

**Inter-American Court of Human Rights****Case of Ricardo Canese v. Paraguay****Judgment of August 31, 2004  
(Merits, Reparations and Costs)**

In the *Case of Ricardo Canese*,

the Inter-American Court of Human Rights (hereinafter "the Court" or "the Inter-American Court"), composed of the following judges:\*

Sergio García Ramírez, President  
Alirio Abreu Burelli, Vice President  
Oliver Jackman, Judge  
Antônio A. Cançado Trindade, Judge  
Manuel E. Ventura Robles, Judge  
Diego García-Sayán, Judge, and  
Emilio Camacho Paredes, Judge *ad hoc*

also present,

Pablo Saavedra Alessandri, Secretary, and  
Emilia Segares Rodríguez, Deputy Secretary,

pursuant to Article 63(1) of the American Convention on Human Rights (hereinafter "the Convention" or "the American Convention") and Articles 29, 56 and 58 of the Rules of Procedure of the Court (hereinafter "the Rules of Procedure"),<sup>1</sup> delivers this judgment.

**I  
INTRODUCTION OF THE CASE**

1. On June 12, 2002, the Inter-American Commission on Human Rights (hereinafter "the Commission" or "the Inter-American Commission") filed before the Court an application against the State of Paraguay (hereinafter "the State" or "Paraguay"), originating from petition No. 12,032, received by the Secretariat of the Commission on July 2, 1998.
2. The Commission filed the application based on Article 61 of the American Convention, for the Court to decide whether the State had violated Articles 8 (Right to a Fair Trial), 9 (Freedom from Ex Post Facto Laws), 13 (Freedom of Thought and Expression) and 22 (Freedom of Movement and Residence) of the American Convention, all in relation to Article 1(1) (Obligation to Respect Rights) thereof, to

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\* Judge Cecilia Medina Quiroga excused herself from hearing this case, in accordance with Articles 19 of the Statute and 19 of the Rules of Procedure of the Court.

<sup>1</sup> This judgment is delivered under the terms of the Rules of Procedure adopted by the Inter-American Court of Human Rights at its XLIX Regular Session by an Order of November 24, 2000, which entered into force on June 1, 2001, and according to the partial reform adopted by the Court at its LXI Regular Session by an Order of November 25, 2003, in force since January 1, 2004.

the dignity of the victim.<sup>170</sup> The first aspect of reparation for non-pecuniary damage will be considered in this section and the second in section (C) of this chapter.

205. International case law has established repeatedly that the judgment constitutes, *per se*, a form of reparation.<sup>171</sup> However, owing to the circumstances of the instant case, and the consequences of a non-pecuniary nature that the proceedings and the criminal conviction had on the professional, personal and family life of the victim, and on the exercise of his rights to freedom of thought and expression and freedom of movement, the Court considers that, non-pecuniary damage should also be repaired, by the payment of compensation in fairness.<sup>172</sup>

206. To establish compensation for non-pecuniary damage, the Court will take into account that the criminal proceedings filed against Mr. Canese, the criminal conviction imposed by the competent courts, and the restriction of his right to leave the country during almost eight years and four months affected his professional activities and had an inhibiting effect on his exercise of freedom of expression. It should be recalled that the violations of Mr. Canese's rights established in this judgment originated from the dissemination of statements he made as a candidate to the presidency of the Republic, in the context of an electoral campaign, when he referred to matters of public interest concerning another candidate.

207. Bearing in mind the different aspects of the non-pecuniary damage caused, the Court establishes, in fairness, the amount of US\$35,000.00 (thirty-five thousand United States dollars) or the equivalent in Paraguayan currency, which the State must pay to Mr. Canese as compensation for non-pecuniary damage.

### C) OTHER FORMS OF REPARATION (MEASURES OF SATISFACTION AND GUARANTEES OF NON-REPETITION)

208. In this section, the Court will begin to determine the measures of satisfaction that seek to repair the non-pecuniary damage, which are not of a pecuniary nature, but have public repercussions.<sup>173</sup>

209. As it has established in other case, as a measures of satisfaction,<sup>174</sup> the State must publish once in the Official Gazette and in another newspaper with national circulation, the chapter of this judgment on proven facts, without the corresponding footnotes, and its operative paragraphs.

210. The Court takes into consideration the recent reforms that the State has made to its penal and procedural legislation, to adapt its domestic norms to the

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<sup>170</sup> Cf. *Case of the Gómez-Paquiyaury brothers*, *supra* note 2, para. 211; *Case of 19 Merchants*, *supra* note 2, para. 244; and *Case of Molina-Theissen. Reparations*, *supra* note 2, para. 65.

<sup>171</sup> Cf. *Case of the Gómez-Paquiyaury brothers*, *supra* note 2, para. 215; *Case of 19 Merchants*, *supra* note 2, para. 247; and *Case of Molina-Theissen. Reparations*, *supra* note 2, para. 66.

<sup>172</sup> Cf. *Case of the Gómez-Paquiyaury brothers*, *supra* note 2, para. 215; *Case of 19 Merchants*, *supra* note 2, para. 247; and *Case of Molina-Theissen. Reparations*, *supra* note 2, para. 66.

<sup>173</sup> Cf. *Case of the Gómez-Paquiyaury brothers*, *supra* note 2, para. 223; *Case of 19 Merchants*, *supra* note 2, para. 253; and *Case of Molina-Theissen. Reparations*, *supra* note 2, para. 77.

<sup>174</sup> Cf. *Case of the Gómez-Paquiyaury brothers*, *supra* note 2, para. 235; *Case of Molina-Theissen*, *supra* note 2, para. 86; and *Case of Myrna Mack-Chang*, *supra* note 15, para. 280.