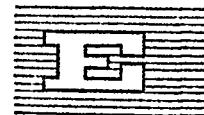
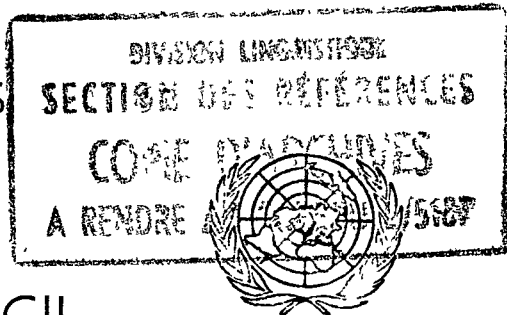


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QUESTION OF HUMAN RIGHTS IN CHILE

Report by the Chairman of the Board of Trustees of  
the United Nations Trust Fund for Chile

1. The General Assembly, on 20 December 1978, at its thirty-third session established by its resolution 33/174 the United Nations Trust Fund for Chile. The purpose of this voluntary fund is to receive contributions and distribute, through established channels of assistance, humanitarian, legal and financial aid to persons whose human rights have been violated by detention or imprisonment in Chile, to those forced to leave the country and to relatives of persons in the above-mentioned categories.
2. The United Nations Trust Fund for Chile is administered in accordance with the Financial Regulations of the United Nations by the Secretary-General with the advice of a Board of Trustees, composed of a chairman and four members with wide experience of the situation in Chile. The chairman and members of the Board of Trustees are appointed by the Secretary-General with due regard to equitable geographical distribution and in consultation with their Government, to serve for a three year term. In the resolution establishing the Fund, the Assembly appealed to Member States to respond favourably to requests for contributions to the Fund.
3. The Commission on Human Rights, on 6 March 1979, at its thirty-fifth session adopted resolution 11 (XXXV), in which it welcomed the decision of the General Assembly to establish the United Nations Trust Fund for Chile and decided to invite the Chairman of the Board of Trustees to submit a written report, on behalf of the Board, to the Commission on the operation of the Fund. The present report is submitted to the Commission on Human Rights at its thirty-sixth session pursuant to that resolution.
4. On 14 August 1979, the Secretary-General announced that he had appointed the following persons to serve for a three-year term on the Board of Trustees of the United Nations Trust Fund: Mr. Ghulam Ali Allana (Pakistan) Chairman, Mr. Leopoldo Benites (Ecuador), Mr. Hans Danellius (Sweden), Mrs. Marian J.T. Kamara (Sierra Leone) and Mr. Adam Lopatka (Poland). Board members serve in their personal capacity. By a letter dated 12 September 1979, Mr. Benites submitted to the Secretary-General his resignation from the Board of Trustees. On 1 February 1980 it was announced that the Secretary-General had appointed Mr. Simón Alberto Consalvi (Venezuela) to serve on the Board of Trustees for the remainder of the three-year term initiated by Mr. Benites.

5. The Board of Trustees held its first session at United Nations Headquarters from 20 to 24 August 1979 and its second session from 4 to 8 February 1980 at Geneva. During these sessions the Board considered, inter alia, its programme and methodology of soliciting voluntary contributions, and the programme of future activities of the Fund. The Board met during its first and second sessions with representatives of UNHCR, UNESCO, UNICEF, UNDP, ILO, ICEM and private organizations in order to discuss the needs of the persons within the Fund's area of competence and possible programmes of assistance.

6. The Board also reviewed during its two sessions the situation of persons likely to fall within the Fund's area of competence. It concluded that there is an urgent need to provide the assistance called for by the General Assembly and resolved to do so in a purely humanitarian spirit, free from all political consideration. The Board found that the information available to it showed that many persons whose human rights had been violated by detention or imprisonment as well as members of their families and also the families of missing persons live in very distressing conditions. They suffer hardships of an economic, social, physical and psychological nature. Similar difficulties are encountered by those forced to live outside Chile as exiles.

7. In order to obtain the funds necessary to provide the assistance called for by the Assembly, the Board of Trustees decided, at its first session, to appeal to all States, selected intergovernmental organizations, non-governmental organizations, private organizations and individuals for contributions to the Fund. The Board requested the Secretary-General to appeal to Member States to respond favourably to its request for contributions, which the Secretary-General did in a letter dated 28 September 1979. The Board wishes to express its deep appreciation to the Secretary-General for having made his appeal on behalf of the Fund. At its second session, the Board, noting the General Assembly's call for contributions in its resolution 34/176 and the urgent needs of the persons falling within the Fund's field of competence, decided to renew its appeal to Member States and intergovernmental and other organizations, to contribute to the Trust Fund.

8. At its first session, the Board decided that in the Fund's future programme of assistance priority would be given to the following areas of activities:

Humanitarian, legal and financial aid, including nutritional, educational, medical and psychological assistance to persons who have been or are being detained, members of their family, especially young children, family members of missing persons and persons returning to Chile from exile is urgently needed. The Board noted the studies which showed that psychological assistance is needed by persons detained or ill-treated, their families, the families of missing persons, and persons returning to their country after extended forced residence abroad.

Special attention will be given to the creation of employment opportunities and the establishment of training programmes for former detainees, and families of detainees and former detainees, families of missing persons and persons returning to Chile.

Scholarships may also be made available for studies within Chile and in other countries for young persons within the area of competence of the Fund.

Attention must also be given to the special hardships faced by the intellectuals and professionals among the detainees or former detainees or persons forced to leave their country.

9. At its second session, the Board decided that, of the limited funds which had been contributed, first priority would be given to assistance to those persons within Chile who fall within the Fund's terms of reference, and that subsequently consideration would be given to those forced to live outside Chile.

10. As at 8 February 1980 the following contributions, pledges of contributions or announcements of the intention to make contributions have been made:

Cyprus	\$US 1,000	Contribution
Denmark	\$US 25,000	Contribution
Philippines	\$US 250	Contribution
Sweden	\$US 50,000	Pledge
Netherlands	\$US 50,000	Announcement
Norway	\$US 25,000	Announcement

11. The Board wishes to thank the above-mentioned States which have made contributions to the Fund, thus enabling the Board to begin its humanitarian activities.

12. The reports submitted to the thirty-fourth session of the General Assembly by the Special Rapporteur on the situation of human rights in Chile, 1/ and the Expert on the Question of the Fate of Missing and Disappeared Persons in Chile 2/ contain valuable information about the situation of persons falling within the competence of the Trust Fund - persons whose human rights have been violated by detention or imprisonment in Chile, persons forced to leave the country and the relatives of persons in both categories. Further, that information also shows the serious hardships of an economic, social, physical and psychological nature suffered by those persons.

13. On the basis of the information contained in these two reports, as well as other information that has become available to the Board of Trustees, the Board is convinced that there is an urgent and imperative need to provide immediate assistance to persons falling within the competence of the Trust Fund.

14. The General Assembly at its thirty-fourth session, after having considered the reports of the Special Rapporteur and of the Expert on the Question of the Fate of Missing and Disappeared Persons in Chile and the information supplied by the Government of Chile, 3/ adopted resolution 34/179 entitled "Human Rights in Chile" in which the Assembly noted that the conclusions of both reports indicate that generally the situation of human rights has not improved, and in a number of areas has even deteriorated, compared with that described in the last report of the Ad Hoc Working Group on Chile. In that resolution the Assembly expressed its grave concern that there has been a deterioration in a number of areas, notably in relation to, inter alia, an increase in the arbitrary powers of security agencies; cases of torture, ill-treatment and unexplained deaths; and, the presumption of innocence of accused persons. The Assembly strongly urged the

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1/ A/34/583.

2/ A/34/583/Add.1.

3/ A/C.3/34/12.

Chilean authorities to, inter alia, allow their citizens freely to enter and leave the country. With regard to missing persons the Assembly in resolution 34/179 noted with particular concern that the Chilean authorities have failed to take the urgent and effective measures the Assembly had requested in 1978 to investigate and clarify the fate of persons reported to have disappeared for political reasons. The Assembly expressed its deep concern over the missing persons in Chile and urged the Chilean authorities to investigate and clarify the fate of persons reported to have disappeared for political reasons, to inform relatives of the outcome, and to institute criminal proceedings against those responsible for such disappearances and to punish those found guilty.

15. It is clear that there is an even more urgent need for the international community, through the United Nations Trust Fund for Chile, to respond to the legitimate needs of Chileans whose human rights have been violated by detention and imprisonment, those forced to live outside their country and the relatives of persons in those categories. Further, the information presented to the Board of Trustees demonstrates the serious, long-term and substantial damage suffered by these persons as a result of the violations of their human rights. The realization of the current need to assist these persons in Chile was reflected in General Assembly resolution 34/176 in which the Assembly appealed to the Member States to respond favourably to the request for contributions to the Fund. Further, it should also be noted that the Parliamentary Assembly of the Council of Europe adopted a recommendation at meetings held at Stockholm from 26 to 29 June 1979 in which the Assembly recommended that the Committee of Ministers of the Council of Europe should invite the Governments of Member States, inter alia, "to contribute to the voluntary fund for humanitarian, legal and financial aid to Chilean detainees and refugees and their families, set up by the General Assembly of the United Nations on recommendation of the Economic and Social Council". 4/

16. The Secretary-General in his message to the first session of the Board of Trustees stated that "The United Nations Trust Fund for Chile is an excellent opportunity to demonstrate to the peoples of the world that the United Nations, in addition to its role as the conscience of mankind in promoting respect for human rights and fundamental freedom, is able to respond in a concrete way to the needs arising from violations of human rights". The Fund is a first step in this vital but virtually unexplored field of providing assistance to persons in order to aid them to overcome the effects of violations of human rights.

17. A number of States, in speeches within bodies of the United Nations and in information transmitted to the Board of Trustees, have expressed the wish to see the Trust Fund enlarge its scope to cover victims of violations of human rights throughout the world. However, it is not for the Board of Trustees to express an opinion on this point.

18. Be that as it may, it is only prudent to succeed first in the limited field presently assigned to the Fund. It is thus in a way the responsibility of all States to assist the existing Trust Fund with substantial contributions, so that the objectives for which it was established may be fulfilled.

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4/ See Council of Europe document AS/PER(31) PV.1 of 24 August 1979.