[ES] Supreme Court defamation judgment concerning popular Spanish TV show

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On 15 September 2015, the Spanish Supreme Court upheld the decision from the Court of Appeal, which found three members of the panel of speakers from the popular TV programme "Sálvame" responsible for defamation, after insulting Spanish socialite Carmen Lomana on air. The defendants will have to compensate Lomana with EUR 120 000 in total (EUR 60 000, EUR 30 000 and EUR 30 000 respectively).

The decision from the Court of Appeal had already recognised the existence of “an illegal interference with the reputation of the applicant for the serious and repeated insults made during the Sálvame and Sálvame Deluxe programs”.

During their interventions in three programmes broadcast in April 2011, the defendants referred to Lomana, as “shameless”, “illiterate”, “clown”, “idiot”, “cheat”, “real dog”, “suck ass to get invited to parties”, “parent pigs, hogs children” “hustler”, “silly ass”, “seeks high beds” and “sow” («sinvergüenza», «analfabeta», «payasa», «tonta», «cerda», «chupas el culo para que te inviten a fiestas», «de padres cerdos, hijos marranos, «estafadora», «imbécil», «busca camas altas»).

The Supreme Court considered that most of those words and expressions are to be taken in the public perception as pure and simple expressions of insults only aimed at offending. It also adds that, by their objective and repetition in a short space of time and the mise-en-scène, with vulgar words, the intention was to ridicule the plaintiff’s character with insidious insinuations.

In addition, the Supreme Court indicated that these programmes, although they are usually in an aggressive tone, must abide by rules, including those imposed by the protection of fundamental rights under the Spanish Constitution.

In their defence, the defendants alleged that there was no illegal interference with Lomana’s honour because their words were covered under the umbrella of freedom of expression and information, were not offensive, and referred to a person who was well known for her voluntary appearances on television, and had previously criticised those who had been her TV companions.

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Sentencia del Tribunal Supremo, Sala de lo Contencioso-Administrativo, 15 de septiembre 2015

http://www.poderjudicial.es/search/doAction?action=contentpdf&databasematch=TS&reference=7468194&links=SALVAME&optimize=20150917&publicinterface=true

Judgment of the Supreme Court, 15 September 2015

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