

LETTER TO MY PEOPLE, OUR AMERICA, AND THE WORLD

Ecuadorians, citizens of America and the world:

After a historic judgment in the so called “El Universo” case, I think is convenient to talk in detail about all the things that have been happening, so that the citizens of the world and the posterity understand why we fought and the incredible power we confronted and defeated.

After more than four years of a systematic campaign of discredit and defamation to a President that never underwent to any factual power, that never had lunch – as it was a custom – with the owners of the media, that never appointed to anyone of them or their family members to Embassies, as it used to happen in the past, I gathered my colleagues of the political bureau of the Citizen Revolution, to inform them about my personal, irreversible decision, not to allow to play anymore with my honor, my family, nor what happened on Sep. 30, 2010, a sad day in the nation’s history.

Several colleagues disagreed, recognizing, like everyone else, a press whose power is inversely proportional to their scruples. I asked them to respect my decision and I was willing to separate from the political project if I was affecting it, because, above all I was a human being and I could no longer tolerate such infamy. Then, I also proceeded to inform my decision to the Ecuadorian people.

Nevertheless, once again, in the most shameless way, Emilio Palacio, editor of “opinion” of El Universo, at that time, on February 6, 2011, in his editorial “No to Lies” accused me of being a “criminal against humanity” and “having ordered to open fire without warning on a hospital full of civilians”. This, for the respect to the most basic human dignity, to those who died that awful day, to the image of the country and to respect for history, could not be accepted.

Therefore, as a citizen and under my absolute personal responsibility, I started the corresponding criminal trial against the new and monstrous infamy, leaving the 3 legal aspects in the hands of my lawyers, but noting, from the beginning and during the whole process, that everything will end up if the lie was ratified – as imposed by ethics, the Constitution in its Article 66, and the Inter-American Convention on Human Rights, which we fully subscribe and they comfortably invoke, in Articles 13 and 14 – and we were not going to keep a cent, because any indemnification would be for the Yasuni-ITT project. This has been largely ignored by certain media, whose manipulation leads the public to believe that this fight was motivated by a desire to restrict freedom of speech and personal gain.

I never wanted this trial, or any other. It has never been our intention to imprison anyone – we do think about their families, although they never thought of ours – we never try to make them go to bankrupt, seize the money from anyone, the only thing we wanted from the very beginning, as we said many times, was the truth.

In the trial, more than 150 libel editorials were presented, where it was insinuated that we removed the bullets out of the death bodies so that, supposedly, nobody would know what happened on Sept. 30. In the process, it was shown that the evil author of most of

these serious lies and libel, rather than be fired as in any decent media, was instead awarded with substantial salary increases.

This has been a harsh, tense, strenuous judgment, with defendants who have wielded the meanest tools; anti ethically forcing their readers to only receive biased information, conveyed to their particular interests, aiming with hundreds of headlines to what they could not accomplish in court. The clearest example of the struggle of the State of Opinion against the Rule of Law is the media dictatorship versus the true democracy.

They falsely reported that they were accused of the crime of Criminal Contempt-anachronistic figure eliminated from our New Penal Code project, when in fact it was an ordinary trial of private action for libel, which there are over 12,000 in our country. Through its media power they led us to believe that the judges were changed again and again to favor us, so that judges they called “swallows” act, and what they never said is that all those changes were requested by the El Universo newspaper itself, trying to find a judge that submits to their interests.

There were six peremptory challenges to change the judges and courts during the process, all by El Universo newspaper, because they did not consider any judge would help their needs. Despite this, we won overwhelmingly in the first instance since the defense of the newspaper was, to say the least, deplorable. In fact, the lawyers of El Universo did not even show up, leaving their client defenseless.

After the sentence of the first instance, an unprecedented media lynching began to the judge that ruled against the newspaper, my lawyers, and everyone who was in favor of our cause. Showing their real malice – and please people it is forbidden to forget! – they tried to “prove” that the infamy of Emilio Palacio was true, for which they presented to the country a wickedly manipulated video in which I supposedly ordered, on Sept. 30 to shoot in the chest to the traitors of the Motherland. Thank God, we had the original video where it was shown that I said that I rather take a shoot in my chest before betraying the country. This helped the people to open their eyes, and they gave us more support.

When all their lies collapsed, some approaches were made to end the trial with the presentation of the proper apology and rectification. They even sent a draft of a possible apology, until they fell into the hands of a sinister lawyer who was more malice and aggressive, starting a new campaign to delegitimize the process by ensuring that the sentence – subsequently ratified in all instances – was not elaborated by the 7th Judge of the trial, a supposedly “verified” fact by an alleged foreign expert appointed and paid by them, that is an accusation without any legal validity, but certain media with lack of ethics took it as absolute truth.

Despite all this onslaught of libel and intimidation, the three judges of the second instance, strongly said we were right. During this period, they went to the IACHR, where there was, to say the least, the inappropriate interference of the Rapporteur for Freedom of Speech, based only on the version of the defendants, and claiming that their views are binding to a sovereign state.

Subsequently, when they saw they were lost, something with no precedent in the history of the world press happens: El Universo accepts to apology – that is, they recognize

they lied – but ...trying to impose conditions to the injured! Unheard of! If he lied; ethics, the Constitution and the Inter American Convention forced him to apologize and correct without any conditions, and if they had not lied, then why apologize? another example of the blatant arrogance of the media power and its contempt for the laws and ethics.

And so we went to the instance of appeal requested by those already sentenced in two previous instances. The country knows they tried, by every means, to delay the process, to prevent the administration of justice, and that the day before of the original date of the hearing of appeal, a judge was “timely” ill and though the audience could be installed with an additional judge, the same day of the hearing the President of the Court suspended it, it is evident that the defendant already knew that would happen (His defense was not presented).

It should be noted that the judge so timely ill, declared he had been subject to all sorts of pressures by lawyers for El Universo newspaper, which is a very serious crime, but has also been largely ignored by the press. Deliberate and clearly, defendants delayed the process to reach the new National Court of Justice, and put them in the dilemma of saying they were right or be subjected to a merciless punishment of the media to deprive legitimacy to a historical process of restructuring, in a democratic way, the Ecuadorian justice system.

Fortunately, the new judges – elected by a national merit contest – did not frighten, and although again, one day before the hearing the defense of the newspaper tried to generate another incident, by surprisingly present “serious allegations” of a judge who had been taking the case, complaints presented to the lawyer of the accused and El Universo speaks for more than 12 hours, and at dawn the next day, after more than 15 hours of hearing, the judges of the National Court unanimously again ratify the sentence in its entirety.

In this process we learned a lot, especially about how far the tentacles of this power can reach, a power that we believed was omnipotent and above the law, a power that, before our government, did not need to show fully because a couple of headlines were enough to frighten anyone.

We have received thousands of them and they could not knock down our walls of integrity and dignity. With great sorrow we see the esprit de corps, even of respectable international media; publishing versions of the accused without even fulfill the basic duty to verify the information. Never, until now, a journal of America or the world has called for the version of the citizen Rafael Correa on this case, ever!, I repeat, they have only collected the version of the accused, in a clear affront to journalistic ethics and professionalism.

As an example of total arrogance, the group of the Newspapers of the Americas, especially the Colombian media, reproduced the infamous article, which we considered a favor, because the honest citizens of our America realize our reason, but it shows pretty well how the Latin American information power acts. The message was: if the press insults you, keep your head down, because if you don't, it is worse. This will not continue in Ecuador and soon it will not continue in our America!

They said the due process was not respected, and they are probably right, since “due

process” until recently in Ecuador, was for the judges to tremble and submit to media pressure. They said there is a dictatorship, and again they are right, because in Ecuador there is a government with an impressive democratic legitimacy that has had to confront the dictatorship of the media.

This tough but successful struggle, also allowed us to discover distortions of the Inter-American Human Rights System. Really intolerable things, even aberrant. For example, the IACHR headquarters are in Washington, the President of the Commission is an American, and yet the U.S. is not signatory to the Convention. How can this be possible? Furthermore, the Commission has eight rapporteurs of Rights, but the only one with an independent report and its own budget, is the Special Rapporteur on Freedom of Speech. Its funding comes from the United States, which does not recognize the Convention and the European Union, which is not part of the American system. Is this logical? Does the right to freedom of speech takes precedence over other rights, or only reflects the hegemony of capital behind business dedicated to communication? As an economic expert, this is what I've seen. For example, the independence of the central banks, which was presented as a scientific and civilization progress, was nothing more than ways to ensure the privileges of financial capital.

Great biases of the IACHR were showed, a Commission that has rather the property of an NGO, than a legal institution. The legality is secondary. So, they assume real or imaginary crusades. The State, public authorities are the enemies. The journalists, the media, are always the victims and the persecuted, without understanding that any power can infringe on human rights, including the informative power.

States are obliged to fulfill what we signed, but the Commission intends to make its declarations of principles and its simple tastes and opinions, binding issues. We have to decriminalize libel? Sure, let's debate, but without enforcement, with the commitment of the U.S. to eliminate the death penalty, since their double moral is annoying. But do not fool ourselves; actually the message is that you can not prosecute a journalist or the media.

Another important point, the idea that public officials have to accept more criticism, more scrutiny. Who can be against something so obvious? But, do that means we have to accept insults, attacks on our honor? Where the Convention provides that? If it does, it would be discriminatory and socially awkward, because only the worst people, those who have nothing to lose, would come to the public service.

In short, with its spirit of NGO, the IACHR intends that the States are always suspects, public authorities have fewer human rights than other citizens, and journalists and media have no further responsibility, all of which attends specifically against the Convention on Human Rights, which is binding to States, and not to, I repeat, the views of the IACHR.

In record time, the IACHR has requested precautionary measures, basically to suspend the sentence, which is not even notified yet. Well, we found that the attribution of applying for precautionary measures is not on the Convention – the only document binding on states – but the IACHR gave it to itself in its regulations.

The forms were not even kept, since the text of the provision containing the

precautionary measures lacks any motivation, and, the worst of all is that the internal rules of the Commission only accept precautionary measures when the event of irreparable damage exists; obviously it does not exist in the case of El Universo. It is clear that if this was not the most powerful newspaper in Ecuador, this case would be one more of the twelve thousand four hundred forty-nine proposed by libel judgments that are processed in our country.

Thus, this struggle has let us see a huge and fundamental space, where states have not been present and only have been delegated to officials that have clearly overstepped their roles influenced and distorted by foreign powers, foundations funded by the media and big companies behind the media business. "It is necessary to transform the Inter-American Human Rights system, be sure that we will fight to have the bodies authentically protecting the rights of our American citizens, without succumbing to interests, weird visions and pressures of any kind.

Well, fellow citizens, the fight has been tough but, thanks God, victorious, rewarding and fruitful, and we have met the three goals we wanted, they were not to arrest anyone or take a penny from anyone, the three basic objectives we wanted:

First, show that El Universo lied and did not correct it, attacking the Constitution, human rights and the most elemental ethical values and second, to show that those responsible are not only the "ill-wishers" who have nothing to lose and are willing to do anything by hate or money, but the Managers of the media and the newspaper through which the outrages are implemented. And third, ensure that the citizens of Ecuador and all our America overcome their fear of the corrupt and abusive press, and they can now, based on the law, defend their rights. It was shown that we can make a trial and overcome the abuse of media power.

I have to thank many people: my lawyers, my family, my friends, but above all I would like to thank the tremendous support of, not only citizens of Ecuador, but throughout the Americas. Despite the impressive media campaign, manipulation of information, attempts to delegitimize the process, the levels of popularity of the national government are higher than ever and the levels of credibility of the media are lower than ever.

As in all acts of my life, you can be sure that my behavior was totally ethical. Despite the defamation of national and foreign press, I do not even know any of the judges, or any who participated in the process. We have defeated decisively in three instances, because we had the truth, we were right.

Although I know that many of you do not want me to give any concessions to those who do not deserve it, and as I decided to start this trial, I decided to ratify something that was long ago decided in my heart and that I decided with family, friends and close colleagues: to forgive the accused by granting them the remission of the sentences they deservedly received, including El Universo Company, I will also desist the demand I proposed against the authors of Gran Hermano (Big Brother), where in the most infamous way they said I knew about the illegal contracts of Fabricio Correa, and the termination of these was a simulation to benefit him through the millionaire trials that he effectively did and that the State is slowly winning. What they forgot to say, is that the shell companies and contracts, as well as the judgments against the State, were

advised by the Attorney of El Universo. However, no one believes them, and it is not worth it to waste time on people who do not deserve that.

The book “Gran Hermano” (Big Brother) is a new proof of the mediocrity and lack of decency to some journalism, which exhausts through all its hatred alleged research. In its arrogance, is not that they do not like us because we are corrupt, is that we have to be corrupt because the do not like us.

The corrupt, abusive press has been overcome, the press that, in the overwhelming defeat to the rightist and conservative groups, has become a political belligerent actor against the progressive governments and attacks in an illegitimate dishonest and arrogant way against the gains democratic peoples.

There is forgiveness, but it is not forgotten. We must learn from the present and history, to fight for a real social communication in which private businesses are the exception and not the rule, where freedom of speech is the right of all and not a privilege for the oligarchies that inherited a printing press and put it in shell companies in the Cayman Islands.

We hope that the injurers stop appearing as victims, they are not good in that role. From now on, they have to assume a commitment to truth and ethics. The victim is that young student, President of the Private Universities of Ecuador, who in 1986 was forbidden to enter El Universo, since he supported a bill banning the advertising of alcohol and tobacco. The real victims are the parents who lost two children by gas inhalation and the press accused them of murdered the children in satanic rituals, with the scandal just to sell a few newspapers. The victims are the hundreds of real journalists fired from their media because of their positions and views, or subjected to prior censorship; we all know the media applied on a daily basis for their interests. The victims are those employees of the newspapers in danger of losing their job if they sympathize with the Government, the Citizen Revolution. The victims are all Ecuadorians insulted and offended by perverse publications by unethical journalists, often guided only by personal disaffected opinions.

Now, very few stubborn people dare to say that the private media have not exercised a dictatorship of the word and the news. That is part of the outrage and indignation of the world. However, for those of us who frontally oppose to this dictatorship, they want us to be reduced to simple persecutors of journalists and violators of freedoms.

Our best answer is the happy children with books and uniforms attending the Millennium Schools, operating rooms to save lives, families with housing, cities with first-class roads, our people with disabilities finally taken care of, our new Constitution, an example worldwide for the guarantee of rights. Our best response is the reduction of inequality and poverty, the achievement of true freedom, which can only be based on truth and justice.

We will never allow another Barbarian Bonfire, the cruelest political crime of the country's history, driven directly and shamelessly from the press, at the time.

And we say with Eloy Alfaro Delgado: “I am nothing, I am worthless, I want nothing for me, all for you, people who is worthy to be free.”

Until victory always!

Rafael Correa Delgado

CONSTITUTIONAL PRESIDENT OF THE REPUBLIC OF ECUADOR