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REPORT OF THE ECONOMIC AND SOCIAL COUNCIL

Letter dated 18 October 1989 from the Permanent Representative
of the Federal Republic of Germany to the United Nations
addressed to the Secretary-General

I have the honour to submit herewith the text of a letter dated 22 September 1989 from the Minister for Foreign Affairs of the Federal Republic of Germany, Hans-Dietrich Genscher, addressed to the Chairman of the Commission on Human Rights, Professor Marc Bossuyt, concerning events related to the Sociedad Benefactora y Educacional Dignidad in Chile (see annex).

I should be grateful if you would kindly have this letter and its annex circulated as a document of the General Assembly, under agenda item 12, and brought to the attention of the Commission on Human Rights.

(Signed) Hans Otto BRÄUTIGAM

ANNEX

Letter dated 22 September 1989 from the Minister for Foreign
Affairs of the Federal Republic of Germany to the Chairman
of the Commission on Human Rights

I was both shocked and dismayed to learn of the decision of the Chilean Supreme Court more or less avoiding prosecution of the serious crimes attributed to members of the Sociedad Benefactora y Educacional Dignidad, commonly referred to as "Colonia Dignidad".

Colonia Dignidad is a colony of mostly German nationals in southern Chile. Former members who have fled the colony have accused its leaders of seriously mistreating and torturing insubordinate members. There have been other allegations of misuse of psychopharmacological substances, unlawful detention, and sexual crimes against minors. These charges have been and still are the subject of criminal investigation proceedings in the Federal Republic of Germany. They have also been known to the Chilean authorities for years. One particularly serious example is the case of a young man with dual nationality who, in 1988, made a second attempt to escape and was brought back by force. In spite of urgent requests from the Government of the Federal Republic of Germany, this man is not allowed to be questioned outside the colony.

In my opinion, the abundance of evidence offered to the Chilean authorities is sufficient to open criminal proceedings. To my great surprise the Chilean authorities have not availed themselves of much of this evidence and have declined to take depositions from important witnesses.

In previous years, too, the Chilean authorities and the Chilean Government have remained inactive, in spite of urgent requests from the Government of the Federal Republic of Germany.

This decision by the Chilean Court nourishes the suspicion that the happenings in Colonia Dignidad are being covered up by the Chilean leadership and the persons responsible are being protected. Until such time as the Chilean Government has fully investigated the serious charges against the leading members of Colonia Dignidad and has done everything in its power to prevent violations of human rights and to protect the members of that organization from inhumane treatment, the position of the Government of the Federal Republic of Germany will be that the Chilean Government bears a major part of the responsibility for the reported cases of torture, mistreatment and the suppression of personal liberty.

I refer in this connection to the reports of the Ad Hoc Working Group of the Commission on Human Rights appointed to inquire into the situation of human rights in Chile (documents E/CN.4/1188 of 4 February 1976, p. 39; and A/31/253, annex, of 8 October 1976, paras. 205, 206 and 371 and 372).

I shall instruct the delegation of the Federal Republic of Germany to raise this serious case of human rights violations in Chile at the forty-sixth session of the Commission on Human Rights of the United Nations.
