

UNITED NATIONS  
ECONOMIC  
AND  
SOCIAL COUNCIL



Distr.  
GENERAL  
E/CN.4/1985/41  
1 February 1985  
Original: ENGLISH

COMMISSION ON HUMAN RIGHTS  
Forty-first session  
Item 5 of the agenda

QUESTION OF HUMAN RIGHTS IN CHILE

Note by the Chairman

1. On 1 June 1983, Justice Rajsoomer Lallah (Mauritius) was appointed by the Chairman of the Commission on Human Rights as the Commission's Special Rapporteur on the situation of human rights in Chile.
2. On 13 December 1984, Justice Lallah addressed the following letter to the Chairman of the Commission:

"Until quite recently my commitments, though onerous, nevertheless permitted me to devote to my mandate as Special Rapporteur on the situation of human rights in Chile the time and attention which such a delicate mandate inevitably requires. For this reason, I was able to present to the General Assembly for two successive years and to the Commission on Human Rights in March this year reports which I would wish to think were thorough and well documented and on which, I felt confident, the General Assembly and the Commission could safely be asked to rely.

However, two considerations have led me to consider the desirability of giving up my mandate and to ask that a successor be appointed as a matter of urgency. First, the situation in Chile has considerably worsened this year, particularly since last month when the state of siege was restored over and above the two concurrent and existing states of emergency. This serious development and the study of associated legal and other measures would undoubtedly require from me greater attention and time than I can reasonably offer.

Secondly, my increased commitments both at home and elsewhere do not permit me any longer to devote to my mandate the time, attention and consideration it requires. To continue with the mandate would be fair neither to myself nor, more importantly, to a mandate on which the General Assembly and the Commission would wish to rely. In the circumstances, I have decided to resign from the mandate with effect from the day on which the General Assembly concludes its consideration of my report (A/39/361), that is to say, with effect from 16 December 1984.

I have in the course of this week taken the opportunity, with very effective assistance from the Secretariat, of gathering information supported by appropriate documentation. ... Given the short time within which my successor will have to report to the Commission, you will realize, Mr. Chairman, that there is great urgency in appointing him. I regret the predicament in which my decision has put the Commission and yourself. I hope, however, that the Commission and you, Mr. Chairman, understand the reasons which have led me to resign and that you will accept my apologies.

In concluding, Mr. Chairman, I would wish to express my gratitude for the support which the General Assembly and the Commission have always extended to me and for the assistance which the Assistant Secretary-General, Mr. Kurt Herndl and his staff have given to me in such generous measure."

3. On 10 January 1985, the Chairman of the Commission informed Justice Lallah that, in view of the considerations given in the letter, he felt that he had no choice but to accept his resignation. He expressed, on behalf of the Commission, his sincere appreciation for the excellent way in which Justice Lallah had carried out his mandate.

4. On 22 January 1985, Justice Lallah addressed another communication to the Chairman of the Commission in which he suggested that, when the item concerning the situation of human rights in Chile came up for consideration at the forty-first session of the Commission, the following documents be placed before the Commission: the Special Rapporteur's report to the General Assembly (A/39/631), the Special Rapporteur's statement in introducing that report before the Third Committee at the thirty-ninth session of the General Assembly, and General Assembly resolution 39/121 on the situation of human rights and fundamental freedoms in Chile. In respect of this suggestion, the Chairman decided to issue a separate note (E/CN.4/1985/38).

5. Following consultations with the members of the Bureau of the Commission and in accordance with established practices, the Chairman decided to appoint, effective 1 February 1985, Professor Fernando Volio Jiménez (Costa Rica) as the Commission's Special Rapporteur on the situation of human rights in Chile.