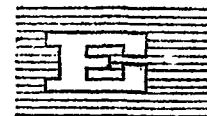


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COMMISSION ON HUMAN RIGHTS

Thirty-eighth session

SUMMARY RECORD OF THE 41st MEETING

held at the Palais des Nations, Geneva,
on Monday, 1 March 1982, at 10 a.m.

Chairman: Mr. GARVALOV (Bulgaria)

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Question of human rights in Chile (continued)

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The meeting was called to order at 10.25 a.m.

QUESTION OF HUMAN RIGHTS IN CHILE (agenda item 5) (continued) (E/CN.4/1484; E/CN.4/1982/NGO/1 and Add.1; E/CN.4/1982/NGO/14; E/CN.4/1982/NGO/18; E/CN.4/1982/NGO/19; E/CN.4/1982/NGO/28; A/36/594)

1. Mr. JESS JANI (Zimbabwe) said that, by signing the Charter, the Universal Declaration of Human Rights and the International Covenants, Chile had entered into a firm commitment to protect the interests and the lives of its nationals. However, ever since 1973, a year which had marked the end of a long democratic tradition and the proclamation of an exceptional state of emergency, officially due to threats to internal peace, that country had known only fear, persecution, arbitrary detention and murder, as a result of the abrogation of the rule of law by an autocratic régime founded on complete moral anarchy.
2. The various reports submitted to the Commission revealed the fiction of a perpetual threat to the State, the inhuman and degrading treatment of the population by the security agencies and the absence of any recourse to due process of law. That situation conjured up memories of the policies and practices of nazism and fascism in the 1940s. The current Chilean régime was characterized by the lack of any respect for the political, economic, social, cultural and legal rights of the Chilean population.
3. The Chilean Government should realize that attempts to justify massive repression by invoking special emergency powers did not convince the international law-abiding community. A slight decline in the number of arrests was not enough. The Government should make structural changes and make its police agencies accountable.
4. Moreover, a multitude of sources, including the international press, had reported the strengthening of the ties between Pretoria and Santiago, Chile. The arms traffic and the exchange of information, qualified military personnel and modern technology between the two countries were a source of justified concern, since they, too, recalled the alliances of the Second World War. The role played by Chilean mercenaries in the unprovoked aggression by South Africa against Angola had been amply documented. It was the duty of the international community to eliminate the threat to the security of southern Africa posed by that iniquitous alliance, which had been concluded for the sole purpose of better organizing repression and oppression.
5. Mr. GIAMBRUNO (Uruguay) said he wished to commend the Special Rapporteur for his balance, experience and impartiality. However, the Uruguayan Government had certain reservations concerning the way in which the Commission had tackled the problem of Chile. After all, the Government of Chile had agreed to receive a mission from the Commission to examine the situation of human rights in the country - one of the few Governments to take such action. It might have been thought, therefore, that the willingness of the Government to co-operate would have had some results; unfortunately, the mission of the Commission had not been enough; it had been necessary to appoint a Special Rapporteur, and the Chilean Government had subsequently refused to participate in the discussions concerning it. The Commission had always recognized that in all cases of violations, the only way to achieve results was to use all possible means to obtain the co-operation of Governments. That being so, it might be asked whether all those means had been considered, and it was

regrettable that the Special Rapporteur had had to draft his report on the basis of secondary sources of information. His delegation therefore proposed that a further attempt should be made to obtain the co-operation of the Chilean Government, without which it would be impossible to work successfully for the promotion of human rights in that country.

6. With regard to one of the problems which was of the greatest concern to the Commission and to international public opinion, that of disappearances, certain improvements had been noted after the Chilean Government had invited the International Committee of the Red Cross to visit the country and had set up a permanent body to supply information about disappearances.

7. The Special Rapporteur stated that existing Chilean legislation was preventing the realization of human rights in Chile. It should not be forgotten, however, that the Chilean Constitution had been approved on 11 September 1981 by 70 per cent of the population and that the international press had not reported any irregularity in that plebiscite.

8. Concerning individuals arrested as a result of the violence which had been rife in Chile, as in many countries on the Latin American continent, it was reported that 218 such persons were currently being prosecuted but that only 137 were still in prison, the others having been released on bail. According to the latest reports of the Special Rapporteur, the number of detainees was also declining, as could be seen from paragraph 36 of document E/CN.4/1484. There had therefore been some progress, although it was not acknowledged in the report. The report did, however, note that there had been a decline in complaints of ill-treatment, with 71 in 1981 as opposed to 100 in 1980. That could mean that the security agencies were making less use of torture and that they were being more closely controlled by the Government.

9. That analysis showed that it was the Commission's duty to try to re-establish the dialogue with the Chilean Government in order better to defend human rights in that country. It would also be desirable to cease discussion of the question of human rights in Chile as a separate item on the agenda, and instead to deal with it under item 12, an idea which had been put forward by several delegations in the Commission's Working Group. That would not mean that the question would no longer be given all the attention which it deserved, but merely that it would no longer be the subject of a specific review. In that way, the Commission would show that it was working without any political motivation and was only interested in situations constituting a threat to human rights. That decision could also have the effect of inducing the Chilean Government to offer the Commission its co-operation, without which the Commission might not obtain the success hoped for.

10. Mr. SOLA VILA (Cuba), after commending the Special Rapporteur for his report, which was comprehensive, precise and objective, said that ever since 11 September 1973 and the fascist military coup d'état which had taken the life of President Allende, the international community had been obliged to note the flagrant violations of human rights in Chile. With the creation of the United Nations following the Second World War, mankind had thought itself to be at the dawn of an era of peace and co-operation between nations, but all the crimes of the Hitler era had been repeated under the fascist rule of the Chilean authorities.

11. The Chilean Government had had many opportunities to give concrete expression to its "desire to co-operate", but had never done so, either with the Ad Hoc Working Group, on the occasion of the disappearance of political prisoners in Chile, or later. It would be illusory to believe that the Chilean Junta would be more "co-operative" if the question of human rights in Chile ceased to be the subject of a special item on the Commission's agenda, since the Special Rapporteur's latest report provided irrefutable evidence that violations of human rights in that country were only becoming worse. By adopting such a measure, the Commission would also in some way be deserting the Chilean people, the democratic organizations and the Chilean Catholic Church, which were endeavouring to restore freedoms in Chile, and would be bowing to the unconcealed aspirations of the United States, which was only trying to support the Chilean dictator, as it had proved by voting against the draft resolution condemning Chilean fascism which had been submitted to the General Assembly at its latest session.

12. Only by specific action could the Chilean authorities prove their willingness to co-operate, as, for example, by abolishing the state of emergency which had been in force for eight and a half years, by authorizing the return of exiles, by dissolving the Directorate of National Intelligence (DINA) which today was the National Information Agency (CNI), by providing information about the situation of political prisoners who had disappeared and punishing those responsible, by shedding light on the assassination in Washington of Orlando Letelier and Mrs. Ronnie Hoffit, a United States national, and by putting an end to torture.

13. Since 1 January 1982, there had been further developments in the human rights situation in Chile. On 6 January, the Santiago Court, by virtue of an amnesty decree of 1978, had dismissed proceedings against 15 carabineros charged with executing and burying 19 persons. In mid-January, Mr. Leandro Arrabia had been reported missing and had later been found dead in a house in Santiago. A former trade union official, Mr. Jaime Alfredo Riquelme, had disappeared, and following an application for habeas corpus submitted by his mother to the Santiago Court of Appeal, the civil police and the National Information Agency had denied the existence of a warrant for his arrest. On 20 January, two leaders of the "Peace and Justice" organization, which was a subsidiary organ of the Chilean Catholic Church, had been arrested in Santiago by armed civilians without any official warrant. On 7 January, the Santiago Court of Appeal had rescinded the conditional release of five persons, whom he named, including two members of the Chilean Commission on Human Rights. Fifteen students at the University of Santiago and 38 "Mapuche" farmers had been arrested on 1 February at a meeting about farmers' problems on account of terrorist activities. According to all the international press agencies, on 25 January, about 30 persons had been arrested by special police forces at the funeral of Eduardo Frei, the former Christian Democrat leader. On 27 January the Archbishopric of Santiago had officially denounced the arrest and torture of an Italian priest, Alfonso Florlarcher. On 4 February, the Chilean Commission on Human Rights had stated that persons detained by the security agencies were still being tortured, with the collaboration of doctors and members of the health services, and had denounced all the tragic consequences which those acts of torture might have for the detainees, their families and society in general.

14. Lastly, he referred in detail to the recent assassination of the President of the National Association of Financial Services Employees, Mr. Tucapel Jimenez, a Social Democrat leader and activist of international repute; he had been due to attend an important trade union meeting, which he himself had organized, but he had been found with his throat slit, not far from Santiago, and that assassination had been disguised as an ordinary offence. Many national and international trade union organizations were convinced that the murder had been committed in an attempt to terrorize trade union leaders.
15. In the face of so much evidence, the Commission should redouble its efforts to restore in Chile the fundamental human rights which had been abolished since September 1973. In his report, the Special Rapporteur described the hell which Pinochet had created for the entire Chilean population. It was the Commission's duty to renew the Special Rapporteur's mandate so as to enable him to continue his work and not to dash the hopes of the Chilean people.
16. Mr. KALINOWSKI (Poland) said he was concerned to note from the reports prepared by the Special Rapporteur (E/CN.4/1484 and A/36/594) that the human rights situation in Chile, far from improving, had in certain respects deteriorated. In particular, his delegation wished to draw the Commission's attention to the genocidal methods used by the Pinochet régime against its political opponents. The Commission and world public opinion had to condemn those crimes, the more so since Chile was a party to international human rights instruments which all recognized the right to life as the most important basic right.
17. His delegation was likewise concerned about the conditions in which political prisoners were held; such prisoners were subjected to torture and other inhuman and degrading treatment in establishments where they were confined together with ordinary criminals.
18. The Commission must not allow itself to be discouraged by the indifference which the Chilean régime displayed towards it. It had a moral duty and a responsibility to continue to inform world public opinion about the human rights situation in Chile. His delegation was therefore in favour of extending the mandate of the Special Rapporteur for another year and would vote in favour of any resolution to that effect.
19. Mr. GONZALEZ de LEON (Mexico) said he was grateful to the Special Rapporteur for having once more presented an objective and specific report on the question of human rights in Chile (E/CN.4/1484). He subscribed to its concluding observations, which were a kind of inventory of the principal violations of human rights and fundamental freedoms continuing to be committed in Chile. His delegation was particularly concerned to note that, at the same time as the whole country's political, legal, economic and social structures were being dismantled, the Chilean people, forced to submit to a dictatorial, oppressive and degrading régime, was in a state of moral collapse. His country was all the more concerned because the same kind of régime had contaminated Europe in the 1930s, with consequences familiar to all.
20. Chile, like South Africa, treated international legal instruments on human rights with contempt. The Commission and other United Nations bodies must therefore continue to study the human rights situation in Chile as they had done hitherto.

21. Mr. de SOUZA (France) said that the human rights situation in Chile, as described by the Special Rapporteur in his latest report (E/CN.4/1484) was deplorable and had already lasted for seven years. The Chilean authorities had maintained a state of emergency since 1973, although it no longer appeared to have any justification, and they were continuing to restrict and violate human rights, in particular the rights of their political opponents, within a new constitutional and institutional framework. His delegation was particularly concerned at the precarious position of those in Chile who dared to speak up in defence of human rights; it was outraged by the evidence of torture, maltreatment, repression of trade union activities, perversion of the course of justice, acts of intimidation and erosion of institutional guarantees.

22. His delegation, which appreciated the seriousness, objectivity and impartiality with which the Commission studied the question of human rights in Chile, and which noted that the Commission had always endeavoured to obtain the co-operation of the Chilean authorities, was extremely disappointed by the slowness of the normalization process in Chile. The Commission must therefore show its determination to protect human rights in Chile and affirm its wish to see those rights restored. It must call upon the Chilean Government to honour the international commitments which it had freely contracted; his delegation was therefore in favour of extending the Special Rapporteur's mandate until convincing evidence was forthcoming in that respect.

23. His delegation had welcomed the Commission's decision at its previous session to recommend that the United Nations Fund for Chile should become a United Nations voluntary fund for victims of torture; that was a sign that the Commission was taking care not to single Chile out for special treatment.

24. Mr. FRAMBACH (Observer for the German Democratic Republic) said he was profoundly dismayed to note from the Special Rapporteur's report (E/CN.4/1484) that the human rights situation in Chile was worsening in certain respects.

25. The coming into force of the sham constitution in March 1981 had destroyed the last remaining illusions about a gradual democratization in Chile. On the contrary, the fascist Junta had snubbed the United Nations; it had declared that it would neither permit any liberalization of Chile's political life nor admit political parties and that it would continue to govern by emergency legislation as in time of war; it had reinforced the fascist repressive laws instead of repealing them; a number of so-called provisional military decrees had been given the status of "official exceptional laws" which allowed opponents of the régime to be imprisoned or banished for up to 540 days without a judicial decision being required; since January 1981, almost 1,000 people had been arrested; the practice of torture continued on a massive scale; in mid-December 1981, some detainees had been victims of poisoning, and hunger strikes had taken place in a number of prisons; the social situation in Chile was deteriorating, and the percentage of unemployed persons among those of employable age exceeded 20 per cent; in September 1981, the state of emergency had been prolonged for another six months.

26. In those circumstances, the Commission could not fail to condemn the régime in Chile once again for its acts of terrorism. That régime enjoyed the support of outside forces which, for political motives or reasons of profit, had every interest in its continued existence. His delegation had noted with concern that imperialist States had lately begun to lift the sanctions which had been imposed on the Chilean régime and were even supplying it with weapons.

27. The Government and people of the German Democratic Republic would continue to do their utmost to expand and deepen their solidarity with the Chilean people so that it could recover its right to self-determination.

28. Mr. SZELEI (Observer for Hungary) noted that the Chilean people had been living under the most brutal terror for the ninth consecutive year; that could not be accepted by justice-loving people. His Government resolutely condemned the flagrant and systematic violations of human rights which were being wilfully and institutionally committed by General Pinochet's Junta. That situation was very clearly revealed in document E/CN.4/1484, which supplemented the report (A/36/594) submitted to the General Assembly at its latest session. The Special Rapporteur provided detailed information for the past year despite the continued lack of co-operation by the Chilean authorities. That information showed that there was not a single category of human rights and fundamental freedoms which was respected in Chile; even the right to life was constantly threatened and violated by the Pinochet régime. The Special Rapporteur mentioned the arbitrary detention and maltreatment which had in many cases been inflicted on women, including pregnant women, and on children and elderly persons. He had further noted a fresh increase in unemployment and the simultaneous adoption of legislation abolishing various safeguards for the economic and social rights of workers.

29. His delegation believed the Chilean authorities could not possibly disregard the calls of the United Nations and world public opinion without the support of certain protectors who otherwise sought to lecture others about human rights. At the thirty-sixth session of the General Assembly, his delegation had voted in favour of resolution 36/157, dealing with the human rights situation in Chile. In keeping with that resolution and the relevant resolutions of the Commission, his delegation unreservedly supported current efforts to put an end to the violations of human rights in Chile and to ensure that the international legal instruments on human rights of which Chile was a signatory, as well as the resolutions of the United Nations, were applied in that country. Consequently, his delegation supported the extension of the Special Rapporteur's mandate.

30. Mr. ABUREZK (International Indian Treaty Council) said that his organization, which had category II consultative status with the Economic and Social Council, represented 98 Indian nations in the western hemisphere. He recalled that Mr. Dièye, the Special Rapporteur, had referred to the situation of the Indian populations of Chile in his report to the General Assembly (A/36/594) and in his report to the Commission (E/CN.4/1484).

31. For many years, the International Indian Treaty Council had observed in particular the violations of the political, economic, cultural and social rights of the Mapuche Indians. Unfortunately, he had to denounce once again the application to that people of Decree-Law No. 2568, which was frighteningly reminiscent of the Indian Allotment Act applied to the Indian peoples of the United States at the end of the nineteenth century and the beginning of the twentieth century. The object of that Decree-Law was to divide the Mapuche lands into separate little lots which would break up the traditional life-style and impose on the Mapuches individualist values that were alien to them. There was a danger that that would cause not only their traditions, but also their culture and language to disappear. In order to influence the Mapuches, the Chilean Government offered gifts, in particular houses of a type equally alien to their traditions.

32. He also pointed out that 38 Mapuches and 15 other persons, students, had been arrested on 1 February 1982 at Cautín, accused of promoting terrorist activities, as had been stated in document E/CN.4/1982/NGO/28.

33. Generally speaking, the last eight years in Chile had seen a worsening of poverty and hunger among the Indians and the loss of their lands. In the north of the country, the Aymaras were in danger of losing something as essential as water as a result of the activities of mining companies. His organization wished to reaffirm the right of that people to exist as a people, with their own language, their own traditions and their own culture. His organization was also concerned at murders reminiscent of those of the Mafia. For example, Mr. Hernán Correa Ortíz had been shot in the back and then riddled with bullets from automatic weapons while he was out walking with his children; the police had lied in claiming that he had died in an exchange of gunfire with police officers.

34. His organization demanded the abrogation of Decree-Law No. 2568, the release of all Mapuche and Chilean political prisoners, the punishment of those guilty of committing torture, and the recognition of the political, economic, cultural and social rights of the Chilean Indians. It hoped that the Commission would renew the mandate of the Special Rapporteur and that the Special Rapporteur would bring up the situation of the Indian populations in his next report.

35. Mr. HULBERT (World Student Christian Federation), referring to document E/CN.4/1982/NGO/18, which contained a declaration by his organization on violations of human rights in Chile, said that the Government of that country was persecuting people who were combating violations of human rights by claiming falsely that they were in possession of arms and that they wanted to upset law and order by violent means. Knowing that to be false, his organization, which had been assisting refugees and persecuted persons in Chile since 1973, wished to plead the cause of the individuals named in document E/CN.4/1982/NGO/18, to wit: Mrs. Alicia Sanhueza, her son Francisco Javier and daughter Alicia, Mr. Fernando Martínez and Mr. Jorge Andrade, Mr. Francisco Araya, Mr. Christian Biron, Mr. Luis Tirso, Mr. Jorge Leiva, Mr. Luis Reyes, Mr. Ramon Piña, Mr. Germán Molina, Mr. Pablo Fuenzalida, Mr. Sergio Aguilo, Mr. Luis Eugenio Diaz, Mr. Rodrigo González, Mr. Jorge Osorio and Mr. Domingo Namancura.

36. The World Student Christian Federation (WSCF) wished to speak in general for everyone who thirsted for justice in Chile. The Government of that country had ratified various covenants, treaties and declarations regarding human rights, but the arrests and tortures which had taken place during the past four months were all violations of those instruments. He would go into greater detail concerning the cases of three of the people named, whom his organization had received in its Geneva offices during the past two years.

37. Mr. Germán Molina, a lawyer and founder and Secretary for National Affairs of the Chilean Commission on Human Rights, was also the executive secretary in Chile of the World University Service, an organization founded by WSCF. He had been subjected to psychological torture, humiliation and beatings, as was stated in document E/CN.4/1982/NGO/18. As for Mr. Jorge Osorio and Mr. Domingo Namancura, who were also named in that document, they had been members of SERPAJ (the Service of Justice and Peace) created by Mr. Perez Esquivel, the Nobel Peace Prize Winner. Mr. Osorio had been kidnapped by security agents in November 1981; he and his family had been threatened and fraudulently deprived of SERPAJ funds; he had been freed and then arrested again on 20 January 1982. Mr. Namancura, a founder member and executive secretary of SERPAJ, had been arrested on the same day. Those persons, as well as the others mentioned earlier, were still being held at the Public Penitentiary of Santiago in Pedro Montt Avenue. He emphasized that they were non-violent people who sought only the truth. He asked the Commission to take up their cause and the cause of all those who were suffering persecution in the world today.

38. Mrs. GRAF (International League for the Rights and Liberation of Peoples) said that since September 1973 her organization had been very concerned by the violation in Chile of the rights recognized in the Universal Declaration of Human Rights and in the International Covenants, as well as in the Universal Declaration of the Rights of Peoples adopted by her organization in Algiers on 4 June 1976. All objective information, and in particular that provided by the Special Rapporteur, confirmed that there had been no positive development in the situation: no democratic progress, no liberalization, no opening which allowed the Chilean people to participate freely and fully in public affairs. In particular, the members of the National Security Council were not elected. In addition to the violations of civil and political rights, there was a serious economic and social decline: workers' incomes had decreased by 60 per cent, a so-called minimum employment plan forced more than 200,000 people to work for the equivalent of \$30 a month, and a quarter of the economically active population was out of work. Mention must also be made of the situation of the thousands of Chilean exiles scattered abroad who were encountering all kinds of family, cultural, economic, emotional and other problems, to whom the Chilean authorities should be giving the benefit of article 13 of the Universal Declaration of Human Rights.

39. If the Chilean authorities wished to co-operate with the United Nations, they ought to take the steps called for by the Organization and in particular by the Commission: i.e., lift the state of emergency, restore democratic institutions and constitutional guarantees, do away with arbitrary detention, torture and other forms of cruel, inhuman or degrading treatment, clarify the fate of those who had disappeared,

restore trade union rights and the freedom of assembly and association, terminate the practice of banishment to inhospitable areas, etc. Pending such co-operation, her organization requested the Commission on Human Rights to continue following the human rights situation in Chile vigilantly, using all the means available to it. In conclusion, she quoted paragraph 30 of the Universal Declaration of the Rights of Peoples adopted by her organization, which stated that when the fundamental rights of a people were seriously flouted, their restoration became a duty for all the members of the international community.

40. Mr. ARTUCIO (International Commission of Jurists) said that the entry into force, on 11 March 1981, of a new Constitution drawn up without popular participation and approved by a plebiscite lacking the most elementary democratic guarantees represented a danger for human rights in Chile. That Constitution included both permanent and transitional provisions. The latter gave the President of the Republic exceptional powers, including that of denying Chilean nationals access to the country and expelling people accused of acts held to be "contrary to the interests of Chile", without any kind of legal remedy being available; that of banishing people to inhospitable areas of the country; that of suspending or restricting the right of assembly or freedom of information; and that of arresting people without a judicial warrant. The new Constitution thus conferred on General Pinochet powers going beyond the administrative sphere and extending into the legislative and even the judicial fields; General Pinochet had in fact used and continued to use those exceptional powers.

41. In paragraph 184 of his report (E/CN.4/1484), the Special Rapporteur emphasized that "the will of the people has been supplanted by the authority of the President and of the armed forces". He also affirmed that there was no exceptional situation in the country to justify the state of emergency and the restrictions imposed on the enjoyment of human rights. Paragraphs 35 to 37 of the report noted numerous arrests carried out by the authorities without a warrant; the people arrested were kept incommunicado in secret places and their detention was extended beyond the period authorized by the Constitution itself. In addition, the Chilean régime was continuing the practice of bringing political suspects before courts martial although the country was not at war. Since March 1981, the operation of those courts martial had been governed by Decree-Law No. 3655; a number of individuals had recently been convicted by them. Torture was still a common practice, and he cited the cases of Germán Molina, Pablo Fuenzalida and Eugenio Diaz, human rights activists who had had a hand in founding the Chilean Commission on Human Rights, a body affiliated in particular to the International Commission of Jurists: those individuals had been tortured by officials of the National Information Agency which had replaced DINA. The death of a number of citizens had been explained as resulting from exchanges of gunfire with the forces of law and order, but in fact there had been no inquiry into those cases, seven of which had been mentioned by the Special Rapporteur. Moreover, acts of intimidation against priests had increased, as had been pointed out by the Secretary-General of the Episcopal Conference of the Chilean Catholic Church.

42. Under the Amnesty Decree-Law of 1978, the Santiago Military Court had on 6 January 1982 released 15 carabineros (uniformed policemen) on trial for the murder of 19 workers and employees in Laja and San Rosendo. That was a good indication of whom the Amnesty Decree was intended to protect. In conclusion, he declared, the facts which he had cited showed clearly that serious violations of human rights were continuing to be committed in Chile, in disregard of the international instruments signed by that country, and that legal forms had been institutionalized there which in themselves threatened or violated human rights. The Commission must therefore remain vigilant with regard to the situation in Chile and extend the mandate of the Special Rapporteur.

43. Mr. BERKEY (Indian Law Resource Center) said that his organization had repeatedly brought to the attention of the Commission on Human Rights and of the Sub-Commission on Prevention of Discrimination and Protection of Minorities the terrible harm done to indigenous populations and their cultures by laws and legal doctrines which were racially discriminatory, and had given evidence on that subject before other bodies.

44. The Indians of Chile, whose fate had been a matter of grave concern to his organization since 1977, were principally Mapuches. Since 1979, the year of the signature of Decree-Law No. 2568, they had been increasingly deprived of their traditional way of life and culture because of the division of Indian lands provided for by that Decree-Law, which applied only to indigenous populations. That document stipulated that any occupant of Mapuche community land, whether or not he was a Mapuche, could request division of the land of the whole community even if he was only a tenant or an illegal occupant, and even if all the other members of the community opposed it. The authorities were doing their utmost to force division of the lands; for example, Decree-Law No. 3256 provided that communities whose lands remained undivided would no longer be tax-exempt but would be required to pay a tax of 25 per cent of the fiscal value of the land. It was also reported that the authorities resorted to bribery, intimidation and propaganda. The individual holdings resulting from such action could be heavily mortgaged by State or private credit institutions; and since the majority of Mapuche Indians were extremely poor and relatively unassimilated, it was to be expected that such indebtedness would deprive them of their land on a large scale, a fate which all Indians whose lands had been divided had known, especially those in the United States of America. More than 250 Mapuche communities had already been divided in that way, and the process was spreading rapidly. His organization had received first-hand reports of whole families of Mapuche Indians who were wandering the streets with their few belongings, having been made homeless by that law.

45. His organization joined with all those who had drawn the attention of the international community to that gross and persistent violation of human rights which infringed, in particular, article 17 (1) of the Universal Declaration of Human Rights, proclaiming that "Everyone has the right to own property alone as well as in association with others". Even more seriously, that law was manifestly racist and violated not only the Universal Declaration of Human Rights but also such instruments as the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. His organization

wished to underline once again the seriousness of the danger to human rights represented by institutionalized racial discrimination, which was certainly the case with the apartheid régime, but also with many other countries, in particular Chile, whose legal system established discrimination against the Indians.

46. Mrs. BALLANTYNE (Women's International League for Peace and Freedom) said that the report of the Special Rapporteur on the human rights situation in Chile (A/36/594) and his supplementary report (E/CN.4/1484) showed that serious violations of human rights were still being committed in Chile. Women were arrested and imprisoned, often with their children; they disappeared, they were tortured and some were murdered. Several recent cases which could only arouse the deepest concern were reported in document E/CN.4/1484. Her organization was particularly worried about the traumatic shock caused to women and children by the arrests, murders, disappearances, separation of families and loss of income, as well as about the disruption of family life which ensued. It was clear from the supplementary report and from information received by her organization that the victims of arrests suffered much cruelty and that parents were killed in front of their children; there was no lack of examples. The anguish of families who knew nothing about the fate of relatives who had disappeared and who feared for the safety of those who remained must not be forgotten. The changes noted by the Special Rapporteur in certain kinds of violation were, in some respects, even more threatening to family security. The steady decline in the country's economic situation afflicted families whose members were suspected of opposing the régime more cruelly than others. The climate of violence could not fail to have serious and lasting physical and psychological effects on women and children.

47. All those who were suffering in Chile had pinned their hopes on the United Nations and, more particularly, on the Commission on Human Rights, which her organization urged to continue paying special attention to the human rights situation in Chile and to give the Special Rapporteur all the facilities he needed to continue his important task.

48. Mr. MARUSAK (World Federation of Trade Unions) said that his organization wished to express its profound concern at the violations of trade union rights and workers' freedoms which were occurring in Chile, and in particular at the measures taken by the authorities against the National Trade Union Co-ordinating Body (CNS) and the proceedings taken against its leaders. Those measures, which flagrantly violated the workers' right of association and their bargaining rights, had been taken after CNS, the most widely representative trade union organization in Chile, had submitted a list of demands supported by 500 trade unions and signed by more than 2,000 officials. Far from taking account of those demands, the Chilean authorities had used pressure and threats of all kinds against the signatories; they had taken proceedings against the 11 CNS officials and had imprisoned its President and its Secretary-General, who had been released on bail after several months only thanks to an extensive international protest campaign. In 1981, a new series of measures had seriously infringed workers' rights by giving employers the power to terminate labour contracts unilaterally and to fix conditions of work and remuneration. His organization trusted that the endeavours of the Chilean workers and international solidarity with them would have the support of the Commission on Human Rights, since the infringements of the right to work in Chile were a violation of the International Covenant on Economic, Social and Cultural Rights.

49. The tenth congress of his organization, which had been held in Havana in February 1982, had been the occasion of a further flagrant violation of trade union freedoms in Chile. His organization had been informed by a press agency that General Pinochet had threatened the leader of the 24,000-member Confederation of Copper Workers with expulsion from the country for addressing a message of greetings to the congress. Apart from that incident, which needed no comment, mention must be made of the kidnapping before witnesses on 16 January 1982 of the national representative of the Federation of Metallurgical Workers, whose family had still had no news of him despite many representations to the authorities.

50. The Chilean authorities not only refused to co-operate with the United Nations and with the Special Rapporteur, but also used harassment and intimidation against representatives of his organization who went to Chile to obtain information. One of them, for example, had been arrested at his hotel on 1 May 1981 and taken, hooded, to a secret detention centre, where he had been threatened and interrogated for several hours.

51. The military Junta had been flouting the appeals of the United Nations and the condemnations of national and international organizations for too long; his organization therefore urged the Commission on Human Rights to prolong the mandate of the Special Rapporteur and to take stringent measures to ensure that the Chilean authorities respected the International Covenants on Human Rights.

52. Mr. DIEYE (Special Rapporteur) said that his main concern was to work together with the Commission for the full restoration of human rights in Chile. He had brought out in his report the salient points which allowed members of the Commission to form an accurate idea of the situation in that country. He was convinced that the Commission had well understood the need to emphasize humanitarian considerations.

53. In response to the delegation which had said that examination of violations of human rights in Chile had become a kind of ritual in the Commission, and that that was not perhaps the best way of proceeding, he said that if the Commission's procedure was ritualistic, that was because Chile's violation of human rights was also ritualistic. One must not compromise with violations of human rights or become inured to them. There was always a tendency to think - and that was precisely the reasoning behind the Chilean Government's obstinate refusal to co-operate - that after long consideration of a situation, those who were set on such study would finally tire and cease to concern themselves with it. The Commission did not have the right to accept a persistent situation which was manifestly contrary to the Universal Declaration of Human Rights and to the International Covenants which, moreover, had been freely ratified by the country concerned. The persistence of human rights violations in a number of countries obliged the Commission never to relax its efforts and its vigilance.

54. The delegation of Uruguay, which had offered constructive and positive criticism of the report, had said that an attempt should be made to co-operate with the Chilean Government. That in fact was his primary concern and he was ready to make every effort to co-operate with the Chilean Government in order to promote and protect

human rights. However, it was essential not to hand the Chilean Government a bonus. So long as that Government had not made an effort to co-operate, the Commission did not have the right to consider that the human rights situation in Chile should be examined in any framework other than that which it had itself fixed. While the situation had changed since that had been done, it nevertheless remained disquieting. It was true that Chile had no monopoly on violations of human rights; but nor was it the only country accused, and it was the Commission's task also to take the necessary measures in other cases. In the case of Chile, he would continue to carry out the task which the Commission had entrusted to him; he was convinced that all who were concerned with objectivity would understand that the quest for truth could not be conducted without the goodwill of all parties. The Commission had a moral obligation to continue its work, for otherwise it would give Chile a kind of victory.

The meeting rose at 1 p.m.