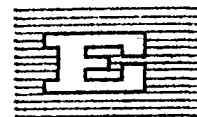


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COMMISSION ON HUMAN RIGHTS
Thirty-first session
Agenda item 7

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

Supplementary information submitted by the World Federation
of Trade Unions by letter dated 14 February 1975 addressed
to the Chairman of the thirty-first session of the
Commission on Human Rights 1/

Mr. Chairman,

The Secretary-General of the World Federation of Trade Unions, a non-governmental organization in Category I consultative status with the Economic and Social Council, addressed a letter to the Division of Human Rights on 18 December 1974 in which it gave an account of the state of repression prevailing in Chile against trade union leaders and militants.

On 4 February 1975 we additionally sent you reference material concerning the violation of human rights in Chile.

Today, Sir, I take the opportunity of transmitting to you a document prepared inside Chile by the Single Central Organization of Workers of Chile (C.U.T.) detailing the most serious institutional and factual aspects of the violation of human rights in Chile since 11 September 1973.

I should be most obliged if you would transmit this document to the members of the Commission so as to permit them to take cognizance of it before discussing item 7 of the agenda for the thirty-first session of the Commission on Human Rights.

Trusting that you will make urgent representations to the Chilean authorities to put an end to the barbarous situation regarding violations of human rights in Chile,

C. de ANGELI,
Permanent Representative of the WFTU to the
United Nations and the ILO at Geneva

Enclosed: Annex referred to.

1/ The main information is contained in document E/CN.4/1166/Add.8.

Mr. Ghulam Ali Allana
Chairman of the thirty-first session,
United Nations Commission on Human Rights,
Geneva, Switzerland

We have been informed that the Commission on Human Rights, by virtue of resolution No.8 (XXVII) approved by the Sub-Commission on Prevention of Discrimination and Protection of Minorities, and resolution No.3219 (XXIX) of the General Assembly, has included in the agenda for its thirty-first session, as item 7, the "Study of reported violations of human rights in Chile, with particular reference to torture and other cruel, inhuman or degrading treatment or punishment".

The Single Central Organization of Workers of Chile, the largest trade union organization of Chilean workers, hereby submits to you, and through you to the Commission, the present document which summarizes the general situation of large-scale and recurrent gross violation of human rights practised by the Military Junta from the very day of the overthrow of the constitutional and democratic government of President Allende right up to the present, 17 months later.

I. The Chilean institutional structure up to 11 September 1973

For more than a century-and-a-half of independent existence as a Republic, Chile was noted for being one of the Latin American countries with the greatest institutional stability, the longest democratic history and the highest level of political and social development.

Until the military coup of 11 September 1973, the basic elements of its institutional structure made it describable as being:

- a democratic and representative republic, governed by three powers - executive, legislative and judicial - which, in the last analysis, were independent of one another,
- endowed with a system of political parties and democratically generated social institutions allowing a full range of political, social and ideological views to be expressed,
- traditionally respectful of human rights and of the application of the national and international standards laid down in that respect, the protection of which was guaranteed by the uninterrupted existence of a strong legal State.

The Chilean legal system which effectively guaranteed the protection of human rights and fundamental freedoms, included provisions to meet those exceptional situations endangering national life in which international legislation on the protection of human rights and civil and political liberties allows States to adopt provisions suspending, to the extent strictly required by the exigencies of the situation, the obligations they have contracted under international standards.

As a founder member of the United Nations, Chile had, at the level of world or of American regional application, acceded to, ratified and subscribed to a whole body of international standards contained in the United Nations Charter, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the American Declaration on Human Rights, and so forth.

The specific rights and freedoms of workers, generally called "economic and social rights", were enshrined in the Constitution and had been fully developed in the labour law and in the contractual standards achieved by the organized workers through collective negotiation.

Long years of social struggle had enabled the active and organized participation of the workers and the people in national life to be extended and consolidated.

On the basis of the political and trade union unity of the majority of the people, from Christian and Social Democrats to Marxists, the popular forces succeeded in winning the Presidency of the Republic in the 1970 elections through free, direct, secret and universal suffrage.

The Government of the martyred President Salvador Allende acted within the strictest legality in carrying out a democratic and progressive economic and social policy.

In his action, he had to face up to the strong domination exercised over the Chilean economy by the large multinational corporations as well as the country's state of backwardness and exploitation consequent on the privileged position of the landed estates and national monopolies.

All mankind is aware of the fight he waged to improve the living conditions of the people and end their dependent status. Within a short time, that policy identified him with the interests of all progressive countries, institutions and individuals.

Nevertheless, the measures adopted to benefit the majority of the nation led the economic interests affected by them to react by launching a vast conspiracy.

Foreign interests played a leading part in that conspiracy. To that end, they recruited some sectors of the country and of the Chilean armed forces which thus betrayed their traditional respect for the Constitution and the law.

The course taken by this veritable war which, albeit undeclared, was not the less implacable and savage, is something the whole world knows about.

Nothing was omitted: suspension of credits, refusal to sell spare parts and industrial equipment, lock-outs, hoarding, black market, financial "destabilization", industrial sabotage, terrorist outrages, military mutinies, political assassinations, fascism, and finally the coup d'état.

II. Destruction of the constitutional régime in Chile

The military coup of 11 September not only toppled the constitutional and democratic Government of President Allende but also led to the complete destruction of the institutional political system in force.

Large-scale atrocities and the use of the techniques of modern war against a defenceless people permitted the coup-mongers to usurp power.

The murder of President Allende made clear the fascist nature of the coup. If the profound processes of democratic change being experienced by the country, with the workers and the people of Chile as protagonists, were to be brought to a halt and

the large national and foreign investors enabled to return to power, there was nothing for it but to install a dictatorship of the deepest fascist dye which would crush with blood and fire any attempt to keep freedom and democracy alive.

This is precisely what the Military Junta did.

The State of Law was replaced by the State of Siege and of internal war. International pressure forced the Military Junta to repeal the latter. In its place there now prevails the State of Siege "at the level of internal defence" which has the same effect as the State of War.

The democratic and representative constitutional system of the Republican Government has been destroyed by the abolition of the voting system, the dissolution of the National Congress and of the town councils and the cancellation of the mandates of Members of Parliament and town councillors.

The judicial power no longer exists in practice. In its place, there are Courts Martial which apply wartime procedures, legislation and punishments.

The democratic political system has disappeared with the dissolution of the political parties, whether Marxist, non-Marxist or anti-Marxist.

All the mass media of communication - radio networks, newspapers, reviews and publishing houses - which do not support the dictatorship have been closed down.

Trade union freedom and economic and social rights have been suppressed. The exercise of any trade union right is a reason for arrest, torture or death.

Freedom of education has disappeared. There has been military intervention in education at all levels, not excluding the Pontificia, the Catholic University.

The disregard of the most elementary human rights and civil and democratic freedoms, and the suppression of the economic and social rights and trade union freedoms of the workers, constitute one of the most brutal cases of political, economic and trade union repression that any nation has undergone.

Over a period of 17 months, and for a population of little more than 10 million, the following are some of the facts that have been recorded:

More than 30,000 - men, women and young people and even children - dead or missing.

Between 120,000 and 150,000 people have passed through prisons and concentration camps, and several thousands of them are still there.

600,000 sackings (the newspaper "El Mercurio de Santiago").

673 per cent inflation between January 1974 and December 1974 (IMF).

60 per cent loss in the real purchasing power of workers' wages as compared with January 1973.

\$125 million spent on arms purchases. Chile is not at war with any country. The arms are intended to maintain the atmosphere of massive terror generated by the Military Junta as the sole way of dismembering the popular movement and maintaining itself in power.

III. Violations of human rights

Thanks to the modern mass media of communication, the whole of mankind is aware of the crimes committed by the Military Junta against the people of Chile.

Many political personalities of the most varied backgrounds, the whole world trade union movement through the three international trade union organizations, the Helsinki Investigating Committee, the Bertrand Russell Tribunal, the three international committees of jurists, Amnesty International, the Commission on Human Rights of the Organization of American States, the Fact-Finding and Conciliation Commission on Freedom of Association set up by ILO at the request of CUT, UNESCO, the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities and the General Assembly itself, together with social and religious institutions and groups of parliamentarians, lawyers, workers, women and students who have visited Chile, have expressed opinions and issued reports on the real nature of these crimes and have rejected the Military Junta's contentions.

It is difficult to describe the immensity of the sufferings of the Chilean people. Nevertheless, we can make an effort to do so by saying that, with the sole exception of article 4 of the Universal Declaration of Human Rights, there is no provision of the Declaration that has not been constantly and massively violated by the Military Junta that has usurped power in Chile.

Let us consider individual articles:

Article 3

Everyone has the right to life, liberty and security of person

Right to life

Number of dead and missing since the military coup of 11 September to date, more than 30,000 people - men, women, young people and even children - have been murdered or have disappeared.

The massive operations carried out by military forces; the brutality of the repression, particularly in certain rural areas; the release of partial figures by some military authority which are then denied by the same authority or by other military sources; the shooting and "suicide" of an indeterminate number of members of the armed forces and gendarmes who remained loyal to the constitutional Government, and the nature of some of the repressive methods used, of which we shall give details later, make it impossible to give an exact figure.

However, various analyses and reports make it possible to estimate the figure at about 40,000.

Forms of physical elimination used

Summary execution (Edict No. 24 and Legislative Decree No. 5)

These gave every soldier and policeman the power of life or death by authorizing him to execute any suspect on the spot.

The Military Junta found it necessary to withdraw this provision on account of the protests by international public opinion.

The number of deaths under this provision during its period of application is impossible to calculate.

Prevention of "attempted escape"

This is a regular method of eliminating trade union and political leaders, who are detained and subsequently killed on the excuse that they were attempting to escape.

One of the first occasions on which this system was used was that of the murder of five leaders of the Stevedores' Union of the port of San Antonio.

Over the months, many other cases have come to light through reports in the newspapers of Santiago and other cities in the country.

False charges of outrages

There is evidence to the effect that persons are arrested and accused during their detention, of having perpetrated terrorist outrages. The public is then informed that they died while committing the alleged outrages or were duly sentenced and executed.

Cases: The Leopard Plan

This was an alleged attempt by a group of youths to blow up high-voltage pylons in Santiago. All of them were arrested in their homes in a prior swoop and some of them died during interrogation as a result of torture. The others were shot and their bodies moved to the high-voltage pylons.

"Attack" on the Temuco Barracks armoury

A week before the "event", political militants and leaders in Temuco were arrested in the presence of their relatives and taken to the regimental barracks of that city. While they were under arrest, the public was informed that they had attacked the barracks armoury from the outside and had died in the attempt.

Various other fabricated "attacks" on dams and reservoirs, police stations, barracks, vehicles carrying detainees etc. have served as a pretext for justifying the deaths of various persons in regard to public opinion.

Executions ordered by military authorities or courts martial

A large number of political and trade union leaders, particularly of CUT and of the national and provincial federations, were murdered in this way. Two such victims were David Miranda and Luis Almonacid.

In October 1973, during a tour of five northern provinces, a group of senior army officers, one of whom was General Arellano Stark, ordered the immediate execution of sixty detainees.

In compliance with those orders, sixteen persons were executed in La Serena, including four who were in the process of being tried. In the judgement given long afterwards, the public and the defence lawyers were informed that charges against them were being dropped on account of the defendants' "decease".

The executions ordered by courts martial, after extremely short and summary "trials" in which there are neither minimum defence faculties nor any legal recourse, are another of the methods used to impair the right to life, while maintaining a certain appearance of legality.

Cruel, inhuman and degrading treatment

This is the daily norm for the treatment of prisoners regardless of age, sex or condition. Its intensive and generalized application has resulted in the shattered health, death or insanity of a large number of persons.

Dozens of political and trade union leaders have died as a result of torture. In the cases of trade union leaders Serega and Carreno, their mangled corpses were handed over to their families in sealed coffins which they were forbidden to open on pain of death.

During the preparations for some of the "trials" in 1974, it was found possible, on the basis of incomplete data, to establish that forty-four persons - including General Alberto Bachelet - had died and that one had gone mad.

Fictitious "suicides"

Ever since the Military Junta assumed power, Chile has been swept by a veritable wave of "suicides" of both civilians and soldiers.

Tragically representative of them was the case of José Toha, former Vice-President of Chile, former Minister of the Interior and of National Defence, a true democrat respected even by his political opponents. After being held prisoner for month after month on Dawson Island, he was transferred at the end of January 1974 to the Santiago Military Hospital in a condition of extreme malnutrition. Shortly afterwards, according to the announcement by the Military Junta, this man, who was over 6 feet tall and then weighed 52 kilos, committed "suicide" by hanging himself with his belt in a closet, the height of which was less than his own. That was the official announcement. Faced with the magnitude of the crime, General Pinochet himself issued another version.

Missing persons

As a result of the massive operations and the arrests made without orders from any authority and without there being any possibility of finding out the situation or place of detention of the persons involved, a new category of person has been created in Chile, the "missing".

Hundreds of reports of missing persons have reached the Churches which up to August 1974 had made legal and administrative approaches to locate 430 missing people.

More than 1,500 habeas corpus applications have been submitted to the courts, but to no avail.

Some missing persons reappear after a period of between three and six weeks. They are officially detained or have been released. They invariably give an account of having been held, during the meantime, in torture centres.

According to the information received from responsible organizations, 17.8 per cent of the persons arrested disappear without trace and are presumed to be dead.

Right to liberty

Number of detainees: 17 months after the military coup, several thousand people are still in prison. The number is constantly changing. Nevertheless, according to the latest information received, it is possible to report an approximate number varying between 12,000 and 15,000 detainees.

During this period, between 120,000 and 150,000 persons have passed through the prisons and concentration camps for shorter or longer periods.

The massive and somewhat disorganized repression of the first weeks after the military coup, carried out by the military and gendarmerie, has been followed by the organization of increasingly scientific and systematic repression. Its culminating point was the creation of DINA - the National Intelligence Directorate - as an autonomous body, independent both of the Government apparatus and of the military institutions taken as a whole and replacing the existing military and gendarmerie intelligence services.

The massive repression directed against even those who only sympathize with the deposed Government, and especially against political and trade union leaders and the leaders of women's, students' and social organizations, has been enlarged with a view to detecting and destroying any organization or person, of whatever ideology, opposed to the military Government's line of policy.

In the course of 1974, DINA built up its structure and acquired its own secret premises, access to which is forbidden to the Chilean administrative and legal authorities and denied to the international commissions which go to Chile to investigate the human rights situation, and to the International Red Cross.

At the same time, its methods of action as regards both arrests and the treatment of prisoners, which were publically described by the Episcopal Conference in April as being one of the factors contributing to the climate of insecurity and fear existing in the country, are being consolidated and transformed into standard practice.

Right to security

On 24 April 1974, the Chilean Episcopal Conference issued a Declaration in which it clearly summarized the general state of insecurity in our country.

The Declaration states in this connexion:

"In the first place, we are concerned at the climate of insecurity and fear, the roots of which are, we think, to be found in denunciations, false rumours and the absence of participation and information.

"Lastly, we are concerned, in some cases, at the lack of effective legal safeguards for the security of the person, which manifests itself in arbitrarily or excessively prolonged detention without the persons concerned or their families being aware of the actual charges levelled against them, in interrogations involving physical or moral pressure, in restrictions on the possibilities of legal defence, in disparate sentences in different places, although the grounds and reasons are identical, and in restrictions on the normal use of the right of appeal."

This general climate of insecurity and fear referred to in the religious authorities' Declaration some months ago prevails to this day.

The constant massive raids on the poor quarters of the capital, one of which - on 20 July 1974 - resulted in 10,000 arrests in a single operation, the constant patrolling in the streets, the fact that more than one-third of the arrests are made in public places and the lack of effective legal safeguards for the security of the person help to maintain and increase it.

Article 5

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment

The Military Junta's entire repressive regime is based on the systematic application of torture and of cruel, inhuman and degrading treatment.

Virtually all arrests which involve a period of "disappearance" of the detainee - at the end of 1974 they amounted to 85 per cent of the total - are accompanied by physical and moral pressure which in many cases leads to the victim's death.

The object of the physical and moral pressure is:

- to obtain confessions for use in subsequent legal proceedings;
- to obtain information on organizations and their activities;
- to intimidate the victim, his organization and the population in general.

Institutions

The institutions connected with detainees and with the application of the physical and moral pressure to them are DINA - as co-ordinator of the intelligence services - and SENDET, the National Secretariat for Detainees.

DINA is also responsible for training the teams of torturers. It has the assistance, for this purpose, of Brazilian and North-American specialists and of a number of Chilean officers trained at American bases in Panama.

Methods of torture

A certain uniformity has been achieved in the use of these methods, which are about 25 in number. They include electric shocks, especially applied to the genital organs, anus, the breasts, mouth and head; punching; beating with sticks; acid and cigarette burns; being made to stand for long periods without food or drink; hooding; prolonged periods of solitary confinement; drawing of finger-nails; actual or simulated castration; various forms of suspension ("parrot's perch" [pau de ara] and "pony" [caballito]); immersion in cold water, dirty water or oil; ingestion of urine and excrement; sexual outrages; sham firing squads; witnessing the torture of relatives; enforced witnessing of and participation in sexual outrages; and so forth.

Torture premises

A network of secret torture centres exists throughout the country. From statements made by detainees and other information, it is possible to identify the following: 38 Calle Londres (gendarmerie) and 42 Calle Londres (DINA), Tacna Regimental Barracks (SIM), the Fach Military Academy (SIFA), the military barracks at Cerro Chena (SIM) and the naval compounds in the main Chilean ports, together with regimental barracks and airforce bases in the provinces.

Articles 6 and 15

Right to recognition everywhere as a person before the law. Right to nationality and not to be arbitrarily deprived of it

Nationality is one of the attributes of a person before the law. The Military Junta has issued a legislative decree so broadly worded as to empower it in practice, to deprive people of nationality whenever it sees fit to do so.

Once such a decision has been made there is no possibility of appeal to any administrative or judicial authority.

This unrestricted power has been used to deprive the President of Chilean CUT, Luis Figueroa, of his nationality with no right of appeal.

Articles 9 and 13

No one shall be subjected to arbitrary arrest, detention or exile. Right to freedom of movement, to enter and leave the country

Arbitrary arrest

Power of arrest

Persons can be legally arrested:

On suspicion of having committed a criminal offence and for the sole purpose of being placed under the jurisdiction of a judge of the criminal court or of a military prosecutor;

for purposes of administrative detention, on a written order of the President of the Republic under the powers conferred on him by virtue of the State of Siege. In the latter case, persons can be placed under house arrest or detained in premises intended for that specific purpose and not used for the confinement of ordinary criminals.

These arrests must not outlast the duration of the State of Siege.

None of these legal safeguards has been respected.

Authorities responsible for arrests

At the end of 1974, 85 per cent of arrests took place without an order by any authorities and were carried out by persons in civilian clothes, without any identification and in vehicles without licence plates, addressing both the detainee and his family or witnesses to the arrest in such deceptive terms as "Come with me for a moment, please" and "Don't worry, Madam, you can expect him back in half-an-hour".

Missing persons

Arbitrary arrest is followed by a period during which the detainee, said to be "missing", is kept in solitary confinement and subjected to physical and moral pressures for periods of more than three weeks.

At the end of 1974, 33 per cent of the detainees had been missing for more than one month. At present, 50 per cent of detainees have been missing for more than one month and over 33 per cent for more than two months.

SENDET has officially stated that "no information is given regarding detainees until three weeks have elapsed".

Places of detention

These include sports stadiums, barracks, military bases, ships, military institutions and academies, and concentration camps.

Chacalluta, Pisagua, Tejas Verdes, Chacabuco, Ritoque, Puchuncaví, Quiriquina Island, Santa Cruz, Castro, Puerto Natales and Dawson Island have been converted into prisons and interrogation and torture centres located throughout the country.

The absence of any legal right of appeal makes it impossible, as we shall point out later, to put an end to arbitrary arrests.

Some idea of the high-handedness prevailing in this entirely arbitrary connexion can be drawn from the fact that in January 1974 the Military Junta issued a legislative decree specifying that "all arrests carried out between 11 September 1973 and 4 January 1974, the date of the present legislative decree, are legally validated".

It was furthermore specified that arrests must be carried out in future on the basis of a written order. This provision has not been carried into effect.

Arbitrary exile and bans on freedom of movement and on entering or leaving the country

Under a legislative decree, the Military Junta extended the penalty of exile to "all offences coming within the competence of Courts Martial in time of war".

The Military Junta thus has very wide powers in applying arbitrary exile as a penalty, although under Chilean law exile is a penalty applicable in exceptional circumstances to common criminals only, and must be based on a previous legal decision and not be of longer duration than that of the sentence pronounced.

Two of the victims of this procedure are Bernardo Leighton, former Vice-President of the Republic, Christian Democrat M.P. and lawyer, and Renan Fuentealba, senator and former chairman of the Christian Democrat Party.

The former was prohibited from returning to the country, and the latter was expelled from the country at three hours' notice and prohibited from returning.

As from 11 September 1974, the Military Junta has made exile abroad a condition for the release of political detainees from various centres.

In almost all cases they have not undergone any legal process, let alone been sentenced.

The Junta is trying to establish the system of arbitrary and enforced exile as the only way of obtaining release.

Articles 8, 10, 11 and 12

Right to effective remedy by tribunals

Right, in full equality, to a fair hearing by an independent and impartial tribunal, whether in respect of civil or criminal trials

Right of everyone charged to be presumed innocent until proved guilty according to law in a public trial, with all guarantees for his defence

Right of not having a heavier penalty imposed than the one that was applicable at the time the penal offence was committed

Right of not being subjected to interference with one's privacy, family, home or correspondence, nor to attacks upon one's honour and reputation, and right to the protection of the law against such interference or attacks

The basic factor which has made possible the continuous large-scale violation of the rights and safeguards embodied in these articles is to be seen in the decision adopted by the Chilean Supreme Court of Justice whereby it declared itself incompetent to take cognizance of matters submitted to the jurisdiction of the Courts Martial.

This has had the following consequences:

- There is no recourse in law against arbitrary arrests and entry into homes or being held in solitary confinement for prolonged periods, or against the exercise of physical and moral pressures or the findings of the Courts Martial.

Indeed, the Supreme Court, on 6 August 1974, provided that "applications for a writ of habeas corpus which merely report the disappearance of a person without providing other information concerning his detention by order of the authorities or of an administrative or legal officer shall not be accepted for further transmission".

Altogether 1,500 such applications have been submitted, some of them concerning minors, and they have been either not accepted or held up in transmission.

- It has proved impossible, through appeals procedures, to modify the findings of the wartime military tribunals which provide the basis for military trials.

The State of War, and hence wartime jurisdiction, procedures and penalties, have been made to apply retroactively to the period preceding 11 September 1973.

Anyone who supported or upheld the Government of President Allende during his period of office is regarded as an "enemy of the country" and his actions are treated as punishable offences.

- It has proved impossible to remedy, through the appeals procedure, the grave irregularities committed by the wartime Military Tribunals in conducting trials and passing sentences. The irregularities include the following:

Penal law is applied retroactively.

Death sentences are passed without that decision having been unanimous.

A verdict of guilty can be pronounced on the sole basis of the accused's "confessions" obtained under pressure.

A denunciation constitutes proof, and the informer also acts as witness.

Members of War Councils have doubled as judges and witnesses for the prosecution.

The preliminary investigation period is of indefinite duration and is accompanied by extremely prolonged periods of solitary confinement.

Sentences have been pronounced for offences not mentioned in the charge.

Charges and sentences relate in certain cases to offences not envisaged by the law.

There is either no legal defence procedure whatever or an incomplete one which is confined to pleading guilty and asking for leniency.

Article 14

Right of political asylum

The Military Junta's violations of the right of asylum are notorious throughout the world; it is only international pressure that compels the Junta to respect that right.

However, for hundreds of people it has transformed asylum into imprisonment lasting many months.

It has introduced the death sentence as punishment for anyone who had sought asylum elsewhere and then returned to his country.

Article 16

Right of the family to protection by society and the State

Under the Military Junta's regime the family is used as a pressure instrument for carrying out arrests among family members and obtaining information and confessions.

There have been many cases of entire families being arrested and tortured together, as in the case of Senator Jorge Montes, his wife and two sons, and also of Pérez Videla, his wife and son aged four, who were subjected to group torture to the point where the wife died.

Article 17

Right to own property alone as well as in association with others and not to be deprived of it

The Military Junta has confiscated all the assets of the Popular Unity political parties, the C.U.T. and various other trade union and community organizations (Legislative Decree No. 1277).

Many militants and leaders of the Left have been stripped of their property, which has been turned over to the Armed Forces as such or for the personal use of individual army members.

Article 18

Freedom of thought, conscience and religion and the right to manifest it in public or private

This right no longer exists. People are persecuted for what they think and not for what they do.

Under Legislative Decree No. 77, Marxism is a crime, and whoever professes that ideology is a criminal and is treated as such.

Article 19

Freedom of opinion and expression

All mass communication media belonging to the Left and to the C.U.T. have been closed down.

Those remaining ones operate under strict censorship and are subjected to various forms of pressure such as closures, shutdowns and bankruptcies.

A considerable number of journalists and press, radio and television workers have been held prisoner for many months, and some have died.

Article 20

Right to freedom of assembly and association

As a consequence of the State of Siege, there is no freedom of assembly, and permission must be sought even for family gatherings.

Freedom of political association has been abolished by Legislative Decrees Nos. 77 and 78.

Article 21

Right to take part in government and public service, and to elect and to be elected

The right to take part in the government and administration of the country ceased to exist the moment the foundations of democracy were all swept away.

The Military Junta has absolute control of the entire power of the State.

Elections are prohibited. (Edict No. 38 and Legislative Decree No. 130).

Electoral rolls have been burned.

Parliament and municipal governments were dissolved and the authority of their members cancelled (Edict No. 29 and Legislative Decree No. 1325).

Article 22

The organization and resources of the State are no longer directed towards the satisfaction of the social, economic and cultural rights of the population

The enjoyment of these rights has been denied to an important sector of the population because of its ideas.

Economic and social rights and trade union freedoms

All the restrictions and denials of rights and guarantees which have been listed in the above-mentioned articles are particularly severe as regards their application to the trade union movement.

As a result of the general climate of suppression of fundamental human rights and of the inoperativeness of the rule of law, the trade union movement has seen the whole system of its economic and social rights destroyed, either through their suppression pure and simple or through their suspension in so general and permanent a manner as to be tantamount to suppression.

In view of the fact that the C.U.T. denounced these violations of workers' rights and freedoms in ILO at the time and that the question is still under consideration there, we shall refer to this aspect very briefly and enclose for information the original denunciatory statement submitted to the ILO Committee on Freedom of Association.

Article 23

Right to work

According to the figures published in the Santiago Mercury, the political and ideological persecution unleashed on 11 September 1973 resulted in 600,000 public officials, or 20 per cent of the country's work force, losing their jobs.

The economic recession facing the country as a result of the Military Junta's market-economy policies has also had a heavy impact on the high rate of unemployment.

A further reduction of staff in the public sector equivalent to 20 per cent has been announced for 1975.

The retrospective grounds for sacking and the ad hoc courts set up to consider appeals against arbitrary dismissal and consisting, inter alia, of members of the Armed Forces and representatives of firms and institutions, have not had the slightest effect in solving the serious situation in which the Chilean workers find themselves.

Right to a just remuneration and to a minimum standard of living

A 673 per cent rate of inflation during 1974 and a 60 per cent loss in the purchasing power of workers' wages as compared with January 1973: such are the results of the repressive policy applied by the Military Junta against the Chilean workers and people in the political and economic fields alike.

The partial readjustments fixed by law, which are invariably below even the rise in the cost of living admitted by the Military Junta, and the suppression, on the one hand, of the right of petition and collective bargaining and the right to strike, and the uncontrolled rise in prices on the other, have brought about a decline in the Chilean workers' standard of living which is comparable only to that of the great depression of 1929-30.

The Military Junta has announced that the right of petition and collective bargaining will be restored when inflation is reduced to a yearly rate of 50 per cent. This is equivalent to the almost indefinite suppression of this fundamental right.

The partial readjustments fixed by law do not extend to the rest of the social and economic benefits of the workers, which have been frozen at their pre-11 September 1973 levels in consequence.

Article 23Right to join and to form trade unions

Without the right to meet, without freedom of opinion and expression, of movement and of residence, there is no right of association and hence no trade union freedom.

The provisions of Military Edicts Nos. 14, 15 and 28, ratified in general and permanent form by Decree No. 198, have up to the present restricted trade union activity to information meetings two days' prior notice of which, together with a list of the subjects to be discussed, must be given in writing to the nearest police station, the meeting to be held with the police or military authorities present.

The ban thus continues on:

- trade union elections
- trade union newspapers, reviews and publications of all kinds
- The C.U.T. and other trade union organizations have been dissolved by administrative action.
- Trade unionists and trade union leaders have been detained, dismissed and suspended from their work by decision of the military and administrative authorities. A list of trade union leaders who have died, been detained or have disappeared is appended.

Article 24

The guarantee provided by this article has been openly infringed by increasing the basic working day by four hours weekly and ordering that workers be paid for those hours at ordinary rates. The additional income arising from the fact that they were overtime hours was treated as a "voluntary" contribution by the workers towards "National Reconstruction".

Thanks to the Chilean workers' resistance and the international denunciation to which it gave rise, this measure remained inoperative for some months.

Articles 26 and 27

Right to education and culture

The freedom of education, constitutionally guaranteed in Chile as a "national, democratic and majority system", has been suppressed.

There has been military intervention in education, from elementary level right up to universities.

Altogether, 40 per cent of students and teachers have been expelled from the universities. Various faculties have been closed, and a ban has been placed on the teaching of any doctrine or theory not in accordance with the philosophy of the Military Junta.

Thus its despotism is manifested in every direction, including its disdain for culture and its suppression of ideas.

Books have been burned in public bonfires, and entire libraries have been destroyed. Certain aspects of Chilean folklore tradition have been forbidden, and a number of artists and intellectuals have been subjected to imprisonment and sent into exile.

Mr. Chairman:

In the present strife-torn world in which the forces of peace, progress and social justice are making slow and difficult but steady progress, the United Nations provides a structural basis for world government. It is for the United Nations in general, and the Commission on Human Rights in particular, to ensure that States respect and observe those standards which the social conscience of humanity has established for the protection of the fundamental principles of human respect and dignity.

The Chilean Military Junta has massively and repeatedly transgressed these standards and has plunged our people into the dark night of terror, death and barbarity.

We therefore request you:

1. to set up a committee to study the Chilean case, and report to the forthcoming Assembly in September.
2. to invite the Commission on Human Rights to go on making a continuous study of whatever changes may occur in the situation in Chile in order to see if there is any improvement.

for the EXTERNAL COMMITTEE OF THE C.U.T.

Paris, February 1975

Luis Figueroa

Eduardo Rojas

Rolando Calderón