

Chamber of Deputies
Chile [STAMP]

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VALPARAISO, 20th of September 2017

By order of the President of the Chamber of Deputies, I must transmit to you the request made by Congressman Mr. GABRIEL BORIC FONT, who, in today's session of Congress and by virtue of the faculty conferred by articles 9 of the Law n° 18.918, organic constitutional law of the National Congress, and 308 of the Regulation of the Chamber of Deputies, required that you, according to the attached statement, inform this Chamber about the situation regarding the proceedings of the trial initiated by the owners of the former newspaper "El Clarín" against the State of Chile, the steps taken to determine the amount of compensation, and the political reasons that would justify its delay.

I allow myself to remind you that, if the answer to this request contains confidential or secret information, this issue should be raised, and the legal basis of such qualification should be indicated, in compliance with the second paragraph of article n° 8 of the Constitution of the Republic [of Chile].

Which I have the right to communicate to you as provided in the aforementioned dispositions.

God bless you

[Signature]

MIGUEL LANDEROS PERKIC

General Secretary of the Chamber of Congress

ADDRESSED TO THE MINISTER OF JUSTICE AND HUMAN RIGHTS

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Chamber of Deputies
Chile [Stamp]

**INFORMATION ON EXPENSES INCURRED BY THE STATE OF CHILE IN
LEGAL PROCEEDINGS FOR USURPATION OF AND DENIAL OF JUSTICE TO
THE OWNERS OF THE NEWSPAPER “CLARIN”**

Mr. **BORIC**- Mr. President, on the 11th of September 1973, many atrocities took place in Chile. One of these has been forgotten, not only by the official annals of history, but also in legal delay. This forgotten situation is that of the newspaper “Clarín”.

“Clarín” was assaulted by the perpetrators of the coup d'état in Santiago and Concepción, and all material in those offices was destroyed. The headquarters of the newspaper were overtaken, and until now they have not been returned.

During the coup, the director, Alberto “Gato” Gamboa (who was just awarded the National Award of Journalism), and his deputy, Alejandro Arellano, were both detained.

In the period before the coup, “Clarín” had the largest circulation in Chile, even above that of today’s almost monopolistic “El Mercurio” and “La Tercera”.

Over the years, those who have decided to try to do justice and seek reparation have consolidated against this affront. Led by Víctor Pey and the Salvador Allende Foundation, the group filed a lawsuit in 1997 in the International Centre for Settlement of Investment Disputes, better known as ICSID, a division of the World Bank, against the State of Chile for usurpation.

We know that these kinds of issues take their time, but we never thought we would be waiting this long. In 2008, just 11 years after the suit was filed, the judgement of the Tribunal condemned the State of Chile for violating the Reciprocal Protection of Investments Treaty between Spain and Chile, as well as denying justice and ordered compensation for the damages caused to Víctor Pey and the aforementioned foundation.

On the 18th of December 2012, such sentence was confirmed by a decision of the Committee ad-hoc, summoned by the ICSID, which declared the judgment res judicata, binding, and stated that it ought to be fulfilled.

However, this procedure of arbitration is still in the process of quantifying the amount to be paid.

In that regard, a resolution issued in September 2016 reaffirmed the condemnation award of 2008, which obliges Chile to repair the violation of the aforementioned Treaty; however, the amount is being contested after there appeared an ostensible conflict of interest

between two of the arbitrators who recalibrated the award, which opened a new legal edge in the case.

Many years have passed since the coup, and the Government of Chile has opted to consolidate the monopoly of the press into one sector, thus it has made strenuous efforts to avoid paying the legitimate compensation owed to the owners of the newspaper. One wonders why.

A person linked at that time to the Concertación [the coalition of political parties in power in Chile] told me that if the State of Chile put half of the effort they put towards avoiding returning the newspaper “Clarín” into circulation instead towards seeking truth and justice, for sure it would have been a big step forward in human rights, reparations, truth and justice.

I really wonder what has motivated the State of Chile to make such an effort to avoid repairing the illegal usurpation to which the newspaper “Clarín” was subject.

Thus, I request the Ministry of Foreign Affairs, and particularly the Ministry of Justice and Human Rights and those who have led the trial before ICSID, to inform us how much the State of Chile has spent in the defense of these interests, in what state the trial is currently, and what is missing to determine the amount of compensation due in the case of the newspaper “Clarín”. Likewise, I’m interested in not only a formal but also a political response regarding why our State has defended with such perspicacity the fact of not compensating the legitimate owners of a newspaper that reached the largest national circulation during the 60’s and 70’s.

I await the answer not only for myself but also for Víctor Pey, who is now more than 100 years old and is still fighting to recover the plurality of journalism in Chile, which is essential in any democracy.

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IN DATE 20 OF SEPTEMBER, 2017

JOHN SMOK KAZAZIAN, Mayor Lawyer of the Secretary.

