

Does one have the right to own property?

Declaration says yes, Art. 17, ~~5-18~~
DS-383

But no mention of it in the Covenants!
993/94

Only the collective rights to control property!

E.S.&C: Art 1(2) & 25

C&P: Art. 1(2) & 47

What about the Right to Work?!

E.S.&C guarantees it, Art 6(1)!

Right to Strike?

Yes, E.S.&C -- Art(1)(d), modified by 8(2)

5-61

Letelier and Moffitt (1992)

Facts--Car bomb--Michael and Ronni Moffitt in car with Letelier. Rommi and Letelier killed. See text at 612.

Attempts to obtain compensation in U. S. Courts--

How does FSIA apply to this situation? Tort in U.S.? Discretionary? NO. But unable to collect.

Nature of arbitration agreement.

What does "ex gratia" mean?

What is the duty imposed upon the arbitrators?

To determine a payment that is "equal to that which would be due of liability were established." 221, para. 4

How do they measure their duties?

Chorzow Factory case, para 21--"reparation must, as far as possible wipe out all the consequences of the illegal act and reestablish the situation which would, in all probability, have existed if that act had not been committed."

Meaning what--

Lost earnings, based on logical projections regarding their lives. Paras. 28-29 \$1,200,000 for Letelier. \$233,000 for Moffitt, because she was young and it was hard to determine what her career would become. Also limited because Mr. Moffitt remarried! Para. 34.

Moral damages--meaning what? \$480,000 to family members of Letelier. \$250,000 to Mr. Moffitt. \$300,000 to Ronni Moffitt's parents. Discuss Para. 41--what does that mean? Are moral damages reduced because Chile has acted properly to compensate its victims generally? See Orrego's analysis in his section 9.

Medical expenses. \$16,400 to Mrs. Letelier. \$20,000 to Ronni Moffitt's parents.

Direct costs. \$12,000 to Mr. Moffitt.

Special expenses to both families. \$100,492. Para. 40.

Overall total--\$2,611,892.

Why not punitive damages? See Orrego at sec. 6.

Is this a final settelement?

Yes, against the Chilean government, but not necessarily against private individuals. Orrego, sec.2.