Radical Radio et al.v. Chirilagua

Background

1. The Federal Republic of Chirilaguais classified economically as an uppermiddle income State Its capital is Cedulópolis. Chirilaguawas established as an autonomous State at the beginning of the XIX Certury when 18 former Spanish and English colonies gained their

10. On March 10, 2008, the parliamentary elections were held, and the inclusion of the Democracy Ballotwas permittedThe government coalition won a broad victory, but only 30% of eligible voters turned out to vote. Disturbances arose again in several areascoulinthry. Again, the most violent events took placeSian Pedro de los Aguadowshere three people died as a result of confrontations between government opposition groups.

The involvement of Radio SuVersión and Radical Radioin the events

-- Radcal Radio (ormerly Radio Cadena Básica)

11.

VWXG\ RI WKH WHOHYLVLRQ FKDQQHOV¶206840¢arfiaDae40/tabyDQG JR elections and found a serious imbalanicethe coverage of the different candidates. While candidates belonging to parties of the governing coalition were reported on for an average of 20 minutes during prime time, candidates fropposition parties were covered for approximately 2 minutes. From that point on, the network began a series of programs callevolute of the Invisible, to which several opposition candidates were invited to discuss their platforms.

15. Radical Radioff V WLPH VORW ZLWK WKH ODUJHV WorkDonesGLHQFH news and political humor. The program is hosted by commentator, journalist and impersonator William Garra. The most controversial figure on the program (impersonatione by Garra)si ³) DWLOLR (VDW DDDDQ FVDHWXUH RI W KahtlySiblidtled Coalth QpMograZnKaRdLV FR FDOOHG D ³IHXG DoO QPRDW KMLHQU DFDJOROR KGXV YRUDFLRXV DQG F of the public have accused the program of promoting class hatred and social conflict over land disputes. The radio station sharesponded to this criticism with the argument that this figure is fictional and that any resemblance to reality is pure coincidence.

16. Radical Radiowas the first mass medium in Chigilaa that echoed the Facebookazo initiative. 7 K H V WH2006 Hoor Mage Voined the group and a daily countdown to march in its status update. In its radio broadcasts it dedicated several opinion programs to comment on and promote the initiative, and it also used advertising space to promote participation in it.

17. On one of those programs, a few days prior to the march, the issue of the day focused on the groups from the social networking sittecebook that made reference to Presidest calante. Those groups were different in nature from the protest marchapg and their content was generally aggressive and critical of the Preside ifferent listeners called in to the station to show their support WKH JURX Solv the EinerQU Widtle alw gry attacks on the president and his policies. The program endewith an invitation to take part in the protest march on March 3 As a form of symbolic protest, the commentator intext the protestors to take bags full of dirt with them to throw handfuls of it in the public square carrying signs such as ³ KHUH land WKH \RX QHHG QRZ JLYH XV EDFN RXU ULJKWV

18. On March 3,2008, Radical Radidedicated its programming of the day to coverage of the FacebookazoWilliam Garrawas reporting on the events of the march and informed listeners that members of the ederal Police had been sent to block the community to stage marches that were supposedy in support of the Governmenth his broadcastGarraasked the participants to not allow the march to be disrupted maintained that the citizens had rights that were not being UHVSHFWHG DQG KH HQFRXUDJHG WKH SHRSOH ³WR GH

19. On March 10,2008, Radical Radiocovered the elections and reported that it had information that electoral fraud could be committed in several cities. In partiitustanted that it had information from confidential sources indicating that in response to the eventue of t previous week, the government Georgia planned to perpetrate a monumental fraud in the HOHFWLRQV ³LQ RUGHU WR NHHS WKH SUHVLGHQW LQ SRZHORQJ \HDUV RI DEXVH DQG H[FOXVLRQUU\TKHF5DVG]HRQDJDLQQG the citizens of the State of Gorgia not to let themselves biotimidated and to protect their constitutional rights.

-- Radio SeVersión

The Association of Landless CommunitiesSatin Pedro de los Aguados (ACOSINTS) 20. a social organization of communities from the municipalities authbacrópolisand San Pedro de los Aguados. The purpose of their organization is, among other things, to keep the community regularly informed of State policies, programs and services, elisasy the activities that affect their welfare and development. To better accomplish its objectives as the ciation made he decision to set up a community radio station. Accordingly, they took part in the only two invitations to bidissued by the COFERETEL following the enactment of the radio broadcasting law of 1976 article 70 of which recognizes community radio broadcasting and establishes that community radio shall have the right to a proportional percentage of dime frequencies. This provision IV D GHYHORSPHQW RI \$UWLFOH RI WKH & RQVWLWX thought and expression is guaranteed fully, in the terms of Article 13 of the American Convention on Human Rights. All persons are free to establish mass communicationsTime State shall administer thadio frequency taking into account criteria of equity and bearing in mind theprinciple of equal opportunity and edia pluralism

21. In the two invitations to bid issuedsince then, a total of 11 communityound broadcasting licenses have been awarided ifferent municipalities around the country, and 450 commercial radio broadcasting censes have been granted or enewed On neither of those occasions washe \$&26,17,¶V SURSRVDO DSSURYH (San 1)PEdroOwLasE HQVH awarded or renewed.

before the First Court for failure comply with the court order. The motionas denied several days later.

23. In June of 1996, the ACOSINTI YRWHG DW LWV JHQHUDO DVVHPEC PHDVXUHV IRU WKH VDWLVIDFWLRQ Role pWordKhatsle Loff related KWV 2 equipment and the initiation of radio transmissions that would benefit its community. On that 27. On the Sunday of the election sadio SeVersión again linked up with Radical Radio. Hours after the voting began, a group of approximity 25 youths attempted to take by force several ballot boxes located on the main squa can feed of Pedro de los Aguados with the intention of setting them on fire. Several local residents realized what was happening and attacked the youths. A fight then boke out between the two groups, and three of the youths died as a result.

Measurestaken by the Governmentin response to the acebookazo

28. On March 4, the day following the acebookazothe Federal Government blamed the events on the organizers **ble** protest march and the community broadcasting media for having incited violence and national destabilization. The Government promised to take measures to prevent situations like this from ever repeating themselves in the future, and to punish those responsible to the full extent of the law.

29. On March 5, 2008, the Federal Telecommunications Regulatory Commission (COFERETEL), a body that reports directly to the Ministry of the Interior, initiated a review of radio and television concessions. The Cossistion stated in a press release that this review was a preliminary measure shape a policy to guaranteenedia pluralism and qual opportunity of access to the electromagnetic spectrum. this end, the COFERETEL requested that information and requirements be updated for all radio and television stations holding concessions.

of Instigation to commit a crimể and Idefamation.⁴ The Prosecutorbased the charges recordings from the radio program that discussed the creation of approximately 50 groups on Facebook that promoted hatred against Prestit Escalante and incited violence against himas well as on recordings in which people were asked through the station to participate in the Facebook azo

36. On May 5,2008, in his capacity as legal representative of Radie/Scsión, Francis Hoffman filed a constitutional remedipetition against the COFERETEL He alleged that the shutdown of the station and the seizure of its equipment violated the sright pression and information, property, and administrative due process, due toruberations of the legitimate expectations of the legal entity ACOSINTI as well as of its affiliate individually. On May 26, 2008, the court