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COMMISSION ON HUMAN RIGHTS
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Item 7 of the Provisional Agenda

Study of reported violations of human rights in Chile,
with particular reference to torture and other cruel, inhuman
or degrading treatment or punishment (resolution 8 (X.VII) of the
Sub-Commission on the Prevention of Discrimination and Protection of
Minorities and General Assembly resolution 3219 (XXIX))

1. The Sub-Commission on Prevention of Discrimination and Protection of Minorities, at its twenty-seventh session, after considering the item "The question of the human rights of persons subjected to any form of detention or imprisonment" adopted resolution 8 (X.VII) in which, inter alia, in paragraph 2 it recommended that the Commission on Human Rights, at its thirty-first session, study the reported violations of human rights in Chile, with particular reference to torture and other cruel, inhuman or degrading treatment or punishment. 1/
2. In the same resolution the Sub-Commission, in paragraph 3, requested the specialized agencies, other inter-governmental organizations, as well as non-governmental organizations in consultative status concerned to submit to the Secretary-General for reference to the Commission on Human Rights, recent and reliable information on torture and other cruel, inhuman or degrading treatment or punishment in Chile. In paragraph 4, the Secretary-General was requested to bring to the attention of the Chilean authorities resolution 8 (XXVII). 2/
3. It may be recalled that the Commission on Human Rights, at the 1279th meeting of its thirtieth session on 1 March 1974, decided to authorize the Chairman of the Commission to address a telegram to the Government of Chile on behalf of the members of the Commission. 3/

1/ The text of resolution 8 (XXVII) is contained in the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to the Commission on Human Rights on its twenty-seventh session (New York, 5-23 August 1974). Document E/CN.4/1160.

2/ For the comments of Chile on resolution 8 (XXVII) see document E/CN.4/1158.

3/ For the text of the telegram see Report of the Commission on Human Rights on its thirtieth session (Document E/CN.4/1154, Chapter XIX) and for the text of the reply of the Minister of Foreign Affairs of Chile see document E/CN.4/1153.

4. The Economic and Social Council, at its 1899th Plenary meeting of 17 May 1974, adopted resolution 1873 (LVI) entitled "Protection of Human Rights in Chile" in which, inter alia, after noting the reply of the Chilean Minister of Foreign Affairs dated 7 March 1974 to the telegram of the Chairman of the Commission on Human Rights, endorsed in paragraph 1 the concern of the Commission on Human Rights, and in paragraph 2 called upon the Government of Chile 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. 4/

5. The General Assembly in Resolution 3219 (XXIX) adopted on 6 November 1974 took into account, inter alia, the deep concern expressed by the Commission on Human Rights about reports from a wide variety of sources relating to gross and massive violations of human rights in Chile, particularly involving a threat to human life and liberty. In paragraph 4 the Assembly endorsed the recommendation made by the Sub-Commission on Prevention of Discrimination and Protection of Minorities in its resolution 8 (XXVII) that the Commission on Human Rights, at its thirty-first session, study the reported violations of human rights in Chile with particular reference to torture and cruel, inhuman or degrading treatment or punishment. In paragraph 5, the President of the twenty-ninth session of the General Assembly and the Secretary-General were requested to assist in any way they may deem appropriate in the establishment of basic human rights and fundamental freedoms in Chile, in the light of paragraph 3 of the Resolution in which the Chilean authorities are urged to respect fully the principles of the Universal Declaration of Human Rights and to take all necessary steps to restore and safe-guard basic human rights and fundamental freedoms, particularly those involving a threat to human life and liberty and to release all persons who had been detained without charge or imprisoned solely for political reasons, and to continue to grant safe conduct to those who desire it. 5/

6. In paragraph 3 of resolution 8 (XXVII) the Sub-Commission requested the specialized agencies and other inter-governmental organizations as well as non-governmental organizations in consultative status concerned, to submit to the Secretary-General for reference to the Commission on Human Rights recent and reliable information on torture and other cruel, inhuman and degrading treatment or punishment in Chile. The Secretary-General transmitted this request of the Sub-Commission to these organizations and attached to his communication a copy of General Assembly Resolution 3219 (XXIX). The Secretary-General requested that the information referred to in paragraph 3 of Resolution 8 (XXVII) should be submitted by 1 January 1975.

7. By 20 January 1975 replies were received from the following specialized agencies: (a) the World Health Organization which stated that it did not have in its possession information to submit at present; (b) the Food and Agriculture Organization which, in its reply of 19 December 1974, stated that one case which might have fallen within

4/ Official Records of the Economic and Social Council, Fifty-sixth session, Resolution E/55/44.

5/ For text of General Assembly resolution 3219 (XXIX) see Appendix 1.

the scope of paragraph 3 of Sub-Commission resolution 8 (XXVII) had been brought to the attention of the Executive Secretary of the Economic Commission for Latin America by letter dated 31 October 1973; (c) the International Labour Organisation and the United Nations Educational, Scientific and Cultural Organization which sent information which will be made available to the Commission in E/CN.4/1166/Addenda land 2.

8. The Organization of American States, by letter dated 10 January 1975, submitted a "Report on the status of Human Rights in Chile" prepared by the Inter-American Commission of Human Rights as well as copy of the observations by the Government of Chile on the report. The report of the OAS and the observations of the Government of Chile will be made available to the Commission. (E/CN.4/1166/Add.3). The Council of Europe, in its letter dated 15 January 1975, stated that it had no comments to offer and further informed that none of the organs of the Council of Europe had been dealing with this question.

9. The following non-governmental organizations submitted reports containing information falling within the scope of paragraph 3 of Sub-Commission resolution 8 (XXVII): Amnesty International, the International Commission of Jurists, the International Committee of the Red Cross, the International Confederation of Free Trade Unions, the International Union of Students, the Inter-Parliamentary Union, the World Confederation of Organizations of the Teaching Profession and the World Federation of Trade Unions. The information supplied by these and other non-governmental organizations which may be received will be made available to the Commission. (E/CN.4/1166/Add. 4 and 5).

10. Other non-governmental organizations, including the International Political Science Association and the World Federation of United Nations Associations, indicated in their replies that they had no information to submit.

Appendix 1

General Assembly Resolution 3219 (XXIX). Protection of human rights in Chile

The General Assembly,

Convinced of its responsibility under the Charter of the United Nations to promote and encourage respect for human rights and fundamental freedoms for all,

Recalling that, in accordance with the Universal Declaration of Human Rights, everyone has the right to life, liberty and security of person and the right not to be subjected to arbitrary arrest, detention or exile or to torture or cruel, inhuman or degrading treatment or punishment,

Recalling also its resolution 3059 (XXVIII) of 2 November 1973,

Taking into account the deep concern expressed by the Commission on Human Rights about reports from a wide variety of sources relating to gross and massive violations of human rights in Chile, particularly those involving a threat to human life and liberty,

Taking note of the appeal made by the Economic and Social Council, in its resolution 1873 (LVI) of 17 May 1974, to the Chilean authorities to take all necessary steps to restore and safeguard basic human rights and fundamental freedoms in that country, particularly in those cases involving a threat to human life and liberty,

Noting that the Sub-Commission on Prevention of Discrimination and Protection of Minorities, in its resolution 8 (XXVII) of 21 August 1974, made an urgent appeal to the Chilean authorities 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,

Noting also that the International Labour Conference, in its resolution X of 24 June 1974, urged the Chilean authorities, inter alia, to cease violations of human rights and trade union rights, to guarantee the life and freedom of arrested, deported or imprisoned workers, militant workers and trade union leaders and members of any political party, to put an end to the practice of torture, to close down the concentration camps and to abolish the special tribunals, and decided to urge the speedy expedition to Chile of the Fact-Finding and Conciliation Commission on Freedom of Association as well as the setting up of a commission of inquiry,

Considering that, notwithstanding all the appeals made by various organs of the United Nations system, gross and massive violations of human rights, such as arbitrary arrest, torture and cruel, inhuman and degrading treatment of political prisoners and detainees, including former members of the Chilean Government and Parliament, continue to be reported,

1. Expresses its deepest concern that constant flagrant violations of basic human rights and fundamental freedoms in Chile continue to be reported;
2. Reiterates its repudiation of all forms of torture and other cruel, inhuman or degrading treatment or punishment;
3. Urges the Chilean authorities to respect fully the principles of the Universal Declaration of Human Rights and to take all necessary steps to restore and safeguard basic human rights and fundamental freedoms, particularly those involving a threat to human life and liberty, to release all persons who have been detained without charge or imprisoned solely for political reasons and to continue to grant safe conduct to those who desire it;
4. Endorses the recommendation made by the Sub-Commission on Prevention of Discrimination and Protection of Minorities, in its resolution 8 (XXVII), that the Commission on Human Rights at its thirty-first session study the reported violations of human rights in Chile, with particular reference to torture and cruel, inhuman or degrading treatment or punishment;
5. Requests the President of the twenty-ninth session of the General Assembly and the Secretary-General to assist in any way they may deem appropriate in the re-establishment of basic human rights and fundamental freedoms in Chile in the light of paragraph 3 above.
6. Requests the Secretary-General to submit a report to the General Assembly at its thirtieth session on the action taken and progress achieved under paragraphs 3 to 5 above.
