

Brazil confronts Google – and it's personal

A top Google executive was arrested in Brazil when the company refused to remove YouTube videos that made accusations against a local mayoral candidate. Felipe Correa discusses the case.



On 26 September 2012 police arrested the country president of Google Brazil, Fabio Jose Silva Coelho, in São Paulo after Google refused to take down [videos](#) that [attacked](#) Alcides Bernal, a local mayoral candidate of the Progressive Party in Mato Grosso do Sul, during the election period. The videos show documents of lawsuits in which the candidate is alleged to have instigated an abortion, assaulted a minor while drunk and committed the crime of illicit enrichment.

The case started when Bernal filed a complaint to the [electoral court](#) asking Google, Facebook and Yahoo to remove two videos deemed insulting and defamatory. The videos in question were found to violate [Article 326](#) of the electoral law, which criminalises the violation of one's dignity during an election. Facebook and Yahoo removed the links immediately but Google appealed the ruling.

The company refused to take down the videos, arguing: “the contents were not negative electoral

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propaganda”. A few days later, the electoral court stressed that if Google refused to remove the videos, the company’s legal representative would be arrested and access to YouTube would be blocked entirely. This is the punishment online media face for not obeying court decisions regarding electoral matters in Brazil. Google then filed a petition [saying](#) threats made by the court were illegal and violated constitutional principles of legal defense.

As the videos remained online, the court ordered that YouTube be blocked in Mato Grosso do Sul for 24 hours and Google’s top executive in Brazil be arrested. In the ruling, the judge [called](#) Google's attitude “wilful, unjustifiable, reprehensible and ignominious”. The judge stated that Google has no jurisdictional power to judge whether the videos were libellous or to decide whether or not to comply with a court order.

Coelho was released on the same day after pledging to appear before the court for legal proceedings. In response to the arrest, Google filed an injunction arguing that the court had violated its constitutional right to free speech. However, the company eventually took down the videos on 26 September 2012, after the arrest. In a [post](#) on the official Google Brazil blog, Coelho stated: “We are deeply disappointed that we have never had the full opportunity to argue in court that these were legitimate free speech videos and should remain available in Brazil. Despite all this, we will continue to campaign for free expression globally.”

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