

Reporters Without Borders

<http://www.rsf.org/ecuador-authors-of-el-gran-hermano-book-08-02-2012,41829.html>

Americas - Ecuador

Financial punishment

Authors of "El Gran Hermano" book hit with heavy and ill-timed damages

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A civil court in Pichincha, in the Quito region, yesterday ordered two journalists, **Juan Carlos Calderón** and **Christian Zurita**, to pay President Rafael Correa heavy damages of two million dollars in a defamation case brought by him over a book they co-wrote which investigates the business affairs of his brother, Fabricio Correa.

The book, entitled "El Gran Hermano" ("The Big Brother"), details the generosity and favouritism the elder Correa was reported to have enjoyed, including obtaining state contracts worth more than 150 million dollars, according to official estimates.

Believing his personal honour to have been offended, President Correa launched a [suit](#) against the two journalists in February last year, claiming 10 million dollars in damages.

The verdict against the journalists, although given by a lower court, is reminiscent of the ruling against three co-directors of the daily [El Universo](#) – Carlos, César and Nicolas Pérez – and the columnist Emilio Palacio, a case that worsened still further the already tense relations between the presidency and some sections of the media.

"The two cases highlight a system of disproportionate penalties, which amount to an incentive to self-censorship," Reporters Without Borders said.

"The scope of the judgement against *El Universo* and its representatives, despite the extreme nature of the offending comments, raises fears about the future of editorial freedom. This time, it is the ability of journalists to investigate that is jeopardised by the "Gran Hermano" ruling.

"In future, will anyone be prepared to take the risk of publicly criticizing a high-ranking figure? More seriously in this instance, President Correa said his honour was besmirched in published material that did not concern him directly. Furthermore, an attack on his honour, an abstract notion that is impossible to prove as the judge herself acknowledged, is nowhere apparent in the pages of the book.

"The president wished to avoid a debate on the key issues, which is why he demanded the two writers to acknowledge they lied in exchange for withdrawing the suit. We hope that, on the contrary, the verdict will be overturned on appeal and that a genuine debate on a subject of public interest may take place."

Electoral veto

The conviction of the two co-authors of "El Gran Hermano", besides being legally dangerous, is politically inappropriate and ill-timed. It coincides with new rules for elections which were approved on 4 February and entered into force two days later. They impose severe restrictions on news coverage during the three months preceding election day. The rules, hotly debated even within the majority Alianza País party, were brought in by the president himself and ban the media from carrying out "any direct or indirect promotion, whether in in-depth articles, reports or other kinds of message, that might exert any influence in favour of, or towards, any particular candidate, proposal, choices, electoral preferences or political doctrine".

The Ecuadorian constitution bans any change to the electoral law less than a year before an

election takes place and the new rules would seem to imply that the next presidential election, due on 20 January next year, would have to be postponed until 4 February.

"Such rules do not specify the penalties that might be incurred but they can only add to the regrettable impression that the executive wants to restrict the flow of information and opinion, and what is more is doing so against an electoral climate that already favours it" Reporters Without Borders added.

"Will these new rules apply to messages broadcast by the government ("cadenas") and weekly Saturday addresses given by the head of state? If not, one must conclude that only official statements will be permitted.

The electoral rules contravene the guiding principles of [the latest communication law](#) placed before parliament on 3 February and due to be voted on at a plenary session between now and March.

The bill reasserts the responsibility of journalists and the media to inform the public, especially during elections. Despite a regrettable provision requiring that news and information should be "verified, balanced, contrasted and put into context", it includes what in our opinion are two positive developments: a time limit of five minutes per week on "cadenas" and a return to a fair distribution of frequencies among different types of broadcast media – commercial, government and community – in a ratio of 33 percent for the first two and 34 percent for community media.
