

SPECIAL REPORT

ECUAVISA PRESENTER IS DISCREDITED AT LEAST 25 TIMES THROUGH CRITICAL COMMENTS

Alfredo Pinoargote, Ecuavisa journalist and presenter, has been called "clumsy", "liar", "(acting in) bad faith", "ambassador of the partocracy", "messenger of the local powers", "tight-faced", "bitter" and other derogatory adjectives by President Rafael Correa because of his critical, and maybe even uncomfortable comments about those in power.

Since 2011, Pinoargote, who conducts the news and interview program ContactoDirecto, has been discredited in more than 25 occasions; in at least 10 'chains' (national or dedicated exclusively to Ecuavisa) and 15 presidential Saturday programs, in which he has been repeatedly mentioned in segments such as: "The double standard of the week," "The incoherence of the week", "The bitterness of the week", "Freedom of expression now belongs to all" and even the satirical segment "Lenguanoticias".

The most recent disparagement against the journalist has occurred through 'chains' ordered by the National Communications Secretariat (SECOM), interrupting the program abruptly with the screen going blank without prior notice to make way for the obligatory link.

This was the case with the last 'chain', broadcasted on 8 May 2013, which suddenly interrupted an interview that Pinoargote was conducting with Assembly member Rolando Panchana. The 'chain' lasted for seven minutes and was dedicated to refuting the comments made by the presenter and by former President Oswaldo Hurtado, who had been a recent guest of the program. According to this 'chain', they both talked about how "democracy is at risk because in their opinion, no one can issue opinions that go against the official viewpoint".

After presenting archive footage of fighting congressmen and violent protests, the official voiceover asked: "Is this the democracy Hurtado and Pinoargote yearn for? Former President Hurtado and his ambassador Pinoargote remembering old times, when the former ordered and the latter complied. That's how it's understood and it seems that favors are returned, aren't they?" concluded the government program.

Earlier, on 29 and 30 April 2013, two other 'chains' interrupted Pinoargote's program for two and a half and eight minutes respectively. On both occasions the interruptions also occurred abruptly when the communicator was interviewing, in the first instance,

Assembly member María Paula Romo – whom he was questioning about the lack of respect shown for the parliamentary immunity of Assembly member Cléver Jiménez, sentenced for slander – and in the second case, Galo Mora, secretary of the ruling movement AlianzaPAIS.

The first ‘chain’ was the rerun of a video shown the previous Saturday during the president’s No. 319 weekly Enlace Ciudadano, in the segment titled "The week’s double standard", which showed a few paragraphs taken from an article written by Pinoargote on parliamentary immunity in October 1980, in which he questioned the fact that it had not been suspended for a different legislator, contrasting it with a comment made by the journalist regarding the case of Cléver Jiménez. The partial diffusion of Pinoargote’s article was rejected by the journalist, who questioned SECOM for manipulating and leaving out part of his writing to imply that his discourse displayed a double standard. After ratifying what he said 33 years ago, Pinoargote clarified that his first opinion referred to a flagrant crime, very different than the present case.

The second ‘chain’ also disparaged Pinoargote for having "manipulated" and disregarded the truth on at least seven occasions when he expressed his opinion on air. Quoting comments made in different months of 2011 and 2012 on issues such as the implementation of new taxes, electricity rates, the signatures needed to register political movements and parties, among others, it concluded that the presenter lied.

Also, on 5 April 2013 SECOM dedicated a ‘chain’ to refute the comments made by the Ecuavisa presenter, who had pointed out that the Ecuadorian State, through executive decree 1317, had ratified nine days earlier that it would abide by the precautionary measures issued by the IACHR, established by Article 25 of the Organization’s regulations. Pinoargote was accused of "interpreting at his convenience" what happens within the Inter American Human Rights System (IAHRS). Furthermore, the ‘chain’ insisted that the Commission does not have the legal power to issue precautionary measures, so that "it is not a presenter’s job to make interpretations or he should only make them as former ambassador to the partocracy".

On this same year, on 11 March, another ‘chain’ interrupted for six minutes Ecuavisa’s program to "clarify" a comment "made in bad faith" by the reporter who had questioned the fact that SECOM had not verified some information and had presented as an example the health reform approved six months before President Obama’s election campaign in the United States. This in light of the criticisms made of President Correa for approving decrees only a few months before his re-election and for allegedly benefitting from being president and candidate.

In other examples, on 24 May 2012, a six minute long ‘chain’ discredited the journalist and the media outlet’s editorial line, as well as an interviewee, the former chief of the Army Intelligence service, Mario Pazmiño; while in 2011, on 28 February and 2 March, specifically, another two ‘chains’ disqualified the comments and an interview by Pinoargote with the mayor of Guayaquil, Jaime Nebot. Both ‘chains’,

which only interrupted Ecuavisa's programming and lasted about seven and two and a half minutes approximately, questioned the fact that Pinoargote did not mention anything about the brawl that took place between Mayor Nebot and a civil judge. For this he was accused of expressing comments "beyond all logic".

As for the Saturday programs, these are characterized by the insults issued by the highest authority of the State, the president of all Ecuadorians, which in most cases are uttered immediately after Pinoargote is shown in one of the segments mentioned above.

Some of the latest programs, like No 319 dated 27 April and No 315 dated 30 March are a good example of this. In the first he was accused of having "double standards" and in the second of "lying". In the latter he was mentioned during the segment "Freedom of expression now belongs to all", when President Correa asserted that the "unspeakable" Ecuavisa presenter Alfredo Pinoargote lied by claiming that the Ecuadorian government would not respect the precautionary measures issued by the IACHR and aimed to eliminate this authority of its function just on a whim. The president insisted that the State has always respected these measures, but that these should be issued by the IACHR Court and not by the Commission, as, in his opinion, it was never given that authority.

On another occasion during program No 210 of February 2011, the Head of State suggested that Pinoargote is a "messenger of the local powers" and even questioned his IQ: "This Pinoargote has average intelligence. He believes he is intelligent; he is neither stupid nor smart, but on account of his bad faith he becomes even dim..." said the president in relation to a comment issued by the communicator regarding an interview with the mayor of Guayaquil.

In other programs, No 266 for example, Pinoargote was described as "the ambassador for the partocracy" for questioning the environmental taxes; while in No 254 he was described as bitter. "All the bitterness will be about Alfredo Pinoargote, the poor man even looks bitter. Let's see if some day we can change, Teleamazonas' 'Coloradita' for a while or the ineffable Osvaldo Hurtado, but so far all the bitterness goes for the ineffable Pinoargote", he said.

Also, during program No 246 the president attacked the journalist for commenting that he was seeking reelection by offering infrastructure to local authorities. Correa challenged him to prove those claims saying that if he did not he would again appear "as a liar before the country".

On another occasion, on 7 November 2011 a government video circulated in which Pinoargote was mentioned for allegedly insulting the public when he said "fight fairly you son of a bitch". That video was presented as a 'chain' in response to the audiovisual product shown by several petitioners in a hearing before the Inter-American Commission on Human Rights in Washington in October of that year. However, Pinoargote's statements were edited and taken out of context to

make it look as if the presenter was being insulting. This caused the rejection of the journalist, who at the time questioned SECOM for "manipulation and deceit".

Originally Pinoargote, referring to two of the questions included in the popular consultation, which he believed aimed to corner and intimidate freedom of expression, had stated the following: "This reminds me of a story about how the Christians used to confront the wild beasts in the Roman circus, buried up to their necks just the head was free and once it happened that when a hungry lion threw itself at its victim, the man avoided the big cat, bit it and ripped off a testicle. The coliseum went quiet then and the Emperor who owned the circus yelled fight clean you son of a bitch. That is exactly what is happening here, there is no fair play in the campaign and still he complains, this is really denigrating to the democratic regime", declared the journalist.

In other links, such as Nos. 299, 290, 274 273, 268 and 224 there were no excuses not to mention the journalist and discredit his work and opinions, along with those of other journalists critical of the government.

Use of unjustified official 'chains' amounts to abuse by the State, according to IACHR

The jurisprudence of the IAHR Court has pointed out, from its origins, the danger of certain actions perpetrated by the State, that behind a facade of legality, pursue the objective of limiting or restricting the free flow of ideas and opinions. Although there is no precise list of which of the State's acts could constitute a "restriction or censorship" mechanism, the Court has mentioned some examples, such as "the abuse of official or private controls over newsprint, radio broadcasting frequencies, or equipment used in the dissemination of information, or by any other means tending to impede the communication and circulation of ideas and opinions".

Thus, even if certain actions taken by the State are authorized and contained in a law, they become violations of the right to freedom of expression when their intent or results undermine the ability of citizens to give, receive and seek information.

Censorship is established by the prevention of the dissemination of a message or expression, limiting not just the right of those who want to transmit an idea or opinion, but depriving the whole society of receiving these messages. This is a violation of the right to freedom of expression in its two dimensions: individual and social.

For several years, the IACHR and the Special Rapporteur have been alerting States about the abusive use of national 'chains' by senior officials. Although the Inter-American Court has accepted that these official mechanisms for the dissemination of information on matters of public interest are a right and an obligation of States and authorities, not all the information presented within the framework of a national

'chain' is of public interest, and in these cases the interruption of the programming of the station that is forced to broadcast the 'chain' becomes illegitimate by failing to meet the requirement of necessity that justifies the invasion of the station's original signal and its programming.

Accordingly, if the information presented through a national 'chain' does not address national interest issues, i.e., matters about which the public must be informed for its protection, the proper exercise of fundamental rights or as a mechanism for accountability, we would be facing State abuse of the administrative authority to order private media outlets to interrupt their regular programming to give way to a national 'chain'.

In this sense, the State's obligation to keep its citizens informed and the eventual need to clarify issues that are part of the public debate can be executed through mechanisms that are less restrictive to the free flow of ideas. For example, public officials can use for this State media outlets and spaces that were pre-assigned in the media for accountability, without having to censor or restrict the possibility of the private media to disseminate their own messages through their regular programming. Thus, national 'chains' that temporarily suspend a station's programming, because of their restrictive effects on the exercise of freedom of expression, should be used in exceptional circumstances and only when public safety or the integrity of the State are at risk.

The indiscriminate use of national 'chains' is compounded when the information presented by the public authorities through them aims only to attack, harass, or insult people and private entities. In this regard, the Inter-American Court has held that every public official has the right to freedom of expression, it has also stated that this right should be exercised with caution, and that "public officials should refrain from making statements that in a context of social division, increase the risk that journalists and media outlets will suffer attacks by third parties".

In these cases there is not only a violation of the right to free expression by the immediate censorship suffered by a station when its programming is interrupted and it is forced to broadcast a 'chain', but also the rights to honor, the physical and psychological integrity and even the lives of the people against whom those official messages are directed are put at risk. When the people affected are journalists or social communicators, being attacked publicly in a national 'chain' can generate an inhibitory effect that results in self-censorship, because the fear of being persecuted by the State or of suffering acts of aggression from supporters of the incumbent government may prevent them from continuing to report and express opinions on matters of public interest.