

ARGENTINA

Journalists

Press accreditation - The wrong credentials?

Threats, attacks and intimidation against members of the press

I. Introduction

Argentina has witnessed tumultuous changes over the last five years with the collapse of its economy and attendant hardship for its people. The country was crippled by four years of economic recession between 1999 and 2002, which saw the economy shrink by 11% in 2002, its worst economic performance in a century. Unemployment in 2002 stood at nearly 20%, with a further 20% of workers underemployed. While the economy grew by 8.7% in 2003, and by the beginning of 2004 unemployment had fallen to just below 15%, Argentina still faces an uncertain future. Over 30% of the working population – more than 4.3 million people – either have no or insufficient work. There are continuous public demonstrations in protest at the lack of jobs and half the country's population still currently live below the poverty line.

In 2001 and 2002 the Argentine people took to the streets in their thousands to demonstrate against government corruption and economic mismanagement, both considered principal contributory factors for the crisis. Protests, particularly by the unemployed, have continued. Mass demonstrations were often met by severe repression on the part of the security forces, which suggests excessive use of force. Amnesty International has been continuously concerned at the apparent excessive use of force by law enforcement officials over the last three years, including during the events of December 2001, when the economic crisis peaked. A total of over 30 deaths, as well as an unconfirmed number of injured, were recorded during the public demonstrations that took place in December 2001 across the country.

In this context, the country's media has played an important role in reporting on state repression by informing the population about issues that affect their human rights. Many Argentine journalists have seen their own human rights compromised as they have carried out their legitimate work, being frequently subject to physical attacks, intimidation and threats against their physical integrity, by members of the police or unidentified individuals. Journalists and media workers have frequently suffered insidious attempts made to intimidate them and silence their legitimate work. During the last ten years, Amnesty International has frequently expressed its concern at attacks and threats suffered by journalists while covering demonstrations and public events.

A 2002 report from the Association for the Defence of Independent Journalism (*Asociación en Defensa del Periodismo Independiente* - PERIODISTAS) states that attacks against the Argentine press increased by 15 per cent in 2002 compared to the previous year. In December

2001 alone, 20 journalists were physically assaulted by police, more than in the previous six months combined. The organization spoke of there being “*a climate of fear among members of the press*” in Argentina. Following a visit by the United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Abid Hussain to Argentina in June 2001, a document was issued on freedom of expression in Argentina entitled *Civil and Political Rights, including the Question of Freedom of Expression*. The Special Rapporteur remained concerned at the number of attacks, incidents of harassment and threats against journalists and urged the authorities to promptly investigate outstanding cases.¹ The report states that “*the rights to freedom to expression and assembly are core human rights and essential in a democracy*”.²

Amnesty International is seriously concerned by attacks against and harassment of media workers as a result of their legitimate work. The organization is also gravely concerned at the apparent lack of immediate, independent, thorough and conclusive investigations into all complaints related to attacks against members of the media.

This document highlights cases of human rights abuses suffered by Argentine journalists and media workers in the course of carrying out their legitimate work between January 2002 and March 2004. Information is also provided on killings of journalists which took place in the 1990s and whose investigations have not concluded. The role of journalists in defending human rights will also be examined. The cases are divided into physical attacks by state security forces against journalists during coverage of popular demonstrations, and attacks and threats that journalists have received following investigations into and reports on state corruption. This report provides information of restrictions on freedom of expression in Argentina. Appendix I lists 59 individual cases related to human rights violations against journalists in Argentina, including the examples outlined below.

II. Journalists reporting on human rights violations

Many journalists have played an important role in alerting the public to human rights issues in Argentina, by reporting on past state repression or current abuses perpetrated by members of the security forces. They have also made public instances of corruption involving elected or public officials that has had implications for the Argentine public’s civil, political, economic, social and cultural rights.

The right of journalists to gather information and to make that information public is a right which is recognized in the United Nations Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized

¹ UN Document - Civil and Political Rights, including the Question of Freedom of Expression, E/CN.4/2002/75/Add.1, Commission on Human Rights, ECOSOC, 17 January 2002, para. 172

² *ibid.*, para. 175

Human Rights and Fundamental Freedoms (hereinafter referred to as the Declaration on Human Rights Defenders). Article 6 of the Declaration is particularly relevant to journalists:

Everyone has the right, individually and in association with others:

(a) To know, seek, obtain, receive and hold information about all human rights and fundamental freedoms, including having access to information as to how those rights and freedoms are given effect in domestic legislative, judicial or administrative systems;

(b) As provided for in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms;

(c) To study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters.³

A report submitted in January 2003 to the Commission on Human Rights by Ms. Hina Jilani, Special Representative of the Secretary-General, highlights the important role played by journalists in protecting and promoting human rights:

“The Special Representative recognizes and welcomes the valuable contribution of many journalists who are themselves fulfilling the role of human rights defenders, often at considerable personal risk.”⁴

The Special Rapporteur for Freedom of Expression of the Organization of American States (OAS) in the 1998 Annual Report, cited the advisory decision of the Inter-American Court of Human Rights which established the importance of the right to freedom of expression as “a cornerstone upon which the very existence of a democratic society rests”, adding that “[i]t is indispensable for the formation of public opinion [...]”⁵. The respect for freedom of expression is a factor which contributes to a country's respect for other human rights.

³ *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms* (General Assembly resolution 53/144), A/RES/53/144, 8 March 1999.

⁴ UN Document: Promotion And Protection Of Human Rights - Human Rights Defenders, E/CN.4/2003/104, 3 January 2003

⁵ Annual Report 1998, Special Rapporteur for Freedom of Expression of the Organization of American States, Introduction Inter-American Court of Human Rights Advisory Opinion OC-5/85 of November 13, 1985. Series A No. 5, para. 48.

Many Argentine journalists have seen their own human rights violated as they have investigated and reported on issues that affect the human rights of their fellow citizens. Amnesty International considers that it is the responsibility of the Argentine authorities to ensure that all media workers enjoy the right to freedom of expression. The organisation has repeatedly urged the Argentine government to initiate exhaustive, independent and impartial investigations into each of the reported attacks and acts of intimidation against journalists, to publish the results of such investigations and bring those allegedly responsible to justice. The organization has also urged the authorities to unequivocally condemn attacks on the media workers and journalists.

III. Repression by the security forces

There have been numerous reports of cases of Argentine journalists being physically assaulted by members of the security forces during demonstrations against the government's handling of the economic crisis that have beset the country since 2001. The economic collapse has had a devastating impact on most sectors of the Argentine population. Following the height of the economic crisis in 2001, statistics related to the standard of living in Argentina indicated that half of Argentina's 36 million population were living below the poverty line, in a country traditionally rich in industry and natural resources. The country's rate of unemployment has nearly quadrupled since the early 1990s and the standard of living of the country's middle-class has sharply fallen.

According to analysts, the economic crisis began in 1998 and had its roots in the decision to peg the peso to the dollar in 1991, in order to combat hyperinflation and to increase investor confidence, a decision that became a burden due to the overvalued and rigidly-pegged exchange-rate. Heavy borrowing from the World Bank and the International Monetary Fund during the 1990s, alleged government corruption during privatization of state-run industries and currency crises in Mexico, Asia and Brazil in the late 1990s have also been considered as contributory factors to the crisis.

The crisis peaked in late 2001, when the country defaulted on its \$US141 billion debt. The then Argentine Foreign Minister subsequently put forward budget proposals to reduce government spending by 20% by cutting public sector wages and reducing pension provisions. This fuelled popular discontent and mass demonstrations occurred across Argentina, with thousands of people taking to the streets to protest against the government's handling of the crisis and perceived state corruption, one of the contributory causes of the economic collapse. The government declared a state of emergency on 19 December 2001 and social unrest plunged the country into political chaos that saw four presidents succeed each other in the space of two weeks. More than 30 people lost their lives during demonstrations which led to President Fernando de la Rúa's resignation. Public reports indicated that information from witnesses established that the police fired rubber bullets and tear gas at the demonstrators, including peaceful demonstrators, dozens of whom were arbitrarily detained.

Judicial investigations were initiated into alleged police killings during the demonstrations and are still ongoing.

In 2002 the peso lost more than 70% of its value following its devaluation in January of that year. An account freeze barred bank account holders from withdrawing their savings in an attempt to stave off the collapse of the banking system. Following the devaluation, the banks were given the right to convert dollar deposits into pesos, greatly affecting people's savings. The devaluation also led to price rises and a slump in real wages. *Piqueteros*, protesting unemployed workers and *ahorristas*, those people who had their bank savings frozen, were at the forefront of the demonstrations against the government. There have also been popular demonstrations led by *piqueteros* against the evictions of workers from abandoned factories. In some cases the factories had been taken over by employees following closure by their bankrupt owners. Journalists, covering these demonstrations, especially camera people and photojournalists, have reportedly often been the victims of violence perpetrated by members of the security forces. According to reports, journalists have often found that, despite showing their accreditation and their equipment marking them out as members of the media, they are often deliberately targeted by police and the security forces.

Amnesty International has been following the situation and has expressed concern to the Argentina authorities on attacks against journalists. Amnesty International is not aware of any investigations carried out into many of these assaults following complaints. According to media reports from international and national journalist organizations, scores of journalists have reportedly been subjected to attacks and threats while covering public demonstrations in the last ten years.

The cases described in the following section illustrate the level of harassment to which Argentine journalists have been subjected in recent years during the course of their legitimate work. In the majority of the cases below, complaints have been filed before the police or publicly denounced. In most cases Amnesty International is unaware of whether investigations have been initiated or of any advances in those that are in progress.

i) Cases of attacks on journalists during public demonstrations and meetings

Fabián Rubino of *Radio Mitre* and **Hernán España** from the newspaper *Diario Popular* and **Juan Arias** of the Buenos Aires newspaper *Crónica* were attacked on 25 January 2002 while reporting on police repression during a protest march in Plaza de Mayo, Buenos Aires city. They were beaten by police personnel as they were interviewing demonstrators and taking photographs. Hernán España was reportedly struck in the arm by nine rubber bullets. Reports indicate that when he collapsed to the ground he was then kicked by a policeman who said: “*por qué no sacás fotos ahora?*” (“why don’t you take photos now?”). Following reports of the incident the then Secretary for National Security (*Secretario de Seguridad Interior*) Juan

José Álvarez gave his assurances that an investigation would be initiated to ascertain whether the police had used excessive force during the demonstration. Amnesty International has no information to indicate that an investigation was initiated into these incidents.

Sergio Kowalewski, a freelance photographer, received three threatening phone calls to his home on 29 June 2002⁶. Using abusive language the caller warned him that he and his family were going to be killed and that they should watch out (“*los vamos a reventar...cuídense*”). The death threats were reportedly related to photographs taken by Sergio Kowalewski which were published in the Argentine press. The photographs were taken during demonstrations at the continuing economic crisis which took place in Avellaneda, Buenos Aires Province on 26 June. The photographs show police involvement in the events leading to the killing of two *piqueteros* (protesting unemployed workers) Dario Santillan and Maximiliano Kosteki.

The photographs were also being used by the non-governmental organization *Coordinadora Contra la Represión Policial e Institucional* (CORREPI), the Association against Police and Institutional Repression, in a case against police officers who are believed to be involved in the deaths of the two men. Sergio Kowalewski has also given interviews to newspapers describing the events that he witnessed on 26 June, including a description of how he saw a police officer shoot Dario Santillan “...almost at point-blank range” (“...*fue casi a quemarropa*”).⁷

Photo caption: Sergio Kowaleski, photographer (© Página 12)

Amnesty International understands that judicial investigations into the killings of Dario Santillan and Maximiliano Kosteki are still in progress. Although the information indicates that there have not been new threats, Amnesty International is not aware of the progress of the investigation into the initial threats against Sergio Kowalewski and his family.

Several journalists were threatened and attacked whilst covering demonstrations by provincial government employees between 27 and 30 April 2002 in San Juan Province, although they were clearly identified as television journalists. Cameraman **Carlos Chirino** from San Juan’s *Canal 8* television station was reportedly shot in the leg by a rubber bullet and was trampled on by members of the provincial police force. A teargas canister fell close to the mobile unit of FM Radio La Voz, which was clearly marked as such. Another canister entered through the vehicle’s window and just missed the driver, **Juan Martín**. Police also fired rubber bullets at **Atahualpa Acosta**, editor, and **Marcos Urisa**, photographer, from *Diario de Cuyo*. Urisa’s camera clearly marked both men out as journalists. **Alejandra Ruiz** from TV 2 Canal Proimagen, **Doly García** from FM Santa Lucía and **Juan Pereyra** from LV5 Radio Sarmiento were all also injured by rubber bullets. Information on this incident was reported

⁶ Urgent Action , AMR 13/007/2002, July 2002

⁷ *Página 12*, 28 June 2002

by the Argentine Association for the Defence of Independent Journalism (*Asociación en Defensa del Periodismo Independiente* – PERIODISTAS). Amnesty International has no information to indicate that an investigation was initiated into these incidents.

Marco Díaz Muñoz, a correspondent from *América TV* in Salta Province was attacked by members of the army and provincial police on 20 June 2002 as he was filming the ejection and repression of protesting unemployed groups in front of the town hall in the capital Salta. He was reportedly hit in the stomach and mouth with an anti-riot baton by a soldier and his camera was damaged preventing him from filming further footage. Marco Díaz Muñoz filed a complaint of illegal pressure (*apremios ilegales*) the following day in Salta's Criminal Prosecutor's Office (*Fiscalía*) n°4.

On 26 October 2002 members of the *Infantería de la Policía Federal* fired rubber bullets at **Alberto Recanatini Méndez** and **Tomás Eliashev**, journalists from *Indymedia Argentina*. Alberto Recanatini Méndez was struck in the head, elbow and crotch, while Tomás Eliashev was struck six times in the legs. The two men had been covering the demonstrations of *Asambleas Populares* (people's assemblies) in front of Police Station 6 of Buenos Aires. A judicial complaint was subsequently filed regarding the incident in the Public Prosecutor's Office (*Fiscalía*) 2° of Buenos Aires. A judicial investigation reportedly labelled as injuries and coercion (*lesiones y coacción*) was initiated in Court (*juzgado*) N° 8. Information received by Amnesty International indicates that there has been no progress in the investigation.

The protests the journalists were covering were against the arrest of members of the environmental organization Greenpeace and of the *Asambleas Populares*, who had been demonstrating in front of the National Congress building. The demonstrators were arrested and taken to Police Station 6. Police used teargas and rubber bullets against those protesting against the arrest. The journalists, who were carrying press credentials, were beaten by the police who shouted at them to stop filming. **Luis Gras**, journalist from *La Tapa* newspaper, was also beaten by police and arrested together with some demonstrators. Before their release, the same day, they were forced to sign various documents but received no copy. Among the papers was the accusation of “resisting authority and damage to private property”.

Photographs published in the Argentine press accompanying reports on demonstrations in Avellaneda, Buenos Aires Province on 26 June 2002 where two *piqueteros*, Dario Santillán and Maximiliano Kosteki were reportedly killed by police.

Photo captions: Demonstrators try to help Maximiliano Kosteki in Avellaneda train station (26 June 2002, © Sergio Kowalewski)

Photo caption: Dario Santillán is dragged from Avellaneda train station (26 June 2002, © Sergio Kowalewski)

On 5 January 2003 **Diego Rojas**, a journalist from the news agency Infosic, was seriously assaulted by police from the Capital Federal's 10th Police Station in the city of Buenos Aires, where he was then arbitrarily detained for ten hours. The Argentine organization PERIODISTAS indicates that Diego Rojas was attacked by members of the police when he was identified as a journalist following a meeting at the neighbourhood assembly (*asamblea barrial*) in the neighbourhood of San Juan y Bodeo, where the economic crisis was being discussed.

The information released by PERIODISTAS quotes the Buenos Aires Union of Press Workers (*Unión de Trabajadores de Prensa de Buenos Aires - UTPBA*) in reference to the attack: “[i]t is clear that recently a systematic policy of control and repression has been established against social, cultural, union, neighbourhood and political organizations which are fighting against the terrorism of the market” (“*Es evidente que en los últimos tiempos se ha instalado una acción sistemática de control y represión hacia las organizaciones sociales, culturales, gremiales, vecinales y políticas que luchan contra el terrorismo de mercado*”). Amnesty International has no information to indicate that any investigation has been initiated into this incident.

Cameramen **Julián Sequeiro**, **Maximiliano Garcia Solla** and **Michael Carcachi** from América TV's Puntodoc/2 programme were brutally beaten by members of the *Policía Federal Argentina* (Argentine Federal Police) on 25 February 2003, while reporting on the judicial eviction of 100 families in the San Telmo neighbourhood of Buenos Aires. The occupants refused to vacate the building, and together with unemployed organizations claimed that they were being evicted so the land could be used for property development. During the eviction, the police used teargas and rubber bullets. Reportedly, the police struck the face of Julián Sequeiro, although he had shown his press accreditation and camera and shouted “journalist”. His nose was broken and he collapsed to the ground, where he received further blows and kicks from police officers, leaving him with two cracked ribs. He was detained in police station 14 (*Seccional 14*). He was subsequently taken to the Argerich hospital and released. According to reports, Maximiliano Garcia Solla was knocked over and kicked in the testicles and then punched in the face by a plain clothes police officer who then arrested him, despite making known his legitimate role of reporter. Equally, Michael Carcachi

was beaten by police as he was covering the eviction. He had been filming an injured young demonstrator who lay bleeding on the ground. Amnesty International has no information to indicate that any investigation has been initiated into this incident.

Edgardo Esteban, a television reporter from the American NBC network, was forced to kneel together with other people by members of the Federal Police (*Policía Federal*) who were breaking up a demonstration in front of the textile factory *Confeciones Brukman* in the city of Buenos Aires. On 21 April 2003, Edgardo Esteban was filming the eviction of workers from the factory and the detentions of demonstrators when he was stopped by police although he identified himself as a journalist. Television presenter **Martín Ciccio**, anchorman from the *Informe Central* programme on the *América* television channel, was also hit seven times by rubber bullets fired by police. One of the bullets struck him only two centimetres from his left eye. Reportedly, security forces used teargas, batons and rubber bullets to repress the crowd of demonstrators, which included women and children, leaving 30 injured. Two Members of the Argentine Parliament complained that the police had used live ammunition. Several media workers were beaten during the incident. The police officer in charge of the operation told journalists: “The same thing always happens with you lot. If any journalist was hurt, I’m very sorry” (“*con ustedes siempre pasa lo mismo. Si hubo algún periodista lastimado, lo lamento mucho*”). Amnesty International has no information to indicate that any investigation has been initiated into this incident.

ii) Investigating corruption

Reports received by Amnesty International indicate that journalists who report on corruption involving public or elected officials often also find themselves threatened, intimidated and physically attacked. Their role in shining a spotlight on government corruption is an important one, to highlight its direct negative impact on a country’s democratic process and its consequences for its people.

A working paper on the impact of corruption on human rights, submitted to the Sub-commission on the Promotion and protection of Human Rights of the United Nation’s Economic and Social Council in accordance with Sub-Commission decision 2002/106, identifies the damaging effects that state financial misappropriation can have on a population’s civil, political, economic, social and cultural rights:

“Divisions of public funds into private pockets or bank accounts (whether foreign or local) by corrupt officials lead to the denial of rights, in particular economic, social and cultural rights.”

“Corruption creates poverty, which in turn engenders denial of economic, political, social, civil and cultural rights.”⁸

Corruption in the public sphere indicates that the rule of law is weak and that the accountability of elected and public officials cannot be assured. This in turn may lead to misadministration of public goods such as justice and the provision of essential services. It may also undermine obligations undertaken by States to work towards the progressive realization of economic, social and cultural rights as set out in article 2.1 of the International Covenant on Economic, Social and Cultural Rights.

The Sub-commission’s report also emphasizes the important role journalists have in publicizing corruption and the violations it propagates:

“The role of the media and civil society in combating corruption cannot be overemphasized [...] Sensitization and raising awareness as to the negative impact of corruption on a country should [...] be intensified by the media and civil society.”⁹

Suffering its worst economic crisis for decades, Argentina has seen mass demonstrations by the general public protesting against financial mismanagement. The 2003 Global Corruption Report issued by the non-governmental organization Transparency International, contains a Corrupt Perceptions Index which ranks 102 countries from least corrupt (1) to most corrupt (102) with scores between 10 (highly clean) and 1 (highly corrupt). Argentina comes a lowly 70th with a score of 2.8.¹⁰ In a public opinion poll carried out in 2002 year on behalf of the organization, respondents in Argentina believed that 89% of civil servants were corrupt, the highest figure out of the 17 Latin American countries canvassed.¹¹

In this context, there is widespread coverage by television, radio and print journalists in Argentina of the alleged corrupt activities of public officials. Journalists have often faced threats, intimidation and physical violence for covering this issue. The following are examples of such cases.

⁸ “Corruption and its impact on the full enjoyment of human rights, in particular economic, social and cultural rights” by Ms. Christy Mbonu, E/CN.4/Sub.2/2003/18, 14 May 2003, para. 5 and 8

⁹ *ibid.*, para. 21f

¹⁰ “Global Corruption Report 2003”, Transparency International, Profile Books, 2003

¹¹ *ibid.*

iii) Some cases of threats received by journalists investigating corruption

In the early morning of 26 July 2002, according to witnesses, two hooded men shot at the house of **Alejandro Colussi** in the city of Santa Fe, Santa Fe Province, where he lives with his wife and their then three month-old daughter. Alejandro Colussi presents the radio programmes “*De frente*” and “*Atardece que no es poco*” on LT9 Radio Brigadier López in Santa Fe. According to reports, the men shouted and insulted him, ordering him to leave his home. They hit and wounded in the leg a police guard who had been posted in front of Alejandro Colussi’s house for a month following the receipt of anonymous threats. Alejandro Colussi had been investigating accusations of the alleged involvement of councillors from the *Partido Justicialista* political party in irregularities in the assignment of social assistance plans in Santa Fe Province. Alejandro Colussi made a formal complaint at Police Station 4 of Regional Unit 1 (Seccional 4 de la Unidad Regional 1a) in the city of Santa Fe. Initial police investigations led to the arrest of three persons with prior convictions who may have been involved in the incident. Amnesty International has no further information on the progress of the investigation.

An investigative journalist who has worked on the television programmes *Punto doc*, *Periodistas* and *Telenoche Investiga*, **Andrés Mouratian** was attacked by three men on the night of 13 September 2002. They stopped him in Ciudad de la Paz in the Barrancas de Belgrano district of Buenos Aires, threatened, insulted and warned him to “stop what you are doing” (“*cortala con lo que estás haciendo*”). They then punched and kicked him, leaving him badly bruised. As a result of the beating, Mouratian suffered multiple cranial traumatismos, broken nasal partition and upper maxilar and ophthalmological problems. Mouratian believed the attack to be related to investigations he carried out for *Punto doc*. The case was heard at the Public Prosecutor’s Office No. 14. The Association of Journalist Entities in Argentina, *Asociación de Entidades Periodísticas Argentinas* (ADEPA) and the UTPBA denounced the attack and called for an investigation. Amnesty International has no further information related to the investigation into the incident.

María Mercedes Vázquez, from LT 7 Radio Corrientes was the victim of three attacks in eight months. The last occurred in the early morning of Sunday 6 October 2002, when unidentified individuals threw a Molotov bomb at her house in Corrientes, Corrientes Province, which caused material damage to the building. Since September 2002 she had been broadcasting recordings of telephone conversations that implicated high-ranking officials from the provincial authorities in an apparent conspiracy against the then governor. In February 2002 following her reports on an alleged police operation against a judge, she received telephone death threats. In one telephone call an unidentified person told her young daughter that they were thinking of killing her. Two months later in April 2002 two unidentified individuals stopped her on the street and hit her as a warning against talking about a member of a local political party. María Mercedes Vázquez filed a complaint at her local police station and the provincial authorities granted her round-the-clock police

protection. Amnesty International has no information regarding the investigations carried out into these incidents.

Clara Britos, owner and editor of the monthly newspaper *La Tapa* in Buenos Aires province has denounced ongoing threats and intimidation in relation to her work as a journalist. Many of the threats are believed to be linked to the newspaper reports, published in mid-2002, of alleged cases of corruption at the local council in the locality of Guernica, municipality of Pte. Perón, Buenos Aires Province. It was reported that an unidentified man in a red Ford Falcon car had frequently parked outside her house and on three occasions, between June and July 2002, he threatened to kill her if she continued publishing information on the allegations of corruption involving the former mayor (*ex-intendente*) of the municipality.

Clara Britos has also publicly complained about receiving several threatening telephone calls, and emails with the message “*muerte a los amigos de los piqueteros*” (“death to friends of the unemployed protestors”). The harassment increased following the publication of news related to a march on the 29 May 2002 when, reportedly, police beat three teachers. On the evening of 14 February 2003 she was violently accosted in the street by three unidentified individuals who threatened to kill her and her family. Following an official complaint the provincial police placed her house under guard from 25 February 2003¹².

Clara Britos was subject to further threats following her coverage of a demonstration outside the house of the then Argentine President, Eduardo Duhalde on 26 March¹³. The protest was against the impunity of the police force following the alleged murder by police of two *piqueteros*, Dario Santillan and Maximiliano Kosteki in a demonstration in Avellaneda, Buenos Aires Province on 26 June 2002 (see above). On the night of 27 March, stones were thrown against the roof of her house. The following morning she received four threatening telephone calls in which she was warned “*te vamos a matar, hija de puta...ciudáte*”, “we’re going to kill you, bitch... watch out”.

During March, April and June 2003, Clara Britos received repeated telephone calls at her home where recordings of screams and gunshots were played and death threats against her children were made. On 2 and 5 April the calls contained the same threat: “*los vamos a matar, primero a tus hijos...*”, “we’re going to kill your children first...”. On 28 June a recording played the voice of her 16-year-old son and a male voice caller threatened “*Querés verlo con un tiro en el pecho, como Kosteki?*”, “do you want to see him with a bullet in his chest, like Kosteki?” Her son’s voice had somehow been recorded on a previous occasion, while the gunshots again appeared to be from a recording of the Avellaneda demonstration.

¹² Urgent Action , AMR 13/002/2003, February 2003

¹³ Urgent Action , AMR 13/005/2003, April 2003

On 13 July 2003 an attempt was made to burn down her house. Clara Britos, her husband and their four children, aged 16, 14, 13 and 8 years-old, were all asleep when they were awoken by smoke in their bedrooms at around 3 am. The chipboard flooring at the back of their house was on fire – the rest of their house is made of wood. They were able to extinguish the fire and then alerted the police guards who were stationed 20 metres in front of their house. Britos had recently written an article to mark the first anniversary of the deaths of Darío Santillán and Maximiliano Kosteki. She had also planned to appear on a radio programme later that same day in order to be interviewed about the killings and their political implications, but had instead conducted a telephone interview the day before.

Photo caption: Clara Britos, newspaper proprietor and journalist (© private)

Despite filing numerous police and judicial complaints regarding these attacks and threats, Clara Britos has yet to receive the information regarding the progress of the investigations.¹⁴

Reports indicate that on 5 October 2003 Clara Britos was temporarily abducted as she was returning home alone in the early evening.¹⁵ An individual approached her from behind, pushing what she presumed to be a gun into her back and forced her into a car containing two other men. Whilst in the car, a cap was placed over her head and her head was forced down. She was told “*en Guernica manda Rodríguez y se hace lo que el señor Oscar Rodríguez dice...cuándo lo van a entender hija de puta?*”, “Mr Oscar Rodríguez is in charge in Guernica and everyone does as he says...when are you all going to learn, bitch?”. (Oscar Rodríguez was the former mayor of the municipality of Pte. Perón, Buenos Aires Province). Eventually Clara was released approximately 20 blocks from her house with the warning, “*bajáte, pero la próxima vez no volvés a casa*”, “get out – next time you won’t be going home”. The following day Clara Britos filed a complaint with the Public Prosecutor in La Plata, Buenos Aires province.

Information from the Argentine authorities has indicated that the official complaints submitted by Clara Britos were investigated. However, no further information has been forthcoming and Amnesty International is not aware of their progress or outcome.

Julio Rodríguez, a correspondent from the national newspaper *Clarín* in Santiago del Estero Province and local newspaper *El Liberal*, received telephone death threats against his family on 25 February 2002. In one call an unidentified voice threatened to attack his then 9 year-old son. His wife was told to tell her husband to “stop screwing around, because if not your son will be dead in two weeks” (“*que se deje de joder, porque si no, tu hijo, en quince días, es boleta*”). Julio Rodríguez had been investigating alleged financial irregularities in relations between private sector companies and the government of Santiago del Estero Province. Julio Rodríguez filed a police complaint at Police Station 12a in the city of La Banda. He also filed

¹⁴ Further Information on UA 53/03, AI Index: AMR 13/011/2003, 14 July 2003

¹⁵ Further Information on UA 53/03, AI Index: AMR 13/016/2003, 15 October 2003

a complaint before the Federal Court of Santiago del Estero, after which he was granted police protection at his home. However, Amnesty International has no information to indicate that any investigation was initiated into the official complaints filed by Julio Rodríguez regarding the threats against himself and his family.

On 29 April 2002 **Roberto Mario Petroff**, a journalist from the *Tiempo Sur* newspaper in Santa Cruz Province was stopped in the city of Río Gallegos by two unidentified individuals who beat and threatened him, saying “we’re going to kill you” (“*te vamos a matar*”). Roberto Mario Petroff had been investigating attacks carried out against members of neighbourhood assemblies who had condemned the provincial government’s taxation policy. A complaint was filed with the Río Gallegos Federal Court. Amnesty International has no information to indicate whether an investigation was initiated into this incident.

The radio journalist **Oscar Álvarez** reportedly received death threats from a councillor from the municipality of Tinogasta in the Province of Catamarca on 20 November 2002. Oscar Álvarez, from Conexión FM radio station, had recently broadcast a report on the councillor’s alleged involvement in financial irregularities surrounding the closure of a local business. He filed an official complaint on 21 November at the *Unidad Regional N° 5* of the Tinogasta-Catamarca police and the case passed to the 5th District Court (*Juzgado de la 5° Circunscripción*). Amnesty International has no information on investigations initiated or their progress.

Marcelo Sisso, a journalist with the El Sol newspaper, Canal 9 and Radio LV10 in Mendoza Province, received several threatening telephone calls from unknown individuals. The threats against him were reported by PERIODISTAS and the International Freedom of Expression Exchange (IFEX). According to these reports, the callers demanded that Marcelo Sisso stop his coverage on alleged financial irregularities in the *Cooperativa de Vivienda El Triángulo*, a construction cooperative. Reportedly, on the night of 30 July 2003 a male voice warned him to stop publishing articles on the matter “*o ya sabés lo que te va a pasar*”, “or you know what’ll happen to you”. The following day he received a further three telephone calls. In one of these he was told “*no seas boludo, cortala con el Triángulo*”, “don’t be stupid, stop interfering with the *Triángulo*”. Sisso’s investigations centre on misappropriation of funds by the Cooperative, which secured a loan from the *Instituto Provincial de la Vivienda* (Provincial Institute for Housing) in 1998 in order to build a neighbourhood in the department of Guaymallén, Mendoza Province. Marcelo Sisso filed an official complaint at Police Station 34 in the locality of Godoy Cruz. Amnesty International has no information on investigations initiated or their progress.

On occasion acts of blatant intimidation have been carried out by public officials against journalists. Reports indicate that **Enrique Eduardo López**, owner of the radio station *Cadena Dos* in Chilecito, Province of La Rioja was assaulted and threatened by the town’s deputy mayor (*viceintendente*). On 1 November 2002, the man entered the radio studios of *Cadena Dos* and hit López in the chest in front of his staff, and reportedly according to the official

complaint, the man said “they should stop screwing around or else they would be in the shit” (“*se dejaran de joder o en caso contrario los haría mierda*”). He also insulted López and his family. The radio station had made public an investigation by journalists into underhand fund dealings in which the deputy mayor appeared to be implicated. Enrique Eduardo López filed his complaint at the Regional Police Station II (*Unidad Regional II de Policía*). Amnesty International has no information on any investigation initiated into this incident.

In another example, journalists **Marcelo López** and **Marcelo Torrez** were reportedly harassed by a local councillor (*concejala*). On 17 November 2002 a councillor from Godoy Cruz, Mendoza Province, reportedly drove a van against the building of local *Canal 9* television station, destroying the main entrance. He had come to confront the two journalists from the programme *Opinión*, who had made accusations of corruption in the local council (*Concejo Deliberante*). Reportedly, the councillor had gone to the television studios intending to confront the two men. Finding they were not there that day he returned to his van to repeatedly batter the entrance of the building. Three days later the council suspended the councillor on the grounds of grave misconduct (“*gravísimo desorden de conducta*”). Two weeks later the councillor resigned his post. Amnesty International is not aware whether an investigation was initiated.

IV. Awaiting justice

While no journalist has been murdered since 1999, investigations into the killings of journalists **Mario Bonino**, **José Luis Cabezas**¹⁶ and **Ricardo Gangeme**¹⁷ are still ongoing. In reference to these investigations, the United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Abid Hussain, stated in his report from January 2002 that he was “*concerned by the slowness of the judiciary and that the investigations appear not to have been thorough*”.¹⁸ In his recommendations he urged the Argentine government to see the investigations continue to their end.¹⁹ Amnesty International has in several occasions called on the authorities to conduct independent, thorough and conclusive investigations into reports of attacks against journalists. The organization believes that the absence of thorough, impartial and expeditious, investigations helps to create a climate of impunity which undermines freedom of expression.

¹⁶ See *Argentina: Journalism, a dangerous profession: Physical attacks, death threats and harassment of journalists in Argentina* (AI Index: AMR 13/01/94) January 1994 and *Argentina: “Occupational hazards”? Attacks, threats and harassment against journalists* (AI Index: AMR 13/05/98) May 1998

¹⁷ Communication to Governor of Chubut Province expressing concern and asking for an investigation (ref: TG AMR 13/01/99) of 21 May 1999 (in Spanish only)

¹⁸ Civil and Political Rights, including the Question of Freedom of Expression (E/CN.4/2002/75), paragraph 66.

¹⁹ *ibid.*, paragraph 185.

Mario Bonino worked in the secretariat of the Buenos Aires Union of Press Workers (*Unión de Trabajadores de Prensa de Buenos Aires - UTPBA*). He was last seen on 11 November 1993 as he travelled to give a radio talk at the auditorium of the Association of State Workers (*Asociación de Trabajadores del Estado*) in Buenos Aires. His body was found four days later in the Riachuelo River, in the suburbs of Buenos Aires. Shortly before his death, Mario Bonino had issued a statement condemning death threats received by journalists in the province of San Luis. A few hours after his body was found, three men forced their way into the UTPBA's headquarters and ransacked their offices, assaulting a security guard in the process. The UTPBA rejected the claims of the then President Carlos Menem's government that it was a case of suicide. The investigation into his case has been closed and reopened on more than one occasion. In August 2002 Investigative Court (*Juzgado de Instrucción*) No. 10 reopened the case following statements by a former Buenos Aires policeman alleging police involvement in Mario Bonino's death. Again, in November 2003 the government made a commitment to reopen the case in a reported meeting between the Secretary for Human Rights and members of the UTPBA. On that occasion the widow of Mario Bonino submitted all the documentation related to the case to the Secretary for Human Rights.

Press photographer **José Luis Cabezas** was killed on 25 January 1997 in the seaside resort of Pinamar, southeast of Buenos Aires, while on assignment for the magazine *Noticias*. His charred body was found handcuffed inside a burned out car. He had been shot in the head. He had allegedly received death threats previous to this. Cabezas' photographs had been used in articles on police corruption in Buenos Aires Province and he had been investigating the activities of a businessman. On the evening of the killing, police presence in the area was alleged to have been recalled, leaving the area as a "freed zone" (*zona liberada*). The Buenos Aires Chief of Police had been implicated in the crime and accused of firing the shot that killed Cabezas. He was dismissed from the police force in June 1997 with another 170 police officers also discharged in an attempt to 'clean up' the Buenos Aires police force. The media have reported complaints against the investigation, including the poor quality of the forensic examination, unnecessary obstacles and doubts about the impartiality and competence of those in charge of the investigation.

Eight people were sentenced to life imprisonment for the murder in February 2000, including three police officers and a security guard. On 23 December 2002, six and a half years after the crime took place, the former Buenos Aires Chief of Police was sentenced to life imprisonment for his involvement in the murder. Despite this progress, however, the parents of José Luis Cabezas insist that the case is not closed and there are others who were also involved in their son's murder who have yet to be punished. In November 2003 press association ADEPA and UPTBA, and the relatives of José Luis Cabezas publicly expressed their concern regarding the reduction of the initial sentences handed out to six of those sentenced in relation to his murder. The ruling had been passed in November by the Court of Criminal Cassation (*Cámara de Casación Penal*). In March 2004, it was reported that the Supreme Court rejected a writ of appeal submitted by the defence of one of the sentenced police officers. In its rejection of the writ of appeal, the Court argued that it had to be presented first to the provincial tribunal.

In the months following José Luis Cabezas' assassination the threat “*vos serás otro Cabezas*” (“you’ll be another Cabezas”) was a frequently heard one. Indeed, on 7 August 2002 a town councillor from the town of Comodoro Rivadavia in the province of Chubut reportedly declared he “would make a José Luis Cabezas out of each local journalist” (“*haría un José Luis Cabezas de cada hombre de prensa local*”) because in his opinion what they reported was not news.

Ricardo Gangeme was the owner of the weekly newspaper *El Informador Chubutense* in the province of Chubut. He was shot in the head and killed on 13 May 1999 as he parked his car in Trelew, 750 miles south of Buenos Aires. Gangeme's newspaper had been covering three court cases against the Trelew Electrical Cooperative which were investigating irregularities in the purchase of electricity supply by Corralón Fernandes. Gangeme had reportedly been threatened by the owner of Corralón Fernandes five days before his death. The latter is alleged to have tried to run the journalist over with his car. On 12 September 2002 three men who were charged with murdering Gangeme were acquitted by the Chubut province First Criminal Court. The judges based their decision on the federal police's expert report, which stated that it was not possible to determine that the fatal bullet came from the gun they had as evidence. There have been suggestions that there have been trial irregularities, including the suspected disappearance of some trial evidence.

V. Freedom of expression

There are few formal restraints on press freedom in Argentina, and the Argentine Constitution, in Article 32, guarantees freedom of expression. The Argentine Constitution also recognizes all international treaties as part of the national legislation including the International Covenant on Civil and Political Rights (ICCPR) and the American Convention on Human Rights, which in Article 19 and Article 13, respectively, upholds freedom of expression. However, Amnesty International is concerned at attempts by the Argentine authorities to curb freedom of expression and that draconian defamation laws remain in force.

Defamation

As is the case in several countries in Latin America, it can be a criminal offence in Argentina to publicly criticize government officials. Legislation against libel, slander and contempt, known as *desacato* laws, are included both in Argentina's Criminal and the Civil Codes. The Criminal Code details the offences of libel and slander in articles 109 to 117, under the heading ‘*Delitos contra el honor*’ (‘*crimes against honour*’). Article 111 provides that a person accused of libel is required to prove the truth of the accusation only in the following cases: (i) if the purpose of the accusation was to defend or guarantee a matter of current public interest; (ii) if the act attributed to the person allegedly libelled led to criminal prosecution; (iii) if the plaintiff requested proof of the accusation. If the truth of the accusations can be proved in these cases, the accused is exempt from punishment. Article

113 establishes that anyone who publishes or reproduces, by any means, defamatory statements made by another party, will be punished as the author of the libel or slander.

It is relevant to mention that Principle 10 of the Inter-American Commission on Human Rights' (IACHR) Declaration of Principles on Freedom of Expression states that "the protection of a person's reputation should only be guaranteed through civil sanctions". Equally, Principle 11 of the same Declaration of Principles states that "[p]ublic officials are subject to greater scrutiny by society. Laws that penalize offensive expressions directed at public officials, generally known as "*desacato laws*," restrict freedom of expression and the right to information."²⁰ In March 1994 Argentina signed the Declaration of Chapultepec²¹ along with 20 other countries. Principle 10 of the Declaration of Chapultepec holds that "no news medium nor journalist may be punished for publishing the truth or criticizing or denouncing the government."

In a 1995 report the Inter-American Commission on Human Rights (IACHR) found that *desacato* laws are incompatible with the American Convention on Human Rights and called on states to repeal them. The report stated that these laws are open "*to abuse, as a means to silence unpopular ideas and opinions, thereby repressing the debate that is critical to the effective functioning of democratic institutions.*"²² The laws also grant greater protection to public officials than to private citizens are accorded, which is in direct contravention of the "*fundamental principle in a democratic system that holds the government subject to controls, such as public scrutiny, in order to preclude or control abuse of its coercive powers.*"²³

According to the report of January 2002 from the UN Special Rapporteur regarding freedom of opinion and expression in Argentina, several cases related to the *desacato* laws were submitted for his consideration. The concern of journalist organizations regarding these laws was voiced as they are considered to constitute one of the main restrictions on the right to freedom of opinion and expression in Argentina. The Special Rapporteur's report also mentions the consideration of the OAS Special Rapporteur that this is one of the major problems in Argentina.²⁴

There have been attempts to decriminalize press law violations. In 1999 a bill was introduced which proposed that the country's civil and penal codes conform to the principles regarding freedom of expression set out in its constitution and in international human rights treaties signed by Argentina. As the bill was not examined within the designated two-year time limit, it needed to be submitted again for consideration by Congress. On 27 December 2001, following a proposal from the Argentine NGO *Asociación para la Defensa del Periodismo Independiente* (PERIODISTAS), a bill to decriminalize press law violations was signed by

²⁰ IACHR's Declaration of Principles on Freedom of Expression, October 2000

²¹ Chapultepec Declaration, adopted by the Hemisphere Conference on Free Speech, Mexico City, March 11, 1994

²² Inter-American Commission on Human Rights, Report on the Compatibility of "Desacato" laws with the American Convention on Human Right, OEA/Ser.L/V/II.88, doc. 9 rev., 17 February 1995, 212.

²³ *ibid.*, 207

²⁴ See Report of the OAS Special Rapporteur for Freedom of Expression, 1999, Chap. III.

then provisional President Adolfo Rodríguez Saá. This bill proposes to modify the provisions of the national civil and criminal codes related to the crimes of slander and libel in order to comply with the principles protecting the right to freedom of opinion and expression contained in the Constitution and in international treaties. The UN Special Rapporteur registers in his report that the PERIODISTAS bill eliminates criminal defamation in the case of public figures, “thereby complying with the Inter-American Declaration of Principles on Freedom of Expression”, as established in Principle 10.²⁵ It also introduces standards for determining “actual malice”. In October 2002 the bill was submitted to consideration by the Chamber of Senators. There is no further information regarding the progress of this bill.

In this context the IACHR’s Annual Report of the Special Rapporteur for Freedom of Expression from 2002 states: “In order to ensure that freedom of expression is properly defended, states should reform their criminal libel, slander, and defamation laws so that only civil penalties may be applied in the case of offences against public officials. In such cases, liability for offences against public officials should only occur in cases of ‘actual malice’.”²⁶

VI. Conclusions and recommendations

In Argentina, freedom of expression and information are nationally and internationally recognized rights, set out in the Constitution and the International Covenant on Civil and Political Rights (ICCPR), to which Argentina is a party since August 1986. The Argentine Constitution states in its article 75 (22) that treaties and concordats have a higher hierarchy than laws and that the instruments listed above to which Argentina is party have constitutional hierarchy, and are to be understood as complementing the rights and guarantees recognized in the Constitution (“*Los tratados y concordatos tienen jerarquía superior a las leyes [...] tienen jerarquía constitucional*”).

However, in recent years Argentina has witnessed a worrying trend where freedom of expression is increasingly under attack. Journalists find themselves unable to carry out their legitimate work without fear of intimidation and physical assault, against them and often their families. **Christian Frolich**, photojournalist from the Buenos Aires newspaper *Crónica*, has said that police beatings are very familiar to press photographers, particularly following the events of December 2001: “[Es] algo que los fotógrafos conocemos bien porque

²⁵ UN Document - Civil and Political Rights, including the Question of Freedom of Expression, E/CN.4/2002/75/Add.1, Commission on Human Rights, ECOSOC, 17 January 2002, para. 89. Principle 10: “Privacy laws should not inhibit or restrict investigation and dissemination of information of public interest. The protection of a person’s reputation should only be guaranteed through civil sanction in those cases in which the person offended is a public official, a public person or a private person who has voluntarily become involved in matters of public interest. In addition, in these cases, it must be proven that in disseminating the news, the social communicator had the specific intent to inflict harm, was fully aware that false news was disseminated, or acted with gross negligence in efforts to determine the truth or falsity of such news.”

²⁶ IACHR Annual Report of the Special Rapporteur for Freedom of Expression, 2002, para. 18

lamentablemente ya es parte del folklore de la profesión, sobre todo luego del 20 de diciembre". These attacks have become part of everyday reality for many journalists.

The right to freedom of opinion and expression is fundamental for the achievement of real democracy. In a report from 1997, the UN Special Rapporteur emphasized the importance of the right to freedom of expression as the basis for a broad range of fundamental human rights: "*the right to freedom of expression can be described as an essential test right, the enjoyment of which illustrates the degree of enjoyment of all human rights enshrined in the United Nations Bill of Human Rights, and...respect for this right reflects a country's standard of fair play, justice and integrity.*"²⁷

Members of the press should be allowed to carry out their legitimate work as journalists without fear of threats or violence. Not only do journalists' civil and political rights suffer as a consequence of intimidation but so does their economic right to earn their living as media workers. The International Covenant on Economic, Social and Cultural Rights, Article 6.1 states: "*The States Parties to the present Covenant recognize [...] the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right*". Article 7(b) states: "*The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular: Safe and healthy working conditions*". This covenant was ratified by Argentina on 8 August 1986.

Attempts to silence and intimidate journalists also have ramifications for society in general, as they are denied access to information which could be of great importance to them. As the Inter-American Commission on Human Rights (IACHR) stated in its *General Report on the Situation of Human Rights in Mexico* from 1998, "*Attacks on journalists are specifically intended to silence them, and so they also constitute violations of the right of society to have free access to information.*"²⁸

In his concluding observations to his January 2002 report, the UN Special Rapporteur stated that "*freedom of opinion and expression constitutes the basis of all the freedoms on which democracy rests. No nation can make progress if freedom of expression is not guaranteed to all its citizens and protected by law.*"²⁹

Amnesty International's Recommendations

Journalists have a legitimate role in objective investigative reporting and this role should be protected by the authorities. Amnesty International believes that in order to protect the freedom of the press the Argentine authorities should:

²⁷ Commission on Human Rights, UN Economic and Social Council, 4 February 1997, E/CN.4/1997/31.

²⁸ *General Report on the Situation of Human Rights in Mexico*, September 24 1998, para. 649.

²⁹ UN Document - Civil and Political Rights, including the Question of Freedom of Expression, E/CN.4/2002/75/Add.1, Commission on Human Rights, ECOSOC, 17 January 2002, para. 163.

- make public declarations recognizing the legitimacy and importance of the work of the media;
- conduct thorough, impartial and conclusive investigations into all complaints on attacks, threats and intimidation on members of the media;
- cooperate with investigations already initiated, granting the necessary resources for their progress and ensuring that they are not hampered by administrative obstacles so that they can be completed;
- make public the methods followed during the course of the investigations and their outcome;
- bring to justice those found responsible;
- take all necessary and effective steps to protect members of the press and ensure that they be allowed to perform their legitimate work as journalists without fear of threats or violence against themselves or their families;
- guarantee the right to reparation for the victims and their relatives;
- take effective measures to investigate all allegations of cases of police brutality, ill-treatment, unlawful arrest and detention, ensuring that the investigations are prompt, thorough and impartial, that the results are made public and that those found responsible are brought to justice;
- make it publicly clear that human rights violations by the police and security forces will not be tolerated under any circumstances and that the need to deal with public disorder can never be used as a justification for human rights violations;
- give due consideration to legislation directed to the due protection of freedom of expression, thus providing the cornerstone for the fulfilment of the Argentine State's international obligations.

APPENDIX I: MEMBERS OF THE ARGENTINE MEDIA ATTACKED, THREATENED OR HARASSED DURING 2002-2004 (PARTIAL LIST)

Name and Media	Date	Details
<p>Álvarez, Oscar <i>Conexión FM</i> radio station Tinogasta Catamarca Province</p>	<p>20/11/2002</p>	<p>Received death threats from a local councillor who had been implicated in corruption. (See main text)</p>
<p>Bonasso, Miguel Writer and journalist <i>Página 12</i> Buenos Aires</p>	<p>26/11/2002</p>	<p>Two armed men tried to enter his residence. The attackers, who were dressed as private security officers, shot a neighbour as they fled following the latter's intervention. He had just sent his book '<i>El Palacio y la Calle</i>' ('The Palace and the Street') to be published. Miguel Bonasso told the press that the incident was linked to events around 20 December 2001 that triggered the resignation of the then President Fernando de la Rúa, which are described in his book. Miguel Bonasso had been under police protection since January 2001 because of threats he had received following an article he wrote in <i>Página 12</i> regarding alleged disputes between the CIA and Argentina's intelligence service.</p>
<p>Bonino, Mario Member of Buenos Aires Union of Press Workers (<i>Unión de Trabajadores de Prensa de Buenos Aires - UTPBA</i>)</p>	<p>November 1993</p>	<p>Disappeared on November 11 as he made his way to give a radio talk - his body was found four days later in the Riachuelo River. He had issued a statement condemning death threats received by journalists in the province of San Luis a few days earlier. (See main text.)</p>

<p>Britos, Clara Owner/editor of <i>La Tapa</i> newspaper Buenos Aires Province</p>	<p>Between May 2002 and October 2003</p>	<p>Received several death threats in the street and via telephone and email, also threatening her family; an attempt was made to burn her house down; temporarily abducted and threatened by unknown individuals. (See main text)</p>
<p>Cabezas, José Luis Freelance press photographer</p>	<p>25/01/1997</p>	<p>His charred body was found handcuffed inside a burned out car – he had been shot in the head. His photographs had been used in articles on police corruption in Buenos Aires Province. (See main text)</p>
<p>Chirino, Carlos Cameraman <i>Canal 8</i> Juan Martin Driver FM Radio La Voz Atahualpa Acosta Editor Marcos Urisa, Photographer <i>Diario de Cuyo</i> Alejandra Ruiz TV 2 Canal Proimagen Doly García FM Santa Lucía Juan Pereyra LV5 Radio Sarmiento All San Juan Province</p>	<p>27-30/04/2002</p>	<p>Threatened and attacked by police whilst covering demonstrations by provincial government employees in the province of San Juan. (See main text.)</p>
<p>Ciccioli, Martín, Nicolás Chausovsky, and Sergio Di Nápoli Canal 13 television show “Kaos en la ciudad” Buenos Aires</p>	<p>19/11/2002</p>	<p>Kicked and punched at a rally in the city of Buenos Aires for former President Carlos Menem, by supporters of the former president. A group of Menem’s supporters reportedly insulted and physically attacked the three journalists as they covered the rally from behind the press barrier.</p>

<p>Colussi, Alejandro Radio journalist <i>LT9 Radio Brigadier López</i> Santa Fe Province</p>	<p>26/07/2002</p>	<p>Two unidentified individuals shot at his residence, wounding a police guard who had been stationed there following the receipt of anonymous threats. He had been investigating accusations of the alleged involvement of councillors from the <i>Partido Justicialista</i> in irregularities in the assignment of social assistance plans in Santa Fe Province. (See main text)</p>
<p>Cukierkorn, Damián; Ariel Burta, television programme <i>Periodistas, América TV</i> Mauricio Conti journalist San Luis Province</p>	<p>11/08/2003</p>	<p>Attacked and threatened with firearms by individuals identified as the bodyguards of the governor of San Luis Province. The journalists were filming footage on property belonging to the governor.</p>
<p><i>Diario del Fin del Mundo</i> Newspaper Ushuaia Tierra del Fuego Province</p>	<p>06/03/2004</p>	<p>The offices of the newspaper were set on fire. Police and fire services reportedly stated that the fire was started intentionally. On 1 March a journalist from the newspaper, Carmen Miranda, had been approached by police on the street. They asked her for the addresses of other journalists in the city, stating that they wished to offer them protection in the light of recent attacks and threats.</p>
<p>Díaz Muñoz, Marco Correspondent <i>América TV</i> Salta Province</p>	<p>20/06/2002</p>	<p>Beaten by police as he filmed police repression of protests by unemployed groups in front of the town hall in the city of Salta. (See main text)</p>

<p>Esteban, Edgardo television reporter NBC television Martín Ciccioni Television reporter <i>Informe Central</i> television programme, <i>América</i> television channel Buenos Aires</p>	21/04/2003	Edgardo Esteban was forced to kneel on the ground by police while covering demonstrations against the eviction of factory workers in the city of Buenos Aires. Martín Ciccioni was hit seven times by rubber bullets fired by police. (See main text)
<p>Frolich, Christian Photojournalist <i>Crónica</i> newspaper Buenos Aires</p>	06/03/2003	Beaten by agents of the Federal Police while he reported on the arrest of street vendors in the “ <i>Once</i> ” district of Buenos Aires city. He was attempting to take photographs of the violence employed by the police.
<p>Gangeme, Ricardo Owner of <i>Informador</i> <i>Chubutense</i> newspaper Chubut Province</p>	13/05/1999	Shot in the head and killed as he parked his car. His newspaper had been reporting on financial irregularities involving a local utility company. (See main text)
<p>Gibilaro, Catherina Journalist <i>Uno</i> newspaper Mendoza</p>	03/10/2002	Attacked by police as she was investigating the alleged police killing of a youth who had tried to break into a sports club (<i>Club Andinista</i>) in the city of Mendoza. She was assaulted as she asked permission for her photographer to take pictures of the crime scene. Catherina Gibilaro filed a complaint for aggression before the General Security Commission (<i>Inspección General de Seguridad</i>). Reportedly, a judicial investigation was opened against the police officer. Progress in the investigation is unknown.

<p>Goldín, Alejandro Photojournalist Indymedia</p>	<p>09/06/2003</p>	<p>Beaten by members of the Federal Police as he covered a demonstration outside the textile factory <i>Confeciones Brukman</i>. Despite showing his press accreditation, he was struck by the barrel of a tear-gas launcher. He was then beaten and kicked by several members of the police as he lay on the ground, leaving him with leg and head injuries.</p>
<p>Juncos, Néstor Photojournalist <i>La Capital</i> newspaper Rosario</p>	<p>11/01/2003</p>	<p>Arbitrarily arrested by a provincial officer while taking photographs of a commercial centre. He was handcuffed to railings and threatened with charges of assault. He was taken to the <i>Comisaría 2a.</i> and released after one hour.</p>
<p>Kowalewski, Sergio Press photographer</p>	<p>29/06/02</p>	<p>Received three anonymous death threats via phone calls, in relation to photographs taken during disturbances in Avellaneda, Buenos Aires Province, which showed police involvement in the deaths of two demonstrators. (See main text)</p>
<p>Lavia, Héctor Editor and owner <i>Prensa</i> newspaper Ushuaia Tierra del Fuego Province</p>	<p>25/02/2004</p>	<p>His car was vandalized by unidentified individuals. His newspaper had published an article claiming a local politician was living in a house owned by the municipality of Río Grande.</p>
<p>López, Enrique Eduardo Owner Radio station <i>Cadena Dos</i> Chilecito La Rioja Province</p>	<p>01/11/2002</p>	<p>Assaulted and threatened by a local deputy mayor following the broadcast of allegations linking him to corrupt dealings. (See main text)</p>

<p>López, Marcelo and Marcelo Torrez Canal 9 Godoy Cruz Mendoza Province</p>	<p>17/11/2002</p>	<p>Harassed by a local councillor following the broadcast of accusations of corruption in the local council (See main text)</p>
<p>Majul, Luís; Marcelo Zlotowiazda and Ernesto Tenenbaum Presenters of television programme <i>La Información</i> América TV</p>	<p>12/09/2002</p>	<p>Received threats via email: “<i>No jodan más con las cárceles, no pasen más este video. Majul, pensá lo que hacés, si seguís sos boleta</i>” (“don’t screw around any more with the prisons, don’t show the video again. Majul, think about what you’re doing, if you carry on you’re dead”). The threat is related to footage shown during a broadcast on the programme, which showed members of the Penitentiary Service (Servicio Penitenciario) in La Plata savagely beating inmates in the Unidad 9 prison. The Buenos Aires Union of Press Workers (Unión de Trabajadores de Prensa de Buenos Aires - UTPBA) publicly denounced the threats the following day.</p>
<p>Malnatti, Daniel Journalist <i>Caiga Quien Caiga</i> TV programme Tucumán</p>	<p>10/05/2002</p>	<p>He was forcibly shut in a lift with some of former President Carlos Menem’s bodyguards in a hotel in Tucumán where the former president was staying. They hit him, pointed a gun at his head and threatened to kill him.</p> <p>There have been several press reports of former President Carlos Menem’s supporters indiscriminately attacking journalists covering his public appearances.</p>
<p>Minetti, Carla Journalist <i>Cablevisión TV</i> Rosario Santa Fe Province</p>	<p>14/03/2002</p>	<p>Reportedly struck in the neck by a rubber bullet fired by police as she covered the eviction of an illegally occupied housing settlement in the provincial capital, Rosario.</p>

<p>Mouratian, Andrés TV journalist <i>Punto Doc, Periodistas, Telenoche investiga</i> television programmes Buenos Aires</p>	<p>13/09/2002</p>	<p>Threatened, insulted and then brutally assaulted in the street by three unknown assailants in Ciudad de la Paz, Buenos Aires. (See main text)</p>
<p>Olivares, Eduardo Journalist <i>Radio Dimensión</i> radio station Cuyo Noticias website San Luis Province</p>	<p>04/03/2004</p>	<p>Beaten to the ground and kicked by members of COAR, anti-riot squad from the provincial police as he covered a demonstration by municipal employees. The police had reportedly been openly hostile to journalists covering the event, and had fired rubber bullets at them.</p>
<p>Ortiz, Norberto TV Journalist <i>Crónica TV</i> Buenos Aires</p>	<p>26/02/2003</p>	<p>Hit by a rubber bullet fired by members of the <i>Guardia de Infantería de la Policía Federal</i>. He was outside the federal courts (Tribunales Federales) covering the trial of a group accused of inciting violence during demonstrations in 1994 and 1995.</p>
<p>Petroff, Roberto Mario, <i>Tiempo Sur</i> newspaper Santa Cruz Province</p>	<p>29/04/2002</p>	<p>Roberto Mario Petroff was stopped in the street and threatened by two unidentified individuals. He had been investigating attacks carried out against members of neighbourhood assemblies. (See main text)</p>
<p>Recanatini, Alberto, Tomás Eliashev Journalists Indymedia Argentina</p> <p>Luis Gras Journalist <i>La Tapa</i> newspaper Buenos Aires Province</p>	<p>26/10/2002</p>	<p>Police fired rubber buckets at the two Indymedia journalists and beat Luis Gras while covering protests against the arrest of environmental activists and members of Asambleas Populares. (See main text).</p>

<p>Rodríguez, Julio Journalist <i>Clarín</i> El Liberal Santiago del Estero Province</p>	25/02/2002	Received telephone death threats against his family from unidentified individuals, following his investigations into local government corruption. (See main text)
<p>Rojas, Diego Journalist Infosic news agency Buenos Aires</p>	05/01/2003	Seriously assaulted by members of the police and then arbitrarily detained for ten hours, following a meeting at a neighbourhood assembly. (See main text)
<p>Rubino, Fabián, <i>Radio Mitre</i> radio station Hernán España <i>Diario Popular</i> newspaper Juan Arias <i>Crónica</i> newspaper Journalists Buenos Aires Province</p>	25/01/2002	All three men were beaten by police personnel as they reported on police repression during a protest march in the city of Buenos Aires. (See main text)
<p>Sanna, Carolina Journalist <i>América</i> Tucumán Province</p>	23/08/2002	Received an anonymous telephone call where she was told “you’ll remember me for the rest of your life if you go on working like this” (“ <i>toda tu vida te vas a acordar de mí si es que seguís trabajando de esta manera</i> ”). Carolina Sanna covers judicial affairs in the province of Tucumán. She had interviewed a provincial legislator regarding a scandal denounced by his wife. She filed a complaint before the Public Prosecutor’s Office No. IV
<p>Santiago, Miguel Producer Ignacio Marcalain Cameraman Todo Noticias news station Buenos Aires</p>	19/11/2002	Physically assaulted while waiting behind the press barrier at a rally in the city of Buenos Aires for former President Carlos Menem. A group of Carlos Menem’s supporters reportedly attacked the journalists.

<p>Sequeiro, Julián, Maximiliano Garcia Solla, and Michael Carcachi, Cameramen from <i>Puntodoc/2</i> television programme Buenos Aires</p>	<p>25/02/2003</p>	<p>Beaten by members of the police as they covered a police eviction of a residential building in Buenos Aires. (See main text)</p>
<p>Sisso, Marcelo Journalist <i>El Sol</i> newspaper <i>Canal 9</i> television channel <i>Radio LV10</i> radio station Mendoza</p>	<p>30/07/2003</p>	<p>Received threatening telephone calls from unidentified individuals in relation to his reports on alleged financial irregularities involving a construction cooperative. (See main text)</p>
<p>Urquiza, Fabián Photographer <i>Clarín</i> newspaper Buenos Aires</p>	<p>23/06/2002</p>	<p>Punched, kicked and hit with sticks, along with a team from the <i>Todas Noticias</i> television channel, by sympathisers of former president Carlos Menem. They were covering the protests of a group of people from neighbourhood assemblies and <i>ahorristas</i> (people who have had their bank savings frozen) against Carlos Menem, who was being interviewed by the television channel <i>Azúl</i> in its studios in Buenos Aires city. A dozen individuals wearing clothes with the slogan ‘Menem Presidente’ and with their faces covered by scarves or balaclavas began to attack the television crew. They reportedly attacked Urquiza shouting “<i>zurdo, tomátelas</i>” (“clear off, leftie”).</p>

--	--	--

Vázquez , María Mercedes Reporter <i>LT 7 Radio</i> Corrientes Corrientes Province	06/10/2002	A Molotov bomb was thrown at her house. She had previously received threatening telephone calls and been hit by two unidentified individuals in the street, in relation to the broadcast of telephone conversations that implicated high-ranking officials from the provincial authorities in an apparent conspiracy against the then governor. (See main text)
--	------------	---

APPENDIX II: EXCERPTS FROM INTERNATIONAL HUMAN RIGHTS STANDARDS

Universal Declaration of Human Rights

Article 19:

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

International Covenant on Civil and Political Rights (ICCPR)

Article 19: 1. Everyone shall have the right to hold opinions without interference.
2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

Article 21: The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others.

Article 22: 1. Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.

UN Declaration on Human Rights Defenders

Article 12: 1. Everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms.
2. The State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, *de facto* or *de jure* adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration.

3. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

Inter-American Commission on Human Rights (IACHR) Declaration of the Rights and Duties of Man

Article IV: Every person has the right to freedom of investigation, of opinion, and of the expression and dissemination of ideas, by any medium whatsoever.

Inter-American Commission on Human Rights' (IACHR) Convention on Human Rights

Article 13: 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.

3. The right of expression may not be restricted by indirect methods or means, such as the abuse of government or private controls over newsprint, radio broadcasting frequencies, or equipment used in the dissemination of information, or by any other means tending to impede the communication and circulation of ideas and opinions.