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José Miguel Insulza
Secretary General
Organization of American States (OAS)
1889 F Street NW
Washington, DC 20006

Re: The Inter-American Democratic Charter and Mr. Insulza (Letter No. 3)

Dear Secretary General Insulza,

Since the previous letters sent to your attention have yet to receive a response, the Human Rights Foundation (HRF) sends you its third letter in the project “The Inter-American Democratic Charter and Mr. Insulza.” This project seeks to denounce your inaction given the grave breaches of democratic principles in Latin America and the subsequent human rights violations throughout the continent. According to the order outlined in our second letter, we will now highlight the systematic harassment of journalists and violations of the freedom of the press and freedom of expression in four member countries of the Organization of American States (OAS).

“Attacking the Press and Closing Television Channels”: Attacks against the freedom of the press in Bolivia, Ecuador, Nicaragua and Venezuela.

a. Bolivia

On October 3, 2006, President Morales declared: “My main enemy is the press.” Since taking power, the president has verbally attacked the press no fewer than 16 times. In the last 15 months, the National Media Observatory of the UNIR Bolivia Foundation has registered a total of 117 violent acts against journalists in that Andean country. Members or supporters of the Morales government have caused 47.2% of these crimes while 9.6% were perpetrated by police. On October 2008, the 64th Annual General Assembly of the Inter-American Press Association, asserted that, “in Bolivia, the executive power, particularly President Morales, has maintained an aggressive stance against the press. Those who criticize his administration are qualified as ‘separatists’ or ‘friends of the empire’. Due to [the country’s current] social and political crisis, high levels of aggression against the press and attacks against media outlets by opposition groups as well as government supporters have been recorded. There is growing concern that the new constitution threatens the freedom of the press and journalistic integrity.”

One of the most startling examples of the increased hostility and violence

against the press is the assassination of reporter Carlos Quispe on March 29, 2008. The case has gone before three judges without any resolution. The case of television commentator Jorge Melgar, from the city of Riberalta, is also of concern. Mr. Melgar released a video of Government Minister Juan Ramon Quintana stating, "We are going to take Pando's governor to the end of the world so that when he wakes he does not have the chance to climb up the stairs of his political hell [...] we will give him an epitaph: Prefect, rest in peace and live with the worms."

Five days later, 30 masked men arrested Mr. Melgar at 4 a.m. and took him to La Paz, a thousand kilometers away. Even though Judge Margot Perez ruled that Mr. Melgar needs to face trial in the department of Beni, his home state, Mr. Melgar continues to be held in the San Pedro jail in La Paz.

In March of 2008, an affiliate of the World Association of Community Radio Broadcasters denounced the Bolivian Bureau of Public Affairs for telling independent community-based radio stations that their licenses would only be renewed if they agreed to air programming from state-operated Radio Patria Nueva. Bolivia experienced a similar era of radio censorship under the brutal military dictatorships of the 1960s and 1970s that forcefully disseminated government messages across Bolivian airwaves.

b. Ecuador

On several occasions, such as in May 2007, President Correa has referred to the press in his country as the "lowest of the low" and has called journalists "slanderers." He has also emphasized that the press is his main "opposition," generating a sense of hostility that jeopardizes the physical integrity of members of the press.

On July 8, 2008, the Ecuadorean government, through the Deposit Guarantee Agency, arbitrarily seized control of three television channels (TC Television, Cable Vision and Gamavision). The Minister of Finance, Fausto Ortiz, refused to sign the seizure orders and resigned his post. Nevertheless, President Correa continued with the process and appointed public directors for each channel. At the same time, following the orders of the Telecommunications Superintendent's Office, Guayaquil police closed Radio Sucre for alleged noncompliance with technical requirements. The result of these measures is that the majority of the country's television channels are now under government control. Only two national networks remain in private hands.

On June 23, 2008, Cesar Raul Rodriguez, deputy director of Radio Sucre, was shot to death in Guayaquil by two gunmen. Rodriguez, who was 63 years old, had been receiving constant threats due to his criticisms of the government and its institutions, notably the Ecuadorean Customs Corporation. Days before his death, Rodriguez had led a protest requesting changes to the Constituent Assembly, which assumed legislative authority after closing Congress on November 29, 2007.

c. Nicaragua

In October of 2008, the 64th General Assembly of the Inter-American Press Association declared that: "[In] Nicaragua, the most significant aggressions against reporters and independent media outlets have been encouraged by the executive branch of the government. President Daniel Ortega has used direct and indirect pressure mechanisms

[against the media].” According to Transparency International, on December 19, 2007, journalist Jorge Loaisiga was beaten at one of President Ortega’s rallies. The aggressors were part of the “Blue Shirts,” a group that is part of the president’s “security forces.” A journalist from Channel 2 who was filming the events was also hurt by the Blue Shirts.

In a letter to President Ortega dated October 21, 2008, Reporters Without Borders denounced several of these instances of aggression against reporters as well as the “demonization of the profession.” According to the organization, a public official from the Ministry of Public Health refused to give Oliver Gomez, a reporter from *El Nuevo Diario*, a vaccine he needed to travel abroad because he was a “representative of the oligarchy.” “This punishment is again the result of a malicious campaign against anyone working for a media judged not to conform to official opinion,” stated Reporters Without Borders.

On February 29, 2008, William Hurtado Garcia, a former officer of the State Security Police in President Ortega’s first government (1985-1990), was placed under house arrest by a judge. This decision greatly worried the press since Hurtado had been sentenced to 18 years in prison for the murder of reporter Carlos Guadamuz on February 10, 2004. In a similar case, magistrates in the Supreme Court, motivated by political interests, tried to free Eugenio Hernandez Gonzalez, who was serving a 25-year sentence for the murder of journalist Maria Jose Bravo in November of 2004. Although unsuccessful, that attempt contributed to the climate of insecurity for journalists working in Nicaragua.

d. Venezuela

On May 27, 2007, President Hugo Chavez closed Venezuela’s oldest television channel, RCTV, and sent military forces to take over its buildings and equipment. The Supreme Court granted a new public television channel the use of the RCTV equipment without establishing any compensation to its owners, and denied RCTV the opportunity to challenge the legality of these actions. International entities such as the European Union, the Inter-American Press Association, the Washington Office on Latin America, and Reporters Without Borders condemned the closing of RCTV as a serious attack against freedom of the press. On June 2, 2007, followers of the president chanted during a political rally that “Globovision is next,” labeling the television channel a “target of the revolution.” Globovision has not been allowed to expand its signal because it is not subordinated to President Chavez’s political project. In the last 5 years, Globovision’s property has been attacked 17 times and its reporters and cameramen have been victim of at least 25 physical assaults.

President Chavez constantly issues threats and is verbally aggressive toward the press. Reporters who oppose the government are persecuted and attacked with impunity. On September 2, 2004, reporter Patricia Poleo’s driver was murdered. On June 27, 2003, television journalist Marta Colomina’s vehicle was stopped by a car with no license plate with several men inside carrying fire weapons. One of the men threw a gallon-sized “Molotov” cocktail at her car, causing an explosion near the windshield. On February 14, 2008, Colomina’s two bodyguards were shot during an attempt on her life. These two reporters are part of a journalistic team that wrote reports about the links between President Chavez and the Revolutionary Armed Forces of Colombia.

Recently, President Chavez issued 26 laws by decree, implementing some of the reforms that had been rejected in a national referendum on December 2, 2007. As a result of these laws, the president acquired the legal ability to expropriate any media outlet and control the assigning of airwaves at his discretion, further threatening freedom of the press.

Mr. Insulza, the principles established in the 2000 Joint Declaration by the three special rapporteurs for freedom of expression in the world (from the United Nations, Organization of American States and the Organization for Security and Cooperation in Europe) establishes in its preamble that:

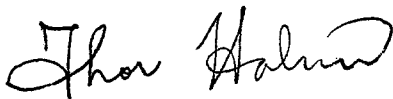
“ [...] the right to freedom of expression is not a concession by the States but a fundamental right; ... Principle 1. Freedom of expression in all its forms and manifestations is a fundamental and inalienable right of all individuals. Additionally, it is an indispensable requirement for the very existence of a democratic society...”

According to the Inter-American Democratic Charter, “Democracy is indispensable for the effective exercise of fundamental freedoms and human rights” (art. 7). The Democratic Charter also states that “peoples of the Americas have a right to democracy and their governments have an obligation to promote and defend it” (art.1) and affirms that “Freedom of expression and of the press are essential components of the exercise of democracy” (art. 4). Because anti-democratic governments will never initiate a process to sanction themselves, the democratic clause (art. 20) allows the Secretary General to request that the Permanent Council immediately assess the democratic situation in a member state when it is in threat. Although leaders of the state may have been democratically elected, if they have incurred an unconstitutional interruption of the democratic order, the process outlined in the democratic clause must take place.

Mr. Insulza, the systematic attacks on freedom of expression and of the press outlined in this letter are a clear violation of democratic principles, which should have led you to activate the democratic clause. These antidemocratic actions are part of the systematic violation of human rights of people in Bolivia, Ecuador, Nicaragua and Venezuela.

As we expressed in our first letter, “The Inter-American Democratic Charter and Mr. Insulza” project seeks to raise global awareness of human rights violations occurring in the Americas, as well as your failure to fulfill your duty to protect democracy and human rights. It is also our sincere hope that our call will lead you to rectify your actions since what is at stake is not your political career, but the freedom and livelihood of millions of Americans.

Sincerely,



Thor Halvorssen
President

cc:

Permanent Mission of Antigua and Barbuda to the OAS, Washington DC (Deborah Mae Lovell)
Permanent Mission of Argentina to the OAS, Washington DC (Rodolfo Hugo Gil)
Permanent Mission of Bahamas to the OAS, Washington DC (Cornelius A. Smith)
Permanent Mission of Barbados to the OAS, Washington DC (Michael I. King)

Permanent Mission of Belize to the OAS, Washington DC (Nestor Mendez)
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Venezuelan Embassy, Washington DC (Bernardo Alvarez Herrera)
Central Unitaria de Trabajadores de Chile (Arturo Martinez Molina)
Inter-American Commission on Human Rights (Santiago Cantón)
OAS (José Miguel Insulza)
OAS Ecuador (Hugo Saguier)
United Nations Coordination Office at Ecuador (René Mauricio Valdés)
Inter-American Court of Human Rights (Sergio García Ramirez)
Office of the United Nations High Commissioner for Human Rights (Louise Arbor)
European Counsel Commissioner for Human Rights (Thomas Hammarberg)
Nicaragua's Permanent Commission for Human Rights (Nicolás Bolaños Geyer)
International Society for Human Rights (Martin Lessenthin)
European Parliament – Human Rights Unit (Geoffrey Harris)
European Parliament – Subcommittee on Human Rights (Hélène Flautre)
Bertrand Russel Peace Foundation (Ken Coates)
United Kingdom Parliament – House of the Lords (Lord Avebury)
Fundación Regional de Asesoría en Derechos Humanos (Luis Saavedra)
Servicio Paz y Justicia Ecuador (Gualdemar Jimenez)
Federación Internacional de Derechos Humanos (Jimena Reyes)
Human Rights Watch (José Miguel Vivanco)
Human Rights Foundation – Bolivia (Hugo Acha)
Human Rights Foundation – Ecuador (Andrea Tapia)
Human Rights Foundation – United Kingdom (Aleksander Boyd)