

Reporters Without Borders

<http://www.rsf.org/chile-bill-would-criminalize-protests-06-10-2011,41137.html>

Americas - Chile

Criminalization

Bill would criminalize protests, turn journalists into police informers

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Reporters Without Borders urges the Chilean congress to reject a government bill which, in response to a ninth-month-old wave of [protests by students and others](#), would violate basic rights by criminalizing the expression of opinions in public. It also contains disastrous provisions for journalists covering protests.

Signed by President Sebastián Piñera, interior minister Ricardo Hinzpeter and justice minister Teodoro Ribera, and submitted to congress on 1 October, the bill alludes to the ongoing protests when it says its aim is to "perfect and reinforce the regulations that enable an effective maintenance of public order."

The bill, a copy of which has been obtained by Reporters Without Borders, reaffirms the right to demonstrate peacefully but lumps "public order disturbance," "paralysis" and "disorder" together with "violence." By their nature, demonstrations tend to generate disorder and paralysis but do not necessarily lead to violence.

The same confusion is seen in the bill's main innovation, which is a sentence of between 18 months and three years in prison for any person found guilty of:

- *invading, occupying or ransacking rooms or offices of commercial, industrial, religious or other establishments*
- *preventing or disrupting the free flow of individuals and vehicles on bridges, streets, roads and other similar installations used by the public.*

"It is hard not to see the first of these two sets of offences as a direct allusion to the (peaceful) student occupations of *Chilevisión*, the TV station that Piñera owned before he became president," Reporters Without Borders said. "In the absence of any precision, does this mean that anyone sitting in a corridor or a studio of a news organization could be sentenced to three years in prison?"

"As regards the second set of offences, it is hard to imagine demonstrators staging a march anywhere other than a street, road or bridge. These provisions would be laughable if they did not threaten the right to demonstrate, one of the pillars of freedom of expression."

Reporters Without Borders accepts the principle of penalizing "attacks on the authority of the security forces," which would subject to the same sanction (18 months to three years in prison) under this bill. But it condemns the lack of any sanctions for indiscriminate violence against [protesters by the police](#), a frequent occurrence at this year's student protests.

Such violence has also been seen at demonstrations by environmentalist groups and the Mapuche indigenous community against the [HydroAysén](#) hydro-electric project.

Media informers?

Another alarming aspect of the bill is "a new power for the law enforcement and security forces, under which they can request the voluntary transmission of recordings, film or other electronic media material that may serve to substantiate the existence of crimes or participation in crimes, without a prior order from the state prosecutor."

The bill adds that this power would be used “in circumstances in which crimes against public order are committed and in which the frequent presence of mass media facilitates the existence of evidence substantiating these crimes.”

“In other words, carabinieri and police officers would be able to request and use media material to identify presumed offenders whenever they wanted, violating the rules about judicial controls in the gathering of evidence and violating the confidentiality of journalists’ information,” Reporters Without Borders said. “Journalists are neither police auxiliaries nor police informers. This clause wants to turn them into informers. The bill must be withdrawn.”
