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

Letter dated 26 February 1975 from the representative
of the Byelorussian Soviet Socialist Republic on the
Commission on Human Rights addressed to the
Director of the Division of Human Rights

The delegation of the Byelorussian Soviet Socialist Republic at the
thirty-first session of the Commission on Human Rights has the honour to request
you to circulate the attached text of the concluding statement by the International
Commission of Enquiry into the Crimes of the Military Junta in Chile, which met in
Mexico City from 18 to 21 February 1975, as an official document of the Commission
on Human Rights in connexion with item 7 of the agenda for the thirty-first session.

(Signed) I. ANTONOVICH

Representative of the Byelorussian SSR
on the Commission on Human Rights

FD/7 APROBADO

INTERNATIONAL COMMISSION OF ENQUIRY
INTO THE CRIMES OF THE MILITARY JUNTA IN CHILE
3rd Session, Mexico City
February 18th-21st, 1975

CONCLUDING STATEMENT

During its Third Session in Mexico City from February 18-21, 1975, the International Commission of Enquiry into the Crimes of the Military Junta in Chile, scrutinized a very extensive body of evidence concerning the rule of the Military Junta in Chile. The Commission has heard a great number of witnesses from Chile, observers and experts from many different countries, and has examined reports, documents and other written items of proof as well as slides and films of great interest and value.

On the basis of the evidence placed before it and as its members are in agreement as to the need to expose and denounce the continuing lawlessness and cruelty of the dictatorial Military Junta in Chile, the Commission makes the following statement.

The overthrow of the constitutional government and the present state of the dictatorship

It has been established that the insurgent officers under the leadership of General Augusto Pinochet, who overthrew the legitimate Government of Chile and caused the death of President Salvador Allende, had been conspiring to commit high treason long in advance of September 11, 1973, the day of the military coup d'Etat.

The conspirators were determined to carry out their criminal intentions regardless of the expressed will of the Chilean people. The mass slaughter of defenceless and innocent citizens they unleashed after the coup was clearly deliberate and calculated to shock the Chilean people into submission to the military dictatorship.

The Junta has since maintained its strict dictatorship. The Unidad Popular Parties are still considered "enemies of the state", all other political parties have been suspended, and all political activity is severely suppressed by the Junta.

The Minister of Justice appointed by the Junta has mockingly stated that there should be one law for the political opponents of the Junta and another for the remainder of the population.

The "State of Siege"

On September 11, 1974, the unconstitutionally proclaimed "state of war" was suddenly declared terminated. Instead, Chile was now proclaimed to be under a "state of siege in the degree of internal defence". (Decree-laws Nos. 640 and 641) a formula hitherto unknown, and likewise unconstitutional, under which the ominous War Councils have retained the drastic powers intended for times of war.

The whole procedure was a mere play on words aimed at deceiving the strong public opinion which had forced the Junta to renounce the fictitious "state of war".

The miscarriage of justice

Rule of law has completely ceased to exist in Chile. The Supreme Court and the Courts of Appeal subserviently refuse to grant writs of habeas corpus - recurso de amparo - in cases of unlawful and arbitrary arrest.

Thus the War Councils continue to carry out their repression without restrictions. General Sergio Poblete, one of the defendants at the notorious Air Force trials who was badly tortured, testified to the astonishing modus operandi of the War Councils.

The trials are conducted without live testimony, the defendants' tortured confessions are used against them, and the Junta decrees are retroactively applied.

The disappearance of arrested persons

A particularly dismaying aspect of the terror in Chile now, is the disappearance of arrested persons. Religious organizations in Chile have been able to gather information on 60 to 70 such disappearances each month during the last half of 1974. The Junta authorities have refused to provide any information about them, for example, about David Silberman, who, according to various reports has been seen in appalling physical condition in camps and military institutions. However, as of February 13, 1975 there is no concrete evidence as to whether he is dead or alive.

The circumstances indicate that many of the missing persons have been murdered. The Commission, for example, has thus received evidence concerning Mr. Alfonso Carreño who was murdered in the infamous Air Force Academy. Two days after having denied that he was being held in detention the officers at the Academy delivered his body to his family.

Political prisoners

The release of Clodomiro Almeyda and other political prisoners as well as the decision of the Junta for the time being not to charge the leaders of the Unidad Popular and members of President Allende's government with high treason and other grave crimes is an important achievement of world public opinion, of the international movement of solidarity with the Chilean people and of the preventive action carried out by the Commission at the emergency session in Copenhagen.

Little solace can be taken from the release of prisoners since they are immediately banished from their country. This constitutes arbitrary punishment.

At the same time, the Commission must state that the situation of political prisoners is alarming. The Junta still holds a large number of political prisoners. Their number is estimated to exceed 8,000. Among them are many of the political leaders such as Luis Corvalán, Gustavo Ruz, Pedro Felipe Ramírez, Laura Allende, Aníbal Palma, Fernando Flores, José Cademartori and Bautista van Schouwen.

Arrests are continually being made. During December 1974 and January 1975, about 1,500 people were arrested for political reasons, as reported at the session.

World opinion forced the Junta to renounce its decision to try Unidad Popular leaders for "treason" and other grave crimes. The absurdity of the accusations was too obvious. Instead the Junta instituted formal proceedings against some members of the legitimate government of President Allende by falsely charging them with offences such as "embezzlement or "tax declaration irregularities".

The proceedings, which were described at the session by Judge Olavi Heinonen of the Supreme Court of Finland, who recently visited Chile, are apparently designed to discredit the defendants and to "justify" and extend their already excessive terms of confinement.

The overwhelming majority of the prisoners, however, have not been pressed with any charges, but are being detained for "preventive" reasons only and for indefinite terms of confinement. Their desperation and feeling of insecurity were demonstrated in a film clandestinely taken in the concentration camps of Pisagua and Chacabuca. About half of the detainees interviewed said that they had not been involved in politics and none of them knew why they had been arrested nor when they would be released.

A number of witnesses also described in detail the horrors of endless torture sessions. Their testimonies reveal a savage "ingenuity" in inflicting unbearable suffering upon the victims. Not only are the methods and tools shockingly cruel, but the victims are tortured regardless of age, sex or physical condition.

Disregard of economic and social rights

The usurpation of power by the Junta has stopped the process of social advance carried out during the three years of President Allende's government. The galloping inflation and extremely high unemployment has brought abject poverty to Chile. Thousands of Chileans who have been dismissed or forced to resign for political reasons or for association with trade unions have been left without work, stipulated compensation or pensions.

Despite serious financial difficulties the Junta has agreed to further compensate foreign corporations for nationalized property. At the same time the Junta has surrendered the economic independence of Chile, which President Allende's Government strove to secure, by granting extremely favourable conditions for foreign enterprises in Chile.

Thus the conspirators, who seized power so brutally on the alleged grounds that they would end the "economic chaos" which their subversive allies had caused, have completely failed to manage the country economically.

They have deprived all of the organizations representing the working people of the possibility of defending the interest of wage-earners and consumers. This has led to a ruthless exploitation of the Chilean people in the interest of industrialists and owners of capital who previously supported subversive aims and now operate to keep the conspirators in power.

Disregard of the rights of women and youth

Since the United Nations has proclaimed 1975 as the International Women's Year, the Commission has devoted particular interest to the situation of women in Chile under the Junta. After having heard the testimonies, it is clear to the Commission that the Junta is following a policy of direct and indirect violation of social and

economic rights of women. They are subjected to reprisal and are suffering as members of families and members of society. The social situation of women whose husbands have been killed or imprisoned is clearly desperate.

During the session particular attention was also drawn to the situation of youth and children. Testimony shows that youth and even children are not exempted from cruelty, a preferred means of repression by the Junta. The Commission was told of cases involving the torture and murder of young people.

In a document submitted to the Junta's "Social Council of Ministers" it has been estimated that over one million children in Chile are in need of the "protection" of the State, the majority of whom are living in "extreme poverty". The Junta has elaborated plans to have around 600,000 of these children in "irregular situation" subjected to "rehabilitation". A great number of these children came from families "in conflict with the established social order", a clear reference to children of former supporters of the Unidad Popular, who have been killed or imprisoned.

It has been proposed by the Junta that these children be taken to camps in the countryside or to special centres, for "correction" with clear ideological and political implications. The Commission is gravely concerned about these plans to manipulate the minds of the young generation in order to create obedient servants of the Junta.

Degradation and destruction of education and culture

Apart from the fact that education has been qualitatively impaired by the drastic reduction of staff, access to education is based on social and political discrimination. The Junta authorities instituted high university fees and required means of support as a condition for attending the university.

Tens of thousands of students have been suspended or expelled for political establishments are strictly regimented, controlled and headed by military personnel. Police patrol the university and plainclothes men and informers keep check on the students in classrooms and other places.

There have also been drastic changes in the curriculum. The social sciences have suffered drastically and a course of "internal security" has been made compulsory in higher education. The Junta also imposes its ideas of fascist nature and its perverted nationalism on the educational system.

These convictions are also reflected in the "culture" policy of the Junta. Invaluable objects of art such as murals and sculptures have been destroyed or removed, and millions of books including classic masterpieces have been burnt, thereby divesting the people of Chile of their cultural heritage.

United States interference in Chile

It has now been officially admitted that the CIA, with the authorization of the "Committee of Forty" in the National Security Council, a governmental body of the United States, was provided with at least 8 million dollars, worth four times as much on the Chilean black market, to assist subversive activities in Chile.

However, it is clear to the Commission that the highest government officials of the United States are actually withholding important information about their role in the Chilean coup. The subversive mission of the CIA, which has attracted most

public attention, is but the most tangible and sensational component in a well-co-ordinated and powerful scheme of subversion and economic strangulation of public United States institutions and United States multinational corporations by means of credit blockage and commercial reprisals in order to overthrow President Allende's government.

Circumstantial evidence, such as the appearance of United States officers in various strategic quarters in Chile, at the time of the coup and the direct involvement of the United States Navy also indicate United States complicity in the military coup itself. Thus, there is no doubt that United States interference effectively contributed to the overthrow of President Allende's government and the establishment of the military dictatorship.

This interference in the affairs of a sovereign state obviously violates the United Nations Charter and the principles of international law, and is a threat to the peaceful co-existence of States. No State may organize, assist, foment, finance or instigate subversive activity in another State. Nor can the international community tolerate subversive activity across the borders by private corporations.

Highest officials of the United States Government have endeavoured to justify the activities of the CIA and have indicated that a similar course of action cannot be ruled out in the future. Such abuse of power must be considered a most serious challenge to the international community.

It is significant, however, that the American Congress, supported by growing public opinion, has now taken the initiative to investigate the United States involvement in the tragic events in Chile.

Legal aspects

The systematic atrocities committed by and in the name of the Military Junta in Chile are crimes under domestic law for which the people of Chile will have to impose punishment with the severity they consider appropriate and just.

However, the terror in Chile is not only a matter for domestic law; it concerns the whole world, politically, morally and legally. The protection of human rights is a truly international concern.

There can thus be no doubt that the Military Junta can be held accountable by the community of nations for its widespread and systematic atrocities. The serious accusations made by various bodies of the United Nations, inter alia by the General Assembly, ECOSOC, the Commission on Human Rights and by the Inter-American Commission on Human Rights, the latter made as recently as November 21, 1974, provide conclusive evidence in this regard.

However, the Junta must not only be held accountable for its total disregard for the recognized humanitarian principles in general, but is further specifically bound by treaty commitments, e.g. by the two International Covenants on Human Rights, by the American Convention of Human Rights, and by conventions of the International Labour Organisation.

In the opinion of the Commission, these violations of human rights are so grave that it is reasonable to describe them as crimes against humanity.

The Junta members must bear a heavy responsibility under international law. They are obviously the main criminals in Chile. However, this does not relieve individual officers, soldiers and carabineros who have participated in torture and executions of their responsibility. The fact that they were acting under orders is not a legitimate excuse. The imminent threat of severe reprisal may be considered a mitigating circumstance in the individual case but the general rule is clear: subordinates shall not carry out criminal orders.

The total picture of evidence presented before the Commission reveals a regime of an openly terroristic nature. DINA, the Junta's secret police, enforces the terror of the Junta and its methods are comparable to those of the Gestapo. The multitude of crimes and the defiance of democracy demonstrated by the Junta, shows a distinct pattern. The use of barbaric terror as a political weapon, the instigating of public hate for working people, the undue concern for banks and industrialists, the extremely reactionary attitude towards culture, and the perverted national ideology, bear a clear resemblance to the dictatorships of Hitler and Mussolini.

The Commission can thus not find any other apt way to describe the features that emerge from the pattern of events, than as the features of a state of truly fascist nature.

With all it stands for, the Junta is a challenge to all mankind and a threat to the well-being and progress of nations, to which we must respond without hesitation and with all means at our disposal. Although a number of governments have severed diplomatic relations with Chile, and international organizations have also taken commendable positions, nevertheless the resolutions of the United Nations and other international organizations still await efficient implementation.

To this end, the Commission reiterates with even greater emphasis its previous appeals to all individuals and organizations, and to all governments and international bodies:

- to denounce the grave crimes committed by the Junta;
- to condemn the United States intervention in Chile;
- to stop all forms of support to the Junta immediately;
- to suspend all political and diplomatic relations with Chile;
- to end all trade and commercial relations with Chile;
- to isolate the Junta by all other means;
- to actively support the Chilean people by all means in their struggle to restore human rights, the rule of law and the constitutional form of government;
- to demand immediate and unconditional release of all political prisoners, the closure of all concentration camps, and the termination of the "State of Siege".