

Reporters Without Borders

<http://www.rsf.org/bolivia-mayor-s-death-threats-against-04-09-2012,43286.html>

Americas - Bolivia

Climate of hate

Mayor's death threats against journalists, risk of anti-racism law being misapplied

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Reporters Without Borders calls for a criminal abuse charge to be brought against Percy Fernandez, the mayor of the eastern city of Santa Clara, in connection with the public death threats he made against the editor of the daily *El Deber* and the rest of its staff during the city's annual celebrations on 1 September.

"I will not rest until **Tuffi Aré** and the other journalists are two metres underground," Fernandez said. "All journalists are animal manure. We will find a way to bury them."

"Such violent comments are unworthy of an elected official and liable to endanger the journalists he referred to as well as all other journalists," Reporters Without Borders said. "Bolivia continues to be prey to extreme polarization that is affecting the various kinds of media – state-owned, privately-owned and community – and their employees."

"All politicians are exposed to public criticism because of their jobs and they must take care not to respond either with hate speech or judicial reprisals as both pose a danger to freedom of information and media pluralism."

Another journalist named by Fernandez, *Red Uno (Canal 11)* TV reporter **Milton Montero**, a representative of the Bolivian Confederation of Press Workers, has called for a "racism and discrimination" complaint to be brought against the mayor under [Law 045](#).

This is the same law that the government wants to use to prosecute three news media – the news agency *ANF* and two dailies, *Página Siete* and *El Diario* – because of their coverage of a controversial speech by President Evo Morales.

"We support the existence of a law that punishes racist hate speech and defence of racism, including by the [media](#), but the charge of 'racism and discrimination' is not applicable to these three media," Reporters Without Borders said. "This complaint should come under the Printing Law, the law that is meant to cover such cases."

"The charge of verbal abuse under the criminal code is clearly applicable to Mayor Fernandez's comments but did these comments refer directly to the origins of the individuals he targeted? Law 045 should not be misapplied to offences it was not meant to cover."

28.08.12 - Coverage of president's comments prompts racism charges against media

Journalists' unions and media associations are calling for demonstrations this week in support of three news media – the Jesuit-owned news agency *ANF* and two dailies, *Página Siete* and *El Diario* – which the government has accused of violating Law 045 on racism and all forms of discrimination.

The government says they twisted controversial comments that President Evo Morales made during a visit to the southwestern city of Uyuni on August, in which he contrasted western Bolivia's cold altiplano with the tropical lowlands in the east of the country.

Morales said: "In the east, where you can grow crops all year round, you can only be poor or

lack food if you lack the determination. But it is different in the Altiplano. There is no food in the Altiplano if it freezes, if there is no rain, or if it hails. But not in the east. You go hungry in the east only if you are lazy."

The dispatch that *ANF* ran the same day on the speech was headlined: "Evo says you are only hungry in the east if you are lazy." *Página Siete's* report the next day was headlined, "Evo describes the inhabitants of the east of the country as lazy," while *El Diario* said: "Evo thinks the east is lazy and is accused of discrimination."

The three media were promptly accused by communication minister Amanda Dávila of "tendentious distortion" and, on 21 August, a complaint was brought against them at the behest of the president's office under Law 045, which punishes "disseminating and inciting racism and discrimination" and carries a possible sentence of one to five years in jail.

"As pointed out by the organizations that have signed an appeal for support for these three news media, any distortion of the president's comments should normally be a matter for the Printing Law, under which print media offences are supposed to be tried," Reporters Without Borders said.

"The anti-racism law is being used to accuse the media of the same discriminatory attitude they accused the president of displaying. How can this charge stand, when it is based on such an absurd inversion of logic?

"Even accepting that *ANF*, *Página Siete* and *El Diario* misquoted President Morales, they had every right to question the ill-conceived and clumsy nature of his comments. The government must withdraw its complaint or the prosecutor's office must declare it to be inadmissible."

Law 045 on racism and all forms of discrimination prompted a great deal of concern when promulgated in October 2010 because of the poor wording of some of its articles. There was concern above all about the possibility of news media or journalists being held [responsible](#) for the racist or discriminatory comments they quoted.

[Regulations](#) that were later adopted, defining how the law should be interpreted, eliminated this ambiguity and received Reporters Without Borders' approval at the time.

"The proceedings initiated against these three news media have taken us back to the initial flaws in this law, one which nonetheless has every reason to be on Bolivia's statute books," Reporters Without Borders added.
