

Press Release

Inter-American Court of Human Rights

I/A Court H.R._PR-51/2023 English

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I/A Court H.R. Protecting Rights

COSTA RICA HAS COMPLIED WITH THE JUDGMENT IN THE CASE OF MOYA CHACÓN ET AL.

San José, Costa Rica, August 4, 2023.- In conformity with that set forth in the Resolution of Monitoring Compliance with Judgment issued by the Court on June 26, 2023, Costa Rica has complied with the execution of all reparation measures ordered in the Judgment of May 23, 2022. Consequently, the Inter-American Court has decided to close and archive the case. For more information, the Judgment of May 23, 2022, can be accessed [here](#) and the Resolution of June 26, 2023, which declares the archiving of the case, can be accessed [here](#).

On May 23, 2022, the Inter-American Court of Human Rights issued a Judgment in which it declared the international responsibility of the Republic of Costa Rica for the violation of the right to freedom of thought and expression, regarding the State's obligation to respect and guarantee the free and full exercise of that right, to the detriment of Ronald Moya Chacón and Freddy Parrales Chaves.

The violation resulted from subsequent liability imposed through a judgment on the journalists Ronald Moya Chacón and Freddy Parrales Chaves, due to the publication of a news article on December 17, 2005, regarding the alleged participation of police officers in irregularities on the control of smuggling of liquor in the border area between Costa Rica and Panama. One of the police officers mentioned in the news article filed a private complaint with a civil action for damages against both victims for the offenses of libel and defamation. Although in January 2007, the Criminal Court of the Second Judicial Circuit of San José (hereinafter "the Criminal Court") acquitted Messrs. Moya Chacón and Parrales Chaves of the aforementioned offenses, it found that they had civil liability because they "did not exercise the care required by their profession" and published "a false fact that was discrediting and injurious," thus sentencing them to the payment of compensation. This judgment was confirmed in December 2007 by the Third Chamber of the Supreme Court of Justice.

The Inter-American Court considered that the civil sanction imposed on the victims did not comply with the requirements of necessity and proportionality established in Article 13.2 of the American Convention, given that: a) although the victims published "information which turned out to be inaccurate," it was not proven that they had any intention of inflicting harm on the persons mentioned in the news article; b) before publishing the information they confirmed it with the Minister of Public Security and since that is an "official source" the Criminal Court should not have required "additional verifications" from the Judiciary's Press Office, insofar as suggesting a "preferred source" would entail "a mechanism of prior intervention in the way [in which...] journalists perform their activities"; c) the damage caused could have been redressed through the "right of rectification," which is a non-punitive mechanism; and d) the sanction had "an intimidating effect" on the victims, as journalists.

Based on the aforementioned violation, the Court ordered the following four reparation measures in its Judgment:

- i) annul the civil liability attributed to the victims in the judgment of the Criminal Court of January 10, 2007, and confirmed by the Third Chamber of the Supreme Court of Justice on December 20 of the same year;
- ii) publish this Judgment and the official summary of the Judgment as indicated in paragraph 106 thereof;
- iii) pay the victims the sums established in the judgment for compensation of non-pecuniary damages; and
- iv) pay the victims' representatives the amount established in the Judgment for reimbursement of costs and expenses.

Monitoring Compliance

In the Monitoring Compliance stage, the Court confirmed in the Resolution of June 26, 2023, that Costa Rica has fully complied with the four reparation measures ordered in the Judgment. Consequently, the Court has decided to archive the case and it positively noted the efforts made by Costa Rica to comply with all of the reparations within one year from the notification of the Judgment.

For the Resolution of June 26, 2023, the Court was composed of the following Judges: Ricardo C. Pérez Manrique, President (Uruguay); Eduardo Ferrer Mac-Gregor Poisot, Vice President (Mexico); Humberto Antonio Sierra Porto (Colombia); Verónica Gómez (Argentina) and Patricia Pérez Goldberg (Chile).

Judge Nancy Hernández López (Costa Rica) did not participate in the deliberation and signing of this Resolution, in conformity with Articles 19.1 and 19.2 of the Court's Rules of Procedure. Judge Rodrigo Mudrovitsch (Brazil) did not participate due to reasons of force majeure.

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