

# Reporters Without Borders

<http://www.rsf.org/venezuela-globovision-faces-sanctions-for-11-01-2013,43899.html>

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Americas - Venezuela

Constitutional skirmish

## Globovisión faces sanctions for its interpretation of the constitution

11 January 2013

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Venezuela's National Telecommunications Commission (Conatel) launched proceedings on 9 January against the terrestrial television station *Globovisión* over its broadcast of four clips about the postponement of the inauguration of President Hugo Chavez for a new six-year term, originally scheduled for the following day.

The videos are based on a specific interpretation of Article 231 of Venezuela's Bolivarian constitution. The station was banned from rebroadcasting them and from expressing any opinion on the country's Basic Law.

[Estos son los micros por los que Conatel abrió... par \*Globovision\*](#)

The news station, highly critical of the Chavez government, has been the target of similar proceedings on seven previous occasions in recent years. Most recently, [it was fined](#) 9 million bolivars (2 million dollars) and its assets were temporarily frozen.

Reporters Without Borders believes the charges against the organization to be excessive and once again based on an elastic interpretation of Article 27 of the Social Responsibility in Radio, TV and Electronic Media Law ([Resortemec Law](#)), which bans all content that might "incite hate or panic, or disturb public order".

"However debatable *Globovisión's* interpretation of Article 231 may be, how could the constitution be read in such a biased fashion as to mean it might incite panic among the population?" the organization asked. "Are citizens so immature that they would be incapable forming their own opinions? Is debate not allowed? Once again a poorly-written law is applied selectively, based on ideological considerations.

"These proceedings are disproportionate and absurd, as well as untimely, since the Supreme Court has just started to consider the issue raised by the *Globovisión* clips."

Conatel launched the proceedings as Chavez, who won the presidential election on 7 October by a wide margin, was once again in Cuba for medical treatment and, because of his health, unable to attend his swearing-in for a new six-year term by the National Assembly due on 10 January, the date set by the constitution.

Article 231 of the constitution, nevertheless, specifies that "if, for any reason, the president of the republic is unable to assume office before the National Assembly, he or she shall do so before the Supreme Court".

The highest court has thus ratified the principle of continuity of power by the elected president, supported by this provision.

In the video clips, *Globovisión* takes the opposite view, namely that the postponement of the inauguration raises questions not only about the constitutional date of 10 January, but also the validity of the ceremony itself. It argues that the latter is reduced to a mere formality and questions the validity of the term of office beginning on 10 January, since the main party concerned was absent and did not take the oath of office. A questionable argument, undoubtedly, but one that in no sense renders the station guilty of "inciting hate and sowing panic among citizens".

"The current political situation could have led to a genuine legal and political debate within the news media," Reporters Without Borders noted. "Unfortunately, the dreadful polarisation sapping the country has produced a different result."

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