

Press Release

Inter-American Court of Human Rights

I/A Court H.R._PR-60/2022 English

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I/A Court H.R. Protecting Rights

COSTA RICA IS RESPONSIBLE FOR THE VIOLATION OF TWO JOURNALISTS' RIGHT TO THE FREEDOM OF EXPRESSION

San José, Costa Rica, September 6, 2022. In the Judgment notified today in the *Case of Moya Chacón et al. v. Costa Rica*, the Inter-American Court of Human Rights found the State of Costa Rica internationally responsible for the violation of the right to freedom of thought and expression to the detriment of the journalists Ronald Moya Chacón and Freddy Parrales Chaves, resulting from the imposition of a civil sentence for the publication of a press release on December 17, 2005.

View the official summary of the Judgment [here](#) and the full text of the Judgment [here](#).

The press release reported that in June 2005 a regional head of the Security Forces had released a vehicle containing a cargo of alcohol in the border area with Panama without "legal grounds" for doing so. In a section entitled "More cases", the press release then indicated that this was not the only case in the south of the country, since, according to the then Minister of Public Security, there were at least two other cases that were being investigated. It went so far as to indicate that the police chiefs involved (referring, *inter alia*, to Mr. J.C.T.R.) would possibly be removed.

As a result of the publication, J.C.T.R., who then held the rank of Police Major and served as deputy chief of the San Vito de Coto Brus Command Delegation, filed a lawsuit against the journalists Ronald Moya Chacón and Freddy Parrales Chaves, and against the then Minister of Public Security, opening the case for the crime of slander and "defamation by the press". Furthermore, in the same criminal case, J.C.T.R. filed a civil action for compensation against both journalists, the Minister of Public Security, *La Nación* newspaper and the State of Costa Rica. On January 10, 2007, the Second Circuit Trial Court of San José, Goicochea, issued a judgment acquitting the defendants of all criminal liability but declaring the civil action for compensation admissible.

Consequently, the Trial Court sentenced Freddy Parrales Chaves and Ronald Moya Chacón, as well as the Minister of Public Security, *La Nación* newspaper and the State of Costa Rica, to jointly pay five million colones for pain and suffering and one million colones for personal costs.

When analyzing the civil sanction in accordance with the convention, the Inter-American Court first verified that the press release qualified as an information piece and dealt with a matter of public interest.

The Inter-American Court gave a preliminary warning that, although it is true that Mr. Moya Chacón and Mr. Parrales Chaves published information that ultimately turned out to be inaccurate with respect to Mr. J.C.T.R., it was not proven at the domestic level that the journalists had any intention to inflict specific harm against the person or persons affected by the news.

The Court also noted that the information published in the press release came from an official source, namely the Minister of Security, and therefore, there was no requirement to compel the journalists to carry out additional verifications. The Court also observed that the Trial Court judgment reproached the journalists for not having gone to the Judicial Press Office in order to "verify the details of the criminal case." According to the considerations of the judge this implied the suggestion of a preferential source which was a disproportionate requirement for freedom of expression, and extremely restrictive of freedom of the press since said imposition would mean establishing a mechanism of prior intervention for any journalistic output which, in turn, could translate into an act of censorship. Additionally, the Court considered that Mr. J.C.T.R.'s request to be given information on the origin of the information provided was completely inadmissible. Lastly, the Court warned that the sanction imposed on the journalists had an intimidatory effect on them.

In view of this, the Court concluded that, in this case, the civil penalty imposed on Mr. Moya Chacón and Mr. Parrales Chaves was neither necessary nor proportional to the legitimate purpose pursued.

As a result of these violations, the Court ordered various measures of reparation.

Judges Ricardo C. Pérez Manrique, Humberto Antonio Sierra Porto, Eduardo Ferrer Mac-Gregor Poisot and Rodrigo de Bittencourt Mudrovitsch announced their concurring individual votes.

The composition of the Court for the issue of this Judgment was: Judge Ricardo C. Pérez Manrique President (Uruguay), Judge Humberto Antonio Sierra Porto Vice President (Colombia), Judge Eduardo Ferrer Mac Gregor Poisot (Mexico), Judge Verónica Gómez (Argentina), Judge Patricia Pérez Goldberg (Chile) and Judge Rodrigo de Bittencourt Mudrovitsch (Brazil). Judge Nancy Hernández López did not participate in the deliberation and signing of this Judgment due to her Costa Rican nationality, pursuant to Articles 19(1) and 19(2) of the Court's Rules of Procedure.

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