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<http://www.rsf.org/peru-court-quashes-defamation-29-03-2012,42211.html>

Americas - Peru

Modest victory

Court quashes defamation conviction on appeal, spares journalist jail time

29 March 2012

"I have the feeling that justice has finally been done after the offensive launched against me," provincial TV journalist **Teobaldo Meléndez Fachín** told Reporters Without Borders yesterday, referring to an appeal court ruling 10 days ago overturning his November conviction on a charge of "[aggravated defamation.](#)"

The producer of the programme "Ribereña Noticias" for northeastern regional radio and TV station *La Ribereña*, Meléndez was given a three-year suspended prison sentence on 7 November with the proviso that he would have to serve the sentence if he failed to pay the 30,000 soles (11,000 dollars) in damages demanded by the plaintiff.

The lawsuit was brought by Alto Amazonas province mayor Juan Daniel Mesía Camus over reports raising questions about contracts he had awarded to companies that financed his election campaign.

"This is unquestionably a victory for freedom of information and we hail Meléndez's tenacity in the face of all the pressure put on him," Reporters Without Borders said. "Will the hoped-for decriminalization of media offences finally be realized in the wake of this favourable ruling? We urge President [Ollanta Humala](#) to lose no more time in promulgating the criminal code amendment abolishing jail sentences for defamation, which congress passed in July 2011."

Another provincial TV and radio journalist, [Paul Garay Ramírez](#), spent six months in prison in 2011 on a defamation charge.

The favourable decision in the Meléndez case was issued on 19 March by a criminal high court in San Martín province, which overturned his conviction on the grounds that it found no "aggravating" circumstances and that insufficient evidence was produced to demonstrate the defamatory nature of Meléndez's claims.

Although relieved, Meléndez realizes that another criminal defamation action could be brought against him at any time. He said corruption is still widespread and it explains why politicians are so ready to sue journalists. It would also explain why the decriminalization of media offences is taking so long.

Photo: La República
