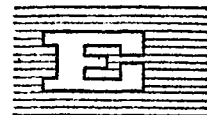


UNITED NATIONS  
ECONOMIC  
AND  
SOCIAL COUNCIL



Distr.  
GENERAL

E/CN.4/SR.1500  
2 March 1979

ENGLISH  
Original: FRENCH

COMMISSION ON HUMAN RIGHTS

Thirty-fifth session

SUMMARY RECORD OF THE 1500th MEETING

held at the Palais des Nations, Geneva, on  
Wednesday, 28 February 1979, at 4 p.m.

Chairman

Mr. BEAULNE

(Canada)

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Study of reported violations of human rights in Chile, with particular reference to torture and other cruel, inhuman or degrading treatment or punishment (continued)

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GE.79-11068

The meeting was called to order at 4.20 p.m.

STUDY OF REPORTED VIOLATIONS OF HUMAN RIGHTS IN CHILE, WITH PARTICULAR REFERENCE TO TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (agenda item 5) (continued) (E/CN.4/1310; E/CN.4/NGO/235, 239 and 248; A/33/293 and 331)

1. Mr. FRAMBACH (Observer for the German Democratic Republic), speaking at the invitation of the Chairman, said that his country, which firmly supported peoples who were struggling for national and social liberation, could not remain silent in the face of the massive and systematic violations of human rights in Chile.
2. The German Democratic Republic could not endorse the further attempts being made to create the impression that Chile was currently engaged in a process of democratization and liberalization. Those attempts in no way reflected the actual situation. Of course, the methods of fascist domination which the régime had applied when it had seized power differed to some extent from the means of oppression being used in the present period of so-called institutionalization - which was, in fact, nothing but a period of consolidation. However, the situation had hardly grown more humane, and that for the following three reasons.
3. First, the assassination, deportation and forced exile of progressive Chileans were continuing; the Chilean people continued to find its political, economic, social and cultural rights disregarded and could not express its own free will; mass unemployment and unprecedented social misery continued to hold sway throughout the country; the Junta's policy towards the Mapuche Indians verged on genocide, as was apparent from the report of the Ad Hoc Working Group (E/CN.4/1310).
4. Secondly, the modifications which the Junta had made in its practices were anything but evidence of a genuine improvement in the status of human rights. On the contrary, faced with growing international isolation and increasing anti-fascist resistance from the Chilean people, the Junta had felt compelled to look for new devices for retaining power while at the same time deceiving world public opinion.
5. Thirdly, the Junta, by giving a new name to DINA, by organizing an unparalleled sham election which had been denounced throughout the world as being without political or legal worth, by calling the "state of siege" a "state of emergency", and by decreeing a so-called general amnesty, had simply engaged in diversionary manoeuvres.
6. Consequently, only one conclusion could be reached: there was no democratization in Chile. In fact, at the world conference of solidarity with Chile, held at Madrid in November 1978, representatives of the Chilean people had pointed out that in July 1978, at the time of the Ad Hoc Working Group's visit to Chile, arbitrary arrests, illegal house searches and other acts of terrorism perpetrated by CNI had been markedly reduced, only to be resumed later on a more drastic scale.

7. The events which had occurred recently, and especially the discovery at Lonquén of numerous corpses of persons who had been reported missing, highlighted the urgent need for the implementation of General Assembly resolution 33/175.
8. The most recent arbitrary acts committed against the trade-union movement - the banning, in October 1978, of the seven most important trade-union federations as alleged "marxist associations" solely because they had tried to promote the economic and social rights of the working people and had called for the restoration of trade-union freedoms and human rights - constituted further proof of the fact that terror still reigned in Chile. The main responsibility for that terror lay with the monopolistic capital which had installed the Junta in power to serve its own interests and for that reason was keeping it artificially alive, as was evidenced by Mr. Cassese's study of the impact of foreign economic aid and assistance on respect for human rights in Chile (E/CN.4/Sub.2/412). Over the past five years, the Junta had purchased through credits 5 billion dollars worth of arms, which it was using, in particular, to keep the Chilean people under its yoke, and recently it had received a 300 million dollar loan from an imperialist banking consortium. Thus, in Chile as in South Africa, oppression was making the country attractive for international capital.
9. His country had severed all relations with the Chilean authorities after the coup d'état and hoped, like the Chilean patriots, that all States would help to ensure the Junta's isolation by ending all political, economic and military relations with it.
10. His delegation was surprised that some States which had contributed to the establishment of the Ad Hoc Working Group now favoured its replacement by some other mechanism, even though it had given undeniable proof of its competence and effectiveness.
11. Mr. GARVALOV (Bulgaria) noted with concern that, in spite of condemnations by the United Nations and its appeals for the restoration and observance of human rights in Chile, the fascist military Junta, which had seized power with the connivance of certain imperialist circles, information media and multinational corporations, continued to be guilty of massive and flagrant violations of human rights and fundamental freedoms, as evidenced by the report of the Ad Hoc Working Group (E/CN.4/1310). The situation had not changed in the slightest as a result of the official dissolution of DINA and its replacement by CNI: arrests for political reasons or reasons of national security were continuing and had even increased in 1978 in relation to 1977 (E/CN.4/1310, para. 327); arrests without a warrant, detention in places which were kept secret and torture as a method of interrogation continued to be practised; thousands of persons had disappeared without the authorities deigning to give any information about them; the discovery of bodies of opponents of the régime in secret graveyards proved that executions without trial had taken place in Chile. In that connexion, he quoted the following extract from an article which had appeared in the International Herald Tribune on 27 February 1979:

"Human rights groups inside and outside Chile have long insisted that the missing Allende supporters were executed as part of a policy to eliminate the left. As with the assassination of Orlando Letelier, it appears that another of the Pinochet Government's darkest and most sensitive secrets is being exposed."

12. The Chilean Junta and those who supported it were clumsily trying to maintain that the human rights situation in Chile had improved to some extent. That was simply not the case. The referendum held in Chile in the preceding year - a veritable political masquerade - had been rejected by members of the Junta itself, and the Chilean bishops had also expressed their disapproval.

13. The economic, social and cultural rights of Chileans were also being violated, as was amply proved by Mr. Cassese's report (E/CN.4/Sub.2/412): the State social-security system was no longer working; trade-union activities were severely curtailed or prohibited; trade unionists were persecuted; the entire population, and especially the working people, were being subjected to merciless economic exploitation; unemployment was rife and, according to official statistics, nearly 2 million Chileans were now in the needy category.

14. The United Nations could not stand aloof from that serious situation. The Commission should keep the situation under review and should repeat its appeals to the military Junta to put an end to ill-treatment and torture, to account for all persons reported missing and release all political prisoners, to cease its mass persecution, and to restore all human rights and fundamental freedoms, pursuant to the Charter of the United Nations and the international covenants on human rights. In his delegation's opinion, the Commission could not continue to keep the situation under review in an effective, comprehensive and objective manner except by making use of the machinery which it had set up for that purpose.

15. Mrs. LETELIER (Women's International League for Peace and Freedom), speaking at the invitation of the Chairman, reminded members that when she had taken the floor at the Commission's thirty-third session, she had accused DINA of being directly responsible for the murder in Washington on 21 September 1976 of Orlando Letelier, former Ambassador of Chile to the United States of America and former Minister of Defence of Chile, and his assistant. She had at that time sent the Commission all the information at her disposal concerning DINA's terrorist activities outside Chile and, in particular, a letter addressed by the head of DINA, Colonel Manuel Contreras Sepúlveda - who had since been promoted to the rank of general - to his only superior in the chain of command, General Pinochet, the cornerstone of the régime.

16. The representatives of the military Government had vehemently denied the facts as they had been reported, claiming that no organ of the Chilean military Government had taken part in the assassination. However, the evidence given by Michael Townley, the DINA agent, the verdict returned on 14 February 1979 in Washington in the public trial relating to that case and, in particular, the charges brought against three senior Chilean officers who had been members of the former DINA - an organization responsible solely to the President of the Republic, General Pinochet - and whose extradition had been requested by the Government of the United States of America, showed the world that the Chilean Government's secret police had plotted and carried out, at the highest level, heinous crimes against opponents of the régime living abroad, whom she listed.

17. The murders committed abroad were not only violations of human rights, but also acts of aggression against the peaceful community of States. It was clear that neither General Prats nor Mr. Letelier had been assassinated on the spontaneous initiative of some agent of the Chilean military régime. The head of DINA, General Manuel Contreras, had held consultations with the highest echelon. According to Decree-Law No. 521, that highest echelon was the Junta itself, and President Pinochet in particular. Moreover, the assassins had held official passports issued by the Ministry of Foreign Affairs of Chile. The United States Attorney-General had declared that DINA "had sought the death" of Orlando Letelier, who had already been deprived of his nationality; DINA had sought the death of Orlando Letelier just as it was seeking the deaths of those it described as "enemies" in what General Pinochet had on several occasions called an "unconventional war". When one saw how such an audacious and brutal crime could be committed in the very capital of the United States, one could imagine what was going on within the frontiers of Chile.

18. She would make available to the Commission some of the most important documents relating to the Washington trial, including the verdict, in order that members might take note of them and the Special Rapporteur might study them as part of the Ad Hoc Working Group's investigation. She expressed the hope that the light which had been shed on the assassination of Orlando Letelier would give a better idea of how the system worked and would enable the victims of the repression in Chile to turn to the Commission with renewed hope.

19. Mr. JAHN (Federal Republic of Germany) said that the eighth report of the Ad Hoc Working Group (E/CN.4/1310) was very impressive; an enormous amount of work had already been put into the previous reports but the latest report showed, in addition, a degree of knowledge that could be achieved only by an on-the-spot visit. In resolution 33/176, the General Assembly had already stressed the importance of such a visit as an example for the Commission's future action; it was to be hoped that that precedent would be followed in other cases, in the interest of the subsequent work of the Commission.

20. In the case of Chile, a step had been taken in the right direction but, the goal was still far off. The report in document E/CN.4/1310 showed that human rights continued to be violated in Chile; the concluding observations and recommendations gave evidence of a very serious situation. In that regard, his delegation endorsed the assessment contained in paragraph 321. It was now concerned about the further arrests which had been made for political reasons and the continued existence of torture. In addition, the trade unions were being subjected to severe restrictions; in that area, too, it was to be hoped that tangible progress would be made, since free trade unions were a characteristic of a free country. While some improvement in the freedom of information had been noted, the passages of the report concerning missing persons were depressing; in the Federal Republic of Germany, the experience of the Second World War made it possible to understand the great anguish felt by the families concerned.

21. His delegation supported the recommendations made by the General Assembly in resolution 33/175 concerning the appointment of a special rapporteur on the situation of human rights in Chile, whose mandate was to be formulated on the basis of Commission resolution 8 (XXXI), and the consideration by the Commission at its thirty-fifth session of the most effective ways of clarifying the whereabouts and fate of missing persons in Chile. The special rapporteur's mandate should not be unduly rigid but should allow a sufficient margin for negotiation.

22. Ever since it had become a Member of the United Nations, the Federal Republic of Germany had championed the cause of human rights in all parts of the world; it particularly desired the restoration in Chile of fundamental freedoms, which had previously existed in that country of long-standing democratic traditions. However, there were unfortunately many other countries where human rights were violated, and in many cases the violations were passed over in silence; the Commission was still a long way from adopting an objective procedure which was free of political considerations and whose sole objective was the protection of human rights. There was thus a danger that the Commission might display a certain arbitrariness which would weaken the credibility of the United Nations, the basis of its means of action. The progress achieved in Chile was encouraging in that respect, since it showed that the pressure of international opinion could bring about practical improvements.

23. Mr. ERDEMBILEG (Mongolia) thanked the Ad Hoc Working Group for its report (E/CN.4/1310), from which it was apparent that, in spite of the condemnations by the international community, the military Junta of President Pinochet continued to flout human rights with the support of imperialist and chauvinistic forces. The Junta rejected the provisions of many United Nations resolutions expressing the international community's condemnation and desire that arbitrary fascist rule and bloody terror in Chile should be terminated. In the Commission itself, isolated attempts were made to prevent the consideration of the violation of human rights in Chile. Nevertheless, with every passing day, there was increasing evidence of flagrant violations, and the number of arbitrary arrests was growing constantly. Many of the missing persons were dead and the corpses of many patriots had already been found in clandestine graveyards. There was one member of Pinochet's secret police for every 20 citizens; hundreds of thousands of listed persons could change neither their employment nor their place of residence; in October 1978, seven trade-union federations comprising 400,000 members had been prohibited. The Junta was reducing to nought all the progress achieved under the previous régime. The situation of the workers was catastrophic: out of an economically active population of 4.5 million, 1 million were unemployed. Out of 10 million Chileans, 2 million lived in extreme poverty. Official publications praised fascism and nazism. Such facts showed that the purpose of the affirmations by the Junta and its supporters that the human rights situation was no longer a matter of priority was simply to prevent further international condemnation.

24. The aid given by the Western monopolies to the Junta was well described in Mr. Cassese's report (E/CN.4/Sub.2/412). It was regrettable that some United Nations bodies also continued to provide assistance to Chile, as was indicated in that report.

The role of the leaders in Peking was also brought out in the report. The Peking régime encouraged human rights violations in Chile just as it had supported the bloody régime of Pol Pot, murderer of millions of innocent persons. That régime, in its desire for hegemony, had recently launched an attack against a heroic socialist country which was continuing to defend its free and independent existence.

25. The Government and people of Mongolia condemned both the policy of the Pinochet régime and the aggression by China, and called for an immediate halt to such practices. They also condemned the imperialist countries which aided and abetted those régimes. On the other hand, Mongolia supported the activities of the United Nations and the specialized agencies which were seeking to end violations of human rights; for its part, the Commission should systematically follow the situation in Chile and, at the current session, strongly condemn the criminal acts of the Junta.

26. Mr. ZORIN (Union of Soviet Socialist Republics) expressed gratitude to Mr. Allana, Chairman-Rapporteur of the Ad Hoc Working Group, for his statement and the report which he had submitted to the Commission. After the putsch in September 1973, the Chilean military Junta had established in Chile a fascist dictatorship and instituted terror and massive repression in a country which was known for its democratic traditions but in which arbitrariness, illegality and violence now prevailed. The voluminous documentation available to the Commission revealed the anti-popular and terrorist nature of the régime and testified to the constant existence of repression and persecution.

27. The Junta would have been unable to commit its crimes without the assistance of certain Western countries. In that regard, the report submitted by Mr. Cassese (E/CN.4/Sub.2/412) was of undoubted value. It showed that the massive violation of human rights by the Junta, and in particular the violation of trade-union rights, helped to attract foreign investments. However, table 49 in volume III, paragraph 259, contained a serious factual error which should be corrected.

28. The report of the Ad Hoc Working Group showed that in Chile flagrant and massive violations of human rights and fundamental freedoms were continuing, together with terror, repression and persecution. The Commission was paying the closest possible attention to that situation, as could be seen from resolution 12 (XXXIV). As to the General Assembly, it had expressed on several occasions, and in particular in resolution 33/175, its indignation at the massive repression practised by the Chilean régime. According to the report of the Ad Hoc Working Group, massive violations of the right to life, liberty and security of person continued and took the form of arbitrary arrest for political reasons and of deprivation of liberty without any court hearing. Compared with 1977, the situation had worsened, since today a person could be arrested merely because he had participated in the humanitarian activities of the Church.

29. The Junta had institutionalized torture, which was one of the main reasons why the General Assembly had formulated its Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or

Punishment, which was contained in resolution 3452(XXX). However, in spite of the measures taken by the United Nations, the Junta continued to use torture, according to paragraph 48 of the report, and paragraph 51 even stated that torture was used as a means of inducing a person to make a false statement incriminating third parties. Paragraph 102 indicated the types of ill-treatment and torture to which detainees were subjected. The Commission and the General Assembly had on several occasions requested the Chilean authorities to put an end to torture and to prosecute those responsible for it, but the authorities had taken no action on those lines.

30. The Junta had deprived the Chilean people of its political rights. The situation had become even worse during the past few months, since what remained of trade-union rights had been restricted and seven trade unions comprising some 400,000 workers had been disbanded. According to paragraph 144 of the report of the Ad Hoc Working Group, freedom of thought and expression were restricted and not only acts but also opinions could lead to the imposition of a penalty.

31. Hundreds of persons arrested by the Junta's agents had gone missing. On several occasions the Commission and the General Assembly had requested the Junta to give an account of the fate of those persons. A number of relatives of missing persons had staged a hunger strike in May-June 1978 in order to obtain information on their fate. The Church organizations, too, had requested information from the Junta, as had the Secretary-General of the United Nations. However, all those requests or appeals had been in vain.

32. The Ad Hoc Working Group stated in its report that the corpses of persons arrested by the Junta and subsequently listed as missing had been discovered in several places in Chile. Those facts aroused the indignation of the international community and called for the adoption of decisive measures by the Commission in order to compel the Junta to provide information on the fate of any person who had gone missing after his arrest.

33. The report of the Ad Hoc Working Group confirmed that the Junta had deprived the Chilean people of its economic, social and cultural rights, and had nullified the social achievements of the Government of Popular Unity. Unemployment had further increased, many enterprises had closed down and the real value of wages, which had already been very low in 1975, had fallen by almost half. The rural areas were in a particularly difficult situation. The suppression of trade-union rights constituted a further obstacle to the defence of the economic and social rights of the working people.

34. The military Junta was using the state of siege or emergency in order to practise repression and terror, which it had raised to the status of a system of organized oppression and which was applied with relentless cruelty. The report confirmed that the Junta régime was a fascist dictatorship. The problem of the full restoration of human rights and fundamental freedoms in Chile was connected with the desire of the Chilean people to rid itself of that dictatorship and to re-establish democracy.



35. The facts contained in the report of the Ad Hoc Working Group contradicted the assertion that the situation of human rights in Chile had improved. So long as brutal and massive violations of human rights continued in Chile, the United Nations must pay constant attention to them. For that reason, the extension of the mandate of the Ad Hoc Working Group, in accordance with Commission resolution 8 (XXXI), was a logical and justified measure, especially since the Ad Hoc Working Group could not be considered to have completely fulfilled the mission entrusted to it, only three of its members having been allowed to travel to Chile.

36. The movement of solidarity with the Chilean people was continuing, as was proved by the world conference of solidarity with Chile held in Madrid in November 1978. In its final document, the conference had condemned fascism and the dictatorial Chilean Junta. That international movement of solidarity strengthened the Chilean people's hope that the tyranny would soon end. His delegation was convinced that the Commission, one of the first United Nations bodies to raise its voice in protest against the crimes of the Chilean Junta, would make a further contribution in order to bring a rapid end to the flagrant and massive violations of human rights in Chile.

37. Mr. CHOU HSIEN CHUCH (Observer for China) said that the representative of Mongolia had sought to take advantage of the consideration of agenda item 5 in order to indulge in his customary anti-Chinese propaganda.

38. The CHAIRMAN pointed out to the observer for China that observers did not have the right of reply. The time had, in fact, come to adjourn the meeting. As agreed, the Commission would resume consideration of agenda item 5 at the afternoon meeting on Monday, 5 March. On Thursday, 1 March, it would take up item 12 in closed session. On Friday, 2 March, it would consider the draft resolutions relating to items 8 and 21 and to items 6, 7, 16 and 20, and would take a decision on them. On Monday, 5 March, it would consider the draft resolutions relating to item 5 and take a decision on them.

39. Mr. ALLANA (Pakistan) observed that there were still many delegations which wished to speak on item 5. In order to enable the Commission to devote more time to the consideration of that item on Monday, 5 March, it would be advisable not to hold any group meetings on that day.

40. The CHAIRMAN said that, if there was no objection, he would take it that it was the Commission's wish that the group considering item 10 (a) should not meet on Monday, 5 March.

41. It was so decided.

42. Mr. ERMACORA (Austria) said that it might perhaps be preferable to complete the consideration of item 5 on Thursday, 1 March, so that on Monday, 5 March the Commission would be in a better position to consider the draft resolutions relating to that item. The closed meeting on item 12 could be held on the afternoon of Thursday, 1 March.

The meeting rose at 6.05 p.m.