

Press Release

Inter-American Court of Human Rights
I/A Court H.R._PR-108/2021 English

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I/A Court H.R.

Protecting Rights

ECUADOR IS RESPONSIBLE FOR THE VIOLATION OF THE RIGHTS TO FREEDOM OF EXPRESSION, MOVEMENT AND RESIDENCE, AND TO JOB STABILITY OF A NEWSPAPER'S JOURNALIST AND MANAGERS

San José, Costa Rica, December 21, 2021. In the Judgment, notified today, of the Case of *Palacio Urrutia et al. v. Ecuador*, the Inter-American Court of Human Rights declared the State of Ecuador internationally responsible for the violation of the rights to freedom of expression, movement and residence, job stability, judicial guarantees and protection, the principle of legality, and the duty to adopt provisions of domestic law, to the detriment of Emilio Palacio Urrutia, Nicolás Pérez Lapentti, César Enrique Pérez Barriga and Carlos Eduardo Pérez Barriga. The State made a partial acknowledgment of international responsibility in this case.

You may access the official summary of the Judgment [here](#) and the complete text of the Judgment [here](#).

On February 6, 2011, Mr. Emilio Palacio Urrutia, a journalist working for the *El Universo* newspaper, published an article entitled *NO to lies*, in which he commented on events that occurred in Ecuador on September 30, 2010, and criticized certain actions of the then President, Rafael Correa Delgado. On the publication of this article, Mr. Palacio Urrutia, and the managers of *El Universo* newspaper, Nicolás Pérez Lapentti, César Enrique Pérez Barriga and Carlos Eduardo Pérez Barriga, were sentenced to three years in prison for the crime of "serious slanderous insults against the authorities", and the payment of a joint sum of thirty million US dollars. *El Universo*, in turn, had to pay the sum of ten million US dollars.

In the Judgment, the Court established that the article *NO to lies* constituted an editorial piece that referred to a matter of public interest, and therefore is afforded special protection in view of its importance in democratic debate. It warned that the conviction imposing a sanction of three years in prison, and the civil sanction imposed as a result of said conviction, to the detriment of the victims of the case, constituted a violation of the right to freedom of expression. Similarly, the Court found that Mr. Palacio Urrutia was forced to leave the country and resign from his job as a result of the conviction and other events related to his work as a journalist, constituting a violation of his right to freedom of movement and residence, and his job stability.

When analyzing the case, the Court held that in the case of an editorial protected by public interest, such as editorials referring to the conduct of public officials performing their duties, the State's punitive response through criminal law is not appropriate, under the convention, to protect an official's reputation. It also reiterated that civil sanctions must be proportionate and aimed at repairing the damage suffered to a plaintiff's reputation, and not at silencing or punishing those critical of the government.

The facts of the case constituted a violation of the rights to freedom of expression, the principle of legality, freedom of movement and residence, job stability, judicial guarantees and judicial

protection, in relation to the duty to respect and guarantee rights, and the duty to adopt provisions of domestic law, contained in Articles 13, 9, 22, 26, 8(1), 8(2)c), 8(2)f) and 25(1) of the American Convention on Human Rights, in relation to Articles 1(1) and 2 of the same instrument.

Due to these violations, the Court ordered various measures of reparation, including: 1) annulment, in all aspects, of the Judgment of July 20, 2011, confirmed on September 22, 2011, and 2) establishment of alternatives to criminal proceedings as a means of protecting public officials' reputation in regard to opinions on their performance in the public sphere.

Judges Humberto Antonio Sierra Porto, Eduardo Ferrer Mac-Gregor Poisot and Ricardo Pérez Manrique announced their concurring individual opinions, Judge Eduardo Vio Grossi announced his partially dissenting opinion, and Judge Eugenio Raúl Zaffaroni announced his dissenting opinion.

The composition of the Court for this Judgment was as follows: Judge Elizabeth Odio Benito (President), Judge Eduardo Vio Grossi, Judge Eduardo Ferrer Mac-Gregor Poisot, Judge Humberto Antonio Sierra Porto, Judge Eugenio Raúl Zaffaroni, and Judge Ricardo Pérez Manrique.

Judge Patricio Pazmiño Freire, an Ecuadorian national, did not participate in the deliberation of this Judgment in accordance with Art. 19 of the Court's Rules of Procedure.

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