

2067th meeting

Wednesday, 16 October 1974, at 3.25 p.m.

Chairman: Mrs. Aminata MARICO (Mali).

A/C.3/SR.2067

AGENDA ITEM 12

Report of the Economic and Social Council [chapters III (sections D to F), IV (section J), V (sections A to C, D, paragraphs 436 to 478, 487 to 492 and 494 to 506, and E), VI (sections A.1 to 5 and 7, E and G) and VII (sections 1 to 3)] (continued) (A/9603, A/9637, A/9707, A/9733, A/9764, A/9767, A/9785, A/C.3/L.2106-2109, A/C.3/XXIX/CRP.1)

1. Mr. DIEZ (Chile) said that United Nations bodies should not allow any form of violation of human rights to be used as a pretext for the creation, strengthening, destruction or weakening of a political situation, because that would constitute a violation of the spirit of the Universal Declaration of Human Rights. Chile had doubts as to the intentions of those who seized on temporary situations and hastened to communicate information from questionable sources and who stated that a draft resolution condemning alleged violations of human rights in Chile was based on purely humanitarian considerations. In such circumstances, he wondered why more serious, institutionalized violations, particularly the violations of the right of everyone to leave and return to his own country which had been going on for decades and had affected millions of human beings, should be tolerated in more powerful countries and why there should be such great concern for what was occurring in a small country of no strategic importance which had just experienced profound upheavals.

2. Chilean democracy, which was recognized by socialist Governments, was going through a period of crisis that was inevitable in a country with such a long-standing tradition. In order to understand the situation, it was necessary to review Chile's recent history. The Allende Government had been a militant, exclusive and minority Government. It had been a minority Government because, despite hundreds of thousands of falsifications of the electoral rolls, it had never been able to win a majority in the Chamber or the Senate or the support of public opinion, without which it could not govern. Allende himself had said that his Government was militant and exclusive, that he was in power not to ensure the well-being of the people but to transform a decadent bourgeois society into a society patterned upon the Soviet model, and that he was not the President of all Chileans but the President of Unidad Popular. Those who claimed that their Government was exclusive threatened their people with totalitarianism. The Government had eventually clashed with the judicial authorities because it had not been enforcing the laws, and the President had stated that he reserved the right to review the decisions of judicial organs. Yet the courts were the guarantee of the rights of citizens; that was why, in democratic countries, the judicial power and the executive power were separate. Major amendments had been made to the Constitution—one

relating to the nationalization of enterprises and the other giving the Government the right of transfer ownership of the land to those who worked it. Under the Chilean Constitution, Allende could have held a referendum, but he had not done so and had made himself a laughing-stock. Laws had been replaced by special presidential decrees. But in a democratic country no one could presume to govern by decree and to abrogate the judicial power without creating an intolerable situation. On 23 August 1973, the Chamber of Deputies had therefore declared the Allende Government unlawful, on the basis of a decision of the Supreme Court. It was strange that the documents of the International Commission of Jurists did not mention those facts or the official bulletins reporting the conflict between the Congress and the President.

3. No country in the world could have accepted a situation in which thousands of small farmers had been deprived of their land, small truckers had had their trucks confiscated and handed over to those who could show a Communist Party card, small businessmen had been ruined by a Government which boasted that it controlled 70 per cent of the distribution system and 80 per cent of the country's means of production, and housewives had had to present an identity card in order to obtain essential food items. At the time, there had been reports of the demonstrations which had taken place, but no reference to the fact that there had also been demonstrations by workers, including the copper-mine workers, who had decided to go on strike without being ordered to do so by the trade unions. When the Government had seen that exports were declining, however, it had forced the miners back to work by depriving them of bread.

4. A conflict of foreign political forces had made the situation in Chile worse. Allende had stated that Chile might become another Viet-Nam and had promulgated an arms control law, which had been criticized by the Socialists and the Communists. That law had, however, been a prudent measure because, in his writings, the Secretary-General of the Chilean Communist Party had advocated the use of violence and, as had subsequently been seen, there had been large quantities of arms in the country. However, the communist experiment on the Soviet model had failed in Chile and the Soviets had lost a base in Latin America.

5. Endless resolutions could be adopted at the United Nations but that was not enough; it was also necessary to ensure that they were in conformity with the Charter and to determine in what conditions and on the basis of what evidence they were adopted. Referring to the meeting¹ at which the Sub-Commission on Prevention of Discrimination and Protection of Minorities had adopted its resolution

¹ See E/CN.4/Sub.2/SR.711.

8 (XXVII), which appeared in annex II to the note by the Secretary-General (A/9767), he pointed out that a number of experts had expressed regret that the Sub-Commission was embarking on so dangerous a course and had taken the view that it had not sufficient evidence, that it was not complying with its terms of reference in focusing on the situation in one country, that the draft resolution should in no way constitute a precedent and that the Sub-Commission was deviating from the provisions of Economic and Social Council resolution 1503 (XLVIII) because it had not kept the measures envisaged confidential and had taken a decision before the Government concerned had been able to communicate its reply. It had been said that the resolution in question was not political at all and contained no condemnation, but Chile considered itself condemned when it was accused of flagrant and systematic violations of human rights. On 5 August 1974, the Soviet expert, Mr. Smirnov, had stated at a meeting of the Sub-Commission² that four persons were in danger of death, although he had already known that the death sentence imposed on those persons had subsequently been quashed.

6. If the human rights problem in Chile was serious, it should be examined. Communications had been sent to the Chilean Government, which had not refused to reply to them, but the deadline for its reply was 1 December 1974. If the Commission on Human Rights had not received any reply from Chile by the deadline, then it could consider the matter in accordance with its rules of procedure, but he hoped that it was not United Nations practice to condemn without a hearing. He pointed out that the Inter-American Commission on Human Rights was to consider the situation in Chile in April.

7. The resolutions adopted with regard to human rights were often based on press reports. In that connexion, the press, which must have total freedom of expression, had a duty to be objective, because it could not follow events the way a camera did, but gave interpretations, which might be wrong. With regard to Chile, however, the world press had been selective, for example in the way in which it had reported the four death sentences for crimes that were punishable by death, but not the decision of the military court to commute the sentences. The role of the press was to provide information, not to pass judgement.

8. A statement by the Chilean bishops had also been quoted in the Committee (2066th meeting), but not in full, so that it had been possible to interpret it in a manner entirely contrary to its true meaning. The statement, which had been published on 25 April 1974 in the Chilean press, was an "appeal to all believers to seek genuine reconciliation with God, with themselves and with our brethren". The bishops stated that they did not want their observations to be considered political and did not claim that their judgement was the only true one. The statement had been drafted "in full freedom . . . and no outside influence has been exerted in its preparation". The bishops had been "entirely free to write it and entirely free to publish it, so that it constitutes the best proof that the right of dissension exists in Chile". Specifying that they were dealing with delicate matters, the bishops stressed, particularly for the attention of foreigners, that the Chilean

situation was incomprehensible unless account was taken of the state of chaos and the exacerbated feelings which had prevailed under the former régime.

9. They also stated that account should be taken of the armed resistance still being carried on by certain politicians opposed to the Government and that such resistance seemed to them to be totally futile and very dangerous for Chile and for persons who might fall victims to uncontrolled political passions. The authors stressed that the Chilean situation concerned only the Chileans, who would be able to settle their problems and did not want undue interference by foreigners, for any reason whatever, in Chile's domestic affairs. Finally, they expressed the conviction that the Chileans would be able to rebuild a free society based on respect for the rights of all. The basic condition for peaceful coexistence was the application of the Constitution and the law, which were a guarantee for everyone. The authors of the statement therefore hoped that a new Constitution would soon be drawn up and considered it a good sign that, in the meantime, the Government had issued a Christian declaration of principles. They also added: "We hope that everyone, governors and governed alike, will respect the spirit of this statement. We have no doubts as to the good intentions and good faith of our leaders . . . Finally, we are concerned, in some cases, at the lack of adequate legal guarantees for the safety of individuals, who are sometimes subjected to arbitrary or excessively lengthy detention and to ill-treatment during questioning, or are given different sentences for the same offence."

10. Thus, the bishops were drawing the attention of the Government to some abuses which occurred in Chile. Even with the best intentions in the world, it was often impossible to avoid abuses, especially in the difficult situation Chile was in at present. Furthermore, General Leigh had also acknowledged in a speech at the School of Law of the Catholic University of Chile on 29 April 1974 that the emergency situation had given rise to some abuses, but only in isolated instances which were inevitable in such a situation. He had explained that, whenever such cases came to light, the necessary measures were taken and those responsible, even if they were members of the armed forces, were punished by the competent authorities in conformity with the law. The Government of Chile attached great importance to human rights and remained vigilant in that regard.

11. On 18 September 1974, Chile's national day, Cardinal Silva had spoken of the high moral tenor of the Chilean Church and had warned about the possibility of atheistic socialism's implanting itself in the country. Hitherto, he had said, the Marxist brand of socialism had replaced the true God by a godless and all-powerful State which recognized no moral laws except its own political interests and whose despotic power had stained with blood the history of many peoples, violating the fundamental rights of the individual, of society and of the churches. He had emphasized the Church's attitude, towards the authorities, of critical independence, enabling it to judge the extent to which human dignity and human rights were being respected. Recalling the long sufferings which Chile had endured but which had not brought the country to its knees, he had advocated national reconciliation and de-

² See E/CN.4/Sub.2/SR.688.

clared that Chile, a small country with limited economic power, but great spiritual resources, would preserve its own identity and could never accept a régime which deprived it of its liberty. Thus, the Chilean Church had by its statements refuted the slanderous accusations which had been voiced against Chile's national honour.

12. Although, being himself a jurist, he had the greatest respect for the International Commission of Jurists. It was regrettable that in the introduction to its report the Commission had made the grave error of straying from the purely legal field into that of political analysis and had seen fit to offer its own opinion as to the reasons for the coup d'état. The fact was that in Chile the Supreme Court and the majority elected by the people had decided the question of the legitimacy of the Allende Government, as Mr. Allende himself had tacitly done in never daring to hold a plebiscite. As evidence to support its conclusions, the International Commission of Jurists had cited the new legislation promulgated by the Chilean Government, but it had done so in a selective and biased manner. In particular, when it referred to article 2 of the Legislative Decree of 12 September 1973 permitting the shooting on sight of attackers when the safety of their victims so required, it neglected to point out that that provision supplemented article 281 of the Code of Military Justice and that in any event the Legislative Decree had been rescinded one month later to avoid the possibility of its being misinterpreted. Again, if reference was made to the relevant legislation it was impossible to support the accusation of summary dismissals of workers. In that connexion, he cited paragraph 4 (a) to (f) of Legislative Decree No. 32 amending Act No. 16455 on labour legislation. The International Commission of Jurists had complained about the application of retroactivity with regard to the possession of weapons. But what was involved was a continuing offence which began the moment a person obtained illegal possession of a weapon, and not merely when the weapon was used. Apparently, the International Commission of Jurists had either not read the law or had deliberately refrained from quoting it, because to do so would have invalidated its arguments.

13. He also wished to make a few remarks concerning the sources of information on which the accusations against Chile were based. The representative of the USSR, Mr. Smirnov, who had also served as an expert with the Division of Human Rights, had said that he had accumulated thousands of reports attesting to flagrant and massive violations of human rights in Chile. In fact, the Chilean Government and the Inter-American Commission on Human Rights had carried out an amicable exchange of memoranda; that sufficed to prove the good faith of the Government of Chile, which was ready to look into any involuntary errors which might have been committed. Since 11 September 1973, Chile had been visited by numerous organizations and individuals, including the International Commission of Jurists, representatives of various countries, the Archbishop of Canterbury and representatives of the International Committee of the Red Cross, to mention only a few. The Government had invited the Secretary-General of the United Nations to come to Chile or, if he could not find time to do so, to send a person of his choice. Thus, Chile's conscience was clear and it had nothing to hide. The sources so freely referred to by the representative of the

USSR were anonymous; he submitted a mass of information gathered in the streets but passed over in silence the information communicated to him by the President of the Supreme Court, for example. Mr. Díez noted that, in totalitarian countries, representatives of various organizations and countries were not to be seen moving about freely to gather information.

14. At present, Chile was a victim of the détente between the great Powers, a dangerous game which led the international community to gloss over for political reasons the situation prevailing in certain countries at the expense of a small country like Chile, which was made the scapegoat. Not everyone had the same scale of values. The essential goal of the Government of Chile was to maintain security and ensure the protection of the population. It had generally allowed those desirous of leaving the country to do so, and 14,000 persons had thus been able to leave. The International Committee of the Red Cross had declared itself satisfied with what had been done in that respect. Furthermore, of the 11,000 persons detained under the emergency law, more than 500 had been released to date.

15. The Government of Chile, sure of its democratic principles and of the confidence placed in it by the people and by the Chilean Church, faithful to its unbroken tradition, had a clear conscience. With great suffering, Chile had paid the necessary price to free itself from the communist grip. It appealed to the principles of the United Nations Charter and urged the Committee not to judge rashly on the basis of dubious testimony, instead of waiting until genuine evidence was submitted to it.

16. Mr. ÅLGÅRD (Norway) said that the protection of human rights was a matter of crucial importance not only to the individual, but to the entire international community. All the States signatories to the Charter had pledged co-operation with the United Nations to ensure universal and effective respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion.

17. Violations of human rights could also have a detrimental influence on relations between States and could be an obstacle to international relations, as the Secretary-General had pointed out in the introduction (A/9601/Add.1) to his report on the work of the Organization, in which he had also said that no activity was more important for the future, and yet more difficult to reconcile with the hard realities of our world, than the protection and advancement of human rights.

18. It was for that reason that Norway had consistently stressed the need for developing and strengthening the United Nations machinery for dealing with violations of human rights. In the view of his Government, the creation of a post of United Nations High Commissioner for Human Rights would be an important step in that direction. Such an office could become the focal point of the co-operative efforts called for in the Charter, and contribute significantly to the realization of the principles, values and ideals contained in the international instruments on the protection of human rights.

19. His delegation would like to stress the importance it attached to the work of the Commission on Human Rights,

of which it had been a member during the period 1972-1974. It particularly welcomed the Commission's decision³ at its thirtieth session to apply for the first time the procedures contained in Economic and Social Council resolution 1503 (XLVIII) for dealing with communications relating to violations of human rights and fundamental freedoms. His delegation hoped that the efforts undertaken by the Commission on the basis of that resolution would strengthen the existing United Nations machinery for dealing with violations of human rights and make that machinery more flexible.

20. One particularly disturbing violation of human rights, committed in disregard of article 5 of the Universal Declaration of Human Rights and the provisions of the Geneva Conventions of 1949,⁴ was the increasingly frequent and sophisticated torture and the brutal treatment being inflicted on prisoners in various parts of the world. The United Nations should give increased priority to the question of torture; General Assembly resolution 3059 (XXVII) was a first step in that direction. His delegation whole-heartedly supported draft resolution A/C.3/L.2106, which had been submitted at the 2064th meeting and was sponsored by a number of delegations, and he trusted that the resolution would be unanimously supported by all Members of the Organization. His delegation commended the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its decision, by its resolution 7 (XXVII) (A/9767, annex I), to review annually developments concerning the human rights of persons subjected to any form of detention or imprisonment. It also welcomed the invitation in the draft resolution to WHO and UNESCO to co-operate in the drafting of an outline of the principles of medical ethics relevant to the protection of persons subjected to any form of detention or imprisonment and to bring the draft to the attention of the Fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders. That proposal—and other similar initiatives—could be of considerable value in the battle against torture and other cruel, inhuman or degrading treatment of prisoners and detainees.

21. Mr. SMIRNOV (Union of Soviet Socialist Republics) said that individual United Nations bodies, and in particular the Economic and Social Council and the Commission on Human Rights, were rightly giving an important place in their activities to the observance of human rights. He paid tribute to the work done by the Commission on Human Rights in its deliberations on the question of the right of everyone to live in peace and security. One could not over-emphasize the importance of international détente in that respect. His delegation welcomed the decision of the Commission on Human Rights, in its resolution 10 (XXX),⁵ to prepare a long-term programme of work. Unfortunately, the Commission's decisions did not all carry the same weight. He deplored the fact that the Commission had seen fit to set up a working group³ to study the individual complaints transmitted to it by the Sub-Commission on Prevention of Discrimination and Protection of Minorities

—an action which was contrary to the principles of the Charter and to all the decisions of the Economic and Social Council, which had established a clear-cut procedure for the consideration of such complaints. His delegation was none the less appreciative of the valuable contribution made by the Economic and Social Council and the Commission on Human Rights in the field of observance of human rights. The Economic and Social Council, the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities had all concerned themselves deeply with the flagrant and widespread violations of human rights in Chile, to which the international community could not remain indifferent.

22. It was the duty of the United Nations to take some practical action so that the Chilean people would feel that they had the backing of nations throughout the world. That kind of solidarity had already been expressed many times: two days before the coup d'état, the Heads of State or Government of Non-Aligned Countries, meeting at Algiers for their fourth Conference from 5 to 9 September 1973, had hailed the Government and people of Chile, who in their struggle to consolidate their independence and build a new society were facing the combined aggression of reaction and imperialism.⁶ Two days later, the Chilean armed forces, with outside encouragement from the imperialist countries, had set up a dictatorship by means of terror and violence. Since then Chile had experienced without respite a massive campaign of repression waged with a cynicism and cruelty which shocked the international community. All who visited the country—jurists, doctors, journalists, priests and private individuals—unanimously testified that human rights there were being trampled underfoot. All the testimony provided on the junta's activities—countless instances of arbitrary arrest and murder and constant violations of the most basic rights—would constitute a dossier of irrefutable charges. The United Nations Charter, the Universal Declaration of Human Rights, the International Covenants on Human Rights—Covenants which Chile had ratified—were all being shamelessly flouted. The country had become a vast concentration camp. In order to remove its opponents, the junta had proclaimed a state of civil war, a state of siege, and, in disregard for any code of morality, had caused a reign of terror to prevail for more than a year. Following the example of the Nazis, the junta, in a campaign of intimidation, had killed almost 30,000 Chilean citizens who had allegedly been attempting to escape, as even members of the Chilean Church had testified. The number of arrests was still increasing. During the first two weeks of June, some 11,000 persons had been arrested, including the Secretary-General of the Chilean Communist Party and the former Minister for Foreign Affairs, whose lives were in danger. *The New York Times* had on 13 September 1974 published a letter signed by a correspondent in Santiago, stating that anyone could be arrested at any time—at home, at work, in the street, in a bus or in a café—simply because he had a relative or friend who was a political prisoner, or had talked about politics, or had been anonymously denounced. The correspondent added that police raids were carried out regularly in Santiago and that on 31 August 650 persons had been arrested during a swoop in the suburbs of Santiago. On 15 September 1974 *The New York Times* had

³ *Official Records of the Economic and Social Council, Fifty-sixth Session, Supplement No. 5*, chap. XXIX, sect. B., decision 3.

⁴ United Nations, *Treaty Series*, vol. 75, Nos. 970-973.

⁵ See *Official Records of the Economic and Social Council, Fifty-sixth Session, Supplement No. 5*, chap. XIX, sect. A.

⁶ See A/9330 and Corr.1, p. 14.

published the testimony of a former staff member of the Economic Commission for Latin America who had worked in Santiago, according to which the prisons were crammed with political prisoners, martial law was in force, the civil courts rarely sat any more, the press was subject to blanket censorship and the country had been turned into a military barrack. The illegal practice of judicial interrogation, which gave a semblance of legality to the verdict, was widespread. The previous month approximately 100 persons had been condemned to death by military tribunals and torturing of prisoners—electric shocks, tearing out of nails, cigarette burns, withholding water, food and sleep for several days, interrogations accompanied by beatings—were common; 44 persons had died from such treatment, which was paralleled only by the methods of the S.S. The Commission on Human Rights had felt itself compelled to appeal to the Chilean authorities to abstain from exerting physical and psychological pressure on the detainees, and the international community had unanimously and severely condemned their actions. It was absolutely essential to end the terror and violence occurring in Chile, to stop the violations of human rights and to save the lives of threatened Chilean patriots and democrats.

23. The International Commission of Enquiry into the Crimes of the Military Junta in Chile, which was made up of respected jurists, representatives from university and religious bodies, eminent public figures and the representatives of various women's and social organizations, had met at Stockholm and had adopted an act of public accusation, based on irrefutable facts and documents, which stated, among other things, that a reign of absolute lawlessness was to be found in Chile, where a fascist-type totalitarian régime of terror had been installed.

24. In Paris, the All-European Conference of Solidarity with the Chilean People had issued an appeal, requesting the authorities to end the state of internal war in Chile, the arbitrary arrests and the illegal detentions, and to release the leaders of Unidad Popular, whose lives were in danger.

25. The Soviet people, as Leonid Brezhnev, the Secretary-General of the Communist Party, had recently stated, supported the anti-fascist democratic forces in Chile. The socialist nations firmly condemned the terror unleashed by the Chilean junta—a condemnation resolutely expressed in the statement issued on 18 April 1974 by the Political Consultative Committee of the States Parties to the Warsaw Treaty.⁷

26. The international movement of protest against the reign of terror in Chile was constantly growing; it united influential people of the most diverse political backgrounds, believers and atheists, representatives of trade unions and of many women's and young people's organizations. The World Congress of Peace Forces, which had been held at Moscow in October 1973 and had been attended by representatives of over 120 international organizations and movements and over 1,100 national organizations and movements from 143 countries, had issued a communiqué stating, among other things, that the establishment of fascism in Chile had

demonstrated the magnitude of the threat which the policies of imperialistic and reactionary forces represented for peoples who had chosen the path of freedom, self-government and independent political and social development. The overthrow of the legitimate government of Salvador Allende was proof that the forces of international monopolies and reaction were always ready to join forces to eliminate a legitimate régime and drown the revolt of the people in bloodshed.

27. The International Transport Workers' Federation, associating itself to the vast movement of international solidarity, had decided to boycott Chilean cargo for two days; the New York dockers, in turn, had refused to unload Chilean cargo. Such demonstrations of solidarity gave comfort and considerable support to the Chilean people, to whose fate the United Nations and other international organizations could not remain indifferent. The Commission on Human Rights had expressed its deep concern, had studied the flagrant violations being perpetrated in Chile and had taken the necessary action. It had, *inter alia*, sent a telegram to the Chilean authorities.⁸ The Economic and Social Council had unanimously adopted resolution 1873 (LVI), of 17 May 1974, calling upon the Chilean Government to take all necessary steps to restore and safeguard basic human rights and fundamental freedoms in Chile, particularly in those cases involving a threat to human life and liberty. The Sub-Commission on Prevention of Discrimination and Protection of Minorities, in its resolution 8 (XXVII) (A/9767, annex II) had stated that it was deeply concerned about reports of gross violations of human rights and fundamental freedoms in Chile, including arbitrary arrest, torture, cruel and inhuman treatment of the prisoners and detainees in gaols and concentration camps. The Sub-Commission had made an urgent appeal to the Government of Chile to respect the Universal Declaration of Human Rights and to comply with the International Covenants on Human Rights, signed and ratified by the Government of Chile, and to take all necessary steps to restore and safeguard basic human rights and fundamental freedoms in Chile. The General Conference of the International Labour Organisation had at its fifty-ninth session adopted resolution X of 24 June 1974⁹ in which the ILO requested the Chilean authorities to cease human rights violations and to respect trade union rights, by abolishing all restrictions on trade union activities, closing down the concentration camps, forbidding the use of torture and punishing those responsible for any inhuman treatment.

28. Various international organizations, such as UNCTAD and the ILO, had called for the release of the Chilean patriots and the restoration of human rights and fundamental freedoms in Chile. In the view of the Soviet delegation, the General Assembly should urgently adopt effective measures to achieve that purpose. The statement made by the agent of the Chilean junta was characteristic of the régime he represented. His statement had been nothing more than a tissue of lies and slanders, obviously aimed at confusing the minds of the Committee's members and distracting their attention from the item under considera-

⁷ See *Official Records of the Security Council, Twenty-ninth Year, Supplement for April, May and June 1974*, document S/11276, annex IV.

⁸ See *Official Records of the Economic and Social Council, Fifth-sixth Session, Supplement No. 5*, chap. XIX, sect. B.

⁹ International Labour Office, *Official Bulletin*, vol. LVII, No. 1, 1974, p. 40.

tion. The military junta had always disregarded the resolutions of the Economic and Social Council and the appeals of the United Nations to put an end to the violations of human rights in Chile. In that connexion he recalled that resolution 8 (XXVIII) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities had saved the lives of at least four Chilean patriots. Unable to refute the accusations levelled against his Government, the agent of the Chilean junta had made capital out of the fact that representatives of international organizations had been able to visit Chile after the coup d'état. But it was a well-known fact that the junta, feeling its isolation, had been forced to admit the representatives of those organizations and that its initiative had been, according to the representative of the *Washington Post*, part of its attempt to regain some prestige in the eyes of the international community. But the junta's crimes were so monstrous that it was impossible not to testify to them. The representative of the Women's International League for Peace and Freedom had reported to the Commission on Human Rights at its thirtieth session¹⁰ that six of its members had carried out a 10-day inquiry mission to Chile at the beginning of the year during which they had been refused permission to visit Dawson Island or the prisoners' camps in Chacabuco and at Pisagua and Quiriquina or the municipal prison at Santiago. They had been able to visit only two detention centres and had concluded after their visit that the efforts of the junta to eliminate persons with leftist or even liberal ideas were actually a form of political genocide. Human rights were grossly flouted in Chile, thousands of people were being massacred, arbitrarily detained or subjected to cruel torture. The representative of the League had condemned the activities of the Chilean Government and asked the Commission on Human Rights urgently to study the question of the violations of human rights in Chile. The representative of Amnesty International had also testified¹¹ to the establishment of a reign of terror in Chile, where the situation was daily becoming graver. Following a journey to Chile, the International Commission of Jurists had reported illegal condemnations and inhuman tortures, which had now become every-day occurrences in Chile.

29. By slandering the Soviet Union, the representative of the Chilean junta wished to pass off the just indignation of the international community at the violations of human rights in Chile as political manoeuvres by the Soviet Union against Chile. The Soviet Union had always supported the Chilean people and had always condemned violations of human rights in every country, whether in Chile or in the countries of southern Africa. Even *The New York Times*, which could hardly be called a communist publication, had echoed the disquiet of the entire world at the situation in Chile. Such accusations were typical of the means employed by the Chilean military junta to disguise its crimes. In adopting the Charter of the United Nations, the peoples of the world had accepted the commitment to ensure respect for human rights and fundamental freedoms. The international community owed it to itself to do everything possible to achieve that goal. No one could remain neutral about the appalling crimes committed in Chile; the former Ambassador of Sweden to Chile himself had said so. Recalling the moving statement made by Mrs. Hortensia

Allende to the Commission on Human Rights, he appealed to the members of the Third Committee to take effective and positive steps to put an end to the reign of arbitrary decisions, illegality and repression in Chile. In that connexion he congratulated the delegations which had prepared the two draft resolutions on the question which were now before the Committee (A/C.3/L.2107 and A/C.3/L.2108).

30. The CHAIRMAN informed the Committee that Poland had become a sponsor of draft resolution A/C.3/L.2108.

31. Mr. MACRAE (United Kingdom), before introducing his delegation's amendments (A/C.3/L.2109) to draft resolution A/C.3/L.2108, said that the debate which had taken place in the course of the meeting had highlighted the grave concern felt by the Committee at the situation in Chile. That concern existed at two levels; there was concern at the situation and also concern at what action would be appropriate. That second concern was understandable, since underlying it was a certain ambiguity in the Charter of the United Nations. In Article 1, paragraph 3, Article 13, paragraph 1 (b) and Article 55, paragraph (c), Member States were invited to ensure respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion. But Article 2, paragraph 7, an Article often invoked in the past, provided that nothing contained in the Charter should authorize the United Nations to intervene in matters which were essentially within the domestic jurisdiction of any State. In deciding appropriate action the Committee must take that ambiguity into account to ensure that the action proposed was fully in accordance with the principles of the Charter. He wished nevertheless to emphasize that his Government, concerned at the situation in Chile, had made representations to the Chilean government about alleged violations of human rights and was prepared to associate itself with any action taken by the United Nations for the same purpose.

32. Turning to draft resolutions A/C.3/L.2107 and A/C.3/L.2108, he said that it should be possible for the Committee to combine them in a single draft resolution so as to secure unanimity. The aim of the United Kingdom amendments was to achieve the best possible results in Chile. The Third Committee must show itself to be an impartial body whose opinion was worthy of consideration. Any measure adopted by it should meet the three following criteria: it must command the widest possible support, it must be objective and realistic, and it must take account of any constructive measure that the Chilean Government might have taken. It was in that spirit that the amendments in A/C.3/L.2109 had been drafted. The fact that private and official groups had been permitted access to Chile to observe and report on the observance of human rights in Chile was a constructive measure on the part of the Chilean Government. The insertion of the words "reports from a wide variety of sources" in the fourth preambular paragraph and the insertion of the word "alleged" in the eighth were, he felt, two changes which met the criteria of objectivity and truth. The aim of the amendment to the sixth preambular paragraph was to emphasize the importance of resolution 8 (XXVII) adopted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities. He preferred the wording used in draft

¹⁰ See E/CN.4/SR.1274.

¹¹ See E/CN.4/SR.1275.

resolution A/C.3/L.2107. As to operative paragraph 3 of draft resolution A/C.3/L.2108, he noted a discrepancy between the original Spanish and the French version, on one hand, and the English version, on the other, and he proposed that the word "Exige" in the French version and the corresponding word in Spanish should be replaced by the word "Demande" in French and its equivalent in Spanish, which would correspond to the somewhat more suitable expression "Calls on" in the English version. Lastly, the new wording proposed by the United Kingdom for operative paragraph 4 was more in harmony with diplomatic usage; it had already been used on several occasions in similar cases where the Secretary-General had lent his good offices. In conclusion, he repeated that in submitting its amendments the aim of his delegation was to secure a draft resolution that would have unanimous support in the Committee.

33. The CHAIRMAN recalled, before giving the floor to the representative of Chile, that statements made in exercise of the right of reply should not exceed 10 minutes.

34. Mr. DURAN (Chile) said that the arguments advanced by the Soviet representative, who claimed to be a legal expert, did not have much weight in so far as he had read a prepared statement. It was obvious that he had not listened to the statement made by the representative of Chile, who had quoted at length from the statements made by the Chilean bishops; and yet the representative of the Soviet Union was still trying to make people believe that the bishops had announced thousands of deaths and arbitrary arrests. As to the death of Allende, despite the medical

certificate and the autopsy confirming his suicide and despite the first statements made by Mrs. Allende herself, the Soviet Union had declared that he had been assassinated. It was only under pressure from the Soviet Communist Party that Mrs. Allende had subsequently gone back on her original statement. The Soviet representative had also said that there was a state of war in Chile, forgetting that that was due to the natural development of the situation. He had heard Radio Moscow had announced that there had been some 700,000 deaths; subsequently the Soviet figures had been progressively lowered to the current 30,000. All the arguments put forward by the Soviet representative were nothing but inventions for purely political purposes, which it would be pointless to answer. The Soviet Union might know where to find the support it needed to beat Chile, but the important thing for Chileans was the verdict of all mankind.

35. Mr. POEDJIOETOMO (Indonesia), supported by Mr. ALLAGANY (Saudi Arabia), Mr. BAL (Mauritania) and Mr. EVANS (Australia), proposed that the meeting planned for the next day should be cancelled because of the religious holiday marking the end of Ramadan.

36. The CHAIRMAN said that if there were no objections, she would take it that the Committee wished to adopt the Indonesian representative's proposal.

It was so decided.

The meeting rose at 6.30 p.m.

2068th meeting

Friday, 18 October 1974, at 10.45 a.m.

Chairman: Mrs. Aminata MARICO (Mali).

A/C.3/SR.2068

Agenda item 12

Report of the Economic and Social Council [chapters III (sections D to F), IV (section J), V (sections A to C, D, paragraphs 436 to 478, 487 to 492 and 494 to 506, and E), VI (sections A.1 to 5 and 7, E and G) and VII (sections 1 to 3)] (continued) (A/9603, A/9637, A/9707, A/9733, A/9764, A/9767, A/9785, A/C.3/L.2106/Rev.1, A/C.3/L.2107-2114, A/C.3/XXIX/CRP.1)

1. The CHAIRMAN announced that the delegation of Italy wished to co-sponsor draft resolution A/C.3/L.2106/Rev.1; the delegations of Democratic Yemen, Mali and Togo had become sponsors of draft resolution A/C.3/L.2112, and the delegations of the Congo and the Byelorussian Soviet Socialist Republic had become sponsors of draft resolution A/C.3/L.2114.

2. Mr. SPEEKENBRINK (Netherlands), introducing draft resolution A/C.3/L.2106/Rev.1, pointed out that the wording of the title was different from that appearing in the first version of the draft, as the sponsors had agreed with

the point made by the representative of Iraq at the 2065th meeting that the consensus arrived at in the previous year should be respected as reflected in the wording of the question in paragraph 4 of General Assembly resolution 3059 (XXVIII); they had made a consequential change in operative paragraph 6. By introducing those changes they wished to emphasize that the point of departure for the consideration of the issue was the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment contained in article 5 of the Universal Declaration of Human Rights and reiterated in article 7 of the International Covenant on Civil and Political Rights (see General Assembly resolution 2200 A (XXI), annex). Operative paragraphs 2, 4 and 5 had also been reworded in accordance with the other suggestions made by the representative of Iraq at the 2065th meeting: the words "the General Assembly at its thirtieth session" had been added in operative paragraph 2, operative paragraph 4 had been reworded so as to make the meaning clearer, and in operative paragraph 5 the words "with the view to" had been altered to "with a view to".