



For immediate release

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Denial of Access to Information heard by the Inter-American Human Rights Court

For the first time in its 27-year history, the Inter-American Court of Human Rights heard an allegation of the violation of the right to access government-held information.

ARTICLE 19 salutes the significance of this occasion: the case, *Marcel Claude Reyes and Others v. Chile*, marks the Inter-American Court's first opportunity to rule on the right of access to government-held information and to recognise the right to access information held by public bodies as part of the right to freedom of expression recognised in Article 19 of the *Universal Declaration of Human Rights* and Article 13 of the *American Convention on Human Rights*.

The case garnered the support of a large number of human rights organisations in the region and all over the world. The Open Society Justice Initiative, with the support of ARTICLE 19, the *Instituto Prensa y Sociedad* (IPYS) of Peru, *Libertad de Información Mexico Asociación Civil* (LIMAC), and Access Info Europe filed an *amicus curiae* brief urging the court to acknowledge the violation of the right to access to information as a human rights violation. ARTICLE 19 was also present on the first day of the hearing in the *Palacio de Tribunales* of Buenos Aires, Argentina, on April 3. A decision is expected within three to four months of the hearing.

Background:

The brief, available on our website¹, surveys access to information laws and jurisprudence and argues that a fundamental right of people to access information held by their governments has been established internationally and is incorporated in the American Convention on Human Rights (ACHR). Through the brief, the five organisations are asking the Court to rule that the ACHR guarantees a general right of citizens to information held by public authorities, and that Chile must improve its access to information law so that requests like the one that gave rise to this case are honoured in the future.

The case began in 1998 when a Chilean environmental NGO, the Terram Foundation, requested information from the government on a massive logging project, known as the Condor River project, being undertaken by a U.S. company, Trillium Ltd.. Claude Reyes, executive director of Terram at the time, requested information on Trillium's environmental

¹ See <http://www.article19.org/pdfs/cases/inter-american-court-claude-v.-chile.pdf>

record from the Chilean Foreign Investment Committee, a government body that assesses foreign investment proposals in Chile.

Terram's request was ignored by the Committee and subsequent appeals by Terram were summarily dismissed in Chile's courts. In December 1998, a number of South American rights groups filed a petition with the Inter-American Commission on Human Rights, an auxiliary body of the Inter-American Court of Human Rights, on behalf of Terram. In March 2005, the Inter-American Commission reached a decision on the merits of the case, finding that Chile had violated the applicants' rights under Article 13 of the ACHR, which guarantees the right to freedom of thought and expression. The Commission urged Chile to remedy the situation within 60 days. Following Chile's failure to comply within that period, the Commission referred the case to the Court for adjudication. Faced with opposition to the Condor River project from environmentalists in Chile and around the world, Trillium eventually abandoned its plans for logging in the area.

NOTES TO EDITORS

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