

## **Alianza FLIPYS**

### **Special report – Journalists ask for protection in order to cover the justice and peace process 26 June 2007**

#### **FLIPYS Alliance. Fundación para la Libertad de Prensa (FLIP) – Instituto Prensa y Sociedad (IPYS)**

The journalists who cover the hearings of demobilized combatants of the Autodefensas Unidas de Colombia (AUC) in Medellín, capital of the department of Antioquia, work in fear. More and more often, their work is being observed and documented – through videotapes and photographs – for unknown purposes. They also receive messages and threatening answers during the interviews that they carry out outside the city's administrative center where the proceedings are taking place. As well as giving rise to self-censorship among the journalists, this spiral of fear and lack of trust has started to silence the AUC victims, who had renounced their anonymity in order to demand truth and reparation.

On July 15, 2003, the Government and the AUC signed the Santa Fe de Ralito Agreement, according to which this armed group undertook to demobilize gradually until its disappearance. The Government has stated that 31.671 members of the group had demobilized by the end of 2006. According to a report published by the newspaper 'El Tiempo' on June 17, 2007, six months after the preliminary Justice and Peace Law hearings started (the process's legal framework) and until then, 40 members of the paramilitary force, out of a total of 2.812 that have criminal records, had presented their free version of events in the country.

“Normally, when this kind of event takes place, journalists are there while they ‘lobby’ for interviews. As they cannot enter the rooms where the members of the paramilitary force testify before the Justice and Peace prosecutors, they wait outside where relatives of the victims and friends of those who are testifying converge”, explained the magazine 'Semana' on June 8 about the way in which the events are covered by the press. It is there where some of the AUC's demobilized combatants and unidentified persons related to this group have subtly registered the journalists' activities. Although they felt distrusted and fearful, the communicators got used to this strange kind of surveillance: motorcycles patrols, photographs and notes taking.

#### **Intimidation and provocation**

On June 6, 2007, the situation became critical. On one hand, the former paramilitary chief of the 'Bloque Élder Cárdenas' group, Fredy Rendón Herrera, a.k.a. 'El Alemán', stated during the hearing that the press was tendentious and had been “infiltrated by the guerrilla”. On the other hand, outside the Prosecutor's Offices a group of demobilized combatants, relatives and people who had apparently been hired for the event, organized an enormous gathering. It was a manifestation of merriment that became an outrage and a provocation for the reduced number of victims. While the first group celebrated, the others just tried to read a report of the crimes attributed to 'El Alemán'.

The newspaper 'El Colombiano' stated that there were at least 370 followers of the former paramilitary chief who arrived in 13 buses from the township of Necoclí, with paid food and accommodation for two days.

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They explained that they supported Rendón Herrera's "social work" in the Urabá region. They intimidated and confused the nearly 70 victims, relatives and their representatives with a 'carnival' that included a band of music, dancing, confetti, loudspeakers, clapping, shouting and flowers.

Fredy Rendón joined in by dancing from a window. According to what an official of the National Commission for Reparation and Reconciliation declared to a group of journalists, Rendón stated that he would stop dancing if that would really alleviate the victims' suffering, but as that would not be the case, he would just as well continue.

A TV news programme journalist described the general feel of that day as follows:

Although we have felt their presence at other times, paying attention to what we talked about with the victims, that day it was very blatant. Two men were standing less than one and a half meters away from me at all times. They never said anything, but they stared aggressively, like stating "here we are". It was a way of threatening us. The camera operator signaled to me, he said to me "watch out with these guys". Their mission was to stick to my side like chewing gum".

Fear prowls around the press rooms and the questions are obvious: why do they take pictures of us, tape us and follow us while we do interviews? what are they going to use those materials for?, what is going to happen during the following hearings if necessary measures are not taken?

"It is a kind of threat and intimidation. We do not believe those photographs are being taken in order to create a memory or a history book. They are individualized photos and images of each one of the journalists", commented Fernando Cifuentes, a Teleantioquia journalist who is also the President of Antioquia's Journalists' Association (APA).

The demobilized combatants' expressions when referring to journalists, as well as those of political spokespersons and AUC press directors, are also intimidating. 'El Aleman's declarations are just one example. He has publicly stated things such as the following on occasion: "This journalist is a friend of the process...", "this journalist is an enemy of the process...", "there are some journalists who are less responsible than others..."

This way of classifying journalists brands them and positions them arbitrarily in one or another side. The questions that arise from this are also logical and equally worrying: who are the men and women who are included in the 'friends' of the process list, who are listed as 'enemies'? What may be the consequences of being declared an enemy of the process?

### **Restrictions for the coverage of hearings**

"I don't know any of the rooms where the hearings take place, I don't know the rooms where the victims are. I have never been allowed in. They let in one camera for all the media and allow it to tape a few minutes before the hearings begin. How it was

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installed, what the victims' room looked like and out", stated Fernando Cifuentes of APA.

In January 2007, FLIP stated its preoccupation regarding the contradictions and confusion in relation to the possibility that the paramilitary leaders' free testimonies became publicly known. A month earlier – in December 2006 – the Prosecutor General's Office had issued a ruling that allowed the presence of victims at this stage if they had evidence of the harm they had suffered and they renounced having their identity protected.

However, faced by the media's and victims' associations' nonconformity, the Prosecutor General, Mario Iguarán Arana, stated in a communiqué that the Prosecutor's Office "has not had nor has any objections against broadcasting the free testimonies presented by those who avail themselves of the Justice and Peace Law via radio and TV".

This issue is included in the Justice and Peace Law and was reviewed by the Constitutional Tribunal. The court considered that in order to apply regulations about legal reserve in this case it is necessary to refer to other general regulations about judicial reserve. Six months later, however, the issue is still confused and neither the Prosecutor's Office, nor the Constitutional Tribunal nor the Government have moved forward on the subject. Until today, no preliminary hearing has been broadcasted and journalistic coverage is completely irregular, as Cifuentes has pointed out.

Some journalists have been present during some of the hearings, but have not been allowed to tape or register the former paramilitary combatants' declarations. The information they get is therefore limited to what the victims' relatives and their spokespersons, demobilized combatants or members of the National Commission for Reparation and Reconciliation say outside the hearing rooms. Much of the information is based on third party accounts.

For the journalists in Medellín, a media based battle is being fought in the context of the hearings. The paramilitary leaders use these spaces to contradict journalistic information or to clarify points that they believe have been misinterpreted. At the same time, every declaration they make is calculated to have an influence on the journalistic agenda and maintain a state of suspense or confusion. When facing the microphones, the paramilitary combatants promise to reveal conclusive evidence during the next hearing, as if the whole thing were a soap opera. And on occasion, the demobilized combatants themselves stop others who attempt to talk to the media.

At the beginning of June, 2007, the Villa de la Esperanza Foundation, an organization that is related to the AUC, paid for a whole page in the weekly 'El Espectador' to flaunt the social work of demobilized leader Carlos Mario Jiménez, a.k.a. 'Macaco', and describe him as "peace entrepreneur". The paid advertisement – similar to another one published by the same NGO in the newspaper 'El Tiempo' with the objective of making reparations for the paramilitary combatant 'Cuco Vanoy' - infuriated several opinion sectors and victim organizations' representatives. A week later 'El Espectador' emitted a communiqué apologizing for having published "a paid advertisement that promoted the opinions and actions of citizens accused of committing heinous crimes".

**The authorities' support is not felt**

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Faced by the little support they receive from the authorities, the journalists work in groups as a way of protecting themselves. They consider the prohibitions imposed on them to be unfair compared to how freely the demobilized combatants operate. When they realized they were being taped, they informed the Police about an unidentified person who had a video camera hidden in a briefcase, but it was of no avail. The same usually happens with other irregularities they constantly report. To the contrary, they feel they are also being kept under surveillance by members of the Public Forces.

A journalist working for the FLIPYS alliance tried unsuccessfully to interview, personally or via the phone, Medellín's Metropolitan Police chief, General Marco Antonio Pedreros Rivera, or his deputy, Colonel Jorge Rodríguez. As well as wanting to know their opinion about the most recent events, the purpose of the interview was to present to them the journalists' situation, talk about security measures that could be taken and about institutional support for the media.

### **Fewer victims appear**

The described scenario does not just generate an inhibiting effect and an atmosphere of self-censorship among the press; it also keeps away the victims from the process and undermines its legitimacy. Events such as the festive manifestations in favour of the paramilitary do not fall within the field of freedom of expression. They are premeditated events, with hired 'supporters' and not at all spontaneous. They are also actions that make apology for violence and are direct incitements for the victims of the armed conflict. Added to the messages of the paramilitary leaders, they constitute an atmosphere of fear that attempts against the right to the truth.

For the victims, the threats have been made through signs, personally or over the phone. The father of somebody who disappeared was told that if he continued making a fuss one of his other children would be murdered. On another occasion, two demobilized combatants waved a flag in the face of two mothers and told them that "Mr. Alemán" was the only saviour. They ran away in terror while the strangers made an obscene gesture with the hand.

Bayron Góngora, a member of Corporación Jurídica Libertad, a human rights NGO that represents victims in criminal proceedings in Chocó, Oriente Antioqueño and Medellín, stated that the victims feel belittled and disrespected every time they refer to them or their relatives as "my invisible friends" or "discharged combatants". He also expressed that on one occasion a group of the persons he represents were standing on a corner, next to the Prosecutor's Office, when some people went past in a car and shouted "murderers" at them.

Now the victims only dare attend the hearings when representatives of the Corporation go with them. The victims in general, in the same way as the communicators, feel threatened and prefer to stop going to listen to the declarations that are part of the process. Corporación Jurídica Libertad promotes a project called 'La Campaña', fostered by 26 human rights NGOs, with which they seek to make the public aware of the problem through the truth as told by the victims. Among other activities, they presented a mise en scene of a "memory gallery" where they narrated the story of disappeared or murdered relatives using their photographs. This kind of activity has

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also been under surveillance and has been documented by unidentified individuals and persons who are related to the paramilitary.

The victims' expectation of obtaining information about the whereabouts of their loved ones decreases, and they prefer going back to anonymity rather than increase their families' suffering. Many still remember the case of Yolanda Izquierdo, leader of a social movement that has as its objective recovering the lands misappropriated by the paramilitary, who was murdered last February in Montería, Córdoba.

Teresita Gaviria is the president of an association called Caminos de Esperanza Madres de la Candelaria. This organization began with a group of 20 mothers who wanted to search for their disappeared sons. Today it involves 267 mothers, who in November 2006 won the National Peace Prize. Teresita tells how on one occasion she approached one of the paramilitary combatants' 'supporters' to ask him to respect the mothers' mourning. The man replied with an insult. "That was very painful for me. I reasoned then that the mothers' situation gets worse every day, and events like this one cause them to decide not to participate in the hearings", she concludes.

On 8 June, a meeting was held in Antioquia's Government headquarters between the Mayor's office, the Government, the National Commission for Reparations and Reconciliation, the Attorney General, the Prosecutor General and the Police, where it was agreed that as from the next hearing all manifestations are forbidden. "All public acts were prohibited. The Police was given the order to proceed, if necessary, with much respect. "We want to minimize the possibility of actions being carried out that may generate aggression", commented Antioquia's Government secretary, Jorge Mejía, to Medellín newspaper 'El Colombiano'. This gives rise to a question once again: can peaceful manifestations, such as those organized by victim organizations, be compared with acts that make an apology of violence and praise the actions of armed groups involved in crimes against humanity?

### **Considerations**

FLIP and IPYS, as advocates for press freedom and the freedom of expression, declare the following:

- The atmosphere of intimidation and harassment felt by journalists and victims during the development of the Justice and Peace process in the city of Medellín is alarming.
- The Public Force must control manifestations that provoke and instigate to violence, and guarantee the freedom of peaceful and symbolic expression by the victims.
- The Prosecutor's General Office must clarify applicable regulations about access to information during the free hearings and later stages. It must also settle the issue of the TV broadcasting of the different stages of the process.
- The Prosecutor's Office, the Police and the Administrative Department for Security (DAS) must investigate the purposes behind the registering of journalists' identities by unidentified persons, and the Government must demand from paramilitary leaders the cease of these intimidatory and stigmatizing activities.



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- The Police must provide all necessary protection to the journalists who are covering the Justice and Peace Law process, and collaborate so they can exercise their profession in a suitable manner and without risks in the premises of Medellín and Antioquia's Prosecutor's Office, and in the other locations where the hearings take place.

The FLIPYS alliance is the author of this report. Please acknowledge this on circulating it.

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Fundación Para la Libertad de Prensa, FLIP, is a non-governmental organization that monitors systematically press freedom violations in Colombia, develops activities that contribute to the protection of journalists and the media, and promotes the fundamental right to information.

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