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Thursday, 18 November 1976
at 10.30 a.m.
New York

SUMMARY RECORD OF THE 54th MEETING

Chairman: Mr. von KYAW (Federal Republic of Germany)

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The meeting was called to order at 10.50 a.m.

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (A/31/3 (chaps. II, III (sects. F, G and L), IV (sect. A), V, VI (sects. B and D) and VII (sect. D)), A/31/64, A/31/74, A/31/99, A/31/253; A/C.3/31/1, A/C.3/31/4, A/C.3/31/5, A/C.3/31/6 and Add.1, A/C.3/31/10, A/C.3/31/11; A/C.3/31/L.19, L.26, L.29) (continued)

1. The CHAIRMAN announced that the Lao People's Democratic Republic and the Ukrainian Soviet Socialist Republic had become sponsors of draft resolution A/C.3/31/L.26.
2. Mr. HEINEMANN (Netherlands) said that the consideration of the report submitted by the Economic and Social Council was one of the most important items on the Committee's agenda, since the Council's work was undoubtedly of vital significance to the United Nations. The Netherlands delegation had been impressed by the conscientious efforts made by the Ad Hoc Working Group established by the Commission on Human Rights to inquire into the present situation of human rights in Chile (A/31/253). It had studied with the same attention the replies and explanations furnished by the Chilean Government, which were brought to the attention of the members of the Committee in documents A/C.3/31/4, 5 6 and 6/Add.1. It had also listened carefully to the remarks made by the representative of Chile in his statement to the Committee. In addition to those sources, the Netherlands Government had thoroughly examined the reports and communications of numerous other sources, including the studies made by Amnesty International and the International Commission of Jurists, the letter addressed to the Ministers for Foreign Affairs of member countries of the Organization of American States by five Chilean lawyers (two of whom had undoubtedly either been expelled from the country or were being detained) and, lastly, the second report of the Inter-American Commission on Human Rights, submitted to the Organization of American States in June 1976.
3. He wished to emphasize that his Government deeply deplored the persistent refusal of the Chilean authorities to allow the Working Group into Chile, since a visit to that country would have made it possible to obtain an accurate picture of the actual situation of human rights in Chile. The attitude of the Government of Chile thus could not fail to give the impression that the authorities of that country did not welcome an inquiry into the situation of human rights, and one wondered why it was adopting that attitude when it was claiming that the situation of human rights in Chile need not give rise to concern.
4. The Netherlands authorities wished to take that opportunity to pay a special tribute to the work done under the aegis of the churches in Chile in the defence of political prisoners and detainees in Chile. The Comité de Cooperación para la Paz and, when that group had been dissolved under pressure from the Chilean authorities, the Vicaría de la Solidaridad had been carrying out their humanitarian mission under extremely difficult circumstances. On behalf of the Netherlands Government, his delegation wished to express its warmest sympathy, admiration and gratitude to

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(Mr. Heinemann, Netherlands)

the Vicaría for its courageous stand in words and deeds with regard to fundamental human rights and social justice in Chile.

5. Although it was aware that it was addressing its remarks to a sovereign State Member of the United Nations, the Netherlands delegation considered that the spirit and the Charter of the United Nations compelled the international community to oppose all violations of basic human rights and fundamental freedoms which were brought to its attention. In that spirit, he wished to refer to a number of elements which in his view were instrumental in creating the existing situation regarding human rights in Chile. Those elements were the state of siege, the abuse of power by State security agencies and the failing judiciary.

6. The "state of internal security" which was currently existing in Chile by virtue of a decree law was a form of state of siege or state of emergency. The Netherlands Government did not deny that any State had the right to adopt special measures with a view to safeguarding the country's very existence in time of imminent danger. Such measures could differ from country to country depending on the circumstances. There were, however, as the representative of Chile had stated, "absolute values" which all nations under any circumstances whatsoever had to sustain - sacrosanct precepts which should shield against the denial of human dignity. Article 4 of the International Covenant on Civil and Political Rights left no doubt in that respect. The Allana report bore ample testimony to the fact that in Chile primary human rights were abridged or denied. The curtailing of the right of habeas corpus was a clear example. The letter from the Chilean lawyers which he had mentioned aptly described the manner in which the Chilean authorities had distorted the state of siege in order to use it as an instrument for large-scale detention of citizens. In the opinion of the Netherlands delegation, the state of emergency seemed to be the determining factor in the human rights situation in Chile and it agreed with the Working Group that an important step towards the restoration of human rights and fundamental freedoms would be taken if the state of siege were lifted or if the authorities would at least refrain from using it for purposes other than those for which it was intended.

7. The existence of State agencies which systematically engaged in selective repression, such as the Dirección de Inteligencia Nacional (DINA), was a second determining factor in the widespread violations of human rights in Chile. Once again, the Netherlands Government did not question the right of the Chilean authorities to operate an intelligence service, but it did object to the near absence of judicial and administrative supervision of the activities carried out by the various intelligence agencies. The lack of administrative control was demonstrated by the fact that DINA was under the exclusive command of the military junta; its decisions were not reviewed by the Ministry of the Interior, except a posteriori. The administration considered all investigations closed as soon as it received a report from DINA denying that it had arrested any person who was missing, kidnapped, raped or declared dead. Furthermore, the Court of Appeals and the Supreme Court always accepted reports of the Ministry of the Interior based on

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information supplied by DINA. All that was compounded by the hostility of the censoring services against news media which reported that situation. It should be added that DINA, according to its terms of reference, could act independently only after obtaining a court order but that in practice that requirement was usually disregarded. It was unfortunate that the Chilean authorities had not been able to refute the arguments adduced in the report of the Working Group on the independence and violability of DINA, which it could perhaps have done by releasing the three secret articles of Decree Law No. 521 establishing the powers of DINA. In the view of his delegation, the dismantling of DINA or at the very least the discontinuance of its policy of repression was a veritable prerequisite for the full restoration of human rights and fundamental freedoms in Chile.

8. In the opinion of the Netherlands delegation, the role of the judiciary in Chile constituted, although to a lesser extent, another determining factor in the situation which the Committee was considering. Despite Chilean claims to the contrary, the judiciary in Chile seemed to have lost all significance as a champion of fundamental freedoms and basic human rights of individuals. That was exemplified by the ruling of the Supreme Court of June 1976 stating that the holding of prisoners incommunicado by virtue of the state of siege was not a practice in respect of which the right of habeas corpus might be exercised. That attitude of the Court was in striking contrast with its splendid record in the defence of human rights prior to 1973.

9. The interplay between those three factors was the striking feature of the situation currently found in Chile and, in varying degree and proportions, affected every aspect of the human rights situation in that country. Its consequences were too numerous to enumerate. For the time being, the Netherlands delegation would confine its comments to those consequences which caused it particularly grave concern. One of them was the question of missing persons. There was overwhelming evidence that many persons arrested by military patrols of DINA had simply disappeared. Knowledge about the whereabouts or fate of the persons concerned was denied outright. The Chilean administration had provided no information or explanation about the investigations ordered. The Ministry of the Interior simply took for granted the reports by DINA. The defence offered by the Chilean Government in response to those charges was remarkably inadequate.

10. A number of statements provided irrefutable proof that torture was persistently practised in clandestine places of detention and there again the determining factors which he had mentioned earlier played a decisive role.

11. Then there was the practice of illegal arrest and detention. Arrests were made by DINA without the participation of the Ministry of the Interior, and that had led to other illegalities which were even more serious. Efforts by the Chilean administration to correct those abuses had been unsuccessful; decrees promulgated to that end had remained a dead letter. The Chilean reply to those allegations did not go beyond citations of and references to the law as it stood and flat denials of the facts.

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12. In his country, the question of the protection of human rights and fundamental freedoms was very much alive, and violations of those principles and those freedoms invariably aroused great concern not only with the Government but with the population as a whole. Thus, the issue of human rights had become a corner-stone of Netherlands foreign policy, which rejected the use of human rights issues as a vehicle for extraneous political motives. Politicizing those issues was not only morally unacceptable but in many cases also counter-productive.

13. The strong feelings he had voiced in his statement about violations of human rights originated not only in the values that the Netherlands stood for, but also in genuine compassion for the thousands of individuals whose lives were directly and adversely affected. His Government would therefore welcome an institutionalized channel to assist victims of the situation at present prevailing in Chile and would be prepared to contribute to a fund for that purpose, if such a fund were to be created.

14. His delegation welcomed the recently announced release in Chile of an important number of political prisoners and detainees, and would like to consider that reaction of the Chilean Government to General Assembly resolution 3448 (XXX) a first step in the right direction, although that resolution certainly required a great deal more.

15. His delegation wished to introduce the draft resolution contained in document A/C.3/31/L.26 on behalf of the sponsors. The draft resolution represented a sincere attempt to give expression to the grave concern of the United Nations about the situation of human rights in Chile. Furthermore, it reflected the ways and means which were considered suitable for the restoration and safeguarding of human rights in that country. Intensive consultations among many delegations had taken place to draft a carefully balanced text that incorporated those elements. The sponsors hoped that the draft resolution would commend itself to the Committee.

16. Mr. BARREIRO (Paraguay) said that the subject of human rights should be treated carefully, objectively and impartially. He therefore regretted that consideration of it was being used as a pretext for biased political propaganda. The report submitted by the Working Group had serious defects which robbed it of all merit. It made allegations for which there was no trustworthy evidence and which could not bear the slightest examination. Relations between the Working Group and the Chilean Government should have been subject to a pre-established modus operandi. Through its failure to agree to such a procedure, the Working Group had exceeded its functions and had interfered in Chile's domestic affairs. His delegation regretted that, as a result, the Working Group had not been able to visit Chile, talk to the Chilean people, inspect Chilean institutions and engage in a dialogue with the Chilean authorities in order to gain an objective and impartial picture of the true situation, but instead had simply compiled a collection of more or less biased testimony.

17. The state of siege was a universally accepted institution in international law, and its application was entirely a matter for the Government of Chile. The action of the Working Group in involving itself in that exclusive concern of the

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Chilean executive was, beyond any doubt, a clear and flagrant violation of the principle of non-intervention in the internal affairs of a country and was sufficient to disqualify the Group. The composition of the Working Group, which consisted not of international civil servants subject to the Staff Rules but of persons with links to their Governments and government policies and with their own ideological convictions justified some doubts as to its complete impartiality.

18. In paragraph 75 of its report, the Working Group, after noting that from 11 September 1973 to 10 September 1974 the whole of Chile had been under a state of siege at the level of "internal or external war", added: "It hardly needs to be stated that there was no such war during that period." It seemed to him irresponsible to make so categorical a statement, because since 11 September 1973, as everyone knew, there had been hundreds of clashes between the forces of law and order and clandestine armed groups.

19. The temporary suspension of elections was entirely a matter for the Chilean Government. He pointed out that there were many countries which for years had not held free and democratic elections or given free rein to political parties.

20. There was no mention in the report of the efforts which Chile was making to improve the working of the institution of state of siege. Instead, there was a whole chapter on liberty and security of person, beginning with an unnecessary, because well-known, reference to the fundamental rights of the human person proclaimed in the Charter. The report forfeited any right to be taken seriously when it came to deal with arrest and detention in Chile. Although it spoke of a substantial proportion of evidence having been received, that evidence was neither exhibited nor reproduced. The report did not identify its sources, but simply referred to "reliable sources" and made itself a sounding-board for testimony the existence of which must be doubted, using such turns of phrase as "appears to be" or "apparently". That contrasted with the treatment given to information supplied by the Government of Chile, despite the fact that the latter was soberly presented in documentary form. The same could be said of the information that formed the basis for the chapter on torture, which gave a deliberately sadistic account of the methods allegedly used by the security organs. The frivolity with which those matters had been treated was inexcusable, since what was involved was the decency of the Government of a Member State.

21. His delegation condemned the views expressed by the Working Group on the Chilean judiciary and Supreme Court of Justice, and considered them an offence against the norms of coexistence of countries and an affront to some personages of recognized intellectual and moral standing.

22. His delegation dissented from the irresponsibility of the report, the frivolity of its arguments, the biased appraisal of evidence and documents and the way in which the Working Group had exceeded its functions. His delegation wished to collaborate, at all times and in all international forums, with

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(Mr. Barreiro, Paraguay)

serious and objective endeavours to defend human rights and did not want so exalted a theme to be made a partisan issue, tied to certain interests in order to insult a certain country. Defence of human rights was not the prerogative of any one country, ideology or economic or social system. His delegation appealed to those countries which had a long and honourable tradition to consider the question calmly and dispassionately, and it was sure that the truth would ultimately prevail.

23. Lastly, he drew attention to press reports of the Chilean Government's decision to release political prisoners.

24. Mr. QUADRI (Argentina) suggested, with regard to the statement made by the Director of the Division of Human Rights at the 45th meeting, that the International Law Commission should make a thorough study of the question of the concept of the individual as a subject of international law, with a view to determining its precise scope and adequately safeguarding its exercise within the framework of the law.

25. As the representative of Portugal had said, the Third Committee was not a court of law which had to determine the facts by means of a legal approach. His delegation was greatly concerned about the disagreement which seemed inevitably to arise between ad hoc working groups and countries under investigation. In that connexion, he pointed out that the ad hoc groups had the mission of collecting, objectively and dispassionately, any trustworthy evidence of the alleged violation of fundamental human rights in a Member State and, in performing that task, which had been entrusted to them on behalf of the international community, should proceed with fairness, restraint and objectivity, while the State under investigation, in accepting the competence of the United Nations, assumed an international commitment which should be respected and complied with.

26. Referring next to the question of the co-ordination of the international instruments on human rights, he recalled the discussion on the approval of the measures of implementation and final clauses of the International Covenants on Human Rights and, more particularly, of a draft article dealing with the "saving" provisions of the international agreements and the question of the co-ordination to be established among the various instruments. Some delegations wanted the article in question to be incorporated in the Covenant on Civil and Political Rights. He himself had come to the conclusion that even though that Covenant had come into force, there was nothing to prevent a question from being submitted, either separately or simultaneously, to two or more different kinds of implementation systems to which the interested States were parties. The proposal had been to permit States which had acceded to more complete instruments to assume the obligations which they had undertaken and which must likewise be respected in accordance with the principle pacta sunt servanda, which permitted them to have recourse to the procedures which they regarded as most appropriate. On the other hand, the intention had been that, in a case where the respective jurisdiction of two or more measures of implementation coincided, the question

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(Mr. Quadri, Argentina)

would be dealt with in the first place by the organ provided for in the international instrument of broader and more detailed scope. Those considerations were relevant to the item under discussion. The United Nations had taken cognizance of a problem existing in a Member State and, by virtue of its jurisdiction, which had been accepted by the Member State concerned, had accordingly appointed an Ad Hoc Group to investigate the facts and to report to the General Assembly.

27. At the same time, there also existed an institution whose competence to deal with regional matters was not subject to any doubt, namely, the Organization of American States. In June of the current year, the Sixth General Assembly of OAS had dealt with the situation of human rights in Chile and had adopted a resolution on that matter in which it was noted that the observance of human rights was a source of friendly feeling and solidarity among the member States and that the principal aim of the Inter-American Commission on Human Rights was to promote the observance and protection of human rights in all the countries of America. The OAS had accordingly addressed an appeal to the Government of Chile to continue to adopt and implement the means and the measures necessary for effectively preserving the full force of human rights in that country; it had requested the Government of Chile to continue to extend to the Inter-American Commission on Human Rights all necessary co-operation to enable it to carry out its work and to provide adequate safeguards for persons or institutions giving information, testimony or other evidence; and it had requested the Inter-American Commission on Human Rights to continue to give attention to the situation of human rights in Chile and to report on that matter to the General Assembly of OAS at its next regular session. Thus, there were two bodies, one international and one regional, dealing with the same matter, and, although their conclusions might coincide, it would be difficult for both of them to advise identical corrective measures. It was in the light of that situation that draft resolution A/C.3/31/L.29 had been circulated. The part being played by OAS in regard to the item under consideration was recalled in that draft resolution, and nothing had been introduced in the draft resolution which would be at odds with the concern clearly expressed in the current debate regarding the protection of human rights in Chile. The draft resolution had no purpose other than to make the Third Committee aware of the existence of two forums dealing with the same matter. His delegation had, for all those reasons, decided to become a co-sponsor of draft resolution A/C.3/31/L.29.

28. Mr. LAMB (Australia) said that the debate on the human rights questions which were included in the report of the Economic and Social Council gave the members of the Third Committee the opportunity to declare by their vote whether their commitment to the principles of human rights was real or not. Australia, for its part, shared that commitment, for it believed that there were certain inalienable human rights which demanded respect. Among those was the right to be free of such abhorrent practices as torture and the evil of cruel, inhuman or degrading treatment and punishment. It also believed that there could be no justification for the practice, so prevalent today, of detaining persons for their political beliefs.

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(Mr. Lamb, Australia)

29. It was a matter of deep regret to the Australian Government and the Australian people that those anachronistic evils were so commonplace and that the future, as was apparent also from many useful reports prepared by non-governmental organizations, gave little sign that that situation would improve. It should be emphasized that the work of the United Nations was supplemented by the non-governmental organizations, which made a valuable contribution in the field of human rights.

30. With regard to the question of human rights in Chile, his delegation was particularly disappointed that the Government of Chile had declined to admit that human rights were a matter of international concern in the sense that the international community was entitled to seek its own verification of the many allegations made against that Government. His delegation did not believe that the Ad Hoc Working Group could be said to have completed its work unless it had the opportunity to go to Chile, examine the situation on the ground and discuss its findings with the Government. For that reason, his delegation was unable to conclude that the arguments of the representative of Chile carried sufficient weight to induce the Third Committee to disregard the conclusions of the Allana report. It was likewise difficult to conclude that the report was substantially at variance with the facts. Although it could be expected that a report by a group which had not visited the country would contain inaccuracies, ~~that possibility~~ was not in itself sufficient ground for discounting the principal conclusions. His country therefore believed that the mandate of the Group should be extended in the hope that the Group would receive the full co-operation of the Government of Chile and be able to complete its work.

31. Although there appeared to have been some improvement in the situation in Chile, since some detainees had been released and, as had been said, more were to follow, it must be pointed out that the statement made that week by the Government of Chile was somewhat limited in its effect by the absence of notification of the names of persons involved and by the fact that the recognition of elementary and inalienable rights to certain prisoners was made conditional on actions by other Governments in respect of persons within their jurisdiction. His delegation therefore reiterated its sincere hope that the Government of Chile would see fit to admit the legitimacy of international concern about the human rights situation in Chile and to co-operate with the Commission on Human Rights in order to enable the Ad Hoc Working Group to carry out its mandate.

32. The delegation of Australia was pleased to co-sponsor draft resolution A/C.3/31/L.26 submitted by the Netherlands.

33. Mr. VOICU (Romania) said that a careful analysis of the chapters of the Economic and Social Council report that dealt with social problems would make it clear that all the States of the world must devote themselves fully to building a new international order based on the fundamental principles of law and justice. The struggle of the peoples for the right of self-determination and national liberation, the untiring efforts to eliminate all forms of colonialism,

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(Mr. Voicu, Romania)

neo-colonialism, foreign aggression, racial discrimination and apartheid, the universal concern of the peoples for the elimination of injustice, and the body of measures designed to promote respect for human rights and fundamental freedoms were all specific elements which went into defining the social dimension of the new international order, a multidimensional phenomenon whose political, economic, legal and institutional components were indissolubly linked together.

34. His delegation would have liked those various aspects of the matter to be dealt with in a comprehensive manner as had been proposed in 1975 in two documents relating, respectively, to the New International Economic Order and to the strengthening of the role of the United Nations in international life (A/AC.173/3 and A/C.6/437). Thus, the discussion in the Third Committee dealing with the social aspects of the building of a new international order should be closely related to and supplemented by the discussion being carried on in other committees and bodies of the United Nations. He mentioned the example of the efficient and rational use of manpower, a topic which had been discussed by the ILO at an international conference and by both the Economic and Social Council and the Third Committee.

35. In his country's opinion, it was important for the human resources of the developing countries to be effectively used. Romania had therefore proposed, inter alia, that an appeal should be addressed to the Governments and to the employers' and trade-union organizations of the developed countries to give favourable consideration to requests from the developed countries for technical assistance, either without cost or under the most advantageous possible conditions, in the fields of manpower utilization as well as of other social problems.

36. Romania, as a developing socialist country, accorded special importance to the elaboration of national strategies in the areas of manpower utilization, income distribution, social progress and division of labour. The proper use of manpower was not only a salient feature of the present-day economy but also a decisive prerequisite for the advancement of a country along the road towards genuine social progress and a just and equitable distribution of its income. Therefore, in development planning and projections, the economic and social components must be regarded as an integrated entity as had been advocated by Romania in the most recent sessions of the Commission for Social Development and of the Economic and Social Council.

37. With respect to the strengthening of the role of the Council in promoting economic and social progress through the formulation of recommendations on international co-operation and to the machinery for putting those recommendations into effect, Romania considered that the Economic and Social Council, as a principal organ of the United Nations, should broaden the practice of convening sessions at the ministerial level and holding special sessions devoted to global economic and social themes of interest to all the Members of the United Nations. To that end, its functions in relation to its subsidiary organs and to the General

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(Mr. Voicu, Romania)

Assembly would have to be defined more clearly and precisely in order to eliminate any overlapping and to facilitate the more effective execution of the Council's mandate.

38. There were two fundamental sectors of the Council's social activity which required the adoption of institutional measures. To that end, Romania had already proposed that the activity of the Commission on the Status of Women should be improved and that a United Nations world council on youth problems should be established. His delegation reserved the right to refer again to those proposals during the discussion of the relevant agenda items.

39. He stressed the growing importance of adopting the decisions of the Economic and Social Council by consensus and said that Romania hoped the discussions now being held on the restructuring of the economic and social sectors of the United Nations system would result in expressly establishing the procedure of consensus as an instrument aimed at the effective democratization of the machinery for adopting Council decisions.

40. With reference to the situation of human rights in Chile, he recalled that on 12 September 1973, on Latin American soil, the General Secretary of the Romanian Communist Party, Mr. Nicolae Ceausescu, had been one of the first people to ~~condemn the reactionary coup d'état that had occurred in Chile and its~~ consequences. Since then the Romanian people had not ceased to give expression to their profound indignation at the overthrow of a constitutional, democratic and progressive Government. Similarly, they had expressed their deep solidarity with the patriotic, progressive and democratic forces of that country and their hope that the Chilean people would be able to recover all their rights and all their democratic freedoms, to restore the constitutional order and to secure respect for their will in their own country.

41. The Chilean people and their democratic representatives had always been able to count on the unwavering support of the Romanian people as well as on their hospitality, of which a large number of Chilean refugees were the beneficiaries. The position taken in that regard by the Romanian people was an indication of their militant solidarity with the revolutionary and progressive forces of Chile. In view of that position, his delegation supported the opinions which had been expressed in the Committee on the need for the immediate and complete restoration of human rights in Chile.

42. Mr. FAURIS (France) recalled that since the inclusion of the item on the situation of human rights in Chile in the agenda of the thirtieth session of the Commission on Human Rights, the Government of France had consistently joined in all appeals addressed to the authorities in Santiago to restore a normal situation. It had also appealed to mankind and to the clemency of the authorities in Chile on behalf of the persons whose physical and moral well-being was in danger because of their political activities, for in its view unknown militants warranted the same concern as prominent personalities. In particular, he said that France had voted in favour of resolution 8 (XXXI) of the Commission on Human Rights, under which, with the agreement of the Government of Chile, a Working

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(Mr. Fauris, France)

Group had been established to inquire into the present situation of human rights in Chile, and had voted regularly in favour of extending the mandate of the Group.

43. His delegation was dismayed at the obstacles which the Group had met with in carrying out its mission and it had learned with deep concern of the testimony gathered directly or indirectly which, it would appear, constituted grounds for serious presumptions of violations of human rights on the part of the Chilean authorities. It was not possible to accept reasons of State or of the struggle against subversion as an excuse justifying all the excesses committed. However, his delegation was not losing sight of the fact that some of the evidence had been explained or denied by the Government of Chile. Since disputed testimony could not be accepted as proof, it was particularly regrettable that the Working Group had not been able to go to Chile to verify the allegations for itself. His delegation reminded the Government of Chile of its promise to receive the Working Group in its territory and hoped that the difficulties would be overcome through a joint effort of goodwill.

44. In addition, it was clear that the United Nations had reached a dead end where that matter was concerned. His delegation would not try to define responsibilities, for the Committee could undertake to do so if it saw fit. It would confine itself to certain points. First of all, it had observed during the previous year that the report of the Working Group did not indicate with sufficient clarity whether there had been any improvement in the situation in Chile in comparison with the situation prevailing immediately after the events of September 1973. The report of the current year seemed to indicate that the situation had deteriorated, whereas information from other sources indicated the contrary. It would therefore appear that the Group's information in that connexion had not been adequate.

45. Secondly, his delegation could not fail to express its concern at certain interpretations of situations reflected by the Working Group in its report. While it could well understand the personal opinions of the Group in certain circumstances, since it shared the majority of them, it considered that the report was not the place in which to express them.

46. With respect to the state of siege, the appropriateness of which only the sovereign Government of the country concerned was competent to judge, as well as to the functioning of the judicial system or the formulation of juridical rules and regulations, it would not appear to be proper for United Nations experts to express views on the internal affairs of a Member State, views which, indeed, could be applied to other countries that were also Members of the United Nations. In that connexion, it should be remembered that the mandate given the Group by the Commission on Human Rights did not authorize it to institute a judicial inquiry, much less to set itself up as a court.

47. Finally, his delegation drew attention to the information concerning Chilean refugees. The figures in the report concerning the Chilean refugees in France were

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(Mr. Fauris, France)

much lower than the real figures; 1,524, whereas in reality there were 6,000 heads of families.

48. His delegation hoped that in the next report attention would be given to suggestions which it would be willing to make to the persons preparing the report if they should request it to do so. In view of the considerations he had mentioned, it was natural to compare the difficulties encountered by the Ad Hoc Working Group and the relative facility with which the investigating committees of the International Labour Organisation and the Organization of American States had been able to work in Chilean territory. Perhaps it would be advisable for the Ad Hoc Working Group to study the methods and conduct of those commissions and be guided by them.

49. By way of making an observation of a general character, he said his delegation felt that when a nation had been so profoundly divided it was impossible for the unity of the country to be achieved overnight. The Committee should not take positions on questions which were outside its competence, but it could express its conviction that the adoption of broad and generous measures by the Chilean authorities would help to facilitate the national reconciliation which was necessary if the difficulties confronting the country were to be overcome.

50. In that connexion, he said that his delegation took note with interest and hope of the official statement of the Government of Chile distributed by the Secretary-General in document A/C.3/31/11. The measures envisaged by the Government of Chile were steps in the right direction, but, to judge by the facts, there were still cases of violations of human rights and the Committee's task would not have been completed until they had entirely ceased.

51. His delegation was ready to join in all measures of a humanitarian character which the Committee might deem it advisable to adopt in that connexion.

52. Mr. PEDERSEN (Denmark) said that his delegation had sponsored draft resolution A/C.3/31/L.26 for obvious humanitarian reasons and also out of deep concern for the human beings who were reportedly being subjected to cruel and inhuman treatment in Chile.

53. His delegation had always supported the idea of sending an impartial fact-finding mission to Chile. It was regrettable that the Government of Chile, contrary to what it had originally accepted, had never allowed the Ad Hoc Working Group established by the United Nations Commission on Human Rights to visit Chile. The reasons given by the Government of Chile for the cancellation of the visit of that Group were in no way convincing and his delegation hoped that the appeal made to the Chilean Government in the draft resolution would be considered without further delay.

54. He wished to refer to the information that 304 detainees had been released by the Chilean authorities. That would be a positive response by the Chilean

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(Mr. Pedersen, Denmark)

Government to the appeal of the international community, and his delegation hoped that that action would be followed by further steps which would contribute to the full restoration of human rights in Chile.

55. Mr. BAHNEV (Bulgaria) said that he would confine his statement to the question of the massive violation of human rights in Chile and that his delegation reserved the right to speak again on other questions at an appropriate time. In reading the report of the Working Group, prepared in conformity with General Assembly resolution 3448 (XXX), the Bulgarian delegation had been struck by the fact that there had been no progress in halting the systematic violation of elementary human rights being practised in Chile as a result of the bloody coup d'état which had been organized with foreign help against the legitimate and democratic Government of Chile. There continued in power in Chile a fascist and tyrannical dictatorship, as had been clearly shown by the Cardinal Archbishop of Chile, Raúl Silva Henríquez, and the report of the Working Group, according to which it was calculated that 85 per cent of the Chilean population were opposed to the Junta and many of the inhabitants were being persecuted and prevented from participating in national life because of their political ideas, whether real or attributed. As had been pointed out by Mr. José Zalaquet, a Chilean lawyer who had defended political prisoners, so long as the Government could detain any persons without justification, indefinitely and without means of legal defence, it was impossible to speak of progress. The report of the Working Group stated that after the coup d'état there had been in Chile 11,000 detainees of which 6,000 continued to be detained and 2,000 had disappeared, solely in the province of Santiago. Some 50,000 persons had emigrated from the country because of political persecution, a figure which had been confirmed by the Chilean Minister of the Interior himself. The testimony and documents gathered by the Working Group showed that in Chile torture and other cruel treatment or punishment were being practised, contrary to what the Chilean authorities had maintained. A memorandum issued by the Chilean Church in April 1975 showed that in the province of Santiago there were eight torture centres and 17 of them in the country as a whole

56. The Junta tried to justify its conduct because of the state of siege. Governmental organizations such as DINA, whose existence was justified by no law, committed with impunity all kinds of reprehensible acts. The second report of the Organization of American States indicated that the campaign of persecution was directed mainly against trade union leaders, university intellectuals, students and teachers, and the leaders of parties opposed to the policy of the Junta. The Chilean people were living in a state of terror; in addition, the economic and social situation of the workers was precarious because of inflation, there was unemployment, and the allocations of funds for social welfare had decreased.

57. As the Secretary of Foreign Affairs of Bulgaria had stated before the General Assembly, world public opinion was shocked at the violations of human rights in Chile and it was time to take vigorous measures to put an end to the detention of Chilean patriots and to free the political prisoners. Bulgaria had always supported the struggle of the Chilean people against the tyranny of the Junta.

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(Mr. Bahnev, Bulgaria)

58. With regard to Article 2, paragraph 7 of the Charter of the United Nations, the General Assembly should make it absolutely clear that the violation of human rights and fundamental freedoms went beyond the limits of matters which were essentially within the internal jurisdiction of States. His delegation supported resolution 3448 (XXX) in which the General Assembly had condemned the violations of human rights and had recommended measures to assist in the re-establishment and implementation of those rights.

59. The General Assembly could now request, in particular, that the Chilean authorities cease using the state of siege for the purpose of violating human rights; that they should put an end to the practice of torture and other forms of cruel, inhuman or degrading treatment; that they should clarify the status of individuals who had disappeared for political reasons; that the Chilean Government should set free persons who had been arbitrarily detained without having charges brought against them; that trade union freedom should be restored; and that the mandate of the Ad Hoc Working Group, as presently constituted, should be extended.

60. Bulgaria was convinced that the United Nations should continue ceaselessly its efforts until they were crowned with success and until the pressure of world public opinion and the United Nations had a positive result. Finally, he announced that his delegation was one of the sponsors of draft resolution A/C.3/31/L.26.

61. Mr. KOMIVES (Hungary) said that the continuous and large-scale violations of human rights in Chile had caused consternation and given rise to vigorous protests among all progressive people. The States Members of the United Nations had expressed their concern in that respect in resolution 8 (XXXI) of the Commission on Human Rights, whereby they had set up the Ad Hoc Working Group to investigate the present situation of human rights in Chile. However, in spite of repeated and hypocritical statements of their willingness to receive the Working Group, the Chilean authorities had used different pretexts to deny them entry into Chile. Nevertheless, the Working Group had fulfilled its mandate as best it could, in spite of the difficulties. The report was based on the oral and written testimony of hundreds of persons of different nationalities, ages, creeds and political affiliations. The personal integrity of the members of the Working Group ensured an objective report which accurately reflected the situation in Chile. The authenticity of the report was also supported by the fact that its conclusions were in agreement with the findings of other international organizations.

62. The report revealed the full spectrum of suffering of the Chilean people now struggling in the grip of the fascist terror, and reflected the persecution and degradation to which the Chilean patriots were subjected. Particularly alarming was the fact that some 1,000 persons had disappeared in Chile during the last three years. Women and children, the most vulnerable members of the population, had also been tortured and imprisoned. In spite of all its efforts, the Chilean Military Junta had not been able to put forward facts to refute the conclusions of the Working Group. World public opinion could no longer be misled by ridiculous allegations that Chile was the victim of an international political conspiracy.

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(Mr. Komives, Hungary)

63. The Government and people of Hungary had always expressed sympathy and active solidarity with the heroic struggle of the Chilean people and Hungary was one of the countries which had provided a home for exiled Chilean citizens.

64. The Hungarian delegation firmly believed that the United Nations and especially the General Assembly was duty bound to condemn the flagrant and serious violations of human rights in Chile and to take effective steps, in the spirit of the Charter of the United Nations and of the Universal Declaration of Human Rights, with a view to the full implementation of the resolutions approved by the United Nations with respect to Chile. The aim must be to ensure that the Military Junta ended the state of siege, reported on the fate of missing persons, eliminated torture, freed all the political prisoners, and restored civil, political, economic and other rights throughout the country.

65. The draft resolution in document A/C.3/31/L.26 reflected the sincere concern of the overwhelming majority of States Members of the United Nations at the situation prevailing in Chile. It set forth clearly and unequivocally all the measures which the international community expected the Chilean authorities to take to restore and protect human rights. His delegation fully supported the provisions of that draft resolution.

66. Finally, his delegation reserved the right to make another statement, if necessary, during the debate on the part of the report of the Economic and Social Council dealing with human rights.

67. The CHAIRMAN suggested that Friday, 19 November, at 1 p.m. should be the time-limit for the completion of the list of speakers on the last part of item 12 dealing with human rights. If there were no objections, he would assume that the Committee agreed.

68. It was so decided.

The meeting rose at 1.05 p.m.