

Reyes et al. v. Chile

ABSTRACT¹

This case stems from a mining and deforestation project in Chile. The victim, an economist and Executive Director for a non-governmental organization that advocates for the public's input on investments relating to natural resources, alleged that by withholding certain information about the project, the State violated the right to freedom of expression and access to information. He also claimed a violation of the right to judicial protection and denial of participation in government. Eventually, the Court found violation of the right of access to information, protected under Article 13 of the Convention, and right to judicial protection, but did not rule on the right to participate in the conduct of public affairs.

I. FACTS

A. Chronology of Events

March 21, 1991 and September 21, 1991: The Foreign Investment Committee approves a foreign investment of \$180,000,000 by Cetec Engineering Company Inc. and Sentarn Enterprises Ltd for the Río Cóndor Project.² The Río Cóndor Project focuses on forestry exploitation that will have significant environmental impact, including a mechanized sawmill, a timber-processing plant, and an energy plant.³

December 24, 1991: The State signs a contract with Cetec Engineering Company Inc., Sentarn Enterprises Ltd., and the company receiving the investment, Inversiones Cetec-Sel Chile Limitada.⁴ This contract states that the approved amount of \$180,000,000 will be paid in installments

1. Lorraine Hall, Author; Theodore Nguyen, Editor; Kathryn Benson, Chief IACHR Editor; Cesare Romano, Faculty Advisor.

2. Claude Reyes et al. v. Chile, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 151, ¶¶ 57(6)–(7) (Sept. 19, 2006).

3. *Id.* ¶ 57(7).

4. *Id.*

to Inversiones Cetec-Sel Chile Limitada, which ultimately becomes Forestal Savia Limitada,⁵ and will go towards the Río Cóndor Project,⁶ a deforestation effort in the State.⁷ An investment of \$33,729,540 is made.⁸

May 7, 1998: Mr. Marcel Claude Reyes, an economist, serves as Executive Director for the Terram Foundation, a non-governmental organization that advocates for the public's feedback on investments relating to natural resources.⁹ Mr. Reyes, acting in his capacity as Executive Director of the Terram Foundation, sends a letter to the Executive Vice President of the Foreign Investment Committee (the "Executive Vice President").¹⁰ The letter requests information about the Río Cóndor Project that the Terram Foundation considers "of public interest," in order to determine the commercial, economic, and social aspects of the project, as well as its environmental impact.¹¹

May 19, 1998: The Executive Vice President meets with Mr. Reyes and Mr. Arturo Longton Guerrero, a member of Congress.¹² The Executive Vice President provides them with the name of the investor, the company name, the amount of capital to be imported, the date the project was approved, the companies involved, the amounts of the investments made to date, and the project type and location.¹³ The Executive Vice President also sends Mr. Reyes a letter that states that the project was authorized to receive the associated credits of \$102,000,000 with the capital of \$78,500,000.¹⁴ However, the project has not yet exercised the option to receive the capital.¹⁵ Ultimately, the Executive Vice President does not provide the majority of information originally requested.¹⁶

5. Inversiones Cetec-Sel Chile Limitada changes its name to Trillium Ltds, then to Forestal Savia Limitada. *Id.* ¶ 57(9).

6. *Id.*

7. *Id.* ¶ 3.

8. *Id.* ¶ 57(8).

9. Terram Foundation operates to promote civil society response to investments that relate to the use of natural resources and the production of scientific data on the State's sustainable development. *Id.* ¶ 57(12).

10. *Id.* ¶ 57(13).

11. *Id.*

12. *Id.* ¶ 57(14).

13. *Id.*

14. *Id.* ¶ 57(15).

15. *Id.*

16. *Id.* ¶ 57(16).

June 3, 1998: Mr. Reyes sends a letter to the Executive Vice President and requests the same information based on the State's obligation of transparency, which requires State agents to provide the public with access to information under the State's constitution and international obligations.¹⁷

July 2, 1998: Mr. Reyes sends another letter to the Executive Vice President requesting the same information.¹⁸

July 27, 1998: Mr. Reyes, Mr. Guerrero, and Mr. Sebastián Cox Urrejola, an attorney,¹⁹ file an application for protection of constitutional rights with the Santiago Court of Appeal, specifically seeking the protection of the right to freedom of expression and access to State-held information.²⁰ They request that the Foreign Investment Committee provide access to the information within a reasonable time.²¹ However, the applicants do not mention that the Executive Vice President previously disclosed certain information.²²

July 29, 1998: The Santiago Court of Appeals declares the application inadmissible because the submitted facts do not provide sufficient grounds for the claim.²³

July 31, 1998: The victims file an appeal for reconsideration with the Court of Appeals on the grounds that the ruling was not summarily justified.²⁴ The victims additionally file a remedy of complaint with the Supreme Court of Chile, asking the court to order the Court of Appeals to reconsider its ruling.²⁵

17. *Id.*

18. *Id.*

19. Mr. Reyes is acting personally and on behalf of the Terram Foundation. Mr. Urrejola is acting personally and on behalf of the NGO "FORJA". Mr. Guerrero is acting personally and as a Deputy of the Republic. *See id.* ¶ 57(23).

20. *Id.*

21. *Id.*

22. *Id.*

23. The Court of Appeals also cites to section 2 of a June 9, 1998 unanimous decision of the Supreme Court, which states that if the court unanimously decides that an application is inadmissible due to a time-bar or a lack of justification, then it must declare it inadmissible by a summary decision and will not be subject to appeal. *Id.* ¶¶ 57(25)–(26).

24. *Id.* ¶ 57(27).

25. *Id.* ¶ 57(28).

August 6, 1998: The Santiago Court of Appeal affirms its decision that the appeal is inadmissible.²⁶

August 18, 1998: The Supreme Court declares the remedy of complaint inadmissible because the Court of Appeals' unanimous decision cannot be appealed.²⁷

August 28, 2002: The State signs one of two contracts with a foreign investor, Bayside Ltd, authorizing a capital investment of \$10,000,000 to be paid to Forestal Savia Limitada, which is conducting the Río Cónдор deforestation project.²⁸

November 13, 2002: The Ministry of Economy, Development and Reconstruction issues a law that limits the access the public has to information that could affect public interest.²⁹

October 10, 2003: The States signs a second contract is signed with Bayside Ltd., authorizing \$5,000,000 for the Río Cónдор project to Limited Forest Sap.³⁰

B. Other Relevant Facts

[None]

II. PROCEDURAL HISTORY

A. Before the Commission

December 17, 1998: Several Chilean, Peruvian, and Argentine organizations and Chilean deputies³¹ (the "Petitioners") submit a petition to

26. *Id.* ¶ 57(30).

27. *Id.* ¶ 57(31).

28. *Id.* ¶ 57(10).

29. *Id.* ¶ 57(22). Prior to the implementation of the law, the Executive Vice President of the Foreign Investment Committee would provide its own information then restrict access about the investors. *Id.* ¶¶ 57(21)–(22).

30. *Id.* ¶ 57(10).

31. The group consists of FORJA, Terram Foundation, Public Interest Legal Clinic at the University of Diego Portales, the Corporation Address, the Legal Defense Institute of Peru, Foundation Power Ciudadano, the Association for Civil Rights, Baldo Prokurica Prokurica, Osvaldo Palma Flores, Guido Girardi Lavín and Leopoldo Sánchez Grunert. Marcel Claude

the Commission.³² The Petitioners allege that when the State withheld information about the deforestation project, it violated the right to freedom of expression and free access to information held by the State.³³

October 10, 2003: The Commission declares the case admissible in Admissibility Report No. 60/03.³⁴

March 7, 2005: The Commission adopts Report on the Merits No. 31/05 and concludes that the State violated Article 13 (Freedom of Thought and Expression) and Article 25 (Right to Judicial Protection) in relation to Articles 1(1) (Obligation of Non-Discrimination) and 2 (Obligation to Give Domestic Legal Effect to Rights) of the Convention to the detriment of Mr. Reyes, Mr. Urrejola, and Mr. Guerrero.³⁵ The Commission recommends that the State disclose the information requested by the victims, provide reparations to the victims, and amend its laws regarding access to information to be compatible with the Convention.³⁶

B. Before the Court

July 8, 2005: The Commission submits the case to the Court after the State failed to adopt its recommendations.³⁷

1. Violations Alleged by Commission³⁸

Article 13 (Freedom of Thought and Expression)

Article 25 (Right to Judicial Protection)

all in relation to:

Article 1(1) (Obligation of Non-Discrimination)

Article 2 (Obligation to Give Domestic Legal Effect to Rights)

Reyes et al. v. Chile, Admissibility Report, Report No. 60/03, Inter-Am. Comm'n H.R., Case No. 12.108 (Oct. 10, 2003) (Available only in Portuguese).

32. *Id.* ¶ 1.

33. *Id.* ¶ 2.

34. Claude Reyes et al. v. Chile, Merits, Reparations, and Costs, ¶ 7.

35. *Id.* ¶ 8.

36. *Id.*

37. *Id.* ¶¶ 14–15.

38. *Id.* ¶¶ 58, 108.

2. Violations Alleged by Representative of the Victims³⁹

Same Violations Alleged by Commission, plus:

Article 23 (Right to Participate in Government)

Article 8 (Right to a Fair Trial)

February 7, 2006: The Court orders the parties to appear at a public hearing in Buenos Aires on April 3, 2006, to present final arguments and witness testimony.⁴⁰

February 17, 2006: The Court receives a brief from the Association for Civil Rights (*Asociación por los Derechos Civiles*, “ADC”), which requests to intervene in the public hearing.⁴¹ The Court rejects the request but admits the brief as an *amicus curiae* brief.⁴²

March 28, 2006: The Open Society Justice Initiative, ARTICLE 19, *Instituto Prensa y Sociedad*, Access Info Europe, and *Libertad de Información México* submit an *amici curiae* brief.⁴³

March 31, 2006: The Impact Litigation Project of the American University Washington College of Law submits an *amicus curiae*.⁴⁴

April 3, 2006: The Court holds a public hearing on the merits.⁴⁵ During the hearing, the Executive Vice President explains that he did not provide the Petitioners with the requested information because doing so would not be in the State’s best interest and because certain information could harm the State’s competitiveness.⁴⁶

39. Mr. Juan Pablo Olmedo Bustos serves as the representative of the victims. *Id.* ¶¶ 58, 104, 109.

40. *Id.* ¶ 23.

41. *Id.* ¶ 25.

42. *Id.*

43. *Id.* ¶ 30.

44. *Id.* ¶ 31.

45. *Id.* ¶ 32.

46. *Id.* ¶ 97.

III. MERITS

*A. Composition of the Court*⁴⁷

Sergio García Ramírez, President
Alirio Abreu Burelli, Vice President
Antônio A. Cançado Trindade, Judge
Cecilia Medina Quiroga, Judge
Manuel E. Ventura Robles, Judge
Diego García-Sayán, Judge

Pablo Saavedra Alessandri, Secretary
Emilia Segares Rodríguez, Deputy Secretary

B. Decision on the Merits

September 19, 2006: The Court issues its Judgment on Merits, Reparations, and Costs.⁴⁸

The Court found unanimously that the State had violated:

Article 13 (Freedom of Thought and Expression) in relation to Article 1(1) (Obligation of Non-Discrimination) and Article 2 (Obligation to Give Domestic Legal Effect to Rights) of the Convention, to the detriment of Mr. Reyes and Mr. Guerrero,⁴⁹ because:

Article 13 (Freedom of Thought and Expression) of the Convention protects the right to access State-held information.⁵⁰ This right is viewed as an essential component of democracy because it enables citizens to be informed, which promotes effective participation in government.⁵¹ There are, however, limits to the access of information.⁵² First, the limitation

47. *Id.* at 1. Judge Oliver Jackman was not able to participate in the seventy-second regular session of the Court due to circumstances beyond his control. *Id.* n.*.

48. *Claude Reyes et al. v. Chile, Judgment, Merits, Reparations, and Costs, Inter-Am. Ct. H.R. (ser. C) No. 151 (Sept. 19, 2006).*

49. Mr. Reyes and Mr. Guerrero were recognized as victims because they both requested information that the State never provided. Mr. Urrejola was not considered a victim because the Commission and the representatives failed to show that he had requested information that the State failed to provide. *Id.* ¶¶ 70–71, “Operative Paragraphs” ¶ 1.

50. *Id.* ¶ 77.

51. *Id.* ¶ 79.

52. *Id.* ¶ 89.

*must be established in law.*⁵³ *In addition, the restriction in law must be necessary to ensure the rights and reputations of others, the protection of national security, public order, public health, or another purpose allowed by the Convention.*⁵⁴ *Finally, the restriction must be proportionate to the public interest, be appropriate to achieve its purpose, and minimally interfere with this right.*⁵⁵ *When the State does not allow access to State-held information, it must provide a justification for the restriction.*⁵⁶

*Here, the Court determined that certain information requested in the May 7, 1998 letter was restricted, and therefore, the Court's analysis was limited to these portions.*⁵⁷ *The Court found the restricted information was in the public interest because the investment related to a controversial project with potential environmental impact.*⁵⁸ *The Court determined that the State had no laws regarding the restriction of State-held information at that time; thus, the information could not have been restricted by law as required by Article 13 (Freedom of Thought and Expression).*⁵⁹ *The State also failed to prove that the nondisclosure was authorized by the Convention and that it was necessary to further democratic society.*⁶⁰ *The State additionally neglected to explain why it refused to provide the information until the public hearing on April 3, 2006.*⁶¹ *The Court found that these State actions promote discretionary and arbitrary abuse in regards to State-held information.*⁶² *The Court stressed that by withholding the information, the State prevented Mr. Reyes and Mr. Guerrero from monitoring the State.*⁶³ *Therefore, the State's restriction of the information violated Article 13 (Freedom of Thought and Expression) of the Convention.*⁶⁴

Article 8(1) (Right to a Hearing Within Reasonable Time by a

53. *Id.*

54. *Id.* ¶ 90.

55. *Id.* ¶ 91.

56. *Id.* ¶ 77.

57. The Court notes that the State only failed to provide information for three out of the four sections. *Id.* ¶¶ 72, 74.

58. *Id.* ¶ 73.

59. *Id.* ¶ 95.

60. *Id.*

61. *Id.* ¶ 96.

62. *Id.* ¶ 98.

63. *Id.* ¶ 99.

64. *Id.*

Competent and Independent Tribunal) and Article 25 (Right to Judicial Protection), with regard to the application for protection of rights, in relation to Article 1(1) (Obligation of Non-Discrimination) of the Convention to the detriment of Mr. Reyes, Mr. Guerrero, and Mr. Urrejola,⁶⁵ because:

Article 8(1) (Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal) of the Convention establishes that every person has a right to a fair trial.⁶⁶ This trial must be held within a reasonable period of time and that the adjudicator must be fair and impartial.⁶⁷ Article 25 (Right to Judicial Protection) of the Convention mandates that when the State violates a fundamental right, it has an obligation to provide prompt and effective judicial recourse.⁶⁸ The Court has stated that a lack of effective judicial recourse is a de facto violation of the rights guaranteed by the Convention.⁶⁹

Here, the Court found that the Santiago Court of Appeal decision not to hear the dispute in Mr. Reyes, Mr. Guerrero, and Mr. Urrejola's application for protection was unjustified.⁷⁰ The Santiago Court of Appeal decided the application was inadmissible because the claim was "without grounds."⁷¹ However, the Court found that the Santiago Court of Appeal did not address why the submitted facts did not substantiate the claim.⁷² In addition, the Court found that the Santiago Court of Appeal did not address whether the withheld information was related to a reason permissible by law and did not identify any recourse available to the victims at the time.⁷³ Thus, the State violated Article 8(1) (Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal) when the Santiago Court of Appeal issued its ruling on the merits but failed to address whether the State-held information was rightfully withheld.⁷⁴ The State additionally violated Article 25 (Right to

65. *Id.* "Operative Paragraphs" ¶ 3.

66. *Id.* ¶ 114.

67. *Id.*

68. *Id.* ¶¶ 124, 128.

69. *Id.* ¶ 130.

70. *Id.* ¶¶ 132, 134, 135.

71. *Id.* ¶ 134.

72. *Id.* ¶ 135.

73. *Id.* ¶ 136. The Court noted that, in 1999, the State implemented a judicial remedy to protect access to public information. However, this remedy did not exist at the time the victims filed their complaint. *Id.* ¶ 140.

74. *Id.* ¶ 139.

*Judicial Protection) because there was no effective recourse available to the victims to protect their right to State-held information.*⁷⁵

The Court found by four votes to two that the State had violated:

Article 8(1) (Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal), with regard to the administrative authority to withhold the State-held information, in relation to Article 1(1) (Obligation of Non-Discrimination) of the Convention to the detriment of Mr. Reyes and Mr. Guerrero,⁷⁶ because:

*The Court noted that Article 8(1) (Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal) is not limited to judges and judicial courts because other State entities have the power to make decisions that affect individual rights.⁷⁷ This article additionally applies to any public authority that makes decisions that will affect an individual's rights and serves to ensure that the authority's decisions are not arbitrary.*⁷⁸

*Here, the Court found that the State violated Article 8(1) (Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal) when the Executive Vice President of the Foreign Investment Committee did not provide a written explanation as to why he withheld information.⁷⁹ Because there was no explanation, there was no way to determine if the restriction complied with the Convention.⁸⁰ Thus, his decision was arbitrary and in violation of Article 8(1).*⁸¹

The Court did not examine:

Article 23 (Right to Participate in Government) of the Convention⁸² because:

The Court did not examine the alleged violation of Article 23 (Right to

75. *Id.* ¶ 142.

76. *Id.* “Operative Paragraphs” ¶ 2.

77. *Id.* ¶ 118.

78. *Id.* ¶ 119.

79. *Id.* ¶ 122.

80. *Id.*

81. *Id.*

82. *Id.* ¶ 107.

Participate in Government) because it addressed the underlying arguments – the right of the public to participate in government – in its analysis of the State’s violation of Article 13 (*Freedom of Thought and Expression*).⁸³

C. Dissenting and Concurring Opinions

1. Dissenting Opinion of Judge Alirio Abreu Burelli and Judge Cecilia Medina Quiroga

In a dissenting opinion, Judges Alirio Abreu Burelli and Cecilia Medina Quiroga dissented from the Judgment in regards to Article 8(1) (Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal) with regard to the administrative authority to withhold the State-held information.⁸⁴ They explained that Article 8(1) (Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal) covers trials or trial-like proceedings, during which arguments and evidence are presented.⁸⁵ Judges Abreu Burelli and Medina Quiroga dissented from the majority’s opinion that the Executive Vice President’s refusal to disclose information was a proceeding.⁸⁶ Instead, they viewed his decision as the event that created the dispute.⁸⁷ Thus, because the determination was not a proceeding, the State did not violate Article 8(1).⁸⁸ However, the judges agreed that the State violated Article 8(1) when the domestic courts denied the victims’ application for protection.⁸⁹

2. Separate Opinion of Judge Sergio García Ramírez

In a separate opinion, Judge Sergio García Ramírez wrote that he does not view Article 8 (Right to a Fair Trial) as limited to proceedings or legal action.⁹⁰ Rather, he described this right as adaptable to each

83. *Id.*

84. Claude Reyes et al. v. Chile, Merits, Reparations, and Costs, Judgment, Dissenting Opinion of Judges Alirio Abreu Burelli and Cecilia Medina Quiroga, Inter-Am. Ct. H.R. (ser. C) No. 151, ¶ 1 (Sept. 19, 2006).

85. *Id.* ¶ 2.

86. *Id.* ¶ 3.

87. *Id.*

88. *Id.*

89. *Id.* ¶ 6.

90. Claude Reyes et al. v. Chile, Merits, Reparations, and Costs, Judgment, Separate Opinion of Judge Sergio García Ramírez, Inter-Am. Ct. H.R. (ser. C) No. 151, ¶ 14 (Sept. 19, 2006).

unique situation.⁹¹ He explained that when a foreign detainee is not informed of his right to consular assistance, the State is in violation of Article 8 (Right to a Fair Trial), even though this does not involve a judicial body.⁹² Thus, he regarded the denial of information as a violation of Article 8 (Right to a Fair Trial).⁹³

IV. REPARATIONS

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

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

1. Provide the Requested Information

The State must provide either the originally requested information to Mr. Reyes and Mr. Guerrero or explain why it did not provide the information in the first place.⁹⁴

2. Publish the Judgment

The State must publish the “Proven Facts” and select paragraphs of the Judgment in the Official Gazette and in another newspaper with widespread national circulation.⁹⁵

3. Adopt Necessary Measures to Guarantee the Right of Access to State-Held Information

The State must adopt measures to guarantee the public’s right to access State-held information, including eliminating violative norms and practices, and developing protective laws and programs.⁹⁶ The State should establish time limits for making decisions and providing information, and duly trained officials should execute the administration of

91. *Id.* ¶ 7.

92. *Id.* ¶ 8.

93. *Id.* ¶ 9.

94. Claude Reyes et al. v. Chile, Judgment, Merits, Reparations, and Costs ¶¶ 154, 158, 159, “Operative Paragraphs” ¶ 5.

95. *Id.* ¶ 160, “Operative Paragraphs” ¶ 6.

96. *Id.* ¶ 163, “Operative Paragraphs” ¶ 7.

such decisions.⁹⁷

4. Training for Public Entities, Authorities and Agents

The State must provide training to State agents responsible for responding to requests for State-held information.⁹⁸ The training must educate the State agents on the obligations established by the Convention.⁹⁹

B. Compensation

The Court awarded the following amounts:

1. Pecuniary Damages

The Court did not award pecuniary damages because neither the violations nor the evidence supported these damages.¹⁰⁰

2. Non-Pecuniary Damages

The Court considered the Judgment as a *per se* reparation.¹⁰¹ In addition, the Court viewed its order to the State not to repeat the violations as satisfactory non-pecuniary damage.¹⁰²

3. Costs and Expenses

The Court awarded a total of \$10,000 to be split equally among Mr. Reyes, Mr. Guerrero, and Mr. Urrejola for expenses incurred during the domestic and international court proceedings.¹⁰³ Mr. Reyes, Mr. Guerrero, and Mr. Urrejola must compensate their attorney from this amount.¹⁰⁴

97. *Id.* ¶ 163.

98. *Id.* ¶ 165, “Operative Paragraphs” ¶ 8.

99. *Id.*

100. *Id.* ¶ 155.

101. *Id.* ¶ 156.

102. *Id.*

103. *Id.* ¶ 167. .

104. *Id.* .

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

\$10,000

C. Deadlines

The State must provide the requested information to Mr. Reyes and Mr. Guerrero within six months of the Judgment.¹⁰⁵

The State must publish the selected portions of the Judgment in the Official Gazette and another newspaper with national circulation within six months of the Judgment.¹⁰⁶

The State must adopt necessary measures to ensure the right of access to State-held information within a reasonable period of time.¹⁰⁷

The State must provide training to State agents responsible for responding to requests for State-held information within a reasonable period of time.¹⁰⁸

The State must compensate Mr. Reyes, Mr. Guerrero, and Mr. Urrejola for costs and expenses within a year of the Judgment.¹⁰⁹

V. INTERPRETATION AND REVISION OF JUDGMENT

[None]

VI. COMPLIANCE AND FOLLOW-UP

May 2, 2008: The Court found that the State responded adequately to the request for information and thus, the State had fully complied with this obligation.¹¹⁰ In addition, the State fulfilled its obligation to publish the selected portions of the Judgment in the Official Gazette and another widespread national newspaper.¹¹¹ The Court also found that the State fulfilled its obligation to compensate Mr. Reyes, Mr. Urrejola, and Mr. Guerrero for costs and expenses by issuing a check on June 25, 2007.¹¹²

105. *Id.* “Operative Paragraphs” ¶ 5.

106. *Id.* “Operative Paragraphs” ¶ 6.

107. *Id.* “Operative Paragraphs” ¶ 7.

108. *Id.* “Operative Paragraphs” ¶ 8.

109. *Id.* “Operative Paragraphs” ¶ 9.

110. Claude Reyes et al. v. Chile, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R., ¶¶ 8–9, 11 (May 2, 2008).

111. *Id.* ¶¶ 12, 15.

112. *Id.* ¶¶ 24–26.

The State failed to comply with its obligation to adopt measures to ensure the right of access to State-held information.¹¹³ The State reported that it created a bill to address this concern, which was in its final legislative stages.¹¹⁴ The Court requested that the State provide the full text of the law and observations by the victims' representative on three articles of that law.¹¹⁵

While the State took certain effective actions to comply with the order to provide training for public officials, the Court found that they were not enough to comply with the obligation because the State did not extend the trainings to the judicial branch.¹¹⁶

November 24, 2008: The Court found that the State fully complied with its obligation to adopt necessary measures to guarantee the right of access to State-held information.¹¹⁷ Specifically, the State drafted Law No. 20,285, the "Law on Transparency in Public Office and Access to Information on State Administration."¹¹⁸ Moreover, the law created the Council for Transparency, which has the power to resolve cases and create legislation to protect the right to access information.¹¹⁹

The Court found that the State fully complied with its obligation to provide training for State authorities and agents.¹²⁰ As part of this obligation, the State created specific training for Judiciary officers and contracted the Judicial Academy for continuing education classes related to the right to access information.¹²¹ The State also provided funding for and scheduled future training.¹²²

The Court found that the State fully complied with its obligations in the Judgment and closed the case.¹²³

113. *Id.* ¶ 16.

114. *Id.*

115. *Id.* ¶ 19.

116. *Id.* ¶¶ 21, 23.

117. *Claude Reyes et al. v. Chile, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R., "Declares" ¶ 1 (Nov. 24, 2008).*

118. *Id.* ¶¶ 8, 11.

119. *Id.*

120. *Id.* ¶ 20.

121. *Id.* ¶ 16.

122. *Id.* ¶ 20.

123. *Id.* "Decides" ¶ 1.

VII. LIST OF DOCUMENTS

A. Inter-American Court

1. Preliminary Objections

[None]

2. Decisions on Merits, Reparations and Costs

[Claude Reyes et al. v. Chile, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. \(ser. C\) No. 151 \(Sept. 19, 2006\).](#)

3. Provisional Measures

[None]

4. Compliance Monitoring

[Claude Reyes et al. v. Chile, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. \(May 2, 2008\).](#)

[Claude Reyes et al. v. Chile, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. \(June 10, 2008\).](#)

[Claude Reyes et al. v. Chile, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. \(Nov. 24, 2008\).](#)

5. Review and Interpretation of Judgment

[None]

B. Inter-American Commission

1. Petition to the Commission

[Not Available]

2. Report on Admissibility

[Marcel Claude Reyes et al. v. Chile, Admissibility Report, Report No. 60/03, Inter-Am. Comm'n H.R., Case No. 12.108 \(Oct. 10, 2003\) \(Available only in Portuguese\).](#)

3. Provisional Measures

[None]

4. Report on Merits

Claude Reyes et al. v. Chile, Report on Merits, Report No. 31/05, Inter-Am. Comm'n H.R., Case No. 12.108 (Mar. 7, 2005).

5. Application to the Court

[Claude Reyes et al. v. Chile, Petition to the Court, Inter-Am. Comm'n H.R., Case No. 12.108 \(July 8, 2005\).](#)

VIII. BIBLIOGRAPHY

Ben Kirby, *Chile's 9/11: Survivors Recall Horrors of Pinochet Coup, 40 Years On*, CNN (Sept. 11, 2013), available at <http://www.cnn.com/2013/09/11/world/americas/chile-coup-anniversary-40/>.

Chile: Democratic at Last, THE ECONOMIST (Sept. 15, 2005), available at <http://www.economist.com/node/4409107>.

Amber Fitzgerald, *The Pinochet Case: Head of State Immunity Within the United States* 22 WHITTIER L. REV. 987 (2001).

Agusto Pinochet, ENCYCLOPEDIA BRITANNICA (Feb. 9, 2016), available at <http://www.britannica.com/biography/Augusto-Pinochet>.