

Special Study on  
**Murder of  
Journalists**



ORGANIZATION OF AMERICAN STATES  
INTER-AMERICAN COMMISSION ON HUMAN RIGHTS  
**SPECIAL RAPPORTEURSHIP  
FOR FREEDOM OF EXPRESSION**

**Canada**

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ORGANIZATION OF AMERICAN STATES  
INTER-AMERICAN COMMISSION ON HUMAN RIGHTS

**SPECIAL RAPPORTEURSHIP  
FOR FREEDOM OF EXPRESSION**

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**Special Study on  
the Status of Investigations into the  
Murder of Journalists**

during the 1995-2005 Period for Reasons that  
may be Related to their Work in Journalism

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**2008**

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## Foreword

The murder of journalists and members of the media is the most violent way to violate the right to freedom of expression. It not only nullifies the victim's right to life; it also infringes on the right of the victim's family to mental and moral wholeness, and deprives society of a source of opinion and information. The lack of adequate investigations, and the impunity that results when journalists are murdered because of their work, can create conditions that make it easier for other reporters to be killed and can foster self-censorship, which restricts freedom of expression.

The States have the obligation to investigate these murders effectively, determine their causes, and punish those responsible. The failure to comply with this obligation, and the resulting impunity, generate an international responsibility on the part of the States, both in the case of crimes committed by agents of the State and those committed by private individuals.

This Special Study on the Status of Investigations into the Murder of Journalists in the 1995-2000 Period for Reasons that May Be Related to their Work in Journalism seeks to analyze the situation surrounding the violent deaths of reporters and other members of the media throughout the region. The picture this report reveals is not encouraging. Journalists continue to be killed in the Americas—and the vast majority of those murders go unpunished.

This study is intended to serve as a wake-up call to increase awareness about this extremely serious problem. While many of these murders may be attributed to organized crime, with no direct involvement from State agents either as perpetrators or masterminds, the States have an international obligation to investigate and punish these cases through their courts and other competent entities. Impunity is the responsibility of the States. It is essential that progress be made in these investigations, that those who carry out and plan these crimes be determined, and that those responsible be punished. That is the message a democratic society expects and should receive when its sources of information are silenced in this way and the public's right to freedom of expression is thus limited.

The Office of the Special Rapporteur for Freedom of Expression hopes that the States can take this study into account when the time comes to modify and strengthen their practices in the area of judicial investigations into murders of journalists, and to create a climate that guarantees the safety of members of the media who have been threatened as a result of their work in journalism.

I would like to express my gratitude to the staff of the Office of the Special Rapporteur for Freedom of Expression who helped to bring this project to fruition. In particular, I would like to thank Dr. Daniel Cerqueira and Dr. Tatiana Rincón Covelli, a consultant to the Office of the Rapporteur.

**Ignacio J. Álvarez**

Special Rapporteur for Freedom of Expression  
March 2008





## Introduction

1. The murder of journalists and members of the media for reasons related to their work in journalism constitutes the most serious violation of the right to freedom of expression. The killing of a journalist does not just gravely violate that person's right to life; it also radically suppresses his or her right to free expression and infringes on the right of societies and their citizens to seek and receive all types of information and ideas. The violation of the social and collective dimension of the right to freedom of expression is made even more serious by the self-censorship that results among other members of the media when a journalist is murdered in the line of duty. Impunity in the case of such crimes exacerbates this self-censorship and also constitutes a serious violation of the right to freedom of expression in its individual and collective dimensions.

2. Since its first annual report in 1998, the Office of the Special Rapporteur for Freedom of Expression (hereafter, "Office of the Rapporteur") has followed with particular attention and concern the situation regarding the violation of the right to life of journalists in the countries of the region—in particular, those cases in which they have been victims of murder—and the status of the investigations into these crimes.

3. In 1998, the Office of the Rapporteur stated expressly that "[t]he murder of journalists is an extremely grave threat to the exercise of freedom of expression and the most direct way of attacking this fundamental right."<sup>1</sup> It went on to state: "The Special Rapporteur has received information to the effect that most cases of murder and threats against journalists have gone unpunished and are not investigated by law enforcement agencies with the efficacy, determination and dedication that they deserve. It should be recalled that every State has the duty to effectively investigate the facts whenever journalists are murdered or threatened, and to punish those responsible."<sup>2</sup>

4. The Office of the Rapporteur continues to view the murder of journalists as its primary concern, due principally to



**"The killing of a journalist ... radically suppresses his or her right to free expression and infringes on the right of societies and their citizens to seek and receive all types of information and ideas."**

<sup>1</sup> 1998 Annual Report, Office of the Special Rapporteur for Freedom of Expression. Chapter III, "Evaluation of the Freedom of Expression in the Hemisphere," PDF version, p. 24, at: <http://www.cidh.oas.org/relatoria/showarticle.asp?artID=630&IID=1>

<sup>2</sup> Ibid, p. 25.



the value of the human life that is violated and to the effect of intimidation that it sows among journalists in particular and among society at large.<sup>3</sup>

5. In its daily monitoring of the state of freedom of expression in the region, the Office of the Rapporteur has verified that there have been periods characterized by a serious deterioration of this right and a greater vulnerability of journalists. These periods have seen an increase in threats and physical violence, expressed most brutally in the murder of journalists and members of the media.<sup>4</sup>

6. During several such periods, the deterioration of this situation has been due to particularly critical conditions in some countries. For example, in 1998 and then from 2000 to 2003, the situation in Colombia was especially alarming. In 1998, 10 journalists were killed in that country; in 2000, 9 journalists were murdered; in 2001, another 10 journalists were killed; in 2002, 14 were killed; and in 2003, once again 9 journalists were murdered. Similarly, between June 2004 and June 2005, the situation was especially critical in Mexico, where 7 journalists were killed, beginning with the murder of journalist Francisco Javier Ortiz Franco, cofounder and editorial writer for the weekly magazine Zeta.<sup>5</sup> In 2006, the Office of the Rapporteur registered a particularly alarming period from October 1 to December 31, in which 6 journalists were killed in Mexico and numerous

3 See Annual Report of the Office of the Special Rapporteur for Freedom of Expression 2006, Chapter IV, Conclusions and Recommendations, Conclusion #2, at: <http://www.cidh.oas.org/relatoria/showarticle.asp?artID=691&IID=1>; Annual Report of the Office of the Special Rapporteur for Freedom of Expression 2005, Chapter VII, Final Considerations and Recommendations, Consideration #2, at: <http://www.cidh.oas.org/relatoria/showarticle.asp?artID=662&IID=1>; Annual Report of the Special Rapporteur for Freedom of Expression 2004, Chapter VII, Final Considerations and Recommendations, Consideration #3, at: <http://www.cidh.oas.org/relatoria/showarticle.asp?artID=459&IID=1>; Annual Report of the Special Rapporteur for Freedom of Expression 2003, Chapter VII, Final Considerations and Recommendations, #4, at: <http://www.cidh.oas.org/relatoria/showarticle.asp?artID=139&IID=1>; Annual Report of the Special Rapporteur for Freedom of Expression 2002, Chapter VI, Final Considerations and Recommendations, #2, at: <http://www.cidh.oas.org/relatoria/showarticle.asp?artID=138&IID=1>; Annual Report of the Special Rapporteur for Freedom of Expression 2001, Chapter VI, Final Remarks and Recommendations, #2, at: <http://www.cidh.oas.org/relatoria/showarticle.asp?artID=137&IID=1>; Annual Report of the Special Rapporteur for Freedom of Expression 2000, Chapter VI, Final Considerations and Recommendations, #2, at: <http://www.cidh.oas.org/relatoria/showarticle.asp?artID=136&IID=1>; Report of the Rapporteur for Freedom of Expression 1999, Chapter III, Final Thoughts and Recommendations, available at: <http://www.cidh.oas.org/relatoria/showarticle.asp?artID=135&IID=1>

4 See, among other sources, Office of the Rapporteur for Freedom of Expression, Press Release 154/06, October 12, 2006, a period in which there were numerous threats, acts of aggression and seven homicides of journalists, at: <http://www.cidh.oas.org/relatoria/showarticle.asp?artID=680&IID=1>; Press Release 119/05, April 19, 2005, highlighting in its Annual Report the increase of violence in 2004 and the number of journalists murdered that year, at <http://www.cidh.oas.org/relatoria/showarticle.asp?artID=498&IID=1>; Annual Report of the Special Rapporteur for Freedom of Expression 2001, Chapter II, Evaluation of the State of Freedom of Expression in the Hemisphere. B. Evaluation, par. 6, in which it is stated that "[the] assassination of journalists is still the most serious problem affecting freedom of expression and information in the continent."

5 Mr. Ortiz Franco was killed on June 22, 2004, in Tijuana. See: Reporters Without Borders, *Authority, impunity and self-censorship: Frontier journalists in a pitiless landscape*: [http://www.rsf.org/IMG/pdf/rapport\\_mexique\\_eng.pdf](http://www.rsf.org/IMG/pdf/rapport_mexique_eng.pdf). The other journalists killed in Mexico from June 2004 through June 2005 were: Francisco Arratia Saldierna, Roberto Javier Mora García, Leodegario Aguilar Lucas, Gregorio Rodríguez Hernández, Dolores Guadalupe García Escamilla and Raúl Giba Guerrero. See table attached to this study: "Special Study on the Status of Investigations into the Murder of Journalists during the 1995-2005 Period" (hereafter, "table attached to this study").

acts of physical aggression and threats against journalists were reported in other countries, including Argentina, Bolivia, Brazil, Colombia, Cuba, Ecuador, El Salvador, Haiti, Honduras, Mexico, Paraguay, Peru, Uruguay, and Venezuela.<sup>6</sup>

7. The Office of the Rapporteur has likewise observed that one constant in the investigations into the murders of journalists is a failure to clarify the facts and the resulting state of impunity. In this regard, the Office of the Rapporteur has found in virtually all these cases a lack of adequate investigation; and in the majority of them, a failure to identify the perpetrators, or all those responsible; the failure to make arrests; and the absence of any trial or punishment.

8. With regard to this situation, the Office of the Rapporteur has continually called attention to the threats and acts of aggression that have been perpetrated against journalists and members of the media in various countries,<sup>7</sup> and



**"...one constant in the investigations into the murders of journalists is a failure to clarify the facts and the resulting state of impunity..."**

<sup>6</sup> See Office of the Rapporteur for Freedom of Expression, Press Release 162/07, January 29, 2007, on the high number of threats and aggressions against journalists during the fourth quarter of 2006: <http://www.cidh.oas.org/relatoria/showarticle.asp?artID=689&IID=1>

<sup>7</sup> See, among other sources, the Office of the Rapporteur for Freedom of Expression. Press Release 162/07, January 29, 2007, on the high number of threats and attacks against journalists in the fourth quarter of 2006; Press Release 154/06, October 12, 2006, on threats made to various journalists and media management in Argentina, threats against members of the media in Brazil, Colombia, Guatemala and Paraguay, and threats and attacks on journalists in Mexico and Peru; Press Release 144/06, July 7, 2006, with regard to Mexico, at: <http://www.cidh.oas.org/relatoria/showarticle.asp?artID=669&IID=1>



**"The murder of journalists in the line of duty also has the effect of intimidating other journalists and citizens who wish to denounce certain acts or make their opinions about them publicly known..."**

has systematically expressed its condemnation of the murders.<sup>8</sup> In each of its statements, it has called on the authorities in the respective States to investigate these crimes quickly, exhaustively, diligently, and effectively, in order to clear up the facts and bring about the trial and punishment of all those responsible, thus ensuring that similar acts are not repeated.

9. As indicated previously, the murder of journalists for doing their jobs constitutes a grave violation of the right to freedom of expression, both on an individual and collective level. The murder of a journalist or member of the media based on that person's work not only silences the journalist's voice, violating his or her right to free expression, but also infringes on the right of societies as a whole to peacefully and freely receive and seek all types of information and ideas. The murder of journalists in the line of duty also has the effect of intimidating other journalists and citizens who wish to denounce certain acts or make their opinions about them publicly known. In this regard, the murder of journalists or members of the media in the course of their work is an act that has a profound negative effect on the existence and consolidation of democratic, stable,

8 See Office of the Rapporteur for Freedom of Expression, Press Release 154/06, October 12, 2006, on the murders of journalists Manoel Paulino da Silva and Ajuricaba Monassa de Paula in Brazil; journalists Milton Fabián Sánchez and Atilano Pérez Barrios in Colombia; journalist Eduardo Heriberto Maas Bol in Guatemala; journalist Enrique Perea Quintanilla in Mexico; and journalist and political leader Jesús Flores Rojas in Venezuela; Press Release 144/06, July 7, 2006, on the murder of journalists Jorge Aguirre and José Joaquín Tovar in Venezuela; Press Release 143/06, June 19, 2006, on the murder of journalist José Joaquín Tovar in Venezuela, at: <http://www.cidh.oas.org/relatoria/showarticle.asp?artID=667&IID=1>; Press Release 134/06 (Rev. 1), April 6, 2006, on the murder of photographer Jorge Aguirre in Venezuela: <http://www.cidh.oas.org/relatoria/showarticle.asp?artID=656&IID=1>; Press Release 115/05, January 14, 2005, on the murder of Colombian journalist Julio Hernández Palacios Sánchez: <http://www.cidh.oas.org/relatoria/showarticle.asp?artID=353&IID=1>; Press Release 112/04, on the murder of journalist María José Bravo in Nicaragua: <http://www.cidh.oas.org/relatoria/showarticle.asp?artID=315&IID=1>; Press Release 109/04, on the murder of journalist Francisco Arratia Saldierna in Mexico: <http://www.cidh.oas.org/relatoria/showarticle.asp?artID=187&IID=1>; Press Release 103/04, on the murder of journalist José Carlos Araújo in Brazil: <http://www.cidh.oas.org/relatoria/showarticle.asp?artID=125&IID=1>; Press Release 99/04, on the murder of journalist Carlos José Guadamuz in Nicaragua: <http://www.cidh.oas.org/relatoria/showarticle.asp?artID=122&IID=1>; Press Release 96/03, on the murder of journalist Germán Antonio Rivas in Honduras: <http://www.cidh.oas.org/relatoria/showarticle.asp?artID=119&IID=1>; Press Release 82/03, on the murder of journalist Nicanor Linhares Batista in Brazil: <http://www.cidh.oas.org/relatoria/showarticle.asp?artID=103&IID=1>; Press Release 76/03, on the murders of journalists Guillermo Bravo Vega and Jaime Rengifo Rebelo in Colombia: <http://www.cidh.oas.org/relatoria/showarticle.asp?artID=97&IID=1>; Press Release 71/03, on the murder of journalist Luis Eduardo Alfonso Parada in Colombia: <http://www.cidh.oas.org/relatoria/showarticle.asp?artID=92&IID=1>; Press Release 63/02 on the murder of journalist Domingos Sávio Brandão de Lima Júnior in Brazil: <http://www.cidh.oas.org/relatoria/showarticle.asp?artID=82&IID=1>; ; Press Release 59/02 on the murder of journalist Efraín Varela Noriega in Colombia: <http://www.cidh.oas.org/relatoria/showarticle.asp?artID=77&IID=1>; Press Release 48/01 (in French), on the murder of journalist Brignol Lindor in Haiti: <http://www.cidh.oas.org/relatoria/showarticle.asp?artID=66&IID=3>; Press Release 43/01 on the murders of journalists Pablo Emilio Parra Castañeda, Arquimides Arias Henao, José Ubiel Vásquez and Jorge Enrique Urbano in Colombia: <http://www.cidh.oas.org/relatoria/showarticle.asp?artID=58&IID=1>; Press Release 44/01 on the murder of journalist Parmenio Medina in Costa Rica: <http://www.cidh.oas.org/relatoria/showarticle.asp?artID=59&IID=1>; ; Press Release 42/01 on the murder of journalist Flavio Bedoya in Colombia: <http://www.cidh.oas.org/relatoria/showarticle.asp?artID=57&IID=1>; Press Release 36/00, "The World's Three Defenders of Free Expression Express their Concern about Journalist Killings and the Existence of Laws Restricting Free Speech": <http://www.cidh.oas.org/relatoria/showarticle.asp?artID=43&IID=1>; Press Release 25/00 on the murder of journalist Roberto Martínez and the attacks on two other journalists in Guatemala: <http://www.cidh.oas.org/relatoria/showarticle.asp?artID=31&IID=1>; Press Release 22/00 (in Spanish), on the murder of Haitian journalist Jean Léopold Dominique: <http://www.cidh.oas.org/relatoria/showarticle.asp?artID=28&IID=2>; Press Release 20/99 on the murder of journalist Pablo Emilio Medina in Colombia: <http://www.cidh.oas.org/relatoria/showarticle.asp?artID=9&IID=1>; Press Release 18/99 (in Spanish), on the murders of two members of the media, Luis Alberto Rincón and Alberto Sánchez, in Colombia: <http://www.cidh.oas.org/relatoria/showarticle.asp?artID=23&IID=2>; Press Release 14/99 (in Spanish), on the murder of journalist Rodolfo Luis Torres and Guzmán Quintero Torres in Colombia: <http://www.cidh.oas.org/relatoria/showarticle.asp?artID=21&IID=2>; Press Release 12/99, (in Spanish) on the murder of humorist Jaime Garzón in Colombia: <http://www.cidh.oas.org/relatoria/showarticle.asp?artID=20&IID=2>

and participatory societies, in which the participation of a well-informed citizenry in decision-making is essential.

10. The Office of the Rapporteur considers it necessary to recall, in this regard, that the States have the obligation to respect the right to life of all persons under their jurisdiction and to prevent violations of this right; thus they have the obligation to respect the right to life of journalists and members of the media, and to prevent its violation. To this effect, the States have the duty to adopt any necessary and adequate measures to protect this right and to ensure that neither their agents nor private individuals attempt to violate it.

11. The Office of the Rapporteur also considers that the lack of adequate investigations and the state of impunity in cases in which journalists are murdered because of their work amount to a violation of the right to freedom of expression in its individual and social dimension, and have the grave effect of fostering a repetition of such crimes.

12. Thus, the obligation to investigate the murders of journalists and combat impunity in these cases is also a fundamental duty and priority of the States, so as to guarantee not only the right to life but also, on an essential level, the free and full exercise of the right to freedom of expression of those under its jurisdiction. Fulfilling this obligation to investigate also constitutes one of the most important measures to prevent and avert attempts on the lives of journalists and members of the media.

13. Mindful of all the foregoing, the Office of the Rapporteur believed it was extremely important to undertake a study of the status of investigations into the murders of journalists and members of the media in the region. For this purpose, it specified the period from 1995 to 2005.<sup>9</sup>

14. In determining this time frame, the Office of the Rapporteur took various criteria into account, beginning with the identification of a period that was sufficiently representative of the situation under review and that would allow the Office of the Rapporteur to study not only facts but, above all, trends. Secondly, the Office of the Rapporteur considered it appropriate to define a recent enough starting point to ensure that it could adequately compile the information required by the study. Thirdly, the Office of the Rapporteur believed that, given the purpose of the study, it was appropriate to allow for a prudent amount of time to have elapsed since the events that occurred in the last year chosen for the study, so as to give the States time to make progress in the corresponding investigations.



<sup>9</sup> See Annual Report of the Office of the Special Rapporteur for Freedom of Expression 2006, Chapter I. General Information. B. Main Activities of the Office of the Special Rapporteur. 5. Studies and Publications. Special Study on Impunity, par. 22, at: <http://www.cidh.oas.org/relatoria/showarticle.asp?artID=691&IID=1>. While this study focuses on the status of investigations into the murder of journalists that may be related to their work in journalism, the Office of the Rapporteur also considers that the forced disappearance of journalists in the course of their work and the resulting impunity to be extremely serious, constituting a violation of the individual and collective right to freedom of expression, among other rights.



15. Using these criteria, the Office of the Rapporteur believed that the study of a ten-year period would enable it to conduct an adequate follow-up of the facts with a view to determining trends. In addition, taking into account that the Office of the Rapporteur began its work in 1998, it believed that a starting date of 1995 was close enough in time to be able to compile the information required by the study. And finally, using 2005 as a closing date for the ten-year period also met the requirement of giving the States a prudent time period in which to make adequate progress in undertaking investigations and achieving results.

16. Likewise, in identifying cases to be considered in the study, the Office of the Rapporteur took into account, in defining the criteria, the enormous impact that impunity has in terms of establishing, in a complete and timely manner, whether the murder of a journalist was motivated or not by his or her work in journalism, in circumstances often characterized by citizen insecurity and violence. In some cases, thanks to information that is publicly available through journalists' own media outlets, it was possible to discard a professional motive. In other cases, based on information received from different sources—including reports from the States—the Office of the Rapporteur was able to assume that the motive for the murder had to do with the person's journalistic activity. However, in the majority of cases, the state of impunity that exists regarding the murder—particularly within a complex context of violence and/or insecurity—makes it very difficult to establish whether or not the crime was motivated by the victim's work in journalism. The Office of the Rapporteur considers that in these cases it is possible neither to confirm nor discard a motive for the murder that is based on the journalist's professional endeavors. Thus, for the purpose of this study, the Office of the Rapporteur has adopted the criterion of murders of journalists committed "for reasons that may be related their work in journalism."

17. In addition to the aforementioned criteria, the Office of the Rapporteur also defined a methodology to be used in the study, which was carried out as follows: i) Preparation of a preliminary table containing information about the following aspects related to journalists killed during the 1995-2005 period for reasons that could be related to their work in journalism: the name of the journalist or member of the media who was killed; the date and country in which the events took place; and a brief description of these events. This preliminary table was prepared based on the Office of the Rapporteur's annual reports, its daily monitoring of the state of freedom of expression in the region, its quarterly communiqués, the reports it receives from the States, and public information available from international and national nongovernmental organizations. ii) Distribution, in July 2006, of this preliminary table to the States, nongovernmental organizations, and other institutions, with a request for information about the status of investigations into these crimes, based on a series of questions posed by the Office of the Rapporteur. This request for information was subsequently resubmitted to the States. iii) Preparation of a proposed final table, based on the information received from the States

as well as from nongovernmental organizations and other institutions. This updated the preliminary information that had been compiled by the Office of the Rapporteur in the first table and, consistent with the new information, reduced the number of cases that had been registered initially. iv) Distribution, in January 2008, of this proposed final table to the States, in order to receive from them any observations or updates of information they might consider relevant with regard to this proposed final table. v) Preparation of the final table on the status of investigations into the murders of journalists and members of the media that took place in the region during the 1995-2005 period for reasons that may be related to their work in journalism. vi) Analytical study of the information systematized in the final table, using as guidelines for analysis the questions initially sent to the States and to nongovernmental organizations and other institutions, with an emphasis on the identification of trends. vii) Presentation of the study to the Inter-American Commission on Human Rights, which approved it on March 8, 2008, during its 131<sup>st</sup> regular period of sessions.



18. The questions posed to the States, nongovernmental organizations, and other institutions were the following: "1) Different information about the occurrence of the murders mentioned in the annexed [preliminary] chart; 2) In which procedural stage are the respective proceedings related to these murders? 3) Has it been determined whether or not the murders were related to the victims' exercise of the profession of journalism? 4) Are there currently individuals charged as the perpetrators, intellectual authors, accomplices or accessories after the fact with respect to these murders? 5) Are there currently individuals who have been convicted as the perpetrators, intellectual authors, accomplices or accessories after the fact with respect to these murders? 6) Are there currently individuals who are in custody in relation to these murders? How many? 7) If there have been problems in advancing with the respective investigations, what have been the principal ones (brief summary)?<sup>10</sup>

19. Taking into account both the initial information that had been systemized and the subsequent information it received, the Office of the Rapporteur has given special emphasis in this study to the state of impunity it has found in its follow-up of these cases. The Office of the Rapporteur has also sought to underscore the intrinsic connection between the lack of adequate, effective investigations into the assassination of journalists and members of the media, on the one hand, and on the other, the violation of the right to freedom of expression. This approach to the situation is laid out in the second chapter of the study.

20. In conducting its analysis, the Office of the Rapporteur first sought to systematize the standards related to the States' obligations, under the American Convention on Human Rights and the American Declaration on the Rights and Duties

<sup>10</sup> See content of letters sent by the Office of the Special Rapporteur for Freedom of Expression to the States, nongovernmental organizations and other institutions on July 28, 2006



**"...the Office of the Rapporteur considers it essential that when it comes to the murder of journalists, the States carry out investigations in line with the standards established by the bodies of the inter-American system for the protection of human rights..."**

of Man, to investigate the human rights violations that are recognized and protected in these instruments, and to combat impunity. Given the Office of the Rapporteur's interest in calling attention to impunity in the case of murders of journalists and members of the media, the chapter of the study systematizing those standards also summarizes what the bodies of the inter-American system for human rights protection have said in terms of how the States should conduct investigations when the right to life is violated.

21. The Office of the Rapporteur considers that—as the Inter-American Court of Human Rights and the Inter-American Commission on Human Rights have said repeatedly—the duty to investigate is a positive obligation of the States that is a concrete manifestation of one aspect of the general obligation to guarantee these rights. Thus, the Office of the Rapporteur considers it essential that when it comes to the murder of journalists, the States carry out investigations in line with the standards established by the bodies of the inter-American system for the protection of human rights. Following these standards can, to a substantial degree, enable the State to move toward overcoming impunity. With this perspective, the Office of the Rapporteur hopes that this systematization will contribute to a better understanding and awareness of, as well as respect for, these standards. It has also taken these standards into account in analyzing, through this study, the information it has received on the status of the investigations.

22. The study also includes a chapter with conclusions and recommendations. One objective of the Office of the Rapporteur is to create greater awareness about the need to fully respect freedom of expression in the hemisphere, given the fundamental role this right plays in consolidating and developing democratic systems, and in denouncing and protecting other human rights. The Office of the Rapporteur also makes recommendations to the Member States on issues related to freedom of expression so that necessary and pertinent measures may be adopted to strengthen this freedom. Along those lines, the Office of the Rapporteur trusts that the recommendations made in this study will help improve the state of freedom of expression in the region.



## Chapter I

### States' Obligation to Investigate Human Rights Violations and Combat Impunity



## States' Obligation to Investigate Human Rights Violations and Combat Impunity

### A. The Duty to Investigate: A Positive Obligation of the States under the Inter-American System for the Protection of Human Rights

23. The bodies of the inter-American system for the protection of human rights have developed a broad and complete set of principles and standards that establish the meaning and extent of the duty to investigate as a positive obligation the States Parties must fulfill under the general obligations established in the American Convention on Human Rights (hereafter "the American Convention" or "the Convention"). In the case of States that are not parties to the Convention, the obligations would fall under the commitments established in the American Declaration on the Rights and Duties of Man (hereafter "the American Declaration" or "the Declaration").

24. In accordance with the American Convention, the States Parties have the general obligation to respect and guarantee the rights recognized in the Convention. In that regard, Article 1.1 establishes the following:

The States Parties to this Convention undertake to respect the rights and freedoms recognized herein and to ensure to all persons subject to their jurisdiction the free and full exercise of those rights and freedoms, without any discrimination for reasons of race, color, sex, language, religion, political or other opinion, national or social origin, economic status, birth, or any other social condition.

25. Inasmuch as this general provision contains the obligation assumed by the States Parties with regard to each of the rights protected under the American Convention, the intent to violate any of these rights necessarily implies the intent to violate Article 1.1 of the Convention.<sup>11</sup> Thus, an intrinsic connection exists between the general obligation of respect and guarantees indicated in Article 1.1 of the Convention and the specific rights protected by this instrument. In this regard, the Inter-American Court of Human Rights (hereafter "the Inter-American Court" or "the Court") has indicated, since its earliest decisions, that:

Article 1 (1) is essential in determining whether a violation of the human rights recognized by the Convention can be imputed to a State Party. In effect, that article charges the States Parties with



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<sup>11</sup> See Inter-American Court of Human Rights, Case of Neira-Alegría et al., Merits, Judgment of January 19, 1995, Series C No. 20, par. 85; Case of Gondínez-Cruz, Merits, Judgment of January 20, 1989, Series C No. 5, par. 171; Case of Velásquez-Rodríguez, Merits, Judgment of July 29, 1988, Series C No. 4, par. 162.



the fundamental duty to respect and guarantee the rights recognized in the Convention. Any impairment of those rights which can be attributed under the rules of international law to the action or omission of any public authority constitutes an act imputable to the State, which assumes responsibility in the terms provided by the Convention.<sup>12</sup>

26. According to the Court, the first obligation established in Article 1.1 of the Convention, that of respecting the rights and freedoms recognized therein, establishes limits and restrictions to the exercise of power by the States Parties, which prevent violations of rights in domains that have particular intrinsic value to human beings or to which the State has only limited access.<sup>13</sup> Thus, in any circumstance in which an agency or official of the State or of a public institution causes undue injury to one of these rights and freedoms, there is an assumption that the obligation to respect the rights enshrined in Article 1.1 of the Convention has not been met.<sup>14</sup>

27. Moreover, the States' general obligation to guarantee the free and full exercise of these rights and freedoms for persons under their jurisdiction implies the positive obligation "to organize the governmental apparatus and, in general, all the structures through which public power is exercised, so that they are capable of juridically ensuring the free and full enjoyment of human rights."<sup>15</sup> This means that not only is there a need for a legal system designed to make it possible to comply with this obligation, but there is also a need for the government to conduct itself in a way that, in real terms, effectively ensures the exercise of these rights.<sup>16</sup>

28. The Inter-American Court has understood, in turn, that as a result of their obligation to guarantee rights and freedoms, the States must "prevent, investigate and punish any violation of the rights recognized by the Convention and, moreover, if possible attempt to restore the right violated and provide compensation as warranted for damages resulting from the violation."<sup>17</sup>

29. Likewise, in terms of the American Declaration, the Inter-American Commission on Human Rights (hereafter "the

12 Inter-American Court of Human Rights, Case of Velásquez-Rodríguez, above footnote 11, par. 164. Also cited by the Inter-American Court of Human Rights in the following: Case of the "Five Pensioners," Judgment of February 28, 2003, Series C No. 98, par. 163; Case of the Mayagna (Sumo) Awas Tingni Community, Judgment of August 31, 2001, Series C No. 79, par. 154; Case of Baena-Ricardo et al., Judgment of February 2, 2001, Series C No. 72, par. 178; and Case of Caballero-Delgado and Santana, Merits, Judgment of December 8, 1995, Series C No. 22, par. 56.

13 See Inter-American Court, Case of Godínez-Cruz, above footnote 11, par. 174; Case of Velásquez-Rodríguez, above footnote 11, par. 165.

14 See Inter-American Court, Case of Godínez-Cruz, above footnote 11, par. 178; Case of Velásquez-Rodríguez, footnote 11, par. 169.

15 See Inter-American Court, Case of Velásquez-Rodríguez, above footnote 11, par. 166.

16 See Inter-American Court, Case of Godínez-Cruz, ref. footnote 11, par. 176; Case of Velásquez-Rodríguez, ref. footnote 11, par. 166.

17 Inter-American Court, Case of Velásquez-Rodríguez, above footnote 11, par. 166.



Commission” or “the IACHR”) has indicated that, in accordance with the OAS Charter, all Member States pledge to respect the human rights of individuals that—in the case of States that are not parties to the Convention—are established in the American Declaration.<sup>18</sup>

30. The Inter-American Commission has also stated that, according to jurisprudence of the inter-American human rights system, the provisions of its guiding instruments, including the American Declaration, “should be interpreted and applied within the context of the inter-American and international human rights systems and, in the broader sense, in the light of the evolution of international human rights law.”<sup>19</sup> Regarding the application and interpretation of the American Declaration, the IACHR has also stated:

In particular, the organs of the inter-American system have sustained that the evolution of the body of international human rights law relevant to the interpretation and application of the American Declaration can be extracted from other international and regional instruments on human rights. This includes the American Convention which, in many cases, can be considered representative of the basic principles established in the American Declaration.<sup>20</sup>

31. In the context of the American Declaration, the IACHR has maintained, regarding the obligation to investigate, that “...the state has a duty to maintain public order, and therefore it has an obligation to set the criminal law system into motion and to process the matter until the end. In other words, the obligation to investigate, prosecute and punish the persons liable for human rights violations is a non-delegable duty of the state.”<sup>21</sup>

32. Thus, in accordance with the Convention and the American Declaration as well as decisions by the inter-American system’s bodies for the protection of human rights, the duty to investigate human rights violations is a positive obligation of the States,<sup>22</sup> which continues in effect until it is completely fulfilled.<sup>23</sup>

18 See IACHR, Annual Report 2006, Report No. 67/06, Case 12.476, Merits, Oscar Elías Biscet et al., Cuba, October 21, 2006, par. 36.

19 Ibid, par. 41.

20 Ibid, par. 42; Annual Report 2004, Report No. 40/04, Case 12.053, Merits, Maya Indigenous Communities of the Toledo District, Belize, October 12, 2004, par. 87.

21 IACHR Annual Report 1999, Report No. 86/99, Case No. 11.589, Armando Alejandro Jr., Carlos Costa, Mario de la Peña and Pablo Morales, Republic of Cuba, September 29, 1999, par. 47.

22 See, inter alia, Inter-American Court, Case of Castillo-Páez, Merits, Judgment of November 3, 1997, Series C No. 34, par. 86. Similarly, Inter-American Court, Case of Vargas-Areco, Judgment of September 26, 2006, Series C No. 155, par. 74.

23 See, inter alia, Inter-American Court, Case of Suárez Rosero, Reparations and Costs, Judgment of January 20, 1999, Series C No. 44, par. 79. Also, IACHR, Annual Report 2003, Report No. 40/03, Case 10.301, Merits, 42<sup>nd</sup> Police District, Parque São Lucas, São Paulo, Brazil, October 8, 2003, par. 59.



**"...the duty to investigate must be meaningful and must be assumed by the States as their own legal obligation, not as a step taken merely by private interests..."**

## **B. Principles of Seriousness and Effectiveness and the Standard of Due Diligence**

33. The duty to investigate is an obligation in terms of conduct, not outcome. As the Inter-American Commission has stated, "Jurisprudence of the Inter-American System has consistently held that the failure to comply with the duty to investigate is not only evidenced by the lack of a defendant found guilty in a court of law or because, despite efforts made, the facts of a case cannot be established."<sup>24</sup> However, under the standards that emerge in Articles 1.1, 8.1<sup>25</sup> and 25.1<sup>26</sup> of the Convention,<sup>27</sup> Articles XVIII and XXVI of the Declaration,<sup>28</sup> and the consequent demand for effective judicial recourse, the obligation to investigate, to be adequately satisfied, must be carried out with all seriousness and not as a mere formality preordained to be ineffective.<sup>29</sup> The States also must adopt any necessary provisions in their internal laws to ensure compliance.<sup>30</sup>

34. The foregoing means that the duty to investigate must be meaningful and must be assumed by the States as their own legal obligation, not as a step taken merely by private interests that depends on procedural initiatives by the victim or the victim's family, or upon their offer of proof, without an effective search for truth by the government.<sup>31</sup> All this is without prejudice to the right of victims or their family members to be heard and to participate in the investigative procedures. It also means, as the Court and the IACHR have stated, that the investigation into violations not only must be carried out within a reasonable

<sup>24</sup> IACHR, Annual Report 2006, Report 69/06, Case 11.171, Merits, Tomás Lares Cipriano, Guatemala, October 21, 2006, par. 105.

<sup>25</sup> Article 8.1 of the American Convention states: "Every person has the right to a hearing, with due guarantees and within a reasonable time, by a competent, independent, and impartial tribunal, previously established by law, in the substantiation of any accusation of a criminal nature made against him or for the determination of his rights and obligations of a civil, labor, fiscal, or any other nature."

<sup>26</sup> Article 25.1 of the American Convention states: "Everyone has the right to simple and prompt recourse, or any other effective recourse, to a competent court or tribunal for protection against acts that violate his fundamental rights recognized by the constitution or laws of the state concerned or by this Convention, even though such violation may have been committed by persons acting in the course of their official duties."

<sup>27</sup> See Inter-American Court, Case of the "Street Children" (Villagrán-Morales et al.), Merits, Judgment of November 19, 1999, Series C No. 63, par. 224; IACHR, Annual Report 2006, Report 2/06, Case 12.130, Merits, Miguel Orlando Muñoz Guzmán, Mexico, February 28, 2006, par. 80.

<sup>28</sup> Article XVIII of the American Declaration states: "Every person may resort to the courts to ensure respect for his legal rights. There should likewise be available to him a simple, brief procedure whereby the courts will protect him from acts of authority that, to his prejudice, violate any fundamental constitutional rights." Meanwhile, Article XXVI of the Declaration states: Every accused person is presumed to be innocent until proved guilty. Every person accused of an offense has the right to be given an impartial and public hearing, and to be tried by courts previously established in accordance with pre-existing laws, and not to receive cruel, infamous or unusual punishment."

<sup>29</sup> See IACHR, Annual Report 2004, Report No. 32/04, Case 11.556, Merits, Corumbiara, Brazil, March 11, 2004, par. 255; IACHR, Annual Report 1997, Report No. 55/97, Case 11.137, Juan Carlos Abella et al., Argentina, November 18, 1997, par. 412; IACHR, Annual Report 1997, Report No. 52/97, Case 11.218, Arges Sequeira Mangas, Nicaragua, February 18, 1998, par. 96 and 97.

<sup>30</sup> See, inter alia, Inter-American Court, Case of Loayza-Tamayo, Reparations and Costs, Judgment of November 27, 1998, Series C No. 42, par. 171.

<sup>31</sup> See Inter-American Court, Case of Gondínez-Cruz, above footnote 11, par. 188; Case of Velásquez-Rodríguez, above footnote 11, par. 177.

timeframe by competent, independent and impartial tribunals<sup>32</sup>; it must also be exhaustive, serious and effective. This is to guarantee that the truth of what occurred can be established; that those responsible can be prosecuted; that the appropriate punishment can be imposed when it is warranted; that sentences are carried out; and that damages and injuries suffered by the victims and their family members are adequately repaired.<sup>33</sup> This should be the case regardless of whether those responsible for the violations of rights are public agents, private individuals or groups. As the Inter-American Court has stated, "...an illegal act that violates human rights and which is initially not directly imputable to a State (for example, because it is the act of a private person or because the person responsible has not been identified), can lead to the international responsibility of the State, not because of the act itself, but because of the lack of due diligence to prevent the violation or to respond to it as required by the Convention."<sup>34</sup>



35. Thus, the States' obligation to investigate requires that their authorities conduct investigations based on the standard of due diligence in order for them to be effective. This implies, as the Court has stated, that the body that does the investigation should carry out, within a reasonable timeframe, all necessary procedures and inquiries in an attempt to obtain the result being sought.<sup>35</sup> This, in turn, assumes certain demands that must be adequately met in terms of clarifying the facts about the crimes and identifying and punishing those who bear responsibility for them.

36. The authorities have the duty to investigate—truly, effectively, and exhaustively—all violations of rights that have been committed. They must, at the same time, adopt the necessary measures to ensure that logical lines of investigation are not omitted and to organize, put into practice, preserve, or appraise, in a timely and effective manner, any evidence that

32 See, *inter alia*, Inter-American Court, Case of the "White Van" (Paniagua-Morales et al.), Merits, Judgment of March 8, 1998, Series C No. 37, par. 155; IACHR, Annual Report 2006, Report No. 2/06, Case 12.130, Merits, Miguel Orlando Muñoz Guzmán, Mexico, February 28, 2006, par. 81; IACHR, Annual Report 2004, Report No. 40/04, Case 12.053, Merits, Maya Indigenous Communities of the Toledo District, Belize, October 12, 2004, par. 174-176.

33 See, *inter alia*, Inter-American Court, Case of the Miguel Castro-Castro Prison, Judgment of November 25, 2006, Series C No. 160, par. 382; Case of Vargas-Areco, above footnote 22, par. 74 and 101; Case of Ximenes-Lopes, Judgment of July 4, 2006, Series C No. 149, par. 246; Case of Baldeón-García, Judgment of April 6, 2006, Series C No. 147, par. 167 and 197; Case of Gómez-Palomino, Judgment of November 22, 2005, par. 79; Case of the "Mapiripán Massacre," Judgment of September 15, 2005, Series C No. 134, par. 222; Case of Huilca-Tecse, Judgment of March 3, 2005, Series C No. 121, par. 105; Case of the Serrano-Cruz Sisters, Judgment of March 1, 2005, Series C No. 120, par. 64; Case of the 19 Tradesmen, Judgment of July 5, 2004, Series C No. 109, par. 18; Case of Las Palmeras, Merits, Judgment of December 6, 2001, Series C No. 90, par. 65; Case of Durand and Ugarte, Merits, Judgment of August 16, 2000, Series C No. 68, par. 130; Case of Garrido and Baigorria, Reparations and Costs, Judgment of August 27, 1998, Series C No. 39, par. 73; Inter-American Court, Blake Case, Merits, Judgment of January 24, 1998, Series C No. 36, par. 97; IACHR, Annual Report 2006, Report 69/06, Case 11.171, Merits, Tomás Lares Cipriano, Guatemala, October 21, 2006, par. 97. In a similar vein, *inter alia*, IACHR Annual Report 2005, Report 74/05, Case 11.887, Ernst Otto Stalinski, Honduras, October 15, 2005, par. 55; and Annual Report 1999, Report 36/00, Case 11.101, "Caloto" Massacre, April 13, 2000, par. 53.

34 Inter-American Court, Case of the 19 Tradesmen, above footnote 33, par. 140, Case of Caballero-Delgado and Santana, above footnote 12, par. 56; Case of Gondinez-Cruz, above footnote 11, par. 182; and Case of Velásquez-Rodríguez, above footnote 11, par. 172.

35 See Inter-American Court, Case of the Rochela Massacre, Judgment of May 11, 2007, Series C No. 163, par. 156; Case of the Serrano-Cruz Sisters, above footnote 26, par. 65 and 83.



is pertinent and relevant for the events to be fully clarified.<sup>36</sup> In this regard, while the investigations must be carried out in a reasonable timeframe and without unjustified delays—in accordance with the provisions of Article 8.1 and 25.1 of the Convention and Article XVIII of the Declaration—they must be given enough time to ensure that the investigation will be carried out seriously, allowing for the facts to be brought to light.<sup>37</sup> In this regard, the Inter-American Court has said that “only if all circumstances of the violations involved are clarified can it be considered that the State has provided the victim and his next of kin effective remedy and that it has complied with its general obligation to investigate.”<sup>38</sup>

37. When the acts involve the crime of forced disappearance of persons, the investigations must not only be carried out ex officio and without delay and be serious, impartial, and effective; they must also be advanced with due diligence so as to establish the whereabouts of the victims.<sup>39</sup> In these cases, even when internal order difficulties might impede the identification of the individuals responsible for these violations, there remains, as the Inter-American Court has stated, “the right of the victims’ relatives to know about their fate and the whereabouts of their mortal remains. Therefore, the State should meet these fair expectations with any of its available resources.”<sup>40</sup>

38. Likewise, when it comes to cases involving extrajudicial executions, the States must undertake, ex officio and with due dispatch, an exhaustive, serious, diligent, impartial, and effective investigation into what has occurred. The Inter-American Court has considered, in this regard, that “in cases of extra-legal executions it is crucial for the competent authorities to conduct an exhaustive investigation of the scene, to examine the body of the victim, and for professional experts to perform an autopsy to establish the cause of death whenever possible, or to carry out a test that must also be rigorous, under the circumstances.”<sup>41</sup>

39. In other cases involving grave violations of human rights, such as torture, the States are also under the obligation to carry out investigations that take into consideration international standards of documentation and interpretation of the elements of proof regarding the commission of the acts that make up the violation. These include the Manual on the Effective

36 See, inter alia, Inter-American Court, Case of the Rochela Massacre, above footnote 35, par. 158; Case of Juan Humberto Sánchez, Judgment of June 7, 2003, Series C No. 99, par. 126 and 128; Case of the Constitutional Court, Judgment of January 31, 2001, Series C No. 71, par. 124; Case of the “Street Children” (Villagrán-Morales et al.), above footnote 27.

37 See, inter alia, Inter-American Court, Case of Las Palmeras, above footnote 33, par. 49. Likewise, inter alia, IACHR, Annual Report 2006, Report No. 68/06, Case 12.477, Lorenzo Enrique Copello Castillo et al., Cuba, October 21, 2006, par. 96.

38 See Inter-American Court, Case of Bámaca-Velásquez, Reparations and Costs, Judgment of February 22, 2002, Series C No. 91, par. 75; Case of Caballero-Delgado and Santana, above footnote 12, par. 58.

39 See, inter alia, Inter-American Court, Case of Durand and Ugarte, Judgment of August 16, 2000, above footnote 33, par. 122.

40 Ibid, par. 143. Case of Castillo Paez, above footnote 22, par. 86.

41 Inter-American Court, Case of Juan Humberto Sánchez, above footnote 36, par. 128. Similarly, among others, IACHR, Annual Report 1984-1985, Resolution No. 4/85, Case 9474, Chile, July 24, 1985, resolutiva par. 2 and 3.

Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (“Istanbul Protocol”).<sup>42</sup>

40. In terms of those responsible for the acts, the States have the duty to investigate, identify, prosecute, and punish all perpetrators, including those who actually carry out the crime, the intellectual authors or masterminds, accomplices, collaborators, and those who later cover up the violations of human rights committed. They must also investigate the structures involved in the execution of the crimes or the criminal structures to which the perpetrators belong.<sup>43</sup>

41. Likewise, the States must guarantee that victims of human rights violations or their family members have complete access and the capacity to be active in all stages and at all levels of the investigation and corresponding judicial process, in accordance with domestic law and with the standards of the American Convention.<sup>44</sup> This must include ample opportunity to participate and be heard, both in the clarification of the facts and the punishment of those responsible, as well as in the search for just compensation.<sup>45</sup> The States must further guarantee that



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42 See Inter-American Court, Case of Vargas-Areco, above footnote 22, par. 93; Case of Baldeón-García, above footnote 33, par. 200; Case of Gutiérrez-Soler, Judgment of September 12, 2005, Series C No. 132, par. 100.

43 See, inter alia, Inter-American Court, Case of the Rochela Massacre, above footnote 35, par. 158; Case of the “Mapiripán” Massacre, above footnote 33, par. 298; Case of the Serrano-Cruz Sisters, above footnote 33, par. 175; Case of the 19 Tradersmen, above footnote 33, par. 163; Case of Molina-Theissen, Reparations and Costs, Judgment of July 3, 2004, Series C No. 108, par. 82; Case of Maritza Urrutia, Judgment of November 27, 2003, Series C No. 103, par. 177; Case of Myrna Mack Chang, Judgment of November 25, 2003, Series C No. 101, par. 217; Case of Juan Humberto Sánchez, above footnote 36, par. 184 and 186; Case of Las Palmeras, Reparations, Judgment of November 26, 2002, Series C No. 96, par. 67; Case of El Carrasco, Reparations, Judgment of August 29, 2002, Series C No. 95, par. 118. Also, IACHR, Annual Report 2004, Report No. 32/04, Case 11.556, Merits, Corumbiara, Brazil, March 11, 2004, par. 256.

44 See Inter-American Court, Case of Vargas-Areco, above footnote 22, par. 155; Case of Almonacid-Arellano et al., Judgment of September 26, 2006, Series C No. 154, par. 157; Case of Servellón-García et al., Judgment of September 21, 2006, Series C No. 152, par. 196; Case of Montero-Aranguren et al. (Detention Center of Catia), Judgment of July 5, 2006, Series C, No. 150, par. 139; Case of Gómez-Palomino, above footnote 33, par. 139; Case of Huilca-Tecse, above footnote 33, par. 107; Case of the Plan de Sánchez Massacre, Reparations and Costs, Judgment of November 19, 2004, Series C No. 116, par. 98; Tibi Case, Judgment of September 7, 2004, Series C No. 114, par. 258; and Case of the Gómez-Paquiyaury Brothers, Judgment of July 8, 2004, Series C No. 110, par. 231.

45 See Inter-American Court, Case of the Pueblo Bello Massacre, Judgment of January 31, 2006, Series C No. 140, par. 144; Case of the “Mapiripán Massacre,” above footnote 33, par. 219; Case of the Moiwana Community, Judgment of June 15, 2005, Series C No. 124, par. 147; Case of the Serrano-Cruz Sisters, above footnote 33, par. 63; Case of the 19 Tradersmen, above footnote 33, par. 186; and Case of Las Palmeras, above footnote 43, par. 59.



victims and their family members learn the truth with regard to these violations<sup>46</sup> and that the result of the proceedings be made known publicly so that society in general may also learn the truth about what has occurred.<sup>47</sup>

42. The lack of participation in procedures by the victims or their family members does not exempt States from their obligation to investigate, clarify the facts, and punish those responsible for human rights violations.<sup>48</sup> Likewise, conditions in the country, however difficult, do not constitute a justification for the States to claim exemption from their general obligation to investigate.<sup>49</sup>

43. Neither may the States justifiably claim to be exempt from their obligation to investigate and punish based on decisions issued in proceedings that failed to meet the standards of the American Convention, because, as the Court has stated, "judicial decisions originating in such internationally illegal events cannot be the first step to double jeopardy."<sup>50</sup>

44. Furthermore, invoking acts, laws or provisions in their domestic law does not exempt States from their duty to comply with these international obligations, nor does it constitute grounds for noncompliance.<sup>51</sup> Specifically, the States may not justifiably allege that provisions or measures in their internal laws impede or prevent them from investigating and punishing those responsible for grave human rights violations and thus from complying with their international obligations. The Inter-American Court has emphatically and repeatedly made this clear, stating that:

46 See Inter-American Court, Case of the Moiwana Community, above footnote 45, par. 147; Case of the Serrano-Cruz Sisters, above footnote 33, par. 62; Case of Carpio-Nicolle et al., Judgment of November 22, 2004, Series C No. 117, par. 128; and Case of the Plan de Sánchez Massacre, Reparations, above footnote 44, par. 97.

47 See, inter alia, Inter-American Court, Case of Almonacid-Arellano et al., above footnote 44, par. 157; Case of Servellón-García et al., above footnote 44, par. 196; Case of Montero-Aranguren et al. (Detention Center of Catia), above footnote 44, par. 139; Case of the Ituango Massacres, Judgment of July 1, 2006, Series C No. 148, par. 399; Case of the Pueblo Bello Massacre, above footnote 45, par. 267; Case of Blanco-Romero et al., Judgment of November 28, 2005, Series C No. 138, par. 97; Case of Gómez-Palomino, above footnote 33, par. 139; Case of the "Mapiripán Massacre," above footnote 33, par. 298; Case of Gutiérrez-Soler, above footnote 42, par. 96; Case of Huilca-Tecse, above footnote 33, par. 107; Case of the Plan de Sánchez Massacre, Reparations, above footnote 44, par. 98; Tibi Case, above footnote 44, par. 258; and Case of the Gómez-Paquiyaui Brothers, above footnote 44, par. 231. Similarly, IACHR, Annual Report 1992-1993, Report 28/92, Cases 10.147, 10.181, 10.240, 10.262, 10.309 and 10.311, Argentina, October 2, 1992, par. 36-37 and 40-41.

48 See Inter-American Court, Case of Juan Humberto Sánchez, above footnote 36, par. 132; Case of Las Palmeras, Reparations, above footnote 43, par. 68.

49 See Inter-American Court, Case of the Ituango Massacres, above footnote 47, par. 300; Case of the Pueblo Bello Massacre, above footnote 45, par. 146; Case of the "Mapiripán Massacre," above footnote 33, par. 238; Case of the Moiwana Community, above footnote 45, par. 153; Case of the Serrano-Cruz Sisters, Preliminary Objections, Judgment of November 23, 2004, Series C No. 118, par. 118; and Case of Bámaca-Velásquez, Merits, Judgment of November 25, 2000, Series C No. 70, par. 207.

50 See Inter-American Court, Case of Gutiérrez-Soler, above footnote 42, par. 98.

51 See Inter-American Court, Case of Vargas-Areco, above footnote 22, par. 81 and 156; Cantos Case, Judgment of November 28, 2002, Series C No. 97, par. 54; Case of El Caracazo, Reparations, above footnote 43, par. 77; Case of Hilaire, Constantine and Benjamin, et al., Judgment of June 21, 2002, Series C No. 94, par. 203; Case of Trujillo-Oroza, Reparations and Costs, Judgment of February 27, 2002, Series C No. 92, par. 61; Case of Loayza-Tamayo, Reparations, above footnote 30, par. 168.

...[A]ll amnesty provisions, provisions on prescription and the establishment of measures designed to eliminate responsibility are inadmissible, because they are intended to prevent the investigation and punishment of those responsible for serious human rights violations such as torture, extrajudicial, summary or arbitrary execution and forced disappearance, all of them prohibited because they violate non-derogable rights recognized by international human rights law.<sup>52</sup>



45. Hence, the State's international responsibility is compromised when, faced with human rights violations, it does not undertake the necessary activities to promptly, adequately, and effectively investigate the facts and identify, prosecute and, where warranted, punish all those responsible for the violations.<sup>53</sup> This responsibility is also compromised when the State, through acts or provisions in its domestic law, impedes or prevents the investigation, search for, arrest, prosecution, and punishment of those responsible, or obstructs the clarification of the facts.<sup>54</sup>

### C. The Obligation to Investigate Violations of the Right to Life

46. Article 4.1 of the Convention establishes: "Every person has the right to have his life respected. This right shall be protected by law and, in general, from the moment of conception. No one shall be arbitrarily deprived of his life."

47. Likewise, Article I of the American Declaration provides that "[e]very human being has the right to life, liberty and the security of his person."

48. The Court has indicated that the right to life is a fundamental human right whose protection is an essential prerequisite for the realization of all other human rights. When the right to life is not respected, the Court has said, all other rights are meaningless. Because of the fundamental nature of this right, any approach that restricts it is not admissible. The right to life encompasses both the right of all human beings not

**"When the right to life is not respected ... all other rights are meaningless..."**

52 Inter-American Court, Case of Barrios Altos, Merits, Judgment of March 14, 2001, Series C No. 75, par. 41. Likewise, Inter-American Court, Case of the Rochela Massacre, above footnote 35, par. 294; Case of La Cantuta, Judgment of November 29, 2006, Series C No. 162, par. 226; Case of Almonacid-Arellano et al., above footnote 44, par. 151; Case of Montero-Aranguren et al. (Detention Center of Catia), above footnote 44, par. 141; Case of the Ituango Massacres, above footnote 47, par. 402; Case of Baldeón-García, above footnote 33, par. 201; Case of Blanco-Romero et al., above footnote 47, par. 98; Case of the "Mapiripán Massacre," above footnote 33, par. 304; Case of Gutiérrez-Soler, above footnote 42, par. 97; Case of the Moiwana Community, above footnote 45, par. 206; Case of Huilca-Tecse, above footnote 33, par. 108; Case of the Serrano-Cruz Sisters, above footnote 33, par. 172; Case of Carpio-Nicolle et al., above footnote 46, par. 130; Case of the Plan de Sánchez Massacre, Reparations, above footnote 44, par. 99; Tibi Case, above footnote 44, par. 259; Case of the Gómez-Paquiyaury Brothers, above footnote 44, par. 150 and 232-233; Case of the 19 Tradersmen, above footnote 33, par. 262; Case of Molina-Theissen, Reparations, above footnote 43, par. 83 and 84; Case of Myrna Mack Chang, above footnote 43, par. 276; Bulacio Case, Judgment of September 18, 2003, Series C No. 100, par. 116; Case of Trujillo-Oroza, Reparations, above footnote 51, par. 106.

53 See, inter alia, Inter-American Court, Case of the "White Van" (Paniagua-Morales et al.), above footnote 32, par. 91.

54 See, inter alia, Inter-American Court, Case of the Rochela Massacre, above footnote 35, par. 155; Case of Barrios Altos, above footnote 52, par. 42.



to be deprived of life arbitrarily as well as the right not to be prevented from having access to conditions that guarantee a life of dignity.<sup>55</sup>

49. The IACHR has also stated:

The most basic of the human rights protected in the inter-American and other human rights systems is the right to life, given that without complete respect for this right it is impossible to effectively guarantee or have full enjoyment of any other human rights or freedoms.<sup>56</sup>

50. Given the fundamental role assigned to the right to life, the States have the obligation to guarantee the creation of conditions that are required so that violations of this right do not arise, and, in particular, they have the duty to prevent its agents or private individuals from attempting to violate this right.<sup>57</sup> The Inter-American Court has indicated, in this regard, that:

Compliance with Article 4, in relation to Article 1.1 of the American Convention, not only presupposes that no person may be arbitrarily deprived of life (negative obligation), but also requires that the States take all appropriate measures to protect and preserve the right to life (positive obligation), as part of their duty to guarantee the full and free exercise of the rights of all persons under their jurisdiction.<sup>58</sup>

This active protection of the right to life by the State applies not only to legislators, but to all State institutions and all those in charge of safeguarding security, including police forces and the armed forces. Based on the aforementioned, the States should

55 See Inter-American Court, Case of Ximenes-Lopes, above footnote 33, par. 124; Case of Baldeón-García, above footnote 33, par. 82; Case of the Yakey Axa Indigenous Community, Judgment of June 17, 2005, Series C No. 125, par. 161; Case of Huilca-Tecse, above footnote 33, par. 65; Case of the "Juvenile Reeducation Institute," Judgment of September 2, 2004, Series C No. 112, par. 156; Case of the Gómez-Paquiyaui Brothers, above footnote 44, par. 128; Case of the 19 Tradesmen, above footnote 33, par. 153; Case of Juan Humberto Sánchez, above footnote 36, par. 110; Case of the "Street Children" (Villagrán-Morales et al.), above footnote 27, par. 144; IACHR, Annual Report 2006, Report No. 69/06, Case 11.171, Merits, Tomás Lares Cipriano, Guatemala, October 21, 2006, par. 73.

56 IACHR, Annual Report 2006, Report No. 68/06, Case 12.477, Lorenzo Enrique Copello Castillo et al., Cuba, October 21, 2006, par. 116.

57 See, inter alia, Inter-American Court, Case of Zambrano-Vélez et al., Judgment of July 4, 2007, Series C No. 166, par. 79; Case of the Miguel Castro-Castro Prison, above footnote 33, par. 237; Case of Ximenes-Lopes, above footnote 33, par. 125; Case of the Ituango Massacres, above footnote 47, par. 129; Case of the Sawhoyamaxa Indigenous Community, Judgment of March 29, 2006, Series C No. 146, par. 151; Case of the Pueblo Bello Massacre, above footnote 45, par. 120; Case of Huilca-Tecse, above footnote 33, par. 65; Case of the "Juvenile Reeducation Institute," above footnote 55, par. 156; Case of the Gómez-Paquiyaui Brothers, above footnote 44, par. 128; Case of the 19 Tradesmen, above footnote 33, par. 153; Case of Myrna Mack Chang, above footnote 43, par. 152; Case of Juan Humberto Sánchez, above footnote 36, par. 110; and Case of the "Street Children" (Villagrán-Morales et al.), above footnote 27, par. 144.

58 See Inter-American Court, Case of Zambrano-Vélez et al., above footnote 57, par. 80 and 81; Case of the Miguel Castro-Castro Prison, above footnote 33, par. 237; Case of Vargas-Areco, above footnote 22, par. 75; Case of Montero-Aranguren et al. (Detention Center of Catia), above footnote 44, par. 65 and 66; Case of the Ituango Massacres, above footnote 47, par. 130 and 131; Case of Baldeón-García, above footnote 33, par. 84; Case of the Sawhoyamaxa Indigenous Community, above footnote 57, par. 152; Case of the Pueblo Bello Massacre, above footnote 45, par. 120; Case of Huilca-Tecse, above footnote 33, par. 66; Case of the Gómez-Paquiyaui Brothers, above footnote 44, par. 129; Case of the 19 Tradesmen, above footnote 33, par. 153; Case of Myrna Mack Chang, above footnote 43, par. 153; Case of Juan Humberto Sánchez, above footnote 36, par. 110.



take the necessary measures not only to prevent and punish the deprivation of life as a result of criminal acts, but also to prevent arbitrary executions on the part of its own security forces.

51. The protection of the right to life likewise imposes on the States the obligation to seriously and thoroughly investigate the circumstances that could have led to the violation of this right. By not doing so, States compromise their international responsibility. The Court has indicated, in this regard, that “one of the conditions to effectively ensure the right to life is necessarily reflected in the duty to investigate abridgments of said rights. Thus, the obligation to investigate cases of violation of the right to life, are a key aspect of establishment of the responsibility of the State in the instant case.”<sup>59</sup> This obligation derives from the general obligation established in Article 1.1 of the Convention, in conjunction with the substantive law that should have been safeguarded, protected, or guaranteed.<sup>60</sup>

52. In cases of extrajudicial executions, given the seriousness of these types of crimes, once the authorities take knowledge of the facts they must act *ex officio* and without delay and initiate an investigation that is impartial, serious, rigorous, and effective.<sup>61</sup> Failure to comply with this obligation implies noncompliance with the States’ general obligation to respect and guarantee the rights and freedoms protected in the Convention and the Declaration. The Court has ruled on this matter, stating the following:

In cases of extra-legal executions, it is essential for the States to effectively investigate deprivation of the right to life and to punish all those responsible, especially when State agents are involved, as not doing so would create, within the environment of impunity, conditions for this type of facts to occur again, which is contrary to the duty to respect and ensure the right to life.<sup>62</sup>

53. In addition, as the Court has also indicated, failure to comply with the duty to investigate violations of the right to life further constitutes a central element when it comes to determining the State’s responsibility for the violation of judicial guarantees and protections.<sup>63</sup>

54. The failure to investigate violations of the right to life, and in particular extrajudicial executions, generates impunity and leads to the repetition of such violations.

59 See Inter-American Court, Case of the “Mapiripán Massacre,” above footnote 33, par. 137.

60 See Inter-American Court, Case of La Cantuta, above footnote 52, par. 110; Case of the Miguel Castro-Castro Prison, above footnote 33, par. 253; Case of Goiburú et al., Judgment of September 22, 2006, Series C No. 153, par. 88; Case of the Ituango Massacres, above footnote 47, par. 297.

61 See Inter-American Court, Case of Vargas-Areco, above footnote 22, par. 77; Case of Servellón-García et al., above footnote 44, 119; Case of Baldeón-García, above footnote 33, par. 92; Case of the Pueblo Bello Massacre, above footnote 45, par. 143; Case of the “Mapiripán Massacre,” above footnote 33, par. 219; Case of the Moiwana Community, above footnote 45, par. 145; Case of Juan Humberto Sánchez, above footnote 36, par. 127 and 132.

62 Inter-American Court, Case of Myrna Mack Chang, above footnote 43, par. 156.

63 See Inter-American Court, Case of the Ituango Massacres, above footnote 47, par. 297; Case of the “Mapiripán Massacre,” above footnote 33, par. 233.



**"...the protection of the right to life demands that all obstacles and mechanisms, in fact and by right, that perpetuate impunity be removed..."**

55. In this regard, it can be affirmed that the lack of effective mechanisms to investigate violations of the right to life, along with the weaknesses of justice systems when it comes to confronting such violations, can foster a climate of impunity within States and, in certain contexts and circumstances, can lead to serious structural problems of impunity, thus encouraging and perpetuating a repetition of such violations. These situations all run counter to the duty of States to respect and guarantee the right to life, in compliance with the obligation established in Article 1.1 of the Convention and Article I of the American Declaration.

56. Therefore, as the Inter-American Court has indicated, the protection of the right to life demands that all obstacles and mechanisms, in fact and by right, that perpetuate impunity be removed, and that in those cases in which individuals lose their life as the result of the use of force by agents of the State, an official investigation be undertaken that is rigorous, impartial, and effective.<sup>64</sup>

57. The States must be mindful that any deficiency or fault in the investigation that affects the ability to establish the cause of death or to identify the actual perpetrators or masterminds of the crime will constitute a failure to comply with the obligation to protect the right to life.<sup>65</sup>

58. To this effect, the States must guarantee the hierarchical, institutional, and actual autonomy and independence of the authorities responsible for carrying out the investigations.<sup>66</sup> They should also guarantee the security of those authorities and adopt any measures or mechanisms that are necessary to prevent the obstruction of adequate investigations, as well as any necessary measures to guarantee the security of witnesses, victims, their family members, and other judicial representatives against threats, intimidations, or acts of aggression that seek to impede the proceedings.<sup>67</sup> Further, as the Inter-American Court has indicated, the State should:

...provide the entities responsible for preventing and investigating extrajudicial executions with sufficient human, financial, logistic and scientific resources to process all evidence of a scientific or other type adequately, in order to clarify criminal acts. This should take into account the relevant international norms, such as those established in the

64 See Inter-American Court, Case of the Gómez-Paquiyaúri Brothers, above footnote 44, par. 131; Case of Myrna Mack Chang, above footnote 43, par. 157 and 277; Case of Juan Humberto Sánchez, above footnote 36, par. 112.

65 See Inter-American Court, Case of Baldeón-García, above footnote 33, par. 97.

66 Ibid, par. 95. Along the same lines, inter alia, IACHR, Annual Report 1999, Report 57/96, Case 11.139, William Andrews, United States, December 6, 1996, par. 159-172.

67 See Inter-American Court, Case of the Pueblo Bello Massacre, above footnote 45, par. 268; Case of the "Mapiripán Massacre," above footnote 33, par. 299; Case of the Moiwana Community, above footnote 45, par. 207; Case of Carpio-Nicolle et al., above footnote 46, par. 134.

United Nations Manual on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions.<sup>68</sup>

59. At the same time, the authorities responsible for the investigations should guarantee, in accordance with standards of due diligence, the rigorousness and effectiveness of efforts that must be carried out to fully clarify the facts and to identify, organize, collect and safeguard the evidence.<sup>69</sup> To this effect, the Inter-American Court has said the following, with respect to investigations into a death that could have been due to an extrajudicial execution:

State authorities that carry out an investigation must, inter alia, a) identify the victim; b) recover and preserve the evidentiary material related to the case; c) identify possible witnesses and obtain their statements with regard to the death that is being investigated; d) determine the cause, form, place, and moment of death, as well as any proceeding or practice that could have caused it, and e) distinguish between a natural death, an accidental death, a suicide, or a homicide. Besides, it is necessary to thoroughly investigate the crime scene, autopsies and competent professionals employing the most appropriate procedures must carefully practice analysis of the human remains.<sup>70</sup>

60. The authorities responsible for the investigation should also conduct their activities in an expedited manner, avoiding delays or unnecessary hindrances in the proceedings which could lead to impunity and infringe on due judicial protections under the law.<sup>71</sup> In this regard, the IACHR has indicated that “as a general rule, a criminal investigation must be carried out promptly to protect the interest of the victims, preserve evidence and even to safeguard the rights of any person that is considered a suspect in the investigation.”<sup>72</sup>



68 Inter-American Court, Case of Carpio-Nicolle et al., above footnote 46, par. 135.

69 See IACHR, Annual Report 2006, Report 69/06, Case 11.171, Merits, Tomás Lares Cipriano, Guatemala, October 21, 2006, par. 92.

70 See Inter-American Court, Case of the Miguel Castro-Castro Prison, above footnote 33, par. 383; Case of Vargas-Areco, above footnote 22, par. 91; Case of Servellón-García et al., above footnote 44, par. 120; Case of the Ituango Massacres, above footnote 47, par. 298; Case of the “Mapiripán Massacre,” above footnote 33, par. 224; Case of the Mowiana Community, above footnote 45, par. 149.

71 See, inter alia, Inter-American Court, Case of Servellón-García et al., above footnote 44, par. 151; Case of Myrna Mack Chang, above footnote 43, par. 166 to 211.

72 IACHR, Report 45/07, Petition 1268-05, Admissibility, Chengue Massacre, Colombia, July 23, 2007, par. 48.



**"...the free circulation of ideas and opinions is to democracy what their restriction and censorship are to dictatorial regimes..."**

#### **D. The Duty to Investigate the Violation of the Right to Life of Journalists and Members of the Media as a Guarantee of Freedom of Expression**

61. The American Convention indicates, in Article 13.1, that everyone has the right to freedom of thought and expression, which may be exercised through any medium. The text of the Convention states as follows:

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.

62. Likewise, Article IV of the American Declaration establishes the following:

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

63. According to the provisions of Article 13 of the Convention, those who enjoy the right to freedom of thought and expression not only have the right and the freedom to express their own thoughts, but also the right and freedom to seek, receive, and impart information and ideas of any nature. The right to freedom of expression thus has an individual and a social dimension.<sup>73</sup> Both have equal importance and must be guaranteed simultaneously in order to give total effect to this right.<sup>74</sup> The Inter-American Court has stated, in this regard, that freedom of expression "requires, on the one hand, that no one be arbitrarily limited or impeded in expressing his own thoughts. In that sense, it is a right that belongs to each individual. Its second aspect, on the other hand, implies a collective right to receive any information whatsoever and to have access to the thoughts expressed by others."<sup>75</sup>

64. Freedom of expression is a cornerstone on which the very existence of a democratic society is based,<sup>76</sup> and it is essential

73 See Inter-American Court, Case of "The Last Temptation of Christ" (Olmedo-Bustos et al.), Judgment of February 5, 2001, Series C No. 73, par. 64.

74 See Inter-American Court, Case of Ricardo Canese, Judgment of August 31, 2004, Series C No. 111, par. 80; Case of Herrera-Ulloa, Judgment of July 2, 2004, Series C No. 107, par. 111; Case of Ivcher-Bronstein, Judgment of February 6, 2001, Series C No. 74, par. 149; Case of "The Last Temptation of Christ" (Olmedo-Bustos et al.), above footnote 73, par. 67.

75 Inter-American Court, Case of Ricardo Canese, above footnote 74, par. 77; Case of Herrera-Ulloa, above footnote 74, par. 108; Case of Ivcher-Bronstein, above footnote 74, par. 146; Case of "The Last Temptation of Christ" (Olmedo-Bustos et al.), above footnote 73, par. 64; Compulsory Membership in an Association Prescribed by Law for the Practice of Journalism (Arts. 13 and 29 American Convention on Human Rights). Advisory Opinion OC-5/85, November 13, 1985, Series A No. 5, par. 30.

76 See Inter-American Court, Case of Claude-Reyes et al., Judgment of September 19, 2006, Series C No. 151, par. 85; Case of Ricardo Canese, above footnote 74, par. 82; Case of Herrera-Ulloa, above footnote 74, par. 112; Compulsory Membership in an Association Prescribed by Law for the Practice of Journalism (Arts. 13 and 29 American Convention on Human Rights). Advisory Opinion OC-5/85, above footnote 75, par. 70.

for the consolidation of democratic regimes. Between two extremes, it can be said that the free circulation of ideas and opinions is to democracy what their restriction and censorship are to dictatorial regimes. As the Court has stated:

Without effective freedom of expression, exercised in all its forms, democracy is enervated, pluralism and tolerance start to deteriorate, the mechanisms for control and complaint by the individual become ineffectual and, above all, a fertile ground is created for authoritarian systems to take root in society.<sup>77</sup>

65. In this context, journalism is the primary and principal manifestation of this freedom.<sup>78</sup> Thus it is essential that journalists and members of the media enjoy the protections and independence necessary to carry out their duties to the fullest, because they are the ones who keep society informed—an essential prerequisite for society to enjoy complete freedom and for public debate to be strengthened.<sup>79</sup>

66. In terms of violations of Article 13 of the Convention, these can take different forms, depending on whether they result in the denial of freedom of expression or simply entail a restriction beyond permissible limits.<sup>80</sup> One of the most violent ways to radically violate and suppress this right is through the murder of journalists and members of the media. On this point, the Declaration of Principles on Freedom of Expression, approved by the Inter-American Commission on Human Rights states, in its ninth principle, that:

The murder, kidnapping, intimidation of and/or threats to social communicators, as well as the material destruction of communications media violate the fundamental rights of individuals and strongly restrict freedom of expression. It is the duty of the state to prevent and investigate such occurrences, to punish their perpetrators and to ensure that victims receive due compensation.

67. The assassination of a member of the communications media for reasons related to the exercise of his or her profession implies the violation not only of the individual dimension of the right to freedom of expression, but also its social dimension. The killing of a journalist or member of the media in that person's professional capacity violates both the individual's right to express and impart ideas, opinions, and information as well as the rights of citizens and societies as a whole to express opinions and criticisms and to receive and seek information and ideas of any nature.

77 See, *inter alia*, Inter-American Court, Case of Ricardo Canese, above footnote 74, par. 86; Case of Herrera-Ulloa, above footnote 74, par. 116.

78 See Inter-American Court, Case of Herrera-Ulloa, above footnote 74, par. 118.

79 *Ibid.*, par. 119; Case of Ivcher-Bronstein, above footnote 74, par. 150.

80 See Inter-American Court, Case of Palamara-Iribarne, Judgment of November 22, 2005, Series C No. 135, par. 68; Case of Ricardo Canese, above footnote 74, par. 77; and Compulsory Membership in an Association Prescribed by Law for the Practice of Journalism (Arts. 13 and 29 American Convention on Human Rights). Advisory Opinion OC-5/85, above footnote 75, par. 53 and 54.





**"...the murder of an individual motivated by the exercise of a certain activity inhibits other people who seek to exercise that same activity..."**

68. In this regard, the Inter-American Court has held that the murder of an individual motivated by the exercise of a certain activity inhibits other people who seek to exercise that same activity. In terms of the right to association and union-related freedom, for example, in the *Huilca-Tecse* case the Court held that the execution of a union leader because of his militancy and his criticisms of the government violates the victim's own freedom of association, on the one hand, and on the other, restricts the freedom of certain individuals to associate freely, without fear or dread, thus highlighting both aspects of freedom of association.<sup>81</sup>

69. In terms of the murder of journalists, the IACHR has come to similar conclusions, finding that Article 13 of the American Convention is violated and therefore international responsibility on the part of the State is generated when journalists are killed because of their professional activities. It has held that this type of crime has a "chilling effect" on other journalists and citizens in general by instilling fear about denouncing attacks, abuses, and illegal acts of all kinds.<sup>82</sup> A similar argument could be made with regard to Article IV of the American Declaration.

70. The absence of an effective investigation into these types of crimes and the subsequent failure to identify and punish all those responsible leads to impunity and thus fosters the repetition of such crimes and once again produces a chilling effect on the exercise of freedom of expression—particularly when it comes to the freedom to denounce and provide information about the conduct of public agents. This effect can be avoided only through decisive action on the part of the State to investigate, bring to trial, and punish those who make threats, commit murder, or take any sort of reprisal against someone due to the expression of his or her ideas and opinions.

### **E. Noncompliance with the Duty to Investigate and the Question of Impunity. Implications of Impunity**

71. When the obligation to investigate is not met, the result is impunity, meaning the total lack of investigation, prosecution, capture, trial, and conviction<sup>83</sup> of those responsible for violations of the rights protected by the American Convention and the American Declaration. Impunity thus implies that States have failed to comply with their obligation to guarantee that individuals under their jurisdiction can freely and fully exercise the rights and freedoms recognized both in the Convention and the Declaration; hence, it brings to bear the State's international

81 See Inter-American Court, *Case of Huilca-Tecse*, above footnote 33, par. 68 and 69. Likewise, Inter-American Court, *Case of Cantoral-Huamani and García- Santa Cruz*, Judgment of July 10, 2007, Series C No. 167, par. 147 and 148.

82 IACHR, Annual Report 1998, Report 50/99, Case 11.739, Héctor Félix Miranda, Mexico, April 13, 1999, par. 52; Annual Report 1999, Report 130/99, Case 11.740, Víctor Manuel Orepeza, Mexico, November 19, 1999, par. 58.

83 See Inter-American Court, *Case of the "White Van" (Paniagua-Morales et al.)*, above footnote 32, par. 173.

responsibility. In this regard, the Inter-American Court has said, in terms of the Convention, that:

The State is obligated to investigate every situation involving a violation of the rights protected by the Convention. If the State apparatus acts in such a way that the violation goes unpunished and the victim's full enjoyment of such rights is not restored as soon as possible, the State has failed to comply with its duty to ensure the free and full exercise of those rights to the persons within its jurisdiction. The same is true when the State allows private persons or groups to act freely and with impunity to the detriment of the rights recognized by the Convention.<sup>84</sup>



72. Consequently, States have the obligation to prevent and combat impunity, both *de facto* and *de jure*, by all legal means available. Impunity not only constitutes in its own right a breach of the obligation to guarantee the free and full exercise of human rights; it also fosters the chronic repetition of violations of these rights and the total failure to defend victims and their family members.<sup>85</sup> In this regard, impunity also runs contrary to the general obligation of the State to prevent such violations. Thus, a serious, rigorous and effective investigation is a fundamental element and a precondition for the protection of the rights that are adversely affected or invalidated by these situations.<sup>86</sup>

73. In the case of the violation of the right to life of reporters and members of the media due to the exercise of their profession, impunity in terms of such a violation involves not only a failure by the States to comply with their obligation to guarantee that right, but also a failure to comply with the obligation to guarantee the right to freedom of expression in its dual dimension. Impunity with regard to violations of the right to life committed against journalists because of their work, as noted previously, additionally has the grave effect of fostering a repetition of violations of both rights, which also goes against the obligation of the States to prevent and avoid violations of all human rights.

74. Thus, when it comes to the murder of journalists for work-related reasons, compliance with the obligation to adequately and effectively investigate violations of the right to life and to combat impunity regarding these rights becomes a way for the States to comply with their obligation to fully

84 Inter-American Court, Case of Velásquez-Rodríguez, above footnote 11, par. 176. Also, Inter-American Court, Case of Cantoral-Benavides, Reparations and Costs, Judgment of December 3, 2001, Series C No. 88, par. 69; Case of the "Street Children" (Villagrán-Morales et al.), Reparations and Costs, Judgment of May 26, 2001, Series C No. 77, par. 99; Case of Bámaca-Velásquez, above footnote 49, par. 129; Case of Garrido and Baigorria, Reparations, above footnote 33, par. 73; and Case of the "White Van" (Paniagua-Morales et al.), above footnote 32, par. 178.

85 See Inter-American Court, Case of the "White Van" (Paniagua-Morales et al.), above footnote 32, par. 173.

86 See IACHR, Report No. 46/07, Petition 231/05, Admissibility, Mery Naranjo et al. (Community 13), Colombia, July 23, 2007, par. 36.



guarantee—in the framework of the inter-American system for human rights protection—the right to freedom of expression in its individual and social dimensions.



## Chapter II

### Status of Investigations into the Murder of Journalists in the Region for Reasons that May Be Related to their Work in Journalism (1995-2005 Period)



## Status of Investigations into the Murder of Journalists in the Region for Reasons that May Be Related to their Work in Journalism (1995-2005 Period)



75. The methodology adopted by the Office of the Rapporteur for conducting this study, as mentioned in the introduction, provided access to information about the journalists who have been murdered; the way in which these events took place; the actions undertaken by the States once the events had occurred; and the status of investigations and judicial proceedings.

76. With regard to reporters and other members of the media who have been killed, the Office of the Rapporteur registered, for the period of time under consideration in this study (1995-2005), a total of 157 murders for motives that could be related to journalistic activity. This constitutes a very high number of murders in the region. The Office of the Rapporteur, in this regard, views with great concern that in several countries of the region, in 2006, 2007, and so far in 2008 there have been new murders of reporters and members of the media for what may be work-related reasons, at what continues to be a very high rate.

77. The Office of the Rapporteur also observes, regarding the period under study, that in several of these countries, the murders have taken place in the context of special or extreme conditions of vulnerability for journalists. In some cases, the murders have occurred after the journalists have been subject to threats, without the Office of the Rapporteur being able to find that the States adopted timely, serious, and sufficient measures designed to respond to those situations and threats and thus avert the occurrence of the events.

78. The Office of the Rapporteur has also found that measures adopted by the States once the events have occurred have been precarious, and most of the investigations have moved very slowly. In many of the cases, the Office of the Rapporteur has also noted that the investigations are characterized by actions that hinder or obstruct, and by the deficient development of a methodological process, which goes against the obligation for due diligence. All this impedes the identification of the perpetrators, their adequate prosecution and trial, and in cases where it is warranted, their due punishment.

79. This situation with regard to the investigations leads to a deplorable picture of impunity when it comes to the murder of journalists in the region. The Office of the Rapporteur would especially like to bring this situation to the attention of the

**"...the Office of the Rapporteur registered, for the period of time under consideration in this study (1995-2005), a total of 157 murders for motives that could be related to journalistic activity..."**



States, but also to the attention of societies in the countries of the Americas, reporters and members of the media, national and international nongovernmental organizations, and the political bodies of the OAS.

**A. Reporters and Members of the Media Killed in the Region from 1995-2005 for Reasons that May Be Related to the Exercise of Journalism**

80. As indicated earlier, according to the information it has received, the Office of the Rapporteur recorded, in the 1995-2005 period, the murder of 157 reporters and members of the media in 19 countries of the region, for reasons that could be related to their work in journalism.<sup>87</sup>

	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	Total
Argentina	.	.	1	.	.	1	.	.	.	.	.	2
Bolivia	.	.	.	.	.	.	1	.	.	.	.	1
Brazil	5	1	3	2	.	1	1	2	3	3	2	23
Canada	2	.	.	.	.	.	.	.	.	.	.	2
Colombia	3	2	6	10	7	9	10	14	9	3	2	75
Costa Rica	.	.	.	.	.	.	1	.	.	.	.	1
Dom. Rep.	1	.	.	.	.	.	.	.	.	1	.	2
Ecuador	.	.	.	.	.	.	.	.	.	.	1	1
El Salvador	.	.	1	.	.	.	.	.	.	.	.	1
Guatemala	1	.	3	1	1	1	1	.	1	.	.	9
Haiti	.	.	.	.	.	1	1	.	.	1	3	6
Honduras	.	.	.	.	.	.	.	.	1	.	.	1
Mexico	.	3	3	.	3	2	1	.	.	5	3	20
Nicaragua	.	.	.	.	.	.	.	.	.	2	1	3
Paraguay	.	.	.	.	.	1	1	.	.	.	.	2
Peru	.	.	2	.	.	.	.	.	.	2	.	4
United States	.	.	.	.	.	.	1	.	.	.	.	1
Uruguay	.	.	.	.	.	1	.	.	.	.	.	1
Venezuela	.	.	.	.	.	.	.	1	.	1	.	2

81. As can be observed, in countries such as Colombia, Brazil, and Mexico, the number of journalists killed is very high, particularly in the case of Colombia. According to information received by the Office of the Rapporteur, Colombia registered 75 murders during the period, the highest number of journalists killed to date in a country of the region. Brazil, for its part, registered 23 journalists killed, and Mexico, 20.<sup>88</sup>

87 See table attached to this study.

88 While they are not included in this study, given the timeframe under review, the Office of the Rapporteur calls attention to the journalists murdered in Mexico during the last two years. In 2006 and 2007, the Office of the Rapporteur has noted with great concern that murders of journalists in Mexico have been on the rise.



82. While the number of journalists killed in countries such as Guatemala and Haiti has been lower,<sup>89</sup> it is still a cause for concern that the murders in Guatemala have occurred at a steady rate, and in Haiti, they spiked in one year. In Guatemala, beginning in 1997 and continuing through 2001,<sup>90</sup> there were murders of journalists every year, with another journalist killed in 2003. In Haiti, three of the six journalists killed during the period under consideration were murdered in 2005 alone.

83. While the number of journalists killed has been low in countries such as Argentina, Bolivia, Canada, Costa Rica, Dominican Republic, Ecuador, El Salvador, Honduras, Nicaragua, Paraguay, Peru, United States, Uruguay, and Venezuela, the fact that these crimes occurred is cause for concern.

84. In countries where the number of journalists killed is particularly high, the Office of the Rapporteur has also identified circumstances that generate particularly vulnerable conditions for those who work in journalism or the communications media.<sup>91</sup>

85. In the case of Colombia, the assassination of journalists and death threats against them take place in the context of the country's protracted internal armed conflict, which makes those who work in journalism and the media particularly vulnerable to the various armed participants in the conflict.<sup>92</sup> Journalists killed in Colombia likewise have had to face sensitive circumstances related to drug trafficking, corruption,<sup>93</sup> and conduct by security agencies in violation of human rights.<sup>94</sup> In the case of Brazil, the assassination of journalists has been linked to death squads<sup>95</sup>

89 During the period under study, 9 murders were recorded in Guatemala and 6 in Haiti. See table attached to this study: Guatemala and Haiti.

90 In 1997, there were three murders of journalists; in 1998, one; in 1999, one murder; in 2000, there was one murder; in 2001, there was one murder. See table attached to this study: Guatemala.

91 For information about the circumstances in countries such as Colombia, Brazil and Mexico, besides information from the Office of the Rapporteur included in the table attached to this study, see Committee to Protect Journalists, Americas Program. *Attacks on the Press in 2005: All the News That Can't Be Printed*, at: <http://www.cpj.org/attacks05/americas05/americas05.html>

92 This is the case, for example, of journalist Iván Darío Pelayo, who was killed on August 17, 1995, apparently by members of dissident armed groups that accused him of belonging to paramilitary groups; as well as that of journalist Rodolfo Julio Torres, who was killed on October 21, 1999, after having been identified previously, by alleged members of the AUC, as a member of the ELN. See table attached to this study: Colombia. For more information on the situation of Colombian journalists working in the context of the armed conflict, see: Office of the Special Rapporteur for Freedom of Expression. *Impunity, Self-Censorship and Armed Internal Conflict: An Analysis of the State of Freedom of Expression in Colombia*. OAS/Ser.L/V/III, Doc. 51, August 31, 2005.

93 In the case, for example, of journalist Gerardo Bedoya, who was killed on March 20, 1997, it has been noted as significant that Mr. Bedoya regularly covered issues related to drug trafficking. Likewise, in the cases of journalists Jairo Elías Márquez, Oscar García Calderón, Nelson Carvajal Carvajal and Bernabé Cortés Valderrama—killed on November 20, 1997; February 22, 1998; April 16, 1998; and May 19, 1998, respectively—the four journalists had been dedicated to investigating acts of corruption. Mr. Cortés Valderrama also covered drug trafficking issues. See table attached to this study: Colombia.

94 This is the case, for example, of journalist Norvey Díaz Cardona, who was killed on January 18, 1996. Mr. Díaz Cardona had published information about the participation of the police in the murder of various beggars, as well as information on the activities of drug traffickers. See table attached to this study: Colombia.

95 This is the case, for example, of journalist Nivanildo Barbosa Lima, killed in July 1995. See table attached to this study: Brazil.



and organized crime,<sup>96</sup> human rights violations by State security agencies,<sup>97</sup> the conduct of local authorities,<sup>98</sup> and corruption.<sup>99</sup> In the case of Mexico, several of the murders of journalists have taken place in areas with a marked presence of drug trafficking cartels and other forms of organized crime. In these zones, the journalists who were killed were doing investigative or critical reporting.<sup>100</sup>

86. In other countries where the number of journalists murdered has been lower but where there has been a worrisome recurrence of killings, such as Guatemala and Haiti, the Office of the Rapporteur has also identified circumstances that underscore the vulnerability of journalists who report on particular subjects. In Guatemala, several of the violent deaths of journalists registered by the Office of the Rapporteur in the period under consideration seemed to be linked to reporting on criminal gangs<sup>101</sup> and corruption.<sup>102</sup> And in the case of Haiti, according to information received by the Office of the Rapporteur, the murders of several journalists were linked to their criticisms of the government.<sup>103</sup>

87. The Office of the Rapporteur considers it necessary to reiterate that the assassination of journalists not only constitutes a grave violation of the right to life, but also seriously affects the right to freedom of expression in its dual dimension. When a journalist is killed or attacked, not only is the victim affected, but all of society.<sup>104</sup>

88. The death of journalists in circumstances in which it can be inferred or established that the deaths were the result of

96 This is the case, for example, of journalist Edgar Lopes de Farias, who was killed on October 29, 1997. See table attached to this study: Brazil. It is also the case of journalist Tim Lopes, killed on June 3, 2002. Mr. Lopes investigated drug trafficking and child prostitution. See: Reporters Without Borders. 08.07.2002 - Murder of Tim Lopes confirmed by DNA test, at: [http://www.rsf.org/article.php3?id\\_article=2507](http://www.rsf.org/article.php3?id_article=2507).

97 This is the case, for example, of journalist José Carlos Araújo, who was killed on April 24, 2004. See table attached to this study: Brazil.

98 This is the case, for example, of journalist Manoel Leal de Oliveira, who was killed on January 14, 1998. See table attached to this study: Brazil.

99 This is the case, for example, of journalist Aristeu Guida da Silva, who was killed on May 12, 1995. See table attached to this study: Brazil.

100 This is the case, for example, of journalists Víctor Hernández Martínez, with the magazine Como, and José Luis Ortega Mata, editor of the Semanario de Ojinaga, who were killed on July 26, 1997, and February 19, 2001, respectively; both of them reported on drug trafficking. More recently, there is the case of journalist Francisco Arratia Saldierna, a columnist with El Portavoz, El Imparcial, El Regional, Mercurio and El Cinco, publications in which he denounced organized crime and corruption, as well as journalist Raúl Gibb Guerrero, director of the regional daily La Opinión, who was killed in the state of Veracruz in April 2005 due to his investigations into trafficking in gasoline and to his refusal to accept blackmail from a gang. See Nuestra América, info (Spanish): En lo que va del 2004, fueron asesinados 16 periodistas ("So Far in 2004, 16 Journalists have been Killed"), October 5, 2004, at: [http://www.Nuestraamerica.info/leer\\_hivs/3825](http://www.Nuestraamerica.info/leer_hivs/3825). Also, Reporters Without Borders, Authority, impunity and self-censorship: Frontier journalists in a pitiless landscape, June 2005, at: [http://www.rsf.org/IMG/pdf/rapport\\_mexique\\_eng.pdf](http://www.rsf.org/IMG/pdf/rapport_mexique_eng.pdf).

101 This is the case of journalist Francisco Antonio Castillo Gálvez, who was killed on June 24, 1998. See table attached to this study: Guatemala.

102 This is the case of journalist Alberto Antoniotti Monge, killed on November 29, 1995. See table attached to this study: Guatemala.

103 This is the case of journalists Jean Leopold Dominique and Brignol Lindor, killed on April 3, 2000, and December 3, 2001, respectively. See table attached to this study: Haiti.

104 See Office of the Special Rapporteur for Freedom of Expression, Press Release 162/07, January 29, 2007.



the type of information reported or opinions expressed in the course of the journalist's work tends to produce self-censorship. The Office of the Rapporteur has stated, in this regard, that "[w]hen the states do not guarantee the right to life, journalists have to continue putting their lives and often those of their families at risk, or abandon their investigations and not report on certain issues."<sup>105</sup> Likewise, the murder of journalists related to the exercise of their profession produces a chilling effect on societies and a weakening of the debate and societal control that are characteristic of democratic systems.

89. As the Office of the Rapporteur has also indicated, this practice has two concrete objectives. On the one hand, it seeks to eliminate those journalists who are investigating abuses, irregularities, or illegal activities of all kinds, whether these are carried out by public officials, organizations, or private individuals in general, as a way to ensure that their investigations cannot be concluded or do not achieve the level of public debate they deserve, or simply in reprisal for their reporting. On another level, the murder of journalists and members of the media is used as an instrument of intimidation to send a clear message to all those who undertake investigative efforts.<sup>106</sup>

90. In this regard, the Office of the Rapporteur would like to stress once again that the assassination of journalists and members of the media is one of the most violent ways to violate and radically suppress the right to freedom of expression.

## B. The Status of the Investigations

91. In cases involving a violation of the right to life, States have the obligation to investigate the violation of this right, prosecute and punish those responsible, and make reparations to the victims' family members. For States Parties, this derives from the obligation to guarantee human rights established in Article 1.1 of the American Convention; for States that do not belong to the Convention, it derives from the commitments established in the American Declaration.

<sup>105</sup> Annual Report of the Office of the Special Rapporteur for Freedom of Expression 2006. Chapter II. Situation of the Freedom of Expression in the Region. B. Evaluation, par. 18, at: <http://www.cidh.oas.org/relatoria/showarticle.asp?artID=691&IID=1>. Also see Office of the Special Rapporteur for Freedom of Expression, Impunity, Self-Censorship and Armed Internal Conflict: An Analysis of the State of Freedom of Expression in Colombia. OAS/Ser.LV/II, Doc. 51, August 31, 2005, par. 88-102. Also, Reporters Without Borders, Authority, impunity and self-censorship: Frontier journalists in a pitiless landscape, June 2005, at: [http://www.rsf.org/IMG/pdf/rapport\\_mexique\\_eng.pdf](http://www.rsf.org/IMG/pdf/rapport_mexique_eng.pdf); and Committee to Protect Journalists, Americas Program: Attacks on the Press in 2005: All the News That Can't Be Printed, which indicates that threats and murders are one reason for self-censorship among journalists in several countries of the region, at: <http://www.cpj.org/attacks05/americas05/americas05.html>.

<sup>106</sup> See Office of the Special Rapporteur for Freedom of Expression. Impunity, Self-Censorship and Armed Internal Conflict: An Analysis of the State of Freedom of Expression in Colombia. OAS/Ser.LV/II, Doc. 51, August 31, 2005, par. 61; The Right to Freedom of Expression in Paraguay, 2001, par. 57, at: <http://www.cidh.oas.org/relatoria/listDocuments.asp?categoryID=1&IID=1>



**"...in the majority of these cases, the state of the investigations has not made it possible to learn the reasons or motives for the crimes or the identification of those responsible..."**

92. The obligation to investigate these violations implies, in turn, that the States have the duty to undertake, ex officio, an investigation that is impartial, timely, complete, rigorous, and effective, one that seeks with diligence to fully clarify the facts and identify, capture, prosecute and, if warranted, punish those responsible, including the actual perpetrators, the masterminds, and those who subsequently cover up the crimes.

93. Based on these principles and standards, the Office of the Rapporteur followed up on the status of the investigations that the various countries under consideration in the study initiated once journalists or members of the media had been murdered. In addition, the Office of the Rapporteur used as a guideline for its analysis the questions presented to the States, nongovernmental organizations, and other institutions during the preparation of the study.

94. In this regard, and for the period under consideration, even though in various countries and at different times the highest-level authorities have expressed their consternation over the murders of journalists and have publicly affirmed their commitment to carry out timely and effective investigations, the Office of the Rapporteur has been able to attest that in the majority of cases to date, investigations have been excessively slow. In addition, several of them have encountered serious obstacles, such as threats to prosecutors, judges, witnesses, and lawyers, or demonstrate serious deficiencies that run contrary to the demand for serious, thorough investigations.

95. The Office of the Rapporteur has found, as well, that in the majority of these cases, the state of the investigations has not made it possible to learn the reasons or motives for the crimes or the identification of those responsible. This translates into a failure to clarify the facts and discover the truth, and the subsequent absence of prosecution and punishment.

96. In addition, the Office of the Rapporteur has found that when the investigations do make progress in identifying those responsible, in nearly all cases this is limited to the physical perpetrators, with no identification of the masterminds or those who later cover up the crime.

97. Likewise, the Office of the Rapporteur has found that few investigations lead to the punishment of any or some of those responsible for the crimes, and that in various cases in which there has been some type of conviction, it has not been put into effect.

### **1. Duration of the Investigations**

98. The Office of the Rapporteur has verified that, although in various cases investigations have led to some type of conviction in a shorter period of time, nevertheless in many cases considered in the period of this study, ten years or more

have gone by without the investigations shedding any light on the perpetrators or the motives for the crime. In some cases, the investigations have been suspended or closed.

99. This is particularly evident when it comes to cases that occurred between 1995 and 1999, the first five years analyzed in the study. In the majority of these cases, there has been no type of conviction, and in the cases in which there have been judgments, these have been handed down three or more years after the start of the investigations and have not led to convictions of all those responsible.

100. Thus, in the countries with the highest number of murders of journalists, such as the case with Colombia, of the 28 journalists who were killed in 1995,<sup>107</sup> 1996,<sup>108</sup> 1997,<sup>109</sup> 1998,<sup>110</sup> and 1999,<sup>111</sup> the Office of the Rapporteur found that, as of 2007, some type of conviction had been handed down in only 5 of the murders that took place during those years. According to information received by the Office of the Rapporteur, in the case of journalist Santiago Rodríguez Villalba, who was killed in 1997, two of the perpetrators of the crime were convicted in 2007. In the case of journalist Amparo Leonor Jiménez, who was killed in 1998, one of the physical perpetrators of the crime was convicted in 2006. In the case of journalist Jaime Hernando Garzón Forero, who was killed in 1999, one of the joint masterminds of the crime was convicted in 2005. In the case of journalist Guzmán Quintero Torres, who was also killed in 1999, two of the perpetrators were convicted in 2006. And in the case of journalists Alberto Sánchez Tovar and Luis Alberto Rincón Solano, also killed in 1999, convictions were handed down in 2002.

101. At the same time, in the case of journalists killed in Brazil, of the eleven murders that took place in 1995,<sup>112</sup> 1996,<sup>113</sup> 1997<sup>114</sup> and 1998,<sup>115</sup> as of 2007 some type of conviction had been



107 Journalists Gildardo Ariza Olarte, Iván Darío Pelayo and Ernesto Acero Cadena were murdered this year. See table attached to this study: Colombia.

108 Journalists Alfredo Antonio Matiz and Norvey Díaz Cardona were murdered this year. See table attached to this study: Colombia.

109 Journalists Santiago Rodríguez Villalba, Freddy Elles Ahumada, Gerardo Bedoya, Alejandro Jaramillo, Francisco Castro Menco and Jairo Elías Márquez were murdered this year. See table attached to this study: Colombia.

110 Journalists Oscar García Calderón, Didier Aristizábal Galeano, José Abel Salazar Serna, Nelson Carvajal Carvajal, Bernabé Cortés Valderrama, Amparo Leonor Jiménez, Nelson Osorio Patiño, Néstor Villar Jiménez, Saúl Alcaraz and José Arturo Guapacha were murdered this year. See table attached to this study: Colombia.

111 Journalists Hernando Rangel Moreno, Jaime Hernando Garzón Forero, Guzmán Quintero Torres, Rodolfo Julio Torres, Pablo Medina Motta, Alberto Sánchez Tovar and Luis Alberto Rincón Solano were murdered this year. See table attached to this study: Colombia.

112 Journalists Zaquie de Oliveira, Marcos Borges, Ariteo Guida da Silva, Nivanildo Barbosa Lima and Reinaldo Coutinho da Silva were murdered this year. See table attached to this study: Brazil.

113 Journalist Sandoval Muniz Duarte was murdered this year. See table attached to this study: Brazil.

114 Journalists Ronaldo Santana de Araújo, Edgar Lopes de Farias and Natan Pereira Gatinho were murdered this year. See table attached to this study: Brazil.

115 Journalists Manoel Leal de Oliveira and José Carlos Mesquita were murdered this year. See table attached to this study: Brazil.



handed down in only four of the cases,<sup>116</sup> and charges have been brought in one other case.<sup>117</sup> In the case of journalist Aristeu Guida da Silva, who was killed in 1995, a second trial brought the conviction of one of the perpetrators in 2007. Meanwhile, in the case of journalist Ronaldo Santana de Araújo, who was killed in 1997, one of the perpetrators of the crime was convicted in 2002. In the case of Manoel Leal de Oliveira, who was killed in 1998, one person linked to the crime was convicted in 2007, and in the case of José Carlos Mesquita, who was killed in 1998, one of the perpetrators was convicted in 2003.

102. In the case of Mexico, of the six journalists killed in 1997<sup>118</sup> and 1998,<sup>119</sup> as of 2007 convictions had been handed down against two individuals in the murder of journalist Jesús Abel Bueno León; two accessories to the murder of journalist Benjamín Flores González; and two of the perpetrators of the murder of journalist Philip True.<sup>120</sup> According to information received by the Office of the Rapporteur, the conviction in the case of Mr. Bueno León was handed down in 2001, and the murder took place in 1997. In the case of Mr. Flores Gonzalez, the conviction was issued in 2004, and the crime occurred in 1997. And in the case of Mr. True, his murder took place in 1998, and the conviction was also handed down in 2004.

103. Likewise, in the case of the six journalists murdered in Guatemala in 1995,<sup>121</sup> 1997,<sup>122</sup> 1998,<sup>123</sup> and 1999,<sup>124</sup> as of 2007 there were no convictions, and the facts of the cases had not been clarified.<sup>125</sup>

104. The Office of the Rapporteur found a similar situation in other countries of the region in terms of several of the murders of journalists that took place between 1995 and 2000. For example, in the case of journalist Ricardo Gangueme, who was killed in Argentina on May 13, 1999, the crime has yet to be solved. While some convictions were handed down in this case in 2000, in 2002 the three individuals who had been accused and initially punished were cleared for lack of evidence.<sup>126</sup>

116 These are the cases Aristeu Guida da Silva, Ronaldo Santana de Araújo, Manoel Leal de Oliveira and José Carlos Mesquita. See table attached to this study: Brazil.

117 This is the case of Marcos Borges Ribeiro. See table attached to this study: Brazil.

118 Journalists Jesús Abel Bueno León, Benjamín Flores González and Víctor Hernández Martínez were murdered this year. See table attached to this study: Mexico.

119 Journalists Luis Mario García Rodríguez, Claudio Cortez García and Philip True were murdered this year. See table attached to this study: Mexico.

120 See table attached to this study: Mexico.

121 Journalist Alberto Antoniotti Monge was murdered this year. See table attached to this study: Guatemala.

122 Journalists Jorge Luis Marroquín Sagastume, Luis Ronaldo de León Godoy and Norman Homero Hernández Pérez were murdered this year. See table attached to this study: Guatemala.

123 Journalist Francisco Antonio Castillo Gálvez was murdered this year. See table attached to this study: Guatemala.

124 Journalist Larry Lee was murdered this year. See table attached to this study: Guatemala.

125 According to information received by the Office of the Rapporteur, there were no murders of journalists in Haiti between 1995 and 1999.

126 See table attached to this study: Argentina.

105. Similarly, in the case of journalist Tara Singh Hayer, who was killed in Canada on November 8, 1995, the investigations are still open to date, without the facts having been brought to light or the perpetrators identified.<sup>127</sup> The same situation is found, among other investigations, in the case of journalist Lorena Saravia, who was killed in El Salvador on August 25, 1997, and journalists Isabel Chumpitaz Panta and José Amaya Jacinto, who were both killed in Peru on April 6, 1998.<sup>128</sup> In terms of journalist Jean Léopold Dominique, who was killed in Haiti in 2000, while various individuals have been linked to the case at different times as alleged perpetrators, to date there has been no conviction.<sup>129</sup>

106. This situation of excessive delays in the investigations has again come to the attention of the Office of the Rapporteur in the case of several murders that took place between 2000 and 2005, both in countries with higher numbers of journalists killed—such as Colombia, Brazil, Mexico, and also Guatemala—as well as in other countries.

107. In terms of Colombia, the Office of the Rapporteur found, for example, that of the 47 murders of journalists that took place between 2000 and 2005, as of 2007 the only convictions that had been handed down were in the case of journalist José Orlando Sierra Hernández, who was killed in 2002, and the case of journalist Efraín Varela Noriega, who was also murdered in 2002. Likewise, with regard to Brazil, the Office of the Rapporteur found that in the case of journalist Melyssa Martins Correia, who was killed in 2003; journalists José Carlos Araújo and Jorge Lourenço dos Santos, killed in 2004; and journalists Ricardo Gonçalves Rocha and José Cândido de Amorim Filho, killed in 2005, there were no convictions as of 2007. With regard to Mexico, the Office of the Rapporteur also found that with the exception of the case of the murder of journalist Gregorio Rodríguez Hernández, which took place in 2004—in which there was one conviction for covering up the crime—in the other 13 cases of murders of journalists that took place from 2000 to 2005, no convictions had been handed down as of 2007. The Office of the Rapporteur observed the same situation in the case of the three murders of journalists in Guatemala between 2000 and 2005.

108. Although, as mentioned previously, there are several cases—to which the Office of the Rapporteur will refer further on—in which investigations have led to convictions within a shorter time frame, the Office of the Rapporteur has noted, over the period under consideration, a very troubling trend of excessive delays in the duration of both the investigation and the judicial process as a whole before the cases can arrive at any type of conviction. This trend is more troubling—as laid out in the preceding paragraphs—with regard to those investigations which have produced no convictions despite the excessive period of time that has elapsed.



**"...the Office of the Rapporteur has noted ... a very troubling trend of excessive delays in ... the judicial process as a whole before the cases can arrive at any type of conviction..."**

127 See table attached to this study: Canada.

128 See table attached to this study: El Salvador, Haiti and Peru.

129 See table attached to this study: Haiti.



## 2. Identification of Perpetrators and Motives

109. Moreover, the Office of the Rapporteur has noted not only the slow pace of the investigations, but also the failure to determine all those responsible for these crimes, as well as the failure, in the majority of cases, to determine the motives or reasons for the murder of the reporter or member of the media.

110. In this regard, the Office of the Rapporteur has found that in the majority of cases studied, avenues of investigation have not been pursued that would help identify the actual perpetrators or the masterminds of the crimes. The Office of the Rapporteur has also found that in the investigations in which perpetrators have been identified, these have primarily been physical perpetrators. The Office of the Rapporteur will return to this issue later, when it refers to convictions that have been handed down in some of the cases.

111. The Office of the Rapporteur has also noted that the motive of the murder—in particular, whether it could be related to the victim's work in journalism or the media—has been established in only a limited number of cases to date, the majority of which still have open investigations.<sup>130</sup> The failure to identify the motive in the killings is closely linked, in the majority of the cases, to the absence of logical lines of investigation<sup>131</sup> and of timely and adequate evidence gathering.

112. Neither has the Office of the Rapporteur found that the investigations have sufficiently looked into possible criminal patterns that characterized the murders, which could—in the countries where such patterns exist—help to identify both the actual perpetrators and the masterminds of such crimes. This deficiency in the investigation and possible identification of criminal patterns is particularly evident in countries with a high number of journalists killed, such as Colombia, Brazil, and Mexico, notwithstanding that in these countries it is possible to determine circumstances that would help to identify and pinpoint patterns.

113. The Office of the Rapporteur views with concern, based on its findings, that in the majority of investigations into the murder of journalists in the region, there is a trend toward failing

<sup>130</sup> These cases include those of: journalist José Luis Cabezas, who was killed in Argentina on January 25, 1997; journalist Marcos Borges Ribeiro, killed in Brazil on May 1, 1995; journalist Aristeu Guida da Silva, killed in Brazil on May 12, 1995; journalist José Wellington Fernandes, killed in Brazil on March 13, 2000; journalist Tim Lopes, killed in Brazil on June 3, 2002; journalist Domingo Sávio Brandão de Lima Júnior, killed on September 30, 2002; journalist Nicano Linhares Batista, killed in Brazil on June 30, 2003; journalist Jorge Lourenço dos Santos, killed in Brazil on November 7, 2004; journalist Parmenio Medina Pérez, killed in Costa Rica on June 7, 2001; journalist Francisco Arratia Saldierna, killed in Mexico on August 31, 2004; journalist Salvador Medina Velásquez, killed in Paraguay on January 5, 2001; and journalist Antonio De la Torre Echeandía, killed in Peru on February 14, 2004. See table attached to this study.

<sup>131</sup> As has been the case, for example, in the open investigations in Mexico related to the 2004 murders of journalists Raúl Gibb Guerrero and Dolores Guadalupe García. This in spite of the fact that in cases such as that of Gibb Guerrero it was possible to quickly identify the perpetrators' modus operandi, which could have pointed to investigative leads that could have helped identify the perpetrators. In 1988, before the murder of Mr. Gibb Guerrero, journalist Héctor Félix Miranda, also of the weekly Zeta, had been murdered, and in 1997, Jesús Blancornelas, director of the weekly, had suffered a serious attack. See: Reporters Without Borders, Authority, impunity and self-censorship: Frontier journalists in a pitiless landscape, June 2005, at: [http://www.rsf.org/IMG/pdf/rapport\\_mexique\\_eng.pdf](http://www.rsf.org/IMG/pdf/rapport_mexique_eng.pdf)

to make progress in the determination of all those responsible for the crimes and demonstrating serious shortcomings in the determination of motives. As will be shown later, this situation seriously affects the guarantee of the rights to truth and justice, leads to impunity, and fosters the repetition of such crimes.

### 3. Course of the Investigations: Evidence Gathering and Logical Lines of Investigation: Obstacles and Obstructions

114. In terms of the course that the investigations follow, the Office of the Rapporteur has also found shortcomings of an investigative and procedural nature—related, among other things, to the gathering of evidence and the development of adequate lines of investigation—as well as the absence of political will on the part of the States to comply with the obligation to guarantee serious, diligent, impartial, and effective investigations. This is manifested, among other ways, in the obstruction and hindrance of investigations.

115. In terms of the development of the investigations and how this could affect the principle of immediacy in gathering evidence and ensuring that is received in a timely manner, the Office of the Rapporteur identified cases in Colombia, for example, in which prosecutors declined to receive the testimony of individuals who wished to give statements,<sup>132</sup> and cases in which testimony relevant to the investigations was received belatedly.<sup>133</sup> In the investigations carried out in Brazil, the Office of the Rapporteur also identified cases in which the authorities alleged difficulties in obtaining evidence that would lead to the identification of the perpetrators,<sup>134</sup> and in Guatemala, the Office of the Rapporteur identified cases in which evidentiary steps were omitted.<sup>135</sup>

116. Likewise, in some of the investigations, the Office of the Rapporteur has found that the omission of logical avenues of investigation, or the lack of diligence in the gathering of evidence that is pertinent and relevant to clarify the facts, have had sensitive repercussions in the course of the proceedings when these have reached the stage of indictment or trial. In several cases, judicial authorities have declined to convict



132 For example, in the case of journalist Nelson Carvajal Carvajal, who was killed in Colombia on April 16, 1998. See table attached to this study: Colombia.

133 For example, in the case of journalist Orlando Sierra Hernández, killed in Colombia on January 30, 2002, in which the statement by one of the alleged masterminds was taken only in 2006. See table attached to this study: Colombia.

134 In the case, for example, of the investigation into the murder of journalist Reinaldo Coutinho da Silva, who was killed on August 29, 1998. See: IAPA, 60<sup>th</sup> General Assembly, Antigua, Guatemala, October 22-26, 2004, Impunity Brazil, at: <http://www.impunidad.com/toplevel/resoluciones/brazil2004.htm>

135 That is the case with the investigation into the murder of journalist Larry Lee, who was killed in Guatemala on December 29, 1999. See table attached to this study: Guatemala.



persons in custody due to the lack of sufficient evidence,<sup>136</sup> or because the evidence gathered during the investigation did not allow them to assign responsibility to the persons who had been taken into custody and charged initially as the alleged perpetrators.<sup>137</sup> In the case of journalist Gregorio Rodríguez Hernández, who was killed in Mexico on November 28, 2004, the Office of the Rapporteur also found, based on the information it received, that the two individuals accused of shooting Mr. Rodríguez Hernández had been cleared due to false evidence.<sup>138</sup> Similarly, in the case of journalist Jorge Lourenço dos Santos, who was killed in Brazil on November 7, 2004, the Office of the Rapporteur found, based on the information it received, that the investigation that had been undertaken had to be repeated due to irregularities in the initial inquiries.<sup>139</sup>

117. With regard to obstacles or obstructions that hinder the course of the investigations, the Office of the Rapporteur has identified several cases in Brazil, Colombia, and Mexico in which witnesses or individuals linked to the investigations or suspected perpetrators of the crimes have been killed,<sup>140</sup> as well as cases in which witnesses have been afraid to testify.<sup>141</sup> The Office of the Rapporteur has no knowledge, to date, about any investigations undertaken in these subsequent incidents.

118. The Office of the Rapporteur has also identified, based on the information it has received, cases in Brazil, Colombia, and Mexico in which there appeared to have been pressures or interference with the initial or preliminary investigations,<sup>142</sup> and

136 That is the case, for example, with the process undertaken in Brazil in connection with the murder of journalist Mario Coelho Almeida Filho; and with the process undertaken in El Salvador in connection with the murder of journalist Lorena Saravia, which took place on August 25, 1997. See table attached to this study: Brazil and El Salvador.

137 That is the case, for example, with the process undertaken in Argentina in connection with the murder of journalist Ricardo Gangeme, which took place on May 13, 1999; the process undertaken in Mexico in connection with the murder of journalist José Luis Ortega Mata, which took place on February 19, 2001; and the process in Peru in connection with the murder of journalist Antonio De la Torre Echeandía, which took place on February 14, 2004. See table attached to this study: Argentina and Peru. Regarding the case of journalist Ortega Mata, see: Committee to Protect Journalists. *Journalists Killed in 2001*, at: [http://www.cpj.org/deadly/2001\\_list.html](http://www.cpj.org/deadly/2001_list.html)

138 See Inter American Press Association, 63<sup>rd</sup> General Assembly, Miami, 2007, *Impunity Mexico I*, at: <http://mercury.websitewelcome.com/%7Eesipiapa/resolucion.php?id=104&tipo=1&idioma=us>

139 See: Inter-American Press Association. *Impunity Project: Jorge Lourenço dos Santos Case*, <http://www.impunidad.com/index.php?idioma=us&showreporte=40>.

140 For example, in the cases of journalists Jairo Elías Márquez and Orlando Sierra Hernández, who were killed in Colombia on November 20, 1997, and January 30, 2002, respectively; and the case of journalist José Carlos Mesquita, who was killed in Brazil on March 10, 1988. See table attached to this study: Brazil and Colombia. Also in the case of the murder of journalist Jorge Lourenço dos Santos, which took place in Brazil on July 11, 2004. See Inter American Press Association, 63<sup>rd</sup> General Assembly, Miami, 2007, *Impunity Brazil*, at: <http://mercury.websitewelcome.com/%7Eesipiapa/resolucion.php?id=102&tipo=1&idioma=us>; and in the case of journalist Roberto Javier Mora García, who was killed in Mexico on March 19, 2004. See IFEX: *Suspect in journalist's murder killed in prison*, May 21, 2004, at: <http://canada.ifex.org/en/content/view/full/59005>

141 That is the case, for example, with the investigation into the murder of journalist Edgar Lopes de Faria, killed in Brazil on October 29, 1997. See: IAPA, 60<sup>th</sup> General Assembly, Antigua, Guatemala, October 22-26, 2004, *Impunity Brazil*, at: <http://www.impunidad.com/toplevel/resoluciones/brazil2004.htm>

142 That is the case with the investigation into the murder of journalist Zaqueu de Oliveira, who was killed in Brazil on May 21, 1995; and the investigation into the murder of Gregorio Rodríguez Hernández, killed in Mexico on November 28, 2004. See table attached to this study: Brazil and Mexico. It is also the case with journalist Ronaldo Santana de Araújo, killed in Brazil on October 9, 1997. See: IAPA, 60<sup>th</sup> General Assembly, Antigua, Guatemala, October 22-26, 2004, *Impunity Brazil*, at: <http://www.impunidad.com/toplevel/resoluciones/brazil2004.htm>

in which individuals called on to testify as witnesses declined to do so, apparently without justification.<sup>143</sup> Likewise, in the case of journalist José Wellington Fernández, who was killed in Brazil on March 13, 2000, the Office of the Rapporteur found that the investigation had been unjustifiably delayed because the alleged perpetrator of the crime was an acting mayor.<sup>144</sup>

119. After analyzing the information received for this study regarding investigations that have been undertaken in countries of the region as the result of murders of reporters or members of the media, the Office of the Rapporteur believes that the investigations have been seriously hampered in terms of achieving expected results. This is due not only to technical and professional errors and difficulties but, very relevantly, to the absence of decisions by State authorities designed to overcome the obstacles and to prevent or suppress actions or practices that obstruct or seek to obstruct the investigations.

#### 4. Convictions

120. In terms of punishment, the Office of the Rapporteur has found that, for the period under review, convictions have apparently been handed down in only very few cases. Of the 157 murders of reporters and members of the media registered by the Office of the Rapporteur between 1995 and 2005, as of 2007 there had been some type of conviction in only 32 of the total number of cases. In some of these cases, as will be indicated shortly, these convictions were pending rulings on appeals that had been filed; in other cases, the sentences had not been put into effect.



**"Of the 157 murders of reporters and members of the media... as of 2007 there had been some type of conviction in only 32 of the total number of cases..."**

143 That is the case with the investigation into the murder of humorist Jaime Hernando Garzón Forero, which took place in Colombia on August 11, 1999. See table attached to this study: Colombia.

144 See: IAPA, 60<sup>th</sup> General Assembly, Antigua, Guatemala, October 22-26, 2004, *Impunity Brazil*, at: <http://www.impunidad.com/toplevel/resoluciones/brazil2004.htm>



	No. of journalists and members of the media killed (1995-2005)	No. of cases with some type of conviction
Argentina	2	•
Bolivia	1	•
Brazil	23	• 9
Canada	2	•
Colombia	75	• 7 <sup>145</sup>
Costa Rica	1	•
Dom. Rep.	2	•
Ecuador	1	•
El Salvador	1	•
Guatemala	9	•
Haiti	6	• 2
Honduras	1	•
Mexico	20	• 4
Nicaragua	3	• 3
Paraguay	2	•
Peru	4	•
United States	1	•
Uruguay	1	•
Venezuela	2	•

121. Thus, of the countries with the highest number of journalists murdered, in Colombia some type of conviction that carried a penalty had been handed down in 7 of the 75 cases involving murders that could be related to journalistic activity during the period under review.<sup>146</sup> In Brazil, convictions had been issued in 9 cases of the 23 murders registered.<sup>147</sup> In Mexico, there

145 In terms of Colombia, the number of cases with some type of conviction takes into account, as per footnote 146, that the murders of journalists Alberto Sánchez Tovar and Luís Alberto Rincón Solano are included in the same case file.

146 These are the cases of journalists Santiago Rodríguez Villalba, Amparo Leonor Jiménez Pallares, Jaime Hernando Garzón Forero, Guzmán Quintero Torres, Alberto Sánchez Tovar, and Luís Alberto Rincón Solano (these two murders are included in the same case file), José Orlando Sierra Hernández, and Efraín Varela Noriega. See table attached to this study: Colombia. In 2001, the Office of the Rapporteur expressed its concern regarding the state of impunity which characterized more than 90% of the murders of journalists in Colombia. See Press Release 49/01, "Concern on the part of the IACHR Rapporteur for Freedom of Expression over the Assassinations of Journalists in Colombia," at: <http://www.cidh.oas.org/relatoria/showarticle.asp?artID=67&IID=1> This concern was reiterated since then; see Office of the Special Rapporteur for Freedom of Expression, Press Release 121/05, which expresses concern regarding self-censorship and persistent impunity in Colombia, at: <http://www.cidh.oas.org/relatoria/showarticle.asp?artID=540&IID=1>

147 These are the cases of journalists Aristeu Guida da Silva, Ronaldo Santana de Araújo, Manoel Leal de Oliveira, José Carlos Mesquita, José Wellington Fernandes, Tim Lopes, Domingos Sávio Brandão de Lima Júnior, Luiz Antônio da Costa, and Samuel Romã. See table attached to this study: Brazil. Regarding the case of Samuel Romã, see: Committee to Protect Journalists. *Journalists Killed in 2004*, at: [http://www.cpj.org/deadly/2004\\_list.html](http://www.cpj.org/deadly/2004_list.html)

were convictions in only 4 cases of the 20 murders that took place during this period.<sup>148</sup> In the case of Haiti, only 2 of the 6 murders of journalists had resulted in some type of conviction.<sup>149</sup> And in Guatemala, none of the investigations into the murders of the 9 journalists had led to any type of conviction.

122. In the other countries, where the number of journalists killed has been relatively small, the Office of the Rapporteur has found that in several cases in which the murder of one journalist was recorded during the 1995-2005 period, the crime has not been solved and there have been no convictions.<sup>150</sup> Such is the situation in Ecuador, El Salvador, Honduras, and the United States. In the case of Bolivia, where one journalist was killed and some type of conviction resulted, those convicted have apparently obtained conditional freedom, according to the information received by the Office of the Rapporteur.<sup>151</sup> Similarly, in the case of Costa Rica, where one journalist was killed in the 1995-2005 period, the Office of the Rapporteur received information about two convictions related to the homicide, which were pending final resolution.<sup>152</sup> In the case of Uruguay, which also had one murder of a journalist in the period under study, the perpetrator of the crime, a former public official, committed suicide on the same site after committing the crime, according to the information provided by the State.<sup>153</sup>

123. Likewise, in countries in which two, three, or four murders of journalists were reported, the Office of the Rapporteur has found that in the majority of these countries, a conviction has been handed down in only one of the cases.<sup>154</sup> In Nicaragua, although some type of conviction has been issued in the proceedings initiated as a result of the murder of three journalists,<sup>155</sup> in two of the cases, the verdicts handed down against the direct perpetrators of the crimes have not been carried out because they are either suspended or pending appeal.<sup>156</sup> And in Venezuela, neither of the proceedings initiated in the murder of two journalists has led to a conviction.<sup>157</sup>



148 These are the cases of Jesús Abel Bueno León, Benjamín Flores González, Philip True, and Gregorio Rodríguez Hernández. See table attached to this study: Mexico. Regarding the case of Philip True, see: Committee to Protect Journalists. *Journalists Killed in 1998*, at: [http://www.cpj.org/deadly/1998\\_list.html](http://www.cpj.org/deadly/1998_list.html)

149 These are the cases of journalists Brignol Lindor and Jacques Roche. See table attached to this study: Haiti. See also: Reporters Without Borders. *Two gang members get life for journalist's murder, a third is acquitted*, December 13, 2007, at: [http://www.rsf.org/article.php3?id\\_article=24736](http://www.rsf.org/article.php3?id_article=24736); and Committee to Protect Journalists. *Journalists Killed in 2005*, available at [http://www.cpj.org/deadly/2005\\_list.html](http://www.cpj.org/deadly/2005_list.html).

150 These countries include: Bolivia, Costa Rica, Ecuador, El Salvador, Honduras, United States, Uruguay. See table attached to this study.

151 This is the case of journalist Juan Carlos Encinas, who was killed in Bolivia on July 29, 2001. See table attached to this study: Bolivia.

152 See table attached to this study: Costa Rica.

153 See table attached to this study: Uruguay.

154 These countries include: Argentina, Canada, Dominican Republic, Paraguay and Peru. See table attached to this study.

155 The journalists killed in Nicaragua during the period under review are: Carlos José Guadamuz, María José Bravo and Rony Adolfo Olivas. See table attached to this study: Nicaragua.

156 In the case of journalists Mario José Bravo and Rony Adolfo Olivas. See table attached to this study: Nicaragua.

157 See table attached to this study: Venezuela.



**"...in several of the cases in which there has been some type of conviction, some of these sentences have not been put into effect..."**

124. The Office of the Rapporteur has also found, as was mentioned previously, that in several of the cases in which there has been some type of conviction, some of these sentences have not been put into effect because the persons convicted have not been arrested or they are at large.<sup>158</sup>

125. With regard to individuals who have been linked to the investigations, the Office of the Rapporteur has found, based on the information it has received, that too few of these are the intellectual authors or masterminds behind these crimes.<sup>159</sup> In addition, the Office of the Rapporteur has registered very few convictions handed down against masterminds, only in some of the cases in Brazil and one in Colombia.<sup>160</sup>

126. In the case of Colombia, the Office of the Rapporteur stated in 2005 that investigations were not geared toward identifying the intellectual authors, and expressed its concern over the insufficient State response toward the murder of journalists.<sup>161</sup> In some cases in Colombia, the Office of the Rapporteur even found that the State had not opened an investigation following the murder of a journalist.<sup>162</sup> The Office

158 Such is the case, for example, with regard to the case involving the murder of journalist Domingos Sávio Brandão de Lima Júnior, which took place in Brazil on September 30, 2002, in which one of those convicted, former Military Police soldier Célio Alves de Souza, has been a fugitive since October 24, 2005. See table attached to this study: Bolivia and Brazil. Also in the case of journalist Tim Lopes, who was killed in Brazil on June 3, 2002, one of the individuals convicted in the case escaped from the Edgar Costa Criminal Institute in Niterói, Rio de Janeiro, in July 2007, when he was granted a less restrictive prison regimen. See Inter American Press Association, 63<sup>rd</sup> General Assembly, Miami, 2007, *Impunity Brazil*, at: <http://mercury.websitewelcome.com/%7Eesipiapa/resolucion.php?id=102&tipo=1&idioma=us>

159 In the case of journalist José Wellington Fernandes, whose murder occurred in Brazil on March 13, 2000, the State informed the Office of the Rapporteur that the mastermind of the crime had been placed in preventive detention. The State of Brazil also provided information about the investigation into the alleged mastermind of the murder of journalist Nicanor Linhares Batista, which took place on June 30, 2003. See table attached to this study: Brazil. Also in the case of journalist Domingo Sávio Brandão de Lima, who was killed in Brazil on September 30, 2002, the mastermind was identified as João Arcanjo Ribeiro, accused of being an organized crime leader. See IAPA, 60<sup>th</sup> General Assembly, Antigua, Guatemala, October 22-26, 2004, *Impunity Brazil*: <http://www.impunidad.com/toplevel/resoluciones/brazil2004.htm>

160 In the case of the murder of journalist Tim Lopes, in Brazil, according to information received by the Office of the Rapporteur, a sentence was handed down against one of the masterminds, Elías Pereira da Silva. See Reporters Without Borders, Brazil, 22.08.05 - *Three of Tim Lopes' killers sentenced to 23 years in prison*: [http://www.rsf.org/article.php3?id\\_article=13922](http://www.rsf.org/article.php3?id_article=13922). Also according to information received by the Office of the Rapporteur, in the case of the murder of journalist José Wellington Fernández, which took place in Brazil on March 13, 2000, a sentence was apparently handed down against mastermind Genivaldo Galindo da Silva, former mayor of Canindé de São Francisco. See Inter American Press Association, 63<sup>rd</sup> General Assembly, Miami, 2007, *Impunity Brazil*, at: <http://mercury.websitewelcome.com/%7Eesipiapa/resolucion.php?id=102&tipo=1&idioma=us>. Likewise, according to information received by the Office of the Rapporteur, in the case of journalist Samuel Romão, who was killed in Brazil on April 20, 2004, punishment apparently was handed down against mastermind Eurico Mariano, former mayor of Coronel Sapucaia. See Inter American Press Association, 63<sup>rd</sup> General Assembly, Miami, 2007, *Impunity Brazil*, at: <http://mercury.websitewelcome.com/%7Eesipiapa/resolucion.php?id=102&tipo=1&idioma=us>; In Colombia, in the case of the murder of humorist Jaime Garzón, the Office of the Rapporteur received information about the conviction of paramilitary leader Carlos Castaño Gil as the mastermind of the crime. However, the sentence has not been put into effect because Mr. Castaño Gil has not been captured. See table attached to this study: Colombia. Also see Office of the Special Rapporteur for Freedom of Expression, *Impunity, Self-Censorship and Armed Internal Conflict: An Analysis of the State of Freedom of Expression in Colombia*, OAS/Ser.LV/II, Doc. 51, August 31, 2005, par. 70.

161 See Office of the Special Rapporteur for Freedom of Expression, *Impunity, Self-Censorship and Armed Internal Conflict: An Analysis of the State of Freedom of Expression in Colombia*, OAS/Ser.LV/II, Doc. 51, August 31, 2005, par. 65 and 66.

162 For example, in the case of journalists Bernabé Cortés Valderrama and Humberto Garcés Angulo, who were killed in Colombia on May 19, 1998, and March 21, 2000, respectively. See table attached to this study.

of the Rapporteur has also noted that in the four cases in Mexico in which there had been some type of conviction, one of these had to do only with accessories to the murder.<sup>163</sup>

## 5. Picture of Impunity

127. In summary, when it comes to the principles and standards the States should have followed in the investigations launched following the murders of journalists, in order to fulfill their obligation to investigate human rights violations, the Office of the Rapporteur has found that: (i) The vast majority of investigations have proceeded at an excessively slow pace, which contradicts in principle the demand to move investigations forward in a reasonable period of time, as established in Articles 8.1 and 25.1 of the Convention. (ii) The vast majority of the investigations have shown substantial deficiencies in the adequate and timely gathering of relevant evidence, in the focus on logical lines of investigation, and in the investigation of possible patterns, which shows investigative conduct that goes against the standard of due diligence. (iii) In addition, several of the investigations have come up against obstacles and obstructions that adversely affect the diligence and effectiveness with which these are carried out. (iv) The vast majority of investigations have not yet been completed. In nearly all of them, the facts have not been clarified, or at least not fully, and as a result, only in a very few cases have the circumstances of the murder been determined and the motive of the crime established. Similarly, in only a few of the cases have any or some of the perpetrators been identified, and in nearly all of them, the masterminds have not been identified. (v) The investigations that have led to convictions have been few. (vi) In some of the few cases in which some type of conviction has been handed down, the sentences have yet to take effect.

128. The result of this situation is a deplorable picture of impunity in the region which translates, overall, into a failure to investigate, pursue, capture, prosecute, and punish those responsible for the murders of journalists and members of the communications media.

129. As indicated previously, the murder of journalists for reasons related to their work violates the right to freedom of expression in both its individual and collective dimension. This is because, on the one hand, it adversely affects the right of society to freely access information and, on the other hand, it leads to intimidation and self-censorship among those who work in the media and causes citizens to refrain from denouncing facts and voicing opinions.

130. The intimidating effect produced by these crimes is further aggravated and amplified if the investigations



**"The intimidating effect produced by these crimes is further aggravated and amplified if ... these crimes do not produce positive results and .. remain unpunished..."**

<sup>163</sup> This is the case with the sentences handed down in the case of journalist Benjamín Flores González, who was killed in Mexico on July 15, 1997. See table attached to this study: Mexico.



undertaken to identify, capture, prosecute, and punish those responsible for these crimes do not produce positive results and the crimes remain unpunished.<sup>164</sup> In this regard, the IACHR has found that:

...the resignation by a State of its duty to fully investigate the killing of a journalist is especially serious because of its impact on society. Likewise, this sort of crime has a “chilling effect” on other journalists, but also on every citizen, as it generates a fear of denouncing abuses, harassment and all kinds of illegal actions.<sup>165</sup>

131. As has been indicated previously, the Office of the Rapporteur considers that such an effect can be avoided only through decisive action on the part of the State to investigate, prosecute, and punish those who prove to be responsible for these crimes, as is its obligation under international law.<sup>166</sup> Thus it can be affirmed that when this obligation is not met, and impunity results due to the lack of an exhaustive and diligent investigation that leads to an effective resolution of the cases and the punishment of all those responsible for the murder of a journalist, this also amounts to a violation of the right to freedom of expression, and leads to a consequent international responsibility on the part of the State.<sup>167</sup>

## 6. Progress in the Investigations

132. The Office of the Rapporteur at various times has characterized as positive the progress made in investigations and criminal prosecutions related to the violent deaths of journalists.<sup>168</sup> Along these same lines, the Office of the Rapporteur considers it appropriate to emphasize, in several of the cases, the evidence of political will and decisions on the part of State authorities that have opened the door for considerable progress in the adequate development of investigations and their achievement of results.

133. In this respect, it is worth taking note of those investigations during this period that proved to be an exception to the Office of the Rapporteur’s general findings, in that

<sup>164</sup> See Annual Report of the Special Rapporteur for Freedom of Expression 2000, Chapter IV, Evaluation of the Situation of Freedom of Expression in the Hemisphere. B. Evaluation, par. 3, at: <http://www.cidh.oas.org/relatoria/showarticle.asp?artID=136&IID=1>

<sup>165</sup> IACHR, Annual Report 1999, Report 130/99, Case 11.740, Víctor Manuel Orepeza, Mexico, November 19, 1999, par. 58.

<sup>166</sup> See Office of the Special Rapporteur for Freedom of Expression, Report on the Situation of Freedom of Expression in Haiti, 2003. OAS/Ser. L/V/II, Doc. 48, July 15, 2003, par. 54.

<sup>167</sup> See IACHR Annual Report 1999, Report 130/99, Case 11.740, Víctor Manuel Orepeza, Mexico, November 19, 1999, par. 47.

<sup>168</sup> See Office of the Special Rapporteur for Freedom of Expression, Press Release 154/06, October 12, 2006, regarding the conviction of two individuals for the murder of journalist Alberto Rivera Fernández in Peru; Office of the Special Rapporteur for Freedom of Expression, Press Release 144/06, July 7, 2006, about judicial proceedings in Colombia regarding the murders of journalists José Emeterio Rivas and Santiago Rodríguez Villalba.

they were able to establish the motives for the crimes.<sup>169</sup> This contributes substantially to fully clarifying the facts and avoiding a recurrence of the factors that lead such crimes to be committed.

134. Likewise, it is also worth drawing attention to investigations that have led to convictions in a shorter period of time. That has occurred, for example, in Argentina, in the case of the murder of journalist José Luis Cabezas, which took place on January 25, 1997, and in which sentences were handed down in 2000.<sup>170</sup> This also occurred in the case of journalist Tim Lopes, who was killed in Brazil on June 3, 2002, and in which the investigations led to the convictions, in 2005, of several of those who had initially been charged,<sup>171</sup> as well as in the case of journalist Domingos Sávio Brandão, who was murdered in Brazil on September 30, 2002, and in which convictions were handed down in 2003 and 2005.<sup>172</sup>

135. In these three cases, the Office of the Rapporteur also notes that the investigations led to the identification not only of the perpetrators themselves, but also of the masterminds. In the case of investigations undertaken as a result of the murder of journalist Tim Lopes, these masterminds have also been convicted.

136. In other cases in Colombia, Nicaragua, Peru, and Paraguay, the Office of the Rapporteur also underscores as positive the investigations that have brought about convictions in a shorter period of time. In Colombia, the Office of the Rapporteur registered, according to the information it received, convictions handed down in 2002 in the murders of journalists Alberto Sánchez Tovar and Luis Alberto Rincón Solano, which took place on November 28, 1999, as well as the convictions issued in 2005 with regard to the 2002 murder of journalist José Orlando Sierra Hernández.<sup>173</sup> With regard to the murder of journalist Carlos José Guadamuz, which took place in Nicaragua on February 10, 2004, the Office of the Rapporteur noted that a conviction had been handed down that same year and was upheld by the Appeals Court of Managua in 2005.<sup>174</sup> Likewise, in the case of journalist Salvador Medina Velásquez, who was killed in Paraguay on January 5, 2001, the Office of the Rapporteur received information about a conviction handed down that same year and confirmed by the Appeals Court.<sup>175</sup> In the case of journalist Alberto Rivera Fernández, who was killed



169 See above footnote 129.

170 See table attached to this study: Argentina.

171 See table attached to this study: Brazil.

172 See table attached to this study: Brazil. Also see Committee to Protect Journalists, Americas Program; *Attacks on the Press in 2005: All the News That Can't Be Printed*. Analysis by country: Brazil, at: <http://www.cpj.org/attacks05/americas05/americas05.html>

173 See table attached to this study: Colombia.

174 See table attached to this study: Nicaragua.

175 See table attached to this study: Paraguay.



**"...the Office of the Rapporteur reiterates the fundamental importance of the existence of political will on the part of the States to help overcome obstacles, prevent and suppress obstructive practices, and advance seriously toward ful..."**

in Peru on April 21, 2004, the Office of the Rapporteur noted that the investigation led to several convictions against the physical perpetrators in 2006, some of which were upheld that same year by the Supreme Court.<sup>176</sup>

137. The Office of the Rapporteur also points to the convictions handed down in some of the other cases as a positive and important development in combating impunity when it comes to the murder of journalists in the region.

138. However, based on the information it has received and on the study it has prepared, the Office of the Rapporteur would like to once again draw attention to the slow pace of the majority of these investigations, the serious deficiencies presented in the course of the investigations, and the failure to fully clarify the facts and bring about convictions in the majority of the cases. In this regard, the Office of the Rapporteur reiterates the fundamental importance of the existence of political will on the part of the States to help overcome obstacles, prevent and suppress obstructive practices, and advance seriously toward full compliance with the duty to investigate.

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<sup>176</sup> See table attached to this study: Peru.



## Chapter III

### Conclusions and recommendations



## Conclusions and Recommendations

### A. Conclusions

139. The Office of the Rapporteur registered a very high number of murders of journalists and members of the media in the region during the 1995-2005 period. Of the information it received, the Office of the Rapporteur identified 157 violent deaths of journalists and members of the media in 19 countries of the region, for reasons that may be related to their work in journalism.

140. Although the Office of the Rapporteur has noted, as important signs of progress, judicial decisions in some countries in which perpetrators have been determined and convictions handed down—including judgments reached without undue delays—it has observed that the vast majority of investigations into the murders of journalists or members of the media move at an excessively slow pace.

141. In addition, the Office of the Rapporteur has observed that the majority of investigations suffer from serious deficiencies in the way they are carried out, are hampered by obstacles and obstructions, and have not made it possible to clarify the facts or arrive at convictions. In some of the few cases—32 in total—in which some type of conviction has been handed down, the Office of the Rapporteur found, moreover, that the sentences have not taken effect.

142. The Office of the Rapporteur considers that this situation amounts to a deplorable picture of impunity when it comes to the murder of journalists and members of the communications media in the region.

143. The murder of journalists and members of the media for work-related reasons intimidates other journalists and citizens in general, and in this way has a chilling effect on reporting and criticism related to abuses, outrages, or crimes committed both by agents of the State and by private individuals.

144. These effects are aggravated and amplified when the States fail to comply with their duty to investigate and punish the crimes, and the result is a state of impunity.

145. It can thus be stated that when a journalist is killed for reasons related to his or her work and the crime goes unpunished, the result is a violation not only of the right to life and the individual's right to freedom of expression, but also of the social and collective dimension of free expression. In these cases, the failure to comply with the obligation to investigate and the impunity that stems from such a failure generates an international responsibility on the part of the States, both in terms of crimes committed by State agents or officials as well as murders committed by private individuals.





## B. Recommendations

146. Taking into account the aforementioned conclusions, the Office of the Rapporteur offers the following recommendations to the OAS Member States:

1. Give the highest political priority to addressing and resolving the question of impunity in the murders of journalists and members of the media. In this regard, move forward ex officio on impartial, timely, serious, and diligent investigations that will produce the desired results, which include: complete clarification of the facts; identification of all those responsible, including the perpetrators themselves, the masterminds, and those who cover up such crimes; and the arrest, prosecution, and effective punishment of all those responsible.
2. In order to make this possible, remove all obstacles and obstructions that impede the normal course of the investigations.
3. To this same end, strengthen both technically and professionally the units, areas, or offices of the judicial bodies or venues responsible for investigating the violent deaths of journalists and members of the media.
4. Effectively guarantee the security of witnesses, family members of the victims, prosecutors, judges, attorneys, and other individuals and officials involved in the investigations. Undertake prompt and rigorous investigations into threats, acts of aggression, intimidations, or attacks committed against any of these individuals.
5. Control, prevent, and investigate all actions taken by public employees or private individuals that seek to obstruct the investigations, such as pressures or interference related to witnesses, prosecutors, judges, and other judicial actors.
6. Guarantee that the investigations take place in a reasonable time frame, avoiding any unjustified delays.
7. Ensure that the investigations employ adequate methodologies that lead to the timely pursuit of logical lines of investigation designed to identify not only the actual perpetrators of the crimes but also, as a priority matter, their masterminds. In order to make this identification possible, it is essential to gather all evidence in a timely and thorough manner and to look into possible patterns in these crimes. As the Inter-American Court has indicated, this helps lead to a legal determination of the most complete historical truth possible.<sup>177</sup>
8. In clearing up the facts, seek to establish the motives for the murders and determine whether the killings were

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177 See Inter-American Court, Case of the Rochela Massacre, above footnote 35, par. 195.

related to the exercise of journalism. This helps identify violations not only of the fundamental right to life but also of the right to freedom of expression, and contributes to the adoption of necessary measures to prevent a recurrence of such crimes.

9. Work to ensure that the punishments that are imposed, within the framework of judicial guarantees, are proportional to the gravity of the crimes.

10. Guarantee that sentences are put into effect, and toward that end, ensure that those who are found guilty are captured and detained under conditions that preclude the possibility of escape, all this with due respect for the rights of persons deprived of liberty.

11. Adopt in a timely manner any adequate and necessary measures to effectively protect journalists and members of the media who have been threatened or are working under particular vulnerable conditions, in order to prevent attempts on their right to life or outright violations of this right.





## José Luis Cabezas

### Argentina - 1/25/1997

#### Summary of facts

José Luis Cabezas was a photographer for the magazine Noticias. His charred body was found in Pinamar, in the province of Buenos Aires, on January 25, 1997, with two bullets to the head and his hands bound with handcuffs (1).

#### Status of investigation

The State informed the Office of the Rapporteur that on February 2, 2000, the Appeals Court of the city of Dolores convicted nine individuals for different levels of participation in the crime, three of whom are currently incarcerated. It added that the sentence handed down by the Dolores Appeals Court refers to various pieces of evidence indicating that the motive for the murder had to do with José Luis Cabezas's work as a photographer (2). According to information published on January 26, 2007, by the Inter American Press Association (IAPA), José Luis Cabezas's killer was hired by the security chief of business tycoon Alfredo Yabrán. After learning that his arrest was being sought, Yabrán committed suicide. The IAPA indicated that eight people were given sentences in February 2000 and another in 2002; seven of these individuals had their sentences reduced in 2003 by the Appeals Court of Buenos Aires. It added that in 2006, three individuals were released from prison and three others were placed under house arrest. Lastly, it reported that only two individuals were still being detained for the murder. However, on September 19, 2007, the Supreme Court of Justice of Buenos Aires Province nullified the 2003 decision by the Appeals Court; thus the perpetrators of the crime could go back to jail. That judgment was appealed and therefore has been suspended. According to information obtained from the IAPA, as of February 26, 2008, two of those convicted for the crime apparently had been arrested again for violating the terms of their conditional freedom, increasing the number of persons detained for this crime to four (3).

1. Committee to Protect Journalists: Journalists Killed: Statistics and Background, available at: [http://www.cpj.org/deadly/1997\\_list.html](http://www.cpj.org/deadly/1997_list.html).
2. Communication from the State of Argentina received on April 23, 2007.
3. Inter American Press Association. Impunity Project: Case of José Luis Cabezas, available in Spanish at: <http://www.impunidad.com/index.php?showreporte=3&pub=173&idioma=sp>; See also <http://www.impunidad.com/index.php?showreporte=3&pub=170&idioma=sp>; <http://www.impunidad.com/index.php?showreporte=3&pub=255&idioma=sp>; and <http://www.impunidad.com/index.php?procesos=3&idioma=sp>.

## Ricardo Gangeme

### Argentina - 5/13/1999

#### Summary of facts

Ricardo Gangeme was editor of the weekly El Informador Chubutense, a publication that reported acts of corruption on the part of authorities and businessmen in the province of Chubut. Gangeme was shot to death on May 13, 1999 (4).

#### Status of investigation

The State indicated that on September 12, 2002, the First Criminal Court of the city of Trelew acquitted the three individuals who had been charged in the murder of Ricardo Gangeme. It said that on August 11, 2003, the acquittal was confirmed by the Superior Court of the Province of Chubut. The State indicated that it had not been possible to determine the motive of the murder and that nobody had been convicted or incarcerated in the case (5). According to information issued by the Inter American Press Association (IAPA) in September 2002, the Northeast Chubut First Criminal Court acquitted the three suspects (the alleged instigator, alleged perpetrator, and alleged accomplice) of charges on September 12, 2002. The IAPA indicated that the bullet lodged in Gangeme's skull had been submitted to tests by the provincial police, the National Gendarmes, and the Federal Police, and did not match the revolver seized from one of the suspects. Lastly, the IAPA noted that it had not been determined whether the crime had been committed due to Gangeme's reporting on corruption or for personal motives (6).

4. Annual Report of the Office of the Special Rapporteur for Freedom of Expression 1999, Chapter II, p. 51; Committee to Protect Journalists: Journalists Killed: Statistics and Background, available at: [http://www.cpj.org/deadly/1999\\_list.html](http://www.cpj.org/deadly/1999_list.html). International Freedom of Expression eXchange, Press Release, September 24, 2002, available at: <http://www.ifex.org/en/content/view/full/17482>; Inter American Press Association: 2000 Report on Freedom of the Press, available in Spanish at: <http://www.sipiapa.org/espanol/pulications/annual-resargentina.cfm>.
5. Communication from the State of Argentina received on April 23, 2007.
6. Inter American Press Association. Impunity Project: Ricardo Gangeme Case, available in Spanish at: <http://www.impunidad.com/index.php?showreporte=2&pub=32&idioma=sp>.

## Juan Carlos Encinas

**Bolivia** - 7/29/2001

### Summary of facts

Juan Carlos Encinas was a freelance radio and television reporter. He was killed on July 29, 2001, in the city of Catavi (7).

### Status of investigation

Information provided by the State on March 5, 2008, indicates that seven individuals were convicted for the murder of Juan Carlos Encinas, in a judgment handed down in November 22. One of them was sentenced to six years in prison as perpetrator of the crime and the others to prison terms of three years and two months as accomplices. The State also indicated that the appeal by the accused for judicial review at the highest instance was declared inadmissible. It said one of those convicted apparently had been granted a conditional release and another would have already served his sentence. It indicated that arrest warrants had been issued against the others, but did not clarify their current detention status. The State informed the Office of the Rapporteur as well that according to the facts in the judgment, the death of the reporter apparently was not related to his work in journalism. According to information published in May 2005 by the Inter American Press Association (IAPA), eight individuals were initially arrested in the murder and were subsequently released on bail. The IAPA indicated that one of those detained was sentenced to six years and two months in prison, but has not yet served the sentence because he posted bail of approximately \$900 (8).

7. Annual Report of the Office of the Special Rapporteur for Freedom of Expression 2001, Chapter II, p. 74. Committee to Protect Journalists: Journalists Killed: Statistics and Background, available at: [http://www.cpj.org/deadly/2001\\_list.html](http://www.cpj.org/deadly/2001_list.html); Inter American Press Association, Report of the 57th General Assembly, October 12-16, 2001, available at: [http://www.sipiapa.org/publications/report\\_bolivia2002.cfm](http://www.sipiapa.org/publications/report_bolivia2002.cfm).

8. Information provided by the State of Bolivia in a communication received on March 5, 2008. See also Inter American Press Association. Impunity Project: Juan Carlos Encinas Case, available in Spanish at: <http://www.impunidad.com/index.php?showreporte=8&pub=36&idioma=sp> and <http://www.impunidad.com/index.php?procesos=8&idioma=sp>.

## Zaqueu de Oliveira

**Brazil** - 3/21/1995

### Summary of facts

Zaqueu de Oliveira was editor of the newspaper Gazeta de Barroso. He was killed on March 21, 1995, in the town of Barroso, in the state of Minas Gerais, after writing articles that referred to the wife of a local businessman (9).

### Status of investigation

The State informed the Office of the Rapporteur that the only person prosecuted for the murder of Zaqueu de Oliveira was acquitted on November 17, 1998, by a decision of the Jury Court of the city of Barbacena, Minas Gerais, which held that the accused acted in legitimate self-defense. The State said that the murder was motivated by private disputes between the journalist and a local businessman, and that there was no connection with the exercise of freedom of expression (10). According to information issued in November 1999 by the Inter American Press Association (IAPA), family members of the accused and others in the city of Barroso brought their influence to bear on the preliminary investigations (11).

9. Committee to Protect Journalists: Journalists Killed: Statistics and Background, available at: [http://www.cpj.org/deadly/1995\\_list.html](http://www.cpj.org/deadly/1995_list.html).

10. Communication from the State of Brazil received on May 24, 2007.

11. Inter American Press Association. Impunity Project: Case of Zaqueu de Oliveira: available in Spanish at <http://www.impunidad.com/index.php?showreporte=35&pub=90&idioma=sp>.

## Marcos Borges Ribeiro

Brazil - 5/1/1995

### Summary of facts

Marcos Borges Ribeiro was a reporter and owner of the newspaper *Independente*. He was killed on May 1, 1995. According to information received by the Office of the Special Rapporteur, Ribeiro had received death threats after denouncing human rights violations by police and public agents in the city of Rio Verde, in Goiás state (12).

### Status of investigation

According to information sent by the State to the Office of the Rapporteur, two individuals were prosecuted for the murder of Marcos Borges Ribeiro, and one of them was acquitted by a decision of the Jury Court of the community of Rio Verde, in the state of Goiás. Both of those charged are now free. The State added that according to the notice of charges brought by the state Public Ministry, the crime apparently had been motivated by stories published in the daily *Independente* (13). According to information issued in July 2006 by the Inter American Press Association (IAPA), two individuals were prosecuted as perpetrator and accomplice involved in the murder (14).

12. Committee to Protect Journalists: Journalists Killed: Statistics and Background, available at: [http://www.cpj.org/deadly/1995\\_list.html](http://www.cpj.org/deadly/1995_list.html); Inter American Press Association, Midyear Meeting Report, March 18, 2002, at: [http://www.sipiapa.org/publications/mid\\_infbrasil2002.cfm](http://www.sipiapa.org/publications/mid_infbrasil2002.cfm).

13. Communication from the State of Brazil received on May 24, 2007.

14. Inter American Press Association. Impunity Project: Marcos Borges Ribeiro Case, in Spanish at: <http://www.impunidad.com/index.php?showreporte=10&pub=39&idioma=sp>.

## Aristeu Guida da Silva

Brazil - 5/12/1995

### Summary of facts

Aristeu Guida da Silva was a journalist and owner of the weekly *A Gazeta de São Fidélis*. On May 12, 1995, he was killed by two individuals in front of his house. According to information received by the Office of the Special Rapporteur, Guida da Silva had received death threats after denouncing acts of corruption in the municipal council (*Câmara de Vereadores*) of São Fidélis, in Rio de Janeiro state (15).

### Status of investigation

The State informed the Office of the Rapporteur that four individuals were prosecuted in the murder of Aristeu Guida da Silva and that the probable mastermind of the crime had died. On April 4, 2002, one of the accused was convicted and sentenced to 28 years in prison. The other two accused are at large, and arrest warrants have been issued against them. The State indicated that the crime may be related to the victim's work in journalism (16). According to information issued in March 2007 by the Inter American Press Association (IAPA), on March 20, 2007, after a second trial before the *Comarca de Niterói* Court, the (only) defendant was sentenced to 21 years in prison for qualified homicide (17).

15. Inter-American Commission on Human Rights: Admissibility Report 73/03, available at: <http://www.cidh.org/annualrep/2003eng/Brasil.12213.htm>; Committee to Protect Journalists: Journalists Killed: Statistics and Background, available at: [http://www.cpj.org/deadly/1995\\_list.html](http://www.cpj.org/deadly/1995_list.html); Inter American Press Association, Press Release, June 14, 2002, available at: <http://www.ifex.org/en/content/view/full/16695>.

16. Communication from the State of Brazil received on May 24, 2007.

17. Inter American Press Association. Impunity Project: Aristeu Guida da Silva Case, in Spanish at: <http://www.impunidad.com/index.php?showreporte=34&pub=89&idioma=sp>.

## Nivanildo Barbosa Lima

**Brazil** - 7/22/1995

### Summary of facts

Nivanildo Barbosa Lima was a columnist for the newspaper Ponto de Encontro. His body was found in July 1995 in a dam in the city of Paulo Afonso, in the state of Bahia. The journalist had been reporting on actions of death squads operating in the region (18).

### Status of investigation

The State provided no information as to whether anyone has been prosecuted, convicted or imprisoned for the murder of Nivanildo Barbosa Lima (19). According to information published in November 2002 by the Inter American Press Association (IAPA), the autopsy conducted by the city of Salvador's Medical Legal Institute indicated as a cause of death "mechanical asphyxiation by drowning." The IAPA indicated that on October 26, 1998, the judge in charge of the case accepted the request from the Public Ministry to close the case. It noted that the case was reopened in July 1999 due to new evidence, and that as of October 2002, the investigation continued to be handled by the Public Ministry (20).

18. Inter American Press Association, Press Release, March 21, 2005, available at: <http://www.sipiapa.com/pressreleases/srchphrasedetail.cfm?PressReleaseID=1341>.

19. Communication from the State of Brazil received on May 24, 2007.

20. Inter American Press Association. Impunity Project: Nivanildo Barbosa Lima Case, in Spanish at: <http://www.impunidad.com/index.php?showreporte=12&pub=40&idioma=sp>.

## Reinaldo Coutinho da Silva

**Brazil** - 8/29/1995

### Summary of facts

Reinaldo Coutinho da Silva was a journalist and owner of the weekly Cachoeiras Jornal. He was killed on August 29, 1995, in the city of São Gonçalo, Rio de Janeiro state. According to the information received, individuals shot him 14 times while he was driving his car. It has been suggested that his murder may have been related to his investigations into the participation of local politicians in an environmental scandal and the corruption of police agents (21).

### Status of investigation

The State informed the Office of the Rapporteur that the case of the murder of Reinaldo Coutinho da Silva is under preliminary investigation (police inquiry 620/95), first in the 72nd Police Delegation of Rio de Janeiro State and later transferred to the Defense of Life Delegation, filed as number 23/96. The State provided no information as to whether anyone has been prosecuted, convicted or imprisoned for the murder (22). According to information issued in July 2001 by the Inter American Press Association (IAPA), statements gathered by the police throughout the prior investigations are contradictory. A military policeman was arrested in March 1996 and subsequently released for lack of proof of his responsibility in the crime. The IAPA indicated that local authorities have pursued at least four avenues of investigation (23).

21. Committee to Protect Journalists: Journalists Killed: Statistics and Background, available at: [http://www.cpj.org/deadly/1995\\_list.html](http://www.cpj.org/deadly/1995_list.html).

22. Communication from the State of Brazil received on May 24, 2007.

23. Inter American Press Association. Impunity Project: Case of Reinaldo Coutinho da Silva, in Spanish at: <http://www.impunidad.com/index.php?showreporte=37&pub=94&idioma=sp>.

## Sandoval Muniz Duarte

**Brazil** - 8/18/1996

### Summary of facts

Sandoval Muniz Duarte was killed on August 18, 1996, in the city of Juazeiro, state of Bahia (24).

### Status of investigation

The State provided no information as to whether anyone has been prosecuted, convicted or imprisoned for the murder of Sandoval Muniz Duarte.

24. Reporters Without Borders: Press Release, February 12, 2001, available in Portuguese at: <http://www.rsf.org/rsf/esp/html/ameriques/cplp01/cp01/120201.html>; International Federation of Journalists, 2005 Annual Report, available at: <http://www.ifj.org/pdfs/Safety.pdf>.

## Ronaldo Santana de Araújo

**Brazil - 10/9/1997**

### Summary of facts

Ronaldo Santana de Araújo was a radio journalist with the stations Jacarandá and Rádio Jornal. He was killed on October 9, 1997, in front of his house in the city of Eunápolis, in the state of Bahia. According to information received by the Office of the Special Rapporteur, in his programs the journalist strongly criticized the administration of the city of Eunápolis (25).

### Status of investigation

The State provided no information as to whether anyone has been prosecuted, convicted or imprisoned for the murder of Ronaldo Santana de Araújo. According to information published on May 12, 2000, by the Inter American Press Association (IAPA), a police officer was placed under preventive detention in November 1998 in the city of Goiania, in the state of Goiás; he apparently confessed to his participation in the murder and stated that the crime had been ordered by other police officers. The IAPA added that on November 22, 2002, the Court of Eunápolis, in Bahia state, sentenced the policeman to 19 years in prison as one of the perpetrators of the crime. It indicated that on November 18, 1998, the preventive detention of three other individuals was sought; they gave their statements and were later released (26).

25. Reporters Without Borders: Relatório sobre o assassinato de Manoel Leal, available in Portuguese at: <http://www.redemorena.com.br/rsf2001.htm>; Inter American Press Association, Press Release, June 14, 2002, available at: <http://www.ifex.org/en/content/view/full/16695>.

26. Inter American Press Association Impunity Project: Case of Ronaldo Santana de Araújo, in Spanish at: <http://www.impunidad.com/index.php?showreporte=39&pub=96&idioma=sp> and <http://www.impunidad.com/index.php?procesos=39&idioma=sp>.

## Edgar Lopes de Faria

**Brazil - 10/29/1997**

### Summary of facts

Edgar Lopes de Faria was a radio announcer on the program "Na Boca do Povo," on FM Capital. He was killed on October 29, 1997. According to information received by the Office of the Special Rapporteur, the crime took place shortly after the journalist had announced he was going to reveal the names of the heads of organized crime in the town of Dorado, state of Mato Grosso do Sul (27).

### Status of investigation

The State informed the Office of the Rapporteur that the preliminary investigation (police inquiry 028/97) into the murder of Edgar Lopes de Faria is closed due to a decision by the judicial authority of the state of Mato Grosso do Sul. As a result, the information provided by the State shows that nobody has been prosecuted, convicted, or incarcerated for this murder. The State said that there are no indications in the investigation records of a link between the crime and Edgar Lopes de Faria's professional activities (28). According to information issued in July 2000 by the Inter American Press Association (IAPA), the police investigation carried out at that time continued in its initial stages without indicating who could be the masterminds behind the murder. However, the investigation was closed on January 31, 2006, at the request of the Public Ministry, following the conclusion of investigations by the Integrated Unit for Combating Criminal Organizations (UNICOC) (29).

27. International Freedom of Expression eXchange, Alert, October 5, 1998, available at: <http://www.ifex.org/es/content/view/full/6934?PHPSESSID>; Inter American Press Association, Midyear Meeting Report, March 17-20, 2006, available at: [http://www.sipiapa.org/pulications/mid\\_infbrasil2002.cfm](http://www.sipiapa.org/pulications/mid_infbrasil2002.cfm).

28. Communication from the State of Brazil received on May 24, 2007.

29. Inter American Press Association. Impunity Project: Edgar Lopes de Faria, available in Spanish at: <http://www.impunidad.com/index.php?showreporte=38&pub=95&idioma=sp> and <http://www.impunidad.com/index.php?procesos=38&idioma=sp>.

## Natan Pereira Gatinho

**Brazil - 1/11/1997**

### Summary of facts

Natan Pereira Gatinho was a correspondent for TV Mundial. He was killed on January 11, 1997. According to information received by the Office of the Special Rapporteur, his death could have been ordered by local landholders (30).

### Status of investigation

The State provided no information as to whether anyone has been prosecuted, convicted, or imprisoned for the murder of Natan Pereira Gatinho.

30. Committee to Protect Journalists: Journalists Killed: Statistics and Background, available at: [http://www.cpj.org/deadly/1997\\_list.html](http://www.cpj.org/deadly/1997_list.html); International Federation of Journalists: Killed in the Line of Duty, available at: <http://www.ifj.org/pdfs/SafetyFund/en8-9.pdf>.

## Manoel Leal de Oliveira

**Brazil - 1/14/1998**

### Summary of facts

Manoel Leal de Oliveira was editor of the weekly *A Região*. He was killed on January 14, 1998, in front of his house in the city of Itabuna, in Bahia state. According to information received by the Office of the Special Rapporteur, Manoel de Oliveira often published news stories criticizing the mayor's office and the local police (31).

### Status of investigation

The State indicated that one person was convicted of murder by a court of the first instance in the murder of Manoel Leal de Oliveira, and another two individuals who were prosecuted were acquitted. It added that the person who was convicted was arrested on March 2, 2007 (32).

31. Annual Report of the Office of the Special Rapporteur for Freedom of Expression 1998, Chapter IV, p. 54; Inter American Press Association, Report on March 18, 2002, meeting, available at: [http://www.sipiapa.org/pulications/mid\\_infbrasil2002.cfm](http://www.sipiapa.org/pulications/mid_infbrasil2002.cfm).

32. Communication from the State of Brazil received on May 24, 2007.

## José Carlos Mesquita

**Brazil - 3/10/1998**

### Summary of facts

José Carlos Mesquita was host of the program *TV Ouro Verde*. He was killed by three unidentified individuals on March 10, 1998, in Ouro Preto do Oeste, in the state of Rondônia. According to information received by the Office of the Special Rapporteur, Mesquita's death could be connected to his coverage of local political issues on the program *Espaço Aberto* (33).

### Status of investigation

The State provided no information as to whether anyone has been prosecuted, convicted, or imprisoned for the murder of José Carlos Mesquita. According to information published on September 29, 2003, by the Inter American Press Association (IAPA), one person was sentenced to 16 years in prison for the murder on September 26, 2003. The IAPA indicated that a second person charged in the crime is at large and another suspect had been killed on April 19, 1999 (34).

33. Annual Report of the Office of the Special Rapporteur for Freedom of Expression 1998, Chapter IV, p. 54; Committee to Protect Journalists: Journalists Killed: Statistics and Background, available at: [http://www.cpj.org/deadly/1998\\_list.html](http://www.cpj.org/deadly/1998_list.html).

34. Inter American Press Association. Impunity Project: José Carlos Mesquita Case, in Spanish at: <http://www.impunidad.com/index.php?showreporte=36&pub=92&idioma=sp>.

## José Wellington Fernandes

**Brazil - 3/13/2000**

### Summary of facts

José Wellington Fernandes, also known as Zezinho Cazuza, was a journalist with Rádio Xingó FM. He was killed on March 13, 2000, in the city of Canindé de São Francisco, in the state of Sergipe. According to information received by the Office of the Special Rapporteur, Fernandes had denounced acts of corruption committed in that city (35).

### Status of investigation

The State informed the Office of the Rapporteur that the perpetrator of the murder of José Wellington Fernandes was convicted definitively and sentenced to 19 years in prison, and that there was an order for the preventive detention of the mastermind of the crime. It indicated that, according to information from the Public Ministry of Sergipe, the crime could be connected to Wellington Fernandes's work in journalism (36). According to information issued in February 2007 by the Inter American Press Association (IAPA), the conviction was handed down on February 14, 2007, against a former mayor of the city of Canindé de São Francisco. Further, according to the IAPA, in November 2007 gunman Antônio Madeiros (Alemão), who is serving time for other crimes, stated that he had participated in Wellington's murder as well as that of a congressman. The authorities provided assurances that they will listen to his statement (37).

35. Annual Report of the Office of the Special Rapporteur for Freedom of Expression 2000, Chapter IV, p. 121; Committee to Protect Journalists: Journalists Killed: Statistics and Background, available at: [http://www.cpj.org/deadly/2000\\_list.html](http://www.cpj.org/deadly/2000_list.html); Inter American Press Association, Impunity Report: Case of José Wellington Fernandes, available at: <http://www.impunidad.com/index.php?showreporte=31&idioma=us>.

36. Communication from the State of Brazil received on May 24, 2007.

37. Inter American Press Association. Impunity Project: José Wellington Fernandes Case, in Spanish at: <http://www.impunidad.com/index.php?showreporte=31&pub=74&idioma=sp> and <http://www.impunidad.com/index.php?showreporte=31&pub=195&idioma=sp>.

## Mário Coelho de Almeida Filho

**Brazil - 8/16/2001**

### Summary of facts

Mário Coelho de Almeida Filho was editor of the newspaper A Verdade. He was killed on August 16, 2001, in the city of Magé, in Rio de Janeiro state, one day before a hearing was to be held in a defamation action that had been filed against him (38).

### Status of investigation

The State informed the Office of the Rapporteur that two individuals were being prosecuted for the murder of Mário Coelho de Almeida Filho and that one alleged perpetrator was later acquitted for lack of evidence. It indicated that an indictment is being prepared by the Public Ministry of the State of Rio de Janeiro in the case against the other accused perpetrator and added that the person is currently in custody (39).

38. Committee to Protect Journalists: Journalists Killed: Statistics and Background, available at: [http://www.cpj.org/deadly/2001\\_list.html](http://www.cpj.org/deadly/2001_list.html); Inter American Press Association, Report of the 57th General Assembly, October 12-16, 2001, available at: [http://www.sipiapa.org/pulications/report\\_brazil2002.cfm](http://www.sipiapa.org/pulications/report_brazil2002.cfm).

39. Communication from the State of Brazil received on May 24, 2007.

## Tim Lopes

**Brazil - 6/3/2002**

### Summary of facts

Tim Lopes was a reporter for Globo television. According to information received by the Office of the Rapporteur, Lopes was killed on June 3, 2002, by drug traffickers in the city of Rio de Janeiro (40).

### Status of investigation

The State informed the Office of the Special Rapporteur that seven individuals were prosecuted and convicted, and that all of them in prison. The State also indicated that the crime was related to Tim Lopes's work in journalism (41).

40. Annual Report of the Office of the Special Rapporteur for Freedom of Expression 2002, Chapter II, p. 91; Committee to Protect Journalists: Journalists Killed: Statistics and Background, available at: [http://www.cpj.org/deadly/2002\\_list.html](http://www.cpj.org/deadly/2002_list.html).

41. Communication from the State of Brazil received on May 24, 2007.

## Domingos Sávio Brandão de Lima Júnior

**Brazil** - 9/30/2002

### Summary of facts

Domingos Sávio Brandão was a columnist and owner of the daily *Folha do Estado*, in the city of Cuiabá, state of Mato Grosso. He was killed on September 30, 2002. His murder is attributed to columns he had written regularly about drug trafficking, illegal games, and corruption in the state of Mato Grosso (42).

### Status of investigation

The State informed the Office of the Rapporteur that five individuals were prosecuted and four of them convicted for the murder of Domingos Sávio Brandão. It added that one of those convicted is at large and the others are currently in custody. It also noted that the crime was related to the journalist's professional activity (43). According to information published on May 22, 2006, by the Inter American Press Association (IAPA), one of those accused in the homicide was extradited from Uruguay to Brazil on March 11, 2006, and is being held at the Unidad Penitenciaria Pascoal Ramos, in Cuiabá, where he is awaiting a court decision on the date of his trial for the murder of Sávio Brandão. In March 2008, his petition for freedom through a habeas corpus appeal was denied. The IAPA indicated that in December 2006, that person was sentenced to 37 years in prison for other crimes, and that another four individuals, two of them military police, were convicted in the murder of Sávio Brandão. One of them has been at large since July 24, 2005 (44).

42. Annual Report of the Office of the Special Rapporteur for Freedom of Expression 2002, Chapter II, p. 91; Committee to Protect Journalists: Journalists Killed: Statistics and Background, available at: [http://www.cpj.org/deadly/2002\\_list.html](http://www.cpj.org/deadly/2002_list.html).

43. Communication from the State of Brazil received on May 24, 2007.

44. Inter American Press Association. Impunity Project: Domingos Sávio Brandão Case, in Spanish at: <http://www.impunidad.com/index.php?showreporte=23&pub=48&idioma=sp>; <http://www.impunidad.com/index.php?procesos=23&idioma=sp> and UAI Estado de Minas. STJ nega liberdade a João Arcanjo Ribeiro, available in Portuguese at: [http://www.uai.com.br/UAI/html/sessao\\_7/2008/03/13/em\\_noticia\\_interna,id\\_sessao=7&id\\_noticia=54466/em\\_noticia\\_interna.shtml](http://www.uai.com.br/UAI/html/sessao_7/2008/03/13/em_noticia_interna,id_sessao=7&id_noticia=54466/em_noticia_interna.shtml).

## Melyssa Martins Correia

**Brazil** - 6/3/2003

### Summary of facts

Melyssa Martins Correia was editor of the cultural supplement of the daily *Oeste Noticias*. She was killed on June 3, 2003, in the city of Presidente Prudente, state of São Paulo. According to the information received, the journalist's death may have been related to the publication of stories on the activities of the criminal organization *Primeiro Comando da Capital* (45).

### Status of investigation

The State provided no information as to whether anyone has been prosecuted, convicted, or imprisoned for the murder of Melyssa Martins Correia.

45. Inter American Press Association, June 10, 2003, Press Release, available at: <http://www.sipiapa.org/espanol/pressreleases/srchphrasedetail.cfm?PressReleaseID=959>; Reporters Without Borders: Americas, Press Release, June 5, 2003, available at: [http://www.rsf.org/article.php3?id\\_article=7066](http://www.rsf.org/article.php3?id_article=7066).

## Nicanor Linhares Batista

Brazil - 6/30/2003

### Summary of facts

Nicanor Linhares Batista owned the radio station Vale do Jaguaribe. He was killed in the city of Limoeiro do Norte, in Ceará state, when he was returning from taping the program "Encontro Político." According to information received by the Office of the Special Rapporteur, the journalist was a victim of constant threats to his life and had asked authorities of the state of Ceará to guarantee his safety. Linhares regularly criticized local politicians and public officials (46).

### Status of investigation

The State informed the Office of the Rapporteur that five individuals were prosecuted as perpetrators and one as a possible accomplice in the crime; meanwhile, a Federal Justice magistrate is being investigated as a possible mastermind of the murder of Nicanor Linhares Batista. The State added that four individuals are currently serving time in the case and that the homicide of Nicanor Linhares Batista was related to his work in journalism (47).

46. Annual Report of the Office of the Special Rapporteur for Freedom of Expression 2003, Chapter II, p. 100; Press Release 82/03 of the Office of the Special Rapporteur for Freedom of Expression, available at: <http://www.cidh.oas.org/relatoria/showarticle.asp?artID=103&IID=1>; Inter American Press Association, Press Release, July 3, 2003, available at: <http://www.sipiapa.org/pressreleases/srhcphrasedetail.cfm?PressReleaseID=975>; Committee to Protect Journalists: Journalists Killed: Statistics and Background, available at: [http://www.cpj.org/deadly/2003\\_list.html](http://www.cpj.org/deadly/2003_list.html).

47. Communication from the State of Brazil received on May 24, 2007.

## Luiz Antônio da Costa

Brazil - 7/23/2003

### Summary of facts

Luiz Antônio da Costa was a photographer for the magazine Época. He was killed on July 23, 2003, when he was covering the occupation of a parcel of land by a group of demonstrators in São Bernardo do Campo, in the state of São Paulo (48).

### Status of investigation

The State provided no information as to whether anyone has been prosecuted, convicted, or imprisoned for the murder of Luiz Antônio da Costa. According to the Inter American Press Association, one person was convicted in March 2004 for the murder of Luiz Antônio da Costa and initially sentenced to 32 years, but that sentence was overturned by the superior court, and in November 2007, he was sentenced to 20 years (49).

48. Annual Report of the Office of the Special Rapporteur for Freedom of Expression 2003, Chapter II, p. 100; Committee to Protect Journalists: Journalists Killed: Statistics and Background, available at: [http://www.cpj.org/deadly/2003\\_list.html](http://www.cpj.org/deadly/2003_list.html).

49. Inter American Press Association. Impunity Project: Luiz Antônio da Costa Case, available at: <http://www.impunidad.com/index.php?showreporte=29&pub=65&idioma=sp> and <http://www.impunidad.com/index.php?shownews=165&idioma=sp>.

## Samuel Romã

Brazil - 4/20/2004

### Summary of facts

Samuel Romã was a radio announcer and owner of the station Conquista FM. He was killed on April 20, 2004, in front of his residence in the city of Coronel Sapucaia, state of Mato Grosso do Sul, on the border with Paraguay (50).

### Status of investigation

The State provided no information as to whether anyone has been prosecuted, convicted, or imprisoned in the murder of Samuel Romã. According to information from the Inter-American Press Association, two individuals who have been accused in the crime are at large, and one person was sentenced on August 10, 2007, to 17 years and 9 months of prison for committing the crime (51).

50. Reporters Without Borders: Press Release, Americas, April 23, 2004, available at: [http://www.rsf.org/article.php3?id\\_article=9925](http://www.rsf.org/article.php3?id_article=9925); Impunity Project: Samuel Romã Case, available in Spanish at: <http://www.impunidad.com/index.php?showreporte=65&pub=160&idioma=sp>.

51. Inter American Press Association. Impunity Project: Samuel Romã Case, available at: <http://www.impunidad.com/index.php?procesos=65&idioma=sp> and <http://www.impunidad.com/index.php?showreporte=65&pub=164&idioma=sp>.

## José Carlos Araújo

**Brazil - 4/24/2004**

### Summary of facts

José Carlos Araújo was the director of the radio station Timbaúba FM. He was killed on April 24, 2004, in the city of Timbaúba, state of Pernambuco. The journalist had accused the assailant of various crimes on police-related programs broadcast by the radio station (52).

### Status of investigation

The State provided no information as to whether anyone has been prosecuted, convicted, or imprisoned for the murder of José Carlos Araújo. According to information published on May 5, 2004, by Reporters Without Borders, one person apparently was arrested and confessed to the crime three days later (53).

52. Annual Report of the Office of the Special Rapporteur for Freedom of Expression 2004, Chapter II, p. 80.

53. Reporters Without Borders: Journalist murdered in Pernambuco State, available at: [http://www.rsf.org/article.php3?id\\_article=10282](http://www.rsf.org/article.php3?id_article=10282).

## Jorge Lourenço dos Santos

**Brazil - 11/7/2004**

### Summary of facts

Jorge Lourenço dos Santos owned the community radio station Criativa FM, in the city of Santana do Ipanema, state of Alagoas. He was killed on November 7, 2004, when he was leaving the station. According to the information received, the journalist often denounced administrative irregularities in Canindé de São Francisco, Alagoas. He had also received death threats and had been the target of two attempts on his life (54).

### Status of investigation

The State provided no information as to whether anyone has been prosecuted, convicted, or imprisoned for the murder of Jorge Lourenço dos Santos. According to information issued by the Inter American Press Association (IAPA) on July 23, 2004, the police believe the crime is related to the journalist's criticisms of various politicians in the region. The IAPA indicated that at least 10 individuals were interviewed in the course of the investigations, but nobody was incarcerated. In October 2007, the official investigation had to be repeated due to irregularities in the initial inquiries (55).

54. Annual Report of the Office of the Special Rapporteur for Freedom of Expression 2004, Chapter II, p. 80; Committee to Protect Journalists: Journalists Killed: Statistics and Background, available at: [http://www.cpj.org/deadly/2004\\_list.html](http://www.cpj.org/deadly/2004_list.html); International Freedom of Expression eXchange, Alert, July 15, 2004, available at: <http://www.ifex.org/en/content/view/full/60091>.

55. Inter American Press Association. Impunity Project: Jorge Lourenço dos Santos Case, in Spanish at: <http://www.impunidad.com/index.php?showreporte=40&pub=97&idioma=sp> and <http://www.impunidad.com/index.php?procesos=40&idioma=sp>.

## Ricardo Gonçalves Rocha

**Brazil - 3/31/2005**

### Summary of facts

Ricardo Gonçalves Rocha was the owner of the newspaper Jornal Vicentino. He was killed on March 31, 2005, in the city of São Vicente, state of São Paulo (56).

### Status of investigation

The State provided no information as to whether anyone has been prosecuted, convicted, or imprisoned for the murder of Ricardo Gonçalves Rocha.

56. Resolution of the 61st General Assembly, October 2005, at: [http://www.sipiapa.org/pulications/impuni\\_brazil20051.cfm](http://www.sipiapa.org/pulications/impuni_brazil20051.cfm).

## José Cândido de Amorim Filho

Brazil - 7/1/2005

### Summary of facts

José Cândido de Amorim Filho was a journalist with the radio station Alternativa FM. He was killed on July 1, 2005. The journalist often denounced acts of corruption on his program, and he was one of the authors of an anti-nepotism law in the administration of the city of Carpina, in Pernambuco state. According to the information received, Amorim had been wounded in an attempt on his life on May 21, 2005 (57).

### Status of investigation

The State indicated that the criminal prosecution in the murder of José Cândido de Amorim Filho is at the stage in which the defense team of the accused is producing evidence. Four individuals were prosecuted for different degrees of responsibility and are currently in custody (58).

57. Inter American Press Association, Press Release, July 12, 2005, available at: <http://www.sipiapa.org/pressreleases/srchphrasedetail.cfm?PressReleaseID=1425>.  
58. Communication from the State of Brazil received on May 24, 2007.

## Brian Smith

Canada - 8/1/1995

### Summary of facts

Brian Smith was a sportscaster for CJOH-TV. He was murdered on August 1, 1995, in Ottawa (59).

### Status of investigation

The State indicated that Brian Smith was killed by a person suffering from schizophrenia, who turned himself in to the supervision and custody of the Mental Disorder Review Board. The State added that in 2004 that agency allowed the accused to obtain his release on the condition that he live with his brother and check in every month with the Mental Health Centre (60).

59. Committee to Protect Journalists: Journalists Killed: Statistics and Background, available at: [http://www.cpj.org/deadly/1995\\_list.html](http://www.cpj.org/deadly/1995_list.html).  
60. Communication from the State of Canada received on September 26, 2006.

## Tara Singh Hayer

Canada - 11/18/1998

### Summary of facts

Tara Singh Hayer was a columnist for the Punjabi-language weekly publication Indo-Canadian Times and former owner of the Sikh Canadian Newspaper, based in Surrey, British Columbia. He was killed on November 18, 1998, in the garage of his residence in Vancouver. Hayer had been a regular critic of Sikh fundamentalism in Canada and India (61).

### Status of investigation

The State reported that while the investigation into the murder of Tara Singh Hayer remains open, nobody has been prosecuted or convicted for this crime. It added that there is a possibility that the murder was related to testimony the journalist gave during a criminal trial. According to the State, any statement about the motive of the homicide at this time would be speculation (62).

61. Annual Report of the Office of the Special Rapporteur for Freedom of Expression 1998, Chapter IV, p. 54; Committee to Protect Journalists: Journalists Killed: Statistics and Background, available at [http://www.cpj.org/deadly/1998\\_list.html](http://www.cpj.org/deadly/1998_list.html).  
62. Communication from the State of Canada received on September 26, 2006.

## Gildardo Ariza Olarte

Colombia - 4/19/1995

### Summary of facts

Gildardo Ariza Olarte was a radio reporter for the station Ondas del Carare. He was killed on April 19, 1995, in the city of Vélez, department of Santander. Ariza hosted the program “Así es mi Tierra” and worked as a leader of the political movement Alternativa Libertad del Pueblo, or ALP (63).

63. Freedom of Expression in Latin America (Libex): Murdered and missing journalists: Colombia, available in Spanish at [http://www.infoamerica.org/libex/muertes/atentados\\_co.htm](http://www.infoamerica.org/libex/muertes/atentados_co.htm).

64. Communication from the State of Colombia received on September 12, 2006.

65. Communication from the Foundation for the Freedom of the Press received on January 29, 2007.

### Status of investigation

The State indicated that the case was filed as number 2122, under the Second Prosecutor’s Office of the Vélez District, and that the investigation was suspended on March 23, 1999. The State provided no information as to whether anyone has been prosecuted, convicted, or imprisoned for the murder of Gildardo Ariza Olarte (64). The Foundation for the Freedom of the Press also notes that the investigation has been suspended (65).

## Iván Darío Pelayo

Colombia - 8/17/1995

### Summary of facts

Iván Darío Pelayo was director of the radio station Llanorámica. He was assassinated on August 17, 1995, in Puerto Rondón, department of Arauca. According to the information received, members of dissident armed groups raided the radio station and shot Pelayo while he was broadcasting his program. Before leaving the scene of the crime, the attackers reportedly left pamphlets accusing the journalist of belonging to paramilitary groups (66).

66. Committee to Protect Journalists: Journalists Killed: Statistics and Background, available at: [http://www.cpj.org/deadly/1995\\_list.html](http://www.cpj.org/deadly/1995_list.html); Reporters Without Borders: Americas, Press Release, November 22, 2001, available at: [http://www.rsf.org/article.php3?id\\_article=4581](http://www.rsf.org/article.php3?id_article=4581); International Federation of Journalists, 2005 Annual Report, available at: <http://www.ifj.org/pdfs/Safety.pdf>.

67. Communication from the State of Colombia received on September 12, 2006, and amplified on August 23, 2007.

### Status of investigation

The State indicated that the case was filed under number 11575, under the Specialized Prosecutor’s Office of the Cúcuta District, and that on February 12, 1998, the investigation was ordered to be suspended due to the time that had elapsed without being able to identify those responsible (67).

## Ernesto Acero Cadena

Colombia - 12/12/1995

### Summary of facts

Ernesto Acero Cadena was editor of the weekly economic newsletter Informador Socioeconómico. He was killed on December 12, 1995, in Armenia, department of Quindío. According to the information received, his death could be related to his regular reporting on acts of corruption in the region (68).

68. Committee to Protect Journalists: Journalists Killed: Statistics and Background, available at: [http://www.cpj.org/deadly/1995\\_list.html](http://www.cpj.org/deadly/1995_list.html); Reporters Without Borders: Americas, Press Release, November 22, 2001, available in Spanish at: [http://www.rsf.org/article.php3?id\\_article=482&var\\_recherche=Elizardo+Sanchez](http://www.rsf.org/article.php3?id_article=482&var_recherche=Elizardo+Sanchez).

69. Communication from the State of Colombia received on September 12, 2006, and amplified on February 19, 2008.

70. Inter American Press Association, Impunity Project: Cases of Journalists Murdered between November 1987 and March 2006, available at: <http://www.impunidad.com/index.php?showreporte=52&pub=140&idioma=sp>

### Status of investigation

The State indicated that the case of Ernesto Acero Cadena was filed as number 331, under the Human Rights and International Humanitarian Law Unit. On June 14, 2000, the Specialized Criminal Court of Armenia acquitted the accused as a co-perpetrator of the crime, in a judgment that was not appealed by the Office of the Public Prosecutor. In addition, the State indicated that there was a partitioning of the judicial unit processing the case, and the case was filed as number 611, under Specialized Prosecutor 15 of the National Human Rights Unit, in the evidentiary phase (69). The Inter American Press Association (IAPA) indicated that no progress has been reported in the case (70).

## Alfredo Antonio Matiz

Colombia - 1/5/1996

### Summary of facts

Alfredo Antonio Matiz founded the radio station Voz del Sinaruco. He was killed on January 5, 1996, on the road between the cities of Puerto Rondón and Tame, in the department of Arauca (71).

### Status of investigation

The State informed the Office of the Rapporteur that the case of Alfredo Antonio Matiz was filed as number 952, under the Tame District Prosecutor, and added that the case was suspended on February 20, 2000. The State provided no information as to whether anyone has been prosecuted, convicted, or imprisoned for this murder (72).

71. Freedom of Expression in Latin America (Libex): Murdered and missing journalists: Colombia, available in Spanish at [http://www.infoamerica.org/libex/libex\\_2\\_2.htm#1996](http://www.infoamerica.org/libex/libex_2_2.htm#1996).

72. Communication from the State of Colombia received on September 12, 2006.

## Norvey Díaz Cardona

Colombia - 1/18/1996

### Summary of facts

Norvey Díaz Cardona was director of the Radio Colina program "Rondando los Barrios." He was found dead on January 18, 1996, in the resort city of Girardot with bullet marks to his neck. According to the information received, the journalist had received threats after reporting on alleged police participation in the murder of several beggars and on activities of drug traffickers in the area (73).

### Status of investigation

The State indicated that the case of Norvey Díaz Cardona was filed as number 7114, under the Girardot District Prosecutor (74). The State provided no information as to whether anyone has been prosecuted, convicted or imprisoned for this murder.

73. United Nations High Commissioner for Refugees, 1996. Report on human rights practices in Colombia, available at: <http://www.acnur.org/pais/docs/48.pdf>; Committee to Protect Journalists: Journalists Killed: Statistics and Background, available at: [http://www.cpj.org/deadly/1996\\_list.html](http://www.cpj.org/deadly/1996_list.html).

74. Communication from the State of Colombia received on September 12, 2006.

## Santiago Rodríguez Villalba

Colombia - 2/21/1997

### Summary of facts

Santiago Rodríguez Villalba was director of the radio program "Contraataque" on the Costanera station. He was killed on February 21, 1997, in the barrio of Los Tejares de Sincelejo, department of Sucre. According to information received by the Office of the Special Rapporteur, two individuals burst into his home and shot him before fleeing (75).

### Status of investigation

The State indicated that the case of Santiago Rodríguez Villalba was filed as number 1342, under the National Human Rights Unit's Specialized Prosecutor of Medellín. It added that on September 7, 2005, the case was forwarded to the Sincelejo Specialized Circuit Court, in the department of Sucre (76). According to information obtained from the Latin American Federation of Journalists, in 2007 the Second Circuit Court of Sincelejo sentenced two members of the paramilitary to 16 years in prison for the murder of Santiago Rodríguez Villalba (77).

75. Press Release No. 159, Prosecutor General's Office, Colombia: Acusación por homicidio de periodista en Sincelejo, available in Spanish at: <http://www.fiscalia.gov.co/pag/divulga/Bol2005/junio/bol159.htm>; Freedom of Expression in Latin America (Libex): Murdered and missing journalists: Colombia, available in Spanish at [http://www.infoamerica.org/libex/libex\\_2\\_2.htm#1996](http://www.infoamerica.org/libex/libex_2_2.htm#1996).

76. Communication from the State of Colombia received on September 12, 2006.

77. Latin American Federation of Journalists (FELAP), Una década después, dos paramilitares condenados por asesinato de periodista, News story published on February 23, 2007, available at: <http://www.felap.info/Archivo/0207/0207.htm>.

## Freddy Elles Ahumada

Colombia - 3/18/1997

### Summary of facts

Freddy Elles Ahumada was a freelance journalist. He was kidnapped by three individuals on March 17, 1997, in the city of Cartagena and killed the following day. His body was found with signs of torture. Local journalists indicated that Elles could have been killed in reprisal for the publication, in the Bogotá-based newspaper *El Espectador*, of photographs showing acts of police violence (78).

### Status of investigation

The State indicated that the case of Freddy Elles Ahumada was filed as number 103060, under the Specialized Prosecutor of the Cartagena District, in the evidentiary phase (79). The State provided no information as to whether anyone has been prosecuted, convicted, or imprisoned for this murder.

78. Inter-American Commission on Human Rights, Third Report on the Human Rights Situation in Colombia 1999, Chapter VIII, par. 12, available at: <http://www.cidh.org/countryrep/Colom99en/table%20of%20contents.htm>; Committee to Protect Journalists: Journalists Killed: Statistics and Background, available at: [http://www.cpj.org/deadly/1997\\_list.html](http://www.cpj.org/deadly/1997_list.html).

79. Communication from the State of Colombia received on September 12, 2006.

## Gerardo Bedoya Borrero

Colombia - 3/20/1997

### Summary of facts

Gerardo Bedoya was editorial page editor of the newspaper *El País*. He was killed on March 20, 1997, in the city of Cali. Bedoya often wrote about issues related to drug trafficking (80).

### Status of investigation

The State indicated that the case of Gerardo Bedoya was filed as number 552, under Specialized Prosecutor 18 of the National Human Rights Unit, and noted that it is in the evidentiary phase. The State provided no information as to whether anyone has been prosecuted, convicted, or imprisoned for this murder (81). According to information issued in December 2007 by the Inter American Press Association (IAPA), the investigation into the journalist's murder was reassigned to the Human Rights Unit of the Office of the Prosecutor General of the Nation with no suspect having been linked to the crime (82).

80. Committee to Protect Journalists: Journalists Killed: Statistics and Background, available at: [http://www.cpj.org/deadly/1997\\_list.html](http://www.cpj.org/deadly/1997_list.html); Inter American Press Association Impunity Project: Case of Gerardo Bedoya Borrero, published in September 2000, available at: <http://www.impunidad.com/index.php?procesos=45&idioma=us>.

81. Communication from the State of Colombia received on September 12, 2006, and amplified on February 19, 2008.

82. Inter American Press Association. Impunity Project: Case of Gerardo Bedoya Borrero, at: <http://www.impunidad.com/index.php?showreporte=45&idioma=us>.

## Alejandro Jaramillo Barbosa

Colombia - 10/24/1997

### Summary of facts

Alejandro Jaramillo was editor of the newspaper *El Sur*. He disappeared in October 1997 in the city of Pasto, department of Nariño, and his body was found two weeks later. According to information received by the Office of the Special Rapporteur, Jaramillo had gone into exile in Ecuador in 1989 after receiving death threats (83).

### Status of investigation

The State indicated that the case of Alejandro Jaramillo was filed as number 798, under Specialized Prosecutor 18 of the National Human Rights Unit, and added that it is in the evidentiary phase (84). The State provided no information as to whether anyone has been prosecuted, convicted, or imprisoned for this murder. According to information provided by the Foundation for the Freedom of the Press, the investigation into the murder is in the preliminary phase (85).

83. Committee to Protect Journalists: Journalists Killed: Statistics and Background, available at: [http://www.cpj.org/deadly/1997\\_list.html](http://www.cpj.org/deadly/1997_list.html).

84. Communication from the State of Colombia received on September 12, 2006.

85. Communication from the Foundation for the Freedom of the Press received on January 29, 2007.

## Francisco Castro Menco

Colombia - 11/8/1997

### Summary of facts

Francisco Castro Menco was a journalist and president of the Radio Majagual Cultural Foundation. He was killed by two individuals on November 8, 1997, in Majagual, north of Bogotá. According to information received by the Office of the Rapporteur, his death could have been related to his calls to reduce violence in Majagual (86).

### Status of investigation

The State indicated that the case of Francisco Castro Menco was filed as number 530, under Specialized Prosecutor 6 of the National Human Rights Unit, and added that it is in the evidentiary phase (87). The State provided no information as to whether anyone has been prosecuted, convicted, or imprisoned for this murder.

86. International Freedom of Expression eXchange, Alert, November 14, 1997, available at: <http://www.ifex.org/20fr/layout/set/print/content/view/full/5725?PHPSID=9a7fb15109f4bc689eb5e972e7d7ba14>.

87. Communication from the State of Colombia received on September 12, 2006, and amplified on February 19, 2008.

## Jairo Elías Márquez Gallego

Colombia - 11/20/1997

### Summary of facts

Jairo Elías Márquez was editor of the magazine *El Marqués*. He was killed by two individuals on November 20, 1997, in the city of Armenia. According to information received by the Office of the Special Rapporteur, Márquez published news stories on local corruption and had received death threats (88).

### Status of investigation

The State indicated that the case of Jairo Elías Márquez was filed as number 479, under Specialized Prosecutor 15 of the National Human Rights Unit, and indicated that it is in the evidentiary phase (89). The State provided no information as to whether anyone has been prosecuted, convicted, or imprisoned for this murder. According to information issued in September 2001 by the Inter American Press Association (IAPA), in February 1998 the Regional Prosecutor's Office of Armenia received the first information about those possibly involved in the crime. That information pointed to a former congressman as the mastermind of the murder. The IAPA indicated that one of the principal witnesses of the murder retracted his statements and subsequently was killed (90).

88. Committee to Protect Journalists: Journalists Killed: Statistics and Background, available at: [http://www.cpj.org/deadly/1997\\_list.html](http://www.cpj.org/deadly/1997_list.html); International Freedom of Expression eXchange, Press Release, March 23, 1998, available at: <http://www.ifex.org/20fr/layout/set/print/content/view/full/6119?PHPSESSID=ad29503ba1d943d770bb79602db55af6>.

89. Communication from the State of Colombia received on September 12, 2006, and amplified on February 19, 2008.

90. Inter American Press Association. Impunity Project: Jairo Elías Márquez Gallego Case, at: <http://www.impunidad.com/index.php?idioma=us&showreporte=47>.

## Oscar García Calderón

Colombia - 2/22/1998

### Summary of facts

Oscar García Calderón covered bullfighting for the newspaper *El Espectador*. His body was found with bullet wounds on February 22, 1998, near the Office of the Prosecutor General of the Nation, in Bogotá. At the time of his death, García was investigating acts of corruption in the bullfighting world (91).

### Status of investigation

The State indicated that the case of Oscar García Calderón was filed as number 550, under Specialized Prosecutor 20 of the National Human Rights Unit, and added that it is under appeal due to an inhibitory decision issued in August 2005 (92).

91. Foundation for the Freedom of the Press: Informe sobre la Libertad de Prensa en Colombia en 1998, available in Spanish at: <http://www.flip.org.co/descargables/doc/Informe%20sobre%20la%20Libertad%20de%20Prensa%20en%20Colombia%20en%201998.doc>; Committee to Protect Journalists: Journalists Killed: Statistics and Background, available at: [http://www.cpj.org/deadly/1998\\_list.html](http://www.cpj.org/deadly/1998_list.html).

92. Communication from the State of Colombia received on September 12, 2006, and amplified on February 19, 2008.

## Didier Aristizábal Galeano

Colombia - 3/2/1998

### Summary of facts

Didier Aristizábal Galeano worked as a journalist in the city of Cali, department of Valle del Cauca. He was killed on March 2, 1998, by two individuals who shot him nine times as he was driving his vehicle south of Cali. According to information received by the Office of the Rapporteur, the murder could have been carried out in reprisal for assistance that Aristizábal, an expert in radio media, was giving to the Cali police to set up an FM radio station (93).

93. Annual Report of the Office of the Special Rapporteur for Freedom of Expression 1998, Chapter IV, p. 55; International Freedom of Expression eXchange, Alert, March 6, 1998, at: <http://www.ifex.org/fr/content/view/full/6032?PHPSESSID=7e77ba18c357ecc8e3316a72d2bb96bc>.

94. Communication from the State of Colombia received on September 12, 2006, and amplified on February 19, 2008.

95. Communication from the Foundation for the Freedom of the Press received on January 29, 2007.

### Status of investigation

The State indicated that the case of Didier Aristizábal Galeano was filed as number 523, under Specialized Prosecutor 15 of the National Human Rights Unit, and noted that it is in the evidentiary phase (94). The State provided no information as to whether anyone has been prosecuted, convicted, or imprisoned for this murder. Information sent by the Foundation for the Freedom of the Press corroborated what the State had indicated in terms of the procedural status of the case (95).

## José Abel Salazar Serna

Colombia - 3/14/1998

### Summary of facts

José Abel Salazar Serna hosted the radio program "Juventud en Acción." His body was found in his apartment with 15 gunshot wounds on March 14, 1998, in the city of Manizales (96).

96. Annual Report of the Office of the Special Rapporteur for Freedom of Expression 1998, Chapter IV, p. 56; Committee to Protect Journalists: Journalists Killed: Statistics and Background, available at [http://www.cpj.org/deadly/1998\\_list.html](http://www.cpj.org/deadly/1998_list.html); International Press Institute: IPI Death Watch 1998, available at: <http://www.freemedia.at/cms/ipi/deathwatch.html?year=1998>.

97. Communication from the State of Colombia received on September 12, 2006.

98. Communication from the Foundation for the Freedom of the Press received on January 29, 2007.

### Status of investigation

The State indicated that the case of José Abel Salazar Serna was filed as number 19232 and added that it is in the evidentiary phase, under the Manizales District Office of the Prosecutor (97). The State provided no information as to whether anyone has been prosecuted, convicted, or imprisoned for this murder. According to information provided by the Foundation for the Freedom of the Press (FLIP), an adolescent was arrested for this crime, and on March 20, 1998, the case was forwarded to juvenile court. FLIP indicated that it has not been confirmed whether or not the murder was related to the victim's journalistic activity (98).

## Nelson Carvajal

Colombia - 4/16/1998

### Summary of facts

Nelson Carvajal was a professor and director of Radio Sur. He was killed on April 16, 1998, in the city of Pitalito, department of Huila. According to information received by the Office of the Rapporteur, the journalist often denounced acts of corruption on the part of local police officials, on Radio Sur's community broadcasts (99).

99. Annual Report of the Office of the Special Rapporteur for Freedom of Expression 1998, Chapter IV, p. 55; Inter-American Commission on Human Rights: Report 54/04, Admissibility, available at: <http://www.cidh.org/annualrep/2004eng/Colombia.559.02eng.htm>; Committee to Protect Journalists: Journalists Killed: Statistics and Background, available at [http://www.cpj.org/deadly/1998\\_list.html](http://www.cpj.org/deadly/1998_list.html).

100. Communication from the State of Colombia received on September 12, 2006, and amplified on February 19, 2008.

101. Inter American Press Association. Impunity Project: Nelson Carvajal Carvajal Case, available at: <http://www.impunidad.com/index.php?showreporte=53&idioma=us; and http://www.impunidad.com/index.php?showreporte=53&pub=142&idioma=us>.

### Status of investigation

The State informed the Office of the Rapporteur that the case of Nelson Carvajal was filed as number 582, under the National Human Rights Unit. It indicated that the Specialized Court of Neiva acquitted those accused in a decision handed down on December 15, 2000, which was upheld by the Criminal Division of the Neiva High Court. Subsequently the State indicated that on December 7, 2005, the First Prosecutor's Office of the National Human Rights Unit received the case file by decision of the Office of the Prosecutor General of the Nation; the case is in the investigative phase in terms of the others who are allegedly implicated (100). According to information published in October 2006 by the Inter American Press Association (IAPA), during the investigations, private proceedings were open to the public, thus exposing the witnesses. It added that one prosecutor declined to receive testimony from some individuals who were interested in giving statements (101).

## Bernabé Cortés Valderrama

Colombia - 5/19/1998

### Summary of facts

Bernabé Cortés Valderrama was a reporter for the program Noticias CVN. He was killed on May 19, 1998, when he was getting out of a taxi in the city of Cali. According to information received by the Office of the Rapporteur, Cortés often covered issues such as drug trafficking and corruption, and had been detained in 1992 by members of the National Liberation Army (102).

### Status of investigation

The State provided no information as to whether anyone has been prosecuted, convicted, or imprisoned for this murder. It further indicated that its records did not show that any judicial proceeding existed under the name of journalist Bernabé Cortés Valderrama (103).

102. Annual Report of the Office of the Special Rapporteur for Freedom of Expression 1998, Chapter IV, p. 55 and Committee to Protect Journalists: Journalists Killed: Statistics and Background, available at [http://www.cpj.org/deadly/1998\\_list.html](http://www.cpj.org/deadly/1998_list.html).

103. Communication from the State of Colombia received on September 12, 2006.

## Amparo Leonor Jiménez Pallares

Colombia - 8/11/1998

### Summary of facts

Amparo Leonor Jiménez was a reporter with the programs "QAP" and "En Vivo." She was killed on August 11, 1998, when she was dropping off her son at school (104).

### Status of investigation

The State indicated that the case of Amparo Leonor Jiménez is in the trial phase before the Criminal Judge of the Specialized Circuit of Valledupar, where public hearings were held on December 27, 2001, and January 23, 2002, in which one of the accused was absolved. That decision was appealed and subsequently revoked by the Criminal High Court of Valledupar, and the accused was sentenced to 37 years in prison. The investigation is continuing in order to identify the masterminds (105). Information along the same lines was provided in March 2006 by the Inter American Press Association (IAPA), which also indicated that, in response to a request made in August 2007 by the Office of the Prosecutor General of the Nation, the paramilitary group Los Chamizos is under investigation (106).

104. Annual Report of the Office of the Special Rapporteur for Freedom of Expression 1998, Chapter IV, p. 55, and Committee to Protect Journalists: Journalists Killed: Statistics and Background, available at [http://www.cpj.org/deadly/1998\\_list.html](http://www.cpj.org/deadly/1998_list.html).

105. Communication from the State of Colombia received on September 12, 2006, and amplified on February 19, 2008.

106. Inter American Press Association. Impunity Project: Amparo Leonor Jiménez Pallares Case, available at: <http://www.impunidad.com/index.php?showreporte=15&pub=105&idioma=us> and <http://www.impunidad.com/index.php?showreporte=15&pub=192&idioma=us>.

## Nelson Osorio Patiño

Colombia - 8/27/1998

### Summary of facts

Nelson Osorio Patiño was a reporter for the television program "Gran Prix." He was killed on August 27, 1998, in Bogotá (107).

### Status of investigation

The State indicated that the case of Nelson Osorio Patiño was initially assigned to the National Human Rights Unit, but that in 2000 it was reassigned to the Unit of Specialized Prosecutors of Bogotá, on the grounds that it did not meet the established criteria for the former, given that Nelson Osorio had also devoted himself to other activities of an economic nature. In light of that, it is believed that the homicide could have been linked to drug trafficking activities. The investigation is in its preliminary phase in the indicated prosecutor's office (108). The State provided no information as to whether anyone has been prosecuted, convicted, or imprisoned for this murder.

107. World Association of Newspapers: The following journalists have been murdered for carrying out their profession in 1998, available at [http://www.wan-press.org/article82.html?var\\_recherche=osorio](http://www.wan-press.org/article82.html?var_recherche=osorio).

108. Communication from the State of Colombia received on February 19, 2008.

## Néstor Villar Jiménez

Colombia - 9/11/1998

### Summary of facts

Néstor Villar Jiménez was a former congressman and former journalist with the radio station Macarena, the newspapers La República and El Siglo, and the magazine Síntesis. He was killed on September 11, 1998, in the city of Villavicencio, department of Meta. According to information received by the Office of the Rapporteur, his death was related to his reporting on drug trafficking (109).

109. Committee to Protect Journalists: Journalists Killed: Statistics and Background, available at: [http://www.cpj.org/deadly/1998\\_list.html#unconf](http://www.cpj.org/deadly/1998_list.html#unconf); International Press Institute: IPI Death Watch 1998, available at: <http://www.freemedia.at/cms/ipi/deathwatch.html?year=1998>.

110. Communication from the State of Colombia received on September 12, 2006.

111. Communication from the Foundation for the Freedom of the Press received on January 29, 2007.

### Status of investigation

The State affirmed that the case of Néstor Villar Jiménez was filed as number 797, under the National Human Rights Unit, and added that it is in the evidentiary phase (110). The State provided no information as to whether anyone has been prosecuted, convicted, or imprisoned for this murder. The Foundation for the Freedom of the Press concurred with the information provided by the State to the effect that the investigation is being handled by the Unit of Specialized Prosecutors of Bogotá (111).

## Saúl Oswaldo Alcaraz Watstein

Colombia - 10/14/1998

### Summary of facts

Saúl Alcaraz was a spokesman for the environmental group Instituto Mi Río. He was killed on October 14, 1998, by six gunmen who burst into his home and fired several times. Alcaraz had worked as a correspondent for the Teleantioquia group (112).

112. Committee to Protect Journalists: Journalists Killed: Statistics and Background, available at [http://www.cpj.org/deadly/1998\\_list.html](http://www.cpj.org/deadly/1998_list.html); Foundation for the Freedom of the Press: Informe sobre la Libertad de Prensa en Colombia en 1998, available in Spanish at: <http://www.flip.org.co/descargables/doc/Informe%20sobre%20la%20Libertad%20de%20Prensa%20en%20Colombia%20en%201998.doc>.

113. Communication from the State of Colombia received on September 12, 2006.

114. Communication from the Foundation for the Freedom of the Press received on January 29, 2007.

### Status of investigation

The State indicated that the case of Saúl Alcaraz was filed as number 467970, under Prosecutor 188 of the Medellín District, and added that the investigation was suspended on June 26, 2003 (113). The State provided no information as to whether anyone has been prosecuted, convicted, or imprisoned for this murder. According to information provided by the Foundation for the Freedom of the Press (FLIP), the investigation is in the preliminary stage in the Medellín Regional Office of Prosecutors. FLIP indicated that it has not been confirmed whether the homicide was related to the victim's work in journalism (114).

## José Arturo Guapacha

Colombia - 10/15/1998

### Summary of facts

José Arturo Guapacha was editor of the magazine El Panorama. He was killed on October 15, 1998, in a mechanic's shop in the city of Cartago, department of Valle del Cauca. According to information received by the Office of the Rapporteur, Guapacha's death was connected to criticisms he had made of drug traffickers in the region and the publication of names of people who owed taxes to the municipal government (115).

115. Annual Report of the Office of the Special Rapporteur for Freedom of Expression 1998, Chapter IV, p. 56; Committee to Protect Journalists: Journalists Killed: Statistics and Background, available at: [http://www.cpj.org/deadly/1998\\_list.html](http://www.cpj.org/deadly/1998_list.html).

116. Communication from the State of Colombia received on February 19, 2008.

117. Communication from the Foundation for the Freedom of the Press received on January 29, 2007.

### Status of investigation

The State indicated that the case of José Arturo Guapacha was filed as number 509, under Special Prosecutor 15 of the National Human Rights Unit, and added that it is in the evidentiary phase (116). The State provided no information as to whether anyone has been prosecuted, convicted, or imprisoned for this murder. The Foundation for the Freedom of the Press confirmed the State's information in terms of the investigation being in the evidentiary stage and added that it was reassigned on May 24, 1999, to the National Human Rights Unit (117).

## Hernando Rangel Moreno

Colombia - 4/11/1999

### Summary of facts

Hernando Rangel Moreno was a freelance reporter. He was killed at his home on April 11, 1999. According to information received by the Office of the Rapporteur, Moreno often reported on corruption in the mayor's office of his city. Days before his death, he had organized a protest against the local mayor's administration (118).

### Status of investigation

The State indicated that the case of Hernando Rangel Moreno was filed as number 524, under Specialized Prosecutor 20 of the National Human Rights Unit. It noted that the case is in the investigative stage and that there is an individual involved who has been released but is still linked to the investigation. (119). The State provided no information as to whether anyone has been prosecuted, convicted, or imprisoned for this murder. According to information issued in March 2006 by the Inter American Press Association (IAPA), the criminal action has been in the investigation phase since March 2000, when a former mayor of Banco, Magdalena, was released after being charged as an alleged mastermind of the crime. The IAPA indicated that between March 2003 and September 2005, the Office of the Prosecutor General of the Nation reported that "multiple" pieces of evidence were submitted for testing, with no known result (120).

118. Annual Report of the Office of the Special Rapporteur for Freedom of Expression 1999, Chapter II, p. 51; Committee to Protect Journalists: Journalists Killed: Statistics and Background, available at: [http://www.cpj.org/deadly/1999\\_list.html](http://www.cpj.org/deadly/1999_list.html).

119. Communication from the State of Colombia received on September 12, 2006, and amplified on February 19, 2008.

120. Inter American Press Association. Impunity Project: Hernando Rangel Moreno Case, at: <http://www.impunidad.com/index.php?showreporte=51&idioma=us>.

## Jaime Hernando Garzón Forero

Colombia - 8/11/1999

### Summary of facts

Jaime Garzón was host of the "Caracol Noticias" program on Radionet. He was killed by two individuals on August 11, 1999, when he was driving his car to work. According to information received by the Office of the Rapporteur, Garzón had received threats from a member of the United Self-Defense Forces of Colombia, or AUC (121).

### Status of investigation

The State indicated that the case of Jaime Garzón was filed as number 1942 (564), under the Special Prosecutor's Office of the National Human Rights Unit. It added that on December 19, 2005, the Superior Court of Cartagena upheld the conviction issued on March 10, 2004 (122). The State did not provide specific information about the sentence or details about those accused of the crime or the motive for the murder. According to information issued in March 2006 by the Inter American Press Association (IAPA), on March 10, 2004, a member of the United Self-Defense Forces of Colombia (AUC) was sentenced to 38 years in prison and a fine as one of the masterminds of the crime. The sentence was handed down by the Seventh Specialized Criminal Judge of Bogotá, who acquitted two of those accused of perpetrating the crime. The IAPA indicated that in December 2004, a human rights group within the Office of the Prosecutor's National Corps of Technical Investigators was commissioned to submit the evidence to testing, but these efforts have not yielded concrete results. The IAPA noted that a female national senator had refused, without justification, to testify at trial (123).

121. Annual Report of the Office of the Special Rapporteur for Freedom of Expression 1999, Chapter II, p. 51; Committee to Protect Journalists: Journalists Killed: Statistics and Background, available at: [http://www.cpj.org/deadly/1999\\_list.html](http://www.cpj.org/deadly/1999_list.html); Reporters Without Borders: Annual Report 2005 on Colombia, available at: [http://www.rsf.org/article.php3?id\\_article=13215](http://www.rsf.org/article.php3?id_article=13215).

122. Communication from the State of Colombia received on September 12, 2006.

123. Inter American Press Association. Impunity Project: Jaime Hernando Garzón Forero Case, available at: <http://www.impunidad.com/index.php?idioma=us&showreporte=44>.

## Guzmán Quintero Torres

Colombia - 9/16/1999

### Summary of facts

Guzmán Quintero Torres was editor-in-chief of the newspaper El Pilón. He was killed on September 16, 1999, in the city of Valledupar, department of César. Quintero Torres was also a correspondent for the Foundation for the Freedom of the Press and for the news program “Televista,” and he coordinated a national media training program designed for community participation, through the National University for Distance Learning, or UNAD (124).

### Status of investigation

The State indicated that the case of Guzmán Quintero Torres was filed as number 627, under Specialized Prosecutor 15 of the National Human Rights Unit, and sent to the Criminal Court of the Specialized Circuit of Valledupar. The State added that a conviction was issued on March 13, 2006, and that those convicted are serving their sentences at the Judicial Prison of Valledupar (125). The State did not provide information about who was convicted, nor did it indicate whether the motive for the murder had been determined. According to information released in March 2006 by the Inter American Press Association (IAPA), in March 2002 two individuals were convicted to 472 months in prison as the physical perpetrators of the crime; both are serving their sentences in a prison in Valledupar. The IAPA indicated that the investigation continues in a preliminary phase in terms of establishing the masterminds (126).

124. Annual Report of the Office of the Special Rapporteur for Freedom of Expression 1999, Chapter II, p. 51; Inter American Press Association, Midyear Meeting Report, March 18, 2002, available at: [http://www.sipiapa.org/publications/mid\\_inflbarguen2002.cfm](http://www.sipiapa.org/publications/mid_inflbarguen2002.cfm).

125. Communication from the State of Colombia received on September 12, 2006.

126. Inter American Press Association. Impunity Project: Guzmán Quintero Torres Case, available at: <http://www.impunidad.com/index.php?idioma=us&showreporte=50>.

## Rodolfo Julio Torres

Colombia - 10/21/1999

### Summary of facts

Rodolfo Julio Torres was a correspondent for the radio station Fuentes. He was killed on October 21, 1999, on the outskirts of the city of Verrugas, department of Sucre. The journalist often reported on political issues. According to the information received, a year before the crime, different pamphlets were distributed—purportedly by members of the United Self-Defense Forces of Colombia, or AUC—accusing the journalist of belonging to the National Liberation Army, or ELN (127).

### Status of investigation

The State indicated that the case of Rodolfo Julio Torres was filed as number 7591, under the Prosecutor of the Sincelejo District, and noted that the investigation was suspended on September 21, 2000 (128). The State provided no information as to whether anyone has been prosecuted, convicted, or imprisoned for this murder.

127. Annual Report of the Office of the Special Rapporteur for Freedom of Expression 1999, Chapter II, p. 52; Committee to Protect Journalists: Journalists Killed: Statistics and Background, available at: [http://www.cpj.org/deadly/1999\\_list.html](http://www.cpj.org/deadly/1999_list.html).

128. Communication from the State of Colombia received on September 12, 2006.

## Pablo Medina Motta

Colombia - 12/04/1999

### Summary of facts

Pablo Emilio Medina Motta was a cameraman for TV Garzón. He was killed on December 4, 1999, when members of the Revolutionary Armed Forces of Colombia, or FARC, took over the city of Gigante, in the department of Huila. According to information released by the director of TV Garzón, Rulfo Ciceri, the FARC unit had confused Medina Motta with a local police informant (129).

### Status of investigation

The State indicated that the case of Pablo Emilio Medina Motta was filed as number 665, under Specialized Prosecutor 28 of the National Human Rights Unit, and that it is in the evidentiary phase. In 2005, the case was linked to the investigation of several members of the FARC, and on October 19, 2007, a preventive detention order was issued against six individuals. The State provided no information as to whether anyone had been prosecuted, convicted, or imprisoned for this murder (130). According to information provided by the Foundation for the Freedom of the Press (FLIP), on May 9 and 11, 1999, several people were linked to the case for the crime of homicide as well as terrorism, kidnapping, rebellion, and damage to another's property. FLIP indicated that on November 11, 2002, a measure of guarantee was adopted, which consisted of preventive detention for the crime of "rebellion against a person." It added that on December 26, 2001, the resolutions adopted on May 9 and 11 were partially nullified on the grounds that all but one of the accused had not been specified individually (131).

129. Annual Report of the Office of the Special Rapporteur for Freedom of Expression 1999, Chapter II, p. 52; Committee to Protect Journalists: Journalists Killed: Statistics and Background, available at: [http://www.cpj.org/deadly/1999\\_list.html](http://www.cpj.org/deadly/1999_list.html).

130. Communication from the State of Colombia received on September 12, 2006, and amplified on February 19, 2008.

131. Communication from the Foundation for the Freedom of the Press received on January 29, 2007.

## Alberto Sánchez Tovar and Luis Alberto Rincón Solano

Colombia - 11/28/1999

### Summary of facts

Alberto Sánchez Tovar was a cameraman for Producciones Colombia, and Rincón Solano was a freelance cameraman. They were killed on November 28, 1999, on the outskirts of the city of El Playón, department of Santander. According to the information received, Sánchez and Rincón were gunned down when they were leaving the city of Bucaramanga and heading toward El Playón to cover the municipal elections (132).

### Status of investigation

The State indicated that the case of Alberto Sánchez Tovar and Luis Alberto Rincón Solano was filed as number 651, under Specialized Prosecutor 29 of the National Human Rights Unit. It added that on July 26, 2002, the defendants in the case received a 19-year prison sentence for the crime of aggravated homicide (133).

132. Committee to Protect Journalists: Journalists Killed: Statistics and Background, available at: [http://www.cpj.org/deadly/1999\\_list.html](http://www.cpj.org/deadly/1999_list.html); Inter American Press Association, 58th General Assembly, October 26-29, 2002, available at: <http://www.sipiapa.org/publications/anualrep2003.cfm>.

133. Communication from the State of Colombia received on September 12, 2006.

## Antonio Gómez

Colombia - 2/9/2000

### Summary of facts

Antonio Gómez was owner of the community radio station Ecos de la Sierra. He was killed in front of his family on February 9, 2000, in Ciénega, department of Magdalena (134).

### Status of investigation

The State indicated that the case of Antonio Gómez was filed as number 802, under Specialized Prosecutor 6 of the National Human Rights Unit, and noted that it is in the evidentiary phase (135). The State provided no information as to whether anyone has been prosecuted, convicted, or imprisoned for this murder.

134. Freedom of Expression in Latin America (Libex): Murdered journalists (1993-2001): Available in Spanish at [http://www.infoamerica.org/libex/libex\\_2\\_2.htm](http://www.infoamerica.org/libex/libex_2_2.htm).

135. Communication from the State of Colombia received on September 12, 2006.

## María Helena Salinas Gallego

Colombia - 3/5/2000

### Summary of facts

María Elena Salinas was a freelance reporter. Her body was found on July 4, 2000, along with the bodies of two members of the National Liberation Army (ELN) in the department of Antioquia. According to the information received, the three died in a confrontation between the ELN and troops from Colombia's armed forces. Salinas was investigating internal conflicts in Antioquia (136).

### Status of investigation

The State indicated that the case of María Elena Salinas was filed as number 340173, under Specialized Prosecutor 19, and added that the investigation was suspended on June 17, 2004 (137). The State provided no information as to whether anyone has been prosecuted, convicted, or imprisoned for this murder.

136. Committee to Protect Journalists: Journalists Killed: Statistics and Background, available at: [http://www.cpj.org/deadly/2000\\_list.html](http://www.cpj.org/deadly/2000_list.html).  
137. Communication from the State of Colombia received on September 12, 2006.

## Humberto Garces Angulo

Colombia - 3/21/2000

### Summary of facts

Humberto Garces Angulo worked for the magazine *Presencia Colombiana*. He was killed on March 21, 2000, in the city of Yumbo, department of Valle del Cauca (138).

### Status of investigation

The State provided no information as to whether anyone has been prosecuted, convicted, or imprisoned for this murder. It also indicated that it had no record of any criminal proceeding filed under the name of journalist Humberto Garces Angulo (139).

138. International Freedom of Expression eXchange, Press Release, May 3, 2000, at: <http://www.ifex.org/en/content/view/full/10298>; International Press Institute: IPI Death Watch 2000, available at: <http://www.freemedia.at/cms/ipi/deathwatch.html?year=2000>; International Press Institute: 2000 World Freedom Press Review, Colombia, available at: [http://www.freemedia.at/cms/ipi/freedom\\_detail.html?country=KW0001/KW0002/KW0016/&year=2000](http://www.freemedia.at/cms/ipi/freedom_detail.html?country=KW0001/KW0002/KW0016/&year=2000).  
139. Communication from the State of Colombia received on September 12, 2006.

## Marisol Revelo Barón

Colombia - 7/4/2000

### Summary of facts

Marisol Revelo Barón worked as a reporter for various newspapers and television stations in Tamuco, department of Nariño. She was killed on July 4, 2000, at her home in the city of Tumaco. At the time of the crime, Marisol Revelo was an editor with the Regional Autonomous Corporation of Nariño (140).

### Status of investigation

The State indicated that the case of Marisol Revelo Barón was filed as number 896, under the Office of the Prosecutor in the Tumaco District, and noted that it is in the evidentiary phase (141). The State provided no information as to whether anyone has been prosecuted, convicted, or imprisoned for this murder.

140. Committee to Protect Journalists, News Alert, July 7, 2000, available at: <http://www.cpj.org/protests/00ltrs/Colombia07july00pl.html>; International Press Institute: IPI Death Watch 2000, available at: <http://www.freemedia.at/cms/ipi/deathwatch.html?year=2000>.  
141. Communication from the State of Colombia received on September 12, 2006.

## Carlos José Restrepo Rocha

Colombia - 9/9/2000

### Summary of facts

Carlos José Restrepo Rocha was a columnist with the monthly publication *Tan Gente* and editor of the newspaper *El Día*. He was kidnapped and killed on September 9, 2000, in San Luis, department of Tolima. According to the information received, pamphlets of paramilitary groups were found near the journalist's body. (142)

### Status of investigation

The State indicated that the case of Carlos José Restrepo Rocha was filed as number 880, under Specialized Prosecutor 6 of the National Human Rights Unit, and noted that it is the investigation phase. It also indicated that on January 24, preventive detention was imposed against a person who was serving time in the Picalaña prison for being a co-perpetrator in a case involving aggravated homicide (143).

142. Committee to Protect Journalists: Journalists Killed: Statistics and Background, available at: [http://www.cpj.org/deadly/2000\\_list.html](http://www.cpj.org/deadly/2000_list.html); International Press Institute: IPI Death Watch 2000, available at: <http://www.freemedia.at/cms/ipi/deathwatch.html?year=2000>; Global Journalist: IPI Death Watch, available at: <http://www.globaljournalist.org/archive/Magazine/deathwatch-20004q.html>.

143. Communication from the State of Colombia received on September 12, 2006, and amplified on February 19, 2008.

## Juan Camilo Restrepo Guerra

Colombia - 10/31/2000

### Summary of facts

Juan Camilo Restrepo Guerra was director of the radio station *Galaxia Estéreo*. He was shot and killed on October 31, 2000, in the northeast region of Colombia. According to information received by the Office of the Rapporteur, Restrepo's death could have to do with reprisals for the journalist's criticisms of the administration of the city of Ebejico (144).

### Status of investigation

The State indicated that the case of Juan Camilo Restrepo Guerra was filed as number 31781-406515, under Specialized Prosecutor 8 in Medellín (145). The State provided no information as to whether anyone has been prosecuted, convicted, or imprisoned for this murder.

144. Annual Report of the Office of the Special Rapporteur for Freedom of Expression 2000, Chapter IV, p. 122; Committee to Protect Journalists: Journalists Killed: Statistics and Background, available at: [http://www.cpj.org/deadly/2000\\_list.html](http://www.cpj.org/deadly/2000_list.html).

145. Communication from the State of Colombia received on September 12, 2006.

## Gustavo Rafael Ruiz Cantillo

Colombia - 11/15/2000

### Summary of facts

Gustavo Rafael Ruiz Cantillo was a correspondent for the station *Radio Galeón*. He was killed on November 15, 2000, at a market in the city of Pivijay, department of Magdalena. Colleagues of Cantillo indicated that he was assassinated on orders of paramilitary groups that operated in the department of Magdalena. According to the information received, the journalist had already received threats from those groups (146).

### Status of investigation

The State indicated that the case of Gustavo Rafael Ruiz Cantillo was filed as number 20227, under Specialized Prosecutor 2 of the Santa Marta District, and said an inhibitory decision (*resolución inhibitoria*) was filed on January 19, 2004. This was subsequently revoked because the case is now in the investigative stage at the National Human Rights Unit's Prosecutor's Office 22 (147). The State provided no information as to whether anyone had been prosecuted, convicted, or imprisoned for this murder. According to information published in October 2006 by the Inter American Press Association (IAPA), the investigation into the murder of Ruiz Cantillo was taken on by a specialized prosecutor in Santa Marta and filed as case number 20.227. On January 19, 2004, the Office of the Prosecutor classified the case as "inhibitory decision," with no determination of the perpetrators or participants in the matter under investigation. The IAPA indicated that in August 2006 the investigation was reactivated when it was transferred to the Human Rights Unit in Bogotá (148).

146. Annual Report of the Office of the Special Rapporteur for Freedom of Expression 2000, Chapter IV, p. 122; Committee to Protect Journalists: Journalists Killed: Statistics and Background, available at: [http://www.cpj.org/deadly/2000\\_list.html](http://www.cpj.org/deadly/2000_list.html).

147. Communication from the State of Colombia received on September 12, 2006, and amplified on February 19, 2008.

148. Inter American Press Association. Impunity Project: Gustavo Rafael Ruiz Cantillo case, available at: <http://www.impunidad.com/index.php?idioma=us&showreporte=54>.

## Guillermo León Agudelo Aguirre

Colombia - 11/30/2000

### Summary of facts

Guillermo León Agudelo was a journalist with the radio station Voz de la Selva. He was killed on November 30, 2000, by two individuals who burst into his house in Florencia, department of Caquetá (149).

149. Committee to Protect Journalists: Journalists Killed: Statistics and Background, available at: [http://www.cpj.org/deadly/2000\\_list.html](http://www.cpj.org/deadly/2000_list.html); Reporters Without Borders, Americas Report, November 22, 2001, available in Spanish at: [http://www.rsf.org/article.php?id\\_article=482](http://www.rsf.org/article.php?id_article=482).  
150. Communication from the State of Colombia received on September 12, 2006.

### Status of investigation

The State indicated that the case of Guillermo León Agudelo was filed as number 967, under Specialized Prosecutor 6 of the National Human Rights Unit, and noted that it is in the evidentiary phase (150). The State provided no information as to whether anyone has been prosecuted, convicted, or imprisoned for this murder.

## Alfredo Abad López

Colombia - 12/13/2000

### Summary of facts

Afredo Abad López was director of the radio station Voz de la Selva. He was killed by two gunmen on December 13, 2000, when he was leaving his house in the city of Florencia, in the north of Colombia. According to the city's police chief, the gunmen approached the journalist's car on a motorcycle and shot him several times (151).

151. Annual Report of the Office of the Special Rapporteur for Freedom of Expression 2000, Chapter IV, p. 123; Committee to Protect Journalists: Journalists Killed: Statistics and Background, available at: [http://www.cpj.org/deadly/2000\\_list.html](http://www.cpj.org/deadly/2000_list.html); International Freedom of Expression eXchange, Press Release, December 19, 2000, available at: <http://www.ifex.org/en/content/view/full/27859>.  
152. Communication from the State of Colombia received on September 12, 2006.

### Status of investigation

The State indicated that the case of Alfredo Abad López was filed as number 1021, under Specialized Prosecutor 6 of the National Human Rights Unit, and added that it is in the evidentiary phase (152). The State provided no information as to whether anyone has been prosecuted, convicted, or imprisoned for this murder.

## Flavio Iván Bedoya Sarria

Colombia - 4/27/2001

### Summary of facts

Flavio Iván Bedoya Sarria was a correspondent with the newspaper Voz. He was killed on April 27, 2001, in Tumaco, department of Nariño. According to information received by the Office of the Rapporteur, four gunmen shot the victim when he was getting out of a vehicle. The journalist had received threats as he began an investigation into the internal armed conflict (153).

153. Annual Report of the Office of the Special Rapporteur for Freedom of Expression 2001, Chapter II, p. 71; Committee to Protect Journalists: Journalists Killed: Statistics and Background, available at: [http://www.cpj.org/deadly/2001\\_list.html](http://www.cpj.org/deadly/2001_list.html).  
154. Communication from the State of Colombia received on September 12, 2006.

### Status of investigation

The State indicated that the case of Flavio Bedoya was filed as number 1027, under the National Human Rights Unit, and said that it is in the evidentiary phase (154). The State provided no information as to whether anyone has been prosecuted, convicted, or imprisoned for this murder.

## Carlos Alberto Trespalacios Yali

Colombia - 4/30/2001

### Summary of facts

Carlos Alberto Trespalacios was a sports reporter. He was killed on April 30, 2001, in the city of Medellín, department of Antioquia. At the time of his death, Trespalacios was communications director for the Institute for Sports and Recreation of the Medellín Mayor's Office. According to information received by the Office of the Rapporteur, the journalist had received several death threats (155).

### Status of investigation

The State indicated that the case of Carlos Alberto Trespalacios was filed as number 439619, under Specialized Prosecutor 188 of Medellín, and said that the investigation had been suspended on June 11, 2002 (156). The State provided no information as to whether anyone has been prosecuted, convicted, or imprisoned for this murder.

155. Committee to Protect Journalists, New Alert, May 14, 2001, available at: <http://www.cpj.org/news/2001/Colombia14may01na.html>; Reporters Without Borders, Americas, Press Release, November 22, 2001, available in Spanish at: [http://www.rsf.org/article.php3?id\\_article=482](http://www.rsf.org/article.php3?id_article=482).  
156. Communication from the State of Colombia received on September 12, 2006.

## Yesid Marulanda Romero

Colombia - 5/3/2001

### Summary of facts

Yesid Marulanda Romero was a sports reporter for Noticiero del Pacífico. He was killed on May 3, 2001, in the city of Cali (157).

### Status of investigation

The State informed the Office of the Rapporteur that the case of Yesid Marulanda Romero was filed as number 1047, under Specialized Prosecutor 15 of the National Human Rights Unit, and indicated that it is in the evidentiary phase (158). The State provided no information as to whether anyone has been prosecuted, convicted, or imprisoned for this murder.

157. Committee to Protect Journalists, News Alert, July 3, 2001, available at: <http://www.cpj.org/news/2001/Colombia03jul01na.html>; International Freedom of Expression eXchange, Alert, May 8, 2001, available at: <http://www.ifex.org/en/content/view/full/13442>.  
158. Communication from the State of Colombia received on September 12, 2006.

## Edgar Tabera Gaona

Colombia - 5/17/2001

### Summary of facts

Edgar Tabera Gaona was a radio reporter. He was killed on May 17, 2001, in the city of Guepsa, department of Santander (159).

### Status of investigation

The State indicated that the case of Edgar Tabera Gaona was filed as number 23869, under the Fifth Office of the Prosecutor of the Vélez District, and said that it is in the evidentiary phase (160). The State provided no information as to whether anyone has been prosecuted, convicted, or imprisoned for this murder.

159. International Press Institute: IPI Death Watch 2001, available at: <http://www.freemedia.at/cms/ipi/deathwatch.html?year=2001>.  
160. Communication from the State of Colombia received on September 12, 2006.

## Pablo Emilio Parra Castañeda

### Colombia - 6/27/2001

#### Summary of facts

Pablo Emilio Parra Castañeda worked at the radio station Planadas Cultural Estéreo. He was kidnapped and killed in the city of Planadas, department of Tolima. The journalist's body was found on June 27, 2001, on a rural highway (161).

#### Status of investigation

The State indicated that the case of Pablo Emilio Parra Castañeda was filed as number 66923, under Specialized Prosecutor 3 of the Ibagué District. The State added that on March 17, 2005, an indictment was filed against one of the accused for the crime of "rebellion" and a preclusion order in the case of the crime of homicide. The State indicated that legal proceedings were begun against one person for aggravated homicide with terrorist intent and subsequently the investigation was dropped. The State indicated that the case is at the trial stage (162).

161. Committee to Protect Journalists: Journalists Killed: Statistics and Background, available at: [http://www.cpj.org/deadly/2001\\_list.html](http://www.cpj.org/deadly/2001_list.html); Inter American Press Association, Report of the 57th General Assembly, October 12-16, 2001, available at: [http://www.sipiapa.org/publications/report\\_colombia2002.cfm](http://www.sipiapa.org/publications/report_colombia2002.cfm); International Freedom of Expression eXchange: Radio Reporter Killed, available at: <http://www.ifex.org/en/content/view/full/29008>.  
162. Communication from the State of Colombia received on September 12, 2006.

## Arquímedes Arias Henao

### Colombia - 7/4/2001

#### Summary of facts

Arquímedes Arias Henao was founder and director of the radio station Fresno Estéreo. He was killed on July 4, 2001, in the city of Fresno, department of Tolima. According to the information received, a gunman reportedly entered Arias's house and shot him three times (163).

#### Status of investigation

The State indicated that the case of Arquímedes Arias Henao was filed as number 2073, under Prosecutor 36 of the Ibagué District, and said an inhibitory decision had been issued on July 25, 2002 (164). The State provided no information as to whether anyone has been prosecuted, convicted, or imprisoned for this murder.

163. Committee to Protect Journalists: Journalists Killed: Statistics and Background, available at: [http://www.cpj.org/deadly/2001\\_list.html](http://www.cpj.org/deadly/2001_list.html); Reporters Without Borders, Letter of protest, July 7, 2001, available at: <http://www.rsf.org/rsf/esp/html/ameriques/cplp01/p01/070701.html>.  
164. Communication from the State of Colombia received on September 12, 2006.

## José Duviel Vásquez Arias

### Colombia - 7/6/2001

#### Summary of facts

José Duviel Vásquez was director of the radio station La Voz de la Selva. He was shot to death on July 6, 2001. According to information received by the Office of the Special Rapporteur, the crime could have been related to the journalist's investigations into acts of corruption by local public officials and the internal armed conflict (165).

#### Status of investigation

The State indicated that the case of José Duviel Vásquez was filed as number 1702, under Specialized Prosecutor 6 of the National Human Rights Unit, and added that on July 25, 2006, the processing of evidence was ordered. On November 30, 2007, an investigation was ordered against an alleged perpetrator Con fecha 30 de noviembre de 2007 se ordenó el inicio de una investigación indagatoria en contra de un presunto autor (166). The State provided no information as to whether anyone has been prosecuted, convicted, or imprisoned for this murder. According to information provided by the Foundation for the Freedom of the Press, the investigation into the killing of José Duviel Vásquez is being handled by the Human Rights Unit of the Office of the Prosecutor General of the Nation (167).

165. Annual Report of the Office of the Special Rapporteur for Freedom of Expression 2001, Chapter II, p. 72; Committee to Protect Journalists: Journalists Killed: Statistics and Background, available at: [http://www.cpj.org/deadly/2001\\_list.html](http://www.cpj.org/deadly/2001_list.html).  
166. Communication from the State of Colombia received on September 12, 2006, and amplified on February 19, 2008.  
167. Communication from the Foundation for the Freedom of the Press received on January 29, 2007.

## Jorge Enrique Urbano Sánchez

Colombia - 7/8/2001

### Summary of facts

Jorge Enrique Urbano was a radio announcer and manager of Corporación Recrear, which was in charge of maintaining green zones, relocating street vendors, and evicting drug dealers. He was killed on July 8, 2001. According to the information available, Urbano had previously received death threats (168).

### Status of investigation

The State informed the Office of the Rapporteur that the case of Jorge Enrique Urbano was filed as number 47117, under the Buenaventura District Prosecutor, and that it is in the evidentiary phase (169). The State provided no information as to whether anyone has been prosecuted, convicted, or imprisoned for this murder.

168. Annual Report of the Office of the Special Rapporteur for Freedom of Expression 2001, Chapter II, p. 73; Committee to Protect Journalists: Journalists Killed: Statistics and Background, available at: [http://www.cpj.org/deadly/2001\\_list.html](http://www.cpj.org/deadly/2001_list.html).

169. Communication from the State of Colombia received on September 12, 2006.

## Eduardo Estrada Gutiérrez

Colombia - 7/16/2001

### Summary of facts

Eduardo Estrada Gutiérrez was a radio announcer and president of the San Pablo Association for Communication and Cultural Development. He was killed on July 16, 2001, in the city of San Pablo, department of Bolívar. At the time of the crime, Estrada was promoting the creation of a community radio station in the region (170).

### Status of investigation

The State indicated that the case of Eduardo Estrada Gutiérrez was filed as number 144, under the National Human Rights Unit, and added that it is in the evidentiary phase (171). The State provided no information as to whether anyone has been prosecuted, convicted, or imprisoned for this murder.

170. Committee to Protect Journalists: Journalists Killed: Statistics and Background, available at: [http://www.cpj.org/deadly/2001\\_list.html](http://www.cpj.org/deadly/2001_list.html); Reporters Without Borders: Annual Report 2002 on Colombia, available at: [http://www.rsf.org/article.php3?id\\_article=1383](http://www.rsf.org/article.php3?id_article=1383).

171. Communication from the State of Colombia received on September 12, 2006.

## Álvaro Alonso Escobar

Colombia - 12/23/2001

### Summary of facts

Álvaro Alonso Escobar was owner of the weekly *Región* and covered news about the municipalities of Fundación, Aracataca, El Retén, San Ángel, and Pivijai. He was killed on December 23, 2001 (172).

### Status of investigation

The State indicated that the case of Álvaro Alonso Escobar was filed as number 28474, under Specialized Prosecutor 2 of the Santa Marta District, and indicated that an inhibitory decision was adopted on September 30, 2003 (173). The State provided no information as to whether anyone has been prosecuted, convicted, or imprisoned for this murder.

172. Reporters Without Borders: Annual Report 2002 on Colombia, available at: [http://www.rsf.org/article.php3?id\\_article=1383](http://www.rsf.org/article.php3?id_article=1383); International Freedom of Expression eXchange: Colombia—Journalist Murdered; Violence against the Press Worsens, available at: <http://www.ifex.org/en/content/view/full/30095/?PHPSESSID>.

173. Communication from the State of Colombia received on September 12, 2006.

## Marco Antonio Ayala Cárdenas

Colombia - 1/23/2002

### Summary of facts

Marco Antonio Ayala Cárdenas was a photographer for the sports and social sections of the newspaper *El Caleño*. He was killed by multiple gunshots on January 23, 2002, at the entrance to the newspaper (174).

174. Committee to Protect Journalists: Journalists Killed: Statistics and Background, available at: [http://www.cpj.org/deadly/2002\\_list.html](http://www.cpj.org/deadly/2002_list.html); International Freedom of Expression eXchange: Otros dos periodistas asesinados, available at: <http://www.ifex.org/es/content/view/full/30288/>.

175. Communication from the State of Colombia received on September 12, 2006.

### Status of investigation

The State indicated that the case of Marco Antonio Ayala Cárdenas was filed as number 497509, under the Specialized Prosecutor of the Cali District, and added that an inhibitory decision was adopted on October 28, 2004 (175). The State provided no information as to whether anyone has been prosecuted, convicted, or imprisoned for this murder.

## José Orlando Sierra Hernández

Colombia - 2/1/2002

### Summary of facts

José Orlando Sierra Hernández was deputy director of the daily *La Patria* in Manizales. He was seriously injured when he was entering the newspaper's offices on January 30, 2002. Sierra died on February 1, 2002, in a hospital in Caldas. According to the information received, the journalist had devoted much of his work in journalism to investigating corruption cases (176).

### Status of investigation

The State indicated that the case of José Orlando Sierra Hernández was filed as number 1153, under Specialized Prosecutor 6 of the National Human Rights Unit. It added that on May 8, 2002, one of the accused accepted an "anticipated judgment (sentencia anticipada) and was sentenced to 19 years and 6 months in prison for aggravated homicide as a physical perpetrator. In addition, two individuals were placed in preventive detention without the possibility of release. As of February 19, 2008, the possible participation of some politicians in the Manizales region in the deed was apparently in the process of being verified (177). According to information provided by the Foundation for the Freedom of the Press (FLIP), in September 2006 the director of the Caldas Liberal Party, a former congressman, was called on to give testimony after being identified by witnesses as the mastermind of the murder. FLIP confirmed that there was a delay of more than three years in ordering that person to testify, which had hampered the investigation. It added that two of the three witnesses were murdered, as well as another nine individuals linked to the investigation, with no results to date in terms of investigating these homicides. FLIP reported that in May 2005, two persons were sentenced to 28 years and to 19 years and 6 months as the physical perpetrators of the crime (178).

176. Annual Report of the Office of the Special Rapporteur for Freedom of Expression 2002, Chapter II, p. 92; Reporters Without Borders: Americas, Press Release, February 4, 2002, available at: [http://www.rsf.org/article.php3?id\\_article=1363](http://www.rsf.org/article.php3?id_article=1363); Inter American Press Association: Consternación de la SIP por un nuevo crimen y ola de violencia contra periodistas colombianos, available in Spanish at: <http://www.abc.com.py/sipiapa/150702.html>.

177. Communication from the State of Colombia received on September 12, 2006, and amplified on February 19, 2008.

178. Communication from the Foundation for the Freedom of the Press received on January 29, 2007.

## Juan Carlos Gómez Díaz

Colombia - 4/1/2002

### Summary of facts

Juan Carlos Gómez was a journalist with the radio station *La Voz de Aguachica*. He was kidnapped on April 1, 2002, by a group of armed individuals. Two days later, his body was found in the waters of the Magdalena River in Aguachica, department of César (179).

### Status of investigation

The State indicated that the case of Juan Carlos Gómez was filed as number 143818, under Specialized Prosecutor 5 of the Valledupar District of the National Human Rights Unit, and said an inhibitory decision was adopted on March 3, 2003 (180). The State provided no information as to whether anyone had been prosecuted, convicted, or imprisoned for this murder.

179. Reporters Without Borders: Americas, Press Release, April 10, 2002, available at: [http://www.rsf.org/article.php3?id\\_article=1057](http://www.rsf.org/article.php3?id_article=1057).

180. Communication from the State of Colombia received on September 12, 2006.

## Héctor Sandoval Muñoz and Wálter López

Colombia - 4/12/2002

### Summary of facts

Héctor Sandoval and Wálter López were a cameraman and driver, respectively, for RCN Televisión. They were killed on April 12, 2002, when they were covering events related to the internal armed conflict (181).

### Status of investigation

The State indicated that the case of Héctor Sandoval and Wálter López was filed as number 1203, under the National Human Rights Unit. It explained that on January 16, 2006, it was decided to forward the case to Military Criminal Trial Court 26, based on a conflict of jurisdiction (182). The State provided no information as to whether anyone has been prosecuted, convicted, or imprisoned for this murder.

181. Annual Report of the Office of the Special Rapporteur for Freedom of Expression 2002, Chapter II, p. 93; Committee to Protect Journalists: Journalists Killed: Statistics and Background, available at: [http://www.cpj.org/deadly/2002\\_list.html](http://www.cpj.org/deadly/2002_list.html); International Freedom of Expression eXchange: TV News Crew Members Killed, available at: <http://www.ifex.org/en/content/view/full/30792>; Inter American Press Association, Press Release, July 20, 2002, in Spanish at: [http://www.sipiapa.org/espanol/latestnews\\_summitopen.cfm](http://www.sipiapa.org/espanol/latestnews_summitopen.cfm); Reporters Without Borders: Americas, Press Release, April 12, 2002, available in Spanish at: [http://www.rsf.org/article.php3?id\\_article=1103](http://www.rsf.org/article.php3?id_article=1103).

182. Communication from the State of Colombia received on September 12, 2006.

## Víctor Omar Acosta

Colombia - 5/14/2002

### Summary of facts

Víctor Omar Acosta was a freelance reporter for the newspapers El País and El Occidente. He was killed on May 14, 2002, in Yumbo, department of Valle del Cauca (183).

### Status of investigation

The State indicated that the case of Víctor Omar Acosta is filed as number 118913, under the Prosecutor of the Yumbo District, and is in the evidentiary phase (184). The State provided no information as to whether anyone has been prosecuted, convicted, or imprisoned for this murder.

183. International Freedom of Expression eXchange, Alert, May 21, 2002, available at: <http://www.ifex.org/en/content/view/full/16462>.

184. Communication from the State of Colombia received on September 12, 2006.

## Oscar Javier Hoyos Narváez

Colombia - 6/6/2002

### Summary of facts

Oscar Javier Hoyos Narváez was a correspondent for Radio Super. He was killed on June 6, 2002, when he was traveling in his car with his brother near Popayán, department of Cauca (185).

### Status of investigation

The State indicated that the case of Oscar Javier Hoyos Narváez was filed as number 52966, under Prosecutor's Office 01-033 in the Popayán District, and noted that an inhibitory decision was adopted on January 15, 2003 (186). The State provided no information as to whether anyone has been prosecuted, convicted, or imprisoned for this murder.

185. Committee to Protect Journalists: Journalists Killed: Statistics and Background, available at: [http://www.cpj.org/deadly/2002\\_list.html](http://www.cpj.org/deadly/2002_list.html); Justice for Colombia: Attacks Against Colombian Journalists, available at: <http://www.justiceforcolombia.org>.

186. Communication from the State of Colombia received on September 12, 2006.

## Rodrigo Alfonso Ahumada Lomanto

Colombia - 6/21/2002

### Summary of facts

Rodrigo Alfonso Ahumada Lomanto was co-owner of the radio station Galeón. He was killed on June 21, 2002, in the city of Santa Marta, department of Magdalena. According to the information received, Ahumada was riding in a vehicle belonging to the radio station when the gunman got into the car and shot him (187).

187. International Freedom of Expression eXchange, Alert, June 25, 2002, available at: <http://www.ifex.org/en/content/view/full/16753>.

188. Communication from the State of Colombia received on September 12, 2006.

### Status of investigation

The State indicated that the case of Rodrigo Alfonso Ahumada Lomanto was filed as number 31486, under Prosecutor 5 of the Santa Marta District, and said that an inhibitory decision was adopted on October 14, 2003 (188). The State provided no information as to whether anyone has been prosecuted, convicted, or imprisoned for this murder.

## Efraín Varela Noriega

Colombia - 6/28/2002

### Summary of facts

Efraín Varela Noriega was the owner of Radio Meridano-70. He was killed on June 28, 2002. According to the information received, several individuals forced the journalist to get out of his vehicle, which had the Radio Meridano-70 logo on it, and then shot him in the face and the chest. Varela's professional activities had made him the subject of frequent threats (189).

189. Annual Report of the Office of the Special Rapporteur for Freedom of Expression 2002, Chapter II, p. 93; Committee to Protect Journalists: Journalists Killed: Statistics and Background, available at: [http://www.cpj.org/deadly/2002\\_list.html](http://www.cpj.org/deadly/2002_list.html); Inter American Press Association: Consternación de la SIP por un nuevo crimen y ola de violencia contra periodistas colombianos, available in Spanish at: <http://www.abc.com.py/sipiapa/150702.html>.

190. Communication from the State of Colombia received on September 12, 2006, and amplified on February 19, 2008.

### Status of investigation

The State indicated that the case of Efraín Varela Noriega was filed as number 1392, under Specialized Prosecutor 3 of the National Human Rights Unit. It indicates that the case was forwarded to the Specialized Court of Arauca, where one person was convicted for acting in concert to commit a crime and for aggravated homicide, and sentenced to 13 years and 5 months in prison (190).

## Mario Prada Díaz

Colombia - 7/12/2002

### Summary of facts

Mario Prada Díaz worked for the newspaper Horizonte del Magdalena Medio. On July 11, 2002, he was kidnapped from his home in the city of Sabana de Torres. The next morning, his bullet-ridden body was found near his house. Horizonte del Magdalena Medio covers issues related to cultural, social, and community development. One week before the crime, it had published stories about financial irregularities in the administration of Sabana de Torres (191).

191. Annual Report of the Office of the Special Rapporteur for Freedom of Expression 2002, Chapter II, p. 94; Institute for Press and Society, Press Release, July 12, 2002, available at: <http://www.ifex.org/es/content/view/full/31460/?PHPSESSID=>; Reporters Without Borders: Americas, Press Release, July 15, 2002, available at: [http://www.rsf.org/article.php3?id\\_article=2942](http://www.rsf.org/article.php3?id_article=2942).

192. Communication from the State of Colombia received on September 12, 2006.

### Status of investigation

The State indicated that the case of Mario Prada Díaz was filed as number 168689 in the Barrancabermeja District, and was suspended on June 25, 2003 (192). The State provided no information as to whether anyone has been prosecuted, convicted, or imprisoned for this murder.

## Elizabeth Obando Murcia

Colombia - 7/13/2002

### Summary of facts

Elizabeth Obando worked for El Nuevo Día. She was killed on July 13, 2002, when unidentified persons intercepted the bus in which she was traveling and shot her several times. According to the information received, Obando had been threatened by a leader of the FARC after publishing an article denouncing the group (193).

### Status of investigation

The State indicated that the case of Elizabeth Obando was filed as number 92809, under Specialized Prosecutor 6 of the Ibagué District, and added that an indictment was filed in the case on August 11, 2004 (194). The State did not indicate the names of those being prosecuted and provided no information as to whether anyone has been imprisoned for this homicide. According to information released by the IAPA in March 2006, a preventive detention order was issued against an alleged mastermind of the murder, and an order was issued for his arrest (195).

193. Annual Report of the Office of the Special Rapporteur for Freedom of Expression 2002, Chapter II, p. 94; Foundation for the Freedom of the Press, Press Release, July 13, 2002, available in Spanish at: <http://www.flip.org.co/veralerta.php?idAlerta=49>; Reporters Without Borders: Annual Report 2003 on Colombia, available at: [http://www.rsf.org/article.php3?id\\_article=6191](http://www.rsf.org/article.php3?id_article=6191).

194. Communication from the State of Colombia received on September 12, 2006.

195. Inter American Press Association. Impunity Project: Elizabeth Obando Murcia Case, available at: <http://www.impunidad.com/index.php?showreporte=14&pub=103&idioma=us>.

## Dennis Segundo Sánchez

Colombia - 7/17/2002

### Summary of facts

Dennis Segundo Sánchez was a journalist with the radio station 95.5 Estéreo. He was killed on July 17, 2002, in El Carmen de Bolívar. According to the information received, Sánchez was in his house with his wife when someone shot him four times. Dennis Segundo Sánchez hosted a program focusing on the municipality's public health policies (196).

### Status of investigation

The State indicated that the case of Dennis Segundo Sánchez was filed as number 1482241, under Prosecutor 43 of the Cartago District, and noted that an inhibitory decision was adopted on May 11, 2004 (197).

196. Reporters Without Borders: Americas, Press Release, July 18, 2002, available at: [http://www.rsf.org/article.php3?id\\_article=3003](http://www.rsf.org/article.php3?id_article=3003); International Freedom of Expression eXchange, Press Release, July 23, 2002, available at: <http://www.ifex.org/en/content/view/full/31474>.

197. Communication from the State of Colombia received on September 12, 2006.

## Américo Viafara Valencia

Colombia - 9/16/2002

### Summary of facts

Américo Viafara Valencia was a producer for the television station Telepacífico. He was killed by unidentified persons on September 16, 2002, when he was driving his car in the city of Cali, department of Valle del Cauca (198).

### Status of investigation

The State indicated that the case of Américo Viafara Valencia was filed as number 513127 in the Cali District, in the evidentiary phase (199). The State provided no information as to whether anyone has been prosecuted, convicted, or imprisoned for this murder.

198. International Federation of Journalists, Press Release, September 30, 2002, available in Spanish at: <http://www.ifj.org/default.asp?index=387&Language=ES>.

199. Communication from the State of Colombia received on September 12, 2006.

## Gimble Perdomo Zamora

Colombia - 12/1/2002

### Summary of facts

Gimble Perdomo Zamora was director of Panorama Estéreo and hosted two programs on that radio station. He was killed on December 1, 2002, by three individuals (200).

### Status of investigation

The State indicated that the case of Gimble Perdomo Zamora was filed as number 9063, under Prosecutor's Office 22 of the Garzón District, and indicated that an inhibitory decision was adopted on October 23, 2003 (201). The State provided no information as to whether anyone has been prosecuted, convicted, or imprisoned for this murder.

200. Committee to Protect Journalists: Journalists Killed: Statistics and Background, available at: [http://www.cpj.org/deadly/2002\\_list.html](http://www.cpj.org/deadly/2002_list.html); Reporters Without Borders: Americas, Press Release, December 3, 2002, available at: [http://www.rsf.org/article.php3?id\\_article=4444](http://www.rsf.org/article.php3?id_article=4444).

201. Communication from the State of Colombia received on September 12, 2006.

## Oscar Salazar Jaramillo

Colombia - 3/10/2003

### Summary of facts

Oscar Salazar Jaramillo was owner of the radio station Sevilla. On March 10, 2003, his body was found in his apartment in the city of Sevilla, department of Cauca, with several wounds to the thorax and abdomen. Salazar hosted a talk show that covered politics, sports, and news of community interest. According to the information received, months before the crime the journalist had denounced various local politicians for failing to fulfill promises they had made during election campaigns (202).

### Status of investigation

The State indicated that the case of Oscar Salazar Jaramillo was filed as number 604769, under Prosecutor 32 of the Cali District, in the evidentiary phase (203). The State provided no information as to whether anyone has been prosecuted, convicted, or imprisoned for this murder.

202. Committee to Protect Journalists: Journalists Killed: Statistics and Background, available at: [http://www.cpj.org/deadly/2003\\_list.html](http://www.cpj.org/deadly/2003_list.html); Reporters Without Borders: Americas, Press Release, March 13, 2003, available at: [http://www.rsf.org/article.php3?id\\_article=5110](http://www.rsf.org/article.php3?id_article=5110).

203. Communication from the State of Colombia received on September 12, 2006.

## Luis Eduardo Alfonso Parada

Colombia - 3/18/2003

### Summary of facts

Luis Eduardo Alfonso Parada was a journalist with the Meridiano 70 broadcasting station. He was killed on March 18, 2003. According to the information received, since October 2002 the journalist had reported on armed conflicts in the department of Arauca for the newspaper El Tiempo (204).

### Status of investigation

The State indicated that the case of Luis Eduardo Alfonso Parada was filed as number 1659, under the National Human Rights Unit's Specialized Office of the Prosecutor of Cúcuta, which opened an investigation on August 3, 2006, against members of the Bloque Vencedores of the AUC, issuing arrest warrants. The case is in the summary phase (205). The Foundation for the Freedom of the Press corroborated the State's information regarding the investigation into the murder of Luis Eduardo Alfonso Parada, indicating that it is being handled by the National Human Rights Unit as case file number 1659 (206).

204. Annual Report of the Office of the Special Rapporteur for Freedom of Expression 2003, Chapter II, p. 101; Committee to Protect Journalists: Journalists Killed: Statistics and Background, available at [http://www.cpj.org/deadly/2003\\_list.html](http://www.cpj.org/deadly/2003_list.html); Press Release, Office of the Special Rapporteur for Freedom of Expression 71/03, available at: <http://www.cidh.oas.org/relatoria/showarticle.asp?artID=92&IID=1>; Reporters Without Borders: Americas, Press Release, March 18, 2003, available at: <http://www.ifex.org/en/content/view/full/33879>.

205. Communication from the State of Colombia received on September 12, 2006, and amplified on February 19, 2008.

206. Communication from the Foundation for the Freedom of the Press received on January 29, 2007.

## Agustín de Jesús Restrepo Vera

Colombia - 3/22/2003

### Summary of facts

Agustín de Jesús Restrepo was a reporter for the radio station Fantasía Estéreo. He was killed on March 22, 2003, in the city of Palestina, department of Caldas (207).

207. Inter American Press Association: Report of IAPA Rapid Response Unit, Colombia, March 2004, available in Spanish at: <http://209.85.165.104/search?q=cache:wAEZ5R5Nd0MJ:www.impunidad.com/achievements/colombia10anos.pdf+Informe+Unidad+de+Respuesta+Rapida-SIP+Colombia+Marzo-2004&hl=es&ct=clnk&cd=1&gl=cl>.

208. Communication from the State of Colombia received on September 12, 2006.

### Status of investigation

The State indicated that the case of Agustín de Jesús Restrepo was filed as number 96346, under Prosecutor 2 of the Manizales District, and noted that it is currently in the evidentiary phase (208). The State provided no information as to whether anyone has been prosecuted, convicted, or imprisoned for this murder.

## José Emeterio Rivas

Colombia - 4/6/2003

### Summary of facts

José Emeterio Rivas was a radio journalist with Calor Estéreo. His body was found on April 6, 2003, next to the body of a student, at the side of the road that leads to the city of Barrancabermeja, department of Santander. According to the information received, Rivas had reportedly received threats and in January 2001 had sought refuge through the protection program for journalists offered by the Ministries of the Interior and Justice. The week of his death, Rivas had dispensed with his security escort. He was host of the program "Fuerzas Vivas," in which he would often criticize the municipal administration for acts of corruption and for its collaboration with members of paramilitary groups (209).

209. Annual Report of the Office of the Special Rapporteur for Freedom of Expression 2003, Chapter II, p. 101; Committee to Protect Journalists: Journalists Killed: Statistics and Background, available at [http://www.cpj.org/deadly/2003\\_list.html](http://www.cpj.org/deadly/2003_list.html).

210. Communication from the State of Colombia received on September 12, 2006, and amplified on February 19, 2008.

### Status of investigation

The State indicated that the case of José Emeterio Rivas was filed as number 1684, under Specialized Prosecutor 2 of the National Human Rights Unit. It stated that an indictment was filed on April 27, 2006, against three individuals, and on September 14, 2007, against two others, noting that preventive detention orders had been issued in the case. The State informed the Office of the Rapporteur that on November 7, 2007, the case was forwarded to the Specialized Criminal Circuit Court of Bucaramanga, where a preparatory hearing was scheduled for March 19, 2008 (210).

## Guillermo Bravo Vega

Colombia - 4/28/2003

### Summary of facts

Guillermo Bravo Vega was a journalist with the radio station Alpevisión. He was killed in the city of Neiva, department of Huila, on April 28, 2003, when someone broke into his house at night and shot him three times. Weeks earlier, the journalist had received threats. Bravo was known for his work in the economic and political field, and he had accused the municipal and departmental governments of acts of corruption (211).

211. Annual Report of the Office of the Special Rapporteur for Freedom of Expression 2003, Chapter II, p. 101; Committee to Protect Journalists: Journalists Killed: Statistics and Background, available at [http://www.cpj.org/deadly/2003\\_list.html](http://www.cpj.org/deadly/2003_list.html); Reporters Without Borders: Americas, Press Release, April 28, 2003, available at: [http://www.rsf.org/killed\\_2003.php3?id\\_article=6663](http://www.rsf.org/killed_2003.php3?id_article=6663).

212. Communication from the State of Colombia received on September 12, 2006.

### Status of investigation

The State indicated that the case of Guillermo Bravo Vega was filed as number 1694, under Specialized Prosecutor 18 of the National Human Rights Unit, and noted that it is in the evidentiary phase (212). The State provided no information as to whether anyone has been prosecuted, convicted, or imprisoned for this murder.

## Jaime Rengifo Revero

Colombia - 4/29/2003

### Summary of facts

Jaime Rengifo Revero was a host of Olímpica Radio. He was killed on April 29, 2003. According to the information received, Rengifo had previously received threats. On his program "Periodistas en acción," Revero often criticized public security forces; crime in the city of Maicao, department of La Guajira; and local politicians for acts of corruption (213).

213. Annual Report of the Special Rapporteur for Freedom of Expression 2003, Chapter II, p. 101; Committee to Protect Journalists: Journalists Killed: Statistics and Background, available at: [http://www.cpj.org/deadly/2003\\_list.html](http://www.cpj.org/deadly/2003_list.html).

214. Communication from the State of Colombia received on September 12, 2006.

### Status of investigation

The State indicated that the case of Jaime Rengifo Revero was filed as number 1691, under the National Human Rights Unit, and that it is in the evidentiary phase (214). The State provided no information as to whether anyone has been prosecuted, convicted, or imprisoned for this murder.

## Juan Carlos Benavides Arévalo

Colombia - 8/22/2003

### Summary of facts

Juan Carlos Benavides Arévalo was a radio presenter for the station Manantial Estéreo. He was killed on August 22, 2002, by members of the FARC at a checkpoint near the city of Puerto Caicedo (215).

215. Committee to Protect Journalists: Journalists Killed: Statistics and Background, available at [http://www.cpj.org/deadly/2003\\_list.html](http://www.cpj.org/deadly/2003_list.html); Reporters Without Borders: Rebels Suspected as One Journalist Killed, One Injured, August 26, 2003, available at: <http://www.ifex.org/alerts/content/view/full/53221/?PHPSESSID>.

216. Communication from the State of Colombia received on September 12, 2006.

### Status of investigation

The State indicated that the case of Juan Carlos Benavides Arévalo was filed as number 2055, under Prosecutor 43 of the Mocoa District, and indicated that an inhibitory decision was adopted on February 16, 2004 (216). The State provided no information as to whether anyone has been prosecuted, convicted, or imprisoned for this murder.

## Zully Esther Codina Pérez

Colombia - 11/11/2003

### Summary of facts

Zully Esther Codina Pérez hosted the radio program "Entérese," aired by Rodadero Modelar. She was killed by two gunmen on November 11, 2003, when she was leaving her house in Santa Marta, department of Magdalena (217).

217. International Press Institute: IPI Death Watch 2003, available at: <http://www.freemedia.at/cms/ipi/deathwatch.html?year=2003>.

218. Communication from the State of Colombia received on September 12, 2006.

### Status of investigation

The State informed the Office of the Rapporteur that the case of Zully Esther Codina Pérez was filed as number 403 (1828), under the National Human Rights Unit, and that it is in the evidentiary phase (218). The State provided no information as to whether anyone has been prosecuted, convicted, or imprisoned for this murder.

## William Soto Cheng

Colombia - 12/18/2003

### Summary of facts

William Soto Cheng hosted the program "Litoral Pacífico" on the television station Telemar. He was killed by two gunmen on December 18, 2003, in the city of Buenaventura, department of Valle del Cauca (219).

### Status of investigation

The State indicated that the case of William Soto Cheng is filed as number 98379, under Specialized Prosecutor 5 of the Bucaramanga District, and said an indictment had been filed on June 25, 2004 (220). The State provided no information as to whether anyone had been prosecuted, convicted, or imprisoned for this murder.

219. Committee to Protect Journalists: Journalists Killed: Statistics and Background, available at [http://www.cpj.org/deadly/2003\\_list.html](http://www.cpj.org/deadly/2003_list.html); Reporters Without Borders, Press Release, December 22, 2003, available at: [http://www.rsf.org/article.php3?id\\_article=8847](http://www.rsf.org/article.php3?id_article=8847); International Freedom of Expression eXchange, Alert, December 19, 2003, available at: <http://www.ifex.org/en/content/view/full/55726>.  
220. Communication from the State of Colombia received on September 12, 2006.

## Oscar Alberto Polanco Herrera

Colombia - 1/4/2004

### Summary of facts

Oscar Alberto Polanco Herrera was director of the news station CNC Noticias, where he hosted a daily show. He was killed on January 4, 2004, in the city of Cartago, department of Cauca (221).

### Status of investigation

The State indicated that the case of Oscar Alberto Polanco Herrera was filed as number 3147, under Specialized Prosecutor 22 of the National Human Rights Unit (222). The State provided no information as to whether anyone has been prosecuted, convicted, or imprisoned for this murder.

221. Committee to Protect Journalists: Journalists Killed: Statistics and Background, available at: [http://www.cpj.org/deadly/2004\\_list.html](http://www.cpj.org/deadly/2004_list.html); International Freedom of Expression eXchange, Alert, February 5, 2004, available at: <http://www.ifex.org/en/content/view/full/56599>; Reporters Without Borders, Americas, Press Release, February 6, 2004, available at: [http://www.rsf.org/article.php3?id\\_article=9202](http://www.rsf.org/article.php3?id_article=9202); Inter American Press Association, Midyear Meeting Report, March 12-15, 2004, available at: [http://www.sipiapa.org/pulications/report\\_colombia2004m.cfm](http://www.sipiapa.org/pulications/report_colombia2004m.cfm).  
222. Communication from the State of Colombia received on September 12, 2006.

## Martín La Rotta Duarte

Colombia - 2/7/2004

### Summary of facts

Martín La Rotta Duarte was director of the radio station La Palma Estéreo. He was killed on February 7, 2004, in the city of San Alberto, department of César. According to the information received, La Rotta had refused to continue paying a monthly extortion fee to paramilitaries operating in the region (223).

### Status of investigation

The State indicated that the case of Martín La Rotta Duarte was filed as number 2315, under the Bucaramanga Specialized Prosecutor of the National Human Rights Unit. It also noted that on November 22, 2007, a preventive detention order was issued against an individual and that the case is in its summary phase (224). According to information published on May 25, 2007, by the Inter American Press Association, on May 18, 2007, paramilitary leader Juan Francisco Prada Márquez confessed to prosecutors from the Justice and Peace Commission that he had ordered the killing of Martín La Rotta Duarte because of the journalist's opposition to the United Self-Defense Forces of Colombia (225).

223. Foundation for the Freedom of the Press: Diagnóstico de la Libertad de Prensa en Colombia, February 2004, available in Spanish at: [http://www.flip.org.co/secciones/informes/2004/04\\_febrero.html](http://www.flip.org.co/secciones/informes/2004/04_febrero.html); International Freedom of Expression eXchange, Alert, May 30, 2005, available at: <http://www.ifex.org/en/content/view/full/66993>.  
224. Communication from the State of Colombia received on September 12, 2006, and amplified on February 19, 2008.  
225. Inter American Press Association. Impunity Project: Martín la Rotta Case, available at: <http://www.impunidad.com/index.php?showreporte=25&pub=56&idioma=us>.

## John Henry Pava Solarte

Colombia - 10/2/2004

### Summary of facts

John Henry Pava Solarte was director of the radio station Super Estación. He was killed on October 2, 2004, in the city of Yumbo, department of Valle del Cauca (226).

226. Inter American Press Association, Report of the 60th General Assembly, October 22-26, 2004, available at: [http://www.sipiapa.org/pulications/report\\_colombia2004o.cfm](http://www.sipiapa.org/pulications/report_colombia2004o.cfm).

227. Communication from the State of Colombia received on September 12, 2006.

### Status of investigation

The State indicated that the case of John Henry Pava Solarte was filed as number 689876, under Prosecutor 157, Cali District, and said that an inhibitory decision was issued on June 20, 2006 (227). The State provided no information as to whether anyone has been prosecuted, convicted, or imprisoned for this murder.

## Julio Hernando Palacios Sánchez

Colombia - 1/11/2005

### Summary of facts

Julio Hernando Palacios Sánchez worked as a journalist in the city of Cúcuta. He was killed on January 11, 2005, by two gunmen who shot him and fled on a motorcycle. According to information available, the journalist had been receiving threats since October 2004, and in 1995 had been the victim of a homicide attempt when a grenade was thrown at his office (228).

228. Committee to Protect Journalists: Journalists Killed: Statistics and Background, available at: [http://www.cpj.org/deadly/2005\\_list.html](http://www.cpj.org/deadly/2005_list.html); International Freedom of Expression eXchange: Periodista radiofónico baleado; amenazan a otro, available in Spanish at: <http://www.ifex.org/es/content/view/full/63916/?PHPSESSID=> Foundation for the Freedom of the Press, Press Release, January 11, 2005, available in Spanish at: <http://www.flip.org.co/veralerta.php?idAlerta=143>; Inter American Press Association, Press Release, January 11, 2005, available at: <http://www.sipiapa.com/pressreleases/srchphrasedetail.cfm?PressReleaseID=1287>.

229. Communication from the State of Colombia received on September 12, 2006.

### Status of investigation

The State indicated that the case of Julio Hernando Palacios Sánchez was filed as number 2103, under the Cúcuta Specialized Prosecutor of the National Human Rights Unit, and added that it is in the evidentiary phase (229). The State provided no information as to whether anyone has been prosecuted, convicted, or imprisoned for this murder.

## Guillermo Cabrera Medina

Colombia - 9/4/2005

### Summary of facts

Guillermo Cabrera Medina was a radio director and president of the Association of Journalists of Valle del Cauca. He was killed by unknown individuals on September 4, 2005, in the city of Cali, department of Valle del Cauca (230).

230. International Freedom of Expression eXchange: Fear Grips Media in Valle del Cauca, available at: <http://www.ifex.org/en/content/view/full/69204>.

231. Communication from the State of Colombia received on September 12, 2006.

### Status of investigation

The State indicated that the case of Guillermo Cabrera Medina was filed as number 773653, under Prosecutor 26, Cali District, and that on November 30, 2005, a preclusion order was issued in the investigation (231). The State provided no information as to whether anyone had been prosecuted, convicted, or imprisoned for this murder.

## Parmenio Medina Pérez

Costa Rica - 7/7/2001

### Summary of facts

Parmenio Medina Pérez hosted the program “La Patada” on Radio Monumental. He was killed on July 7, 2001, near his residence, a few kilometers from San José. The journalist often denounced corruption on the part of local public agents. A month before the crime, Medina Pérez gave up the police protection that had been provided for him when unknown persons fired at his house (232).

232. Committee to Protect Journalists: Journalists Killed: Statistics and Background, available at: [http://www.cpj.org/deadly/2001\\_list.html](http://www.cpj.org/deadly/2001_list.html); Inter American Press Association, Impunity Project: Parmenio Medina Pérez Case, available at: <http://www.impunidad.com/index.php?showreporte=55&pub=148&idioma=us>.

233. Communication from the State of Costa Rica received on March 14, 2007, and amplified on January 15, 2008. See also Inter American Press Association, Press Release, December 21, 2007, available in Spanish at: <http://www.sipiapa.org/espanol/pressreleases/chronologicaldetail.cfm?PressReleaseID=2051>.

### Status of investigation

The State had initially informed the Office of the Rapporteur that the criminal action for the murder of Parmenio Medina Pérez was in the trial stage, and added that the case had been very complex because of the large number of witnesses offered by the Office of the Prosecutor and by the defense, and also because of the large quantity of documentary evidence. It also indicated that the murder of Parmenio Medina Pérez appeared to be related to his work as a journalist. The State indicated that nine persons were being prosecuted, five of whom were in preventive detention. However, in its latest communication, on January 15, 2008, the State indicated that in December 2007 two individuals were convicted for the crime; one for criminal fraud, based on information the murdered journalist had denounced before his death.; and six others were acquitted. The Inter American Press Association provided the same information in its press release of December 21, 2007, in which it also said that those convicted appealed their sentences (233).

## Julio Augusto García Romero

Ecuador - 4/19/2005

### Summary of facts

Chilean photographer Julio Augusto García Romero had lived in Ecuador for 20 years, where he worked for the news agency La Bocina and for the weekly Punto de Vista. He died on April 19, 2005, purportedly after inhaling a large quantity of tear gas while he was covering a protest against Ecuador's then-President (234).

234. Committee to Protect Journalists: Journalists Killed: Statistics and Background, available at: [http://www.cpj.org/deadly/2005\\_list.html](http://www.cpj.org/deadly/2005_list.html); Global Journalist Magazine: IPI Death Watch, available at: <http://www.globaljournalist.org/magazine/2005-2/ipi-death-watch.html>.

235. Communication from the State of Ecuador received on February 26, 2007.

### Status of investigation

The State indicated that on April 20, 2005, a preliminary investigation was begun in the case of Julio Augusto García Romero. The investigation has yielded different accounts from various individuals, including police and military authorities who were in charge of the forces deployed in the demonstrations. The State indicated that it was not possible to provide further details on the investigation, under the terms of Article 215 of Ecuador's Criminal Procedures Code (235).

## Lorena Saravia

El Salvador - 8/25/1997

### Summary of facts

Lorena Saravia worked for the radio station RCS. She was kidnapped on August 25, 1997. Her body was found with a bullet to the head, and her automobile was found a week later in Santa Ana, 50 kilometers from San Salvador. RCS broadcast programs presented by former members of the armed forces and the guerrillas (236).

236. Committee to Protect Journalists: Journalists Killed: Statistics and Background, available at: [http://www.cpj.org/deadly/1997\\_list.html](http://www.cpj.org/deadly/1997_list.html); Reporters Without Borders: Annual Report 2002 on El Salvador, available at: [http://www.rsf.org/article.php3?id\\_article=1399](http://www.rsf.org/article.php3?id_article=1399).

237. Communication from the State of El Salvador received on September 27, 2006.

### Status of investigation

The State informed the Office of the Rapporteur that the case of Lorena Saravia was filed as criminal cause 136-97 and passed to the jurisdiction of the First Criminal Court of Santa Tecla. The State indicated that although the preventive detention of 12 individuals was ordered at one time, none of them was convicted, based on a lack of evidence. The State added that the investigation may continue if new evidence surfaces (237).

### Summary of facts

Roberts Stevens was a photo editor at the tabloid newspaper The Sun. He died on October 5, 2001, apparently from inhaling anthrax, in Boca Raton, Florida (238).

## Robert Stevens

**United States - 10/5/2001**

### Status of investigation

The State indicated that the case of Robert Stevens is in the investigation stage and that nobody has been prosecuted or convicted for the murder. It also reported that it has not yet been possible to determine whether the crime was related to Robert Stevens's work as a journalist (239).

238. Committee to Protect Journalists: Journalists Killed: Statistics and Background, available at: [http://www.cpj.org/deadly/2001\\_list.html](http://www.cpj.org/deadly/2001_list.html).  
239. Communication from the United States of America received on April 13, 2007.

### Summary of facts

Alberto Antoniotti Monge worked as a columnist for the daily El Gráfico and as a news correspondent for prosecutor-general Cuestas Gómez, who was investigating acts of corruption and other illegal activities in the military. He was killed by five individuals on November 29, 1995, in front of his house in Guatemala City (240).

## Alberto Antoniotti Monge

**Guatemala - 11/29/1995**

### Status of investigation

The State provided no information as to whether anyone has been prosecuted, convicted, or imprisoned for the murder of Alberto Antoniotti Monge.

240. Committee to Protect Journalists: Journalists Killed: Statistics and Background, available at: [http://www.cpj.org/deadly/1995\\_list.html](http://www.cpj.org/deadly/1995_list.html).

### Summary of facts

Jorge Luis Marroquín Sagastume was founder and director of the newspaper Sol Chortí. He was killed on June 5, 1997, by two gunmen in the city of Jocotán (241).

## Jorge Luis Marroquín Sagastume

**Guatemala - 6/5/1997**

### Status of investigation

The State provided no information as to whether anyone has been prosecuted, convicted, or imprisoned for the murder of Jorge Luis Marroquín Sagastume.

241. Committee to Protect Journalists: Journalists Killed: Statistics and Background, available at: [http://www.cpj.org/deadly/1997\\_list.html](http://www.cpj.org/deadly/1997_list.html); Reporters Without Borders: Annual Report 1999 on Guatemala, available at: <http://www.rsf.org/rsf/esp/rap2000/guatemala.html>.

## Luis Ronaldo de León Godoy

Guatemala - 11/14/1997

### Summary of facts

Luis Ronaldo de León Godoy was a journalist with the daily Prensa Libre. He was killed on November 14, 1997, when he was leaving his house in Guatemala City (242).

242. Committee to Protect Journalists: Journalists Killed: Statistics and Background, available at: [http://www.cpj.org/deadly/1997\\_list.html](http://www.cpj.org/deadly/1997_list.html); International Freedom of Expression eXchange, Alert, November 19, 1997, available at: <http://www.ifex.org/es/content/view/full/5742/?PHPSESSID=daa546fd01eeb8502bd65a0a1972afc0>.

### Status of investigation

The State provided no information as to whether anyone has been prosecuted, convicted, or imprisoned for the murder of Luis Ronaldo de León Godoy.

## Norman Homero Hernández Pérez

Guatemala - 7/16/1997

### Summary of facts

Norman Homero Hernández Pérez was a journalist with Radio Campesina. He was killed on July 16, 1997, when he was arriving to work (243).

243. Committee to Protect Journalists: Journalists Killed: Statistics and Background, available at: [http://www.cpj.org/deadly/1997\\_list.html](http://www.cpj.org/deadly/1997_list.html); International Press Institute: IPI Death Watch 1997, available at: <http://service.cms.apa.at/cms/ipi/deathwatch.html?year=1997>.

### Status of investigation

The State provided no information as to whether anyone has been prosecuted, convicted, or imprisoned for the murder of Norman Homero Hernández Pérez.

## Francisco Antonio Castillo Gálvez

Guatemala - 6/24/1998

### Summary of facts

Francisco Antonio Castillo Gálvez was technical editor at the TV news channel Avances. He was killed on June 24, 1998, as he was leaving his residence in the city of San Cristóbal. According to the authorities investigating the crime, the victim was hit by three bullets purportedly fired by members of a gang of car thieves (244).

244. International Freedom of Expression eXchange, Alert, June 25, 1998, available at: <http://www.ifex.org/en/content/view/full/6517/?PHPSESSID> and International Press Institute: World Press Freedom Review 1998—Guatemala, available at: [http://www.freemedia.at/cms/ipi/freedom\\_detail.html?country=KW0001/KW0002/KW0022/&year=1998](http://www.freemedia.at/cms/ipi/freedom_detail.html?country=KW0001/KW0002/KW0022/&year=1998).

### Status of investigation

The State provided no information as to whether anyone has been prosecuted, convicted, or imprisoned for the murder of Francisco Antonio Castillo Gálvez.

## Larry Lee

Guatemala - 12/28/1999

### Summary of facts

Larry Lee was a correspondent for the BridgeNews wire service. He was found dead in his apartment on December 28, 1999, with stab wounds to the throat and back (245).

245. Committee to Protect Journalists: Journalists Killed: Statistics and Background, available at: [http://www.cpj.org/deadly/1999\\_list.html](http://www.cpj.org/deadly/1999_list.html).  
246. Inter American Press Association. Impunity Project: Larry Lee Case, available at: <http://www.impunidad.com/index.php?showreporte=56&idioma=us>.

### Status of investigation

The State provided no information as to whether anyone had been prosecuted, convicted, or imprisoned for the murder of Larry Lee. According to information issued in July 2000 by the Inter American Press Association, the investigation into Lee's murder was not conducted diligently, and steps were omitted in the evidentiary process (246).

## Roberto Martínez

Guatemala - 4/27/2000

### Summary of facts

Roberto Martínez was a photographer for the daily Prensa Libre. He was killed on April 27, 2000, while he was covering a protest against an increase in bus fares in Guatemala City (247).

### Status of investigation

The State provided no information as to whether anyone has been prosecuted, convicted, or imprisoned for the murder of Roberto Martínez.

247. Annual Report of the Office of the Special Rapporteur for Freedom of Expression 2000, Chapter IV, p. 122; Committee to Protect Journalists: Journalists Killed: Statistics and Background, available at: [http://www.cpj.org/deadly/2000\\_list.html](http://www.cpj.org/deadly/2000_list.html).

## Jorge Mynor Alegría Armendáriz

Guatemala - 9/5/2001

### Summary of facts

Jorge Mynor Alegría Armendáriz hosted the program "Línea Directa" on the radio station Amatique. He died after being hit by six gunshots outside his house, on September 5, 2001. Armendáriz often denounced acts of corruption and criticized the local government. According to the information received, the journalist had received death threats on other occasions (248).

### Status of investigation

The State provided no information as to whether anyone has been prosecuted, convicted, or imprisoned for the murder of Jorge Mynor Alegría Armendáriz.

248. Annual Report of the Office of the Special Rapporteur for Freedom of Expression 2001, Chapter II, p. 74; Committee to Protect Journalists: Journalists Killed: Statistics and Background, available at: [http://www.cpj.org/deadly/2001\\_list.html](http://www.cpj.org/deadly/2001_list.html).

## Héctor Ramírez

Guatemala - 7/24/2003

### Summary of facts

Héctor Ramírez was a journalist with the television station Noti7 and the radio station Sonora. He died on July 24, 2003, after being attacked by several individuals during a protest in Guatemala City (249).

### Status of investigation

The State provided no information as to whether anyone has been prosecuted, convicted, or imprisoned for the murder of Héctor Ramírez.

249. Committee to Protect Journalists: Journalists Killed: Statistics and Background, available at: [http://www.cpj.org/deadly/2003\\_list.html](http://www.cpj.org/deadly/2003_list.html); Inter American Press Association, Press Release, July 25, 2003, available at: <http://www.sipiapa.org/espanol/pressreleases/chronologicaldetail.cfm?PressReleaseID=983>.

## Jean Léopold Dominique

Haití - 4/3/2000

### Summary of facts

Jean Léopold Dominique was director and owner of the radio station Haïti Inter. He was killed on April 3, 2000, at the radio station's offices. Léopold was known for criticizing sympathizers of former President Duvalier as well as members of the armed forces (250).

### Status of investigation

The State provided no information as to whether anyone has been prosecuted, convicted, or imprisoned for the murder of Jean Léopold Dominique. According to information provided in March 2003 by the Inter American Press Association, the judge in the case charged six individuals as alleged perpetrators; however, three of them fled and three were released in August of that same year, when a new investigation was also ordered. In March 2004, two individuals were arrested and implicated in the crime (251).

250. Annual Report of the Office of the Special Rapporteur for Freedom of Expression 2000, Chapter IV, p. 121; Impunity Project: Case of Jean Leopold Dominique, published in January 2001, available at: <http://www.impunidad.com/index.php?showreporte=60&idioma=us>; International Press Institute: 2000 World Press Freedom Review, available at: [http://www.freemedia.at/cms/ipi/freedom\\_detail.html?country=KW0001/KW0202/KW0040/&year=2000](http://www.freemedia.at/cms/ipi/freedom_detail.html?country=KW0001/KW0202/KW0040/&year=2000).

251. Inter American Press Association. Impunity Project: Case of Jean Leopold Dominique, published in January 2001, available at: <http://www.impunidad.com/index.php?showreporte=60&idioma=us>.

## Brignol Lindor

Haití - 12/3/2001

### Summary of facts

Brignol Lindor was director of the radio station Echo 2000. On December 3, 2001, he was beaten to death with machetes and stones, allegedly by a group of sympathizers of the then-official party. Lindor had received threats after having invited members of the opposition to participate in his program (252).

### Status of investigation

The State provided no information as to whether anyone has been prosecuted, convicted, or imprisoned for the murder of Brignol Lindor. According to the Inter American Press Association, on December 12, 2007, two individuals were convicted and sentenced to life terms for the murder; two were acquitted; and seven suspected members of a military militia are at large, although they were convicted in absentia on January 23, 2008, for committing the crime (253).

252. Annual Report of the Office of the Special Rapporteur for Freedom of Expression 2001, Chapter II, p. 74; Committee to Protect Journalists: Journalists Killed: Statistics and Background, available at: [http://www.cpj.org/deadly/2001\\_list.html](http://www.cpj.org/deadly/2001_list.html).

253. Inter American Press Association. Press Release, December 21, 2007, available in Spanish at: <http://www.sipiapa.org/espanol/pressreleases/chronologicaldetail.cfm?PressReleaseID=2051>; and Impunity Project: Case of Brignol Lindor, available in Spanish at: <http://www.impunidad.com/index.php?procesos=89&idioma=sp>.

## Ricardo Ortega

Haití - 3/7/2004

### Summary of facts

Ricardo Ortega was a correspondent for the Spanish channel Antena 3. He was killed on March 7, 2004, when he was covering a protest over the trial of former President Jean-Bertrand Aristide (254).

### Status of investigation

The State provided no information as to whether anyone has been prosecuted, convicted, or imprisoned for the murder of Ricardo Ortega.

254. Annual Report of the Office of the Special Rapporteur for Freedom of Expression 2004, Chapter II, p. 80; Committee to Protect Journalists: Journalists Killed: Statistics and Background, available at: [http://www.cpj.org/deadly/2004\\_list.html](http://www.cpj.org/deadly/2004_list.html).

## Abdias Jean

Haití - 1/14/2005

### Summary of facts

Abdias Jean was a correspondent for a radio station in Miami. He died on January 14, 2005, when he was covering a police operation in the Dieu neighborhood of Port-au-Prince. According to the information received, Jean could have been killed for testifying in a case involving the execution of three children, in which members of the National Police had been accused (255).

255. Annual Report of the Office of the Special Rapporteur for Freedom of Expression 2005, Chapter II, p. 44, and Press Release 129/05, Office of the Special Rapporteur for Freedom of Expression, October 5, 2005, available at: <http://www.cidh.oas.org/relatoria/showarticle.asp?artID=646&IID=1>; Inter American Press Association, Press Release, available at: <http://www.ifex.org/en/content/view/full/63965>.

### Status of investigation

The State provided no information as to whether anyone has been prosecuted, convicted, or imprisoned for the murder of Abdias Jean.

## Robenson Laraque

Haití - 4/4/2005

### Summary of facts

Robenson Laraque was a journalist with the radio station Tele Contact. He died on April 4, 2005, after being gravely injured by bullets to the head and neck (256).

256. Annual Report of the Office of the Special Rapporteur for Freedom of Expression 2005, Chapter II, p. 45; Press Release 129/05, Office of the Special Rapporteur for Freedom of Expression, October 5, 2005, available at: <http://www.cidh.oas.org/relatoria/showarticle.asp?artID=646&IID=1>; Inter American Press Association, Press Release, April 25, 2005, available at: <http://www.sipiapa.org/pressreleases/srchphrasedetail.cfm?PressReleaseID=1375>; Committee to Protect Journalists: Journalists Killed: Statistics and Background, available at: [http://www.cpj.org/deadly/2005\\_list.html](http://www.cpj.org/deadly/2005_list.html).

### Status of investigation

The State provided no information as to whether anyone has been prosecuted, convicted, or imprisoned for the murder of Robenson Laraque.

## Jacques Roche

Haití - 7/14/2005

### Summary of facts

Jacques Roche was editor of the cultural section of the daily Le Matin. He was kidnapped on July 10, 2005, and found dead four days later in Port-au-Prince (257).

257. Annual Report of the Office of the Special Rapporteur for Freedom of Expression 2005, Chapter II, p. 46; Committee to Protect Journalists: Journalists Killed: Statistics and Background, available at: [http://www.cpj.org/deadly/2005\\_list.html](http://www.cpj.org/deadly/2005_list.html); Inter American Press Association, Press Release, July 15, 2005, available at: <http://www.sipiapa.org/pressreleases/srchphrasedetail.cfm?PressReleaseID=1429>.

258. Inter American Press Association. Impunity Project: Case of Jacques Roche, available in Spanish at: <http://www.impunidad.com/index.php?procesos=88&idioma=sp>.

### Status of investigation

The State provided no information as to whether anyone has been prosecuted, convicted, or imprisoned for the murder of Jacques Roche. According to the Inter American Press Association, on August 30, 2007, two individuals were convicted and sentenced to life imprisonment, and one suspect was captured in October 2007 (258).

## Germán Antonio Rivas

Honduras - 2/24/2003

### Summary of facts

Germán Antonio Rivas was director and owner of the television channel Corporación Maya Visión. He died on February 24, 2003, after being shot by two assailants. The journalist had received threats weeks before his murder (259).

259. Annual Report of the Office of the Special Rapporteur for Freedom of Expression 2003, Chapter II, p. 102; Inter American Press Association, Press Release, November 28, 2003, available at: <http://www.sipiapa.org/pressreleases/srchphrasedetail.cfm?PressReleaseID=1042>.

260. Communication from the State of Honduras received on September 26, 2006. Press Release 185/08, Special Rapporteur for Freedom of Expression, February 14, 2008, available at: <http://www.cidh.oas.org/relatoria/showarticle.asp?artID=721&IID=1>.

### Status of investigation

The State informed the Office of the Rapporteur that the process is in the preparatory stage and that injunctions had been issued against two individuals. The State indicated that as of September 26, 2006, nobody had been convicted or prosecuted with regard to the murder of Germán Antonio Rivas. According to information gathered by the Office of the Special Rapporteur during its visit to Honduras in February 2008, it was confirmed that there has been absolutely no progress in the case to date and that the suspects have yet to be apprehended (260).

## Jesús Abel Bueno León

Mexico - 5/22/1997

### Summary of facts

Jesús Abel Bueno León was editor of the weekly 7 Días. His bullet-ridden body was found on a road in the city of Chilpancingo. Abel Bueno's car was found charred at the scene of the crime. Members of the National Union of Journalists had asked for police protection for Abel Bueno two months before his murder (261).

### Status of investigation

The State provided no information as to whether anyone has been prosecuted, convicted, or imprisoned for the murder of Jesús Abel Bueno León. According to Reporters Without Borders, in 2001 two individuals were convicted and sentenced to 33 years in prison and a fine for the murder of Jesús Abel Bueno León. The same source also indicated that two individuals are still being prosecuted in the case and that the court affirmed that the former governor of the state of Guerrero and the former secretary general of the same state government have no responsibility in the crime, contrary to what seemed to be inferred in a letter written by Abel Bueno, which was published after his death (262).

261. Committee to Protect Journalists: Journalists Killed: Statistics and Background, available at: [http://www.cpj.org/deadly/1997\\_list.html](http://www.cpj.org/deadly/1997_list.html); Reporters Without Borders: Annual Report 2002 on Mexico, available in Spanish at: [http://www.rsf.org/article.php3?id\\_article=1572](http://www.rsf.org/article.php3?id_article=1572); International Freedom of Expression eXchange, Alert, December 8, 1997, available at: <http://www.ifex.org/eng/layout/set/print/layout/set/print/content/view/full/5800/?PHPSESSID>.

262. Reporters Without Borders: Annual Report 2002 on Mexico, available in Spanish at: [http://www.rsf.org/article.php3?id\\_article=1572](http://www.rsf.org/article.php3?id_article=1572).

## Benjamín Flores González

Mexico - 7/15/1997

### Summary of facts

Benjamín Flores González was general editor of the daily La Prensa, in San Luis Río Colorado, in the state of Sonora. On July 15, 1997, he was intercepted in front of his office by unknown persons who shot him in the head (263).

### Status of investigation

The State provided no information as to whether anyone has been prosecuted, convicted, or imprisoned for the murder of Benjamín Flores González. According to information issued in April 2005 by the Inter American Press Association (IAPA), three people were arrested as alleged mastermind, perpetrator, and accomplice in the crime, but they were subsequently released for lack of evidence. The IAPA added that two individuals were sentenced in 2004 to 25 years in prison for their complicity in the crime (264).

263. Inter American Press Association, Press Release, September 28, 2005, available at: <http://www.sipiapa.org/pressreleases/srchphrasedetail.cfm?PressReleaseID=1479>.

264. Inter American Press Association. Impunity Project: Benjamin Flores González Case, available at: <http://www.impunidad.com/index.php?showreporte=63&idioma=us>.

## Víctor Hernández Martínez

Mexico - 7/26/1997

### Summary of facts

Víctor Hernández Martínez was a journalist with the magazine Como. He was killed on July 26, 1997, after leaving the office of the Federal Judicial Police, where he had been doing news reporting. Hernández often wrote articles about police actions and drug trafficking. According to information received by the Office of the Rapporteur, the journalist had been the victim of a previous assassination attempt and had been receiving death threats (265).

### Status of investigation

The State provided no information as to whether anyone has been prosecuted, convicted, or imprisoned for the murder of Víctor Hernández Martínez.

265. Committee to Protect Journalists: Journalists Killed: Statistics and Background, available at: [http://www.cpj.org/deadly/1997\\_list.html](http://www.cpj.org/deadly/1997_list.html); International Federation of Journalists, 2005 report, available at: <http://www.ifj.org/pdfs/Safety.pdf>.

## Luis Mario García Rodríguez

Mexico - 2/12/1998

### Summary of facts

Luis Mario García Rodríguez was a reporter with *Diario La Tarde*. He was hit several times by bullets on February 12, 1998, in Mexico City. According to information received by the Office of the Special Rapporteur, the journalist had published stories on acts of police corruption and on the sale of high-level public posts (266).

266. Annual Report of the Office of the Special Rapporteur for Freedom of Expression 1998, Chapter IV, p. 56; International Press Institute: 1998 World Press Freedom Review, available at: [http://www.freemedia.at/cms/ipi/freedom\\_detail.html?country=KW0001/KW0002/KW0024/&year=1998](http://www.freemedia.at/cms/ipi/freedom_detail.html?country=KW0001/KW0002/KW0024/&year=1998).  
267. Communication from the State of Mexico received on March 15, 2007.

### Status of investigation

The State indicated that the facts led to preliminary inquiry 5/437 in the Fifth Investigative Agency, in which it was decided not to pursue a criminal action. The State provided no information as to whether anyone had been prosecuted, convicted, or imprisoned for the murder. The State indicated that although the circumstances under which the murder of Luis Mario García Rodríguez took place have not been clarified, it cannot be stated with certainty that these events were directly related to his journalistic activity (267).

## Claudio Cortez García

Mexico - 10/23/1998

### Summary of facts

Claudio Cortez García was head of design for the magazine *Crisis* and for *Le Monde Diplomatique*. He disappeared on October 20, 1998, in Mexico City, and was found dead days later inside his vehicle (268).

268. Annual Report of the Office of the Special Rapporteur for Freedom of Expression 1998, Chapter IV, p. 56.

### Status of investigation

The State provided no information as to whether anyone has been prosecuted, convicted, or imprisoned for the murder of Claudio Cortez García.

## Philip True

Mexico - 12/15/1998

### Summary of facts

Philip True was a correspondent with the *San Antonio Express-News*. He was seen for the last time on December 4, 1998, in the town of Salmotita. True had begun a trip to the states of Nayarit, Jalisco, and Durango on November 28, 1998, to report on the Huichol indigenous population (269).

269. Annual Report of the Office of the Special Rapporteur for Freedom of Expression 1998, Chapter IV, p. 57; Committee to Protect Journalists: Journalists Killed: Statistics and Background, available at: [http://www.cpj.org/deadly/1998\\_list.html](http://www.cpj.org/deadly/1998_list.html).

270. Committee to Protect Journalists: Sentencian a 20 años a los dos acusados de la muerte del periodista estadounidense Phillip True, available in Spanish at: [http://www.cpj.org/news/2004/Mexico29apr04na\\_Sp.html](http://www.cpj.org/news/2004/Mexico29apr04na_Sp.html).

### Status of investigation

The State provided no information as to whether anyone has been prosecuted, convicted, or imprisoned for the murder of Philip True. According to information from the Committee to Protect Journalists (CPJ), on April 27, 2004, a Division of the Supreme Court of Justice of the state of Jalisco convicted two indigenous persons for the murder. The two men were each sentenced to 20 years in prison and ordered to pay a fine for damages and injuries (270).

## José Ramírez Puente

Mexico - 4/28/2000

### Summary of facts

José Ramírez Puente worked as an announcer for Radio Net. He was found dead in his vehicle on April 28, 2000, in Ciudad Juárez (271).

271. Committee to Protect Journalists: Journalists Killed: Statistics and Background, available in Spanish at: [http://www.cpj.org/CPJespanol/Ataques\\_00/mexicoSP.html](http://www.cpj.org/CPJespanol/Ataques_00/mexicoSP.html); Reporters Without Borders, Letter of protest addressed to Mexico's Prosecutor General, May 4, 2000, available in Spanish at: <http://www.rsf.org/rstf/esp/html/cplp/lp/040500.html>.

272. Communication from the State of Mexico received on March 15, 2007.

### Status of investigation

The State indicated that on April 28, 2000, the local Public Ministry opened preliminary inquiry 10296-00/1101 to investigate the homicide. It indicated that since a considerable quantity of drugs was found in his vehicle, on April 29, 2000, the case was forwarded to the Federal Public Ministry, which registered it as number 416/00. The State indicated that there is no conclusive evidence to affirm that José Ramírez Puente's murder was related to his profession. It added that the difficulties identified by the ministerial authorities of the state of Chihuahua have to do with the nature of the facts themselves, as well as the remoteness and topography of the area (272).

## William Uicab Salas

Mexico - 6/17/2000

### Summary of facts

William Uicab Salas was a television cameraman with Canal 8, a cable channel. He was fatally wounded on June 17, 2000, when he was chatting with his wife in a secluded spot outside the city of Chetumal. According to the information received, the cameraman had been threatened months before he was killed (273).

### Status of investigation

The State said the criminal action was incorporated under number 341/2000 before the Second Criminal Court of the First Instance in the Chetumal Judicial District against the journalist's wife, who was absolved on October 28, 2004, through a decision by the Public Ministry. Information sent by the State indicates that nobody has been prosecuted, convicted, or imprisoned for the murder. The State indicated that the decision was upheld on all points by the Appellate Court and underscored that there is no conclusive evidence to assert that the murder of William Uicab Salas was related to his work in journalism (274).

273. Inter American Press Association: Comité Ejecutivo de la SIP condena ataques contra la prensa en el último trimestre, available in Spanish at: <http://www.sipiapa.org/espanol/pressreleases/srchphrasedetail.cfm?PressReleaseID=394>.

274. Communication from the State of Mexico received on March 15, 2007.

## Alfredo García Márquez

Mexico - 10/31/2000

### Summary of facts

Alfredo García Márquez hosted the commentary show "Encuentro" on the station XEDL. His body was found in his house on October 31, 2000, with one gunshot to the head (275).

### Status of investigation

The State provided no information as to whether anyone has been prosecuted, convicted, or imprisoned for the murder of Alfredo García Márquez. According to the Inter American Press Association, in November 2000 a 20-year-old soldier was arrested as the confessed killer. The IAPA indicated that the soldier was held on bond while the authorities strengthen the charges against him (276).

275. Inter American Press Association. Impunity Project: Case of Alfredo García Márquez, available at: <http://www.impunidad.com/index.php?showreporte=62&idioma=us>.

276. Inter American Press Association. Impunity Project: Case of Alfredo García Márquez, available at: <http://www.impunidad.com/index.php?showreporte=62&idioma=us>.

## José Luis Ortega Mata

Mexico - 2/19/2001

### Summary of facts

José Luis Ortega Mata was editor of the *Semanario de Ojinaga*. He died after being hit by two bullets to the head on February 19, 2001. Days before the killing, the journalist reportedly had published information about drug trafficking in the Ojinaga region (277).

### Status of investigation

The State indicated that on February 19, 2001, preliminary inquiry 101-85/01 was opened and the case was assigned to the Criminal Court of the Manuel Ojinaga Judicial District. It noted that on May 7, 2001, a formal arrest warrant was issued against the only person accused in the crime, but that the decision was canceled on July 30 of that same year by the Chihuahua Supreme Court of Justice. The State added that the death of José Luis Ortega Mata occurred in circumstances "that had nothing to do with the work he was doing in journalism" (278). Information provided by the State indicates that nobody has been prosecuted, convicted, or imprisoned for the murder.

277. Annual Report of the Office of the Special Rapporteur for Freedom of Expression 2001, Chapter II, p. 71; Committee to Protect Journalists: Journalists Killed: Statistics and Background, available at: [http://www.cpj.org/deadly/2001\\_list.html](http://www.cpj.org/deadly/2001_list.html); Inter American Press Association, Report of the Midyear Meeting, March 21-24, 2003, available at: [http://www.sipiapa.org/pulications/report\\_mexico2003m.cfm](http://www.sipiapa.org/pulications/report_mexico2003m.cfm); Reporters Without Borders: Annual Report 2002 on Mexico, available in Spanish at: [http://www.rsf.org/article.php3?id\\_article=1572](http://www.rsf.org/article.php3?id_article=1572).

278. Communication from the State of Mexico received on March 15, 2007.

## Saúl Antonio Martínez Gutiérrez

Mexico - 3/24/2001

### Summary of facts

Saúl Antonio Martínez Gutiérrez was a journalist and son of Gonzalo Martínez Silva, director and owner of El Imparcial. His body was found on March 24, 2001, in the back seat of his automobile, in the city of Río Bravo, near the Tamaulipas border with Texas. According to the information received, the journalist received four gunshots to the head, and his body showed signs of torture (279).

279. Committee to Protect Journalists, News Alert, March 27, 2001, available at: <http://www.cpj.org/news/2001/Mexico27march01na.html>.  
280. Communication from the State of Mexico received on March 15, 2007.

### Status of investigation

The State affirmed that preliminary criminal inquiry number 148/2001 was opened on March 25, 2001, by the Delegation of the Office of the Prosecutor General in Matamoros, Tamaulipas. It indicated that on June 26, 2003, the investigation was turned over to the Public Ministry's Third Investigative Agency, in the same city, and added that to date the motive for the killing of Saúl Antonio Martínez Gutiérrez has not been clarified (280).

## Félix Alonso Fernández García

Mexico - 1/18/2002

### Summary of facts

Félix Alonso Fernández García was editor of the weekly Nueva Opción. He died after being shot from a vehicle on January 18, 2002. According to the information received, the journalist had published a story on alleged connections between a local authority and drug traffickers (281).

281. Annual Report of the Office of the Special Rapporteur for Freedom of Expression 2002, Chapter II, p. 92; Reporters Without Borders, Americas, Press Release, January 23, 2002, available at: [http://www.rsf.org/article.php3?id\\_article=584](http://www.rsf.org/article.php3?id_article=584); International Freedom of Expression eXchange, Press Release, January 25, 2002, available at: <http://www.ifex.org/en/content/view/full/15528>.  
282. Communication from the State of Mexico received on March 15, 2007.

### Status of investigation

The State affirmed that on August 18, 2002, an agent with the investigating Public Ministry opened preliminary criminal inquiry number 31/2002, which was assigned to the Criminal Court of the First Instance in Miguel Alemán, Tamaulipas. It indicated that a criminal action was initiated against some individuals for covering up the crime; this had been closed definitively. The State indicated that the motive for the murder of Félix Alonso Fernández García has not yet been clarified (282).

## Francisco Javier Ortiz Franco

Mexico - 4/22/2004

### Summary of facts

Francisco Javier Ortiz Franco was co-founder and publisher of the weekly Zeta, where he wrote about drug trafficking and corruption. On April 22, 2004, an individual shot him four times in the head and neck, in front of his two children. According to the information received, the editor of the weekly, Jesús Blancornelas, had already been the victim of an attempt on his life in which his bodyguard was killed (283).

283. Annual Report of the Office of the Special Rapporteur for Freedom of Expression 2004, Chapter II, p. 81; Committee to Protect Journalists: Journalists Killed: Statistics and Background, available at: [http://www.cpj.org/deadly/2004\\_list.html](http://www.cpj.org/deadly/2004_list.html); Reporters Without Borders: Annual Report 2005 on Mexico, available in Spanish at: [http://www.rsf.org/article.php3?id\\_article=13206](http://www.rsf.org/article.php3?id_article=13206).

### Status of investigation

The State provided no information as to whether anyone has been prosecuted, convicted, or imprisoned for the murder of Francisco Javier Ortiz Franco.

## Francisco Arratia Saldierna

Mexico - 8/31/2004

### Summary of facts

Francisco Arratia Saldierna was a columnist for the newspapers El Imparcial, El Regional, Mercurio and El Cinco. He died of cardiac arrest after being beaten, tortured, and dragged from his vehicle on August 31, 2004, in the city of Matamoros, near the border with the United States. Arratia reported on corruption and organized crime. According to the information received, the journalist had had an argument with a group of people who parked a red vehicle near his office. That same group intercepted and kidnapped Arratia when he was leaving his office (284).

### Status of investigation

The State indicated that on August 31, 2004, the Second Agency of the investigating Public Ministry opened preliminary criminal inquiry number 759/2004 and that on December 15, 2004, the investigating prosecutor decided to take criminal action against two individuals for the crimes of qualified homicide, criminal association, and illegal deprivation of liberty in the form of kidnapping. The State indicated that one of the accused is currently incarcerated in the "La Palma" Center for Social Re-adaptation in Almoloya de Juárez, in the state of Mexico. It added that another person who was charged as an accomplice is at large. The State said that it can be inferred that the murder may have been related to Francisco Arratia's work in journalism (285).

284. Annual Report of the Office of the Special Rapporteur for Freedom of Expression 2004, Chapter II, p. 81; Committee to Protect Journalists: Journalists Killed: Statistics and Background, available at: [http://www.cpj.org/deadly/2004\\_list.html](http://www.cpj.org/deadly/2004_list.html); Inter American Press Association, Press Release, September 1, 2004, available at: <http://www.sipiapa.org/pressreleases/srchphrasedetail.cfm?PressReleaseID=1206>.

285. Communication from the State of Mexico received on March 15, 2007.

## Roberto Javier Mora García

Mexico - 3/19/2004

### Summary of facts

Roberto Javier Mora García was editor of the daily El Mañana and editor-in-chief of the economic weekly North Mexico Business. He was stabbed to death in front of his house on March 19, 2004. According to the information received, the journalist had published various articles about organized crime (286).

### Status of investigation

The State informed the Office of the Rapporteur that preliminary criminal inquiry number 251/2004 was opened on March 28, 2004, and that the alleged physical perpetrator of the murder of Roberto Javier Mora García was killed in the Center for Social Readaptation Number Two in the city of Nuevo Laredo. It indicated that one person has been charged as an accomplice and is currently in custody. The State did not provide information as to whether the accused had been convicted or a sentence imposed. The State indicated that the investigations to date point to a possible crime of passion, with no evidence indicating that it might have been motivated by the reporter's work in journalism (287).

286. Annual Report of the Office of the Special Rapporteur for Freedom of Expression 2004, Chapter II, p. 81; Inter American Press Association, Report of the 61st General Assembly, October 7-11, 2005, available at [http://www.sipiapa.org/pulications/informe\\_mexico2005o.cfm](http://www.sipiapa.org/pulications/informe_mexico2005o.cfm).

287. Communication from the State of Mexico received on March 15, 2007.

## Leodegario Aguilar Lucas

Mexico - 5/22/2004

### Summary of facts

Leodegario Aguilar Lucas was kidnapped and killed on May 22, 2004, by three individuals. According to the information received, the crime may have been related to a dispute over the ownership of a piece of land (288).

### Status of investigation

The State provided no information as to whether anyone has been prosecuted, convicted, or imprisoned for the murder of Leodegario Aguilar Lucas.

288. Reporters Without Borders, Americas, Press Release, September 10, 2004, available at: [http://www.rsf.org/article.php3?id\\_article=10533](http://www.rsf.org/article.php3?id_article=10533); International Freedom of Expression eXchange, Alert, June 3, 2004, available at: <http://www.ifex.org/20fr/layout/set/print/content/view/full/59278/?PHPSESSID>.

## Gregorio Rodríguez Hernández

Mexico - 11/28/2004

### Summary of facts

Gregorio Rodríguez Hernández was a photographer with the newspaper *El Debate*, where he covered social events in the community. He was shot to death on November 28, 2004, when he was with his family. According to the information received, Hernández had published photos of drug traffickers (289).

### Status of investigation

The State informed the Office of the Rapporteur that four individuals were prosecuted as perpetrators of the crime and one person as an accomplice. It indicated that one person was sentenced to 2 years, 10 months, and 15 days for covering up the crime, having appealed the decision. The State noted that four individuals are currently in custody and said there are few indications that would suggest that the murder of Gregorio Rodríguez had to do with his work in journalism. According to the State, one witness initially gave a false statement, for which a preliminary inquiry was opened against him for misrepresentation (290). According to information released on July 11, 2006, by the Inter American Press Association (IAPA), two individuals were prosecuted as physical perpetrator and accomplice. The IAPA indicated that in 2005 the Office of the Public Prosecutor arrested three individuals who had allegedly shot the photographer. It stated that in July 2005, the director of public security and his wife were arrested for allegedly bribing a witness in the murder of Gregorio Rodríguez so that he would give false testimony. According to this source, the former head of the Escuinapa Municipal Police, who was alleged to have been implicated in the case, won a court decision, and there is a risk that he may be absolved for a faulty case file (291).

289. Committee to Protect Journalists: Journalists Killed: Statistics and Background, available at: [http://www.cpj.org/deadly/2004\\_list.html](http://www.cpj.org/deadly/2004_list.html) and Photographer gunned down in Sinaloa, December 1, 2004, available at: <http://www.cpj.org/news/2004/Mexico01dec04na.html>.

290. Communication from the State of Mexico received on March 15, 2007.

291. Inter American Press Association. Resolution of the 62nd General Assembly, available at: <http://www.sipiapa.org/pulications/appreciation2006o.cfm>.

## Dolores Guadalupe García Escamilla

Mexico - 4/5/2005

### Summary of facts

Dolores Guadalupe García Escamilla hosted the radio program "Punto Rojo" on the radio station Estéreo 91. She was shot nine times on April 5, 2005. According to the information received, the attacker approached the reporter after she parked her car in front of the radio station, and shot her (292).

### Status of investigation

The State indicated that on April 5, 2005, preliminary criminal inquiry number 243/2005 was opened and that on April 19, 2005, following a plea as to jurisdiction, the initial investigation was forwarded to the Public Ministry of the Federation. It added that up to the time of the plea as to jurisdiction, nobody had been identified or specified as probable suspects in the homicide. The State indicated that it is not able to affirm or deny that the events had to do with García Escamilla's work in journalism (293).

292. Annual Report of the Office of the Special Rapporteur for Freedom of Expression 2005, Chapter II, p. 52; Committee to Protect Journalists: Journalists Killed: Statistics and Background, available at: [http://www.cpj.org/deadly/2005\\_list.html](http://www.cpj.org/deadly/2005_list.html).

293. Communication from the State of Mexico received on March 15, 2007.

## Raúl Gibb Guerrero

Mexico - 4/8/2005

### Summary of facts

Raúl Gibb Guerrero was editor of the daily *La Opinión*. He was killed near his house on April 8, 2005, in the state of Veracruz. According to the information received, four men shot him fifteen times from two cars that were following Gibb's vehicle, in order to keep him from publishing a series of articles about a case in which they were implicated, involving the contraband of gasoline (294).

### Status of investigation

The State provided no information as to whether anyone has been prosecuted, convicted, or imprisoned for this murder. It indicated that no conclusive evidence exists to determine unequivocally that the death of Raúl Gibb Guerrero had to do with his work in journalism (295).

294. Annual Report of the Office of the Special Rapporteur for Freedom of Expression 2005, Chapter II, p. 52; Committee to Protect Journalists: Journalists Killed: Statistics and Background, available at: [http://www.cpj.org/deadly/2005\\_list.html](http://www.cpj.org/deadly/2005_list.html); Reporters Without Borders, Alert, April 11, 2005, available at: <http://www.ifex.org/en/content/view/full/65921>.

295. Communication from the State of Mexico received on March 15, 2007.

## Jesús Reyes Brambila

Mexico - 9/18/2005

### Summary of facts

Jesús Reyes Brambila was a journalist with the society section of the newspaper Vallarta Milenio. He was found dead on September 18, 2005, in a vehicle that belonged to the newspaper (296).

### Status of investigation

The State provided no information as to whether anyone has been prosecuted, convicted, or imprisoned for the murder of Jesús Reyes Brambila.

296. Annual Report of the Office of the Special Rapporteur for Freedom of Expression 2005, Chapter II, p. 54; Inter American Press Association: Annual Report 2005 on Mexico, available at: [http://www.sipiapa.org/pulications/informe\\_mexico2005o.cfm](http://www.sipiapa.org/pulications/informe_mexico2005o.cfm).

## Carlos José Guadamuz

Nicaragua - 2/10/2004

### Summary of facts

Carlos José Guadamuz worked as a producer and host of the program "Dardos al Centro," aired by the broadcasting station CDNN. He died after being hit by several bullets on February 10, 2004. According to the information available, the journalist had received prior death threats (297).

### Status of investigation

The State indicated that the case is currently before the First District Court of Execution of Judgment and Prison Oversight of Managua, and that three individuals were prosecuted for the homicide of Carlos José Guadamuz. It noted that the direct perpetrator of the murder was convicted and sentenced by the Eighth Criminal District Court of Managua on April 19, 2004, a judgment upheld on September 26, 2005, by the Appeals Court of Managua. It stated that the sentence imposed was for 18 years in prison for the murder of the journalist, with three years added on for the attempted homicide of his son (298). However, according to information provided by the Inter American Press Association, on February 29, 2008, the person convicted was given the benefit of house arrest and was released for humanitarian reasons due his delicate state of health (299).

297. Annual Report of the Office of the Special Rapporteur for Freedom of Expression 2004, Chapter II, p. 81; Inter American Press Association, Press Release, February 10, 2004, available at: <http://www.sipiapa.org/espanol/pressreleases/chronologicaldetail.cfm?PressReleaseID=1087>.

298. Communication from the State of Nicaragua received on November 29, 2006.

299. Inter American Press Association. Impunity Project: Case of Carlos José Guadamuz, available in Spanish at: <http://www.impunidad.com/index.php?procesos=97&idioma=sp>.

## María José Bravo

Nicaragua - 11/9/2004

### Summary of facts

María José Bravo worked as a correspondent for the daily La Prensa. She died on November 9, 2004, after being shot at close range while she was covering a protest by political groups over the results of the municipal elections of November 7, 2004 (300).

### Status of investigation

The State informed the Office of the Rapporteur that the case involving the murder of María José Bravo is before the Criminal Division of the Supreme Court of Justice, through an appeal filed by the defender of the only person prosecuted as the alleged direct perpetrator of the murder. It added that a public oral hearing was held on September 11, 2006, and that the case is currently under review for a ruling on the respective decision. The State confirmed that the person prosecuted was convicted in the first and second instances and sentenced to 25 years in prison, and that his case is under review to issue the respective decision (301). According to information obtained from the Inter American Press Association (IAPA), as of March 2008 the Criminal Division of the Supreme Court of Justice was still studying the motion for appeal filed by the person convicted. The IAPA indicated that there was a controversy arose over the possibility that due to partisan interests, a decision could be forged to benefit the person convicted. An intent was apparently made to change the crime from "assassination," for which he was convicted, to "homicide," which would carry a lesser punishment and would make him eligible for release in the near future. The president of the Criminal Division confirmed the report and suspended the judgment (302).

300. Annual Report of the Office of the Special Rapporteur for Freedom of Expression 2004, Chapter II, p. 82; Committee to Protect Journalists: Journalists Killed: Statistics and Background, available at: [http://www.cpj.org/deadly/2004\\_list.html](http://www.cpj.org/deadly/2004_list.html).

301. Communication from the State of Nicaragua received on November 29, 2006.

302. Inter American Press Association. Impunity Project: Case of María José Bravo, available in Spanish at: <http://impunidad.com/index.php?procesos=98&idioma=sp>.

## Rony Adolfo Olivas

Nicaragua - 8/14/2005

### Summary of facts

Rony Adolfo Olivas was a correspondent for the daily La Prensa. He was killed by two gunshots on August 14, 2005. According to the information received, the journalist was murdered by a taxi driver following an argument (303).

303. Annual Report of the Office of the Special Rapporteur for Freedom of Expression 2005, Chapter II, p. 58; Inter American Press Association, Annual Report 2005 on Nicaragua, available at: [http://www.sipiapa.org/publications/informe\\_nicaragua2005o.cfm](http://www.sipiapa.org/publications/informe_nicaragua2005o.cfm); Inter American Press Association, Press Release, August 16, 2005, available at: <http://www.sipiapa.org/pressreleases/srchphrasedetail.cfm?PressReleaseID=1447>.

304. Communication from the State of Nicaragua received on November 29, 2006.

### Status of investigation

The State informed the Office of the Rapporteur that the case involving the homicide of Rony Adolfo Olivas has been filed in the Criminal Division of the Supreme Court of Justice, with a review underway of a motion for appeal filed by the defender of the only person prosecuted as the alleged direct perpetrator of the murder. The State added that the person prosecuted was convicted in the first and second instances and sentenced to 25 years in prison; that a public oral hearing was held on July 13, 2006; and that the case is under review for a ruling on the respective decision (304).

## Benito Ramón Jara Guzmán

Paraguay - 4/13/2000

### Summary of facts

Benito Ramón Jara Guzmán was a radio reporter for Yby Yaú. His body was found with six gunshot wounds on April 13, 2000, on a street in Bernardino Cabellero, in the department of Concepción (305).

305. International Freedom of Expression eXchange, Press Release, April 18, 2000, at: <http://www.ifex.org/alerts/layout/set/print/layout/set/print/content/view/archivefeatures/813/?PHPSESSID>.

306. Communication from the State of Paraguay received on October 24, 2006.

### Status of investigation

The State informed the Office of the Rapporteur that the case of Benito Ramón Jara Guzmán is under prosecutorial investigation under number 000170/200, in the Office of the Prosecutor in Region VIII of the Department of Concepción Unit 1. The State indicated that the perpetrators of the crime have not been determined for lack of evidence or leads that would point them in a particular direction (306).

## Salvador Medina Velásquez

Paraguay - 1/5/2001

### Summary of facts

Salvador Medina Velásquez was president of the radio station FM Nemy. He died after receiving multiple gunshot wounds on January 5, 2001. According to the information received, the journalist had previously received threats. In October 2001, Milcíades Mayling was sentenced to 25 years in prison as the perpetrator of the crime (307).

307. Annual Report of the Office of the Special Rapporteur for Freedom of Expression 2001, Chapter II, p. 71; Inter American Press Association, Report of the 57th General Assembly, October 12-16, 2001, available at: [http://www.sipiapa.org/publications/report\\_paraguay2002.cfm](http://www.sipiapa.org/publications/report_paraguay2002.cfm). Impunity Project: Case of Salvador Medina Velásquez, published in June 2001, available at: <http://www.impunidad.com/index.php?showreporte=68&idioma=us>.

308. Communication from the State of Paraguay received on October 24, 2006, and amplified on July 9, 2007.

309. Inter American Press Association. Impunity Project: Case of Salvador Medina Velásquez, available at: <http://www.impunidad.com/index.php?showreporte=68&idioma=us>.

### Status of investigation

The State informed the Office of the Rapporteur that one person was prosecuted and convicted to 25 years in prison by the Sentencing Court of Ciudad del Este, in a decision upheld by the Appellate Court, for the murder of Salvador Medina Velásquez. The State added that the person convicted is serving his sentence in the Ciudad de Concepción Penitentiary and that the cause involving the homicide is being handled by the sentencing judge of Alto Paraná and Canindeyú. It stated that there are sufficient elements to determine that the murder occurred as a result of the victim's work in journalism (308). According to information obtained from the Inter American Press Association, Milcíades Maylin was apparently at large in 2005, but he was later recaptured and transferred on November 15, 2005, to the maximum-security prison in Emboscada. (309).

## Isabel Chumpitaz Panta y José Amaya Jacinto

Perú - 4/6/1998

### Summary of facts

Isabel Chumpitaz Panta and her husband, José Amaya Jacinto, worked for Radio Satelite. They were killed on April 6, 1998, by individuals who broke into their house in the village of Calizal, near Piura. According to the information received, the assailants asked for Chumpitaz, who after being identified, was beaten and shot, along with her husband (310).

310. Annual Report of the Office of the Special Rapporteur for Freedom of Expression 1998, Chapter IV, p. 57; International Freedom of Expression eXchange, Press Release, November 26, 1998, available at: <http://canada.ifex.org/20fr/layout/set/print/content/view/full/7172?PHPSESSID=da2cfa0192b45d6df1e0067d1ff0fbbc>; International Press Institute: World Press Freedom Review 1998–Peru, at: [http://www.freemedia.at/cms/ipi/freedom\\_detail.html?country=KW0001/KW0002/KW0028/&year=1998](http://www.freemedia.at/cms/ipi/freedom_detail.html?country=KW0001/KW0002/KW0028/&year=1998).

311. Communication from the State of Peru received on November 8, 2006.

### Status of investigation

The State informed the Office of the Rapporteur that the investigation into the deaths of Isabel Chumpitaz Panta and her husband, José Amaya Jacinto, is currently being handled by the Public Ministry. It indicated that the prosecutorial report notes that the crime was not related to the victims' journalistic activity but was an assault by a gang operating in the neighborhood where the family lived (311).

## Antonio De La Torre Echeandía

Perú - 2/14/2004

### Summary of facts

Antonio de la Torre Echeandía hosted the program “El Equipo de la Noticia” on the radio station Orbita. He was stabbed to death by two persons on February 14, 2004. According to the information received, the journalist often criticized the administration of the municipality of Yungay. He had previously been the victim of attacks and telephone threats (312).

312. Annual Report of the Office of the Special Rapporteur for Freedom of Expression 2004, Chapter II, p. 82; International Freedom of Expression eXchange: Perú – locutor de radio asesinado, available at: <http://www.ifex.org/es/content/view/full/57116/>; Inter American Press Association, Midyear Meeting Report, March 17-20, 2006, available in Portuguese at: <http://www.sipiapa.org/portugues/publications/informeperu2006.cfm>; Institute for Press and Society: Arrest warrant issued for second killer of journalist, available at: <http://www.ifex.org/en/content/view/full/58227>.

313. Communication from the State of Peru received on November 8, 2006. For information provided by the Inter American Press Association, see Impunity Project: Case of Antonio de la Torre Echeandía, available in Spanish at: <http://www.impunidad.com/index.php?procesos=99&idioma=sp>. Institute for Press and Society, Arrest warrant issued for second killer of journalist, available at: <http://www.ifex.org/en/content/view/full/58227>.

### Status of investigation

According to information provided by the State, on December 14, 2005, the Superior Court of Justice of Ancash convicted three persons for the crime of qualified homicide against Antonio de la Torre Echeandía, reserving judgment in the cases of two other individuals in their capacity as defendants in absentia. In the consideration part of this sentence, it is considered proven that the journalist was murdered after having criticized the administration of the mayor of Yungay. The State indicated that on July 20, 2006, the Supreme Court of Justice nullifying the convictions that had been imposed, absolving all those charged and postponing judgment only in the case of one of the absent defendants. According to the Inter American Press Association, in December 2005 three individuals were convicted and sentenced to 17 years in prison, and one was given a four-year suspended sentence. However, in July 2006 the conviction of the three first individuals was revoked and in September 2007 a new alleged perpetrator of the crime was detained (313).

## Alberto Rivera Fernández

Perú - 4/21/2004

### Summary of facts

Alberto Rivera Fernández was a controversial radio commentator. He was killed on April 21, 2004, by two men who entered a store he owned and shot him several times. According to the information received, Rivera Fernández often criticized the authorities of his municipality (314).

### Status of investigation

The State informed the Office of the Rapporteur that on February 7, 2006, the Specialized Criminal Court of Ucayalí convicted five individuals for the qualified homicide of Alberto Rivera. It indicated that on August 2, 2006, the Supreme Court upheld the conviction of two of the accused. The State indicated that there is a criminal process underway in the First Criminal Court of Ucayalí against a former mayor of Pucallpa and others accused of having conspired in the murder. According to information from the Inter American Press Association (IAPA), on November 14, 2007, both the former mayor and a former judge who were being tried as masterminds were cleared of all charges, and two other individuals were sentenced. The IAPA also indicates that on November 19, 2007, the Office for Oversight of the Courts (Oficina de Control de la Magistratura, OCMA) found that the First Criminal Court of Ucayali failed to comply with legal standards and the time periods for holding hearings in trials of supposed masterminds of crimes. The IAPA notes that the OCMA has found that the trial should be nullified, and now it is up to the Supreme Court of Justice to rule on the matter (315).

314. Annual Report of the Office of the Special Rapporteur for Freedom of Expression 2004, Chapter II, p. 82; Committee to Protect Journalists: Journalists Killed: Statistics and Background, available at: [http://www.cpj.org/deadly/2004\\_list.html](http://www.cpj.org/deadly/2004_list.html).

315. Communication from the State of Peru received on November 8, 2006. For information provided by the Inter American Press Association, see Impunity Project: Case of Alberto Rivera Fernández, available in Spanish at: <http://www.impunidad.com/index.php?procesos=20&idioma=sp>; Inter American Press Association, Press Release, December 21, 2007, available in Spanish at: <http://www.sipiapa.org/espanol/pressreleases/chronologicaldetail.cfm?PressReleaseID=2051>

## Juan Carlos Vásquez

Dominican Republic - 7/2/1995

### Summary of facts

Juan Carlos Vásquez worked as a sports reporter for the daily *Ultima Hora*. He was killed on July 2, 1995. According to the information received, Vásquez covered an accident in which a police official had participated; when the police official was asked about the reasons for the accident, he shot the journalist (316).

### Status of investigation

According to information provided by the State, a former police official was prosecuted and convicted definitively to 15 years in custody for the murder of Juan Carlos Vásquez. The State did not say whether that person is in prison because of the homicide (317).

316. Committee to Protect Journalists: Journalists Killed: Statistics and Background, available at: [http://www.cpj.org/deadly/1995\\_list.html](http://www.cpj.org/deadly/1995_list.html).

317. Communication from the State of the Dominican Republic received on November 3, 2006.

## Juan Emilio Andújar Matos

Dominican Republic - 9/14/2004

### Summary of facts

Juan Emilio Andújar Matos hosted the program “Encuentro Mil 60” on Radio Azua, and worked as a correspondent for the newspaper *Listín Diario*. He was killed on September 14, 2004, in front of the Azua offices. Months before the murder, Andújar had published reports on attacks against members of the media in the Dominican Republic (318).

### Status of investigation

According to information provided by the State, the case involving the murder of Juan Emilio Andújar is before the Criminal Court of the Azua Judicial District. The State indicated that three individuals had been prosecuted and did not provide information as to whether anybody had been convicted or was imprisoned because of the crime (319).

318. Annual Report of the Office of the Special Rapporteur for Freedom of Expression 2004, Chapter II, p. 82; Committee to Protect Journalists: Journalists Killed: Statistics and Background, available at: [http://www.cpj.org/deadly/2004\\_list.html](http://www.cpj.org/deadly/2004_list.html); International Freedom of Expression eXchange: República Dominicana – periodista asesinado, available at: <http://www.ifex.org/es/content/view/full/61451>.

319. Communication from the State of the Dominican Republic received on November 3, 2006.

## Julio César da Rosa

Uruguay - 2/24/2000

### Summary of facts

Julio César da Rosa was director and owner of the radio station CV 149. He was killed by a former public official in the center of the town of Baltasar Brum, in the department of Artigas. According to the information received, the crime may have been related to a public official's accusations that the journalist had ruined his political career (320).

### Status of investigation

According to information provided by the State, a former public official shot journalist Julio César da Rosa and then immediately committed suicide at the scene of the crime. In a communication on February 7, 2008, the State said it believed the case lacked conclusive evidence that would link the homicide to the issue of freedom of expression in Uruguay (321).

320. Annual Report of the Office of the Special Rapporteur for Freedom of Expression 2000, Chapter IV, p. 121; International Freedom of Expression eXchange: Uruguay – periodista asesinado, available in Spanish at: <http://www.ifex.org/es/content/view/full/26179/>.

321. Communication from the State of Uruguay received on January 9, 2007, and amplified on February 7, 2008.

## Jorge Ibraín Tortoza

Venezuela - 4/11/2002

### Summary of facts

Jorge Ibraín Tortoza was a photographer with the daily *Vespertino* 2001. He received a gunshot to the head on April 11, 2002, while he was covering a confrontation in Caracas between groups sympathetic to the government and those in favor of the opposition (322).

### Status of investigation

The State informed the Office of the Rapporteur that the Public Ministry is handling the case and added that the cause involving the murder of Jorge Ibraín Tortoza is in the preparatory phase. The State said one person had been prosecuted. Based on the State's response, it does not appear that anybody has been placed in custody because of the murder (323).

322. Annual Report of the Office of the Special Rapporteur for Freedom of Expression 2002, Chapter II, p. 94; Committee to Protect Journalists: Journalists Killed: Statistics and Background, available at: [http://www.cpj.org/deadly/2002\\_list.html](http://www.cpj.org/deadly/2002_list.html).

323. Communication from the State of Venezuela received on April 18, 2007.

## Mauro Marcano

Venezuela - 9/1/2004

### Summary of facts

Mauro Marcano hosted a daily program on Radio Maturín 1.080 AM and published a weekly column in the daily *El Oriental*. He was killed by two individuals on September 1, 2004, when he was leaving his residence in Maturín, in the state of Monagas. In his columns, the journalist often wrote about drug trafficking in the region and the participation of local businessmen and politicians in acts of corruption. Mauro Marcano was also a council member in the city of Maturín (324).

### Status of investigation

The State informed the Office of the Rapporteur that the Public Ministry is handling the case of Mauro Marcano and added that on March 5, 2007, a preventive detention order was issued against one person who had been deported by the State of Trinidad and Tobago and was being held in custody by order of the Acting Fifth Court of the First Instance in the Judicial Circuit of the Caracas Metropolitan Area (325).

324. Reporters Without Borders, Americas, Press Release, September 8, 2004, available in Spanish at: [http://www.rsf.org/imprimir.php3?id\\_article=11351](http://www.rsf.org/imprimir.php3?id_article=11351); Inter American Press Association, Press Release, April 7, 2006, available at: <http://www.sipiapa.org/pressreleases/srchphrasedetail.cfm?PressReleaseID=1644>.

325. Communication from the State of Venezuela received on April 18, 2007.

The Office of the Special Rapporteur for Freedom of Expression has conducted this study with the central purpose of analyzing the status of investigations into the murder of journalists in the region between 1995 and 2005. Killing members of the media because of their work in journalism is the most violent way to violate the right to freedom of expression. It not only nullifies the victim's right to life; it also infringes on the right of the victim's family to mental and moral wholeness, and deprives society of a source of opinion and information. The States thus have

the obligation to investigate these crimes, determine their causes, and punish those responsible. Failing to investigate these cases to the end encourages impunity, which can create conditions that make it easier for other reporters to be killed and can foster self-censorship. This study describes a complex situation in the region. Journalists continue to be killed, and most of these murders go unpunished. With this publication, the Office of the Rapporteur would like to call attention to this extremely serious problem and urge the member countries of the Organization of American States to take the necessary measures to conduct proper investigations and prevent these types of crimes from recurring.



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