



UNITED NATIONS  
GENERAL  
ASSEMBLY



Distr.  
LIMITED

A/C.3/31/L.26/Rev.1  
22 November 1976

ORIGINAL: ENGLISH

Thirty-first session  
THIRD COMMITTEE  
Agenda item 12

REPORT OF THE ECONOMIC AND SOCIAL COUNCIL

Protection of human rights in Chile

Algeria, Australia, Austria, Benin, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Denmark, Equatorial Guinea, Finland, Gambia, German Democratic Republic, Guinea-Bissau, Guyana, Hungary, Iceland, Iraq, Ireland, Jamaica, Lao People's Democratic Republic, Libyan Arab Republic, Madagascar, Mali, Mexico, Mongolia, Mozambique, Netherlands, Norway, Poland, Portugal, Senegal, Somalia, Sri Lanka, Sweden, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics and Yugoslavia: revised draft resolution

The General Assembly,

Reiterating 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 the security of person and the right not to be subjected to arbitrary arrest, detention or exile, or to torture or to cruel, inhuman or degrading treatment or punishment,

Recalling the Declaration on the Protection of all Persons from being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, unanimously adopted in its resolution 3452 (XXX) of 9 December 1975,

Considering that, in its resolution 3448 (XXX) of 9 December 1975, the General Assembly expressed its profound distress at the constant and flagrant violations of human rights, which have taken place and continue to take place in Chile, including the institutionalized practice of torture, cruel, inhuman or degrading treatment or punishment, arbitrary arrest, detention and exile,



Reaffirming once more its condemnation of all forms of torture and of cruel, inhuman or degrading treatment or punishment,

Considering that its previous appeals to the Chilean authorities, and likewise appeals by the Economic and Social Council, the Commission on Human Rights, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, the International Labour Organisation, the World Health Organization and the United Nations Educational, Scientific and Cultural Organization for the restoration and safeguarding of basic human rights and fundamental freedoms in Chile have hitherto remained unheeded,

Bearing in mind resolutions 8 (XXXI) and 3 (XXXII) of the Commission on Human Rights,

Taking into account resolution 3 B (XXIX) of 31 August 1976 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Having considered the reports submitted by the Ad Hoc Working Group on the situation of Human Rights in Chile, 1/ as well as the documents presented by the Chilean authorities, 2/

Taking note of the statement by the Chilean authorities of 16 November 1976, brought to the attention of the General Assembly in document A/C.3/31/11,

Commending the Chairman and the members of the Ad Hoc Working Group for the thorough and objective manner in which the report was prepared, despite the refusal of the Chilean authorities to permit the Group to visit the country in accordance with its mandate,

Concluding that constant and flagrant violations of basic human rights and fundamental freedoms continue to take place in Chile,

1. Expresses its profound indignation that constant and flagrant violations of human rights have taken place and continue to take place in Chile, in particular, the institutionalized practice of torture, cruel, inhuman and degrading treatment and punishment, the disappearance of persons for political reasons, arbitrary arrest, detention, exile and cases of deprivation of Chilean nationality;

2. Calls once more upon the Chilean authorities to restore and safeguard, without delay, basic human rights and fundamental freedoms and fully to respect provisions of the international instruments to which Chile is a party, and to this end:

(a) To cease using the state of siege or emergency for the purpose of violating human rights and fundamental freedoms and, having regard to the observations by the Ad Hoc Working Group, re-examine the basis on which the state of siege or emergency is applied with a view to its termination;

1/ A/10285, A/31/253.

2/ A/C.3/31/4, -/5, -/6 and -/6/Add.1.



(b) To put an end to the practice of torture and other forms of cruel, inhuman or degrading treatment or punishment by Chilean State agencies, particularly the Dirección de Inteligencia Nacional (DINA), and to prosecute and punish those who are responsible;

(c) To clarify forthwith the status of individuals whose disappearance is attributable to political reasons;

(d) To release immediately those who have been arbitrarily arrested or detained without charge and those who are in prison solely for political reasons;

(e) To release, furthermore, those who are detained or imprisoned on account of acts or omissions which did not constitute a criminal offence at the time they were committed;

(f) To fully guarantee the right of habeas corpus (amparo);

(g) To cease the arbitrary deprivation of Chilean nationality and to restore it to those who have been so deprived;

(h) To respect the right of everyone to freedom of association with others, including the right to form and join trade unions for the protection of his interests;

(i) To guarantee the right to intellectual freedom.

3. Deplores the fact that despite previous assurances to the contrary, the Chilean authorities persistently refuse to allow the Ad Hoc Working Group to visit the country in accordance with its mandate;

4. Invites Member States, United Nations agencies and international organizations to take steps which they may consider appropriate as a contribution to the restoration and safeguarding of human rights and fundamental freedoms in Chile, in accordance with the purposes and principles of the Charter, and welcomes the steps already taken to this end;

5. Invites the Commission on Human Rights:

(a) To extend the mandate of the Ad Hoc Working Group, as presently constituted, so as to enable it to report to the thirty-second session of the General Assembly and to the Commission's thirty-fourth session with such additional information as may be necessary;

(b) To formulate recommendations on possible humanitarian, legal and financial aid to those arbitrarily arrested or imprisoned, to those forced to leave the country, and to their relatives;

(c) To consider the consequences of the various forms of aid extended to the Chilean authorities;

6. Requests the President of the thirty-first session of the General Assembly and the Secretary-General to assist in any way they may consider appropriate in the re-establishment of basic human rights and fundamental freedoms in Chile.