

TECHNICAL INFORMATION SHEET
PETITION N° 228-07 CARLOS DOGLIANI
REPORT ON FRIENDLY SETTLEMENT N° 18/10
TOTAL COMPLIANCE
(URUGUAY)

I. SUMMARY OF THE CASE

Victim (s): Carlos Dogliani

Petitioner (s): Carlos Dogliani, la Asociación de la Prensa Uruguaya [Uruguayan Press Association], and the Instituto de Estudios Legales del Uruguay [Legal Studies Institute of Uruguay]

State: Uruguay

Report on Friendly Settlement Agreement No.: 18/10 published on March 16, 2010.

Related Rapporteurship: N/A

Issues: Personal liberty/ Rights of the child/Principles of legality and retroactivity/ Judicial guarantees/Right to equal protection/Judicial protection

Facts: The petitioners alleged that Carlos Dogliani wrote two newspaper articles that were published on March 25 and April 1, 2004, in the *El Regional* weekly paper reporting that two public officials in the Paysandú Departmental government were involved in a case of irregular remission of a taxpayer's debt to the tax administration. The petitioners added that because of this, on August 30, 2006, the Supreme Court of Uruguay upheld the conviction and five-month prison sentence of Carlos Dogliani, stating that he was "guilty of four counts of defamation, which were aggravated because they were repeated" against the aforementioned public officials.

Rights Alleged: The petitioners alleged the responsibility of the State of Uruguay for violation of the right enshrined in Article 13 (freedom of thought and expression), in relation to Articles 1.1 (obligation to respect rights) and 2 (domestic legal effects) of the American Convention on Human Rights, to the detriment of Carlos Dogliani.

II. PROCEDURAL ACTIVITY

1. On September 18, 2009, the parties signed a friendly settlement agreement.
2. On March 16, 2010, the IACHR approved the friendly settlement agreement signed by the parties in Report No.18/10.

III. ANALYSIS OF COMPLIANCE WITH THE CLAUSES OF THE FRIENDLY SETTLEMENT AGREEMENT

Agreement Clause	Status of Compliance
1. The State acknowledges that the conviction of the petitioner was based on criminal laws that are incompatible with the standards and principles of human rights regarding freedom of expression, and that this case violated the victim's	Declarative Clause

rights as a journalist.	
2. The journalist, Carlos Dogliani, declares that he is satisfied with the full redress given to his case, which has entailed the adoption of significant legislative reform through the enactment of Law No. 18.515 of June 26, 2009.	Declarative Clause
3. Journalist Carlos Dogliani also acknowledges the important steps that have been taken by the State in this regard, which have strengthened the role of journalists as well as their social recognition.	Declarative Clause
4. Journalist Carlos Dogliani accepts the sum of US\$8,000 (eight thousand dollars, U.S.) as indemnification for the damages suffered from his conviction under the derogated provisions of the Penal Code and Law No. 16.099.	Total¹
5. Journalist Dogliani will file a motion before the Judicial Branch to overturn his conviction.	Total²
6. The State and the petitioner agree to jointly submit a briefing before the Inter-American Commission on Human Rights to inform the Commission of the closure of the proceedings and request the archiving the of petition P.228-07.	Total³
7. Once a favorable decision is made by the Inter-American Commission on Human Rights, journalist Dogliani will desist from prosecution of this matter before the Commission on the facts in this case, and will restrain from any further domestic or international action pursuing the same, except for the motion to overturn the conviction mentioned in paragraph 5.	Total⁴
8. The State and the journalist agree to cooperate to facilitate the public dissemination of the main points of the agreement reached. The Ministry of Foreign Affairs shall issue a press release, after the signature of this agreement, outlining the essential points set forth herein.	Total⁵

IV. LEVEL OF COMPLIANCE OF THE CASE

3. The Commission declared total compliance with the case and ceased monitoring the friendly settlement agreement in Report No.18/10.

V. INDIVIDUAL AND STRUCTURAL OUTCOMES OF THE CASE

A. Individual outcomes of the case:

- The State acknowledged its responsibility for the violation of the right set out in Article 13 of the American Convention.
- The State provided the sum of US\$ 8,000 (eight thousand US dollars) as pecuniary reparation as a payment to the journalist Carlos Dogliani.
- The State through the Press Office of the Ministry of Foreign Affairs issued a Press Release No. 70/09 which generally stated the background of the case, the actions undertaken by the government, and that the parties had agreed to a friendly settlement

¹ See IACHR, Report No. 18/10, Petition 228-07, Friendly Settlement, Carlos Dogliani, Uruguay, March 10, 2010.

² See IACHR, Report No. 18/10, Petition 228-07, Friendly Settlement, Carlos Dogliani, Uruguay, March 10, 2010.

³ See IACHR, Report No. 18/10, Petition 228-07, Friendly Settlement, Carlos Dogliani, Uruguay, March 10, 2010.

⁴ See IACHR, Report No. 18/10, Petition 228-07, Friendly Settlement, Carlos Dogliani, Uruguay, March 10, 2010.

⁵ See IACHR, Report No. 18/10, Petition 228-07, Friendly Settlement, Carlos Dogliani, Uruguay, March 10, 2010.

B. Structural outcomes of the case:

- The State implemented legislative reforms through the enactment of Law No. 18,515, of June 26, 2009, which decriminalized the dissemination of opinions or information on public officials or on matters of public interest, except when the allegedly affected person can demonstrate the existence of actual malice. The new legislation indicates that they constitute guiding principles for the interpretation, application, and integration of civil, procedural, and criminal laws on freedom of expression, international treaties on the matter, and expressly recognizes the relevance of the decisions and recommendations of the Inter-American Court of Human Rights and the Inter-American Commission on Human Rights when interpreting and applying said provisions.