracol* was covering the departure of Carmona, the de facto president.

José Gregorio Vásquez, deputy minister of the presidential secretariat in the short-lived de facto government, said in an open letter on 23 May 2002 that he organised a meeting between Carmona and several news media barons on the morning of 13 April at which the new government’s mistakes were raised. He said: “Gustavo Cisneros [chairman of the Cisneros group, the second largest communications conglomerate in Latin America which controls the Venezuela’s TV network *Venevisión*] intervened and asked the president to leave the government’s communications policy to them.”

The account of this meeting has never been disputed by the alleged participants. But despite Chávez’s claims to the contrary, the letter did not suggest that the press barons took part in preparing the coup d’état. Nonetheless, it is clear that they did paradoxically endorse a government which in just 48 hours carried out a more draconian crackdown on the pro-Chávez press than anything Chávez had ever done to the privately-owned press.

### ***The general strike of December 2002-January 2003***

The opposition launched a new general strike on 2 December 2002, calculating that the paralysis of *Petróleos de Venezuela (PDVSA)*, the state-owned oil producer that provides the government with 80 per cent of its foreign currency, would force Chávez to stand down. Learning the lessons of the coup attempt, neither the government nor the opposition again went to the same extremes, but the media were again dominated by the

same confrontational language and there was another resurgence in press freedom violations.

Like the preceding ones, this strike was given combined coverage by the privately-owned TV stations, which operated as a cartel and exchanged footage. Many viewed the coverage as a two-month-long promotional hype. Every afternoon, the stations ran non-stop reports on the protests and turned over their microphones to the opposition. And at the end of every afternoon, they would simultaneously broadcast a press conference by the opposition leaders: Carlos Ortega, president of the General Confederation of Venezuelan Workers (CTV), the biggest union grouping; Carlos Fernández, the new head of Fedecámaras (Pedro Carmona having left the country after the coup attempt); and the leaders of the Democratic Coordinating Committee, the coalition of opposition political parties and civil society organisations. Some of the opposition called openly for a military uprising.

Commercial advertising disappeared from the TV screens. According to *Televén*, it was the advertisers themselves who took this decision. They reportedly saw this as a way to support the strike, which had anyway led to the closure of the retail outlets selling their products. Their ads were replaced by the spots of the Democratic Coordinating Committee (CD) urging the population to take part in demonstrations, called the “March for democracy” or “The great battle,” to oust the president. A spot entitled “Not one bolívar more” urged the population not to pay taxes. A CD member who asked not to be identified told Reporters Without Borders that the TV stations happened to make a selection from among the spots proposed by the opposition, eliminating the less aggressive ones.

The state-owned TV broadcaster *VTV* also lacked restraint in its counter-propaganda. According to the *Associated Press*, *VTV* at first tried to ignore the strike. Then it ran spots portraying the opposition as chaotic and hysterical and describing the strike leaders as “idiots” and “kids.” One *VTV* spot showed armed individuals, understood to be opposition members, with the comments: “What the conspiratorial TV stations hide... This is the peace the coup-supporters want... Fascists in action.”

The two months of the general strike saw a resurgence in acts of violence against both the privately-owned and state-owned news media. A report presented to the Inter-American Commission on Human Rights (IACHR) by a delegation of privately-owned

media at the end of February said some 50 journalists had been physically attacked or threatened during this period and six press vehicles had been damaged. In all, some 20 news organisations were targeted by protests.

The protests were well organised and often enjoyed the government's overt approval. A total of 19 opposition news media were the target of simultaneous and sometimes violent protests on 9 and 10 December. Accusing the opposition of subversive intentions, then justice and interior minister Diosdado Cabello said: "Tonight, the people took to the streets to defend their values and their constitution."

The privately-owned news media were not the only targets. A similar demonstration took place on 9 December outside the state-owned VTV during which shots were fired at the front of the building. On 4 January, an unidentified gunman in a car fired on a group of people who had gathered outside *Radio Nacional de Venezuela (RNV)* in a show of support for the state-owned radio broadcaster. One of them was seriously injured. At least seven journalists with state-owned or community news media were physically attacked or threatened between 2 December and 2 February.

Another direct consequence of the strike for press freedom was the adoption of measures restricting press access to public information. The press room at the headquarters of the investigative police was closed after journalists covered a press conference by one of the military officers who had declared that they were "legitimately refusing to obey orders." Journalists from the privately-owned media were barred from the presidential palace for several days. Several photographers and TV reporters were also detained near the presidential palace and forced to destroy taped footage on security grounds.

## **Governmental responsibility**

The use of violence against the press increased dramatically in 2002 and took new forms. The violence was encouraged by President Chávez's blistering criticism of the news media and the impunity enjoyed by its perpetrators. The systematic and in some cases clearly premeditated nature of these attacks raises questions about the role of the authorities in their execution.

### ***An increase in attacks by Chávez supporters***

Journalists with the privately-owned news media were the primary target of the violence against the press. Acts of violence against the news media by Chávez supporters began long before the coup attempt of April 2002. The earliest attack registered by Reporters Without Borders was on 1 May 2000, when four journalists with three privately-owned news organisations were set upon by Chávez supporters during a pro-Chávez demonstration.

Thereafter, the physical attacks on the press by government supporters have increased steadily in frequency and reached alarming levels. Reporters Without Borders registered more than 100 acts of violence or intimidation or threats in 2002, an unprecedented total. The report presented by the privately-owned media to the IACHR at the end of February 2003 spoke of 215 attacks since 1999, almost all of them in 2002 and early 2003.

The victims were usually booed, threatened, physically attacked or robbed of their equipment by government supporters while covering demonstrations involving clashes between Chávez supporters and opponents. In 2002, news media offices also became targets. There were a total of seven attacks with small explosive or incendiary devices against opposition news media in 2002, three of them against the TV station *Globovisión*.

2002 also saw many demonstrations outside news organisations by protesters chanting, "Tell the truth." The first was on 7 January 2002 outside the daily *El Nacional*. Several of these protests turned into outright acts of intimidation when demonstrators deliberately blocked access to the buildings or used violence.



The Caracas news media were not the only ones targeted. In the provinces, the daily *El Siglo* in Aragua state claimed to have been besieged four times by Chávez supporters between April and December 2002. The newspaper said that on 5 December, the protesters threw stones at the building's windows, burned tyres in the street and fired shots, injuring two members of the staff. Members of the DISIP (the political police) with no warrant then searched the offices, confiscating equipment and disarming the newspaper's security guards, although they had permits for their firearms. In recent months, 12 of the newspaper's vehicles have been hit by thrown stones and some have been put out of commission. Attacks on news media vehicles have in fact become common practice.

### ***President Chávez's verbal attacks on the press***

Many analysts blamed these physical attacks above all on President Chávez's blistering verbal attacks on the press. "Traitors", "coup-supporters", "saboteurs", "fascists" and "terrorists" are just some of the terms he has used to stigmatise the press and opposition. His hostility to the press is not new. Already in 1999, Chávez was taking issue with newspaper headlines deemed inaccurate or unfair toward his government. His preferred target was always the editors, who were accused of being "enemies of the people" and of orchestrating a "media conspiracy" against his government. The attacks sometimes became personal. On 23 October 2001, Chávez said *El Nacional* editor Miguel Enrique Otero was "unworthy" of his father Miguel Otero Silva, who had turned the daily into an authoritative left-wing newspaper.

The platform preferred by Chávez for his diatribes against the press was his weekly broadcast called "Hello President," carried every Sunday by the state-owned broadcasters VTV and RNV. According to a report by the communications consultants Nelson Rivera & Asociados at the end of January 2003, the president criticised the press in 133 of 136 of these weekly broadcasts. He also made frequent use of his power under article 192 of the telecommunications act to commandeer all the broadcast media at the same time. As a result, he was able to appear whenever he liked on the privately-owned TV stations hostile to him. According to a study by the firm AGB Panamericana which assesses viewer ratings, Chávez used this power 357 times between 2 February 1999 and 12 February 2002.

The president's diatribes against the press received extensive coverage and repetition by the state-owned media. In early February 2003, a few days after the end of the general strike, the state-owned VTV ran a spot asking: "Do you think the saboteurs deserve to be punished?" Another spot condemned "the irresponsibility of the Democratic Coordinating Committee and its news media." VTV was accused of being even more one-sided than the privately-owned press and of airing the views of just one sector, the government. Many say that no previous government ever used VTV as such a propaganda tool.

The state-owned news agency *Venpres* distinguished itself by running a story on 13 March 2002 accusing Ibéyise Pacheco, the editor of the daily *Así es la Noticia*, Patricia Poleo, the editor of the newspaper *El Nuevo País*, and José Domingo Blanco of *Globovisión* – all government critics – of being "narco-journalists" and suggesting they were paid by the drug cartels to discredit the government.

As well as in the state-owned news media, campaigns to smear or disparage journalists were also waged in news media that support the Fifth Republic Movement (MVR), the president's party, on the Internet and on the streets. Sold at an MVR news stand outside the national assembly, the newspaper *Fuerza-Punto 4* carried a statement by MVR parliamentarian Iris Varela accusing Gustavo Cisneros, the head of the group that controls *Venevisión*, of being linked to drug traffickers. Another headline claimed that the privately-owned news media were "infiltrated by the CIA."

A hoarding on the Plaza Bolívar, the Caracas square preferred by Chávez's supporters for their demonstrations, showed five news media executives and invited "the people" to memorize the faces of "the enemies of the homeland." An Internet site<sup>1</sup> urged the government's "public enemies" to leave the country since they were the target of "popular resentment that is out of the government's control." A long list followed that included the names of dozens of journalists and news media. This type of message also circulated by e-mail.

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<sup>1</sup><http://geocities.com/contragobernanza/individualidades2.htm>

### ***Physical attacks encouraged by impunity***

“The physical attacks against journalists are encouraged by the total impunity which their perpetrators enjoy,” according to Andrés Cañizales, Caracas representative of the Press and Society Institute (IPYS), a Latin American press freedom organisation that has its headquarters in Lima (Peru). He believes that primary responsibility lies with President Chávez because he allows attacks to take place.

On the ground, the perpetrators know they can count on the security forces’ looking the other way. The complicity has sometimes proved to be more than passive. Angel Véliz, a photographer with the daily *Impacto* in Anaco (Anzoátegui state), said he was held by a member of the National Guard while presumed Chávez supporters beat him. According to the Venezuelan human rights organisation PROVEA, 20 of the 62 physical attacks against the press it registered between October 2001 and September 2002 were carried out by state agents. In several cases, journalists were hit by gunfire when demonstrations were being dispersed.

As of 7 April 2003, no one had ever been convicted of a physical attack against a journalist. The investigation into the shooting death of press photographer Jorge Tortoza on 11 April 2002 was still in its initial stage. Although there is footage of the presumed government supporters who allegedly fired the shots that killed him, no arrests have been made.

Government apologists said the lack of investigations was not Chávez’s fault because the police and judicial authorities were, they claimed, under opposition control. This was disputed by Carlos Correa of PROVEA and Liliana Ortega, the head of COFAVIC, another human rights organisation. Ortega said the authorities had shown no interest in investigating attacks, not even into the 30 or so cases of journalists and newspaper editors in which the IACHR had asked the government to adopt protective measures. This failure was criticised on 10 March 2003 by the IACHR, which deplored the “climate of fear” created by impunity.

The news media have been forced to take responsibility for their own protection and that of their reporters, who are issued with bullet-proof vests and oxygen masks when they cover demonstrations. *Televén* pays for a bodyguard for its controversial presenter Marta Colomina, who said she was sometimes followed by suspicious-looking vehicles

with no licence plates. *Globovisión* took major security measures to prevent any repetition of the damage done by demonstrators during protests outside the station or by the attacks with small explosive devices. *Promar TV*, a station in Barquisimeto (Lara state) affiliated to *Globovisión*, decided to remove its logos from its vehicles.

Some journalists resort to cunning to protect themselves. In order to be able to cover pro-Chávez demonstrations or infiltrate violent groups, some wear the red paratrooper beret that is the uniform of many supporters of the president, himself a former paratrooper. One photographer told Reporters Without Borders he had a press card with false ID so people would not know he works for a pro-opposition newspaper.

### ***Premeditation***

The clearly organised and premeditated nature of the attacks and protests against the privately-owned press raised questions about the government's role in their execution. According to Teodoro Petkoff, the editor of the daily *Tal Cual*, one thing was clear: it was no longer possible to dismiss them as just the excesses of over-zealous individuals.

The demonstrations outside the headquarters of various news media have been prepared. According to a senior staff member at *El Nacional*, the people who came to demonstrate outside the newspaper on 7 January 2002 arrived in buses from Libertador, a Caracas municipality, and were led by Freddy Bernal of the ruling MVR. Editors of the daily *El Siglo* in Maracay said demonstrators came in buses on three occasions to protest outside the newspaper.

Some neighbourhoods can no longer be entered by members of the opposition and privately-owned press. Lina Ron, a leading Chávez supporter from a poor background, was quoted by the Colombian magazine *Gatopardo* as saying: "I cannot let anyone come into the centre. The counter-revolutionaries are only allowed to march in the east of the city and nowhere else. This place is our territory."

A news photographer who requested anonymity said: "I am systematically followed and watched as soon as I approach a group of Chávez supporters." He and a colleague said those who attack journalists have a file on them and know exactly who their victims are. An agent with the military intelligence directorate (DIM), Marcos Rosales, was

recognized by a journalist during an opposition demonstration on 20 June 2002 when he infiltrated the ranks of the press corps to take pictures of journalists and protesters.

### **The privately-owned news media's share of responsibility**

The dramatic increase in physical attacks against journalists in 2002 coincided with the adoption of a much tougher anti-Chávez line by most of the privately-owned news media. This raises questions about the media's responsibility for the current, alarming situation of press freedom in Venezuela even if it goes without saying that nothing justifies the use of violence against the media.

#### ***The press takes the opposition's side***

The Bloque de Prensa Venezolano (BPV), an alliance of the editors of 38 newspapers, announced on 4 December 2001 that it would take part in the first general strike by suspending publication of all of its newspapers. This strike was called for 10 December 2001 by the opposition, then led by the private sector group Fedecámaras and the General Confederation of Venezuelan Workers (CTV).

Thereafter, most of the BPV newspapers again suspended publication for the strikes held on 9 April, 21 October and 1-2 December 2002. In a statement issued in February 2003, the BPV showed it had no qualms about its role as opposition member by openly calling on citizens to join its "crusade" in defence of freedom. Two significant exceptions to this print media enrollment in the anti-Chávez cause were the big-circulation dailies *Ultimas Noticias* and *Panorama*.

The main privately-owned TV channels also adopted the opposition cause. María Inés Loscher of *Venevisión*'s legal office said the station was legally barred from suspending broadcasts so it chose to back the strike in December 2002 and January 2003 by giving it extensive coverage.

Nonetheless, relations between Chávez and the press were not always bad. Chávez was initially an attractive figure for the media after his coup attempt in February 1992 and the government of the day tried to censor reporting about him. His rise to power was backed by the daily *El Nacional* and, to a lesser extent, by *Venevisión*, the leading privately-owned TV station. Furthermore, the presence of several journalists in his

government in 1999 and in the group supporting him in the constituent assembly seemed to put the seal on an alliance with several media.

These journalists included former *El Nacional* editor Alfredo Peña, who was appointed presidential secretary with ministerial rank, and the wife of the same newspaper's current editor, Carmen Ramia Otero, who was appointed director of the central bureau of information, in charge of the president's press relations. After becoming the first mayor of "metropolitan" Caracas – a post created by Chávez – in July 2000, Peña subsequently turned into one of the president's fiercest opponents. Ramia Otero, for her part, only stayed in her post for a few weeks.

The break between Chávez and the press was consummated after the adoption of the so-called "49 decrees" in November 2001. These decrees strengthened the state's role in the economy, undermining the principle of private land ownership and backing away from previously announced plans to privatise the state oil company Petróleos de Venezuela (PDVSA). The BPV branded the decrees as "totalitarian" while the government's supporters accused the media barons of reacting like an "oligarchy" that saw a threat to its privileges.

The media barons were also exasperated by the repeated attacks against reporters and the president's frequent use of his power to commandeer all the broadcast media at the same time. The president's repeated commandeering of the airwaves was estimated to have cost the broadcast media a total of 450 million dollars by mid-2002.

The media mistrusted an army officer who, after staging an abortive coup attempt in 1992, had no qualms about suggesting that he might remain in power until 2021. The media were also alarmed by such decisions as the appointment of Vice-President Isaías Rodríguez as public prosecutor in questionable circumstances in December 2002 – a decision liable to cast doubt on the independence of the judiciary.

Another reason why the press was drawn into an opposition role was the virtual disappearance of the traditional political parties, discredited by 40 years of alternating in power and swept aside by Chávez's victory in the presidential elections at the end of 1998. The Democratic Coordinating Committee, the coalition of opposition parties and civil society organisations, did not emerge until July 2002. Until then Fedecámaras, CTV and the press were the opposition. The press was therefore drawn into a position

that would inevitably lead it to clash with Chávez, who had begun treating it as an adversary after taking office and eventually had good reason to do so. All the more so when the media became guilty of the same kind of verbal excesses and intolerance as the government.

### ***Anti-Chávez excesses***

The most important privately-owned news media have carried false reports because of their failure to check the facts in their haste to discredit the government. Juan Fernández of Gente del Petróleo, an organisation taking part in the general strike, announced on 9 January 2003 that a PDVSA employee had died in a fire two days earlier in a refinery which the government had tried to keep going despite the strike. Many news media reported the death. But three days later, the employee in question, Alirio Carresquero, appeared alongside Chávez in his weekly broadcast “Hello President.”

Previously, in March 2002, the daily *El Nacional* published an interview taken from the website *analitica.com* in which French journalist Ignacio Ramonet – viewed as a Chávez supporter – purportedly revealed that he had broken with Chávez. The author of the supposed interview, “Mexican student” Emiliano Payares Guzman, sent a message to the editor of *analitica.com* the next day revealing that he had fabricated the entire interview as part of a “survey of the lack of rigour in the Caribbean press.” *El Nacional* ran a correction.

The most important privately-owned news media are accused of just reporting opposition views. “There has no longer been any discussion about who to interview for some time now, I’m just given a list by my editors,” complained one reporter with a privately-owned radio station, who added that he nonetheless still sometimes managed to interview someone of his own choice. Phil Gunson, the correspondent of *The Economist* and *Newsweek* and the *Miami Herald* described interviews with opposition leaders as “mutual massage sessions in which interviewer and interviewee always agree.”

“The public debate has fallen to the lowest level, that of the insult,” said Emilio Arrojo of the Spanish news agency *EFE*. Information and communication minister Nora Uribe said the terms most often used to refer to the president were “mad”, “incompetent”, “murderer”, “criminal”, and “thief.” The president’s supporters were called the “pro-

Chávez hordes” and the Bolivarian Circles (the pro-Chávez grassroots organisations) were dubbed the “terror circles” because of the acts of violence committed by some of their most radical members. In her regular programme “La Noticia” in which she comments on the news, *Televen* presenter Marta Colomina on 12 February 2003 described the ruling party parliamentarians as “ridiculous,” the government as “farcical” and its political programme as a “third-rate revolution.”

But Pablo Antillano, an academic who studies the news media, argued that the privately-owned media’s custom of operating as a cartel and covering events jointly was even more disturbing. “This is a serious threat to news diversity,” he said. The TV stations agree on a distribution of events and locations in order to be everywhere, and then pool footage. They even share plans and programming and broadcast the same pictures at the same time.

As with the government and its supporters, the most radical opposition views are to be found on the Internet. And as on pro-government sites, the enemy is demonized and portrayed as criminal. One site<sup>2</sup> carried a photomontage of Chávez as a devil. Another, *reconocelos.com* (“recognize-them.com”), urged the population to boycott public figures who support the government, including 11 journalists “who are a disgrace to the profession for acting as the dictator’s mouthpieces.” Visitors to the site were invited to leave comments. One visitor urged others to stage a “cacerolazo” (pot-banging protest) under the windows of *Ultimas Noticias* editor Eleazar Díaz Rangel and gave his address.

### ***Selective respect for press freedom***

The intolerant views being voiced by the privately-owned media have fuelled violence and harassment against journalists with pro-government news media or media viewed as pro-government. Such violence has usually occurred in the heat of the moment, and there have been no systematic or organised attacks like those against the privately-owned news media.

For example, the home of *VTV* director-general Jesús Romero Anselmi, one of those singled out on *reconocelos.com*, was the target of a pot-banging protest by opposition

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<sup>2</sup><http://mx.msnusers.com/ESCUALIDOSNIUNPASOATRAS>



activists at the end of January 2003. Several *VTV* and *RNV* journalists have been set upon during demonstrations. *VTV* journalists Zaida Pereira and Eduardo Escalona were physically attacked on 19 November 2002 on Francia de Altamira square during a protest by military officers who had declared that they were “legitimately refusing to obey orders.” Opposition supporters protested outside *VTV* headquarters three times in 2002 accusing the state-owned TV station of being the president’s accomplice.

There has also been violence against journalists working with community news media operated by citizen representatives, usually at the neighbourhood level. Maite Moreno and Narka Moreno, two reporters with the community-run *Catia TV*, were the target of one such attack on 2 February 2003 while opposition activists were collecting signatures for a petition. Community media have mushroomed since Chávez became president and the telecommunications act adopted in August 2000 opened the way for their legalisation. *Catia TV* also received a start-up subsidy from the government, according to the person who heads it, Ricardo Márquez.

At a meeting with Reporters Without Borders, several editors from the privately-owned news media did not hide their hostility toward the community press, which they viewed as beholden to President Chávez. The feeling is mutual. Thierry Deronne of the community TV station *Teletambores* called the privately-owned media “criminal media mired in political propaganda and social and racial hate campaigns.” While taking a stand as press freedom defenders as regards the president, the privately-owned media would paradoxically be happy to see the community media shut down. A report in the daily *El Nacional* in September 2002 stressed that most of the community radio stations were illegal and pointed out that in such cases, the law envisaged “closure of the radio station, confiscation of its equipment and imprisonment of the person in charge.”

To a lesser extent, the international press was also the victim of intolerance. The most radical opposition sectors had looked askance at the foreign press ever since the international TV networks covered Chávez’s return to power on 13 April. Relations between the foreign press and many privately-owned news media further deteriorated during the general strike in December 2002 and January 2003. As a rule, the opposition news media accuse the foreign press of failing to understand the Venezuelan situation and of portraying Chávez as a champion of the poor who has run afoul of the most conservative sectors.

Several foreign correspondents have felt targeted by the opposition for failing to support its cause. They have felt especially uncomfortable when journalists with the privately-owned media have criticised their coverage. A *CNN* journalist said he had removed the network's logo from his car to avoid problems. *EFE* bureau chief Emilio Arrojo said he had received two bomb alerts in early January 2003 after Leopoldo Castillo, presenter of the programme "Hello Citizen" on *Globovisión*, reported that an *EFE* dispatch had said opposition demonstrations were led by members of the country's hierarchy. "*EFE* never wrote that," Arrojo said.

Adopting the methods of the government's supporters, about 60 opposition activists intercepted an *Agence France-Presse* vehicle on 21 February 2003 and shook it from side to side while preventing its occupants from getting out. At the same time, they chanted: "You are French, you from [the French newspaper] *Le Monde*, you support Chávez." Two months before, in late December 2002, *Le Monde* had written in an editorial that the opposition had "never accepted that a low-ranking officer of humble origins and mixed (part-indigenous) race should come and spoil things for a ruling class of oligarchic traditions."

### **New government offensive against the press**

On 20 January 2003, as the general strike was beginning to flag, three TV stations were told they were the subject of an administrative investigation by the infrastructure ministry (MINFRA) – which is in charge of assigning broadcast frequencies – for broadcasting footage "inciting rebellion" or news reports that were "false, misleading or biased."

The following day, the government introduced exchange controls which in practice allowed it to prevent the print media acquiring newsprint abroad. Two weeks later, a draft law on the "social responsibilities" of the broadcast media passed its first reading in the national assembly. It would mean TV stations could lose their licences if they did not respect certain criteria for children's programming.

Thus, once he was sure the strike was going to fail, Chávez launched a broad offensive against the press. Now that the balance of power had shifted, he used some of the excesses of the privately-owned media to justify measures against them. He set the tone in an address to his supporters on 23 January: "No matter how serious the measure, we

will take it if we must. We will withdraw their licences from the television stations so that they stop broadcasting what they are broadcasting.”

### ***Administrative measures against the “four horsemen of the apocalypse”***

The authorities had been looking for ways to put pressures on the privately-owned media since well before the end of the general strike. The public prosecutor announced on 6 January 2003 that a court action had been brought against the TV stations for failing to maintain the required programming for children because of their special coverage of the strike. Moreover, between 12 December and 8 January at least a dozen complaints were lodged against the same stations on similar grounds by private citizens acting individually or as the representatives of associations.

A tougher line was soon taken against *Globovisión*, *RCTV*, *Televen* and *Venevisión*, the four main commercial TV stations, dubbed the “four horsemen of the apocalypse” by President Chávez. Notification of the adoption of administrative measures against them was given to *Globovisión*, *RCTV* and the regional station *Televisión Regional de Táchira (TRT)* on 20 January, to *Televen* on 30 January and finally to *Venevisión* on 5 February.

They were accused of “inciting rebellion and disrespect for legitimate institutions and authorities”, “broadcasting false, misleading or biased news reports”, “harming the reputation and good name of persons or institutions” and of fomenting “subversion of public and social order.” They were also accused of failing to provide the required hours of programming for children or inciting crimes such as non-payment of taxes or demonstrations in areas declared off-limits.

The TV stations were alleged to have violated the telecommunications regulations, the partial regulations on TV broadcasting, and the telecommunications act, laws deemed by Eduardo Bertoni, the Organisation of American States special rapporteur for freedom of expression, to be “contrary to the free exercise of freedom of expression.”

For the most part, the charges were based on the content of the opposition’s political spots, which in some cases were faulted because they accused the president of making “incessant trips or attacking the Church” or of being “the only person responsible” for so much “impunity, anarchy and bad governance.” The TV stations were also accused

of broadcasting statements by such opposition members as Hermann Escara, a lawyer, who said: “The people must take to the streets tomorrow... this is an appeal to the people but also an appeal to the military.”

It is up to the infrastructure minister to determine the outcome of the administrative investigations by June. He can impose fines, suspension, or the withdrawal of their broadcast licences. Press freedom activists are concerned. The infrastructure minister, Diosdado Cabello Rondón, is a close associate of Chávez and is said to be a government hardliner. Andrés Cañizales of IPYS pointed out that he was appointed to the post on 14 January, just before the administrative measures were announced. He could have been put there just to carry out such a crackdown.

The TV stations had 15 working days to present their defence. *Televén* took the position that the infrastructure minister does not have the authority to initiate such measure or impose sanctions on the news media. The telecommunications act does not empower him to do this, the station said. Its lawyers asked for the proceedings to be dropped. They further argued that the footage in question constituted news. The station also claimed that it never broadcast some of the footage cited in the accusations. *Venevisión* similarly asked for the proceedings to be dropped, arguing that they were being taken under regulations that were no longer in force and that it could only be sanctioned under the telecommunications act adopted in August 2000.

### ***Print media threatened by reintroduction of exchange controls***

The Venezuelan government suspended the sale of foreign currency on 21 January 2003 and introduced exchange controls on 5 February. Henceforth, all exchange operations had to be authorized by a Commission for the Administration of Currency (CADIVI) set up by the authorities. As head of the commission, President Chávez appointed a retired captain who accompanied him in his February 1992 coup attempt. The president had already warned on 4 February that there would be “not a single dollar for the coup-supporters.” Trade minister Ramon Rosales for his part said, “it makes no sense to participate in a coup and ask for foreign currency.”

As they import their newsprint, most newspapers and magazines feel threatened, especially as exchange controls were already used to rein in the press during the 1984-

1989 presidency of Jaime Lusinchi, and were used more recently by President Rafael Caldera (1994-1999) against the daily *El Impulso*.

Communication minister Nora Uribe was reassuring at a press conference in Washington on 26 February, saying the government would not deny foreign currency to the news media. However, by the start of April, no daily newspaper had yet been permitted to buy dollars. And newsprint did not appear on a list of products issued by the CADIVI for which currency could be purchased. *El Nacional* editor Miguel Henrique Otero estimated that some newspapers would start running out of newsprint and be forced to stop publishing in May. The threat does not only concern the print media. The broadcast media buy programmes and equipment abroad and could therefore also be affected.

### ***Nothing comes before children's rights***

A week after the introduction of exchange controls, the radio and television social responsibility law was narrowly approved at its first reading in the national assembly. The proposed law's declared aim was the provision of programming suited to young viewers.

Initially called the content law, it had been under study since June 2001. In consultation with "civil society," a first draft had been prepared by CONATEL, the agency in charge of broadcast licences that is under the authority of the infrastructure ministry (MINFRA). But the draft submitted to the national assembly included many changes apparently made in response to the behaviour of the news media during the general strike.

In his editorial of 12 February, *Tal Cual* editor Teodoro Petkoff criticised the law's passage "without the necessary degree of social and political consensus demanded by a subject that calls into question such a basic human right as freedom of expression." Many other commentators also condemned the law as a form of reprisal against the TV stations which, more than the print media, had been one-sided in their coverage of the strike.

The law classifies language and visual content of a violent or sexual nature into several categories. Sexual content is classified as either "educational", "moderate", "strong" or

"pornographic." The law also establishes three different time slots during which programmes may be screened according to their content classification: the "protected" period (from 6 a.m. to 8 p.m.) when children must be able to watch television on their own; the "supervised" period (from 5 a.m. to 6 a.m. and again from 8 p.m. to 11 p.m.); and the "adult" period (from 11 p.m. to 5 a.m.). Failure to respect the time slots is punishable by a fine, the size of which depends on whether the violation is deemed to be "minor", "medium", "serious" or "very serious."

In the view of CONATEL director general Jesse Chacón, nothing comes before children's rights. The law establishes "minor", "medium", "serious" and "very serious" offenses. But the offenses classed as "very serious" include some with no apparent link to the law's declared aim, such as broadcasting content that "promotes, condones or incites disrespect for the juridical order in force" or "prevents or obstructs actions of the security forces and judicial authorities necessary to ensure the right to life, health and physical integrity."

An article added to the original draft bans "the broadcasting of messages that promote, condone or incite disrespect for legitimate institutions and authorities such as parliamentarians, the president and vice-president of the republic, ministers..." The violation of this article is one of the "very serious" offenses. Chacón said it was added "at civil society's request." Chacón is a former army lieutenant who had the job of seizing control of the state-owned VTV during the abortive military coup of November 1992, the second coup attempt of that year, following Chávez's in February.

The penalties established by the law for an offending radio or TV station range from a fine to suspension or withdrawal of its licence. A National Radio and Television Institute (INRT) would be set up to oversee the law's application. The institute's board of directors would be able to impose fines, but a decision to suspend or withdraw a license would continue to be the prerogative of the infrastructure minister. A radio or TV station would be suspended after three "serious offenses" within five years, while two suspensions within three years could result in a licence being withdrawn.

In the first draft, most of the INRT's board members were to have been chosen by civil society associations. But in the version submitted to the national assembly, five of the 11 members are appointed by the president and government, and three are appointed by the national assembly. The other three are to be appointed by "listener and viewer

committees” and “independent national producers.” These are meant to represent civil society although no such bodies exist. The news media said this change clearly transformed the INRT from a technical into a political entity.

Following approval on its first reading on 13 February, the law must come before the national assembly for a second reading, in which it must be approved article by article. In a sign that tempers are still running high, MVR parliamentarian Iris Valera, who is considered a radical, proposed in mid-March that future parliamentary sessions on this proposed law should be held in 23 de Enero, a working-class district in the northwest of the capital that is a Chávez stronghold.

### ***Tax and administrative pressure***

Other measures against the news media were taken or were announced by the authorities in January and February 2003.

A technician with the *Venevisión* bureau on Margarita island was arrested on 23 January for disrupting the broadcasting of a presidential address for which all the TV stations had been commandeered. For 90 seconds, the sound from an opposition demonstration was superimposed on the picture of the presidential address. The employee, Igor Aranzazu, said it was due to a technical error. But he was threatened with a four-year prison sentence for acting “with intent to harm” a broadcast service, and was not released until a month later.

In a letter signed by CONATEL director general Chacón, *Globovisión* was ordered on 10 February to comply with “the obligation for TV channels to provide a minimum of three hours of programming especially aimed at children between 3 p.m. and 8 p.m.” A 24-hour news channel, *Globovisión* has never broadcast programmes for children and had never previously been asked to.

On the basis of a tax investigation begun in November 2001, CONATEL the next day ordered *Globovisión* to pay 150 million bolívars (96,000 euros) for failure to pay 51.6 million bolívars (32,000 euros) in taxes. The station was also ordered to pay an additional 48.9 million bolívars (30,000 euros) in accumulated interest and a fine of 55.2 million bolívars (34,000 euros). “We don’t owe one bolívar to this small government,” responded *Globovisión* chief executive Alberto Federico Ravell, who

described the payment demand as a political decision. Before the strike started, President Chávez had said several news media owed sizable sums in back taxes, but he did not name any of them.

The Joint National Agency for Tax Administration (SENIAT) asked the National College of Journalists (CNP) on 13 February to supply its name, registered number and address as well as the name, ID number and address of all its members. The SENIAT did not say why it was requesting this information. This was the first time such a request had been made to the CNP, which has often condemned press freedom violations by government supporters.

In early March, the SENIAT announced the start of a investigation into the taxes the TV stations should have paid for broadcasting political spots during the general strike. If it was established that no charge was made for running the spots, the TV stations would have to pay taxes on the gifts, it was said. Denying at a press conference that this was politically motivated, the head of the SENIAT, Trino Alcides Díaz, warned that it would subsequently be extended to newspapers and radio stations.



## Conclusion

The situation has become extremely sensitive for press freedom since most of the privately-owned media openly sided against the government. It was without question their right to do so, but the excesses they have committed in so doing have undermined press freedom. This is because the unacceptable violence against journalists has thereby become more justifiable in the eyes of the president and his supporters. Because, since the end of the strike, the president has seized on the news media's loss of credibility to launch an offensive against them that seriously threatens the cause of press freedom. And because the views being expressed by the news media are themselves occasionally giving rise to attacks against members of the pro-government and international press. The privately-owned media's legitimate calls for respect for freedom of expression are being discredited by the intolerant positions they are themselves taking toward media with different political views, especially as they have even condoned closing some of them.

The state-owned TV station is guilty of similar excesses, or worse. Are its excesses more forgivable because it has fewer viewers and because it is a David pitted against the Goliath of the privately-owned media? Or, on the contrary, does its status as a public TV station not increase its obligation to act responsibly?

But the chief responsibility for the decline in press freedom lies with President Chávez and his government. Not only have the president's statements encouraged the many physical attacks against journalists from the privately-owned media, but the organised nature of these attacks indicate that they are the result of a deliberate, planned policy and not just excesses. It is Chávez's duty as president to ensure that the news media are protected, that the violence against journalists is properly investigated and that those responsible are punished, whatever political camp they belong to.

The fact is the president acts like a clan chief. As a result of his frequent commandeering of the broadcast media, a legitimate procedure for a president to address the nation in exceptional circumstances has been turned into a politician's tool of communication. The adoption of a draft law on the social responsibility of the news media requires a broad consensus. By giving the government quasi-judicial authority over its implementation, the proposed law could become a tool for political control of

the press, especially if it permits the closure of offending media. Such provisions would be reprehensible under any circumstance, but they are even more dangerous in a situation of extreme polarisation between the government and media.

## **Recommendations**

***Reporters Without Borders recommends that the Venezuelan authorities should:***

Regarding violence against journalists:

- unequivocally condemn all physical attacks against journalists.
- do everything possible to ensure that these attacks are investigated and those responsible are identified and punished. Only the trial and conviction of those who physically attack journalists will demonstrate the government's political will not tolerate these abuses.
- implement the measures requested by the Inter-American Commission on Human Rights (IACHR) for some 30 journalists and editors, namely to investigate the attacks carried out against them, or to protect them, or both.

Regarding the radio and television social responsibility law:

- reconsider the provision for suspending or withdrawing the licences of news media except in the event of calls for murder.
- readjust the composition of the board of the National Radio and Television Institute (INRT) so that members appointed by the executive and legislature are in the minority.
- eliminate the article on affront to the president and state institutions, which is contrary to article 11 of the IACHR's Declaration of Principles on Freedom of Expression. This states that "laws that penalize offensive expressions directed at public officials restrict freedom of expression and the right to information."
- pursue consultations with the relevant sectors of society with the aim of reaching the consensus that is necessary in order to adopt a law protecting children's rights without jeopardising press freedom.

Regarding exchange controls:

- ensure that the news media have access to the foreign currency they need, in accordance with article 13 of the IACHR's Declaration of Principles on Freedom of

Expression. This says that, “the exercise of power and the use of public funds by the state... with the intent to put pressure on and punish or reward and provide privileges to social communicators and communications media because of the opinions they express threaten freedom of expression.”

Regarding administrative and tax proceedings:

- drop the proceedings against the five TV stations on the grounds that the entity tasked with issuing a ruling, namely the infrastructure ministry, would have to give its verdict on statements criticising the government, to which it belongs, and would therefore be both judge and plaintiff.
- conduct tax investigation with complete transparency and avoid using them for partisan purposes.

Regarding commandeering of the airwaves:

- use the power to commandeer the airwaves responsibly, limiting it to exceptional circumstances that justify an address to the nation by the president or member of the government.

***Reporters Without Borders recommends that the news media should:***

- unequivocally condemn all physical attacks against journalists including, obviously, those against journalists who work for news media that support President Chávez.
- respect professional ethics. The Munich Charter (written in 1971 by international journalists’ organisations) says that a journalist is required to “respect truth whatever be the consequences to himself, because of the right of the public to know the truth” (article 1); “to report only on facts of which he knows the origin; not to suppress essential information nor alter texts and documents” (article 3); and “never to confuse the profession of journalist with that of advertisements salesman or propagandist” (article 9).