

**BOLIVIA:
JOURNALISM UNDER SIEGE FROM THE JUDICIARY**

Executive Summary

Bolivia follows the trend of a partial restriction on freedom of expression and the press. The government of Luis Arce Catacora (Movement for Socialism [*Movimiento Al Socialismo*, MAS]) stays the course of attacking and stigmatizing journalists, while seeking to prosecute and persecute journalistic activity uncomfortable to the ruling party, amid efforts to override source secrecy.

The courts' failure to act on incidents that put journalism at risk uncovers a government strategy of intimidation. Stigmatizing speech and discretionary allocation of government advertising have been confirmed.

Introduction

After the change of administration in 2020, the scenario of attacks and violations of freedom of expression and the press shows no change. At the outset, Luis Arce Catacora (MAS) had a cautious approach and discourse as to the media that, to date, has turned into accusations and stigmatization of journalism no different from that of Arce's predecessor, Evo Morales.

The climate of tension between the ruling party and the political opposition, the open confrontation after the 2019 events, the distancing of several stakeholders of society from the *masista* (i.e., MAS-related) position and the same divisions and infighting within MAS, are factors nurturing and encouraging the different violations of the rights to free speech and to disseminate and receive news.

Instances of abuse of power range from threats, insults, judicial harassment, obstruction of information, to cases of censorship and attempts to violate source secrecy. At the same time, police excess and violence, along with those of social movements, some linked to the ruling party, turn journalists and the media into targets of repeated physical and verbal attacks. Poorly investigated and unpunished cases of cyber-attacks and anonymous death threats, or criminal trials against journalists, add to the sustained deterioration in this environment.

Development

Bolivia places 16th among 22 countries surveyed, scoring 42.72, below the global average of 53.69. This represents a position [in the bracket of] of partial restriction on freedom of expression and the press because of a series of events detailed below, which increasingly worsens the country's outlook and government actions for the full exercise of these rights

inextricable from the nature of democracy itself. Consequently, compared to the 2020-2021 Index, Bolivia has dropped from position No. 15 to No. 16.

From the Executive (4.86), Legislative (3.59) and Judicial (4.13) environments, there is an unfavorable degree of influence, between moderate and strong, when it comes to guaranteeing the full exercise of the above rights and freedoms. *Vis-à-vis* the previous 2020-2021 survey, the negative impact of the Executive and Judicial environments is repeated.

Regarding the four realms of the Chapultepec Index, the quality of information disseminated among citizens is evidently downgraded because of the precarious conditions for journalism, along with the repeated and even violent restrictions to curb voices critical of and dissenting from the official narrative.

Smear campaigns, stigmatization, physical, and verbal aggressions, threats, persecution, as well as reduced allocation of government advertising and judicial intimidation are some of the strategies relied on to foster defenselessness and submission among journalists. Additionally, atrocities and abuse by the public forces, impunity in cases of violence, and subjugation of newsmen and the media, [as well as] government failure to act in protection and promotion of fundamental rights inherent to journalism, could be witnessed. Unfortunately, that is the state of affairs that the country is unable to overcome.

Environments: Government aggression normalized

The period surveyed shows a rate of moderate negative influence from the Executive environment (4.86) which, however, translates into a strong influence in a couple of realms (A and B). This takes the form of police repression and abuse to citizen protests and against journalists who have been imprisoned and beaten. The government has obviously failed to comply with its duty to protect of the activity of the press.

Such is the case of the aggressive and unfair arrest of *Página Siete* daily newspaper journalist Carlos Quisberth while he was covering the protests of the Departmental Association of Coca Producers of La Paz (*Asociación Departamental de Productores de Coca de La Paz*, Adepcoca) and the attack with tear gas against cameraman Santiago Limachi and his son while covering the same events (September 2021); likewise, claims of the media where Attorney General Wilfredo Chávez was interviewed regarding the audit of the Organization of American States (OAS) after the October 2019 failed elections in Bolivia being a deceptive outlet; or also blaming the media of misrepresentation and instigating conflict as those by Vice President David Choquehuanca, following the controversial statements during an address in which he discredited non-aboriginal professionals (April 2022).

Attorney General Chávez also branded the media as “supporters of coup mongering” because of their insisting on claims of “electoral fraud” (August 2021). This public official posted a disqualifying meme on Facebook with the caption “Trash press. Don't watch them! They deceive, lie, misrepresent, manipulate; they are corrupt” (September 2021).

However, it is worth mentioning the ambush, kidnapping, and torture against a group of persons (police officers, civilians, and six journalists) while their equipment was destroyed in the town of Guarayos, Santa Cruz (*Las Londras*) by armed subjects linked to land trespassers (October 2021); this serious crime was initially downplayed by the police and, later, the

investigation regarding this incident was stalled. To date, there have not been any findings nor have those responsible been punished.

From the Legislative environment, with a score of moderate influence (3.59), the outlook is just as gloomy. The Plurinational Legislative Council discussed an anti-money laundering bill, which included a provision (Article 11) overriding the right to secrecy of journalistic sources in investigations of alleged ill-gotten proceeds. This provision proposal was deferred following a wave of social protests, including the journalistic guild, because of evident excess and violations (October 2021).

No laughing matter is MAS Supranational Congressman Adolfo Mendoza's post about subjecting the media (which he described as "mercenaries") to "zero advertising", in the context of the resistance from various sectors to the passing of bills such as the one mentioned above, or one related to the Law of the Economic and Social Development Plan (*Ley del Plan de Desarrollo Económico y Social*) (November 2021).

In an unwarranted and unjustified manner, the Plurinational Legislative Council has also barred journalists from entering its facilities (September 2021). Also, Speaker of the House Freddy Mamani (MAS), announced that he would prevent congresspersons who do not greet in aboriginal languages from addressing the floor and remove officers who fail to do likewise in violation of a basic principle of free speech (August 2021), under the guise of preserving the aboriginal languages recognized in the Political Constitution of the State.

For its part, the Judicial Environment, with a moderate influence (4.13), has conducted a series of questionable actions. It is worth mentioning that Bolivian justice is one of the most questioned by citizens due to its lack of independence from the Executive, corruption scandals, excessive backlog in serving justice, poor transparency in proceedings, clearly unqualified staff, fast-tracking of cases convenient to the current government and detrimental to its opponents, among others.

As for violations by this environment, the following are noted: i) (attempts at) calling news professionals to take the stand as defendants / respondents or witnesses (Guider Arancibia; Yolanda Barrientos cases November 2021 and July 2022, respectively); ii) news publications recalled on court orders, thereby incurring censorship, without press courts hearing these motions (Fernando Nürnberg and Jaime Vega case, January 2022); iii) pre-emptive arrest of a journalist (Luis Alfredo Muñoz) for an alleged act of violence against women after publishing a meme purportedly slanderous of a former director of the Mining Administrative Jurisdictional Authority (*Autoridad Jurisdiccional Administrativa Minera*) (April 2022); iv) A gag order from a judge preventing the broadcasting of a public hearing at a trial against defendants for casualties in Potosí; v) hijacking equipment and deleting recordings of newsworthy content (May 2022); vi) expelling journalists who attended an online session of the trial against former president Jeanine Añez on the grounds of lack of accreditation (April 2022), among the most serious actions.

Realm A: Suppression of any kind of opposition

The three branches of government, with their authorities and officials, have acted at different times and to different extents in violation of the rights of citizens to be informed and to express themselves freely, as well as the rights of journalists and the media to exercise freedom of the press. Therefore, Bolivia obtains a third of its score from this realm (7 out of 23).

Among other issues, journalists have been denied access to government facilities such as the [Plurinational] Legislative Council (September 2021) or the courts where trial proceedings of national relevance are conducted (the judgment of Jeanine Añez). Summons have been issued and government agencies have threatened to bring lawsuits for the publication of reports and news items (*Página Siete* case, April 2022).

To the above are added stigmatization, slurs, discrediting of the work of journalists and the media by officials and political leaders (several cases, among them statements by former Santa Cruz governor, April, 2022, or statements issued by Evo Morales and Álvaro García, March 2022), as well as police abuse against journalists during demonstrations and social protests, leading to arrests, beatings, minor and serious injuries, and even an attempt to run over a journalist (case of Carlos Aramayo, Tarija, who was rammed by a police patrol, September 2021).

On claims of “new coup attempts”, rallies and social protests have been brutally repressed for opposing measures of the ruling party (in particular, civic strikes in regions considered to be in opposition to the government), or for demanding compliance with laws, as in the case of the conflicts with Adecoca. This organization has been targeted with the arrest and imprisonment of its leadership, internal division sparked by a pro-government parallel association and leadership, and the establishment of an unlawful coca-leaf marketplace.

Realm B: Exercise of journalism prosecuted

This realm obtained half of its possible score (5.3 out of 10). Journalism is the target of threats, hate and murder messages by means of anonymous messages; slurs, beatings, destruction of property, news equipment and content by the police or by third parties amid events of social unrest. These incidents are part of this outlook of violations not investigated or unpunished by the government.

There are also frequent court summons naming journalists as witnesses or defendants / respondents in trials as sensitive as the so-called “Coup d'état I and II”, with the likely purpose of intimidating them at their endeavor. Government authorities have often made efforts to call into question or override the right to source secrecy, for instance, in the form of filings by the Attorney General. Likewise, a provision proposal of the anti-money laundering bill in this regard has been deferred.

Furthermore, as mentioned above, the denial of entry to journalists in the hearing of former president Jeanine Añez’s trial curbs the right to inform citizens and the free exercise of journalism.

Realm C: Journalism stands up to threats

In this realm, Bolivia scores 12.7 out of a rating of 42. Government-sponsored persecution, evident in the form of intimidating, stigmatizing, and hate speech issued against the media and journalists, has been recurrent. Statements seek to discredit the work of the press every day.

President Arce Catacora himself criticized the local media for failing to highlight the country's economic growth (May 2022); statements by Vice President Choquehuanca or the Attorney General mentioned above; or those by former Santa Cruz Governor Rubén Costas

greeting journalists with the phrase: “Good afternoon, sexual harassers” (April 2022); serious allegations by Evo Morales on Kawsachum Coca radio, property of Chapare coca producers, referred to the newspapers *El Deber*, *Página Siete* and the television networks Unitel and Red Uno, in the following terms: “... those media are worse than the atomic bomb, worse than NATO (North Atlantic Treaty Organization), they destroy peoples” (March 2022). Additionally, *Telesur* Álvaro García alluded to newspapers *Página Siete*, *Tiempos* and *El Deber* as follows:

... they managed, sheltered, and protected the coup-mongering senator (Jeanine Añez) who, with four congresspersons and the protection of law enforcement and the military, proclaimed herself president [...] There are openly and blatantly coup-mongering newspapers that lied in the 2019 elections, incited the people to set the electoral body on fire and burn ballot boxes (March 2022).

We also notice verbal attacks during news coverage, such as those sustained by a journalist from newspaper *El Deber* when asking a law enforcement agent why he was forcing public officials to clear the roads after the blockades in that city (November 2021).

On the other hand, the government has been passive in the face of attacks, aggressions, and threats to the media and journalists. For example, a group of land trespassers took over Radio Panamericana facilities, where its broadcasting system and equipment were, in the town of Villa Ingenio (La Paz), with damages reaching USD 25,000 (January 2022), the incident went unpunished; when newspaper *El Deber* (Santa Cruz) was threatened with terrorist attacks by so-called pro-government “digital warriors” (November 2021); a journalist from *El Deber* labeled as worker for “right-wing press” and “*pitita* [anti-Morales protester] press” (alluding to the rally against the questionable results of the 2019 general elections) was anonymously threatened while precisely investigating these regrettable events (July 2022); and *Página Siete* cartoonist Abel Bellido (a.k.a. ABECOR) received other death threats after publishing a cartoon lampooning the Attorney General (October 2021).

Attacks by anti-vaxxer groups against journalists covering these demonstrations (Vladimir Rojas case, in El Alto; Carlos López and others in Cochabamba, January 2022), threats from these same cadres to take over the facilities of newspaper *El Deber* (Santa Cruz, January 2022), cyberattacks with the theft of e-mail passwords and accounts on the social media of *Agencia de Noticias Fides* (*Fides News Agency*), among others, have also disregarded by the government, which has not taken any preventive or protective action.

Realm D: Weaponized government advertising

Direct and Indirect Controls over the Media added, Bolivia scores a rating of 17.7 out of 25. Indeed, as for the sub-realm of Direct Control, the discretionarily for allocation of advertising remains egregious. The figures and the criteria under which media [airtime and ad space] are bought and the distribution of advertising funds continue to be data hard to access by citizens. However, *Agencia de Noticias Fides*, via the public procurement website, estimated that the government spent at least BOB 152 million [BOB: ISO code for the Boliviano] on advertising (around USD 21 million) for 11 months in 2021 (ANF, 2021).

Upon review of the contracts awarded, government media outlets and those supporting the ruling party had a noticeably significant share of that amount. In this group, there are

agreements with *Telesur* and with so-labeled opposition or right-wing television networks that, due to their ratings, cannot be neglected by government advertising.

Ultimately, MAS supranational Congressman and President of the Andean Parliament Adolfo Mendoza raised the issue that “zero” advertising should be awarded to the media while calling them “media mercenaries”. “Zero advertising for media mercenaries! The media siege must be firmly confronted. Any company or government allocating funds for advertising in these outlets (other than citizen information) becomes a collaborator in destabilizing democracy”, he posted on his Twitter account (November 2021).

Conclusions

Bolivia remains an unfavorable environment for the exercise of freedom of expression and the press. Although these fundamental rights are still in force and defended at all costs by journalistic unions, human rights organizations, and other stakeholders of society, attacks, harassment, threats, stigmatization, persecution, and attempts to prosecute news endeavor have gained ground.

In addition to this, the rhetoric of political and government personalities is derisive of the news endeavor of and creates distrust in journalists among citizens by disseminating a single-sided point of view on events and post-truths flattering to the power elite.

Political polarization among the government, the opposition, and other sections of society poses a dilemma to the press, especially when investigating, disseminating, and criticizing the performance of the government. Journalism is the target of attacks, abuse of power, and economic stranglehold, particularly by the Executive environment.

Siege by the Judiciary further intensifies this system of violations, attempts at prosecution, summons to journalists to have them take the stand as defendants / respondents, witnesses, or informants, deteriorates the role of the Judicial environment. Along with all this, [there are] legislative and other kinds of attempts to override source secrecy in the form of bills or initiatives that the government tries to impose from the Legislative environment or other government bodies.

Therefore, the government, supposedly guarantor of fundamental rights, becomes the main culprit of violations by action or omission.

These situations make citizens face a declining quality in news output and democracy which, in turn, compromises supporting and exercising fundamental rights.

The exercise of journalism cannot but be at jeopardy amid attempts at limiting, subduing, or silencing it. All kinds of restrictions on access, production, and dissemination of public information and journalism’s role in bringing it more accessible to citizens become a warning sign of threat to the rule of law itself.

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