

JUSTICE INITIATIVE AND FOUR OTHER GROUPS JOIN LANDMARK ACCESS TO INFORMATION CASE

First Freedom of Information Case to Reach Inter-American Court

New York, March 30, 2006— The Open Society Justice Initiative and four other organizations filed a brief this week with the Inter-American Court of Human Rights, seeking to establish that the American Convention on Human Rights guarantees a right of access to information held by public bodies.

The case, Marcel Claude Reyes and Others v. Chile, marks the Inter-American Court's first opportunity in its 27-year history to rule on the right of access to government-held information.

The Justice Initiative, joined by four other groups—ARTICLE 19; Libertad de Información Mexico, Asociación Civil (LIMAC); Instituto Prensa y Sociedad (IPYS) of Peru; and Access Info Europe—filed the "friend of the court" brief in support of Claude Reyes and his two co-applicants. The brief, available on our website at http://justiceinitiative.org/index_files/Claude_v_Chile, 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 contained in the American Convention on Human Rights.

Through the brief, the five organizations are asking the Court to rule that the Convention 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 initiated this case are honored 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 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 American Convention on Human Rights, guaranteeing the right to access public information. 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.

A hearing on the case is scheduled for April 3 in Buenos Aires. A decision is expected within three to four months of the hearing.

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.

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Go to: http://justiceinitiative.org/index_files/Claude_v_Chile for amicus brief.

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The Open Society Justice Initiative, an operational program of the Open Society Institute, pursues law reform activities grounded in the protection of human rights, and contributes to the development of legal capacity for open societies worldwide. The Justice Initiative combines litigation, legal advocacy, technical assistance, and the dissemination of knowledge to secure advances in the following priority areas: national criminal justice, international justice, freedom of information and expression, and equality and citizenship. Its offices are in Abuja, Budapest, and New York.

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