

Reporters Without Borders

<http://www.rsf.org/ecuador-court-confirms-el-universo-21-09-2011,41033.html>

Americas - Ecuador

Sentence upheld

Court confirms *El Universo* sentence, setting grave legal precedent

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A Guayaquil appeal court yesterday upheld the three-year jail sentence and 40-million-dollar fine that a lower court imposed on three [El Universo](#) executives and one of the newspaper's former columnists two months ago in a criminal libel case brought by President Rafael Correa.

With little chance of winning any further appeal, *El Universo*, a Guayaquil-based daily, is now facing financial ruin and closure.

President Correa, who finally abandoned his attempt to have the fine doubled, has said he would be prepared to grant the newspaper a pardon, if a request were made. He previously let it be known that he would not insist that the defendants serve their prison sentences and that, once the fine had been paid, he might use the proceeds to recapitalize the newspaper.

"The concessions made by President Correa, who savoured his court victory on Twitter, do not unfortunately in any way mitigate the grave legal precedent that such a draconian sentence sets," Reporters Without Borders said. "*El Universo* showed good will by offering, before the lower court issued its sentence, to give Correa space in the newspaper. Now that the sentence seems final, we suggest that this offer should be taken up in return for two guarantees, that the jail sentences will not have to be served and that the fine will be suspended, as it would put the newspaper's entire staff out of work.

"There is nothing to stop President Correa responding to a [column](#) that he could legitimately regard as offensive and insulting. Enforcement of the sentences upheld yesterday could endanger the future [communication bill](#)'s chances of obtaining a consensus.

"Another threat to a consensus has emerged in the form of the proceedings that the Telecommunications Supervisory Authority (SUPTTEL) has brought against seven radio stations – *Radio Quito*, *Radio Centro*, *Genial Exa*, *Visión*, *Platinum*, *Radio City* and *Ondas Azuayas* – for jointly broadcasting a programme about freedom of expression on 10 August without prior notification."

Reporters Without Borders continues to declare its unconditional acceptance of media minister Fernando Alvarado's [invitation](#) to take part in debate.
