

Reporters Without Borders

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Americas - Venezuela

Absurd detention

Appeal against editor's pre-trial detention when no crime has been established

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Lawyers acting for **Leocenis García**, the editor of the weekly *Sexto Poder*, yesterday filed an appeal before a supervisory court against his pre-trial detention since 30 August for publishing a satirical photomontage of senior female officials on its cover. The appeal is based on the fact that the charges – inciting hatred, insulting officials and offending women – are out of all proportion to the alleged offense.

Reporters Without Borders reiterates its call for the immediate release of García, who has been targeted by the judicial authorities ever since the controversial cover was published on 20 August.

"Pre-trial detention is justified when the accused poses an immediate danger to society and might try to flee," Reporters Without Borders said. "But García turned himself in on 30 August. That alone is reason enough to free him. Moreover, attorney general Luisa Ortega Díaz, one of the women shown in the photomontage, herself said on 13 September that the investigation would determine whether or not a crime has been committed. If it has not been established that a crime was committed, then the charges are invalid and García's detention is even more absurd."

Reporters Without Borders agrees with García's lawyers that the charges are out of all proportion to what García did, publishing a caricature which he has recognised as being in questionable taste. "This prosecution is pointless as it lacks a legal basis," the organization said. "Maintaining it would be dangerous because it would reflect nothing more than a desire to discourage certain forms of public criticism."

1.09.11 - Ban on weekly lifted but criminal charges maintained against editor and publisher

Reporters Without Borders calls for the revision or withdrawal of the charges against **Leocenis García**, the editor of the weekly *Sexto Poder*, and **Dinorah Girón**, its publisher, in connection with a satirical photomontage published on 20 August, especially as they are inconsistent with a judge's decision this week to lift the ban imposed on the weekly the day after it appeared.

The judicial authorities need to be coherent and to respect the constitution's guarantees as regards freedom of expression, the press freedom organization said. Under the headline "Who is who? The Chávez women in the government," the photomontage (see photo below) showed the heads of senior female officials imposed on the bodies of cabaret dancers.

After turning himself into the authorities in the western city of Maracaibo on 30 August, García was immediately transferred to the headquarters of the Bolivarian Intelligence Service (SEBIN) in Caracas, where he continues to be charged with inciting hatred, insulting officials and offending women. The same charges have also been brought against Girón, who was detained from 21 to 23 August.

"The photomontage may have been in poor taste (see picture below) but it does not incite hatred or gender discrimination," Reporters Without Borders said. "By its nature, a caricature is outrageous and intentionally exaggerates a point of view or opinion. The charges against García and Girón must be dropped or revised as part of civil rather than criminal proceedings. And why is García being interrogated by an intelligence agency? Why is it involved in the case? Girón was released after 48 hours. García must now be freed without delay.



"Do the judicial authorities react so quickly when state-owned media are just as outrageous? Either the law is applied in the same way to all offences of the same nature, or the judicial authorities cease to obey the law and instead serve an ideology. The free speech guarantees in the 1999 constitution are often violated by the very people who promoted it and had it adopted.

"Convicting *Sexto Poder*'s editor and publisher in the run up to next year's elections would just fuel the already considerable political tension and could exacerbate the controversy about the proposed law on popular communication that has been submitted to the National Assembly. We have received a copy of the bill and, as currently worded, it would unfortunately just confuse 'popular communication' with 'state propaganda' without addressing any imbalance in the country's media landscape."

The women shown in the photomontage published on 20 August were supreme court president Luisa Estrella Morales, attorney general Luisa Ortega Díaz, People's Defender Gabriela Ramírez, National Election Council president Tibisay Lucena, parliamentary deputy speaker Blanca Eeckhout and Adelina González, another senior official.

The day after it appeared, the charges were brought against García and Girón and the publication and distribution ban was imposed on the weekly, only to be lifted a week later. After being held for two nights, Girón was granted a conditional release but she remains under judicial control, which means she cannot make any public comment about the case. García initially went into hiding but finally turned himself in after nine days.
