

IX. STUDY OF REPORTED VIOLATIONS OF HUMAN RIGHTS IN CHILE,  
WITH PARTICULAR REFERENCE TO TORTURE AND OTHER CRUEL,  
INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

91. The Commission considered agenda item 7 at its 1318th to 1323rd meetings, from 25 to 27 February 1975.

92. The item was included in the agenda at the request of the Sub-Commission on Prevention of Discrimination and Protection of Minorities which, in its resolution 8 (XXVII), recommended that the Commission on Human Rights, at its thirty-first session, study the reported violations of human rights in Chile, with particular reference to torture and other cruel, inhuman or degrading treatment or punishment. In the same resolution the Sub-Commission requested the specialized agencies and other intergovernmental organizations, as well as non-governmental organizations in consultative status concerned, to submit to the Secretary-General, for reference to the Commission on Human Rights, recent and reliable information on torture and other cruel, inhuman or degrading treatment or punishment in Chile. The General Assembly in its resolution 3219 (XXIX) endorsed the recommendation made by the Sub-Commission in its resolution 8 (XXVII).

93. The Commission had before it the following documentation:

(a) A note by the Secretary-General giving the background to the item before the Commission (E/CN.4/1166);

(b) Information submitted in accordance with resolution 8 (XXVII) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, as follows:

- (i) Information submitted by the International Labour Office and the United Nations Educational, Scientific and Cultural Organization (E/CN.4/1166/Add.1 and 2);
- (ii) Information submitted by the Organization of American States (E/CN.4/1166/Add.3 and 14);
- (iii) Information submitted by the following non-governmental organizations: International Commission of Jurists (E/CN.4/1166/Add.4 and Add.6), Inter-Parliamentary Union (E/CN.4/1166/Add. 4), World Confederation of Organizations of the Teaching Profession (E/CN.4/1166/Add.4), Amnesty International (E/CN.4/1166/Add.5), International Confederation of Free Trade Unions (E/CN.4/1166/Add.5), International Committee of the Red Cross (E/CN.4/1166/Add.6), International Union of Students (E/CN.4/1166/Add.7), World Federation of Trade Unions (E/CN.4/1166/Add.8 and Add.10), Women's International Democratic Federation (E/CN.4/1166/Add.9), World Confederation of Organizations of the Teaching Profession (E/CN.4/1166/Add.11), World Confederation of Labour (E/CN.4/1166/Add.12), Christian Democratic World Union (E/CN.4/1166/Add. 13), International Youth and Student Movement for the United Nations (E/CN.4/1166/Add.15);

(c) A letter dated 21 August 1974 from the Chargé d'affaires ad interim of the Permanent Mission of Chile to the United Nations (E/CN.4/1158); a letter from the

Permanent Representative of Chile to the United Nations Office at Geneva, with annexes (E/CN.4/1174); a memorandum from the Permanent Representative of Chile to the United Nations Office at Geneva (E/CN.4/1174/Add.1);

(d) The Commission also had before it the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its twenty-seventh session (E/CN.4/1160).

94. The Commission heard statements by the observers for Cuba, the German Democratic Republic and Chile at the 1319th, 1321st and 1323rd meetings respectively.

95. The Commission also heard a statement by the representative of the International Labour Organisation (1321st meeting).

96. In the course of the general debate the observers for the following non-governmental organizations in consultative status addressed the Commission: Inter-Parliamentary Union (1319th meeting); World Federation of Trade Unions, International Commission of Jurists and International Confederation of Free Trade Unions (1321st meeting); International Association of Democratic Lawyers, International Federation for Human Rights, World Peace Council, World Federation of Democratic Youth and International Youth and Student Movement for the United Nations (1322nd meeting).

97. The representatives and most of the observers who made statements expressed serious concern about the human rights situation in Chile and especially about the numerous reports that indicated grave violations of the rights enunciated in international instruments adopted by the United Nations. Almost all speakers called for urgent action by the Commission to secure the release of persons held without trial, the ending of inhuman treatment meted out to detainees and prisoners and the restoration of full respect for human rights in Chile. Some representatives pointed out that the reply of the Chilean authorities to the Commission's telegram of 1 March 1974 12/had been unsatisfactory.

98. A number of representatives deplored in particular mass arrests and detention of persons regardless of their age or sex and the cruel treatment inflicted on detainees, many of whom, as a result, had lost their lives, as well as the mass terror unleashed by the Chilean junta. These representatives expressed the view that the documentation before the Commission contained detailed evidence that revealed that the right to life, liberty and security of person had been grossly violated and continued to be violated in Chile. Consequently, they considered that the Commission should strongly urge the Chilean authorities to implement without delay General Assembly resolution 3219 (XXIX) as well as other relevant decisions and resolutions of various United Nations organs.

99. Many delegations decried the trends involving the expulsion of some Chilean citizens from Chile and the punishment prescribed in the event of their returning to their own country. These trends were seen as amounting to illegal deportations and as being cruel and inhuman punishment and therefore contrary to the Universal Declaration of Human Rights, the accepted norms of international law and the Charter of the United Nations.

100. Many other representatives, while they also expressed concern at reported violations of human rights in Chile, felt that the Commission, within the exercise of its functions and following the resolution adopted by the General Assembly, should not proceed to condemn the Government of Chile merely on the existing written or oral reports but that it should recommend appropriate measures only on the basis of first-hand and well-founded information obtained through an impartial and objective study of its own. Such a procedure, in their view, was realistic in the circumstances and might eventually be conducive to genuine progress towards the restoration of human rights in Chile. One delegation expressed the hope that the Chilean authorities would accelerate the release of political detainees and would likewise facilitate an early return to their homes of Chilean nationals living in exile.

101. Some representatives welcomed the reports which suggested that a number of detainees had been released and that the Chilean authorities were willing to co-operate in allowing fact-finding missions to visit Chile. Those factors, they felt, constituted encouraging signs towards a more desirable trend, which, if encouraged, might continue.

102. The observer for Chile stated that the allegations contained in the documentation before the Commission, as well as in the statements of certain representatives, with regard to mass arrests, torture and killings, were either grossly exaggerated or untrue. He said that some people who had been listed as detained or killed were alive and well, either in Chile or abroad. He defended his Government's restrictions on certain liberties of the citizens on the grounds that a state of war existed within his country. He announced that his Government would welcome and lend every assistance to an impartial and unprejudiced fact-finding mission to Chile which would seek the truth of the situation in that country.

103. At the 1318th meeting the representative of the United Kingdom introduced a draft resolution (E/CN.4/L.1301) sponsored by the Netherlands, Nicaragua and the United Kingdom, by which, among other things, the Commission would decide that a three-man working group under the chairmanship of the Chairman of the Commission would inquire into the present situation of human rights in Chile and report the results of its inquiries to the Commission at its thirty-second session; the working group would submit a progress report on its findings to the Secretary-General for inclusion in his report to the General Assembly at its thirtieth session under General Assembly resolution 3219 (XXIX). Subsequently the sponsors submitted a revised text (E/CN.4/L.1301/Rev.1) under which the proposed ad hoc working group would consist of five members.

104. At the same meeting the representative of the USSR introduced a draft resolution (E/CN.4/L.1302) by which the Commission would, among other things, condemn the violations of basic human rights and fundamental freedoms in Chile, urge the Chilean authorities to implement, without further delay, the relevant resolutions and decisions of the United Nations, and consider that the continuation of violations of human rights was incompatible with Chile's obligations under the United Nations Charter.

105. At the 1323rd meeting the representative of Senegal introduced a draft resolution (E/CN.4/L.1303) which took into account the various opinions and proposals put forward in the course of the discussions and of the intensive informal consultations that had taken place.

106. At the 1323rd meeting the Director of the Division of Human Rights made a statement concerning the financial and administrative implications of draft resolution E/CN.4/L.1303; the statement was distributed as document E/CN.4/L.1304.

107. At the 1323rd meeting on 27 February 1975 draft resolution E/CN.4/L.1303 was adopted without a vote.

108. The representative of the USSR explained that his delegation had joined in the consensus because it was especially important that the Commission should act unanimously. He emphasized in particular that, in approaching its task, the ad hoc Working Group would have to base itself on those provisions of the resolution which urged the Chilean authorities to take all necessary steps to restore and safeguard basic human rights and fundamental freedoms on the basis of the resolution of the General Assembly, the decision of the Commission on Human Rights at its thirtieth session and relevant resolutions of other United Nations organs.

109. As a result of the adoption of the above-mentioned resolution, draft resolutions E/CN.4/L.1301/Rev. 1 and E/CN.4/L.1302 were not put to the vote.

110. For the text of the resolution see chapter XXIII, section A, resolution 8 (XXXI).

111. At the 1335th meeting, on 7 March 1975, the Chairman, in accordance with rule 21 of the rules of procedure of the functional commissions of the Economic and Social Council, announced the following composition of the Ad Hoc Working Group referred to in paragraph 1 of resolution 8 (XXXI): Mr. Ghulam Ali Allana (Pakistan), Mr. Leopoldo Benites (Ecuador), Mr. Abdoulaye Diéye (Senegal), Mr. Felix Ermacora (Austria) and Mrs. M.J.T. Kamara (Sierra Leone). He stated that he understood that it was the wish of the Commission that the reference to "five members of the Commission" was meant to include both full members of the Commission and alternate representatives who had taken part in the Commission's work on the item. He also took it that the Commission would empower him to replace any member of the group who might for one reason or another be unable to serve. A statement made by the representative of the Soviet Union is recorded in the summary record of the 1335th meeting of the Commission.