

ARGENTINA

THE PERSECUTION OF CRITICISM

Executive Summary

During the first six months of the administration of President Javier Milei, which began on 10 December 2023, 4 out of 10 attacks against journalists emanated from the government. Most were made by the president of the nation himself, replicated by an army of influencers and trolls on social media. The stigmatizing discourse against journalists and the media -frequent during previous administrations because of their hatred towards the traditional media- grew during this period marked by increasing hostility along with the erosion of the trust in journalism in a great part of the society.

Introduction

The attacks outside the National Congress against a Cadena 3 radio station car in Cordoba showed how extreme things can go when one side or the other of the ideological spectrum holds journalism and the media responsible for the country's hardships. Radio reporter, Orlando Morales, was covering a rally against the *Ley Bases* and the taxation package presented by the government to the Senate. Morales was beaten, the vehicle was overturned and, with no occupants, set on fire. No one was arrested for this particular incident.

The vandals, allegedly belonging to left-wing parties and *piquetero* (road blockers) movements, lobbed stones and Molotov cocktails at the police in rejection of the so-called anti-picketing protocol implemented by the Ministry of National Security to prevent street blockades. In response, the police used tear gas and water cannons to disperse them. Thirty-five people were arrested.

President Javier Milei, at the antipodes of the left and the *piqueteros*, won the presidential election at the elections of November 20, 2023. His attacks against journalism date back to 2018, when he was a panelist on a television program. From his position as president, the slurs went from insults such as 'ignorant', 'stupid' and 'donkeys', to threats and civil lawsuits. Between 2021 and 2023, as a national congressman, Milei had more than twenty altercations with the press.

While Argentina's score on the Chapultepec Index has remained stable since the previous registry (51.18 versus 51.34), Milei's hostility has increased since, as President, he took to the ring against journalists and the media calling their full names or derogatory nicknames, in the absence of a consolidated political opposition. He used the social network "X" to defame them openly and through the reposts of influencers and trolls who, under the cloak of made-up identities, commit character assassination through threats, attacks, and harassment.

'In recent months, the persecution of criticism has taken hold of Argentina,' Amnesty International said in a presentation to the Inter-American Commission on Human Rights (IACHR) on the decline of the exercise of freedom of expression. This is a serious issue in a

vast extension characterized by the lack of information due to the limited conditions for the exercise of journalism.

The role of journalism in a democracy is not limited to covering events or broadcasting official statements. It involves investigating and questioning, as well as guaranteeing the truth as a premise for society. This often involves making those in power uncomfortable with questions, cross-examination and even criticism as long as these are based on solid foundations, something that Milei's administration does not tolerate. Nothing new under the sun; the same happened during previous governments.

Result Analysis

During this period, Argentina dropped 0.16 points from the previous Chapultepec Index. A structural problem blends on the government agenda and banalities such as the number of dogs Milei has, which he calls 'four-legged children'. Is it four or five? If we add *Conan*, the English mastiff who died in 2017 and was later cloned. This inquiring from journalists got Milei angry and government spokesman Manuel Adorni responded at a press conference: 'If the president says there are five dogs, there are five dogs, and that's the end of it'. Your question is annoying. That's what he meant.

All of the above reflects in the increase of the degree of unfavorable influence in the executive environment: from 3.03 points in the previous index to 3.77 in the current one. In just two weeks, Milei attacked 33 journalists and 12 media outlets. He set a record: 45 attacks in total. He accused journalists of being 'liars', 'paid', 'exclusive junkies', 'corrupt', 'imbeciles', 'manipulative henchmen' and 'accomplices of the real violent ones', among other profanities linked to the alleged dependence on government advertising.

Official advertising, also called 'pauta', is a democratic requirement that should not be used as a reward or punishment as has been the case in recent years. It is used by the government to ensure universal communication of policies or information considered important or of public interest. Many private media depend on it. In a context in which the government promises to close or privatize public media instead of improving them, the one-year suspension of official advertising has resulted in the loss of 1,031 journalism-related jobs during the first half of 2024. More than half of these (50.5 %) in government media.

In the legislative scope, the degree of unfavorable influence on freedom of expression and the press dropped from 2.24 points to 1.82 points. There were, above all, individual pronouncements against journalists. In November 2023, before the presidential election, Rodolfo Tailhade, a member of the then ruling bloc *Unión por la Patria*, called some journalists and media outlets 'hired assassins and pimps of the judicial mafia'. This shows that the individualization of attacks is not a monopoly of the current government, but of politicians in general.

Tailhade, who has close ties to former vice-president and ex-president Cristina Kirchner, attributed to some journalists and three newspapers an alleged 'cheap' operation led by the president of the Supreme Court of Justice, Horacio Rosatti, to discredit the impeachment proceedings initiated by the Chamber of Deputies against the members of the highest court. This way, he sought to disassociate himself from a judicial espionage case.

That same month, Lilia Lemoine, then a national deputy elected by Milei's party - La Libertad Avanza - a party radically opposed to Peronism, to which Tailhade belongs, insulted a reporter

from *Televisión Pública* who tried to interview her at a railway terminal. 'The public media are going to be privatized, so try to be a good worker', she declared in a threatening tone.

During this period, the degree of unfavorable influence of the Judicial environment, the third branch, has also fallen from 1.68 to 1.34 points. There was a decline in attacks by drug traffickers against journalists in the city of Rosario, the focus of the report on Argentina at the 79th IAPA General Assembly held between 9 - 12 November, 2023 in Mexico City, although tensions remains boiling.

In the meantime, prosecution or threats to criminalize journalistic activity or opinion have continued. The dispatch of cease-and-desist complaints by the Minister of Justice, Mariano Cúneo Libarona, to journalists Nancy Pazos and Darío Villarruel and the criminal complaint filed by the defense of former governor of the province of Entre Ríos, Sergio Urribarri, against journalist Daniel Enz, represent a dangerous exercise of public litigation intended to intimidate and silence journalism.

Another controversy revolves around the possibility of an unconstitutional decree limiting the scope of the law on access to public information, not only valuable for journalism but also for society, while the appointment of federal judge, Ariel Lijo, encouraged by President Milei, as a member of the Supreme Court of Justice filling the vacancy left by Elena Highton de Nolasco, caused a stir. Lijo is accused of delays in resolving the most politically sensitive cases of corruption, of having few qualifications, and of having assets that are not proportionate with his income.

REALM: CITIZENS FREE TO EXPRESS THEMSELVES

Score: 14.50 (in restriction). Information flow that allows the citizenry to be informed and free to express themselves has increased by 2.70 points compared to the previous index. This has been credited to independent journalism under a period characterized by economic crisis, elections, and the radical change that resulted from the election of an eccentric president who took advantage of the discredit of traditional politics to campaign to his favor.

In this section, information flow increased from 5 points to 5.60, and freedom of expression remained practically the same (6.80) compared to 6.70, in the previous one. However, the rate of disinformation is alarming: 2.20 points out of a theoretical maximum of 10. Perhaps this is due to the sources of information which have been disrupted by a world that learns about events through posts on social media and messages in private WhatsApp groups while succumbing to mistrust against journalists and the media.

The government has done little to prevent disinformation. Both, the previous government of Alberto Fernández and the current one of Milei have used these channels to communicate with the public, relegating journalism and the media to a second level. Especially those who have been critical of them, or, in their opinion, emulators of the powers that be and the political opposition of the day.

REALM: VIOLENCE AND IMPUNITY AGAINST JOURNALISTS AND THE MEDIA

Score: 14.78 (high restriction, although the previous score was 15.64). Enough is enough: it is no longer a question of exposing or analyzing the facts, but even asking about them. That mere action can unleash a barrage of expletives against journalists. Not only from

the army of trolls at the service of the government, but also from the President himself who seems convinced that 'probably the place in the world where journalism is most rotten is Argentina, where a large part of the journalists are, shall we say, serial liars and slanderers'.

These statements to the BBC in London, like others made abroad, only confirm the general perception of the tension that has worsened after having endured - during Kirchnerism - the normalization of militant journalism or journalists' journalism, as a systematic denial of anything that might be annoying to those in power through the use of government media as government propaganda stations and with advertisement special treatment for the benefit of journalists and private media.

Along with the President's contempt, the work of journalists faced difficulties during the coverage of public events, such as the Independence Day celebrations on 8 and 9 July in Tucumán, where they were denied access. In addition, some judicial institutions, such as the Federal Oral Court of the Tucumán province that did not allow the press to attend the preliminary hearing of a case of alleged corruption.

REALM D: CONTROL OVER THE MEDIA AND JOURNALISTS

Score: 21.90 (low restriction). Milei came to power by replicating the discourse against independent journalism and the media in the style of former Brazilian president Jair Bolsonaro and former US president Donald Trump, who attained victory. Such strategy, intended to impose a sole discourse and encourage self-censorship, has paid off among his own people through a fanaticism bordering on blindness in contrast to the other fanaticism, also bordering on blindness, of the administrations of Néstor and Cristina Kirchner, mitigated during the administration of Alberto Fernández by the discrepancies among his own supporters.

In this area, direct control over the media fell from 17.70 points to 11.50, for a simple reason: the absence of official advertising from the national government, but not from the provinces and municipalities, since the beginning of 2024. Indirect control rose from 4.40 points to 5.80, influenced to some extent by the selection of specific journalists to conduct interviews with Milei, the government's leading voice.

The practice of journalism, in this respect, was limited by official lack of transparency. The head of the Cabinet of Ministers, formerly the Minister of Interior, a smooth-talking arbitrator who had a lot to do with the creation of Libertad Avanza, a party with little parliamentary representation and no governors of its own, enjoys more freedom of action.

Among other arbitrary actions, the government decided to remove the accreditation of journalist Silvia Mercado to enter the House of Government. This was returned to her after she went to court. There were other cases: An unprecedented situation that is also framed in a context of increasing aggressions against female journalists. In summary, less protection (0.90 points compared to 1.05), almost the same persecution (1.10 compared to 1.35), and greater impunity (1.80 compared to 0.30 points).

Conclusions

Argentina ranked 40th in the World Press Freedom Index published by Reporters Without Borders in 2023, 11 places lower than the previous year. During the course of 2024, 'the situation is particularly alarming in Argentina (66th), following the arrival of President Javier Milei into power, whose aggressive stance towards journalism affects pluralism'.

The National Academy of Journalism (Academia Nacional de Periodismo), the Association of Argentinean Journalistic Entities (Asociación de Entidades Periodísticas Argentinas, Adepa), the Argentinean Journalism Forum (Foro de Periodismo Argentino, Fopea) and the LED Foundation (Fundación LED), among others, condemn Milei for his penchant for slander against journalists and the media. In particular, his confusion between public advertising and subsidy, which clashes with the position of the Supreme Court of Justice that recognizes official advertising as a mechanism that contributes to the access to information and freedom of expression.

In the economic sphere, the promise to privatize or shutdown state-own radio and television stations (TV Pública, Pakapaka, Canal Encuentro, and DeporTV) and the national news agency Télam, for becoming 'a propaganda mechanism' of previous administrations, produced concern due to the lack of definition. They were taken over by official decree in February 2024. In most cases there were voluntary resignations and dismissals, along with great uncertainty about job stability during the so-called 'reorganization process'. Coincidentally or not, that was the title adopted by the Argentine military dictatorship between 1976 and 1983: 'National Reorganization Process'.

The news websites of "Radio Nacional Buenos Aires" and "Televisión Pública" were suspended in May. They resumed functions, albeit partially, in June. The Télam news agency announced closure on March 2 through a communication stressing the work of its more than 700 employees as 'the only agency in the country with a network of correspondents in all the provinces of Argentina'.

From words to deeds: The IACHR and its Office of the Special Rapporteur for Freedom of Expression, a branch of the Organization of American States (OAS), expressed 'concern' over the use of public force 'against journalists in Argentina and violent actions committed by private individuals'. During the 12 June 2024 demonstration when the Cadena 3's radio station car was set on fire, "several journalists and press workers were injured due to the alleged abusive use of pepper spray and rubber bullets by law enforcement officials".

If Milei has been responsible for 37% of the attacks against journalists on his 100th day in office, the trend, far from declining, got worse a month later. The stigmatizing discourse escalated to the point of Milei becoming the main provocateur with 61.54% of the attacks. Furthermore, the Ministry of Human Capital called for the reintroduction of the compulsory registration of journalists, an obsolete practice that - since 1985 - has been considered by Advisory Opinion 5 of the Inter-American Court of Human Rights as an illegitimate restriction on the universal right to freedom of expression. The initiative was not fruitful, but the persecution of criticism carries on.

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