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Institution:	Inter-American Commission on Human Rights
File Number(s):	Communication No. 1786
Session:	Thirty-Sixth Session (6 - 24 October 1975)
Title/Style of Cause:	Lucy Lorstch v. Chile
Doc. Type:	Decision
Decided by:	President: Dr. Andrés Aguilar (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:	6 - 24 October 1975
Citation:	Lorstch v. Chile, Comm. 1786, Inter-Am. C.H.R., OEA/Ser.L/V/II.37, doc. 20, corr. 1 (1975)
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[1] 1786, presented through a communication of October 19, 1973, denounces the arbitrary arrest of Miss Lucy Lorstch, in Santiago on October 2, 1973. According to the denunciation, the individual arrested was not implicated in political activities nor was she involved in armed resistance. She was allegedly arrested for writing a history of Chile considered to be disrespectful.

[2] In a cable dated November 13, 1973, the Commission requested the Government of Chile to provide the appropriate information, in accordance with Articles 42 and 44 of the Regulations. In a letter dated November 14, 1973, the Secretariat informed the claimant of the measures taken with regard to the complaint. In a cable dated November 20, 1973, the Government of Chile replied to the request for information, stating that Miss Lorstch, had been arrested and would be brought to trial for the offenses with which she was charged, on which occasion she would enjoy the full guarantees of the Chilean legal system.

[3] In accordance with its Regulations, in a letter dated November 21, 1973, with Commission transmitted the pertinent parts of the information supplied by the Government of Chile to the claimant.

[4] At its thirty-second session (April 1974) the Commission considered this communication, together with the information provided by the Government of Chile, and decided:

- a) To address a note to the Government of Chile requesting more information as to the nature of the crimes of which Miss Lucy Lorstch was accused and the type of proceeding that would be instituted against her, and
- b) To request the claimant to provide more information concerning the case.

[5] In implementation of this decision, the Commission sent a note to the Government of Chile on June 3, 1974, and to the claimant on April 26, 1974. In a reply note dated July 22, 1974 (No 12, 238), the Government of Chile provided the following additional information on the case.

"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."

[6] 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.

[7] The CIDH began examination of the case at its thirty-fourth session (October 1974) together with the reports submitted by the Government of Chile. It decided to authorize the Secretariat to file the dossier should the claimant not formulate observations on the data provided by the Government of Chile within a reasonable period of time. This decision was brought to the attention of the claimant on November 19, 1974.

[8] At its thirty-fifth session (May 1975) the Commission continued its examination of the case, noting that the claimant, in a letter of December 10, 1974, expressed doubts and concerns with regard to the legal of Ms. Lorstch, because of information provided by the Government of Chile and the decision taken by the CIDH to file the case without prejudice; there were still factors that caused him to fear for the safety of the prisoner.

Taking into account all this information, at its thirty-fifth session (May 1975) the Commission decided:

- a) To address a note to the Government of Chile requesting that it provide additional information on the case and especially whether a judicial decision had been reached, a certified copy of it, and a copy of the minutes of the hearing of the trial.
- b) To address the claimant, informing him of this decision and of the reasons for the decision taken at the thirty-fourth session to file the case without prejudice.

[9] The Government of Chile, in a cable dated May 31 1974, received just after the conclusion of the thirty-fifth session, reported that Ms. Lucy Lorstch had left Chile for Paris on November 7, 1974, as shown on the Exempt Decree (No. 1822 of the Ministry of the Interior.

[10] In accordance with its regulations, the Commission, in a letter dated July 14, 1975, transmitted to the claimant the information provided by the Government of Chile.

[11] With this background information, the Commission considered the status of this case at its thirty-sixth session (October 1975) and decided to again address the Government of Chile, requesting that it kindly provide:

- a) a copy of the sentence handed down during the trial of Ms. Lucy Lorstch;
- b) a copy of the Decree 1822 (Exempt), and c) information as to why the claimant left the country.

[12] In fulfillment of this decision, a note was sent to the Government of Chile on October 24, 1975. In a letter dated November 24, the claimant was informed of the measures taken in connection with the case.