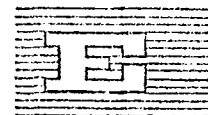


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COMMISSION ON HUMAN RIGHTS

Fortieth session

SUMMARY RECORD OF THE 55th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 13 March 1984, at 9 p.m.

<u>Chairman:</u>	Mr. KOOLJMANS	(Netherlands)
later:	Mr. BARAKAT	(Jordan)

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Question of human rights in Chile

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The meeting was called to order at 9.05 p.m.

QUESTION OF HUMAN RIGHTS IN CHILE (agenda item 5) (E/CN.4/1984/7, 20 and 24; E/CN.4/1984/L.94; E/CN.4/1984/NGO/8, 12, 36, 43, 47 and 48; A/38/385 and Add.1)

1. Mr. HERNDL (Assistant Secretary-General for Human Rights), introducing the item, drew attention to the report (E/CN.4/1984/7) and letter and memorandum (E/CN.4/1984/20) submitted by the Special Rapporteur on the situation of human rights in Chile, who was unable to be present owing to pressing engagements in connection with his duties as Judge of the High Court of Mauritius. He also drew attention to General Assembly resolution 38/102, in which the General Assembly invited the Commission to study in depth the report of the Special Rapporteur at its fortieth session, to take the most appropriate steps for the effective restoration of human rights and fundamental freedoms in Chile, including the extension of the Special Rapporteur's mandate for one more year, and to report, through the Economic and Social Council, to the General Assembly at its thirty-ninth session.
2. Mr. MONTAÑO (Mexico) said that, for more than a decade, the international community had observed with concern and alarm the flagrant and systematic violations of human rights in Chile. Throughout that time, the Chilean people had experienced the nightmare of an unsuccessful attempt at economic recovery, the sole result of which had been to plunge large segments of the population even deeper into poverty. When they had begun to demonstrate their discontent, the authorities had quickly responded with violence, killings and further threats. Following the violence of 1983, organizations such as the Popular Democratic Movement and the Democratic Alliance had been forced to overcome old partisan differences and had taken measures to continue their struggle for the restoration of fundamental freedoms and human rights. On 27 March, a day of popular protest was to be held and was expected to witness the largest gatherings of participants since 1973. Other events were planned for subsequent months.
3. In his fury and surprise, the head of the military junta had refused to grant safe conducts to Chileans who had taken refuge in the Apostolic Nunciature in Santiago, despite repeated requests by the Vatican and the Pope himself. Political leaders had been arrested, in flagrant violation of the provisions of the Constitution which the military junta had itself drawn up. In July 1983, one of the leaders of the Democratic Alliance, Gabriel Valdés, had been arrested. On a number of occasions, the labour leader, Rodolfo Seguel, had been imprisoned and on 15 February 1983 Mr. Manuel Almeida, the leader of the Popular Democratic Movement, had been arrested and was still being held without trial or any explanation of the charges against him.
4. The support of the Commission, the General Assembly, other organs in the United Nations system and innumerable non-governmental organizations would be invaluable in achieving eventual restoration of human rights and fundamental freedoms in Chile. His delegation was concerned that, at its current session, the Commission should avoid taking decisions which might be interpreted by the tyrannical Chilean regime as encouragement or recognition, particularly at a time of increasing repression. The recent announcement of a referendum to determine the views of the

Chilean people on matters described as being of the utmost importance to Chilean society was simply an attempt by the military junta to buy time in the face of increasing social mobilization. Coming as it did 11 years late and after thousands of deaths and disappearances, the announcement of a referendum was clearly a futile political manoeuvre.

5. Mr. NITSCHÉ (German Democratic Republic) said that attempts continued to be made to demonstrate a positive trend in the situation of human rights in Chile. A number of States even questioned whether there was any justification for keeping on the agenda a separate item relating specifically to the human-rights situation in Chile. In that regard, it should be noted that, 10 years after the Fascist coup in Chile and the assassination of the democratically-elected President, a broad popular movement had emerged in the struggle for a return to democracy and freedom. The regime had reacted by tactical manoeuvres and brutal attempts to instil terror. During the seven days of national protest that had been held since May 1983 and in which more than 1 million Chileans had participated, a total of 73 people had been killed, 363 wounded by bullets and 1,170 otherwise injured as a result of action by the army and the police. More than 5,000 people had been sentenced to terms of imprisonment and the number of cases of torture, exile and other atrocities had increased. Whereas in 1982 some 100 instances of torture had been reported, in 1983 the number had exceeded 400 and the number of detentions had increased eightfold.

6. In addition, Chile was experiencing the severest socio-economic crisis in its history. In December 1983, 1.2 million Chileans had been unemployed and a further 650,000 had been covered by an emergency labour programme. In Santiago, the unemployment rate had exceeded 40 per cent. The policy of economic strangulation was meeting with growing resistance, as reflected in the organization of protest days, the next of which was planned for 27 March 1984. The central aim was to overthrow the regime and secure a return to democracy. In the face of the broad popular movement, the junta had felt compelled to carry out a number of tactical manoeuvres, including the dissolution of the military cabinet, the lifting of the state of emergency and the initiation of a so-called dialogue with representatives of the bourgeois opposition. However, all those measures had failed. By tightening the state of emergency, the junta was now attempting to extend its rule until 1989.

7. As before, the situation in Chile was marked by terror, atrocities and the complete absence of individual rights in all fundamental areas. The regime continued to perpetrate massive and systematic violations of human rights and was using increasingly brutal and repressive measures against the growing popular movement. Democratization was further away than ever before.

8. In view of the situation in Chile, he expressed the hope that the Commission would support the struggle of the Chilean people for the restoration of their legitimate rights. Separate consideration of the question of human rights in Chile was justified, and his delegation would firmly oppose any attempt to change the existing practice in that regard. It was also absolutely essential to extend the mandate of the Special Rapporteur on the situation of human rights in Chile.

9. Mr. Barakat (Jordan) took the Chair.

10. Mrs. COLL (Ireland) said that, for 10 years, the Government of Chile had denied the Chilean people the right to take part in the political life of their country and to choose the kind of democratic system under which they wished to live, a situation made all the sadder by the fact that Chile had previously adhered to democratic traditions and to the rule of law. The announcement in August 1983 of a policy of "apertura política" could have marked a turning-point. However, as the Special Rapporteur had pointed out, subsequent developments, such as the breakdown of the political talks and the attempts made to nullify the positive consequences of the lifting of one of the two states of emergency, raised serious doubts regarding the Government's avowed commitment to the quick re-establishment of a democratic order.

11. It was not surprising that the Special Rapporteur had, on several occasions, reiterated his previous conclusions regarding the human rights situation in Chile. Over the years, the Government of Chile had devised and used an integrated system of legislative, executive and administrative measures to deny the central political right of the people and to restrict all other rights and freedoms designed to give effect to that central right. One point of continuing concern was that emergency legislation imposed considerable restrictions on the traditional competence of the courts. The almost five-fold increase in the number of arrests in the first 11 months of 1983, compared with the same period in 1982, reflected the serious deficiency in judicial supervision of arrests. The Special Rapporteur had, however, highlighted a few judicial decisions which offered hope that the courts might yet recover their traditional competence. For the first time in 10 years, a court had found that the National Information Agency (CNI) was not empowered to make arrests, still less to detain people in secret places. Her delegation urged the Government of Chile to act in accordance with that decision.

12. The widespread peaceful protests organized throughout 1983 had unfortunately given rise to systematic countermeasures by the Government, with even more adverse consequences for the human rights situation. The facts given in the Special Rapporteur's report demonstrated conclusively that serious and systematic violations of human rights had increased in Chile in 1983. Deaths resulting from the use of unnecessary violence by the security forces, instances of torture and other cruel, inhuman and degrading treatment or punishment, and injuries caused to peaceful demonstrators by bullets and beatings had all increased alarmingly. Such occurrences were inexcusable and must cease. The underlying cause was the prolonged denial of the rights of the people to take part in the political life of their country. Her delegation therefore endorsed the recommendation of the Special Rapporteur that the Government should put an immediate end to the state of emergency and take more urgent steps towards the restoration of the traditional democratic order.

13. Her delegation also noted the continued failure of the Government of Chile to co-operate with the Special Rapporteur. The statement of the Chilean representative at the thirty-eighth session of the General Assembly, as quoted in paragraph 4 of document E/CN.4/1984/7, was discouraging in that regard. While welcoming the fact that the Government of Chile had sent two memoranda to the Secretary-General concerning developments in the human rights situation in Chile, her delegation deeply regretted the Government's attitude towards the Commission and once again urged it to reconsider that attitude.

14. Mr. SERGIWA (Libyan Arab Jamahiriya) said that, despite the numerous resolutions adopted by the General Assembly and the Commission condemning the massive and systematic violations of human rights in Chile and calling upon the Chilean authorities to respect those rights, in accordance with its obligations under international law, the situation of human rights in Chile continued to deteriorate. The report of the Special Rapporteur provided specific information on numerous violations of human rights, including arbitrary detentions, torture and other inhuman treatment, and on the failure of the Chilean Government to clarify the situation of many persons who had disappeared and to institute judicial investigations in cases of arbitrary arrest and detention.
15. The extremely alarming situation in Chile was also described in the communications received from a number of non-governmental organizations, all of which underlined the repeated massive and systematic violations of human rights occurring in that country. It was incumbent on the Commission, therefore, to extend the mandate of the Special Rapporteur until those violations ceased.
16. His delegation condemned the refusal of the Chilean Government to co-operate with the Special Rapporteur, thus preventing him from effectively discharging his mandate. Moreover, the collaboration of certain regimes with the Chilean dictatorship, for the purpose of protecting their political and economic interests in the region, strengthened the position of that dictatorship and encouraged the systematic and massive violation of human rights. One notable example was the military and diplomatic co-operation between Chile and the South African regime.
17. Eleven years after the military coup in Chile, the Chilean people were still endeavouring to put an end to the dictatorship, to restore democracy and to halt the reign of terror. The will of the people could not be vanquished and the Government should take all necessary measures to restore human rights and the democratic order in Chile.
18. Mr. MACHAVELS (Mozambique) said that his delegation regarded the question of human rights in Chile as a cause for deep concern. It was regrettable that, despite the efforts of the international community over the past 10 years increasingly extreme methods were being used to violate human rights and fundamental freedoms, in particular the right of the Chilean people to choose their own course of political and economic development under a democratic regime. According to the Chilean Commission on Human Rights, during 1983 there had been 15,078 arrests for political reasons, 437 reported cases of torture and 9,559 cases of wounding. In addition, there had been 97 deaths, 130 restricted residence orders, 82 prohibitions on re-entering the country and 2 expulsions. Thousands of Chileans were condemned to exile while, within the country, trade-union rights, freedom of association and freedom of opinion were still denied. The continually extended state of emergency provided the military regime with official grounds for imposing an institutionalized form of terror. Particularly disturbing was the increasing collaboration with the apartheid and Zionist regimes aimed at perpetuating the oppression of the peoples of Africa and the Middle-East.

19. The persistent refusal of the Chilean authorities to co-operate with the Special Rapporteur gave no reason to believe that measures would be taken to restore the enjoyment of human rights in that country. The Chilean authorities had disregarded all the recommendations made by the General Assembly regarding the fate of the hundreds of missing persons. His delegation had taken note of the Chilean Government's position of principle on the question of human rights as stated in document E/CN.4/1984/24. In that regard, it was important to remember that the Commission had always spoken out against all situations in which violations of human rights had assumed massive proportions or where the denial of human rights had become official policy.

20. The gravity of the human rights violations in Chile fully justified the inclusion of a separate item on the question in the Commission's agenda. By including that item, the Commission was acting in accordance with the renewed appeal made by the General Assembly in its resolution 38/102. As long as the Chilean Government refused to co-operate with the Commission, it would be impossible to ensure the enjoyment by the Chilean people of their fundamental rights. Accordingly, his delegation called on the Chilean authorities to co-operate with the Commission and thus to demonstrate their readiness to restore human rights in Chile. The Special Rapporteur's mandate should be renewed and the Commission should include an item on the question of human rights in Chile in the agenda for its forty-first session.

21. In conclusion, he reaffirmed his Government's solidarity with the Chilean people in their struggle for the full restoration of their human rights.

22. Mr. de la TORRE (Spain) said that his Government attached paramount importance to the protection of human rights and to the establishment of effective mechanisms for safeguarding them. The promotion of human rights guided its activities within the United Nations and, more specifically, within the Commission, which it regarded as one of the key institutions for the protection of human rights. His Government recognized the full competence of the United Nations in the area of human rights. Gross violations of human rights must be condemned wherever they occurred. If all States were equal as far as their powers and prerogatives were concerned, they also had equal duties, including the duty to respect and guarantee the exercise of all human rights and fundamental freedoms.

23. His delegation had studied carefully the report (E/CN.4/1984/7) of the Special Rapporteur on the situation of human rights in Chile, a country with which Spain had close historical and cultural links, as well as ties of affection, and whose current situation was made all the more distressing by the fact that it had been one of the most outstanding examples of constitutional stability in the Americas. His delegation regretted the refusal of the Chilean authorities to co-operate with the Special Rapporteur. Of particular concern was the observation in the report that, with the continuation of restrictions on the remedy of amparo under the twenty-fourth transitional provision of the Constitution, there had been little change in the institutionalization of the state of emergency. The breakdown in the dialogue with political parties, the continuation of the state of emergency due to threats to internal peace, the violent repression of the demonstrations held on the days of national protest, and the restrictions placed on entering and leaving the country had extinguished earlier hopes of political liberalization. In the circumstances, the Chilean authorities must endeavour to enhance the

credibility of future measures designed to restore respect for human rights. The recently-announced referendum and the future legislation on the organization of political parties would afford the Chilean Government a further opportunity to prove that credibility. However, the draft legislation in question made no provision for the application of the Constitution of 1980 in the areas of political affairs and representation.

24. The extension of military jurisdiction through special legislation was highly disturbing, not only because of the changes wrought in normal judicial procedure, but also because of the serious effects on procedural guarantees. It was essential that civilian jurisdiction should once again be made the sole jurisdiction with general competence and be able to follow regular, non-summary procedures. In that regard, judicial investigations of reports of human-rights violations must be properly carried out and lead to meaningful judicial decisions. Positive action had been taken by a number of magistrates who had demonstrated their firm resolve to retain their independence. The action of Judge Brito constituted a model for the members of the Chilean judiciary. The continued violations of civil and political rights, particularly the right to life and physical integrity, were especially disturbing when they were the result of the abuse of power on the part of the security services, as exemplified by the repressive measures taken on the days of national protest.

25. According to the report, there had been no decline in instances of persecution and intimidation, and cases of torture and maltreatment had increased. Such acts must cease immediately; complaints must be investigated and those responsible brought to justice. The fourfold increase in the number of detentions in 1983 was particularly disturbing. The arbitrary and unlawful nature of most detentions was made all the more serious by the fact that detainees were held in secret places. The investigation of disappearances must be expedited and information provided regarding the fate of the persons concerned. According to the report, most such violations of human rights were perpetrated by the security services, in particular the CNI, whose disbandment had been urged by the Chilean people. The reason given by the authorities for not complying was not acceptable, since the CNI's purported function of ensuring the security of all citizens was blatantly inconsistent with the actual results of its activities. With regard to cultural rights, his delegation was of the view that the current situation was due to historical and economic factors which could also occur in countries with a democratic system.

26. The Spanish delegation was convinced that, as the Special Rapporteur pointed out in his conclusions, the basic problem lay in the persistent denial by the Chilean Government of the right of the people to participate in national political life and to choose the type of democratic system under which they wished to live. His Government sincerely hoped that the situation of human rights in Chile would cease to be a matter for consideration by the Commission and other competent United Nations bodies. However, that could come about only with the restoration of those rights and civil liberties, thus enabling the Chilean people to participate freely in the political, cultural, social and economic life of their country. In that regard, his delegation hoped that the referendum recently announced by President Pinochet would be held as soon as possible and that the matters to which it would relate and the conditions in which it was to be conducted would be clearly stipulated. He also expressed the hope that the Government would adhere to the time-limits announced by the President regarding the proposed legislation on political parties, the Constitutional Court and the establishment of an electoral system ensuring the free participation of all political forces in genuine elections.

27. Mr. ZORIN (Union of Soviet Socialist Republics) said that gross and massive human-rights violations in Chile had never ceased since the Fascist military coup d'etat in September 1973. The tragic era of terror and mass repression in Chile, which had begun with the criminal assassination of President Allende, the overthrow of the Government of Popular Unity, the dissolution of Parliament and the prohibition of political parties and other representative organizations, was still continuing, and new victims were constantly being added to the tens of thousands of men and women who had perished at the hands of the military junta in recent years. As had been stated repeatedly in various United Nations documents, gross and massive violations of all human rights - civil, political, social, economic and cultural - had been elevated in Chile to the rank of State policy, and that situation was now in its eleventh year.

28. Those facts were borne out by the latest report by the Special Rapporteur on the situation of human rights in Chile (E/CN.4/1984/7), which formed a valuable addition to the series of previous reports on the subject. Despite the many General Assembly resolutions and appeals by the world community addressed to the Chilean authorities over the years, of which General Assembly resolution 38/102 was the latest, the practice of gross and massive human-rights violations in Chile not only had not ceased but had actually been intensified. The report noted that the Chilean people were still deprived of political rights, and expressed special concern about the increasing number of violations of the rights to life and to physical and moral integrity. From the Special Rapporteur's report to the General Assembly (A/38/385 and Add.1) it would be seen that in the first few months of 1983, 40 persons, including children and adolescents of both sexes, had been killed by Chilean security forces during the days of national protest; over the same period, 81 persons had received bullet wounds or other serious injuries and 87 persons had suffered torture and other forms of cruel and inhuman treatment. Between July and October 1983, 16 persons had been killed during the days of protest by CNI agents. In paragraph 166 of his report to the Commission (E/CN.4/1984/7), the Special Rapporteur noted that there appeared to be no intention on the part of the Chilean Government to shed any light on the deaths which had occurred.

29. The practice of arbitrary arrests, too, had spread in 1983. As pointed out in paragraph 48 of document A/38/385/Add.1, the number of arrests made during the first eight months of 1983 was more than three times greater than in the corresponding periods for 1981 and 1982. Acts of persecution and intimidation were increasing, as was the number of mass round-ups. The Chilean authorities were continuing the monstrous practice of declaring persons arrested on political grounds to have disappeared. As the Special Rapporteur pointed out, the fate of those persons was still not clear; the authorities persisted in ignoring the repeated invitations by the General Assembly and the Commission to conduct appropriate investigations.

30. In paragraph 167 of document E/CN.4/1984/7, the Special Rapporteur referred to information being available on 147 acts of torture and other cruel or inhuman treatment in Chile and reiterated the conclusion that torture and inhuman treatment continued to be a habitual practice of the very forces which were charged with the responsibility for the maintenance of law and order and the

protection of citizens. The lack of elementary social, economic and cultural rights in Chile, the extremely high level of unemployment, and the tragic situation of the indigenous population also gave rise to serious concern.

31. Attempts by the representative of the United States to create the impression that the human-rights situation in Chile was improving were in direct contradiction with reality and appeared to be intended as a diversionary tactic. As the Special Rapporteur stated in his memorandum (E/CN.4/1984/20), "To sum up the year 1983 in terms of serious violations of human rights and freedoms, there has in general been a turn for the worse compared with previous years". So long as the Chilean regime refused to put an end to its repression, the United Nations was in duty bound to continue giving the utmost attention to the question of human rights in Chile. The Soviet delegation associated itself with views already expressed in favour of extending the Special Rapporteur's mandate for a further year.

32. It was no secret that the coup d'etat of 1973 had been planned and carried out with the assistance of United States ruling circles. The tragic events in Chile should serve as a lesson in vigilance to the international community, which should be constantly on its guard against the attempts of the most aggressive forces of imperialism to interfere in the internal affairs of sovereign States.

33. Ms. DERMENDJIEVA (Bulgaria) recalled that, at the preceding session, a number of delegations had endeavoured to avoid discussing the flagrant violations of human rights and fundamental freedoms in Chile under a separate agenda item on the grounds of the alleged improvement of the human-rights situation in that country. However, the large-scale public demonstrations on the days of national protest and the harsh methods used in repressing the peoples' demand for the restoration of legality, democratic institutions and the effective enjoyment of all human rights and fundamental freedoms proved once again that there had been no improvement.

34. Having studied the report of the Special Rapporteur on the situation of human rights in Chile (E/CN.4/1984/7), her delegation felt obliged to express its continued deep concern about the lasting exercise of exceptional powers by the military forces. The existing Constitution did not reflect the freely-expressed popular will, and its provisions, far from guaranteeing the enjoyment of human rights and fundamental freedoms, suppressed, suspended or restricted the exercise of those rights and freedoms. That fact was evidenced by the increasing frequency of mass arbitrary and legal detentions, flagrant violations of the right to physical and moral integrity, enforced or involuntary disappearances, persecution and numerous deaths. The repressive action taken on the days of protest in July and August 1983 had resulted, in many cases, in the denial of the most fundamental human right - the right to life. According to The Times of 13 August 1983, 16 people had been killed, 100 wounded and 700 arrested during the 24-hour protest. The dead had included three children between eight and 10 years of age. An article published in the international press in August 1983 spoke of 18,000 gunmen being sent to patrol the streets of Santiago during the days of national protest with instructions to keep public order by shooting at will. Another article published in the International Herald Tribune on 23 July 1983 had referred to the fact that the Reagan Administration had supported the provision of almost \$US 200 million in loans to Chile and had suggested that, having helped to create the Pinochet regime, Washington still had time to withdraw its support.

35. The dictatorship of General Pinochet had been imposed by a Fascist coup, with the active assistance and direct involvement of the CIA. The United States Government often spoke out against totalitarianism, but in reality made everyday use of it as a favourite political instrument, the recent invasion of Grenada being a striking example. The fact that the United States supported all Fascist regimes of the Chilean type and declared the legitimate struggles of oppressed peoples for democracy and national liberation to be terrorist actions could scarcely be viewed as anything other than a manifestation of totalitarianism. The military regime in Chile, pursuing a doctrine of national security and an "ultra-liberal economic model", had closed Parliament, outlawed political parties, pulverized trade unions and professional organizations, stimulated private business and opened the country to foreign capital. All the Chilean economic and political institutions had been placed at the disposal of those who had made Chile one of the largest per capita world debtors by enabling business concerns in the United States and other countries to plunder Chile's national wealth. As a result, the Chilean people had been deprived of all their fundamental social and economic **rights**. It was clear who were the real beneficiaries of the dictatorship in Chile.

36. Her delegation, which was gravely concerned at the disastrous human-rights situation in Chile and at the continued refusal of the Pinochet regime to restore democracy, appreciated the conclusions and recommendations made by the Special Rapporteur in paragraphs 182 and 184 of his report. It would support a resolution calling for the extension of the Special Rapporteur's mandate and strongly condemning the inhuman nature of the Fascist regime in Chile.

37. Mr. BENDAÑA (Nicaragua) said that the systematic violation of human rights and fundamental freedoms in Chile continued to be a source of great concern to the international community - concern which had been expressed by the General Assembly in resolution 38/102. In his report, the Special Rapporteur confirmed that there was no sign of improvement in the human-rights situation in Chile. On the contrary, the powers of the State continued to be subject to the control of the armed forces, thus facilitating grave, flagrant and systematic violations of human rights. Torture and maltreatment were quite obviously tolerated by the administrative and judicial authorities. The security forces were responsible for torture and for a long list of violations. Moreover, despite the repeated appeals of the international community, the Government had failed to shed any light on the fate of many persons who had disappeared.

38. In his report, the Special Rapporteur also noted the lack of respect in Chile for the rights to freedom of thought, opinion and expression and stated that a wide range of rights and guarantees had been curtailed or were practically non-existent. In recent months, a large number of demonstrations had been held by the Chilean people to express their dissatisfaction with the economic, political and social situation. The economic situation was closely bound up with the deep political crisis brought about by the disruption of the traditional democratic order.

39. The recent announcement of a referendum had been designed to sow confusion at a time when the people of Chile were demanding a return to democracy. Neither the date on which the proposed referendum was to be held nor the nature of the question to be put to the Chilean people had been specified. The Special Rapporteur had already provided details regarding the fraudulent and unlawful manner in which the previous referendum had been conducted.

40. The arrests carried out by the junta were designed to repress and discourage peaceful protest and popular discontent. The report stated that, of more than 1,942 people arrested, only 201 had been brought before the courts. His delegation called for the immediate release of Mr. Manuel Almeida, who had been imprisoned in Santiago since 15 February. He was being persecuted, not as an individual, but as the leader of the Popular Democratic Movement (MDP), thus demonstrating that the Government intended to use the courts to persecute anyone not accepting the prolongation of the current regime.

41. His delegation shared the view of the Special Rapporteur that the international community must continue to demonstrate its concern at the situation in order to ensure the restoration of the exercise, promotion and protection of human rights in Chile. The Commission should adopt the same position as the General Assembly and should renew the mandate of the Special Rapporteur, whose report provided further confirmation that the question of human rights in Chile should be maintained as a separate item on the Commission's agenda.

42. Mr. Kooijmans (Netherlands) resumed the Chair.

43. Mr. MALKO (Ukrainian Soviet Socialist Republic) said that no one who cherished the ideals of freedom, democracy, humanism and social progress could remain indifferent to the human-rights situation in Chile. The military Fascist junta, insolently ignoring the views of the world community as expressed in numerous resolutions of the General Assembly, the Economic and Social Council, the Commission on Human Rights and other United Nations bodies, was intensifying its arbitrary rule. The Special Rapporteur's reports to the General Assembly and the Commission (A/38/385 and Add.1 and E/CN.4/1984/7) testified to the steady worsening of the situation. His delegation supported the conclusion in paragraph 162 of document E/CN.4/1984/7 that there were still no legal channels in Chile to enable the citizens to exercise the right to participate in the political life of the country, and **shared** the concern expressed in paragraph 166 at the increase in number of the Fascist regime's victims. If anything had changed in Chile in recent months, it was the people's determination to resist tyranny. As was pointed out in paragraphs 162 and 168 of that report, virtually all sectors of activity and opinion in the country had, over the period May-November 1983, taken part in days of national protest against the hated dictatorship, and resistance was growing in terms not only of the number of participants, but also of their fighting spirit.

44. The Fascist military junta had reacted to the popular protests with increasingly harsh repressive measures. A Draconian new law introducing the death penalty for opposing the Fascist dictatorship was under preparation. Persons taking part in days of national protest were threatened with banishment to remote regions of the country. The powers of the notorious CNI were being further expanded. The abolition of the state of emergency announced in August 1983 had not led to any real changes. The reactionary crusade against Chilean patriots was continuing unabated.

45. The country's economy too, was in serious decline. By opening up the country to foreign and especially United States monopolies, the junta had doomed many sectors of the national economy to extinction. Industrial production figures had fallen to the level of 1966. The external debt had risen to over \$13 billion. The number of bankruptcies of small and medium-sized enterprises had increased. According to information in the press, one Chilean in three was unemployed, and more than 10,000 people were homeless in Santiago alone.

46. The question of human rights in Chile should remain a matter for special consideration by United Nations bodies, including the Commission. His delegation was in favour of extending the Special Rapporteur's mandate for a further year. Any change in the approach to the question would harm the Chilean people's aspirations and the Commission's prestige as a body responsible for promoting respect for human rights.

47. Today, Pinochet's junta was reeling under the onslaught of the powerful anti-government demonstrations. Quite obviously, the regime's main support was the direct and indirect assistance it was receiving from military and industrial circles in imperialist States, more particularly the United States of America. Public opinion was especially outraged by reports of continuing deliveries of weapons and military equipment to the Chilean junta.

48. Mass demonstrations and other expressions of solidarity with the Chilean people were taking place in many countries throughout the world, including the Ukrainian Soviet Socialist Republic. The Ukrainian people resolutely condemned the violations of all fundamental human rights in Chile and called for the immediate ending of those violations. So long as the situation in Chile remained unchanged, the United Nations as a whole and the Commission in particular should continue to devote very close attention to it.

49. Mr. CLEMENT (France) said that the reports on the situation of human rights in Chile (A/38/385 and Add.1 and E/CN.4/1984/7 and 20) justified his delegation's concern about that country. It regretted the continued refusal of the Chilean Government, since 1980, to co-operate with the Commission. The Chilean Government complained in document E/CN.4/1984/24 that the Commission refused to recognize measures taken in connection with political institutionalization. However, as stated in the Special Rapporteur's conclusions and recommendations (E/CN.4/1984/7), there were "still no legal channels to enable the citizens ... to participate in the political life of the country". That had given rise to the days of national protest between May and November 1983 during which 68 persons had been killed.

50. The clamp-down on political opposition had continued. More than 4,000 persons had been arrested between January and October 1983; 90 per cent of them had been released without being charged and only four persons had been charged with terrorism. The Special Rapporteur had also noted many violations of economic and social rights, particularly trade-union rights, and had found that in 1983 there had been "a turn for the worse compared with previous years". In view of that aggravation of the situation and the refusal of the Government of Chile to co-operate, his delegation called for the extension of the Special Rapporteur's mandate.

51. Mr. LECHUGA (Cuba) said that mass repression in Chile in 1983 had been more intensive and claimed more victims than in the two previous years. That was not surprising in a country where crime and the plundering of national resources had been institutionalized. The Fascist junta and its main ally had accused the United Nations of selectivity and discrimination, but it was only natural that they should do so since the singling-out of the Chilean question constituted a permanent accusation against those who had paved the way for the military coup of 1973.

52. The campaign by the Chilean Government to minimize the Chilean question and to terminate the duties of the Special Rapporteur had as its background the campaign of defamation against the political forces which had backed President Allende between 1970 and 1973; the United States Senate itself had uncovered those facts a few years later. The situation which had justified singling out the human-rights situation in Chile still existed; nothing had changed except the names of the victims of murder, torture and disappearances. The serious nature of the events in that country was a product of the system of government. The entire structure set up by the military junta was intended to keep the military in power, while the regime of terror allowed big business to prosper without hindrance. That was as serious an aspect of the Chilean tragedy as the torture and the murders, and had been the *raison d'être* of the military coup of 1973. The Mining Act of 11 November 1983 was an example of the criminal complicity between the governing military and domestic and foreign capital. That Act offered 30 million tons of copper to any enterprise, guaranteeing the investor that should expropriation occur he would be reimbursed not only for the value of his investments but also for what he would have earned as a share of profits. The Act was so monstrous that five generals and a retired admiral had even formed a Copper Protection Committee, since they considered the Act extremely damaging to national interests.

53. The external debt constituted a means of handing over the country's wealth to Chilean finance groups and foreign banks. The interest on profits and the amortization of the external debt accounted for 75 per cent of the value of copper exports, and debt-servicing also represented money which left the country. The defence budget to back up that plunder represented 8.7 per cent of the gross national product, whereas it had been 2 per cent before the dictatorship. More than 4,000 enterprises had been declared bankrupt in Chile as a result of that policy, which benefited only the financial oligarchy and foreign capital. All social strata had been the victims of repression within an economic policy inspired by the so-called "Chicago school".

54. In 1983 repression had been intensified. The Special Rapporteur had described how torture had become a generalized practice throughout Chile, not only in the secret detention centres but also in police stations. Naturally, torture left permanent marks on its victims. The Fascist military and their powerful financial allies were in fact becoming alarmed at the escalation of the popular struggle and demands for a return to the rule of law. That was why efforts were made to prevent discussion of the Chilean question in the United Nations.

55. The Vicaría de la Solidaridad had published data showing how violations of human rights, torture, maltreatment and unnecessary violence had grown in Chile. Measures were promulgated daily to try to suppress popular discontent. There had been no important change in the institutionalization of the state of emergency, however, nor in the junta's foreign relations, as could be seen in the alliance between the Chilean Fascists and the South African racists.

56. The Commission could not abandon the people of Chile; that would be completely unjustified in the eyes of international public opinion and in the eyes of those Chileans who were suffering the outrages of the military dictatorship. The attention given by the United Nations to Chile had to some extent relieved the anguish of the Chilean people so far. It was urgently necessary that the Chilean question should continue to receive attention and that the Special Rapporteur's mandate should be extended.

57. Ms TOUT (Women's International League for Peace and Freedom) said that her organization wished especially to refer to the situation of Chilean women. It was very concerned at the fact that, as stated in the Special Rapporteur's report, the human-rights situation in Chile had grown worse. The previous year had been crucial because the demand of the people for a return to democracy and for the restoration of basic rights had risen to an unprecedented pitch. However, the increase in human-rights violations had ended the promise of an "apertura política" and called in question the will of the Chilean Government to restore a democratic order in Chile.

58. Her organization wished to draw particular attention to paragraph 184 of the Special Rapporteur's report (E/CN.4/1984/7), in which he proposed measures for establishing respect for human rights. It called on the Commission to extend the mandate of the Special Rapporteur and to continue to study the situation in Chile.

59. Ms GRAF (International League for the Rights and Liberation of Peoples) said that the use of collective terror and manipulation of the impoverished masses in Chile implied planning and therefore direct State intervention. The State's aim of intimidating and dividing the inhabitants of the shanty towns could have caused panic if they had not been able to defend themselves to some extent.

60. The living conditions of the poor had deteriorated. In 1982 the housing shortage in Santiago alone had been 296,000 dwellings and the situation had worsened since then. It formed part of an economic situation which polarized wealth and poverty and increased the spectre of unemployment, malnutrition and lack of medical attention. And the Chilean authorities had the effrontery to present what should be considered a disgrace as an economic development policy! The slum-dwellers comprised an essential part of the more than 30 per cent of the active population out of work in 1983. The denial of the right to work meant that a large part of the population was deprived of its right to health, decent housing and education. Price increases had had serious social repercussions, particularly the increase in the prices of staple foods, which had hit the slum-dwellers hardest. Such attacks on basic economic rights largely accounted for the wave of protest, which had been violently repressed. The slum-dwellers, however, had managed to establish some forms of self-defence based on solidarity. They had understood that human rights were not given away but had to be fought for.

61. Once it had reduced millions of persons to a situation in which they had no rights, the Government applied a system of collective terror. The deterioration in the economic situation had been accompanied by intensified repression, but the slum-dwellers still managed to fight for the rights to life, housing, dignity, work, and education for both children and adults. Her organization denounced the Chilean Government's flagrant violation of all those rights.

62. Mr. DO TAT CHAT (Observer for Viet Nam) stressed the situation of blind repression in Chile by a regime which had lost its political initiative in the face of the growth of a national protest movement. Since its seizure of power in 1973 all human rights, including the most basic, had been trampled underfoot. Those who had fought for them and for democracy had been arrested, tortured or executed. The mass protests against living conditions had been repressed with tremendous brutality. The Chilean Government was still applying a policy of State terrorism vis-à-vis individuals and groups.

63. With regard to the serious and systematic violations of human rights in Chile, the Special Rapporteur had rightly said that in 1983 there had been a turn for the worse. The present dictatorial policy of the Chilean Government could only have increasingly disastrous consequences for human rights. That regime mocked national and international opinion thanks to the political, economic and military protection and support of United States imperialism, which aimed at keeping local reactionary elements in power in order to oppose the struggle of the masses for peace, democracy and social progress. Its second aim was to maintain permanent instability in Chile and other countries so as to be able to intervene in their domestic affairs and impose its neo-colonialism.

64. His Government supported the valiant struggle of the Chilean people to end the Fascist regime in the service of imperialism and to restore human rights. It demanded the cessation of repression, and the release of all political prisoners and persons arbitrarily arrested. Any encouragement of such regimes would seriously harm the cause of human rights and international peace and security. The Commission should maintain a separate item on the situation in Chile. The struggle of peoples for human rights and the right to self-determination would continue.

65. Mr. ARTUCIO (International Commission of Jurists) said that in Chile the dismantling of democratic institutions and their replacement by authoritarianism affected not only the administration of justice but society as a whole, and gave rise to violations of civil, political, economic, social and cultural rights. The pattern of repression had been the subject of analysis and criticism in successive reports by the Special Rapporteur. The state of emergency had been replaced in 1981 by a Constitution which the Commission and the General Assembly had described as illegitimate. It had provided a legal framework for violations of human rights since its 29 transitional provisions annulled most of the rights recognized in the Constitution itself and aimed at perpetuating the current political system until the end of the century.

66. The Chilean authorities persisted in defying the international community and refused to listen to the appeals of the United Nations. They had violated the legal system they themselves had established, leaving the people unprotected, a situation which was aggravated by the lack of independence of the judiciary. Occasionally some law court had declared the illegal nature of an action by the executive, but that was rare. The Government had recently sent to the legislature, i.e. the military junta, an anti-terrorist bill which seriously affected the right to legal defence, due process and the principle of equality before the law. Trials of alleged terrorist offences would be conducted by military courts, since military judges were not subject to ordinary rules and were allowed extremely wide discretion. His organization criticized the bill since no offence could be combated by violating basic human rights. Furthermore, the bill did not take into account genuine acts of terrorism committed by the State security agencies.

67. With reference to the state of emergency, the Special Rapporteur had made an exhaustive analysis of its machinery and consequences for human rights. It should be recalled that some form of emergency had existed in Chile since 1973 and had had as its consequences the suspension of habeas corpus and the remedies of amparo and protection. Recently the Chilean authorities had given some hint of political liberalization by issuing permits for the return of exiles to Chile. The fact that only the authorities could do so infringed the right of an individual to live in his own country.

68. Torture continued to be practised in Chile in a systematic fashion and six new cases had been reported as recently as January 1984. A year previously a number of Chilean personalities from all sectors of society had formed a National Anti-Torture Commission for the purpose of combating that evil and informing the public of its effects on victims and their families.

69. Human-rights violations had existed in Chile since 1973. They were not isolated incidents but facts which constituted the essence of the authoritarian regime in Chile. His organization therefore supported the extension of the mandate of the Special Rapporteur and requested the Commission to appeal to the Government of Chile to adopt specific measures to restore the rule of law, as called for by the Special Rapporteur in paragraph 184 of his report.

70. Mrs. PUIGVERT (Pax Romana) said that the replacement of specific rights in Constitutions or fundamental laws by others through force of arms represented a mockery of the rule of law. Legislative arbitrariness was rampant in Chile, as testified to in the Special Rapporteur's report. Equally grave was the handing over of cases to the military courts when they concerned civilians and should be heard by ordinary courts. The people could not therefore control either the form of their government or their own destinies. Not only was there no just law or respect for general legal standards, but there was no respect for customary laws and all the rights recognized in the Charter had been infringed. The practice of torture had become widespread and 400 cases had been reported during the first few months of 1983, compared with only 100 during the same period in 1982. There were also frequent reports of disappearances.

71. Her organization wished to point out that the public nature of law had also suffered in Chile since the Head of State and the junta were empowered to make a bill or any part of it secret and to restrict the publication of decrees and articles as they thought fit. The Commission should take all appropriate measures to safeguard human rights in Chile.

72. Mr. SHILOVICH (Observer for the Byelorussian Soviet Socialist Republic) said that the Special Rapporteur's reports were found to make a profound impression on any honest person wanting to know the truth about the situation in Chile. They showed that the number of arbitrary arrests in 1983 had been five times greater than in 1982 and that torture during interrogations was still widely practised. Assassinations of the regime's opponents, carried out both by official security agencies and by various Fascist groups acting under the protection of the authorities, were continuing. Exile and banishment, as well as other repressive measures, had been applied on a particularly large scale in 1983. The Chilean junta had done nothing to implement United Nations resolutions calling for the restoration of respect for human rights, and it was actually intensifying its reign of terror. The disregard of repeated invitations to investigate the fate of disappeared persons and to punish the officials responsible for their disappearance was a direct challenge to the international community.

73. The Special Rapporteur's reports also confirmed that mass violations of the most important social and economic rights were continuing in Chile, causing suffering and privation among the working people. Everything done by the junta in the economic sphere had merely led to the further impoverishment of the people and the enrichment of transnational corporations and local financiers.

74. His delegation resolutely condemned the Pinochet regime and all those who gave it support and assistance. It demanded the immediate ending of gross and massive violations of human rights in Chile and was prepared to support any draft resolution to that effect.

75. Mr. TAFFAR (Observer for Algeria) said that 10 years after the Commission's first resolution concerning the violation of human rights in Chile, the situation remained the same. The report of the Special Rapporteur was edifying in that respect and showed that there were continuing and systematic massive violations of human rights. Repression had intensified over the past year. The list of victims was lengthening as the protest movement for the restoration of human rights in Chile grew. The number of arbitrary arrests and illegal detentions had increased compared with the two previous years and torture was becoming commonplace. The appeals to the Chilean authorities to clarify the cases of hundreds of missing persons had gone unheeded.

76. In paragraph 184 of his report (E/CN.4/1984/7), the Special Rapporteur had made recommendations which reflected the full range of human rights violations in Chile. All those violations constituted the daily reality which the people of Chile had been facing for 10 years and were corroborated by abundant testimony from different sources. It was therefore incumbent on the international community to request the Commission, as a matter of high priority, to continue to follow closely the situation of human rights in Chile. The persistence of massive violations of human rights fully justified keeping the question of human rights in Chile as a separate agenda item. In addition, the mandate of the Special Rapporteur should be extended for a year so that he could continue to follow the development of the situation in Chile.

The meeting rose at 12.20 a.m.