

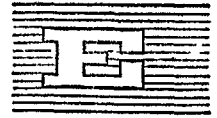
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COMMISSION ON HUMAN RIGHTS

Fortieth session
Item 5 of the provisional agenda

QUESTION OF HUMAN RIGHTS IN CHILE

Note verbale dated 21 February 1984 addressed to the
Assistant Secretary-General for Human Rights by the
Permanent Mission of Chile to the United Nations
Office at Geneva

The Permanent Mission of Chile would be grateful if this note verbale and its annex could be brought to the attention of the delegations which are members of the Commission on Human Rights by circulating it as an official document of the Commission.

The annexed document sets forth, once again, the position of principle adopted by the Government of Chile towards the Commission on Human Rights.

Annex

The agenda for the fortieth session of the Commission on Human Rights contains, yet again an item 5 entitled "Question of human rights in Chile". When considering this item, the Commission will have at its disposal the report by the so-called "Special Rapporteur", Mr. Rajsoomer Lallah. Similarly, it can be predicted that a draft resolution on the situation of human rights in Chile will be submitted and that it will be remote from the truth and motivated by purely political and tactical considerations.

1. A specific agenda item

The retention on its agenda by the Commission on Human Rights of a specific item concerning Chile and the existence of an ad casum entity, called a Special Rapporteur, is a flagrant demonstration of the discriminatory and selective procedure applied to Chile when dealing with this subject.

In fact, there is no justification whatsoever for retaining the said agenda item 5, when the agenda actually contains an item 12 entitled "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories". The Commission should consider and analyse the situations affecting individual countries under that item. In fact, it does so with respect to various countries in various geographical areas and having various political systems. It is only with respect to Chile that the Commission applies a distinct criterion in violation of the principles inherent in the United Nations system, especially that of "juridical equality among States". It is for the countries members of the Commission on Human Rights to remedy and correct this anomaly which damages the reputation of the Commission itself.

2. The Special Rapporteur

On the other hand, the maintenance of a Special Rapporteur for Chile also reaffirms the selective and discriminatory nature of the procedure adopted vis-à-vis our country. In fact, as pointed out on 3 June 1983 in the statement by the Permanent Mission of Chile to the United Nations, in connection with the appointment of Mr. R. Lallah to the position:

"The maintenance of this procedure, in our opinion, not only violates fundamental objectives of the United Nations, such as the provisions of Article 1, paragraphs 3 and 4 of the Charter, but also disregards the dispositions contained in Economic and Social Council resolution 1503 (XLVIII), which establishes the only standing rule of general application and general acceptance in this matter. The maintenance of this procedure is manifestly inappropriate, in that the long years during which it has been practised have demonstrated that it is counter-productive, since it has only helped to disturb the co-operative relations that formerly existed between Chile and the United Nations in this field, relations that might well be described as exemplary, in view of the fact that Chile was the sole country which consented to a visit by an ad hoc group appointed by the Commission on Human Rights.

The special entity was established in 1978, without the necessary prior consent of the government of Chile, a prerequisite if the objective had been to seek an effective action designed to meet with a fruitful and respectful co-operation".

My Government wishes to recall what was mentioned in the same statement and communicated directly to Mr. Rajsoomer Lallah himself on 8 June 1983, namely that this is a "position of principle and [the Chilean Government] wishes to leave it clearly established that what it objects to is the discriminatory and selective procedure, and not a specific individual".

3. The budgetary provision

Combined with these two facts, which violate clear principles of the United Nations Charter and especially that of co-operation between the United Nations and a Member State, there is the exaggerated amount allocated by the United Nations, in the corresponding budgetary provisions, to the Special Rapporteur and related expenditure, as highlighted by the Permanent Representative of Chile at the most recent session of the General Assembly. These facts have been brought to the attention of the United Nations Secretary-General.

4. A double standard

In this way, a double standard has gradually taken shape with regard to treatment in this matter in both the Commission on Human Rights and the General Assembly. Different criteria are applied to different countries and numerous situations of manifest and significant violations of human rights, committed by the Governments of many countries members of the Commission on Human Rights itself and of the United Nations, are passed over in silence. In this connection, it is worth recalling that, in its 1983 report, Amnesty International describes violations of human rights in 117 countries. In the particular case of Chile, the resolution concerning our country that was approved at the most recent session of the General Assembly included among its sponsors nine countries which appeared in that report.

Countries which have never accepted and state that they will never accept visits by ad hoc groups of the Commission on Human Rights, and which are not prepared either to co-operate with special representatives or envoys of the Commission, endeavour to impose upon Chile a different and capricious treatment.

Moreover, the resolutions traditionally adopted concerning Chile repeat the same paragraphs year after year, with minor stylistic changes, and interfere in matters which are clearly and obviously within the competence of a sovereign State.

This double standard also reveals itself in the reports prepared by the Special Rapporteur, in which the complete lack of objectivity is evident. The items of information they contain build up a distorted picture of Chilean reality. The sources from which they come are sectors politically motivated against the Government of Chile and interested in supplying partial and subjective data.

5. The institutionalization process

A deaf ear and a blind eye are turned when it is a question of observing with impartiality and objectivity the institutionalization process, which has been in progress since 1983 in application of the provisions of the Political Constitution of the State approved by a majority in the 1980 plebiscite and which became operative in 1981. The undoubted progress in political opening; the removal of censorship and the freedom to publish books; the freedom of the press; the abolition of the state of emergency; the execution by the Government of judgements pronounced by an independent Judiciary; the study and publication of draft Organic Acts of a

Constitutional Nature concerning Political Parities; the significant increase in authorization for exiled persons, including the leaders of political parties with connections abroad to return to the country, as recognized in ICM and UNHCR publications and decisions; the freedom of assembly and its regulation; etc., are ignored and deliberately omitted for the purpose of justifying the ritual of voting for a draft resolution which is vitiated by its lack of balance and veracity and by its manifest partiality.

6. Co-operation

It is for all these reasons and for many others which it would be tedious to enumerate that the Government of Chile, the only one in the history of the United Nations to extend full co-operation to the Commission on Human Rights by accepting an in situ visit of a Working Group of the Commission itself (in 1978), has ceased since 1980 to co-operate with the Commission on Human Rights and the procedures in general.

Political motivation and the application of discriminatory and selective procedures by the Commission on Human Rights has caused Chile, a Member State of the United Nations, to break off this process of co-operation.

Chile is prepared to co-operate with the regular procedures of the United Nations, on the same terms as it has done with the specialized agencies of the United Nations systems, on matters relevant to their jurisdiction, once the existing situation is corrected, a situation which represents violation of the principles of juridical equality among States, sovereignty and co-operation as established in the Charter of the Organization.

Our merited respect for various delegations attending this session of the Commission on Human Rights has persuaded us to give once again a brief summary of our positions.

Geneva, February 1984