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PRESS RELEASE

**Brazil: Journalist Luiz Flavio Pinto Ordered to Pay US\$15,000
for Defamation**

The Superior Court of the State of Para, in the north of Brazil, ordered journalist Luiz Flavio Pinto to pay approximately US\$15,000 for defaming Romulo Maionara, a deceased local businessman.

In the case, Romulo Maionara Jr and Ronaldo Maionara accused Pinto of offending the honour and reputation of their father, a businessman who built the main media group in the region, *Grupo Liberal* for an article published in *Jornal Pessoal*, which Pinto runs, in 2005 which claimed that Romulo Maionara was involved in smuggling activities in the 1950s and 1970s. Pinto argued before the court that he was not the first to make these allegations, and presented copies of documents he believes prove that his allegations are general knowledge and also accurate. According to Pinto, such activities were commonplace in the isolated state of Para at that time.

According to Pinto's calculations, the damage award, which together with legal fees may amount to US\$20,000, is equivalent to more than a year of the newspaper's gross income. The Court also ordered *Jornal Pessoal* to publish a note drafted by the Maionara brothers in full, and forbade *Jornal Pessoal* from again publishing any statement that could be considered aggressive, defamatory, calumnious or slanderous in relation to Romulo Maionara and his two sons, or face a further US\$15,000 penalty.

Pinto, who has 42 years of experience in reporting on environmental devastation and corruption in the Amazon, has in the past been the victim of death threats, physical attacks and dozens of civil and criminal defamation lawsuits. He currently faces 14 other lawsuits filed by the Maionara brothers.

ARTICLE 19 is concerned about this decision, which involves allegations of high public interest. The decision fails to elaborate on the basis for finding Pinto's allegations to be false and does not address the documents presented by Pinto in his defence.

ARTICLE 19 is of the view that in cases involving matters of public interest, the plaintiff should be required to prove the falsity of their allegations. ARTICLE 19's research indicates that the civil defamation provisions is open to abuse and we have previously expressed concern about the lack of clear standards for civil defamation in Brazil, including as to the size of damage awards.

ARTICLE 19 calls on the Brazilian authorities to amend the rules on civil defamation so that they are clear and respect international standards, including as to the burden of proof in cases involving matters of public interest. We also call on the authorities to decriminalise defamation and related crimes.

NOTES TO EDITORS:

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- ARTICLE 19 is an independent human rights organisation that works around the world to protect and promote the right to freedom of expression. It takes its name from Article 19 of the Universal Declaration of Human Rights, which guarantees free speech.