

Reporters Without Borders

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Americas - Bolivia

Time to decriminalize

30-month jail term for editor in libel case brought by lawyer

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The 30-month jail sentence that a La Paz court imposed on **Rogelio Vicente Peláez Justiniano**, the editor of the monthly [Larga Vista](#), on 4 March on charges of defamation and "dissemination of insults" has highlighted the [urgency of decriminalizing media offences in some countries of Latin America](#).

Article 27 of Bolivia's publishing law stipulates that these offences continue to be covered by the criminal code. Peláez could have chosen to be tried under the publishing law or the criminal code, each of which would have involved a different court. He chose the criminal code and now plans to appeal against his conviction.

"The sentence is not final and could change," Reporters Without Borders said. "But it poses a challenge to Bolivia's legislators. The criminalization of media offences violates the American Convention on Human Rights, which Bolivia signed, and fosters censorship and self-censorship by journalists who cover matters of public interest, as in this case.

"A jail sentence in a libel case is both wrong in principle and counter-productive in practice. It does nothing to correct or redress the information that has been reported or the opinions that have been expressed, and it just reflects badly on those who issue the sentence or give it their approval."

The case against Peláez was filed in October 2010 by Waldo Molina Gutiérrez, a lawyer repeatedly been accused by *Larga Vista* of "illicit enrichment" for demanding fees of more than 450,000 dollars for representing 285 people who had contributed to the formerly state-run State Employee Retirement Fund (FREP). A criminal court ruled in November 2008 that Molina could collect these excessive fees, which he received in July 2009. It was then that *Larga Vista* began covering the case.

Peláez told Reporters Without Borders that the court that convicted him had made no attempt to shed light on the substance of the corruption allegations against Molina. A jail sentence in this kind of case is rare in Bolivia and, according to some local and national media, is unprecedented.

Welcome decree

The double murder of two Aymara-language journalists – **Verónica Peñasco Layme** and her brother, **Victor Hugo Peñasco Layme** – in La Paz on 25 February meanwhile continues to reverberate within the media and beyond. At least five street demonstrations have been staged in response to their murders, the motives of which are still unknown.

Reporters Without Borders welcomes a government decree ordering the media to provide transport for their employees between home and work during the hours of 10 at night to 7 in the morning. According to the decree, which took effect on 29 February, media that fail to comply will be fined,

with the amount of the fine being paid to the journalist concerned.
