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Institution:	Inter-American Commission on Human Rights
File Number(s):	Case No. 1786
Session:	Thirty-Fourth Session (15 – 25 October 1974)
Title/Style of Cause:	Lucy Lorstch v. Chile
Doc. Type:	Decision
Decided by:	President: Dr. Andrés Aguilar, President (Venezuela) Vice-President: Dr. Carlos A. Dunshee de Abranches (Brazil) Members: Professor Manuel Bianchi (Chile); Dr. Gabino Fraga (Mexico); Dr. Justino Jimenez de Aréchaga (Uruguay); Mr. Robert F. Woodward (United States); Dr. Genaro R. Carrio (Argentina)
Dated:	15 – 25 October 1974
Citation:	Lorstch v. Chile, Case 1786, Inter-Am. C.H.R., OEA/Ser.L/V/II.34, doc. 31 rev. 1 (1974)
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[1] Case 1786, October 29, 1973, reporting the illegal arrest of Miss Lucy Lorstch, which took place in Santiago on October 2, 1973. According to the report, the person arrested was not implicated in any political activities or involved in armed resistance. It would appear that she had been arrested for writing a history of Chile considered to be disrespectful.

[2] In a cablegram dated November 13, 1973, the Commission requested the Government of Chile to provide the pertinent information, in accordance with Articles 42 and 44 of its Rules of Procedure. In a letter dated November 14, 1973, the Secretariat informed the complainant how the complaint was being processed.

[3] In a cablegram dated November 20, 1973, the Government of Chile replied to the request for information, stating that Miss Lorstch had been arrested and would be tried for the offenses with which she was charged, on which occasion she would end on the full guarantees of the Chilean legal system.

[4] In accordance with its Rules of Procedure, the Commission transmitted to the complainant, in a letter dated November 21, 1973, the pertinent parts of the information supplied by the Government of Chile.

[5] The Commission considered this communication, together with the information provided by the Government of Chile, at its thirty-second session (April, 1972) and decided: a) To send to the Government of Chile a note requesting it to provide further information about the nature of the offenses of which Miss Lucy Lorstch was accused and of the type of proceedings that would be instituted against her; and b) To request the complainant for further information concerning the case.

[6] In implementation of this decision, the Commission sent a note to the Government of Chile on June 3, 1974, and to the complainant on April 26, 1974.

[7] In a note in reply dated July 22, 1974 (No. 12,238), the Government of Chile provided further information on the case in the following terms:

"In this regard I wish to inform you that Miss Lorstch is being tried by the Military Court of Santiago and is accused of infringing Article 1 of Law No. 12927 on the Internal Security of the State, and that the case is at the stage of summary proceedings.

"I must also give you certain details with respect to the questions you asked. In the first place, the military courts are ordinary courts, in accordance with Chilean legislation. Next, the case against Lucy Lorstch began with the steps the State Prosecutor ordered to be carried out in order to gather the evidence that would enable him to decide whether or not to charge the accused. I imagine that the question refers more to the date of the hearing at which the Public Prosecutor will make the charge and the defending counsel will present the defense. In this respect I can state that the hearing will be held as soon as the stage of the summary proceedings has been completed, the decision of the Public Prosecutor is taken and made known, and the person accused and her lawyer prepare the defense of the case, all of which is in accordance with the procedure provided for in the Code of Military Justice."

[8] For his part, the complainant, in a letter dated April 30, 1974, received by the CIDH on May 6, supplemented his report stating that Miss Lorstch was detained in the "Buen Pastor" prison, in Santiago, and had not been charged, although she was in good health.

[9] With this information, the CIDH examined Case 1786 at its thirty-fourth session (October, 1974) and decided:

- a) To inform the complainant of the pertinent parts of the information provided by the Government of Chile; and
- b) To authorize the Secretariat to file the dossier if, within a reasonable period of time, pertinent observations were not made by the complainant on the information supplied by the Government of Chile.

[10] In implementation of that decision, a letter was sent to the complainant on November 19, 1974.