

2154th meeting

Tuesday, 11 November 1975, at 10.30 a.m.

Chairman: Mr. Ladislav ŠMÍD (Czechoslovakia).

A/C.3/SR.2154

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.3/642, A/C.3/L.2168/Rev.1, 2169-2172)

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

Protection of human rights in Chile (continued) (A/10286, A/10295, A/10303, A/C.3/639, A/C.3/640, A/C.3/642, A/C.3/L.2172)

1. Mr. ALLANA (Chairman of the *Ad Hoc* Working Group), replying to the statement made by the representative of Chile (2152nd and 2153rd meetings), said that while some delegations had expressed disappointment with regard to the progress report of the *Ad Hoc* Working Group (A/10285, annex), the Working Group was determined to fulfil the mandate entrusted to it under resolution 8 (XXXI) of the Commission on Human Rights¹ and to undertake any new task entrusted to it either by the General Assembly or by the Commission on Human Rights, undeterred by adverse criticism or by any obstacles it might encounter. The members of the Working Group were very much aware that, in establishing the Working Group, the United Nations had introduced a new dimension in international co-operation for the promotion and encouragement of respect for human rights and fundamental freedoms. Thus, in the spirit of the highest traditions of the United Nations, the Working Group would try to live up to the expectations of the General Assembly and continue in its task of ensuring the restoration of human rights and fundamental freedoms in Chile without interfering in the political institutions of that country.

2. He had listened with the most careful attention to the statement made by the representative of Chile. That statement had contained many observations which he would like to contradict, but doing so would only exhaust the patience of the Committee. He would therefore refute only a few of the Chilean representative's observations and objections concerning the progress report and the views of the Working Group.

3. He recalled that if the Working Group had not visited Chile, that had not been because it had not intended to do so. In fact, the Working Group had been prevented from visiting that country. Moreover, it had made every effort to establish contacts with the Chilean Government, but those efforts had been totally unsuccessful. In that connexion, he

reminded the representative of Chile that a statement made on behalf of the Working Group at a press conference held on 21 July 1975 at Caracas had specified that the Group would be prepared to receive any relevant information provided by the Chilean Government. A communication to that effect had been sent to the Chilean Government, but no reply had yet been received by the Working Group.

4. The representative of Chile had stated that the progress report of the Working Group would have no credibility unless the Working Group went to Chile. The Working Group's visit had, however, been made impossible by the Chilean Government, which had probably hoped that the Working Group would be dissolved. The Working Group would not dissolve and would continue to fulfil its mandate in order to submit to the Commission on Human Rights the final report it had been called upon to prepare by February 1976.

5. The representative of Chile had claimed that the Working Group had not given adequate attention to the statement made by the former Chief Justice of the Supreme Court of Chile; however, that allegation was not true. The Working Group had heard the testimony of the former Chief Justice of the Supreme Court of Chile, who had explained, in particular, the many constitutional and legal changes which had taken place in that country since 11 September 1973. Moreover, the Working Group had asked the former Chief Justice whether he had ever heard of torture and illegal detention in Chile. The former Chief Justice had answered that he had not. When the point had been further pressed, the former Chief Justice had said that he had not heard of torture and illegal detention in Chile because no case of that kind had ever been brought before him. That evidence had naturally been taken fully into account by the Working Group.

6. The representative of Chile had also stated that the Working Group had been blinded by its failure to visit Chile. He was sorry that the representative of Chile had used such unkind words in referring to the members of the Working Group, but, in view of his rather special position as a guest invited to help the Committee in its discussion of the progress report, he would have to suffer the Chilean insult in silence.

7. On a number of occasions during his statement, the representative of Chile had said that the Working Group should have gone to libraries for statistics and facts regarding Chile; however, the Working Group would have preferred to go to the source of all information regarding Chile, namely, the Government of Chile, which had refused to hold a dialogue with the Working Group. The Working Group would also have liked to establish a dialogue with the Permanent Representative of Chile to the United Nations, who had initially been very helpful in establishing

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

contacts between the Working Group and the Chilean Government but then had disappeared in May 1975, thus making it impossible for the Working Group to obtain any kind of information from him.

8. Another argument put forward by the representative of Chile had been that the Working Group should have consulted the Catholic Church. In that connexion, he wished to inform the Committee that some Catholic priests had appeared before the Working Group and their testimony had corroborated what the Working Group had stated in its progress report. A priest of another denomination in Chile had come to Geneva and urged the release of Luis Corvalán, a distinguished Chilean personality. Another priest had been asked about torture and illegal detention in Chile and had said that he had heard rumours about such practices from anonymous letters sent to him by his parishioners, although he had not verified those rumours. The Working Group had drawn some conclusions from that evidence.

9. The representative of Chile had said that there were political overtones in the progress report of the Working Group and, in that connexion, had referred to Radio Moscow. He again stressed on behalf of the Working Group that the progress report was not in any way politically motivated and that the members of the Group had never listened to Radio Moscow; in fact, they had not even known that Radio Moscow broadcast a programme on Chile.

10. Contrary to what the representative of Chile had said, it was not true that the reports of torture mentioned by the *Ad Hoc* Working Group were inventions of sick minds or that the Group had heard second-hand testimony. He recalled that the Working Group had heard the testimony of Luis Alberto Corvalán, who had once been a strong young man but who, by the time he had appeared before the Group, had become a physical and mental wreck and had had a complete nervous breakdown. Mr. Corvalán had told the Working Group that he had been tortured and beaten on the head and chest by the Directorate of National Intelligence (DINA) and consequently had suffered severe memory losses and had developed a serious heart condition. It was only in New York that the Working Group had learned that Luis Alberto Corvalán had died in Sofia and that his father, Luis Corvalán, had not been allowed to attend his funeral. The testimony given by Luis Alberto Corvalán had not been a story invented by a sick mind and had not been second-hand. Another witness, whose name could not be revealed because he was still alive, had appeared before the Working Group and told it that he had been a leftist and had been arrested, tortured and beaten for that reason. For example, he had been taken to a room where a young woman had been lying naked on a cot. He had been stripped and told to rape her. He had refused and had therefore been beaten, but she had taken pity on him and asked him to do so as he was ordered because she could not bear to see him beaten. He had still refused. His sister had then been brought to the room and stripped, and the torturers had used her breast as an ash-tray. The young man had thereupon suffered an emotional collapse and had again been beaten. During his testimony he had also broken down in tears. The Working Group did not think that the story told by that young man had been the invention of a sick

mind or mere hearsay. Moreover, the members of the Working Group were not young children whose judgement could be lulled to sleep by political fantasies, nor could they be browbeaten into submission.

11. At another point in his statement, the representative of Chile had said that cases of torture might have occurred in that country, but not under Government orders. In the Working Group's opinion, that was a confession that torture had actually taken place in Chile. The representative of Chile had also said that the accusations made by the Working Group constituted slander and defamation, but he wished to assure the Committee that the five members of the Working Group were totally impartial and had no scores whatever to settle with the Chilean Government. With regard to the question of missing and disappeared persons, the representative of Chile had said that people could disappear from a country for many reasons. The Working Group nevertheless considered it a colossal tragedy that so many cases in Chile had been brushed aside as though the problem of missing and disappeared persons did not exist. In that connexion, he recalled the testimony of an elderly woman who had testified before the Working Group as a representative of the wives and relatives of many missing and disappeared persons. Her own husband had disappeared 18 months earlier, and she had given detailed testimony concerning every aspect of her husband's forced departure from their home with members of DINA. Her story too had not been one invented by a sick mind.

12. The representative of Chile had stated that his country wished to return to normality and eventually hold elections and allow the existence of political parties. However, that statement contradicted what President Pinochet had been reported to have said on 16 June 1975 and which is quoted in paragraph 84 of the Group's report, namely, that there would be no election in Chile in his lifetime or in that of his successor. The Working Group had nevertheless been happy to learn from the representative of Chile that there would be a return to normality in that country and that elections might eventually be held. He recalled that another witness testifying before the Group at Geneva had said that the military régime had eliminated chaos and confusion in that country and that it was a good thing that political parties and elections had been outlawed. The members of the Working Group had replied that, if the witness's view was correct, it would seem that every country could become a paradise by following the Chilean example. The witness had had nothing to say to that.

13. The representative of Chile had said that he had understood the expression "the present situation of human rights in Chile" to refer to the day when the Working Group entered the country for a visit. In order to clear up any possible misunderstanding, he drew the attention of the representative of Chile to paragraph 22 of the progress report for an explanation of what the Working Group meant by that expression. Moreover, the representative of Chile had referred to the rules of procedure and terms of reference of the Working Group and had said that Chilean procedures should be followed. However, since the Working Group had never had an opportunity to find out exactly what those procedures were, in preparing its progress report it had had to use the rules of procedure followed by other

United Nations bodies dealing with violations of human rights.

14. With regard to DINA, the representative of Chile had stated that Oswaldo Romo was the name of a detainee who had been a member of the revolutionary left movement (MIR). The Working Group nevertheless had massive evidence against Romo, who, according to testimony from prisoners he had tortured, had told them not to use his name but to call him "the boss". Romo's picture had appeared in the 15 September 1975 issue of *Newsweek*, which was not a Marxist-Leninist publication; nor was *The Observer* of London, which had also published a story on Romo. The Working Group had also obtained written testimony from witnesses who had seen Romo and who had even reported that he had said his own daughter was constantly being told by her classmates that her father was the chief torturer of DINA. Moreover, the Working Group had information from impartial sources stating that Oswaldo Romo certainly existed and was the chief torturer of DINA. The Working Group therefore again urged that Oswaldo Romo should be tried for crimes against humanity.

15. The representative of Chile had stated that the progress report of the *Ad Hoc* Working Group contained political overtones, and that in the very first paragraph of the report submitted by the Chilean Government (see A/C.3/639) it was asserted that one of the most unfair, costly and well-organized international campaigns had been unleashed on a small and remote country. Moreover, when the Working Group had been denied entry into Chile, the Chilean press had alleged that the Working Group was part of an international Marxist-Leninist plot, and the statement made by the representative of Chile had seemed to reaffirm that view. He wished therefore to describe briefly the background of the members of the Working Group. He himself had been born into, and was currently the head of, a business family which had considerable commercial and industrial interests in Pakistan. He had been active in politics at one time but had belonged to an extreme-right-wing party. He had left politics 10 to 15 years earlier, now belonged to no political party and had nothing to do with active politics. For the past 15 years he had been writing books and poetry. How, then, could he be a Marxist-Leninist? Mr. Leopoldo Benites of Ecuador, another member of the Group, was a highly respected retired diplomat and a former President of the United Nations General Assembly who had never had anything to do with leftist organizations. How could he be a Marxist-Leninist?

16. Mr. F. Ermacora, also a member of the Working Group, was an Austrian member of Parliament, a member of a rightist party and a professor of international law at the University of Vienna, a man respected for his knowledge of international jurisprudence and his lifetime devotion to the cause of human rights. Another member of the Working Group was Mr. A. Dieye, who was a distinguished member of the Supreme Court of Senegal and who had nothing to do with any political party. The same could be said of Mrs. J. T. Kamara, also a member of the Working Group, who was a distinguished social worker from Sierra Leone. How could there be political overtones in the findings of a group of five persons from different parts of the world who had nothing to do with politics?

17. The President of Chile had stated, when the Working Group had been denied entry into the country, that he would set up a committee in Chile to examine the human rights situation there. The document submitted by the Government of Chile contained no information concerning how that committee had been brought into being, its members or its terms of reference. The objectivity or lack of objectivity of its report depended on the extent to which its members could be objective and impartial in their findings. The report had been published in October 1975, so that the committee must have been established after the Working Group had been refused entry into the country in July. There were strong indications that the document was sponsored by the Chilean Government and that the members of the committee spoke on behalf of that Government, not as impartial observers studying the human rights situation in Chile. Nevertheless, the Working Group would take that document into consideration when it met at Geneva in January 1976 and would be glad if representatives of the Chilean Government would appear before it, so that it could obtain further information and try to understand that Government's point of view. He assured the representative of Chile that the Working Group, in drawing up its final report, would take into account the views of the Chilean Government and the document which it had submitted.

18. One of the charges levelled against the Working Group in the document submitted by the Chilean Government was that it had based its progress report only on the evidence of enemies of that Government, without itself visiting the country. He wondered, however, whether the Chilean Government, in preparing its own document, had gone outside the country to try to understand what Chileans in exile thought of the human rights situations in the country; whether it had met any of the people tortured in Chile; whether it had visited detainees; whether it had had a dialogue with Luis Corvalán and other personalities; whether it had attempted to understand the nature of DINA and had reflected it in the report; whether it had met the mothers, sisters and wives of the disappeared persons. The reasons for the refusal of the Chilean Government to allow the Working Group to visit the country were set forth on pages 30 to 32 of the report of the Chilean Government (see A/C.3/639). However, none of those reasons had been mentioned by the personal emissaries of General Pinochet with whom he had had talks in Lima. At that time he had asked the emissaries for a written statement of the Chilean Government's reasons, and they had promised to provide one but had failed to honour their commitment. Among the reasons stated to him, the only one reproduced on pages 30 to 32 was that individuals belonging to the Communist Party had attempted to seek asylum at the Embassy of Honduras at Santiago. All the other reasons stated to him were completely extraneous, such as the fact that when Chile had stood for election to the Commission on Human Rights, the members of the Economic and Social Council, at its fifty-eighth session, had refused to vote for it, voting for Uruguay instead, although the latter had not wanted to belong to the Commission.

19. With reference to the draft resolution on the matter contained in document A/C.3/L.2172, he said that its adoption would open a new chapter in the efforts of the

General Assembly to make known its concern about the situation of human rights and fundamental freedoms in Chile and would bring relations between the Chilean Government and the United Nations to the threshold of a new phase. If the Chilean Government responded generously and spontaneously to the appeal contained therein, as he hoped it would, the era of confrontation would be a thing of the past. Confrontation would yield to consultation, co-operation and co-ordination, while denunciation and denial would make way for dialogue, discussions and decisions. That was the spirit behind the draft resolution. Moreover, he expressed the hope that the Chilean Government would regard the Working Group as a body of independent and impartial individuals from different continents who were friends of the people of Chile. What the United Nations was doing through the Working Group would, in the long run, prove to be a blessing to the Chilean nation. The Working Group would visit Chile not in a spirit of investigation, since its final report would have already been submitted, but to understand, through dialogue with the Chilean authorities, the situation of human rights in that country, to see how far the measures called for in operative paragraph 2 of the draft resolution had been implemented and to report to the General Assembly and the Commission on Human Rights.

20. In conclusion, he expressed the hope that the Chilean authorities and the members of the Working Group would have the wisdom to work together in a spirit of co-operation in order to enable the Chilean people to live in happiness with the full enjoyment of human rights and fundamental freedoms.

21. Mr. SPEEKENBRINK (Netherlands) said that in its approach to the problem of the protection of human rights in Chile, his delegation realized that it was addressing a sovereign State Member of the United Nations but believed that Articles 55 and 56 of the Charter imposed the obligation to speak out on the matter. His delegation wished to take as its point of departure the progress report of the *Ad Hoc* Working Group (A/10285, annex), which gave a clear account of the facts concerning the establishment of the Group, its negotiations with the Chilean authorities in connexion with its rules of procedure, the interpretation of its terms of reference, the inquiries outside Chile in preparation for the visit to that country, the activities which it intended to carry on within the country and the circumstances surrounding the withdrawal of the permission to visit Chile, as well as subsequent efforts of the Group to give a fair and impartial hearing to the Government of Chile. The visit to the country had been an important part of the mandate of the Group because it had been designed to enable the Group to verify the information and communications which had been received by United Nations bodies and to obtain an accurate first-hand picture of the real situation. The Group would thus have been able to substantiate the claim that there was no longer any real ground for concern. The arguments advanced to justify the refusal to allow the Group to enter Chile were not convincing. His delegation regretted the failure of the Chilean authorities to honour their commitment, not only because it constituted a breach of previous engagements but also because it derided the concern repeatedly expressed over the human rights situation in that country. Nevertheless, within the limitations imposed upon

it by circumstances beyond its control, the Group had rightly attempted to present the information at its disposal and to evaluate that information in an objective and balanced manner.

22. The report contained sufficient indications to substantiate the allegations that frequent and constant violations of basic human rights and fundamental freedoms had taken place in Chile. Presumably they still continued to occur. One of the most striking features of the situation, as dealt with in the report, related to the state of emergency, the application of which emerged as the foremost determining factor in the current situation. In that connexion, he noted that the constitution of almost every country provided for taking special measures to safeguard the country's existence in times of imminent danger or in situations of a less serious nature. As a general rule, it was recognized that certain basic human rights must remain untouched by such measures. Article 4 of the International Covenant on Civil and Political Rights (General Assembly resolution 2200 A (XXI), annex) reflected that general rule and stipulated that there was a category of human rights which must be protected and which could not be curtailed under any circumstances, not even those threatening the very existence of the State. It appeared, however, that the current state of emergency in Chile was being used as a pretext to violate, in particular, the most essential requirement of human society, namely, the dignity of the human person. Torture constituted the denial of that dignity and of the values on which human society was based. The report indicated that torture, even of women and minors, had become an institutionalized practice. His delegation therefore shared the view of the Working Group, as expressed in paragraph 195 of its progress report, that the question of torture and cruel and inhuman treatment should continue to retain the urgent attention of all organs of the United Nations concerned in one way or another with the implementation of United Nations provisions concerning human rights. The derogation from important judicial procedures and guarantees, such as *habeas corpus*, was further evidence of the direct bearing of the state of emergency on the current human rights situation in Chile. What his delegation rejected was the arbitrary application of the provisions of the state of emergency in contravention of internationally accepted standards. Moreover, while a country could not be denied legitimate use of its intelligence agencies to protect the security of the State, the use of such agencies by any country as a means of terrorizing and intimidating its population must also be rejected. The report showed in particular that the Directorate of National Intelligence (DINA) was the second determining factor of the current situation in Chile. He drew attention in particular to paragraph 134 of the report, which described DINA as the main agency of torture or cruel, inhuman or degrading treatment. Moreover, DINA acted with impunity, and its operations nullified basic legal guarantees with respect to persons in detention. In such an atmosphere, the cases of missing persons came as no surprise. The progress report of the *Ad Hoc* Working Group and other sources of information, such as the report of the Working Group of the Organization of American States, confirmed that those cases could not be regarded as matters of mistaken identity or falsification of documentation. His delegation therefore felt that serious efforts should be made to investigate the

problem and clarify the status of those persons who currently could not be accounted for.

23. His delegation was fully aware that it would be unjust to isolate a single case warranting serious concern about the protection of human rights and fundamental freedoms, while disregarding situations elsewhere which might be equally grave. It would be morally unjustifiable, however, to ignore such a grave situation as that described in the progress report. The question was what the General Assembly could and must do. The Universal Declaration of Human Rights and the two International Covenants on Human Rights constituted a firm basis for action and together formed the International Bill of Rights. His delegation believed that the General Assembly should urge the Chilean Government to comply with those instruments, not merely because Chile was a party to them but because they formed the basis of the internationally recognized standard of respect for human rights and fundamental freedoms. Such an appeal could easily be criticized on the legal ground that the Covenants had not yet come into force, and also by arguing that a number of countries, including the Netherlands, had not yet ratified them. What was most important, however, was not a strictly legalistic approach but the spirit in which those documents formed a part of international public law and represented a body of principles to be respected by all. The action of the General Assembly should therefore be based on the understanding that those instruments constituted the response of Member States to Article 56 of the Charter, and it should consist in exercising the maximum moral pressure on the Chilean Government to take such action as was needed to put an end to, and prevent any further occurrence of, the existing disregard for human rights and fundamental freedoms. His delegation sincerely hoped that the Government of Chile would respond in a positive manner to such an appeal and would co-operate with the Working Group and United Nations officials in that connexion.

24. Introducing draft resolution A/C.3/L.2172, he said that the text represented a sincere attempt by many delegations to give concrete expression to their concern about the protection of human rights and fundamental freedoms in Chile. It was the result of intensive consultations and represented a carefully balanced whole, no part of which could be separated from the others or could stand alone. He expressed the hope that the draft resolution would meet with general approval in the Committee.

25. Mr. DIEZ (Chile), speaking in exercise of the right of reply, said that the statement made by the Chairman of the *Ad Hoc* Working Group was disappointing. Instead of giving due consideration to the observations and points of view of the Chilean Government, the Chairman of the Working Group had responded with a polemic which put Chile in the position of an adversary party. The Chairman of the Working Group had stated that the Group had taken the views of the Catholic Church into account, mentioning in particular the fact that three clergymen, two of them Catholic priests, had appeared before the Group. He wished to point out, however, that the views of two priests could not be accepted as representing the opinion of the Catholic Church. The position of the Catholic Church was set forth in official documents which should have been consulted. Moreover, it would have been easy to contact, by telephone

or telegram, members of the Catholic Church hierarchy who would have provided the Working Group with accurate information concerning the situation in Chile and would have refuted, in particular, the false accusation that all education in Chile was under military control.

26. With reference to the relations between the Working Group and the Chilean Government, the Chairman of the Working Group had laid great stress on the fact that the Chilean Government had found it necessary to defer to a more suitable occasion the visit of the Working Group to the country, and he had complained that the Chilean Government had not made known the reasons for its decision until recently. But the Chairman of the Working Group had failed to note that the Chilean Government had sent a written statement on the subject to him and to the Secretary-General, a statement reproduced in volume II of the Chilean Government's report (see A/C.3/642), and that a personal invitation had been extended to him to visit Chile in order to obtain a full account of the reasons for the Chilean Government's decision. Such an attitude was one of understanding and co-operation on the part of a Government which, for security reasons, could not make public or put in writing all the facts relating to its decision. It was also an indication of confidence in the Chairman of the Working Group, who had not responded in kind in the statement he had just made.

27. The Chairman of the Working Group had referred to the testimony given by some witnesses, but his delegation wished to repeat that the Chilean Government lacked sufficient concrete evidence to enable it to investigate the charges, demonstrate their falsity or correct irregularities. The unfortunate case of Luis Alberto Corvalán had been mentioned. Chile respected the dead and had offered every facility to make it possible to bury Luis Alberto Corvalán in the land of his birth; however, his delegation felt that the torture charges which had been repeated during the current meeting represented an attempt to put the Chilean Government in an indefensible position by playing on the sensibilities of the members of the Committee. He wished to protest against such a procedure and to stress that his Government would investigate the charges made concerning the treatment of Luis Alberto Corvalán.

28. Referring to the case of Oswaldo Romo, the alleged torturer, he repeated that, according to the information available, Oswaldo Romo was a detainee who had belonged to the revolutionary left movement. The Chairman of the Working Group had, however, read out some additional information contained in two letters received from Chile. It should be noted that the Working Group could have received thousands of such letters, since no postal censorship existed in Chile. In any event, the letters quoted were not very helpful as evidence, since the addresses mentioned in connexion with Romo were either non-existent or so imprecise as to make it impossible to verify the information. Nevertheless, some evidence was better than none at all, but if the Chilean Government was slow in discovering the real or imaginary Romo, the reason was that the information provided by the Working Group was extemporaneous and incomplete.

29. His delegation totally disagreed with the Working Group's attitude towards co-operation. The Chairman of

the Working Group had referred to the statement issued in July 1975 at a press conference at Caracas to the effect that the Group was prepared to receive information from the Chilean Government; however, it was the Working Group's task to put questions to the Chilean Government and to communicate to it relevant facts of alleged violations of human rights, so that that Government might comment on them and correct any defects or injustices which might exist. What was needed was co-operation between the Working Group and the Chilean Government which would not undermine the dignity and sovereignty of the latter and which was based on mutual understanding of each other's tasks.

30. The Chairman of the Working Group had expressed surprise at not having seen the Permanent Representative of Chile to the United Nations since May 1975; it was rather more surprising that the Permanent Representative's letter of 2 May 1975 still remained unanswered.

31. The Chairman of the Working Group had said that the Group aimed to carry out its work with the utmost objectivity and that it would not interfere in the internal political affairs of Chile. Fortunately, the statement which the Chairman of the Working Group had made at the 2144th meeting in introducing the progress report had been reproduced *in extenso* (A/C.3/640), and there was no need for him to make any provocative allegations, since all delegations were familiar with the norms and principles of the Organization. Many of the assertions made in the progress report bore no relation to the role of the Working Group and reflected its preconceived ideas on the situation in Chile. Chile would, however, continue to co-operate with the United Nations and would continue, through the regional organizations, to answer communications sent to it through the normal channels. Human rights were too important to be used for political purposes and campaigns; genuine believers in any creed did not flaunt their beliefs for their own ends. The Chilean Government had stated that it was a Government based on Christian inspiration, and it would be utterly contradictory if the allegations made in the Committee were really true. It was clear from all the documents before the Committee that there was a campaign against the Chilean Government which had begun at Helsinki in September 1973. The momentum of that campaign encouraged people to come forward as witnesses, to make denunciations and to write letters, but such evidence should be very carefully checked. It was very difficult to tell whether witnesses were telling the truth. His Government would continue to work to improve the human rights situation in Chile. He hoped that the Chairman of the Working Group, by considering impartially his statement and the documents provided by his Government, would acknowledge the efforts that Government had made in providing such material and would recognize the progress it had achieved over the past year. However, the statement of the Chairman of the Working Group indicated that judgement had already been passed against his Government. Nevertheless, out of respect for the United Nations, Chile would continue to fulfil its obligations in the Organization and would also continue to comply with the provisions of the International Covenants on Human Rights, which it had signed and ratified, unlike some of the States which were calling on it to observe those Covenants. His Government was confident that sooner or later the

truth would become clear to all delegations. Meanwhile, although it did not have sufficient resources to defend itself against every attack made against it, it retained an awareness of its worth, dignity and historic duty.

32. Chile had come close to civil war, and the Government was currently rebuilding the country in accordance with its traditions and working to correct the defects which had necessitated the state of siege. It hoped that future generations would profit from its experience and avoid similar suffering. The Chilean Government had requested university professors representing all shades of democratic opinion, specialists in public law and persons with experience in public office to work out a new basic charter which would save future generations from a recurrence of the current problems. Liberty was very precious and had to be guarded; restricting freedoms in order to provide for a subsequent flowering of liberty was quite different from suspending them indefinitely. In Chile, human rights were being restricted within the limits of international conventions, morality and the Chilean Government's Christian tenets so as to prevent those with totalitarian tendencies from destroying the country by introducing a totalitarian régime. The Government's task was very difficult, and the difficulty was compounded by the calumny and slander of which Chile was the object. It was forced to listen to such slander out of respect for the United Nations, but it would use all the resources of the Charter to defend its right to self-determination and to build its future as it wished. The Chilean Government was developing the country's liberal and democratic institutions so as to meet current requirements in an age of scientific and technological advance and to safeguard human rights in the face of the inevitable broadening of the functions of the State. It faced its problems with serenity and a clear conscience. Some members of the Committee failed to see that the restriction of human rights in Chile was needed in order to ensure respect for the human rights of the majority and also the fundamental right to a calm and secure life. The Chilean Government believed that it could achieve its ends through education, and its education stressed traditional human values and was not totalitarian in nature. Chile was passing through a painful episode of its history and hoped for recognition of what it had so far achieved and what it aimed to do. In spite of everything, it would continue to respect the United Nations.

33. Mr. BAHNEV (Bulgaria), speaking in exercise of the right of reply, said that his delegation, after listening to the commendable statement by the Chairman of the Working Group, had been surprised and indignant that the humanitarian request it had made at the 2142nd meeting in connexion with the death of Luis Alberto Corvalán should have been used in a pitiful attempt to show that the Chilean authorities had humanitarian intentions. When his delegation had communicated its request to the family of the dead man, it had been told that that request would be submitted to the Chilean authorities; as everyone knew, the reply had been received after the funeral had taken place. The Committee had been told that the Chilean authorities had wanted the funeral to be held in Chile, but that assertion clearly did not match the facts.

34. Mr. DIEZ (Chile) said that he had not said that the funeral of Luis Alberto Corvalán had been held in Chile and

that he had not, in fact, brought up Mr. Corvalán's name in the discussion.

Draft declaration on the rights of disabled persons
(continued*) (A/C.3/L.2168/Rev.1, 2169-2171)

35. Mr. NOTHOMB (Belgium), introducing the revised draft declaration on the rights of disabled persons (A/C.3/L.2168/Rev.1), said that the revised text had been prepared in the light of the many constructive criticisms and expert suggestions which had been made to the sponsors.

36. Two new paragraphs had been added to the preambular part, namely, the fourth and sixth preambular paragraphs. Those additions linked the draft declaration with the aims of the Commission for Social Development and the Economic and Social Council.

37. The definition of the term "disabled person" in operative paragraph 1 had been changed at the suggestion of WHO by the addition of the word "normal". The definition was more social and humanitarian than technical, and the conditions of diminished autonomy and deficiency were clearly expressed; it was broad in scope, as it had been considered better to attribute the rights of disabled persons to those who were not disabled than to fail to recognize such rights for those who were disabled.

38. There was no change in operative paragraph 2; however, that paragraph should not be taken to imply that disabled persons should enjoy only the rights set forth in the declaration, to the exclusion of any other right. The sponsors hoped that the rights listed in the draft declaration would serve as a common denominator for all countries. His delegation would be prepared to co-operate during the following session of the General Assembly in elaborating a draft resolution aimed at ensuring the implementation of the draft declaration.

39. The amendment submitted by the representative of Iceland (A/C.3/L.2169) had been incorporated into the text without change as paragraph 4. If the condition of a mentally disabled person made it necessary to limit or suppress his civil and political rights, such restrictions could be decided upon only on the basis of the very strict procedure defined in article 7 of the Declaration of the Rights of Mentally Retarded Persons (General Assembly resolution 2856 (XXVI)). Paragraph 6 had been expanded with the help of WHO and listed the general and specific measures which would enable disabled persons to develop their capabilities and skills to the maximum. The paragraph echoed the concept of rehabilitation which could be found in Economic and Social Council resolution 1921 (LVIII). The representative of the ILO had suggested that the words "placement services" should be added after "training and rehabilitation, aid, counselling" and also that the words "and will hasten the process of their social integration or reintegration;" should be added at the end of the paragraph. The second part of paragraph 7 had been changed at the suggestion of the ILO. The idea of remuneration had been linked with that of occupation rather than that of employment, since, in the view of the ILO, employment was by definition remunerated. The draft declaration stressed the right of disabled persons to retain employment; for example, disabled persons should not be the first to be

dismissed in cases of difficulties in a company. The new addition to paragraph 6 further reinforced the right of the disabled person to work. The amendment submitted by the delegation of Finland (A/C.3/L.2171) had been incorporated into the text as paragraph 8, but the concept of the right of disabled persons to a meaningful life had not been included in that paragraph since that was the aim of the draft declaration as a whole. Paragraph 8 was linked with the idea of prevention, contained in Economic and Social Council resolution 1921 (LVIII). At the request of WHO, the words "compatible with their condition", which qualified the right of disabled persons to participate in all social, creative or recreational activities, had been omitted from paragraph 9. Disabled persons were often able to overcome their disabilities and participate in such activities, and indeed in some cases make major contributions to world culture.

40. At the 2147th meeting, the representative of the Libyan Arab Republic had asked for clarification on the right of disabled persons to live with their families or with foster parents. Since a disabled person had the same rights as other human beings, he had the right to choose his residence, and in the case of a mentally disabled person who was unable to make that choice himself, the decision would normally be made by the parent or guardian, or, in the case of an abandoned child, by the State authorities, preferably through the intermediary of organizations of disabled persons. In that respect, the State or organization of disabled persons could select suitable families who were willing to take in handicapped children, and the advice of local representatives of UNICEF could be very useful. Placement was one of the human problems which would have to be considered when the draft declaration was implemented. If the family of a handicapped person had the means to finance the placement with foster parents, it should meet the costs not covered by the social security system of the country concerned; in other cases it would be necessary for the State or public or private organizations of handicapped persons to assume the responsibility for those costs. That question was linked with the first part of paragraph 7, which provided for the right of disabled persons to economic and social security.

41. At the request of WHO, the words "degree of responsibility" in the second part of paragraph 11 had been changed to "physical and mental condition". The reason was that the draft declaration applied to all disabled persons, and although a physically handicapped person had full responsibility, the burden of physical disability could often serve as an attenuating circumstance in the case of a crime. The amendment submitted by the delegation of Yugoslavia (A/C.3/L.2170) had been incorporated into the text, with some changes, as paragraph 12. The generosity and efficiency of organizations of disabled persons could not be over-emphasized. Lastly, paragraph 13 had been altered at the suggestion of WHO so as to provide that disabled persons themselves, as well as their families and communities, should be fully informed of the rights contained in the declaration.

42. He hoped that the draft declaration would be adopted without a vote.

* Resumed from the 2148th meeting.