

Reporters Without Borders

<http://www.rsf.org/costa-rica-government-pledges-cybercrime-law-09-11-2012,43664.html>

Americas - Costa Rica

Breathing space

Supreme Court suspends controversial article of Cyber Crimes Law

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As a result of a constitutional challenge filed by the journalist **Randall Rivera** against Costa Rica's Information Crimes Law, the Supreme Court has temporarily suspended parts of the controversial legislation, in particular Article 288 providing for prison sentences of between four and eight years for anyone publishing "secret political information".

Reporters Without Borders remains vigilant, but welcomes the freezing of this "gag law". "The Supreme Court has guaranteed that these provisions, which are detrimental to freedom of information, will not be applied to any citizen while the law's constitutionality is examined," the press freedom organization said. "Congress is already discussion major changes to the bill aimed at significantly easing its provisions, which we hope will be approved as soon as possible."

09.11.12 - Government pledges cybercrime law will not apply to journalists

The outcry that has followed the enactment three days ago of Costa Rica's highly controversial cybercrime law has forced the government into a hasty about-turn. It announced today that the legislation, which provides for up to 10 years' imprisonment for publishing "secret political information", would not apply to journalists.

The law is not confined to national security but could also be applied to information "from national police bodies or security concerning defence matters or foreign relations" or which affects "the fight against drug trafficking or organized crime".

In [a statement](#) issued a day earlier, the government promised to amend article 288 of the new law which provides for imprisonment of between four and eight years for anyone "who procures or obtains in an improper way secret political information".

At the same time, the government pointed out that, under the constitution, it had a precise time limit for the enactment of the law after its approval by the Legislative Assembly.

"Even with the support of this argument, the enactment of such a dangerous law that has had such a harsh reception from all journalists is staggering," Reporters Without Borders said. "At the same time as a discussion in parliament, there should have been a wide-ranging public debate around the extremely vague notion of 'secret political information', much of which is of considerable public interest.

"A piece of legislation that is so at odds with constitutional guarantees regarding freedom of expression and information should have provoked a presidential veto."

The press freedom organization concluded: "The government should keep its word and ensure the law is amended so that its most repressive sections are scrapped. In our view, this should apply not only to qualified journalists or those employed by media organizations. It concerns every citizen, blogger or writer able to research and produce news and information. In other

words, no-one should have to regard this law as a threat.”
