



	Argentina
Años	1997-2000



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The darkest days of Argentina's military dictatorship between 1979 and 1983 came back to haunt the country this year with the brutal murder of a leading photographer. The charred, handcuffed body of Jose Luis Cabezas, 35, a photographer for the magazine, Noticias, was found in his burned car at Pinamar - a beach resort town popular with the rich and politicians - on January 25. He had been shot in the head, doused with fuel and set alight. The body was so badly charred that it could be identified only by the journalist's car keys, wristwatch and dental records.

Cabezas, a father of three, had been sent to Pinamar to cover the holiday season. Noticias, a top-selling weekly, has uncovered corruption scandals and has been highly critical of President Carlos Menem's administration. Cabezas himself had taken part in investigations into graft in the police and the mafia allegedly run by a top businessman. His murder provoked a storm of protests from local journalists, who marched through the streets of the capital, Buenos Aires. Both houses of Argentina's Congress met jointly for the first time since 1989 to declare their grave concern. And minutes of silent tribute were observed by such unlikely sympathisers as truck drivers, soccer clubs - and the military.

The IPI and other international media organisations also called on President Menem to investigate the killing and bring the murderers to justice as quickly as possible.

Not that there was much hope of that happening. President Menem is no friend of the press, as many of his declarations proved during 1997. And there were suggestions of possible official involvement in Cabezas' assassination. On August 29, Judge Jose Luis Macchi, who is overseeing the investigation into the murder, ordered the capture of Anibal Luna, a former police official reported to have carried out "intelligence" work on Cabezas. (Luna had been arrested back in May, but was freed due to "lack of evidence.")



On September 1, Gregorio Rios, head of security for the businessman, Alfredo Yabran, handed himself in to police in Dolores. Judge Macchi has called Rios the “instigator” in the murder of Cabezas. (In the summer of 1995, another member of Yabran’s security staff had assaulted two television journalists who were attempting to interview the businessman.) Cabezas’ assassination was by far the most brutal attack on the media since the end of military rule. And worryingly, it was followed by daily threats to journalists. Many interpret the killing and the threats as clear warnings to the country’s aggressive media not to delve too deeply into foul play. Jacobo Timerman, a former newspaper editor who was tortured by the military junta, wrote: “Cabezas reminds me of the face of many of the children who disappeared. The greatest danger is for this to pass, because people do forget horror.”

For his part, Andrew Graham-Yooll, editor-in-chief of the English-language Buenos Aires Herald - who himself was on the military junta’s death list - wrote poignantly in an editorial: “Who, of a certain age, cannot remember the charred bodies in burned-out cars on the road to Ezaiza airport in the ’70s? And there, as a mirror of misery, is the picture of Cabezas’ car, nearly reduced to ashes.” Moreover, there were a number of alarming attacks on other journalists this year which bore all the hallmarks of a connection with the painfully slow investigation into the photographer’s murder.

On June 23, the sister of Antonio Fernandez Llorente - a correspondent for the independent television channel, Canal 13 - was attacked by three men who slashed her hand and told her that her brother was “talking too much.” Fernandez Llorente had been reporting regularly on allegations that a top businessman, Alfredo Yabran - who has been questioned in connection with Cabezas’ killing - had mobilised supporters within the government to obstruct the inquiry.

Also on June 23, Ariel Garbarz, a columnist for the outspoken daily,



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Pagina 12 - a frequent target of the authorities for its courageous investigation of official corruption - was warned by Buenos Aires police officers that he would run into “trouble” if he continued to report on the use of software to trace telephone calls between the Interior Ministry and Yabran around the time of the Cabezas murder. The following day, two anonymous callers telephoned the publishing house where Noticias is out together and warned: “The next is Magdalena” - a reference to a Noticias journalist, Magdalena Ruiz Guinazu. Her housekeeper found a bullet in the doorway of the journalist’s apartment on July 2. According to the Union of Buenos Aires Press Workers (UTPBA), there were 720 “intimidating” acts against journalists between 1989 and the murder of Cabezas - including physical assaults, telephone threats and lawsuits.

The wave of attacks and threats against journalists continued throughout this year. The incidents included an assault on Jorge Lanata, former editor-in-chief of Pagina 12, who was hit in the face on July 12 as he sat in his car at a traffic light with his daughter; a blood-spattered note sent to the journalist, Hernan Lopez Echague, on July 13, with the names of his children and the address of his mother (even though she had moved just two months earlier); the arrest, on October 4, of Delfo Rodriguez, a photographer for the daily, Los Andes; a verbal attack by President Menem on another Pagina 12 journalist, Horacio Verbitsky, on November 23, and an arson attack on the Esquel daily, El Oeste, on Christmas Day, which destroyed virtually all the paper’s files.

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Almost two years after the brutal murder of the news photographer José Luis Cabezas, which brought back memories of the persecution of journalists during Argentina's 1976-83 military dictatorship, the incident remains unpunished and Argentine journalists warned that press freedom in their country is under siege. In addition to attacks and threats against journalists, various court rulings adverse to freedom of expression were handed down, particularly with regard to the controversial "right of reply." Meanwhile, the Senate was ready to study a proposed bill to amend provisions in the Penal Code, which would make the dissemination of material obtained through the use of hidden microphones or cameras a punishable offence.

On January 25, 6,000 people gathered in the resort of Pinamar - where the charred, handcuffed body of José Luis Cabezas, a photographer for the news magazine *Noticias*, was found in his burned car on January 25, 1997 - to mark the first anniversary of the journalist's killing and protest the lack of progress in the investigation. Despite the arrest of ten individuals, it remains unclear who ordered Cabezas' death and why. An elusive Argentine tycoon with links to President Carlos Menem's aides, Alfredo Yabran, was investigated in connection with the murder and his security chief was charged with "instigating the crime", but in May of this year Yabran killed himself with a shotgun, leaving many questions unanswered. In its December 6, 1998, issue, the newspaper *Página/12* reported that the police investigation into the Cabezas case was to end on December 22. The daily quoted Judge José Luis Macchi, who said: "Practically nothing has been done in months. We will conclude without a clear knowledge of the motive behind the crime, the weapon used, or who led the operation to kill the photographer." According to the Asociación para la Defensa del Periodismo Independiente (Periodistas), it was likely that the trial of the ten suspects would be held in 1999, when the presidential campaign is in full swing, although the danger existed that



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the authorities would attempt to delay the trial until after the election.

Journalists and media outlets throughout the country received threatening calls and letters on the anniversary of Cabezas's murder. A day after the demonstration in Pinamar, Esteban MacAllister, vice president of the photojournalists' association, the *Asociacion de Reporteros Graficos*, received a threatening message ("You're dead!") on his Buenos Aires office answering machine. MacAllister was one of the speakers at the January 25 event in Pinamar.

On January 27, an unidentified person made two threatening telephone calls to Gabriela Cerruti, a journalist for the weekly magazine *Tres Puntos* and author of an article on Alfredo Astiz, a former naval captain who was one of the most notorious members of the military death squads of the 1970s. In the article, Astiz, breaking years of silence, said he was tired of being hounded by the media and was quoted as saying: "I'm telling you, don't keep pushing us into a corner. You're playing with fire, because technically I'm the best-trained man in this country to kill politicians or journalists." He added that journalists should be careful not to suffer the same fate of Cabezas. Astiz's statements resulted in an unusual display of unity among the government, opposition and human rights groups, who all expressed outrage. Astiz was stripped of his rank by direct order of President Menem, although like other officers involved in the 1976-83 "dirty war", he could not be prosecuted for any crimes he may have committed then because of amnesty laws passed in the 1980s.

On February 1, the residence of David Leiva, owner and director of both the *Nueva Argentina* FM radio station and *La Opinión* magazine of Salta province, was the target of numerous gun shots, RSF reported. The journalist had received many death threats by phone and mail since the publication in mid-January of his articles concerning the arrest of Eduardo Augusto, a member of the regional Justicialista party, who was found in possession of cocaine.

Unknown persons entered the offices of the newspaper *Provincia 23* in

Tierra Del Fuego on March 6 and made off with documentation used for an investigation of the provincial government, IAPA said. Two days later, on March 9, the managing editor of the paper, Norberto Coll, received a death threat.

On March 9, a public works supervisor attacked *Canal 4* and “Video Sur” news editor Manuel Romani with a machete in San Carlos, Santa Fé. Romani was filming footage for a programme focusing on problems in the sewage system when he was attacked by the municipal functionary. Part of the attack was caught on film and broadcast by local TV channels. The supervisor, who was later arrested, was sacked by the municipal government.

On April 18, Andres Klipphan, a journalist with the daily *Pagina/12* received a death threat in a letter, which said: “If you continue being a nuisance you are dead.” The letter was signed “The Bonarense Family” and “Do not forget Cabezas”. It was accompanied by a photo of a corpse. Klipphan was involved in investigating the Bonarense Police, many of whose members were discharged last year in connection with their participation in crimes, including drug trafficking, illegal gambling, prostitution and murder. Four members of the Bonarense Police have been detained in connection with the murder of Cabezas.

On June 14, two journalists from Rafalea in Santa Fé province, Nilo Peretto of the newspaper *Catellanos* and Elias Roberto Sánchez of *Radio Rafaela*, received death threats over the telephone. According to IAPA, they were investigating the January 1998 murder of a police official, Guido Coria.

Rodrigo Javier García, a journalist in Metán in Salta province, received a death threat on August 7 during the programme “Cablenoticias” on *Metán Televisora Color*.

On October 5, unknown assailants shot at the home of journalist José Luis Pagés, chief police reporter of the newspaper *El Litoral* of Santa Fé. Pagés was investigating crimes committed by former policemen and



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military men during the military dictatorship.

On November 7, the radio journalist Héctor Torres of General Mosconi in Salta province reported that he had received death threats and that unknown persons had burned his car, IAPA said. Torres had been reporting critically about a local official, Miguel Angel García.

On December 29, journalist Carlos Alberto “Gary” Vila Ortiz was attacked by two men in the doorway of his home in the city of Rosario, *Periodistas* reported. The men threatened to rape Ortiz, but fled when neighbourhood security guards appeared. In 1994, he was forced to abandon the managing editorship of the daily *La Capital*, the largest daily in Rosario, after someone threatened to kill his grandchildren. In February 1995, three individuals stabbed him twelve times in the stomach. The circumstances surrounding these attacks have never been clarified.

When not confronted with violent attacks or threats, Argentina’s journalists had to contend with a barrage of litigation. President Menem - who is said to despise the press - and his supporters have responded to critical reporting about government corruption with court action and political pressure. Various journalists and media outlets were handed down heavy fines for libel or for causing “moral damage” to the head of state, while the Argentine judiciary used the controversial “right of reply” on several occasions.

On March 26, an Argentine court ordered *Noticias* to pay President Menem US\$150,000 for invading his privacy after it reported that he had an illegitimate son. The weekly magazine had published a story in 1994 claiming that Menem had an illegitimate child in an adulterous affair while in internal exile during the 1976-83 military dictatorship. The magazine printed photographs of Menem embracing the boy and playing pool with him in his official residence.

The unexpected firing of Olga Wornat, host of the radio programme “Horizonte Hoy” on the radio station, *FM Horizonte*, on August 19 smacked of political pressure. Wornat, who was also working on a book on Carlos



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Menem's presidency due to be published during the next presidential election campaign, had been advised to tone down her criticism of the government. The day before her contract was cancelled, Wornat had interviewed Minister of Labour Erman González. In the interview, González made controversial comments, in particular one sentence which made the front page of the following day's morning edition of the *La Nación* newspaper. "There might be a feeling outside, a feeling that I can share, that power [in Argentina] doesn't rest with the Casa Rosada [the President's office], he said. According to Wornat, the director of the radio's news programme, Jorge Sicolillo, made it clear that there was a great deal of anger within the government over the interview with González.

In another incident of political pressure, IAPA reported in August that León Arslanián, Minister of Justice and Security for the Province of Buenos Aires, withheld for several weeks information concerning public security to journalists working for *El Día* in La Plata, saying that it was "a bad daily newspaper that publishes permanent and unnecessary attacks against me." The minister's reaction resulted in other state institutions, such as the provincial police, providing *El Día* with restricted or manipulated information.

On August 20, journalist Eduardo Aliverti was sentenced by the Buenos Aires Federal, Civil and Commercial Court (Court III) to pay an ex-civil servant damages in the amount of 50,000 pesos (US\$50,000) stemming from a lawsuit, *Periodistas* reported. The legal case against Aliverti began in 1987. At that time, Aliverti read an article from the magazine *El Porteño* on his *Radio Belgrano* programme. The article singled out Juan José Ramos, a civil servant with the government of former president Raúl Alfonsín, as being responsible for requesting a commission to regulate advertising on radio.

The Labour Ministry, in its document 60,220/93 of October 16, 1998, called on the daily *El Liberal* of Santiago del Estero to sell copies of the newspaper only through an exclusive and monopolistic labour union and

threatened to penalise the paper if it failed to do so.

On several occasions, the Supreme Court issued a decision granting the “right of reply”. Even though Argentina does not have right of reply legislation, the courts based their decisions on provisions in Article 14 of the Inter-American Convention of Human Rights, which Argentina has ratified and is constitutionally applicable in the country. Argentine journalists regarded the Supreme Court rulings in favour of the “right to reply” as a serious threat to freedom of expression.

On April 16, the Argentine Supreme Court of Justice ordered *Pagina/ 12* to publish the rebuttal of a plaintiff, Antonio Petric Domagoj, who claimed to have been affected by a news item published in the daily. The sentence handed down by the Court was based on Petric’s claim, attributed to him in a column published on June 20, 1993, by Hernan Lopez Echague, regarding the “character of the President’s advisor” and the “development of recruitment activities and the organisation of mercenary groups in order to send them to fight together with the Croat forces in the Bosnia-Herzegovina war.” Petric asked the newspaper to invoke Article 14 of the Inter-American Human Rights Convention, which establishes the right to answer a charge. The Convention was incorporated into the Argentine Constitution in 1994, but Article 14 was never regulated and has therefore never been applied in the national justice system. In the decision, a majority of the Supreme Court referred to Article 14 of the Convention, and established that correction should be possible for the “injured party” in cases of “inexact information”.

The Supreme Court again granted the “right of reply” on March 26, *Periodistas* reported. The Court ordered a publisher to print a letter written by Horacio Rozenblum, who was mentioned in a 1992 article in the now-defunct magazine *Somos*. The article described Rozenblum as a “lobbyist” and a “key actor in a fraudulent operation” of a bank, the Banco de Crédito y Comercio Internacional (BCCI). Rozenblum felt maligned and asked for a correction to be printed. When the publisher refused, he filed charges.

The Supreme Court justices said there was no need to prove the truth or accuracy of a piece of information in order to grant the right of reply. According to the daily newspaper *Clarín*, the justices said that “for the right of reply to be exercised, it is not necessary to determine whether the information circulated was truly inaccurate nor does the corresponding person need to provide proof of its veracity.”

On August 28, in what IAPA called a “step backward for press freedom”, the Supreme Court issued a ruling upholding the “right of reply”, requiring newspapers to publish a response from anyone who may have been offended by references to him or her in a previously published article.

Meanwhile, a bill which would make the media subject to value-added tax was sent by President Menem’s office to the national legislature, IAPA reported. If approved, the tax would increase the financial pressure news media were facing. “The main victims would be the independent press, especially small and medium-sized companies. ...The result would be that some papers would be forced to cease publication, to the detriment of a diversified press and democracy itself,” IAPA said.

On September 29, in what was regarded by many journalists as an attempt to punish investigations into corruption, the Senate’s Commission for Criminal Matters approved an August 25 report suggesting a draft law which calls for harsh penalties of up to three years’ imprisonment for journalists and media who use hidden microphones or cameras to obtain material about topics of public interest. The punishment would extend to anyone who publishes information obtained from a third party who has used these methods or telephone tapping. According to Argentine journalists, the issue was not submitted for analysis to the Senate’s Freedom of Expression Commission, nor were any consultations held with organisations working in this area.

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After ten years of hard times under the administration of President Carlos Menem, the Argentine press expected the new national government of Fernando de la Rúa's centre-left opposition Alliance to improve the state of press freedom in their country. However, hopes for a freer press were not immediately forthcoming in 1999 as one journalist was killed and another given a one year suspended jail sentence for defamation. Others were harassed, threatened or physically attacked, while various court rulings adverse to freedom of expression were handed down. In addition, several measures were taken by the authorities restricting free access to information, particularly with regard to pre-election opinion polls. In a positive development, the outgoing government of President Menem accepted the terms of Periodistas, one of Argentina's leading journalists' organisations, after a hearing in October at the Inter-American Commission on Human Rights and agreed to seek an amicable solution to current restrictions on freedom of expression. As part of the settlement, a Senate Commission was expected to approve a bill in December decriminalising libel and defamation.

Ricardo Gangeme, editor of the weekly magazine, *El Informador Chubutense*, was killed by an unidentified gunman in the Patagonian city of Trelew, southern Argentina, on May 13. Gangeme was returning home after an evening with friends and was parking his car in front of his downtown apartment when a man shot him point blank in the head with a .38 calibre pistol. A police officer who heard the shot arrived at the scene within a few minutes and found the journalist's body inside the car. Witnesses saw a man fleeing the scene on foot. Gangeme's wallet, which was found on his body, contained a large sum of money, making robbery an unlikely motive. According to fellow journalists, a powerful Patagonian businessman, Héctor Fernández, had tried to run him over the previous week and told him "what you are saying, it's going to cost you your life." Gangeme's magazine had recently published articles on Fernández's

alleged involvement in irregularities regarding the Trelew electrical co-operative. Gangeme spent 16 years with the tabloid *Crónica* before moving to Trelew. In December 1998, he founded *El Informador Chubutense*, which was known for exposing corruption as well as intimate details of local authorities and businessmen, and earned Gangeme many enemies. On November 10, Florencio Minatta, the judge in charge of the case, ordered the preventive detention of six people accused of murdering Gangeme. The six people – Gustavo Fabián Smith, identified as the perpetrator of the crime, Alejandro Fabián Zabala, Osvaldo Daniel Viti, Alejandro Jara, Néstor Fabián Echauri and Daniel Eduardo – were all reported to be linked to the Trelew electrical co-operative.

After almost three years, the trial for the 1997 murder of another journalist, José Luis Cabezas, finally began at the end of the year. The charred body of Cabezas, who worked as a photographer for *Noticias*, a weekly magazine critical of the administration of then-President Carlos Menem, was found on January 25, 1997, with a gunshot in his head and his hands handcuffed behind his back, in a burned car near Pinamar, south of Buenos Aires. Cabezas was in Pinamar with another *Noticias* journalist, Gabriel Michi, covering seasonal social events in the exclusive seaside resort. His brutal murder sparked protests and calls for justice by all sectors of Argentine society. On February 2, 2000, an Argentine court sentenced eight people, including three former provincial police officers, to life imprisonment for the Cabezas murder. The court also established that the reclusive business tycoon Alfredo Yabrán, who killed himself in May 1998, was the instigator of the crime. Yabrán's former security chief, Gregorio Rios, was among those sentenced to life in prison. However, some Argentines felt that the trial left many questions unanswered. During the past three years, many people have come to believe that the murder of Cabezas was part of a more extensive political feud involving top government officials and that the investigation should have been carried beyond Yabrán, who allegedly had Cabezas killed



because he felt that his interests were affected when the journalist took his photograph in the summer of 1996 and published it in *Noticias*. Although the people sentenced “probably participated, they are not the top culprits,” Periodistas said. “The judicial ruling has not given full account of the real motivation and circumstances of the shocking event.”

On January 5, unknown assailants broke the windshield, doors and hood of a car belonging to Bernardo Balbuena, editor of the daily *El Diario de Resistencia* in Chaco province, Periodistas reported. The vandals also wrote obscene phrases on the hood of the car, which was parked only a few metres from Bulbuena’s apartment, where the journalist was at home with his wife and children. According to Balbuena, the attack was probably “motivated by the fact that his paper had published news of the illegal enrichment of Raúl Romero Feris,” the mayor of the city of Corrientes, who is also the owner of the newspaper, *Norte de Resistencia*, and “a prime player in the newspaper market in the province of Chaco.” Balbuena said that although it was unclear who had damaged his car, he did not rule out the possibility that “individuals may exist who wish to eliminate him from the newspaper market in the region.” The attack in front of his home was not the first against Balbuena. On March 6, 1998, another of his cars was destroyed by arsonists.

In July, Cristian Alarcón, a journalist with the daily *Página/12*, received several warnings advising him to stop writing articles about the eviction of a number of unemployed persons from the Mar del Plata city cathedral by a group of supposed parishioners alleged to be former members of the intelligence services. Alarcón, who was in Mar del Plata investigating the case, received a phone call warning him to be careful. Later, someone broke into his hotel room and stole his plane ticket. The following day, a van followed him as he was heading to the airport.

In November, two officers of the Provincial Police of San Luis were suspended for harassing radio journalist Mario Otero. For more than a year, Otero had been investigating irregularities in the police and judicial

investigation into the case of a young girl's disappearance, known locally as the "Claudia Díaz Case." On November 9, the province's police chief guaranteed Otero complete security during his investigations after it was reported that the journalist had received threatening messages from Commissioner Enrique Verón, one of the police offices involved in the "Claudia Díaz Case." However, on November 13, two officers followed Otero for some time in a car without licence plates before the journalist was able to escape. In an unusual move, the provincial police chief suspended the two officers 48 hours after the incident and opened an internal enquiry into the matter.

Journalist Viviana Gorbato, author of a number of books, including "Montoneros, soldados de Menem, soldados de Dulhalde," received death threats in December. Gorbato was warned over the phone that "her days were numbered" in what appeared to be a clear attempt to frighten her so that she would stop speaking out.

When not confronted with violent attacks or threats, Argentina's journalist have had to contend with a barrage of litigation.

On April 8, journalist Eduardo Kimel was given a one year suspended prison sentence for defamation and fined US\$ 20,000 by the IV Court of the National Appeals Chamber in Criminal and Correctional Matters as a result of statements made in his book, "La Masacre de San Patricio" (The San Patricio Massacre). Kimel's book tells the story of the July 4, 1976, assassination of three priests and two seminary students of the Palotine Order in Buenos Aires by one of the "task groups" in charge of illegal repression during the last military dictatorship. The charges against Kimel were filed by Guillermo Rivarola – the judge responsible for carrying out the judicial investigation into the murders – who was offended by passages in the book in which the journalist criticised the judge's handling of the case. In his book, Kimel wrote that "Judge Rivarola fulfilled the majority of the official requirements of the investigation. However, it is evident that a series of decisive factors that could have shed light on the



assassination were not taken into account. Evidence that the source of the order to commit the crime had come from the innermost core of military power paralysed the inquiry, bringing it to a standstill.” The IV Court’s verdict, which noted that “the book is marked by a harsh blanket critique of the judges who were then members of the judicial power, and especially against the defendant Rivarola,” overruled a previous one by the judges of the VI Court of the same Chamber, who had considered that Kimel “exercised his right to report in a non-abusive and legitimate way with no intention to damage Rivarola’s honour.” The new verdict was condemned by press organisations in Argentina and around the world. Periodistas called it a “disgraceful sentence” aimed at punishing “the independent press’s efforts to rescue from forgetfulness and impunity one of the many atrocities committed by the last military dictatorship.”

In May, the No. 1 Court of the Criminal Annulment Chamber ruled on a case of complaint for damages that had been brought forth by a former member of the intelligence services, Colonel Solís, against journalists Sergio Moreno and Laura Términe. Judges Alfredo Horacio Bisordi, Juan C. Rodríguez Basavilbaso and Pedro Ruben David decided to annul the lower court’s not-guilty verdict and to hand the case back for a new ruling.

On September 9, the vice-governor of Córdoba province and mayoral candidate in the capital for the Justicialista political party (PJ), Germán Kammerath, threatened to take legal action against the Córdoba media if they published any information detailing his holdings. After a letter appeared in the September 9 edition of the weekly *Informe Córdoba*, which stated that Kemmerath owned property of greater value than that which had been declared to the taxation department, the vice-governor warned the Córdoba media not to “distribute, publish, report on, describe or make known information in any way resembling the articles in *Informe Córdoba*,” Periodistas reported.

In September, President Menem used a “necessity and urgency” decree to amend the national broadcasting law in a move which, some journalists



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feared, would benefit big multimedia companies and promote the concentration of media ownership. Decree 1005/99, dated September 10, 1999, increases from four to 24 the maximum number of radio and television licenses that can be held by an individual or business entity; permits the formation of transmission networks; reverses the stipulation that licences are not transferable; and eliminates the previously stipulated requirement of ten years' residency in the country before one is eligible to obtain a license. Two days after the decree was published in the September 27 edition of the *State Bulletin*, a number of opposition parliamentarians presented a motion to have it annulled, arguing that it violates the Constitution.

Media organisations expressed concern in October over a bill that would regulate the activity of radio and TV announcers. The bill – which establishes that only announcers can “direct or facilitate” programmes or “broadcast informative and news bulletins” – was approved by the legislature on September 1 and was to be submitted to the Senate for approval. Trade unions warned that if the law is ratified, journalists will be prevented from performing some of their current duties, such as disseminating news items. The International Association of Radio Broadcasting (AIR) noted that the bill is “a serious threat against freedom of expression” and sets up an obligatory registration system that is “discriminatory and incompatible with Article 13 of the American Convention of Human Rights.”

In November, the Argentine press expressed concern over a decision by the legislature of the City of Buenos Aires to prohibit the “distribution, publication, commentary or reference, in any media, of the results of electoral polls,” 48 hours prior to the end of voting. “In order to prevent erroneous polls from influencing voters' decision, the Buenos Aires legislators have committed an offence against free access to information,” they said.

On December 11, Provincial Secretary of Security Nestor Peña dictated

specific orders to all police chiefs in the province of Santa Cruz not to reveal any information to journalists, regardless of the subject matter, or face punishment. According to the Argentine trade union, these restrictive measures resulted in the arrest of several police officers who divulged information to journalists.

In a positive development, the outgoing government of President Menem accepted the terms of the journalists' organisation, Periodistas, after a hearing on October 1 at the headquarters of the Inter-American Commission on Human Rights in Washington, DC. The hearing was the result of charges filed by Periodistas in January, which accused the Argentine state of repeated violations of freedom of expression and referred to Supreme Court decisions on three cases (Judge Omar Jesús Cancela against the actress Gabriela Acher and the television station *Canal 13*; Senator Eduardo Menem against the editor of *Humor* magazine, Tomás Sanz; and Minister of Interior Carlos Corach against *Página/12* columnist Horacio Verbistky) that curtailed citizens' right to receive information. "The government's decision [to seek an amicable solution] is very concrete," said Verbistky, who is also vice president of Periodistas, "because it also engages the incoming Argentine government." Periodistas, which was formed in 1996, insisted that the agreement should involve a political commitment by the government to introduce amendments to the civil and criminal codes that would include two doctrines – the "actual malice" doctrine and the "Campillay" doctrine. The standard of "actual malice" holds that news media cannot be found guilty of libelling a public figure unless they publish or broadcast false information with malicious intent, while the so-called Campillay doctrine holds that a person cannot be punished for publishing information provided by others, if the sources are clearly identified. President Fernando de la Rúa has promised to consider a bill drafted by Periodistas to include both doctrines in legislation.

As a result of the hearing, a Senate commission was expected to approve



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a bill in December decriminalising libel and defamation, which would make Argentina the first Latin American country in which journalists cannot be jailed for criticising public officials. However, before it becomes law, the new bill must be approved by both houses of Congress and ratified by President de la Rúa, a process which could take several months.

Argentine journalism and press freedom advocates world-wide suffered a great loss on November 11, with the death of Jacobo Timerman, who died of a heart attack in his downtown Buenos Aires apartment at age 76. Timerman was renowned for his work in drawing international attention to the atrocities of Argentina's "Dirty War". His paper, *La Opinión*, was shut down by officials amidst a media crackdown in the 1970s and Timerman was imprisoned by the military in 1977. After he was released in 1979, Timerman wrote his best-selling book, "Prisoner Without a Name, Cell Without a Number," in which he documented the disappearances, abuses and torture of thousands of civilians and political dissidents at the hands of the military during the 1976-83 dictatorship.

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In the second year of Fernando de la Rúa's presidency, there have been subtle signs of improvement in the government's approach to press freedom. The sentencing of eight of the 10 individuals accused in the murder of José Luis Cabezas was a hopeful sign that the police and judiciary are no longer prepared to allow the perpetrators of such crimes to escape with impunity. In addition, the decision to refer reports on press freedom, prepared by the press freedom organisation PERIODISTAS, to Congress was further evidence that the government was beginning to update old attitudes towards the media.

Despite these developments, however, there was evidence that the government's initiatives had not percolated down to the politicians at the local and regional levels in Argentina. This year further emphasised the need of the federal government to involve itself in the protection of journalists who find themselves intimidated and harassed by shadowy individuals who appear to have connections with local politicians. Many of the violations during the year involved telephone death threats, night-time assaults, shots fired at homes and journalists being held against their will. All of which confirms the belief that, at the local level, press freedom is not perceived as a core value, but rather as a nuisance which should be ignored or, when the victim remains defiant, silenced by whatever means necessary.

On 4 January, PERIODISTAS reported that the security minister for Buenos Aires province, Aldo Rico, threatened and insulted a group of news photographers who were covering his visit to the Pinamar region. The official was disturbed by the presence of photographers María Eugenia Cerruti of the *Clarín*, Facundo Pechervsky, *La Nación*, and Federico Guastavino of *Noticias* magazine. Rico asked the journalists, "Why do you want more photos" and hurled insults at them. When the journalists asked him why he was acting in this manner, the official accused them of publishing, "lies and hypocrisies" and further threatened to send them

“to the police station”.

The following day, on 5 January, the governor of Buenos Aires province, Carlos Ruckauf, ordered Rico to publicly apologise to the journalists and warned him, “Your task is to prosecute criminals and not to pick fights with journalists. This kind of attitude will no longer be tolerated”. Hours later, during a visit to the city of Bahía Blanca, Rico apologised to the reporters but denied having threatened them. “The whole thing was a misunderstanding”, he said.

On 12 January, a local Press Union condemned a number of measures restricting freedom of information taken by Santa Cruz’s secretary of security, Nestor Peña. On the basis of information gathered by the Press Union, all chiefs of police in the province have been ordered not to reveal any information to journalists, regardless of the subject matter. Police have been informed that any breach of this order will lead to the 30-day imprisonment of officers who have divulged information. The union reported that they had appealed to government minister, Julio De Vido, insisting that he uphold the right of press freedom that is enshrined under Law 12.908. However, the union failed to receive any positive assurances that this would be carried out.

Although *La Opinión Austral* and *Tiempo Fuego* newspapers, the Buenos Aires radio station *Mitre* and other radio and television media reported on the imposition of these measures, the Argentine authorities refused to act. In addition, the union reported that aside from the restrictive measures taken by Santa Cruz’s secretary of security, a number of journalists were allegedly targeted by retired police officers that are friends of Peña.

In a move which supported press freedom in Argentina, the government sent two proposals prepared by PERIODISTAS to the special legislative session of Congress. The proposals are intended to increase freedom of expression. If these initiatives are subsequently approved, Argentina will be one of the first Latin American countries to decriminalise slander and

defamation of public functionaries. In a show of consensus, the proposals were signed by senators Jorge Yoma, of the Justicialista opposition party and José Genoud, of the governing Alianza, who both helped to draft the text. Commenting on the proposals, the senators said, “the criticism and debate of public matters easily tends to be caustic, harsh and insulting. These can often be means of expressing indignation, an essential ethical motive for the maintenance and development of the democratic system.”

Regarding defamation, Bernardo Neustadt, a journalist with the *Telefé* television station, was ordered to compensate judge Elisa Matilde Díaz de Vivar. The judge was offended by comments made by Zidanelia Pacheco de Maronese, in a 1993 broadcast of the programme “*Tiempo Nuevo*”. In a press release, the International Radio Broadcasting Association (AIR), expressed its “concern and dismay” over the First Civil Court’s decision to order Neustadt, *Telefé* and Pacheco de Maronese to pay approximately US \$80,000 in damages. AIR noted that the ruling sets a “dangerous precedent which will force journalists and the media to censure those who are interviewed”.

In January, the media was also under fire from employees of the municipality of Merlo. On 19 January, employees of the municipality of Merlo attacked three producers and a cameraman, in an attempt to prevent them from filming the burning of garbage. Later that day, they received intimidating telephone calls, in which the caller threatened to cut their cables and burn the vehicles Cablevisión Sur news teams use to transport equipment.

A decision on the 2 February by a Buenos Aires provincial court was welcomed by the international community. The judgement sentenced eight of the 10 individuals accused of assassinating photographer José Luis Cabezas to life imprisonment. Furthermore, the decision of Carlos Ruckauf, governor of Buenos Aires province, to set up a commission to investigate elements of the trial which remained unclear was also hailed as a major step.

The body of José Luis Cabezas, of the *Noticias* weekly was found on 25 January 1997 in Pinamar, a resort town in Buenos Aires province. He had been shot twice in the back of his head and his hands were found tied behind his back. In 1996, the photographer investigated corruption among Buenos Aires provincial police officers. Shortly before he was killed, he was investigating the activities of businessman Alfredo Yabrán. A number of irregularities and Alfredo Yabrán's suicide marked the police investigation of Cabezas' death. On 14 December 1998, the inquiry into the journalist's death was concluded and led to the trial of 10 people accused of the photographer's murder.

On 2 March, federal judge Gabriel Cavallo indicted five Air Force officials on charges of "abuse of authority". The five were implicated in using illegal intelligence practices on ten journalists. According to the decision of the court, the actions of the military personnel "constitute, without any doubt, intelligence operations". The judicial process that led to this decision started in 1998, after the daily *Página/12* reported on the discovery of an Information Request Order for 10 journalists who had been investigating security problems in Argentine airports since 1997.

Another act of harassment of journalists occurred on 23 March, two journalists with the *El Día de La Plata* daily newspaper informed police that an official of the Buenos Aires province Public Employees Union had reprimanded them severely. On the basis of reports from the journalists, the official, together with three other individuals, forced them to hand over the film from their camera. Journalist Hugo Alconada and photographer Mario Ruiz were covering an inspection held in the labour union office of the National Institute for Banking Co-operatives and Mutual Funds.

On 29 March, unidentified gunmen fired at the house of Bernardo García Hamilton, a Justicialista political party leader and member of the editorial board of the newspaper, *La Gaceta de Tucumán*. The bullets hit a wall in one of his children's bedrooms. His wife and children were asleep in the

house at the time of the attack. Commenting on the serious incident, Hamilton said, “I have no idea what the motive was, or who carried out the attack. One can speculate on a number of things, but I do not believe that it has anything to do with my political activity, because at the moment it is almost non-existent.”

Two days later, on 31 March, Avellaneda, Luis Giménez was informed that unidentified individuals had been watching his house and taking photographs of his car’s licence plates. Giménez added that upon reporting the incident to the seventh precinct of the Buenos Aires Police, the matter was reviewed and federal police officers, who claimed to be undertaking investigative work, were identified as the suspects.

A court decision to continue the prosecution of a journalist also caused consternation among the international press freedom community. On 17 March, the First Chamber of the National Court of Appeals for Federal Criminal and Corrections cases set aside the statutory limitation period in the prosecution of journalist Tomas Sanz. The prosecution against Sanz had been stayed in August 1999 by a lower level court. This is the latest decision in a complaint initiated by Senator Eduardo Menem in July 1991, after Humor magazine published a special report entitled, “two years of corruption”. Sanz was sentenced to a month in prison at the first and second hearings. By means of an extraordinary remedy, the defence brought the case to the Supreme Court which once again ruled against the journalist.

In late June, a journalist was attacked and his property damaged. On 24 June, Carlos Monsálvez, correspondent for the Neuquén television channel *Todo Noticias* (TN), was assaulted by unknown assailants who later vandalised his vehicle. This was not the first time the journalist had been attacked; in May, Monsálvez was assaulted in front of the provincial legislature. However, the attacks increased after Monsálvez sent the TN headquarters pictures of the violent disturbances which occurred during the 9 June national general strike.

On 1 July, Eduardo Gómez, a distributor of the Córdoba daily newspaper *La Voz del Interior* in Santiago del Estero, had his car forced off the road minutes after delivering the daily edition of the paper. A man stepped out of the car and warned him, “You are getting involved in something you should avoid. Tata doesn’t like that”, making reference to Governor Carlos Juárez. As the man displayed his firearm, he told Gómez, “if you continue this pestering, the newspaper will disappear. Or it will burn down.” In the previous two editions, Córdoba’s morning paper had reported on the “favouritism” and “authoritarianism” with which Juárez and his wife govern the province.

A further assault on a journalist took place on 5 July when Germán Dellamónica, a reporter for the LT 9 Brigadier López de Santa Fe radio station, was punched and kicked while covering an event led by the leader of the General Labour Confederation’s, Hugo Moyano. Prior to the attack, various individuals attending the event had been hostile towards the press. At one point, a group of individuals climbed onto the platform set up for the press. One of the assailants punched Dellamónica, knocking him to the ground and began kicking him. The journalist, a member of the Santa Fe Press Association’s board of directors, was taken to hospital, where he remained for observation. A man was later arrested for the assault.

Intimidation of the beleaguered daily newspaper *El Liberal* was highlighted by IAPA in July. According to reports, *El Liberal* received anonymous threats and pamphlets defaming three of its journalists. In addition, the newspaper’s telephone lines were intercepted. The acts of intimidation coincided with the newspaper’s publication of articles criticising the provincial government’s administration. In a series of investigative reports, the newspaper reported numerous irregularities in the awarding of public-housing contracts.

At the beginning of August, the local press reported that an unidentified man called on the main offices of *La Voz del Interior*, in Córdoba Province and asked to speak with a newsroom editor.

“You take note,” the caller said. “We know your journalist is here, at a hotel. He may suffer an accident if you keep bothering Juárez.” Later that afternoon, another anonymous caller threatened to “crush” the newspaper.

The latest threats coincided with a two-part series titled, “*El reino de los Juárez*” (“The Reign of the Juárezes”) that ran in the 30 and 31 July issues of *La Voz del Interior*. The series of articles criticized the ruling couple’s authoritarian style of government. In addition, the paper denounced alleged corruption in the local judiciary.

A further press freedom violation occurred in August when an attempt was made to silence press criticism of local officials in the province of Santiago del Estero. On the basis of local reports, unidentified individuals threatened and harassed two local newspapers. The newspapers subject to the threats, received anonymous phone calls in response to their investigations of Carlos Juárez and his wife, Mercedes Aragonés, who is also the provincial vice-governor.

In the last week of September, the Federal Broadcasting Committee (COMFER) initiated legal proceedings against the *Crónica TV* and *Canal 7* television stations and against the production of the programme *Marcapazos*. *Crónica TV* was sanctioned for having broadcast an event held by the neo-nazi party *New Triumph*. Legal proceedings relate to a statement made by an interviewee about Argentina’s president which, it is alleged, breached broadcasting provisions.

Commenting on the legal decision, a spokesperson for PERODISTAS said, “[this action] does not justify COMFER’s holding the media and journalists responsible for the statements or actions of third parties, through measures which coerce the broadcasters to engage in self-censorship in order to prevent the transmissions of statements made during an interview or by those who appear on the programme.”

On 1 October, *FM Ciudad* journalist Rubén Viejo, received a death threat. According to Viejo, an unknown individual placed a gun to the journalist’s head and told him to halt his investigation of the murder of a



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taxi driver. If he failed to heed the warning either Viejo or a member of his family would be assassinated.

A complaint based on the incident was filed by Viejo before Judge Cristina Lembeye. The journalist also held a meeting with the Minister of Government for Santa Cruz province Julio Vido, who assured him that he would be safe. Santa Cruz Chief of Police Wilfredo Roque also offered to provide the journalist with personal protection.

Periodistas and IAPA were primary sources for the above article.