

## Brazilian Court Repeals Fines Against Veja Magazine and Daily Folha

Contributed by Newsroom  
Tuesday, 15 July 2008

At least fourteen media outlets in Brazil have been fined in 2008 by the electoral courts for publishing interviews with those seeking office in the upcoming municipal elections, scheduled for October, or in some cases, even just their photographs. This according to the Knight Center for Journalism in the Americas from the University of Texas at Austin.

Brazilian electoral judges deemed that the media outlets and the politicians were carrying out election advertising before July 6, 2008, the official starting date of the campaign.

One of the most well-known cases concerned fines against Veja magazine, the main Brazilian news weekly and Folha de S. Paulo, Brazil's largest-circulation newspaper. Each media outlet was fined 21,282 Brazilian reais (US\$ 13,218) for publishing interviews with mayoral candidate Marta Suplicy (Workers' Party, PT) to the city of São Paulo. Suplicy was fined 42,564 reais (US\$ 26,437).

In a press release issued when the fines were imposed, the Brazilian Association of Investigative Journalism (ABRAJI) condemned them, saying they constituted a threat to press freedom and noting that there was no law prohibiting newspapers from publishing interviews with individuals seeking elective office. According to ABRAJI, the interviews did not constitute electoral propaganda.

On June 26, the Superior Electoral Court (Tribunal Superior Eleitoral, TSE) amended Article 24, which prevented electoral candidates from providing information on their platforms prior to the official start of the campaign. The court also created another article, permitting candidates to give interviews prior to July 6.

On July 9, the fines against Veja, Folha de S. Paulo, and Suplicy were dropped after another court overthrew the ruling against them.

International freedom of expression organization Article 19 issued a note welcoming the decision by the Regional Electoral Court in São Paulo and asking Brazilian electoral courts to urgently review sanctions imposed on other press outlets in similar circumstances.

"The Regional Electoral Court recognized that the press plays a vital role in informing the public about elections, making sure that citizens understand the position and proposals of candidates and parties. Imposing sanctions for the publication of interviews with prospective candidates is an unjustified restriction to freedom of expression and information," said Dr. Agnès Callamard, Executive Director of Article 19.

During the past months, electoral judges have punished various press outlets for publishing interviews with prospective candidates in the October 2008 municipal elections. The decisions are based on Brazilian electoral legislation, which forbids any 'electoral propaganda' before July 6, 2008, when the campaign period officially starts; as well as a resolution by the Superior Electoral Court, according to which "prospective candidates can participate in interviews, debates and meetings before July 6, 2008, as long as they do not express any campaign proposals."

The interview with Marta Suplicy was published before the official starting date of the campaign. A lower court judge fined the newspaper, the magazine and the politician, considering that the interview "anticipated electoral propaganda".

In another case, local newspaper Agosto, from Ribeirão Bonito, in the interior of São Paulo, was fined for publishing an interview with a prospective mayor candidate. Article 19 and several other civil society organizations stated that the decisions violated freedom of expression, guaranteed under the Brazilian Constitution and international law.

After a series of criticisms, on July 1st, 2008 the Superior Electoral Court changed the rule that prohibited the publication of interviews exposing campaign proposals before July 6, 2008. According to a new resolution by the Superior Electoral Court, "prospective candidates and candidates can participate in interviews, debates and meetings before July 6, 2008, including by exposing proposals and political projects".

In analyzing the interview with Marta Suplicy, the Regional Electoral Court in São Paulo decided on July 8, 2008 that the arguments used to fine the media outlets and the candidate have lost meaning due to the new rules. In the case of newspaper Agosto, however, the circulation of the apprehended edition is still suspended. The case will still be judged by the Regional Electoral Court.