



Embassy of the Bolivarian Republic of Venezuela to the United States

## *Fact Sheet:*

# **Inter-American Court of Human Rights Ruling on Freedom of Expression in Venezuela**

On March 3<sup>rd</sup>, the Inter-American Court of Human Rights issued a ruling declaring that **the government of Venezuela did not violate the freedom of expression or the right to equal protection before the law** of journalists from two television stations, Radio Caracas de Televisión (RCTV) and Globovisión.<sup>1</sup> Furthermore, the Court deemed that **the property rights of Globovisión were not violated.**<sup>2</sup>

Employees from these media outlets sued the government and demanded reparations of close to \$1 million dollars for alleged incidents of intimidation. The case was taken up by the Inter-American Court of Human Rights (hereinafter “the Court”), an autonomous judicial organ of the Organization of American States established to apply and interpret the American Convention on Human Rights. In a 6-1 decision, the Court rejected most of the plaintiff’s arguments.

### **Ruling on Freedom of Expression**

The American Convention on Human Rights (hereinafter “Convention”) binds signatory countries to respect certain rights and freedoms, including freedom of and expression. Article 13.3 states:

The right of expression may not be restricted by indirect methods or means, such as the abuse of government or private controls over newsprint, radio

broadcasting frequencies, or equipment used in the dissemination of information, or by any other means tending to impede the communication and circulation of ideas and opinions.<sup>3</sup>

In its defense, the government noted that illegal restrictions of freedom of expression “occurred frequently in Venezuela before 1999; however, [since then] these illegal practices have been banned by the State.”<sup>4</sup>

The Court ruled that Venezuela did not violate “the right to find, receive and disseminate information” as stated in Article 13.3.<sup>5</sup> As such, the rights of RCTV and Globovisión journalists to freedom of expression were not infringed.

### **Ruling on Equal Protection before the Law**

The Court also cleared Venezuela on a charge relating to equality before the law, ruling that the State did not violate the rights of Globovisión and RCTV in this matter. The Justices “considered that the existence of impediments to access to official sources of information was not demonstrated, nor was there discriminatory behavior by government officials towards the alleged victims.”<sup>6</sup>

This means the government of Venezuela was in compliance with Article 24 of the Convention, which states: “All persons are

<sup>1</sup> James Suggett, “Inter-American Human Rights Court Says Venezuela Did Not Violate TV Station’s Free Speech,” *Venezuelanalysis.com*, March 5, 2009. <http://www.venezuelanalysis.com/news/4268#comment-form>

<sup>2</sup> Inter-American Court of Human Rights, “Caso Perozo y Otros Vs. Venezuela,” Sentenced on January 28, 2009. <http://www.corteidh.or.cr/casos.cfm?idCaso=309>

<sup>3</sup> American Convention on Human Rights, Article 13, Clause 3. <http://www.oas.org/juridico/English/treaties/b-32.html> (Accessed March 9, 2009)

<sup>4</sup> Caso Perozo y Otros Vs. Venezuela, 102.

<sup>5</sup> Inter-American Court of Human Rights, “Caso Ríos y Otros Vs. Venezuela,” Sentenced on January 28, 2009, p105. <http://www.corteidh.or.cr/casos.cfm?idCaso=308> (Caso Perozo y Otros Vs. Venezuela, 119.)

<sup>6</sup> Caso Perozo y Otros Vs. Venezuela, 109. (Caso Ríos y Otros Vs. Venezuela, 90.)



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equal before the law. Consequently, they are entitled, without discrimination, to equal protection of the law.”<sup>7</sup>

### **Ruling on Property Rights**

In the Globovisión case, the plaintiffs alleged that the state violated their property rights by failing to prevent damage to equipment and an office building. The Court, however, deemed “it has not been demonstrated that the State violated the right to private property of the alleged victims, in the terms stipulated in Article 21 of the Convention.”<sup>8</sup> The first two clauses of this Article establish the following:

1. Everyone has the right to the use and enjoyment of his property. The law may subordinate such use and enjoyment to the interest of society.
2. No one shall be deprived of his property except upon payment of just compensation, for reasons of public utility or social interest, and in the cases and according to the forms established by law.<sup>9</sup>

Furthermore, the Court noted that although some equipment was damaged “it was established that [government] security agents protected the alleged victims in risky situations, in which the clear priority was the life and integrity of people and not transmission equipment.”<sup>10</sup>

The RCTV case did not involve any claims on property rights.

### **Ruling on Reparations**

Although Venezuela was cleared of the most serious charges, the Court ruled that the State failed to meet its obligation in ensuring that the plaintiffs’ rights to freedom of expression and freedom from bodily harm were guaranteed. In reaching the decision, the Justices cited precedent, noting that in previous rulings “the Court has signaled that the State can be found internationally

responsible for violations caused by third parties that in principle cannot be attributed to [the State].”<sup>11</sup> That is to say, the government was not found responsible for directly violating the rights of the plaintiffs, but it was ruled responsible for failing to prevent third parties from impeding the rights of the plaintiffs.

As a result, the Court ordered the government to pay \$10,000 for the plaintiff’s court costs, far short of the original amount Globovisión and RCTV employees were looking for. It must further be emphasized that these reparations are not for any physical or psychological harm, nor for any property damage, but rather to meet procedural fees.

Beyond the payment of court costs, the Court also said the government of Venezuela should print sections of the ruling in the Federal Gazette as well as in a nationally circulated newspaper.<sup>12</sup> Furthermore, the government was asked to adopt measures to ensure that there are no obstacles to the exercise of freedom of expression, and to conduct investigations into rights violations claims more efficiently.<sup>13</sup>

### **Conclusion**

The culmination of this court case should put to rest false claims about supposed intimidation of the press and lack of press freedoms in Venezuela. The Inter-American Court of Human Rights has clearly and definitively established that the government of President Hugo Chávez has not violated the rights to freedom of expression, equality before the law and private property of Globovisión or RCTV.

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<sup>7</sup> American Convention on Human Rights, Article 24.

<sup>8</sup> Caso Perozo y Otros Vs. Venezuela, 112.

<sup>9</sup> American Convention on Human Rights, Article 21.

<sup>10</sup> Caso Perozo y Otros Vs. Venezuela, 112.

<sup>11</sup> Caso Perozo y Otros Vs. Venezuela, 34. (Caso Ríos y Otros Vs. Venezuela, 32.)

<sup>12</sup> Caso Perozo y Otros Vs. Venezuela, 119. (Caso Ríos y Otros Vs. Venezuela, 105.)

<sup>13</sup> Caso Perozo y Otros Vs. Venezuela, 116. (Caso Ríos y Otros Vs. Venezuela, 103.)



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