

**FACT SHEET: FREEDOM OF EXPRESSION VS. CORPORATE INTERESTS***The Administrative Case Against Globovision TV*

On Friday, June 17 Venezuela's Ministry of Interior and Justice and the National Guard intervened in El Rodeo prison with the goal of restoring order and reforming the troubled penitentiary where inmates had engaged in violent confrontations in the previous days that resulted in the loss of lives. The intervention took place with the support of the Public Ministry and guaranteed the rights of all inmates. By Sunday, June 19 El Rodeo I section was under the control of government authorities, which successfully started to seize the weapons that were inside the penitentiary while managing to avoid more victims besides the two soldiers and inmate already killed during the beginning of the operation.<sup>1</sup> In El Rodeo II section, on July 14, negotiations between authorities and rebellious inmates finally brought about a peaceful end to the conflict, according to Carlos Nieto, director of the human rights organization Window to Freedom.<sup>2</sup>

On June 19, international media outlets like the BBC reported that 2,500 inmates in El Rodeo I were transferred to other prisons around Venezuela, a temporary measure to protect their rights and allow needed renovations to be done to El Rodeo prison complex. At no point were there credible reports of violations of inmates' rights, much less any alleged massacres, though media reports did find understandable consternation amongst family members of the inmates regarding the intervention. <sup>3</sup>

***Globovision Coverage***

On June 30, Pedro Maldonado, the Director-General of Venezuela's Telecommunications Commission (known as CONATEL), informed in a press conference that an administrative investigation had been opened against the company Sociedad Mercantil Corpomedios, the owner of the private TV channel Globovision. The investigation began due to alleged violations of article 7, 27 and 29 of the Law of Social Responsibility in Radio, Television and Electronic Media (Resorte Law). Those articles establish limits on the broadcasting or publishing of information that promote or excuse criminal acts, disorderly conduct and the undermining of existing laws or judicial orders.

Maldonado explained that the case was based on Globovision coverage from June 16-19 on the government's intervention in El Rodeo prison. He noted that the coverage included the broadcasting of images and statements out of context that served to support an editorial line that sought to "incite or promote hate and intolerance for political reasons; to incite, promote and/or excuse criminal acts; and to foment public unrest."

The newspaper *Correo del Orinoco* interviewed Venezuelan journalist Esther Quiaro, a member of the organization Necessary Journalism, in relation to CONATEL's investigation of Globovision. She explained some of the grave implications of Globovision's coverage: "I interviewed a pastor that was in El Rodeo and he said that the inmates were nervous because of reports of an alleged 'massacre' of a group of inmates by soldiers. One of the pastor's roles (who was called to help the process of mediation) was to counter the storyline of the massacre so as to further the process of negotiation. Far from helping, Globovision provoked concerns amongst family members that complicated negotiations between authorities and inmates. It should be noted that the massacre that the television station reported never occurred."<sup>4</sup>

In the document justifying the investigation, CONATEL referred to newscasts and opinion shows in which images were broadcast out-of-context and without clarifying information, giving the impression of generalized chaos and abuses by the government. Additionally, the report cites the broadcasting of comments of alleged family members suggesting that a massacre and other such abuses had occurred, none of which actually took place during the government's intervention at the prison.<sup>5</sup>

Quiaro added that "inflaming the opinions of family members -- who were legitimately concerned with what was happening to the inmates -- put in doubt the actions of government authorities, which has acted in accordance with human rights norms. There was an attempt to make the government do what the inmate ringleaders wanted, which is inconceivable. We cannot forget that those that led the kidnapping of more than 1,000 inmates are individuals accused of serious crimes and they keep violating the law."<sup>6</sup>

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Maldonado reminded the press that the Directorate of Social Responsibility that oversees the application of the Resorte Law is made of organizations that represent media users, indigenous communities, the Ministry of Culture, the Ministry of Education, the Ministry of Communication, as well as churches, journalism schools, and other sectors. With regards to possible sanctions that could come along with violations of the aforementioned articles of the Resorte Law, Maldonado explained that Article 29 of the law establishes that fine for possible violations could reach up to 10 percent of gross earnings or the suspension of transmission for up to 72 hours.

**An International Debate**

The current investigation against Globovision occurs at the same time that a global debate is underway on how to confront abuses by privately held multinational media companies and how to ensure that citizens can truly exercise their rights to express themselves and be fairly informed. This debate has become even more heated with the scandals related to the British tabloid *The News of the World*, which has pushed Prime Minister David Cameron to call for an investigation into the newspaper's actions.

The investigations will look into not only the alleged illegal acts committed by News of the World, but will also more broadly investigate the culture and ethic of the British press. According to The New York Times, Cameron announced plans for two public inquiries, one to be led by a judge that will investigate the phone hacking and what the prime minister called the "abysmal failure" of the police to effectively investigate it over the past five years, and another into the "culture, practices and ethics" of British newspapers.<sup>7</sup> The prime minister added the argument that *The News of the World* scandal was the product of a wider malaise in the relations between Britain's newspapers, police and politicians, which he said had ill-served the public for years by creating a "cozy" compact in which all of those involved collaborated to serve their personal interests while tolerating a pattern of press abuses.<sup>8</sup>

*News of the World* is owned by the News Corporation, a massive international enterprise owned by Rupert Murdoch. "This latest scandal has generated such an outpouring of disgust because it reflects the sheer scale of power that the Murdoch presses have over us, not just our media but our democratic process," said the director of the British grassroots online advocacy group 38 Degrees.<sup>9</sup>

**Confronting Corporate Interests**

Once more it becomes clear that the people and the state must have at their disposal mechanisms to exercise a role of regulation and accountability within media companies, which, far from being disinterested third parties, often respond to the economic and political interests of their owners. In Venezuela, media conglomerates have gone to the extreme of openly assuming political roles and using their power to destabilize the country's democratic government and constitution, as they did during the infamous April 2002 coup, the world's first recorded media coup.<sup>10</sup>

In search of the means to confront these abuses, Venezuela has opted to establish a legal framework that allows for minimal regulation of the media by the state, always guaranteeing the participation of diverse sectors of society through institutions like the Directorate of Social Responsibility and allowing the media organ that is the subject of an investigation the right to defend itself.

Finally, it should be noted that Article 13 of the Inter-American Convention on Human Rights both prohibits censorship and subjects the freedom of expression to regulations as defined by the law. Additionally, "Any propaganda for war and any advocacy of national, racial, or religious hatred that constitute incitements to lawless violence or to any other similar action against any person or group of persons on any grounds including those of race, color, religion, language, or national origin shall be considered as offenses punishable by law."<sup>11</sup>



Embassy of the Bolivarian Republic of Venezuela to the U.S.

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### *The Administrative Case Against Globovision TV*

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