

10. With regard to the attempt by the Chilean delegation to make the reproduction *in extenso* of the statement by the Chairman of the *Ad Hoc* Working Group conditional on similar treatment being given to its own statement, his delegation was of the opinion that such an attempt was not logical because it was incorrect to equate the statement by the Chairman of the *Ad Hoc* Working Group with any statement made by a representative of the Chilean military junta. Moreover, he pointed out that the Secretariat had already issued in English, French and Spanish one document submitted by Chile (A/C.3/639). His delegation therefore supported the Algerian proposal that a decision should be taken at the current meeting with regard to the reproduction *in extenso* of the statement by the Chairman of the *Ad Hoc* Working Group and that the decision with regard to the Chilean statement should be taken only after that statement had been made.

11. Mr. ALFONSO (Cuba) said that normally his delegation would object to statements by delegations being given different treatment to that which they ordinarily received in the summary records, but it understood the concern of the junta. He therefore suggested that the Chilean delegation should inform the Secretariat of the length of its statement in order to provide a clear idea as to the financial implications of its reproduction. Until such information

had been provided it would be difficult for the Committee to take a decision on the request of the Chilean delegation.

12. Mr. DE FARIA (Portugal) said that he agreed that the Chilean statement should be given the same treatment as that by the Chairman of the *Ad Hoc* Working Group, but felt that the question of a decision on that matter should be left open for the present in case the Chilean statement proved to be substantially longer than that of the Chairman of the Working Group.

13. The CHAIRMAN suggested that, in accordance with the proposal by the representative of Algeria and bearing in mind the financial implications of that proposal, the Committee should decide to issue the statement by the Chairman of the *Ad Hoc* Working Group *in extenso* in the six working languages. If he heard no objection, he would take it that the Committee decided to accept that suggestion.

*It was so decided.*¹

The meeting rose at 3.55 p.m.

¹ The complete text of the statement made by the Chairman of the *Ad Hoc* Working Group was subsequently circulated as document A/C.3/640.

2146th meeting

Friday, 31 October 1975, at 3 p.m.

Chairman: Mr. Ladislav ŠMÍD (Czechoslovakia).

A/C.3/SR.2146

AGENDA ITEM 12

Report of the Economic and Social Council (chapters III (sections F, G, I, L and M), IV (sections A and C) and V) (continued) (A/10003, A/10284, A/10285, A/10295, A/10303, A/C.3/637, A/C.3/639, A/C.3/L.2168)

HUMAN RIGHTS QUESTIONS (continued)
(A/10003, chap. V, sect. B)

Protection of human rights in Chile (continued)
(A/10285, A/10295, A/10303, A/C.3/639)

1. Mr. DE FARIA (Portugal) said that the report of the *Ad Hoc* Working Group to inquire into the present situation of human rights in Chile, which was annexed to the note by the Secretary-General (A/10285) was one of the most significant documents ever submitted to the Third Committee in that it concerned certain citizens of a Member State who were still capable in 1975 of committing barbarous and cruel acts which had been thought to have vanished from the world with the downfall of nazism. It was the first time that the Committee was faced with such a challenge and called upon in clear terms to take a position on a question of such great concern.

2. Recalling the background of the question, he said that on 11 September 1973 the Chilean Government had been overthrown by military forces and that a military junta had seized power by means of violence, abolishing existing institutions and persecuting persons connected with those institutions. A state of siege had been proclaimed and was still being maintained. The junta attempted to justify that policy by the argument set forth on page 51 of the report transmitted to the Secretary-General with a letter from the Permanent Representative of Chile (A/C.3/639).

3. He would refrain from commenting on the political aspects of the events in Chile. It was clear that the views of members on whether the Chilean political system was just or unacceptable, or whether its government was a legal one or a usurper, would depend on their own convictions. From the earliest days of the coup d'état, there had been increasing reports of flagrant violations of human rights committed by the new Chilean authorities in an attempt to consolidate their power. Various United Nations bodies had expressed their concern at the situation—the Commission on Human Rights at its thirtieth session, the Economic and Social Council at its fifty-sixth session, and the Sub-Committee on Prevention of Discrimination and Protection of Minorities at its twenty-seventh session. In its resolution

3219 (XXIX), the General Assembly had expressed its deepest concern that constant flagrant violations of basic human rights and fundamental freedoms in Chile continued to be reported. During the debate which had preceded the vote on the draft resolution in the Third Committee, the Chilean delegation had either denied the alleged facts or referred to the exceptional circumstances which it said explained, although they did not justify, any accidental abuses that might have taken place. In those circumstances, it was normal that the United Nations should request the Chilean authorities to do their utmost to ensure full respect for human rights and decide to set up machinery to ascertain the truth of the various accusations made in that regard against the Chilean authorities.

4. By its resolution 8 (XXIX),¹ the Commission on Human Rights had set up such a body and decided that an *Ad Hoc* Working Group would inquire into the situation of human rights in Chile on the basis of various resolutions adopted by United Nations organs, of a visit to Chile and of oral and written evidence to be gathered from all relevant sources. The progress report of the *Ad Hoc* Working Group was before the Third Committee. With regard to whether the report was acceptable, he stressed that the members of the Group had been chosen for their integrity and impartiality and that they had been recognized as possessing those qualities by the representatives of Chile and, indeed, by the President of Chile. It might be asked whether the fact that the Group had been refused the right to enter Chile invalidated the conclusions contained in its report. He recalled that, in entrusting the Group with the task of inquiring into the situation of human rights in Chile, the Commission on Human Rights had also indicated three ways in which the Group should seek to fulfil that task. If the Group's mandate had been that it should visit Chile in order to conduct an inquiry there, it would be correct to say that the mandate had not been fulfilled. However, on the basis of the provisions of the resolution establishing the Group, his delegation considered that the Group's task had been accomplished, since it had not been requested specifically to go to Chile.

5. It was for the Committee to decide whether the facts reported constituted sufficient evidence to support the report's conclusions. There could be no doubt regarding the acceptability of the facts reported by the Group. The integrity of the members of the Group, the number and quality of witnesses that had appeared before it, and the evidence collected and presented in the report constituted sufficient proof that human rights had been and continued to be violated in Chile.

6. In the document submitted by it (A/C.3/639), the Chilean delegation attempted to deny those facts either by stating that there was a world conspiracy against Chile or by confirming facts that were not disputed and failing to mention crucial issues, such as the case of Guillermo Beausire Alonso (A/10285, annex, paras. 144-147, and A/C.3/639, p. 54). The Chilean document also enumerated the merits of the current régime and the misdeeds of the former régime. Whether true or false, those statements had little relevance to the specific cases with which the

Committee was concerned. In comparing the two documents, the Committee could not fail to conclude that the facts reported by the *Ad Hoc* Working Group were true and that they constituted sufficient evidence that human rights had been violated in Chile since 11 September 1973.

7. However, on 10 February 1972 Chile had become a party to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights (General Assembly resolution 2200 A (XXI), annex). Under article 4 of the latter, there were certain fundamental rights that could not be violated by a state of siege or an emergency situation. It was precisely those rights that were being violated in Chile. The situation called for unanimous condemnation by the United Nations. It was therefore the duty of the Committee to call on the Chilean authorities to cease immediately all violations of human rights in Chile. The Committee should also recommend the Commission on Human Rights to extend for an additional year the mandate of the Group, entrusting it with the specific task of visiting Chile to inquire into the manner in which the United Nations recommendations were being implemented there.

8. The arguments raised with regard to national sovereignty and non-interference in the internal affairs of States could not be convincing in the present case even though those were principles to which all countries attached the greatest importance. As to the question of national sovereignty, while a State could, under the provisions of article 4 of the above-mentioned Covenant, proclaim a state of siege or an emergency situation, it was not entitled to derogate from the fundamental principles relating to human rights. That was the question at issue in the present case.

9. The matter of non-interference could be viewed from an objective or a subjective standpoint. In other words, certain acts were objectively acts of interference whoever their authors might be. Other acts constituted interference only if they were committed by those not entitled to do so. However, to denounce and to demand the cessation or verification of violations of a legal instrument could not be regarded as interference from an objective standpoint. The problem was therefore to determine whether the Committee was a competent body to take such action. When the Third Committee, a body concerned with social, humanitarian and cultural affairs, expressed concern at reports of constant violations of human rights in a member State, was that interference in the internal affairs of the State in question? When the Committee took note of a report prepared by a United Nations body, which had been entrusted with the task of determining the truth, did that constitute such interference? When the Committee called for the country concerned to take the necessary measures, was that interference? He was certain that an overwhelming majority of the Committee would give the appropriate reply to those questions.

10. In conclusion, he called on representatives to convey to their Governments the deep concern of the community of nations at the repeated violations of human rights in Chile and to call on the Chilean Government to cease its unworthy practices, to dismantle the institutions which enabled them to occur and to make Chile once again one of the most democratic countries in South Africa.

¹ See *Official Records of the Economic and Social Council, Fifty-eighth Session, Supplement No. 4, chap. XXIII.*

11. Mr. TCHERNOUCHTENKO (Byelorussian Soviet Socialist Republic) drew attention to the provisions of General Assembly resolution 3219 (XXIX) concerning the protection of human rights in Chile. Although a year had passed since its adoption, the Chilean Fascist military junta had ignored that resolution, as well as the repeated appeals of the President of the General Assembly and the Secretary-General. The question of the protection of human rights in Chile had become more urgent, since the Chilean junta was continuing to commit flagrant violations of basic human rights and fundamental freedoms. In that connexion, the report of the *Ad Hoc* Working Group contained evidence which showed clearly that, since the overthrow by the Fascist junta of the legally elected Government of President Allende, a régime of terror and arbitrary rule had existed in Chile, the system of constitutional institutions had been eliminated and basic human rights and fundamental freedoms had been flagrantly violated. The report detailed cases of ill-treatment and torture of detainees and showed that prisons and concentration camps were overflowing with political prisoners, including the Secretary-General of the Chilean Community Party, Senator Luis Corvalán, who continued to be imprisoned without any official charges being made against him. The junta was thus ignoring the appeals of the international community and flagrantly violating the provisions of the Chilean Constitution of 1925, under which Deputies and Senators enjoyed immunity.

12. After seizing power, the junta had proclaimed a state of seige in order to carry out its policy of terror and violence. In the opinion of the *Ad Hoc* Working Group, the state of seige was being used to justify measures of all kinds aimed at violating basic human rights. One of the first acts of the Fascist junta had been to liquidate all the social and economic achievements of the Chilean people under the Allende Government. The country's economy was in chaos and the cost of living had risen ninetyfold during the two years of the junta's rule. Imperialist monopolies were plundering Chile's natural resources. From the very first days of the junta's rule, mass organizations of workers had been persecuted and the activities of trade unions and political parties prohibited.

13. In the field of education, the testimony of witnesses showed that the methods of the mediaeval Inquisition had been introduced and that the military had assumed complete control. More than 22,000 students had been expelled from the country's universities and there had been large-scale arrests of teachers and mass dismissals. In that connexion, he drew attention to resolution 11.3 adopted at the eighteenth session of the General Conference of UNESCO in 1974, which concerned the violation of human rights in Chile, reproduced in section E of the appendix to annex I of the Group's report.

14. The activities of the Chilean junta were reminiscent of those of the Hitlerite hangmen in the European countries which they had temporarily occupied. Adopting the methods of Fascists, the junta had raised violence, terror and arbitrary rule to the rank of State policy. To carry out that policy, it had created a special unit called the Directorate of National Intelligence, which broke into private homes, arrested persons and subjected them to beatings and systematic torture. According to reports from

various sources, it was clear that a large number of Chilean patriots were being held in prisons and concentration camps. Furthermore, as stated in the report of the *Ad Hoc* Working Group, no less than 200,000 families in Chile had been divided as a result of the imprisonment, exile or disappearance of members. Despite those well-known facts, the representative of the Chilean junta had gone so far as to state, in his note to the Secretary-General of 17 October 1975, that the facts and conclusions contained in the Group's report were based largely on the hearsay testimony of political opponents who had long been outside the country (see A/10303, annex). That assertion was completely false and had been convincingly refuted in the statement which the Chairman of the *Ad Hoc* Working Group had made to the Committee at its 2144th meeting.

15. His delegation was firmly convinced that the report of the Group constituted a fully substantiated indictment of the Chilean military régime and showed clearly the nature of the crimes committed by the junta. Moreover, the report was not the only document testifying to those crimes. In the past year, many international organizations, both governmental and non-governmental, trade unions, public figures and the press in virtually all countries had expressed their concern at the situation of human rights in Chile. Bodies such as UNESCO, the ILO, the Economic and Social Council, the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities had condemned the Chilean junta and expressed concern at the arbitrary rule prevailing in that country. Even the Organization of American States had joined in the universal condemnation of the junta's crimes, and in that regard he drew attention to the report on the human rights situation in Chile transmitted by that organization, which the Commission on Human Rights had had before it at its thirty-first session.²

16. With regard to the vain attempts of the junta to conceal from world public opinion the facts of the violations of basic human rights and fundamental freedoms in Chile, he referred to the reports of various international organizations that had visited that country in the preceding two years, including the report of the International Confederation of Free Trade Unions,³ which mentioned the existence of evidence of the systematic use of torture in Chile. Even the bourgeois press condemned the military régime. In that regard, he referred to an article in *The Times* of London of 28 January 1975, which described the existing régime in Chile as one which constantly resorted to torture and arbitrary exile and kept prisoners in special military camps.

17. Deserving of special reprobation was the fact that the Chilean junta was persecuting and torturing women and children. Many delegates had compared the criminal acts of the junta with the crimes committed by the Nazis during the Second World War. His country had experienced the terrors of Nazi occupation, during which one fourth of its population had perished, and was thus well acquainted with such practices.

18. The women of the world condemned the crimes of the Chilean military régime. During 1975, which was Interna-

² E/CN.4/1166/Add.3.

³ See E/CN.4/1166/Add.5

tional Women's Year, numerous international conferences had been held and resolutions had been adopted concerning the flagrant violations of human rights in Chile. In that connexion, he mentioned the resolution on the situation of women in Chile adopted at the World Conference for International Women's Year held at Mexico City in June-July 1975 (see E/5725, chap. III, resolution 34). A women's conference held at Minsk in the Byelorussian SSR in August 1974 had also adopted a resolution condemning the policy of violence and arbitrary rule pursued by the Fascist junta in Chile and calling on women throughout the world to oppose the junta.

19. His delegation believed that the General Assembly must resolutely protect human rights and fundamental freedoms in Chile and promote the restoration of the noble principles of the Charter of the United Nations in that long-suffering country. It was the duty of the United Nations to condemn once again the constant violations of human rights and fundamental freedoms in Chile and to call for the implementation without delay of the provisions of General Assembly resolution 3219 (XXIX) and of relevant resolutions of other United Nations bodies. The Organization also had a duty to call for the immediate release of the great democratic champion of the Chilean people, Senator Luis Corvalán, and of other political figures who were languishing in the Fascist dungeons of the military junta.

20. The United Nations was currently celebrating its thirtieth anniversary. The Organization had been born as a result of the victory of the forces of the anti-Hitlerite coalition, in which the Soviet Union had played a decisive role. Hitlerite fascism had been universally condemned by freedom-loving mankind and its policies had been declared a crime against humanity. In that connexion, he recalled the determination expressed in the Preamble to the Charter of the United Nations to save succeeding generations from the scourge of war and to reaffirm faith in fundamental human rights and in the dignity and worth of the human person.

21. The people of Byelorussia, together with all freedom-loving peoples, would continue to express their solidarity with the Chilean workers and with the democratic forces in Chile which were fighting against fascism and for freedom in their homeland.

22. Mr. PEDERSEN (Denmark) said that his delegation had supported resolution 3219 (XXIX), in which the General Assembly, deeply concerned about the reported violations of basic human rights and fundamental freedoms in Chile, had urged the Chilean authorities to restore and safeguard basic human rights and fundamental freedoms, to release all persons detained without charge and all political prisoners and to continue to grant safe conduct to those who desired it. In addition, the General Assembly had recommended that the Commission on Human Rights should study the reported violations of human rights, with particular reference to torture and cruel, inhuman or degrading treatment or punishment.

23. His delegation had strongly supported the idea of sending an impartial fact-finding commission to investigate the situation in Chile, and in February 1975 the Government of Chile had agreed to allow the *Ad Hoc* Working

Group established by the Commission on Human Rights to visit that country to investigate the current situation of human rights. His Government had welcomed that decision because a first-hand objective study, whatever its results, would make it possible to assess the situation accurately. It was, therefore, regrettable that in July 1975 the Government of Chile had cancelled the visit of the *Ad Hoc* Working Group, thus hampering the efforts being made to obtain evidence on the human rights situation in that country. The reasons which the Government of Chile had given for the cancellation of the visit were in no way convincing, and his delegation therefore urged the Government of Chile to permit the *Ad Hoc* Working Group to visit Chile without further delay, so that it might submit to the thirty-second session of the Commission on Human Rights a report based on first-hand evidence.

24. Referring to the report of the *Ad Hoc* Working Group (A/10285, annex), he said that it mentioned many reported cases of gross violations of human rights, such as arbitrary arrest, detention and exile, and shocking examples of torture and other cruel, inhuman or degrading treatment of political prisoners and detainees. The findings of the report were convincing, and the refusal by the Government of Chile to allow the Group to inquire into the human rights situation in that country could only add weight to the reported violations of human rights. His delegation felt a moral obligation to speak up whenever human rights were violated, whether in Chile or elsewhere, regardless of the political or social system of the Government concerned.

25. The report of the *Ad Hoc* Working Group and the introductory statement by the Chairman of the Group indicated that a number of prominent political, social and cultural personalities were being detained under conditions which posed great hazards to their health. According to information available to his Government, many of those political prisoners would be brought before a court martial. If that information was correct, he wished to draw the attention of the Government of Chile to the fact that such a measure would give rise to strong reactions in his country and in many others. His delegation therefore appealed to the Government of Chile to release the political prisoners as soon as possible, for humanitarian reasons. His Government was concerned not only about public figures among the political prisoners but also about those who were less well known and were suffering because of their political beliefs.

26. His delegation was of the opinion that one of the Committee's most important tasks was to stress the concern of the world community about inhuman practices in Chile and to appeal to the Chilean Government to abide by the principles of the Charter of the United Nations and the Universal Declaration of Human Rights. For that reason, it would support any measures the Committee adopted in order to serve that aim.

27. Miss CAO-PINNA (Italy), referring to the protection of human rights in Chile, said that the necessity of strengthening the role of the United Nations in the field of human rights and fundamental freedoms was widely recognized and a source of international concern. In that connexion, she expressed her delegation's appreciation for the good offices exercised by the Secretary-General and the Under-Secretary-General for Political and General Assembly

Affairs towards the re-establishment of basic human rights and fundamental freedoms in Chile, which were set out in the report of the Secretary-General (see A/10295, chap. II). In paragraph 14 of that document, the Secretary-General stated that, in the light of information he had received, including the progress report of the *Ad Hoc* Working Group, he was unable to report that the objectives identified by the General Assembly in paragraph 3 of resolution 3219 (XXIX) had been achieved. It was not known whether the findings of the Secretary-General would have been different if the *Ad Hoc* Working Group had been permitted to visit Chile. It was, however, certain that the question of the situation of human rights in Chile was still a matter of international concern, and her delegation therefore hoped that the Secretary-General would continue to use his good offices for a speedy restoration of all human rights in Chile and the total elimination of violations of those rights and fundamental freedoms.

28. Her delegation was of the opinion that the role thus far played by the United Nations in the field of the implementation of human rights had been so modest not only because of the tendency of Member States to invoke domestic jurisdiction whenever violations of human rights and fundamental freedoms were reported, but also because of two other factors. Firstly, there was a basic misunderstanding with regard to the principal aim of Economic and Social Council resolution 1235 (XLII) concerning violations of human rights and fundamental freedoms and Council resolution 1503 (XLVIII) on the procedure for dealing with communications relating to such violations. The aim of those resolutions was to assist States to overcome any difficulties they might meet in the observance of human rights, not to judge and possibly condemn them for any violations of human rights they might have committed. Secondly, the procedures for dealing with communications were slow, with the result that no specific situation of violations of human rights had yet been submitted by the Commission on Human Rights to the Economic and Social Council under Council resolution 1503 (XLVIII).

29. Consequently, in the light of the increasing amount of information to the effect that violations of human rights in Chile were continuing, despite the repeated appeals addressed to the Chilean Government by various United Nations bodies, the Commission on Human Rights had decided to follow a speedier procedure by establishing an *ad hoc* group of experts to act promptly and to report to the Commission on Human Rights and, in a provisional form, to the General Assembly at the current session. In taking the decision to establish such a group, the Commission on Human Rights had begun an experiment with a new procedure, which, if successful, could be applied to other situations requiring prompt and speedy action. In that connexion, the Government of Chile had adopted the position described in document A/10303, that there should be a universal pre-established system for the objective verification of the proper observance of human rights in all countries of the world. In principle, no one could disagree as to the desirability of such a system, which seemed to be stronger than that provided for in the International Covenant on Civil and Political Rights and the Optional Protocol thereto. For the time being, however, agreeing in principle on a new universal system did not solve the question being discussed, nor did it seem to be a realistic approach to the necessity of

strengthening the role of the United Nations, particularly with regard to violations of human rights.

30. Referring to the progress report of the *Ad Hoc* Working Group, she said that her delegation deeply regretted the unexpected decision of the Government of Chile to refuse to allow the Working Group to visit that country. It agreed with the Secretary-General that that decision had not been helpful in clarifying the situation and shared his hope that the Chilean Government would review its decision. It also hoped that the current discussions would be helpful in inducing the Government of Chile to change its attitude towards the Working Group. In addition, her delegation agreed with the reasons for which the Chairman of the *Ad Hoc* Working Group had decided not to accept the offer of the Chilean Government to visit Chile. With regard to paragraph 4 of the report, which stated, *inter alia*, that most of the witnesses who had appeared before the Working Group had left Chile in recent weeks or months, she said that that statement made it clear that the information collected by the Working Group was recent, in the sense that it either reflected the current situation in Chile or indicated that what had happened soon after the tragic events of September 1973 was still very much in the minds of those who had provided information to the Working Group. However, since the Working Group had been established to inquire into the current situation of human rights in Chile, it would have been particularly useful for the Committee to know more about the qualifications of the persons who had offered information and about the time to which the information referred. Her delegation would therefore appreciate any further information which the Chairman of the Working Group could give to the Committee and also expected the final report of the *Ad Hoc* Working Group to include further information of that kind. The fact that the interim findings of the Working Group were similar to those which had been reported by other sources confirmed the many allegations which had prompted the Commission on Human Rights to establish the Group.

31. Referring to the violations of human rights reported by the Working Group, she said that the inhuman practices and penalties described had given rise to a sense of horror and profound disgust in many countries, including her own. Needless to say, the reported violations of civil and political rights did not leave much room for hope that those rights would be restored unless the Chilean Government took prompt action for that purpose.

32. Her delegation sincerely hoped that the Government of Chile would permit the Working Group to visit Chile as soon as possible, thus enabling it to fulfil the mandate entrusted to it by the Commission on Human Rights. Her delegation also looked forward to the decisions to be taken by the Committee. In its opinion, condemnations did not serve the purpose of improving the situation of human rights in any country. It was firmly convinced that the best course of action was to request the Government of Chile to co-operate fully with the United Nations, and it would therefore support any specific proposal aimed at achieving that objective on the basis of a general consensus. As the Italian Minister for Foreign Affairs had said in his statement at the 2357th plenary meeting of the General Assembly, on 23 September 1975, such a consensus was one of the basic principles of the international system of the future.

33. Mr. BAROODY (Saudi Arabia) said that knowledge of human rights was not gained from books, although scholars, visionaries and Utopians who had dedicated their lives to the observance of human rights should be praised because they were the source of the Committee's inspiration. Unfortunately, however, the discussions in the Committee were also insufficient to ensure the observance of human rights, either in Chile, in other Latin American countries, in Africa, in Asia or in Europe. Although he agreed that there was a need to investigate violations of human rights in areas where there was suspicion that those rights were not being observed, he thought that many members of the Committee were becoming visionaries and opening the door to those who wanted to fish in troubled waters, and many could see the mote in their brother's eye but not the beam in their own. Everyone was responsible for the sad situation of human rights in almost every country where violations had occurred, either inadvertently, through negligence, or through interference from the outside.

34. His country had no diplomatic relations with the current régime in Chile; neither had it maintained relations with that country in the days of President Allende. It was therefore able to speak detachedly. His delegation was of the opinion that the Committee should analyse matters in order to see why human rights were allegedly being violated in Chile. It could not be disputed that Chile, like other Latin American countries, had been subjected to interference from outside. Both under Allende and under the present régime, the Chilean people had been subjected to forces from outside their country which had interfered in its domestic affairs in order to serve their own material and political interests. The countries which had interfered in Chile belonged both to the capitalist and to the socialist systems, which were trying to maintain trade relations with one another and using Chile as a whipping-boy. He wondered, however, whether those countries had completely forgotten Article 2, paragraph 7, of the Charter. He himself certainly did not think that the situation in Chile was a threat to international peace.

35. Delegations had raised the question of torture in Chile, but he wondered whether there was any country in the world where torture was not sometimes practised when a Government felt that its interests were being threatened. If the Committee thought that it should investigate torture in Chile, it should also, by analogy, establish a working group to investigate the powerful intelligence agencies in certain countries which spied on thousands of persons every day and caused anarchy and civil war in order to serve misguided, petty national interests. For example, there was one intelligence agency which spent 16,000 million units of its own currency every year for subversion and indoctrination. Another intelligence agency, which was cleverer, did not reveal how much it spent for those purposes. In any case, as a result of their activities, millions of people were suffering and wars and coup d'états had been brought on by people serving only their own narrow interests. To take another, more specific example, he said that the representatives of the Byelorussian Soviet Socialist Republic, Denmark and Italy had stated that Chilean citizens could not leave their country because they were alleged to be freedom fighters and the military junta feared that they would spread propaganda about the situation in Chile; he did not think, however, that he had to give the names of

other countries which also did not allow their citizens to leave for precisely the same reasons.

36. All countries should set their own houses in order before trying to repair their neighbours' furniture. Every country had its faults, and he therefore could not see why Chile should be chosen as a convenient target. Why not pick on other countries which did not allow their citizens to leave, or on the United States, which would certainly object if the United Nations went to the Indian reservations to find out whether the Indians had any grievances? The United States was silent now because it was satisfied with the current régime in Chile, but it had previously interfered in the domestic affairs of that country. The Byelorussian Soviet Socialist Republic, which championed the political rebels in Chile, was also not a country free from violations of human rights. Smaller countries, such as Italy and Denmark, were lucky not to have troubled situations requiring strict national measures. In some ways, every country was like a glass house and had problems and faults. All countries also had stones, but there would be war if they all began to throw them. Thus, he did not think that one country should be singled out for alleged violations of human rights. All peoples had a claim to democracy and thought that theirs was the best, but many crimes had been committed and two wars had been waged in the name of democracy. His delegation therefore believed that the best approach was to appeal gently, without invective, to the Government of Chile to correct any irregularities in the observance of human rights in that country.

37. It was regrettable that the Chilean Government had felt unable to translate into reality its expressed willingness to co-operate with the *Ad Hoc* Working Group, but he believed that the Chileans should be allowed to decide their own destiny and settle their own problems. Furthermore, those delegations which denounced the Chilean Government as undemocratic should remember that democracy, in whatever form it was professed or practised, had become, like religion, largely ritualized and exploited for selfish political ends. He therefore urged the members of the Committee to adopt an attitude of sympathetic concern at the plight of the Chilean people as a whole and to remember the words of the New Testament: "He that is without sin among you, let him first cast a stone."

38. Mrs. HEANEY (Ireland) said that her delegation considered the report of the Economic and Social Council to be one of the most important items on the Committee's agenda, both because of the range of questions it covered and because it gave an opportunity to delegations which were not members of that body or of its subsidiary organs to review and, where appropriate, endorse its activities. Moreover, her delegation was gratified to note that a degree of priority had been given to those chapters dealing with social progress and human rights. The area of human rights, in particular, had been referred to at the 2364th plenary meeting of the General Assembly, on 26 September 1975, by the Minister for Foreign Affairs of Ireland as one to which the United Nations should particularly address itself in the current year, which marked its thirtieth anniversary. In that connexion, her delegation had been encouraged to hear the Director of the Division of Human Rights state, at the 2144th meeting, that considerable progress has been made by the United Nations during the past 10 years. It

agreed with that statement in so far as the legal and procedural framework for human rights was concerned, but the situation was quite different with regard to practical achievements. In the case of the protection of human rights in Chile, the difference was reflected in paragraph 14 of document A/10295. That contradiction between theory and practice had been underlined in the introductory statement, at the same meeting, by the Chairman-Rapporteur of the *Ad Hoc* Working Group to inquire into the present situation of human rights in Chile. The progress report of the *Ad Hoc* Working Group showed that the human rights situation in Chile had not improved. In that connexion, she noted that while in some cases expressions of concern for human rights in Chile might not have been unmingled with political considerations, on the whole the positions adopted in United Nations bodies had been based on sincere concern at the plight of the Chilean people and on request for the principles governing the work of the United Nations.

39. Her delegation had welcomed the establishment of the *Ad Hoc* Working Group and the request to the President of the General Assembly and the Secretary-General contained in paragraph 5 of General Assembly resolution 3219 (XXIX) as the most effective procedures available within the United Nations system for encouraging the restoration of full human rights in Chile. However, those procedures could be effective only if there was a response from the Chilean Government. Her delegation therefore regretted the last-minute decision of the Chilean authorities to withdraw from their agreement to co-operate with the *Ad Hoc* Working Group, and it endorsed the preparation of a progress report on the basis of the evidence available. Although the Working Group had been unable to verify its findings within Chile itself, direct evidence had been taken from persons who had experienced life under the new régime, and her delegation was satisfied that the members of the Group were competent, impartial and well-motivated. In that connexion, she drew attention to the statement in paragraph 7 of the report (A/10285, annex) to the effect that the standards applied by the Group to assess the situation of human rights in Chile were those contained in the international instruments adopted by the United Nations. However, it must be admitted that a report based on evidence gathered outside the country and from anonymous witnesses was not fully satisfactory, and it was to be hoped that the Chilean Government would remove the obstacles in the way of a visit to the country by the Working Group, so that the latter could produce an authoritative final report which would enable the Committee to make a more accurate assessment of the situation. The documents presented to the Committee by the Chilean authorities were not sufficient for that purpose.

40. She said that, on balance, her delegation was satisfied that the report of the Working Group accurately reflected the general state of affairs in Chile, more especially since disturbing reports continued to come from other organizations of international standing and from individuals with first-hand knowledge. The report drew attention to some basic civil and political rights which continued to be flouted in Chile, including the violation of the principles of judicial review, political liberty, personal security and the non-retroactivity of criminal laws and sentences. The abuses which gave rise to the greatest concern were in the area of arrest, investigation, detention, trial and imprisonment. She

noted with particular concern the consequent effects on family life, involving the break-up of family units and particular hardship for women and children. The section of the report dealing with the subject of torture was particularly horrifying, and her delegation shared the profound disgust expressed by the Working Group at such practices. As the Irish Minister for Foreign Affairs had said in the plenary General Assembly, the evil weapon of torture must be outlawed and could not be condoned under any circumstances. It was also profoundly disturbing to note that recent evidence revealed an increase in recourse to psychological torture, particularly in the form of moral pressure and the use of drugs.

41. Referring to the documentation provided by the Chilean delegation, according to which the state of siege had been relaxed, she suggested that the apprehensions of the international community could be allayed, and the process of returning to normal conditions could be hastened, if an impartial fact-finding group, namely the *Ad Hoc* Working Group, were allowed to confirm such a positive development. The list of missing persons annexed to the report of the Group (A/10285, annex XVII) was an eloquent appeal to the Committee to take whatever action it effectively could. Her delegation therefore favoured the strengthening of the mandate of the Working Group and an urgent appeal to the Chilean Government to allow it to enter Chile without further delay. It would support any draft resolution couched in juridically correct terms for the purpose of achieving that end.

42. In conclusion, she appealed to the Chilean authorities to return rapidly to Chile's honourable tradition of respect for democracy and human rights and devotion to the rule of law. She stated that her delegation reserved the right to revert to other matters under the item at a later stage and to comment on any draft resolutions proposed.

43. Mr. KHAMIS (Algeria), speaking on behalf of the group of Arab countries, informed the Secretariat that it was unnecessary to translate into Arabic document A/C.3/639 containing the report of the Chilean Government on the human rights situation in Chile. The Arab countries would work from the French and English texts, thereby making it possible to expedite consideration of the item and to save the money which would be required to produce the document in Arabic.

44. Mr. TCHERNOUCHTENKO (Byelorussian Soviet Socialist Republic) said that the question of the violation of human rights in Chile was a very serious problem, on which the General Assembly, at its preceding session, had adopted a resolution by an impressive majority. The subject therefore deserved the most serious attention, especially in view of the evidence, contained in the documents before the Committee, of the outrages and excesses of the Chilean Fascist junta. An awareness of the full seriousness of the problem was reflected in the statement by the representative of Ireland, but unfortunately the same could not be said of the speaker who had preceded that representative. He did not wish to criticize the views of any particular delegation but wished to point out that, while it might be true that psychological pain was sometimes more devastating than physical pain, a dead man was immune to both. Although the available documents clearly showed the

extent of the violation of human rights in Chile, the Committee had heard a suggestion that it should act as if nothing had happened and that the progress of history would help the Chileans settle their own problems. It should be remembered, however, that the processes of history were sometimes very painful and that fascism had been responsible for the deaths of millions of human beings. The Committee could not therefore merely allow history to take its course. In conclusion, he said that his delegation agreed with the representative of Saudi Arabia that democracy had often been reduced to a meaningless ritual, and that applied especially to the current situation in Chile.

45. Mr. BARODY (Saudi Arabia) pointed out that his reference to the ritualization of democracy applied equally to some of the great historical upheavals, such as the French and Russian revolutions, the origins of which could be traced to the desire to secure for all mankind the enjoyment of basic human rights and fundamental freedoms. It should also be noted that the Chilean people would have been spared a civil war if there had been no outside interference in their affairs. His attitude sprang from the same conviction which had formerly led him to oppose the argument that colonial empires should be

maintained because decolonization would be followed by internecine strife within the former colonial territories. Those who demanded the restoration of democracy in Chile should remember that the two greatest crusades for democracy in the current century, those led by Woodrow Wilson and Franklin D. Roosevelt during the First and Second World Wars, had failed to achieve their ultimate goals, namely a world without war, and the four freedoms enshrined in the Atlantic Charter.

46. Mr. BROAD (United Kingdom) reminded the representative of Saudi Arabia of Winston Churchill's statement to the effect that while democracy might be a very bad form of government, no one had found anything better.

47. Mr. BARODY (Saudi Arabia) said that it was significant that such a statement should have come from an arch-colonialist who had also stated that he had not become Her Majesty's Prime Minister in order to preside over the liquidation of the British Empire. He concluded by once again urging the Committee to exercise restraint when considering situations such as that currently existing in Chile.

The meeting rose at 6.50 p.m.

2147th meeting

Monday, 3 November 1975, at 10.30 a.m.

Chairman: Mr. Ladislav ŠMÍD (Czechoslovakia).

A/C.3/SR.2147

AGENDA ITEM 12

Report of the Economic and Social Council [chapters III (sections F, G, I, L and M), IV (sections A and C) and V] (*continued*) (A/10003, A/10284, A/10285, A/10295, A/10303, A/C.3/637, A/C.3/639, A/C.3/640, A/C.3/L.2168)

HUMAN RIGHTS QUESTIONS (*continued*)
(A/10003, chap. V, sect. B)

Protection of human rights in Chile (*continued*)
(A/10285, A/10295, A/10303, A/C.3/639, A/C.3/640)

1. Mr. RICHTER (German Democratic Republic) said that his delegation viewed with grave concern the current situation in Chile and the flagrant violations of human rights perpetrated by the Chilean Fascist military junta. The international community had an obligation to prevent a recurrence of crimes such as those committed during the 12 years of Hitler's Fascist tyranny. The people and Government of the German Democratic Republic took an active part in the world-wide movement of solidarity with the people of Chile, a movement comprising representatives of diverse political convictions, religious creeds and ideologies. Irrespective of their differing ideological views, the democratic forces in the world were united in their condemna-

tion of the Fascist reign of terror in Chile. The crimes of the Fascist dictatorship were confirmed by the progress report (A/10285, annex) of the *Ad Hoc* Working Group to inquire into the present situation of human rights in Chile, which gave a true picture of the continuous violation of the human rights and fundamental freedoms of the Chilean working people. The report left no doubt as to the existence of a Fascist dictatorship with all its cruelty and brutality and its destruction of, and disregard for, all democratic principles and traditions. The glorious democratic traditions of the Chilean people, which the junta representatives continually invoked in order to mislead world public opinion regarding the current situation, had been broken by the treacherous assassination of the democratically elected President, Mr. Allende, by Fascist military forces. Chapter III of the report clearly proved that the Fascist junta had annulled the democratic Constitution. However, his delegation was convinced that one day the democratic traditions of the Chilean people would triumph.

2. He referred to the account given in the progress report of the role and position of the Directorate of National Intelligence (DINA), the Gestapo of Chile, and of the war waged by Chilean fascism against Chile's own people. That war was only a prelude to wars against other peoples, which was in the nature of fascism, as shown by the history of Hitler's Germany. It was significant in that respect that the