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Freedom Of The Press - Panama (2011)

Status: Partly Free
Legal Environment: 18
Political Environment: 17
Economic Environment: 9
Total Score: 44

Freedom of the press is protected by law. However, the law allows the prosecution of journalists for vague charges related to exposing private information, and sets serious penalties for leaking government information to the press. Although there has been discussion about repeal, journalists are still subject to *desacato* (disrespect) laws that are meant to protect government officials from public criticism. Press freedoms were severely threatened by the judicial branch and institutions under the direct supervision of President Ricardo Martinelli, and the risks of legal repercussions and judicial intimidation encouraged self-censorship among Panamanian journalists.

Since 2008, libel and slander against high-ranking public officials have not been subject to penal sanctions, but they remain criminal offenses. In September 2010, the acting attorney general filed an opinion with the Supreme Court claiming that the 2008 reform had been unconstitutional. Meanwhile, press freedom advocates continued to push for full decriminalization of libel and slander. Cases occur regularly and often take years to move through the legal system. In April 2010, a court ruled against La Prensa Corporation, publisher of the daily *La Prensa*, in a libel case, requiring it to pay \$300,000 in moral damages to Argentina Barrera, a former prosecutor at the general prosecutors' office. In 2005, *La Prensa* had reported the news of Barrera's firing for supposed administrative faults, using official government press releases as sources. Seventy-year-old journalist Carlos Núñez López was jailed for almost a month in June 2010 because of a 2008 defamation conviction. The charges against him stemmed from a 2005 story in the now-defunct newspaper *La Crónica* about environmental damage in the province of Bocas del Toro. A landowner alleged that the article had damaged his reputation. A court in Panama City turned the prison term into a nominal fine and released Núñez on July 14 after 19 days in prison. In late September, a court convicted two television journalists, Sabrina Bacal and Justino González, of criminal defamation and banned them from professional work for one year. The case stemmed from a 2005 story, aired by the national broadcaster TVN Canal 2, alleging that Panamanian immigration officials took part in human trafficking. The appeals court also ordered them to pay a \$3,650 fine or be subjected to a one-year suspended prison term. Soon after the ruling was made public on October 4, Martinelli offered both reporters a full pardon, according to a government statement. Later that month, the Second Superior Court of Justice convicted journalist Rafael Antonio Ruiz of criminal libel for a story he published in *El Siglo* in 2005, which described a money laundering investigation against a member of the president's security team. Ruiz was sentenced to pay a \$1,000 fine to avoid 500 days of incarceration.

Despite the existence of transparency legislation, access to public information remains limited. In February, the Inter-American Press Association (IAPA) condemned a bill in the parliament that would establish a government agency to oversee the "self-regulation" of the news media. The measure had been introduced by a member of parliament who had also called for an existing agreement among leading television networks governing programming and public criticism of the president to be extended to newspapers and radio stations.

No physical attacks on the media were reported in 2010, and journalists in Panama remain fairly safe compared with colleagues in neighboring countries. However, instances of harassment do occur occasionally. In May, the director of the daily newspaper *El Siglo* filed a complaint with the Inter-American Commission on Human Rights (IACHR) claiming that the government had launched a campaign of harassment against the paper after it reported on the government's failure to collect the trash in poor Panama City neighborhoods. The IACHR was still investigating the matter at the end of the year. Paco Gómez Nadal, a Spanish journalist who lives in Panama, was threatened to be stripped of his residency and deported because of his defense of Panama's indigenous peoples, who had been protesting against mining exploration. Gómez Nadal was about to fly from Panama to Colombia in July when immigration officers held him for four hours and confiscated his passport and residence permit. With the help of media pressure, Gómez Nadal was finally able to leave the airport and go home. In August, journalists Santiago Cumbreira of the newspaper *Panamá America* and Álvaro Alvarado from TV Canal 13 were subpoenaed by the Prosecutors' Office after alleging that the government had tapped their phones. Journalists have been detained briefly due to erroneous information obtained from "Pele Police," a portable crime database used by the National Police. In October, a journalist with *La Prensa*, José Otero, was detained by agents of the National Police and held for three hours because the "Pele Police" device displayed a pending case for slander from 2001, in which he had been completely cleared. Otero was released after intervention by high government authorities.

All Panamanian media outlets are privately owned, with the exception of one state-owned television network and one radio station. There are about five daily papers, 100 radio stations, and several national television networks. Cross-ownership between print and broadcast media is prohibited. There were allegations that the government distributed official advertising according to partisan concerns. There are no government restrictions on the internet, which is accessed by nearly 43 percent of the population.