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FREEDOM OF THE PRESS

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Panama

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Panamanian press freedom continued to be threatened in 2012 by both the judicial branch and state agencies under the direct supervision of President Ricardo Martinelli, with the risk of legal repercussions encouraging self-censorship among journalists. Freedoms of speech and of the press are protected by the constitution, but the law allows for the prosecution of journalists for vaguely defined offenses related to the exposure of private information, and prescribes severe penalties for leaking government information to the press. A copyright law passed in September 2012 could threaten internet freedom by providing financial incentives for officials in a new General Copyright Directorate to levy fines against individuals, including those who share content online, with minimal safeguards for due process.

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. Since 2008, libel and slander against high-ranking public officials have not been subject to penal sanctions, but they remain criminal offenses. Cases

occur regularly—at least nine remained in process at the end of 2012—and often take years to move through the legal system. In July, a criminal circuit court acquitted TVN television journalists Siria Miranda, Kelyneth Pérez, and Eduardo Lim Yueng of defamation charges. The three had been sued for their 2009 broadcast of images from a security camera that allegedly showed a police officer accepting a bribe.

In September 2012, another court upheld a 2009 decision in a civil suit brought by Winston Spadafora, a former judge on the Supreme Court of Justice, against the Editora Panamá América (EPASA) media group and two of its journalists. EPASA was deemed culpable for “moral damages” caused by a 2001 article that revealed the financial windfall Spadafora had collected from a highway project while he was minister of government and justice. The court awarded him a total of \$25,000 in compensation and legal costs.

Despite the existence of transparency legislation, access to public information remains limited, and government officials sometimes refuse to release information, especially in cases involving corruption.

The press encountered instances of censorship during 2012. In a particularly egregious case, the Public Utilities Authority, under instructions from the National Security Council, assisted police efforts to suppress February protests by the Ngobe Bugle indigenous group by cutting off mobile-telephone and internet services in Veraguas and Chiriquí Provinces for five days. The media also encountered harassment and attempts at censorship from the private sector. In Panama City in August, about 30 trucks from Transcaribe Trading (TCT), a local construction company, surrounded the facilities of the daily *La Prensa* during the night, preventing the paper’s trucks from leaving the premises. The move was presumed to be retaliation for *La Prensa*’s investigative reporting on favorable contracts between TCT and the Ministry of Public Works. Despite a police presence, the blockade continued for several hours, until Martinelli himself arrived at the scene and called for the trucks to leave.

Journalists in Panama remain fairly safe compared with colleagues in some neighboring countries. However, an increase in the number of verbal and physical attacks against independent news outlets and journalists in 2012 continued a trend from the previous two years. The Journalists’ Union of Panama reported 60 press freedom violations in 2012, a sharp rise from 16 cases in 2011 and 12 in 2010. Government officials in particular have exhibited hostility toward the media,

and according to a poll by the Journalists' Forum, 82 percent of journalists in Panama believe that press freedom has been curtailed by the Martinelli administration's behavior. No arrests were made during the year for the November 2011 murder of Darío Fernández Jaén, the owner and program director of Radio Mi Favorita, who was critical of the Martinelli administration and had reported on corrupt links between land speculators and government officials.

During the opening of a session of the National Assembly in January 2012, Martinelli alleged that the media "only like bad news" and accused owners of using their outlets "to blackmail and scare presidents and ministers." In April, hundreds of journalists and civil society leaders marched in the streets to demand respect and freedom of expression after Martinelli, in a press conference, verbally harassed reporter Hugo Enrique Famaña, who was investigating a corruption scandal involving preferential treatment of Italian firms in the construction of Panamanian prisons. During a series of protests in Panama City in June, journalist Milagro Córdova and cameraman Jermaine Cumberbatch of the Telemetro television network were detained by police officers who seized their phones and reporting equipment. In August, agents of the Institutional Protection Service detained journalist Rafaela Sánchez and a cameraman with the RPC television network while they were reporting a story about a water purification plant.

All Panamanian media outlets are privately owned, with the exception of one state-owned television network and one radio station. There are at least five daily papers, around 100 radio stations, and several national television networks. Cross-ownership between print and broadcast media is prohibited. The government has been accused of distributing official advertising according to political criteria. There are no government restrictions on the internet, which was accessed by 45 percent of the population in 2012.

2013 SCORES

PRESS STATUS

Partly Free

PRESS FREEDOM SCORE

48

LEGAL ENVIRONMENT

17

POLITICAL ENVIRONMENT

19

ECONOMIC ENVIRONMENT

12

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