

# Palamara Iribarne v. Chile

## ABSTRACT<sup>1</sup>

*This case is about the attempt by the Chilean Navy to prevent the publication of a book that discussed ethical standards and State military intelligence activities. The author, a retired Navy Intelligence Officer, was prosecuted and convicted at first, and all the book's copies, files and manuscripts destroyed, only to be exonerated four years later. The case gave the Court the chance to discuss where the question of where the balance should be struck between freedom of expression and the right of the State to defend its secrets. The Court found eventually Chile in violation of the American Convention.*

## I. FACTS

### A. Chronology of Events

**1992:** Mr. Humberto Antonio Palamara Iribarne authors a book called *Ethics and Intelligence Services (Ética y Servicios de Inteligencia)*,<sup>2</sup> in which he discusses issues regarding State military intelligence and calls for a stricter adherence to ethical standards.<sup>3</sup>

**January 1993:** Mr. Palamara Iribarne retires from the Navy with the rank of Training Officer of the Navy Operations Department of the Office of the Commander in Chief of the Third Naval Zone.<sup>4</sup> The Armed Forces hires Mr. Palamara Iribarne as a consultant in the Department of Naval Intelligence.<sup>5</sup>

**Late January 1993 through February 1993:** Mr. Palamara Iribarne pays a publishing company approximately \$1,680 to publish a thousand

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1. Milja Miric, Author; Dale Ogden, Editor; Kathryn Benson, Chief IACHR Editor; Cesare Romano, Faculty Advisor.

2. Palamara Iribarne v. Chile, Merits, Reparations, and Costs, Judgment, Inter-Am. Court of H.R., (ser. C) No. 135, ¶¶ 63(4), 69 (Nov. 22, 2005).

3. *Id.* ¶ 69.

4. *Id.* ¶ 63(1).

5. *Id.*

copies of his book.<sup>6</sup>

**February 17, 1993:** Mr. Hugo Bruna Greene, the Commander in Chief of the Third Naval Zone, informs Mr. Palamara Iribarne that he failed to obtain prior authorization from the Navy to publish the work.<sup>7</sup> Mr. Bruna Greene demands Mr. Palamara Iribarne not to publish his book and orders him to turn over the original text.<sup>8</sup> Mr. Palamara Iribarne gives Mr. Bruna Greene four copies of the book, which are delivered to the Chief of the General Staff of the Navy for consideration for publication.<sup>9</sup> Mr. Bruna Greene orders Mr. Palamara Iribarne not to publish anything else without authorization.<sup>10</sup>

**February 18, 1993:** Mr. Palamara Iribarne writes Mr. Bruna Greene, requesting permission to publish his book, which merely contains “the general role of intelligence from an ethical standpoint” and does not contain classified information.<sup>11</sup>

**March 1, 1993:** Mr. Bruna Greene informs Mr. Palamara Iribarne of the Naval Authority’s decision to deny publication of his book because it is a threat to national security and defense.<sup>12</sup> Mr. Palamara Iribarne states his desire to publish the book without permission from the Naval Authority.<sup>13</sup> Mr. Bruna Greene orders Mr. Palamara Iribarne to stop publication and obtain all records of the book from the publishing house at 3 p.m., which Mr. Palamara Iribarne fails to do.<sup>14</sup> Without Mr. Palamara Iribarne present, the Deputy Naval Prosecutor seizes from the publishing house sixteen copies of Mr. Palamara Iribarne’s book, a disk copy, three packages containing five books each, and text originals.<sup>15</sup> The Deputy Naval Prosecutor additionally deletes any trace of the book from the publishing house computers.<sup>16</sup>

The Deputy Naval Prosecutor states there are sufficient grounds for an arrest warrant, prohibiting Mr. Palamara Iribarne from leaving

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6. *Id.* ¶ 63(5). See <http://www.oanda.com/currency/historical-rates/> (providing a conversion rate from Chilean pesos to U.S. dollars in 1993).

7. *Id.* ¶¶ 63(8)–(9).

8. *Id.*

9. *Id.* ¶ 63(10).

10. *Id.*

11. *Id.* ¶ 63(11).

12. *Id.* ¶¶ 63(12)–(13).

13. *Id.*

14. *Id.*

15. *Id.* ¶ 63(19).

16. *Id.*

the country for sixty days and instructing the Court to seize copies of the book from Mr. Palamara Iribarne's home.<sup>17</sup> As a result, 874 copies of the book are seized and the entire text of the book is deleted from Mr. Palamara Iribarne's personal computer.<sup>18</sup> Mr. Palamara Iribarne is arrested, but the State does not inform him of the charges against him.<sup>19</sup>

**March 2, 1993:** The Deputy Naval Prosecutor orders Mr. Palamara Iribarne's release from custody for insufficient grounds for arrest.<sup>20</sup> Mr. Palamara Iribarne is summoned to appear for a same-day hearing before the Naval Court, but he fails to attend.<sup>21</sup> Mr. Palamara Iribarne is arrested for failure to appear, makes a statement before the Deputy Naval Prosecutor, and is released from custody.<sup>22</sup>

**March 3, 1993:** Mr. Bruna Greene prohibits Mr. Palamara Iribarne from publishing pieces in the newspaper *La Prensa Austral*.<sup>23</sup> The Navy initiates criminal proceedings against Mr. Palamara Iribarne for breach of military duties and disobedience.<sup>24</sup> Ms. Anne Ellen Stewart Orlandini, Mr. Palamara Iribarne's wife, files a motion for protection from the Navy and alleges that the Naval Prosecutor's acts are arbitrary and illegal.<sup>25</sup>

**March 10, 1993:** The Deputy Naval Prosecutor issues letters rogatory for two expert reports to determine the adverse effects of the book on naval security and confidentiality.<sup>26</sup> The Naval Prosecutor takes a statement from Mr. Palamara Iribarne's superior to determine whether he authorized publication of the book.<sup>27</sup>

**March 12, 1993:** Mr. Bruna Greene recuses himself as Naval Judge of Magallanes in the proceedings against Mr. Palamara Iribarne because of his participation in the events that resulted in Mr. Palamara Iribarne's investigation.<sup>28</sup>

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17. *Id.* ¶¶ 63(20), 63(103).

18. *Id.* ¶ 63(20).

19. *Id.* ¶ 63(21).

20. *Id.*

21. *Id.* ¶ 63(22).

22. *Id.*

23. *Id.* ¶¶ 63(15), 63(104).

24. *Id.* ¶ 63(16).

25. *Id.* ¶ 63(36).

26. *Id.* ¶ 63(23).

27. *Id.* ¶ 63(24).

28. *Id.* ¶ 63(25).

**March 15, 1993:** The Deputy Naval Prosecutor issues a writ of indictment and orders Mr. Palamara Iribarne's arrest and a search of his home.<sup>29</sup> Mr. Palamara Iribarne is detained and held in the custody of the Office of the Naval Prosecutor.<sup>30</sup>

**March 16, 1993:** Mr. Palamara Iribarne retains an attorney and requests to be released on bail, which is dismissed because the case file does not contain Mr. Palamara Iribarne's birth certificate and criminal record.<sup>31</sup>

**March 23, 1993:** Mr. Palamara Iribarne's attorney requests final dismissal of the case and encloses with the request a book review from a newspaper, which articulates that Mr. Palamara Iribarne's book is not a threat to national security.<sup>32</sup>

**March 24, 1993:** The Deputy Naval Prosecutor denies the request for dismissal.<sup>33</sup> The Court of Appeals of Punta Arenas dismisses Ms. Stewart Orlandini's motion for prosecution.<sup>34</sup>

**March 26, 1993:** The Chief of Garrison IM "Order and Security" (*Orden y Seguridad*) permits Mr. Palamara Iribarne's transfer, which includes a requirement that Mr. Palamara Iribarne refrain from making comments about the judicial proceedings or comments that might harm the Navy.<sup>35</sup> Mr. Palamara Iribarne gives an interview to the *La Prensa Austral* newspaper, in which he refers to the judicial ruling by the Court of Appeals of Punta Arena as "inconceivable."<sup>36</sup> Mr. Palamara Iribarne is released on bail.<sup>37</sup> Additionally, Mr. Palamara Iribarne is informed that he and his family must move out of his state-owned home within one week.<sup>38</sup>

**March 31, 1993:** *La Prensa Austral* interviews Mr. Palamara Iribarne again, revealing that Mr. Palamara Iribarne was forced to vacate his

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29. *Id.* ¶ 63(28).

30. *Id.*

31. *Id.* ¶ 63(29).

32. *Id.* ¶ 63(32).

33. *Id.* ¶ 63(33).

34. *Id.* ¶ 63(36).

35. *Id.* ¶ 63(38).

36. *Id.* ¶ 63(39).

37. *Id.* ¶ 63(35).

38. *Id.* ¶ 63(105).

home and that he was denied access to the Armed Forces hospital, where he was being treated for a nervous condition.<sup>39</sup> The Chief of Garrison IM “Order and Security” visits Mr. Palamara Iribarne and informs him that the comments he made to *La Prensa Austral* are in violation of the order issued March 26, 1993.<sup>40</sup>

**April 2, 1993:** Mr. Palamara Iribarne tells the Naval Prosecutor that his comments to *La Prensa Austral* are not criticisms but rather facts because he refers to events that have actually occurred and not classified information.<sup>41</sup> The Naval Prosecutor orders the journalist of *La Prensa Austral* to appear and provide a statement.<sup>42</sup>

**April 15, 1993:** Mr. Palamara Iribarne’s attorney requests “access to the preliminary investigation,” which the Naval Prosecutor denies.<sup>43</sup>

**April 21, 1993:** Mr. Palamara Iribarne’s attorney appeals the Naval Prosecutor’s denial of Mr. Palamara Iribarne’s request for access to the investigation, but the Naval Prosecutor dismisses the motion on appeal.<sup>44</sup>

**April 27, 1993:** Mr. Palamara Iribarne’s attorney requests, for a third time, access to the preliminary investigation, which again the Naval Prosecutor denies because it “may jeopardize the investigation.”<sup>45</sup>

**April 30, 1993:** The Administrative Naval Prosecutor orders two witnesses, one of which is the Chief of Staff of the Third Naval Zone, to report on the content of Mr. Palamara Iribarne’s book.<sup>46</sup>

**May 5, 1993:** The National Radio program “*Propuesta 93*” interviews Mr. Palamara Iribarne.<sup>47</sup> Based on the radio appearance, the Chief of Garrison IM “Order and Security” affirms that Mr. Palamara Iribarne violated the March 26, 1993 order by publicly making comments dam-

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39. *Id.* ¶¶ 63(40)–(41).

40. *Id.* ¶ 63(41).

41. *Id.* ¶ 63(42).

42. *Id.*

43. *Id.* ¶ 63(46).

44. *Id.*

45. *Id.* ¶ 63(47).

46. *Id.* ¶ 63(97).

47. *Id.* ¶ 63(51).

aging the Navy.<sup>48</sup> Mr. Palamara Iribarne's attorney files a complaint against the Naval Prosecutor for denying access to the investigation.<sup>49</sup>

**May 6, 1993:** Mr. Palamara Iribarne criticizes the Naval Prosecutor's actions at a press conference.<sup>50</sup> The following day, *La Prensa Austral* publishes Mr. Palamara Iribarne's comments from the press conference.<sup>51</sup>

**May 24, 1993:** The two expert witnesses appointed by the Administrative Naval Prosecutor report that the book is authentic testimony with statements that are not public knowledge.<sup>52</sup>

**May 25, 1993:** Mr. Bruna Greene files a complaint accusing Mr. Palamara Iribarne of contempt based on his statements made in the press.<sup>53</sup>

**May 27, 1993:** The Administrative Naval Prosecutor issues an opinion that advocates for Mr. Palamara Iribarne's punishment and termination of employment.<sup>54</sup> The next day, the Commander in Chief Mr. Bruna-Greene orders the early termination of Mr. Palamara Iribarne's employment.<sup>55</sup>

**July 12, 1993:** The Naval Prosecutor issues a writ of indictment for disobedience as a result of Mr. Palamara Iribarne's public statements, including the interviews in *La Prensa Austral* and his appearance on "Propuesta 93."<sup>56</sup> Mr. Palamara Iribarne files a motion of appeal requesting release from bail, which is granted and referred to the Navy Court-Martial.<sup>57</sup> Mr. Palamara Iribarne additionally files a motion against the Naval Prosecutor's writ of indictment.<sup>58</sup> The Naval Prosecutor grants Mr. Palamara Iribarne's appeal, sets his bail, and refers the matter to the Court-Martial.<sup>59</sup>

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48. *Id.*

49. *Id.* ¶ 63(52).

50. *Id.* ¶ 63(72).

51. *Id.* ¶ 63(73).

52. *Id.* ¶ 63(97).

53. *Id.* ¶ 63(74).

54. *Id.* ¶ 63(100).

55. *Id.* ¶ 63(106).

56. *Id.* ¶ 63(56).

57. *Id.* ¶ 63(57).

58. *Id.* ¶ 63(81).

59. *Id.* ¶ 63(82).

**July 12, 1993 through July 15, 1993:** Mr. Palamara Iribarne is imprisoned.<sup>60</sup>

**July 20, 1993:** Expert witnesses conclude that Mr. Palamara Iribarne's book does not negatively affect the Navy and that the information contained within is available to the public.<sup>61</sup>

**August 16, 1993:** The Naval Prosecutor concludes the investigation and issues an opinion stating that Mr. Palamara Iribarne should be imprisoned, fined, and suspended from public employment for his contempt.<sup>62</sup>

**August 25–26, 1993:** Mr. Palamara Iribarne requests authorization to establish domicile outside the jurisdiction of the court to find other employment outside Punta Arenas and move in with his mother in Valparaíso.<sup>63</sup> The request is granted on the condition that Mr. Palamara Iribarne shows up weekly to the Office of the Naval Prosecutor.<sup>64</sup>

**September 24, 1993:** The Naval Prosecutor again releases an opinion concluding the investigation, which nonetheless states that Mr. Palamara Iribarne should be convicted for breaching military duties and disobedience.<sup>65</sup>

**October 1993:** Ms. Stewart Orlandini and Mr. Palamara Iribarne's three children move to her parents' home in Viña del Mar as a result of financial problems.<sup>66</sup>

**October 6, 1993:** The Naval Prosecutor allows Mr. Palamara Iribarne access to the evidence on record.<sup>67</sup>

**November 5, 1993:** The Interim Naval Judge reopens the investigation to interrogate Mr. Bruna Greene.<sup>68</sup>

**March 16, 1994:** The Interim Naval Judge reopens the investigation to

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60. *Id.* ¶ 63(83).

61. *Id.* ¶ 63(23).

62. *Id.* ¶ 63(85).

63. *Id.* ¶¶ 63(85), 63(107).

64. *Id.* ¶ 63(59).

65. *Id.* ¶ 63(60).

66. *Id.* ¶ 63(108).

67. *Id.* ¶ 63(86).

68. *Id.* ¶ 63(61).

seize the remainder of the books from people who made public statements about it.<sup>69</sup>

**September 7, 1994:** The Naval Judge acquits Mr. Palamara Iribarne of his contempt charge.<sup>70</sup>

**October 5, 1994:** The Delegate of the Military Attorney's General Office endorses the Prosecutor's opinion that Mr. Palamara Iribarne should be convicted for disobedience and breach of duty, and the case proceeds to trial.<sup>71</sup>

**January 3, 1995:** The Navy Court-Martial overturns the acquittal of September 7, 1994, finds Mr. Palamara Iribarne guilty of contempt, and sentences him to sixty-one days of minor imprisonment, a fine, and suspension of public employment.<sup>72</sup>

**January 9, 1995:** Mr. Palamara Iribarne's attorney files an appeal, alleging that the Navy Court-Martial participated in "breaches or abuses" by convicting Mr. Palamara Iribarne of the crime of contempt.<sup>73</sup>

**July 20, 1995:** The State Supreme Court dismisses Mr. Palamara Iribarne's appeal.<sup>74</sup>

**June 10, 1996:** The Naval Judge issues a judgment convicting Mr. Palamara Iribarne and imprisoning him for disobedience and breach of military duties for publication of his book and subsequent comments made to the press about the Navy.<sup>75</sup>

**July 17, 1996:** Mr. Palamara Iribarne appeals his conviction with the Navy Court-Martial.<sup>76</sup>

**January 2, 1997:** The Navy Court-Martial acquits and exonerates Mr. Palamara Iribarne of the charges of disobedience and breach of military

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69. *Id.*

70. *Id.* ¶ 63(88).

71. *Id.* ¶¶ 63(61)–(62).

72. *Id.* ¶ 63(91).

73. *Id.* ¶ 63(92).

74. *Id.* ¶ 63(93).

75. *Id.* ¶ 63(66).

76. *Id.* ¶ 63(67).



duties.<sup>77</sup>

**January 9, 1997:** Mr. Palamara Iribarne's attorney files a motion for cassation on the merits with the Navy Court-Martial against its January 2, 1997 judgment, alleging the erroneous application of criminal law.<sup>78</sup>

**January 31, 1997:** The Supreme Court of Justice's Prosecutor issues an opinion that Mr. Palamara Iribarne's motion for cassation on the merits should be allowed.<sup>79</sup> The Prosecutor states that the writing of the book is outside the scope of Mr. Palamara Iribarne's duties as a Naval employee.<sup>80</sup>

**August 5, 1997:** The Supreme Court of Justice denies Mr. Palamara Iribarne's attorney's January 9, 1997 motion for cassation.<sup>81</sup>

### *B. Other Relevant Facts*

Before Chile's democratization, during the 1973 to 1990 reign of General Augusto Pinochet, journalists were seized and subjected to time in prison for offending the State and its authorities.<sup>82</sup> Presently, and although the State constitution guarantees the right to freedom of speech and the press, the State still utilizes criminal defamation and contempt of authority (*desacato*) laws to legally restrict the expression of journalists and citizens in the State.<sup>83</sup> There are many reports of photojournalists, writers, and editors being subjected to assault and arrests for reporting on and documenting demonstrations and police crackdowns of protests.<sup>84</sup>

These laws have garnered attention and criticism of international human rights groups, which influenced the State's slow attempt to reform these restrictive laws.<sup>85</sup>

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77. *Id.* ¶ 63(68).

78. *Id.* ¶ 63(69).

79. *Id.* ¶ 63(70).

80. *Id.*

81. *Id.* ¶ 63(71).

82. *Speech Unfree*, THE ECONOMIST, (Apr. 12, 2001), available at <http://www.economist.com/node/569338>.

83. FREEDOM HOUSE, FREEDOM OF THE PRESS 2013 (2013), available at <https://freedomhouse.org/report/freedom-press/2013/chile#.VfHkBp3BzGc>; Palamara Iribarne v. Chile, Merits, Reparations, and Costs, ¶ 2.

84. FREEDOM HOUSE, *supra* note 83.

85. *Speech Unfree*, *supra* note 82.

## II. PROCEDURAL HISTORY

### *A. Before the Commission*

**January 16, 1996:** The Center for Justice and International Law (CEJIL) submits an initial complaint to the Commission.<sup>86</sup>

**October 10, 2001:** The Commission declares the case admissible and approves Report No. 77/01.<sup>87</sup>

**March 4, 2003:** The Commission adopts Report 20/03 and recommends that the State return the seized books back to Mr. Palamara Iribarne, compensate him for the violations, and to align domestic law with the American Convention's provisions in regards to freedom of expression.<sup>88</sup>

### *B. Before the Court*

**April 13, 2004:** The Commission submits the case to the Court after the State failed to adopt its recommendations.<sup>89</sup>

#### 1. Violations Alleged by Commission<sup>90</sup>

Article 13 (Right to Freedom of Expression)

Article 21 (Right to Property)

*all in relation to:*

Article 1(1) (Obligation to Respect Rights)

Article 2 (Obligation to Adopt Domestic Law Measures) of the American Convention.

#### 2. Violations Alleged by Representatives of the Victims<sup>91</sup>

Article 7 (Right to Personal Property)

86. Palamara Iribarne v. Chile, Merits, Reparations, and Costs, ¶ 5.

87. *Id.* ¶ 6.

88. *Id.* ¶ 7.

89. *Id.* ¶¶ 15–16.

90. *Id.* ¶ 2. Evelio Fernández Arévalo, Santiago A. Canton, and Eduardo Bertoni, delegates, and Andrea Galindo and Lilly Ching, counsel, served as representatives of the Commission. *Id.* ¶ 16.

91. *See id.* ¶¶ 118, 191. The Judgment does not indicate who served as the representative(s) of the victim.

Article 8 (Right to Fair Trial)

Article 25 (Right to Judicial Protection)

*all in relation to:*

Article 1(1) (Obligation to Respect Rights)

Article 2 (Obligation to Adopt Domestic Law Measures) of the American Convention.

**January 12, 2005:** The Secretariat of the Court informs the State that it can appoint a judge *ad hoc* to hear the case since Judge Cecilia Medina Quiroga dismissed herself from the proceedings; however, the State fails to appoint a judge *ad hoc*.<sup>92</sup>

### III. MERITS

#### A. *Composition of the Court*<sup>93</sup>

Sergio García Ramírez, President

Alirio Abreu Burelli, Vice President

Oliver H. Jackman, Judge

Antônio Augusto Cançado Trindade, Judge

Manuel E. Ventura Robles, Judge

Diego García-Sayán, Judge

Pablo Saavedra Alessandri, Secretary

Emilia Segares Rodríguez, Deputy Secretary

#### B. *Decision on the Merits*

**November 22, 2005:** The Court issues its Judgment on the Merits, Reparations and Costs.<sup>94</sup>

The Court found unanimously that the State had violated:

Article 13 (Right to Freedom of Expression), in relation to Article 1(1) and Article 2 of the Convention, to the detriment of Mr. Palamara

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92. *Id.* ¶ 22.

93. Judge Cecilia Medina Quiroga excused herself from participating in the deliberation. While there are typically seven judges presiding over the court proceedings, the State did not select a judge *ad hoc*, and thus, only six judges participated in the deliberation and signature of the merits. *Id.*

94. Palamara Iribarne v. Chile, Merits, Reparations, and Costs.

Iribarne,<sup>95</sup> because:

*The Court noted that an infringement on the right to freedom of expression occurs when the State inhibits the flow of information, ideas, opinions, or news, which can threaten democratic society, by violating an individual's rights to express their views and be informed.*<sup>96</sup>

*Article 13 (Right to Freedom of Expression) of the Convention protects an individual's ability to disseminate ideas and opinions whether orally, through written material, in print, through art or any other medium.*<sup>97</sup> *The State has an obligation to allow authorship of books and an obligation not to restrict the distribution of books, in accordance with the right to freedom of thought and expression.*<sup>98</sup> *Moreover, in order to promote a truly democratic system and hold public officials accountable, there is a need for transparency, so it is logical that statements about public officials receive greater Article 13 (Right to Freedom of Expression) protections – to allow room for debate as a means of checks and balances.*<sup>99</sup> *Any restrictions must be made for a legitimate purpose so as to infringe minimally on one's right to freedom of thought and expression.*<sup>100</sup>

*The State restricted the distribution of Mr. Palamara Iribarne's book, Ethics and Intelligence Services, by committing the following acts: (1) prohibiting the publication of the book due to Article 89 of the Navy's No. 487 Ordinance; (2) deleting the book's background information from the publishing company due to its effect on "national security and national defense"; (3) obtaining copies of the book from the publishing company and Mr. Palamara Iribarne's home; (4) deleting information stored on Mr. Palamara Iribarne's and the publishing company's computers; (5) seizing copies of the book owned by any other individual; and (6) ordering Mr. Palamara Iribarne to refrain from making comments about the Navy or the proceedings against him.*<sup>101</sup>

*The Court recognized that institutional employees have an obligation to keep some information confidential; however, employees need not keep*

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95. *Id.* "Operative Paragraphs" ¶ 1.

96. *Id.* ¶ 68.

97. *Id.* ¶¶ 72–73.

98. *Id.* ¶ 73.

99. *Id.* ¶¶ 82–83.

100. *Id.* ¶ 85.

101. *Id.* ¶ 74.

information confidential if it is already available in the public domain.<sup>102</sup> Furthermore, the Court found it surprising that despite expert findings that Mr. Palamara Iribarne's book did not breach national security or disclose Naval secrets, the prosecutor requested more examination by experts and refused to give back the seized copies of the book.<sup>103</sup> Accordingly, the Court considered Mr. Palamara Iribarne's experience in the Navy an appropriate source to help write his book.<sup>104</sup>

The legality of Mr. Palamara Iribarne's conviction for his critical opinions regarding the Navy depended on whether the limitations on Mr. Palamara Iribarne's right to freedom of expression were made with the public interest in mind, and minimally infringed on this right in relation to that public interest.<sup>105</sup> In this regard, Mr. Palamara Iribarne criticized military judicial authorities in their public capacities.<sup>106</sup> Such criticism is necessary to the functioning of a democratic system, and accordingly is in the public interest.<sup>107</sup> The State, therefore, had no legitimate interest in suppressing this speech.<sup>108</sup> Accordingly, the Court found the State had deprived Mr. Palamara Iribarne of his Article 13 (Right to Freedom of Expression) right under the American Convention.<sup>109</sup>

Article 21 (Right to Property), in relation to Article 1(1) of the Convention, to the detriment of Mr. Palamara Iribarne,<sup>110</sup> because:

*The Court considered whether the State engaged in censorship by seizing copies of the book in addition to deleting the book from Mr. Palamara Iribarne's and the publishing company's computers, constituting an infringement of Mr. Palamara Iribarne's property rights.*<sup>111</sup>

*Inherent in property rights is the protection of the use and enjoyment of one's own work, bestowing upon the author certain rights with tangible and intangible aspects, which are protected by Article 21 (Right to*

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102. *Id.* ¶ 77.

103. *Id.* ¶ 75.

104. *Id.* ¶ 76.

105. *Id.* ¶ 85.

106. *Id.* ¶ 88.

107. *Id.*

108. *Id.*

109. *Id.*

110. *Id.* "Operative Paragraphs" ¶ 2.

111. *Id.* ¶¶ 100–101.

Property) of the Convention.<sup>112</sup> The Court established that the State's domestic law recognizes an author's property rights meant to protect use, enjoyment, authorship, and integrity of the work.<sup>113</sup> Deprivation of one's property rights must be based on public utility or social interest and is subject to payment of just compensation.<sup>114</sup>

Mr. Palamara Iribarne was unquestionably the author of the book and published the book with contributions from his wife, who registered his work in the United States as well as in the State.<sup>115</sup>

The State seized and erased the publishing company's digital copies of the book, including: (1) all information regarding the book on two publishing company computers; (2) a diskette containing the book; and (3) electronic masters of the book.<sup>116</sup> The State also seized and destroyed the physical copies of the book, including thirty-one physical copies of the book, and three boxes containing research for the book.<sup>117</sup> Furthermore, the Court noted that 874 copies of Mr. Palamara Iribarne's book were taken from his home.<sup>118</sup> Moreover, the State did not compensate Mr. Palamara Iribarne for the seizure of these works.<sup>119</sup> These acts inhibited Mr. Palamara Iribarne from publishing and disseminating his work, and thus, the State deprived Mr. Palamara Iribarne of his property rights guaranteed by Article 21 (Right to Property).<sup>120</sup>

Article 8 (Right to a Fair Trial) and Article 25 (Right to Judicial Protection) in relation to Article 1(1) and Article 2 of the Convention, to the detriment of Mr. Palamara Iribarne,<sup>121</sup> because:

The Court considered the proceedings in which Mr. Palamara Iribarne was accused of disobedience, breach of military duties, and contempt of authority in order to determine whether there was a violation of Mr. Palamara Iribarne's rights inherent in Article 8 (Right to a Fair Trial) of the Convention, which ensures him a right to a hearing and due pro-

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112. *Id.* ¶ 103.

113. *Id.* ¶ 104.

114. *Id.* ¶ 108.

115. *Id.* ¶ 101.

116. *Id.* ¶ 105.

117. *Id.*

118. *Id.*

119. *Id.* ¶ 108.

120. *Id.* ¶ 106.

121. *Id.* "Operative Paragraphs" ¶ 3.

cess.<sup>122</sup>

*With respect to military courts, the State must have unambiguous laws regarding who is subject to military court jurisdiction, and who is considered to be a “military member.”*<sup>123</sup> *Retired military members, and civilian employees are not subject to military court jurisdiction.*<sup>124</sup>

*Mr. Palamara Iribarne’s military status was a fact of contention, as the facts of the case occurred before he retired from the Navy.*<sup>125</sup> *Furthermore, after retirement, he was employed as a civilian contract employee, and therefore not subject to military criminal courts.*<sup>126</sup>

*Civilian contract employees are not within the ranking system, have annual contracts, and perform temporary tasks dependent on the Navy’s requirements, and in doing these tasks contract employees are subject to labor legislation sanctions as opposed to criminal laws.*<sup>127</sup> *In Mr. Palamara Iribarne’s case, his offenses did not negatively affect military legal interests, and there were less injurious means of protecting Naval interests than the criminal proceedings imposed on him.*<sup>128</sup> *Mr. Palamara Iribarne was a retired officer, he did not have the military status necessary to be charged with the criminal offenses, and therefore, the military courts did not have jurisdiction over him.*<sup>129</sup>

*Moreover, the military courts here lacked impartiality because they are made up of military members in a specific military hierarchy, whose roles do not depend on skills and qualifications, and who do not have legal education necessary to fulfill their roles as judges or prosecutors.*<sup>130</sup> *Mr. Brune-Greene, who had disqualified himself from hearing the proceedings because of his involvement in the facts leading up to the case, still sat as Naval Judge in Mr. Palamara Iribarne’s proceedings brought for disobedience and breach of military duty.*<sup>131</sup> *Mr. Palamara Iribarne was prosecuted by members of the Naval Court of Magallanes,*

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122. *Id.* ¶¶ 121, 123.

123. *Id.* ¶ 126.

124. *Id.* ¶ 128.

125. *Id.* ¶ 127.

126. *Id.*

127. *Id.* ¶¶ 127–28.

128. *Id.* ¶ 134.

129. *Id.* ¶¶ 141, 144.

130. *Id.* ¶ 155.

131. *Id.* ¶ 158.

*comprised of members of the State military, for insulting the Naval Prosecutors.*<sup>132</sup> *Because of the military court's partiality, lack of independence, and overly injurious remedies, the Court concluded that the State violated Mr. Palamara Iribarne's right to an impartial and independent judge as guaranteed under Article 8 (Right to a Fair Trial) and Article 25 (Right to Judicial Protection).*<sup>133</sup>

Articles 7 (Right to Personal Liberty) and 8(2) (Right to Be Presumed Innocent) in relation to Article 1(1) and Article 2 of the Convention, to the detriment of Mr. Palamara Iribarne,<sup>134</sup> because:

*It is inherent in Article 7 (Right to Personal Liberty) that every person has a right to personal liberty and security, which can be restricted by the constitution or a law, but it must be in compliance with the requirement that the reasons for restricting liberty must be disclosed.*<sup>135</sup> *The Court noted that when the Prosecutor ordered preventive detention from July 12 through July 15, 1993, he restricted Mr. Palamara Iribarne's rights without evidence of justification.*<sup>136</sup> *The Prosecutor relied on Article 361(1) of the Code of Criminal Procedure, which determined that detention was an essential step in the investigation.*<sup>137</sup> *However, the Court concluded that the detention was not necessary to the proceedings against Mr. Palamara Iribarne and that, in authorizing the detention, the State violated Articles 7(1) (Right to Personal Liberty and Security), 7(2) (Prohibition of Deprivation of Liberty Unless for Reasons and Conditions Previously Established by Law), and 8(2) (Right to Be Presumed Innocent) of the American Convention.*<sup>138</sup> *The Court concluded that the detention orders in Mr. Palamara Iribarne's military criminal proceedings were executed without legal substantiation, as the Prosecutor did not provide any evidence in support of the detention, and therefore failed to fulfill the requirements set forth in the Convention.*<sup>139</sup> *Because of this, the Court found the State to have violated Articles 7(3) (Prohibition of Arbitrary Arrest or Imprisonment) and 8(2) (Right to Be Presumed Innocent).*<sup>140</sup>

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132. *Id.* ¶ 160.

133. *Id.* ¶¶ 161, 189, "Operative Paragraphs" ¶¶ 3-4.

134. *Id.* "Operative Paragraphs" ¶ 5.

135. *Id.* ¶¶ 196, 199.

136. *Id.* ¶ 207.

137. *Id.* ¶ 210.

138. *Id.* ¶¶ 211, 214.

139. *Id.* ¶ 216.

140. *Id.*



*Article 7(5) (Right to Be Promptly Brought Before a Judge and Right to a Trial Within Reasonable Time) further states that detention orders must be immediately reviewed by a judicial authority to prevent illegality, arbitrariness, and to protect one's right to personal liberty and one's right to life and humane treatment.*<sup>141</sup> *The Court states that since the Naval Prosecutor ordered Mr. Palamara Iribarne's detention, there was no judicial review of the detention order.*<sup>142</sup> *Therefore, the Court concluded that the State violated Article 7(5) (Right to Be Promptly Brought Before a Judge and Right to a Trial Within Reasonable Time).*<sup>143</sup>

*Article 7(4) (Right to Be Informed of Reasons of Arrest and Charges) states that detainees must be informed of the charges and crimes for which they are being prosecuted.*<sup>144</sup> *In addition, Article 8(2) (Right to Be Presumed Innocent) requires notification of the charges, the reasons the detainee is held, and crimes for which the detainee is being prosecuted all before the detainee's proceedings and before the detainee gives his first statement.*<sup>145</sup> *Because Mr. Palamara Iribarne gave his first statement before he was informed of the crimes charged against him, the Court reasoned that the State had violated his rights protected by Article 7(4) (Right to Be Informed of Reasons of Arrest and Charges) and 8(2)(b) (Right to Have Prior Notification of Charges).*<sup>146</sup>

### *C. Dissenting and Concurring Opinions*

#### *1. Concurring Opinion of Judge Sergio García Ramírez*

In a separate opinion, Judge Sergio García Ramírez addressed due process of law, which he regarded as an important function of protection in the system of human rights.<sup>147</sup> Judge García Ramírez stated that Article 8 (Right to a Fair Trial) of the Convention, which protects one's right to a "hearing with due guarantees and within a reasonable time, by a competent, independent, and impartial tribunal," is a guiding guaran-

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141. *Id.* ¶¶ 218, 221.

142. *Id.* ¶ 233.

143. *Id.* ¶ 223.

144. *Id.* ¶¶ 224–25.

145. *Id.*

146. *Id.* ¶ 227.

147. *Palamara Iribarne v. Chile, Merits, Reparations, and Costs, Separate Opinion of Judge Sergio García Ramírez, Inter-Am. Ct. H.R. (ser. C) No. 135, ¶¶ 1–2 (Nov. 22, 2005).*

tee that should be observed strictly.<sup>148</sup>

Judge García Ramírez discussed how Article 8(1) (Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal) describes characteristics of an independent judicial body as it relates to military courts.<sup>149</sup> A civilian court is objective and identical for all individuals.<sup>150</sup> Conversely, a military court is a special jurisdictional system distinct from the State jurisdiction, which may not possess objectivity or impartiality.<sup>151</sup> Military courts, therefore, should not be the norm and constitute an “exception or suspension of the equality system.”<sup>152</sup> Civilians should not be subject to military jurisdiction.<sup>153</sup>

Mr. Palamara Iribarne was a civilian without military function, and therefore should not have been subject to military criminal law.<sup>154</sup> The military went beyond its scope by applying its jurisdiction on a civilian, thus resulting in an outcome incompatible with Article 8 of the Convention.<sup>155</sup> Therefore, Judge García Ramírez concluded that the proceedings against Mr. Palamara Iribarne were not true proceedings because they lacked the criteria specified in Article 8 of the Convention.<sup>156</sup>

Judge García Ramírez also addressed an individual’s right to freedom of expression and stated that the Court did not discuss the characteristics of freedom of expression in relation to Mr. Palamara Iribarne’s book because the information came from open sources, making it unnecessary to analyze it further in depth.<sup>157</sup> Furthermore, Judge García Ramírez agreed with the Court’s observations that contempt may involve freedom of expression and advocated for looser requirements for civil servants.<sup>158</sup>

## 2. Concurring Opinion of Judge A. A. Cançado Trindade

In a separate opinion, Judge A. A. Cançado Trindade addressed a paragraph in the Judgment that articulated that the State is required to set limits on the jurisdiction and subject matter of military courts to pre-

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148. *Id.* ¶ 5, 7.

149. *Id.* ¶¶ 9–10.

150. *Id.* ¶ 11.

151. *Id.*

152. *Id.* ¶ 14.

153. *Id.*

154. *Id.* ¶ 15.

155. *Id.* ¶ 16.

156. *Id.* ¶ 17.

157. *Id.* ¶ 19.

158. *Id.* ¶ 20.

vent civilians from being subjected to military criminal courts.<sup>159</sup> Judge Cançado Trindade articulated that Article 1(1) (Obligation to Respect Rights) of the Convention is a permanent duty of the States.<sup>160</sup> He chronicled some of the Court's previous decisions in which the Court recognized the violations of Article 1(1) and (2) (Obligation to Give Domestic Legal Effect to Rights) notwithstanding any violations of substantive rights.<sup>161</sup>

The provisions of the State's Criminal Code, Judge Cançado Trindade stated, are not enough to fulfill the expectations inherent in the American Convention; therefore, he articulates, the State should align domestic law with the international standards set forth in the American Convention.<sup>162</sup>

#### IV. REPARATIONS

The Court ruled unanimously that the State had the following obligations:

##### *A. Specific Performance (Measures of Satisfaction and Non-Repetition Guarantee)*

###### 1. Publish the Book and Return Copies to Mr. Palamara Iribarne

The Court indicated that the State must allow Mr. Palamara Iribarne to publish his book and must return all the copies seized from his home and the publishing company within six months' time.<sup>163</sup> Moreover, the State has six months to digitalize Mr. Palamara Iribarne's hard copy of the book.<sup>164</sup>

###### 2. Publish the Judgment

The State must publish the facts and operative paragraphs of the Judgment in the State's official newspaper and another well-circulated newspaper.<sup>165</sup> Furthermore, the State must publish the Judgment's full

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159. Palamara Iribarne v. Chile, Merits, Reparations, and Costs, Separate Opinion of Judge A. A. Cançado Trindade, Inter-Am. Ct. H.R. (ser. C) No. 135, ¶ 2 (Nov. 22, 2005).

160. *Id.* ¶¶ 3–4.

161. *Id.* ¶¶ 6–9.

162. *Id.* ¶¶ 15–16.

163. Palamara Iribarne v. Chile, Merits, Reparations, and Costs, ¶ 250.

164. *Id.* ¶ 251.

165. *Id.* ¶ 252.

text on the State's official website within six months of the Judgment.<sup>166</sup>

### 3. Revoke the State Court's Judgment

Because the military criminal court did not apply impartiality, competence, and independent review to Mr. Palamara Iribarne's criminal proceedings, the State must annul the judgments convicting Mr. Palamara Iribarne of contempt, disobedience, and breach of military duties.<sup>167</sup> The Court further specified that the State must expunge Mr. Palamara Iribarne's criminal record.<sup>168</sup>

### 4. Adapt Domestic Law to Conform to International Standards

The State must repeal and modify any legal provisions that are incompatible with international standards of freedom of thought and expression so individuals are free to express opinions and ideas about state institutions and officials without fear of persecution.<sup>169</sup> The Court noted that the State should especially consider the American Convention when revising its domestic law.<sup>170</sup>

### 5. Adapt Domestic Law Regarding Military Criminal Jurisdiction

If the State considers military criminal courts a necessity, then the Court urges the State to restrict military courts' jurisdiction to only those cases involving crimes of a military nature committed by military personnel in active service.<sup>171</sup> The State must implement domestic laws that limit the military court's jurisdiction so as to prevent a civilian from being tried in a military court.<sup>172</sup> In addition, the State must guarantee due process of law, competence, impartiality, and independence within the military court's jurisdiction.<sup>173</sup>

## *B. Compensation*

The Court awarded the following amounts:

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166. *Id.*

167. *Id.* ¶ 253.

168. *Id.*

169. *Id.* ¶ 254.

170. *Id.*

171. *Id.* ¶ 256.

172. *Id.*

173. *Id.* ¶ 257.

### 1. Pecuniary Damages

Based on the civilian contract Mr. Palamara Iribarne had with the Navy, the Court awarded \$8,400 to Mr. Palamara Iribarne for lost wages.<sup>174</sup>

Because it is impossible to calculate the profit Mr. Palamara Iribarne's book would have amassed, the Court ordered the payment of \$11,000 to Mr. Palamara Iribarne to cover lost profits and expenses.<sup>175</sup>

Additionally, based on the expenses incurred as a consequence of prosecution, the Court awarded \$4,000 to compensate Mr. Palamara Iribarne for the relocation of him and his family.<sup>176</sup>

### 2. Non-Pecuniary Damages

The Court awarded \$30,000 to Mr. Palamara Iribarne to compensate the violations of his rights to a fair trial and judicial protection that occurred during domestic criminal proceedings.<sup>177</sup>

### 3. Costs and Expenses

The Court awarded \$4,000 to Mr. Palamara Iribarne for the costs and expenses incurred during the prosecution of the domestic proceedings against him.<sup>178</sup>

#### 4. Total Compensation (including Costs and Expenses ordered):

\$57,400

### *C. Deadlines*

The State must pay the costs and expenses within one year of the notification of the judgment.<sup>179</sup>

Furthermore, the State must comply with the Court's order to publish Mr. Palamara Iribarne's book, return the seized copies, publish this

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174. *Id.* ¶ 239.

175. *Id.* ¶ 242.

176. *Id.* ¶ 243.

177. *Id.* ¶¶ 245, 248.

178. *Id.* ¶ 260.

179. *Id.* ¶ 261.

Court's judgment, and annul the military criminal convictions from Mr. Palamara Iribarne's record within six months of this judgment.<sup>180</sup>

Lastly, the State must adapt domestic law regarding contempt and military criminal jurisdiction to comply with the American Convention within a reasonable amount of time of notification of the Judgment.<sup>181</sup>

## V. INTERPRETATION AND REVISION OF JUDGMENT

[None]

## VI. COMPLIANCE AND FOLLOW-UP

**November 30, 2007:** The State fully complied with its obligation to allow the publication of Mr. Palamara Iribarne's book.<sup>182</sup> The State fully complied with its obligation to return the seized books to Mr. Palamara Iribarne.<sup>183</sup> The State fully complied with its obligation to publish the facts and operative paragraphs of the Judgment in the official State newspaper, in another national newspaper, and on the State's official website.<sup>184</sup> The State fully complied with its obligation to expunge Mr. Palamara Iribarne's convictions of contempt, disobedience, and non-compliance of military duties.<sup>185</sup> Lastly, the State fully complied with its obligation to compensate Mr. Palamara Iribarne for pecuniary damages, non-pecuniary damages, and costs and expenses.<sup>186</sup>

In regard to the Court's request that the State adopt measures to render domestic law compatible with international standards, the Court noted that the State had started to reform domestic law in compliance with the Judgment, but it required the State to present updated information, including bills, documents of interests, and reports.<sup>187</sup> The State informed the Court that the Executive Power of Chile is investigating a bill to clarify the Criminal Code and to modify it to be in compliance with international standards of freedom of thought and expression.<sup>188</sup> Furthermore, in response to the Court's order to adjust domestic law to

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180. *Id.* ¶¶ 250, 252–53, 261.

181. *Id.* ¶ 261.

182. Palamara Iribarne v. Chile, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. "Having Seen" ¶ 39 (Nov. 30, 2007).

183. *Id.*

184. *Id.*

185. *Id.*

186. *Id.*

187. *Id.* ¶¶ 28, 41.

188. *Id.* ¶ 23.

be more in accordance with international standards of military criminal courts, the State informed the Court that a Special Commission, comprised of representatives of various State powers, is in charge of reforming the military criminal justice system to eliminate the crime of contempt.<sup>189</sup> The Court noted that the State must place limits on the military courts to ensure that another civilian will never be subjected to the jurisdiction of the military criminal courts.<sup>190</sup>

Additionally, the Court requested that the State provide more information demonstrating its compliance with its obligation to guarantee due process and judicial protection within the jurisdiction of military courts, including information detailing the preparation of the bill, status of its legislative process, approximate terms, and the content of the reform projects.<sup>191</sup>

**December 15, 2008:** The Court reiterated that the State had an obligation to comply with the Court's binding orders in good faith.<sup>192</sup> The Court stated that the hearings must be in public unless there are exceptional and justified circumstances, in which case, the Court may hold private hearings.<sup>193</sup> Regardless, records of the hearings must be kept.<sup>194</sup>

**September 21, 2009:** The State partially complied with its obligation to annul and amend domestic law that conflicts with international standards of freedom of thought and expression.<sup>195</sup> The State informed the Court that a consensus to revoke the crime of contempt was reached.<sup>196</sup> However, the State conceded that the way in which the crime will be nullified had not been decided.<sup>197</sup> The Court found that since the State had not reported its progress as to compliance, the Court required the State to provide detailed and updated information on its compliance with this obligation.<sup>198</sup>

The State partially complied with its obligation to provide due process of law in military courts and to limit the jurisdiction of military

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189. *Id.* ¶¶ 23, 30, 41.

190. *Id.* ¶ 41.

191. *Id.* ¶¶ 26, 41.

192. Palamara Iribarne v. Chile, Monitoring Compliance with Judgment, Order of the Court, Inter-Am., Ct. H.R., "Having Seen" ¶ 5 (Dec. 15, 2008) (Available only in Spanish).

193. *Id.* ¶ 8.

194. *Id.*

195. Palamara Iribarne v. Chile, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R., "Considering" ¶ 17 (Sept. 21, 2007).

196. *Id.* "Considering" ¶ 9.

197. *Id.*

198. *Id.* "Considering" ¶ 13.

courts to coincide with international standards.<sup>199</sup> The State informed the Court that the bill executed by the Executive Power is being reviewed in the Senate.<sup>200</sup> In addition, the Special Commission, the Commission for the Study of the Reform to Military Justice (*Comisión de Estudios para la Reforma de la Justicia Militar*, “CERJM”), was required to turn over a legal reform proposal by December 2008.<sup>201</sup> The State noted that the Commission has established principles that reflect compliance with the Court’s order: it combines military courts into the judicial power of the State; applies regular criminal proceedings to military courts; and guarantees due process rights.<sup>202</sup>

However, the Court noted that there had not been substantial legislative progress to reflect the Court’s order to align domestic law with international standards and required the State to implement limitations on the jurisdiction of military criminal courts.<sup>203</sup> The Court required the State to continue to provide updated and detailed information on the State’s compliance with this obligation.<sup>204</sup>

**July 1, 2011:** In regards to the Court’s order to modify domestic law in compliance with international standards on freedom of thought and expression, the Court noted that although there were legislative proposals to annul the crimes of disrespect for authority and offense of threats in the Code of Military Justice and Criminal Code, respectively, both offenses are still punishable by domestic law.<sup>205</sup> The Court requested that the State turn over detailed, updated information as to how the State is to modify domestic law.<sup>206</sup>

The State partially complied with its obligation to bring domestic law concerning the jurisdiction of military criminal courts in accordance with international standards.<sup>207</sup> The State informed the Court of three bills sent to the National Congress that would amend the Code of Military Justice in compliance with the Judgment.<sup>208</sup> The Court applauded the State’s efforts but also noted that the State’s compliance with this obligation is still in its initial stages, despite six years passing since the

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199. *Id.* “Considering” ¶ 18.

200. *Id.* “Considering” ¶ 14.

201. *Id.*

202. *Id.*

203. *Id.* “Considering” ¶¶ 17–18.

204. *Id.* “Considering” ¶ 19.

205. *Palamara Iribarne v. Chile*, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R., “Considering That” ¶ 12 (July 1, 2011).

206. *Id.* “Considering That” ¶ 13.

207. *Id.* “Considering That” ¶ 20.

208. *Id.* “Considering That” ¶ 14.



publication of the Judgment.<sup>209</sup> The Court reiterated that the amendments to domestic law must include limitations on the military criminal courts' jurisdiction so that no civilian can be subject to that jurisdiction.<sup>210</sup> The Court required the State to continue to provide information on the State's measures done in compliance with the Judgment.<sup>211</sup>

## VII. LIST OF DOCUMENTS

### *A. Inter-American Court*

#### 1. Preliminary Objections

[None]

#### 2. Decisions on Merits, Reparations, and Costs

[Palamara Iribarne v. Chile, Merits, Reparations, and Costs, Judgment, Inter-Am. Court of H.R., \(ser. C\) No. 135 \(Nov. 22, 2005\).](#)

[Palamara Iribarne v. Chile, Merits, Reparations, and Costs, Separate Opinion of Judge Sergio García Ramírez, Inter-Am. Ct. H.R. \(ser. C\) No. 135 \(Nov. 22, 2005\).](#)

[Palamara Iribarne v. Chile, Merits, Reparations, and Costs, Separate Opinion of Judge A. A. Cançado Trindade, Inter-Am. Ct. H.R. \(ser. C\) No. 135 \(Nov. 22, 2005\).](#)

#### 3. Provisional Measures

[None]

#### 4. Compliance Monitoring

[Palamara Iribarne v. Chile, Monitoring Compliance with Judgment, Order of the Court, Inter-Am, Ct. H.R. \(Nov. 30, 2007\).](#)

[Palamara Iribarne v. Chile, Monitoring Compliance with Judgment, Order of the President, Inter-Am, Ct. H.R. \(Dec. 15, 2008\) \(Available only](#)

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209. *Id.* “Considering That” ¶¶ 19–20.

210. *Id.* ¶ 21.

211. *Id.* ¶ 22.

[in Spanish\).](#)

[Palamara Iribarne v. Chile, Monitoring Compliance with Judgment, Order of the Court, Inter-Am, Ct. H.R. \(Sept. 21, 2009\).](#)

[Palamara Iribarne v. Chile, Monitoring Compliance with Judgment, Order of the Court, Inter-Am, Ct. H.R. \(July 1, 2011\).](#)

### 5. Review and Interpretation of Judgment

[None]

#### *B. Inter-American Commission*

##### 1. Petition to the Commission

[Not Available]

##### 2. Report on Admissibility

[Palamara Iribarne v. Chile, Admissibility Report, Report No. 77/01, Inter-Am. Comm'n H.R., Case No. 11.571 \(Oct. 10, 2011\).](#)

##### 3. Provisional Measures

[None]

##### 4. Report on Merits

Palamara Iribarne v. Chile, Merits Report, Report No. 20/03, Inter-Am. Comm'n H.R., Case No. 11.571 (Mar. 4, 2003).

##### 5. Application to the Court

[Not Available]

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