

HUMAN RIGHTS AND CIVIL LIBERTIES VIOLATED BY THE  
MILITARY JUNTA IN CHILE.

- I. THE RULE OF LAW. The rule of law operating in Chile was replaced on 11th September by the de facto regime which had gained power by subversion and which is based on violence and the force of arms.

The military junta which had masterminded the putsch against the constitutionally-elected government has introduced and maintains the present state of siege and civil war operating all over the country and even ignores the measures of the state of emergency, embodied in the Country's Constitution.

Since its illegal seizure of power the military junta has been governing the country in the form of a dictatorship, outside the rule of law through terror and violence in which the most fundamental human and trade union rights and civil liberties are trampled underfoot.

- II. THE CONSTITUTION. The military junta has destroyed the constitutional form of representative, democratic and republican government. Military Decree N° 29 prerogued parliament and declared all Parliamentary seats vacant. To give a more permanent character to this step, Article 1 of the Decree-Law of 23rd September 1973 stipulates that "the parliament is dissolved and members of parliament no longer exercise their functions".

The President of the Republic, the legal holder of executive power, has been deprived of his constitutional functions through his physical elimination.

Decree-Law N° 25 abolishes democratic local government by annulling the mandates of all local councillors, whatever their ideology or political party may be.

With the complicity of the judges, the legal system is not able to function and its competence is reduced because of the lack of facilities of information offered to it since the 11th September as the junta believes that too much information would weaken its hold. The Proclamation of civil war and the announcements of a state of siege enable the ordinary courts to be replaced by Councils of War whose decisions are outside the jurisdiction of the high court. Appeals are not possible. As representatives of the military junta, the military chiefs administering the different parts of the country are able to impose the death penalty without the defendant having the right of appeal (Decree-Law N°s 1, 4 and 8.).

- III. UNIVERSAL SUFFRAGE. The system of free and secret universal suffrage has been abolished. Proclamation N° 28 which is still in force states that "all elections whether trade union or guild, political or student, or of any other type are banned."

"Any posts already vacant or falling vacant in the future will be filled by the nominee of the relevant representative of the military junta".

In addition, Decree-Law N° 130 stipulates that the electoral registers, which are the basis of the electoral system will cease to be operative and will be destroyed.

- IV. EDUCATION. The freedom of teaching, guaranteed by the Constitution as a "national, democratic system ensuring teaching based on all opinions" has been abolished.

Primary, secondary and technical education have fallen under the whip of the military. All universities whether state or private and including the Catholic University have been placed under the power of the military authorities.

The rectors of the university boards, democratically elected by the university community have been replaced by military Rectors designated by the junta. University autonomy is now a thing of the past. Tens of thousands of Secondary School students have been expelled and more than ten thousand teachers covering every level have been sacked.

- V. POLITICAL DEMOCRACY. This has been abolished. All the political parties which supported the Allende government have been declared illegal as have all organisations, companies or groups linked directly or indirectly with these parties. Decree-Law N°78 sequestered all their property, finance and propaganda means, and transferred them to the State.

The same Decree-Law suspended the activities of all other political parties, forbidding any action either public or private.

- VI. RIGHTS OF OPINION AND INFORMATION. The rights of opinion and information have either been abolished or restricted to such an extent that in fact, they no longer exist. All publications and all radio and television stations belonging to the Left or to independents including those belonging to the United Workers' Centre (CUTCh) have been confiscated and have passed into the hands of the State or the armed forces. Such is the case, for example of the "Luis Emilio Recabarren" radio transmitter belonging to the CUTCh. These measures were established and put into effect according to Military ordinance N° 15, Decree-Laws N°s 12 and 77 and the regulations to Decree-Law N° 78.

- VII. THE RIGHT TO LIVE. During the first months of the government of the military junta the right to live depended on the arbitrary wishes of any soldier or policeman on duty in the streets, Decree-Law N° 5 having devolved upon them the right of executing any suspect on the spot.

The forms of physical elimination which have been applied to date are:

- "Attempted escape", used as a pretext for killing detainees.
- Inhuman and degrading torture and treatment.
- Execution ordered without trial, by the Councils of War or military Chiefs.

- "Missing persons" (both Chilean as well as foreigners) who because they are arrested without warrant, without registration of their identity or of record of their admission to a detention centre, there remains no trace of their movements, and it is impossible to discover their whereabouts and situation.
- "False acts of terrorism" during detention are used as an excuse for arresting detainees and then shooting them on this basis. As an example we are able to cite the "Leopardo plan" in Renca near Santiago concerning an assault on the munitions store of the "Tucapel" regiment of Temuco.
- Executions ordered by the councils of war, Summary judgements, secret files and the independence of these tribunals from which retrials and appeals are not allowed. This means that all violations of the legal rights of detainees and of their protection according to the Constitution are allowed.

It is not possible to estimate the numbers dead as a result of the above but various enquiries and studies indicate a figure going beyond 20,000.

VIII. THE RIGHT OF ASSEMBLY. This right does not exist. All meetings are prohibited except for those called by the authorities and those by employers' organisations under authorisation.

IX. PERSONAL FREEDOM. Personal freedom is limited for the entire population by virtue of the "state of siege", state of civil war and the curfew" which extend over the entire country based on military order N° 16 and Decree-Laws N°s 3,4 and 5 which are expressed by the following:

SEARCH AND ARREST OF CITIZENS. The states of war and siege authorise the arrest and search of citizens without legal order or other formalities. No limits are put on the length of detention and defence lawyers do not have access to their clients.

THE RIGHT TO DEFENCE. The lack of the right to defence arises from direct instructions from the authorities. Instruction N° 6286 of November 1973 from the Director General of Prisons to Prison governors informs the latter that all detainees to appear before a military tribunal cannot be aided by lawyers without the written authority of the prosecutor involved. This is a flagrant violation of human rights.

REPORTING OF TRIALS. Trials are held behind closed doors. Only in the case of the Air Force Council of War was there an exception when some persons were authorised to be present. Therefore Article 196 of the Code of Military Justice which the junta claims to respect is also violated.

Often the shooting of detainees is reported without even their names being mentioned.

THE STATE OF THE LAW. If the proclamation of the "state of civil war" were legal the Code of Military Justice would only be applied to breaches of the law after the issue of Military Order N° 16 and Decree-Laws N°s 3,4 and 5. But the Decree-Law issued by

the military junta establishes that breaches of the law committed in peacetime, the proceedings of which are commenced during the state of war must be reported to the military tribunals and that the sentences passed must be in accordance with the Code of Military Justice. This is in flagrant violation of articles 11 and 12 of the Constitution and of the Declaration of Human Rights.

FREEDOM OF MOVEMENT AND OF RESIDENCE. These are seriously limited as a result of the proclamation of the states of siege and civil war, and the curfew.

X. THE RIGHT TO ASYLUM. In flagrant violation of international treaties and of the principles and practices of the international community, the junta has created a new type of safe-conduct and a new sort of exile-"suspended exiles". It concerns those who are refused safe-conduct passes and who are informed that their cases are under review. This is a new form of punishment imposed by the military junta.

THE SUPPRESSION OF THE WORKERS' ECONOMIC, SOCIAL AND TRADE UNION RIGHTS.

1. ECONOMIC AND SOCIAL RIGHTS. All the economic and social rights of the Chilean working-class movement have been destroyed either purely and simply by abolishing them, or, by suspending them to such an extent that the result is in fact to suppress them.
2. TRADE UNION FREEDOM. Without the right of meeting, without liberty of expression, movement or residence, liberty of association and by extension, trade union freedom, cannot exist.
3. RIGHT OF MEETING. This is absolutely necessary if trade union activities are to function. However, military Ordinance N° 14 and Decree-Laws N°s 3 and 5 prohibit both public and private meetings.

The later Decree-Law N° 198 issued on 10th December 1973 governing trade union activity specifies in Article 4 that only "meetings of an informative nature" are authorised. To hold such meetings, two days notice must be given to the nearest police station with a copy of the agenda.

4. FREEDOMS OF EXPRESSION AND OPINION. These are essential for the normal functioning of the trade unions. But Military Proclamation N° 15 has established veritable press censorship. Newspapers, magazines, documents etc. can neither be published nor distributed by the workers. The closure and sequestration of printing works, newspaper buildings and radio stations which published trade union material and banned trade union programmes prevents the distribution of such newspapers etc. and the broadcasting of such programmes.

Books, leaflets, newspapers and study documents in the libraries and the trade union schools have been seized and burnt in public.

5. LIBERTY OF ASSOCIATION. The liberty of association no longer exists since the right of meeting was abolished by Military Proclamation N° 15 and its suspension sine die according to Decree-Law N° 198 which effectively prevents any exercise of this liberty. Without the right of meeting nor of freedom of opinion it is not possible to draft laws, formulate action programmes, nor by extension, to form trade unions.

6. THE RIGHT OF ELECTION. The right of trade unionists to freely elect their representatives does not exist. Elections are prohibited by military proclamation N° 28. Forbidding trade union elections, Decree-Law N° 198 stipulates:

- a) that the functions of all trade union leaders maintained in office by the junta are extended indefinitely,
- b) that the vacant posts that have to be filled in order to have a quorum will be occupied automatically by the longest serving workers in the enterprise and that they will not be able to refuse this function,
- c) The same rule will be applied to vacancies which, for whatever reason, arise in the future.

7. ADMINISTRATIVE DISSOLUTION. The guarantee of non-dissolution of trade union organisations by administrative means has been continually contravened by the military junta thus constituting a flagrant violation of international principals.

In fact, the dissolution of the United Workers' Centre of Chile (CUTCh) was ordered by applying Decree-Law N° 12. Different recognised area and national unions have been wound up by the military as was the case for example in November 1973 of 18 agricultural unions in the province of Bio Bio using military proclamation N° 66, by the head of the Llanquihue region.

8. THE RIGHT TO ORGANISE. The right to form unions or federations of unions or to affiliate to such bodies has been abolished.

In addition to the arrests, sackings, suspension of trade union leaders, the ban on publishing and distribution of newspapers and information sheets to local union branches, is the closure of all union offices and the necessity of registering with the military authorities the names of three persons per union or federation to be in charge of administrative problems. Those three persons are the only ones authorised to enter union premises. In addition, trade union contributions from the union membership have been abolished by Decree-Law N° 82.

9. THE RIGHT TO COLLECTIVE BARGAINING. One of the most important gains in the field of trade union rights is the right to collective bargaining.

This system has been paralysed and abolished thus prejudicing the economic and social interests of the workers. Military proclamation N° 36 promulgated the 18th september 1973 by the military junta and which is still in force, orders as follows:

Article 5 a: Conciliation boards, parity wage commissions and all other committees of a similar character (except the wages commission in its role as an appeal court and the labour courts) are suspended.

Article 5 b: The presentation and negotiation of claims and the settlement of disputes are provisionally suspended whilst awaiting the urgent examination of a wages policy. The results of collective agreements, decisions of conciliation boards and the resolutions of tripartite committees must be considered as maintained.

On the 29th September, the junta issued Decree-Law N°43 which stipulates as follows:

Article 1: "All norms fixing payments, wages, profits, royalties and, generally-speaking all remunerations whether in the public or the private sectors are temporarily suspended".

Article 2: "All machinery automatically readjusting minimum remunerations such as the minimum living wage, the minimum wage as such or others of the same nature remain temporarily suspended".

The policy governing wages, payments and pensions determined by the junta for 1974 establishes the following:

"The stipulations contained in collective agreements, decisions of labour tribunals or resolutions of parity commissions for 1974 are maintained and the social benefits contained therein will remain frozen, without changes, at the levels won following presentation of the last set of claims. Only wages will be partially readjusted".

As will be appreciated, these temporary measures have acquired a permanent character, which in practice abolishes the right to put forward claims of collective negotiation and the right to strike.

The policy on wages, payments and pensions dictated by the junta expressly established the following:

- a) A restrictive and discriminatory wages scale in the public sector.
- b) The readjustment of low wages to the rise in the cost of living for workers in the private sector.
- c) A lowering of the minimum pensions to two-thirds of the minimum wage.
- d) A freeze of the gains resulting from collective bargaining and the partial readjustment of wages.

Accompanying this restrictive incomes policy is a free prices policy. Prices are increasing at 300-400 % the rate of wages. In this way, not only is the right of presenting and negotiating

claims completely denied, but the purchasing power and living standards of the workers are drastically curtailed.

10. THE RIGHT TO WORK. By Decree-laws N°s 6, 22 and 98 all personnel of state services, institutions and enterprises are stated to be employed on a temporary basis. The measure stipulates that "new gradings for these jobs will mean the end of the temporary status and the automatic dismissal of those holding temporary posts". These standards are general practice in the public sector with the exception of the "Contraloria General" (organism responsible for governmental budgetary control and for the practical application of laws) and the judiciary. They affect every grade and override the measures embodied in work contracts and collective agreements on wages without regard to the norms regarding the inviolability or protection of the right to work (according, for example, to the law 16.455 which was on the statute book before the putsch).

This policy implies an arbitrary decision in ending the contract of a civil servant without reason. Using this competence, 10 - 30 % of workers in the public sector according to branch have been dismissed for political or ideological reasons.

The same kind of procedure is taking place in enterprises in the private sector thus nullifying the measures of the Law N° 16.455 which lays down that there should be proper reason to legally dismiss a worker.

The number of workers that have been dismissed has reached such proportions that the Episcopal Council has considered that it is its duty to ensure that the workers dismissed are legally aided. To this end it has set up a Legal Aid Department which is free.

On 6th October 1973 the junta issued Decree-Law N° 32 by which it added to the cases for dismissal embodied in Law N° 16.455 a whole range of instances of a repressive nature. It also replaced the labour bodies and tribunals having competence in reviewing claims regarding arbitrary dismissals by a special court comprising a judge, a representative of the armed forces and an inspector of work thus denying the workers all possibilities of appeal.

In defending the rights of those dismissed, practice has showed that outside the usual effects of dismissal other aspects must also be considered. These are as follows:

a) REDUNDANCY PAYMENTS. In order to benefit from this advantage, workers in the public sector must present several documents delivered by the establishment in which they work. This right is in fact nullified as it is impossible to obtain these documents as access to the offices which have the responsibility of procuring them is prohibited to the workers.

In the private sector, workers sacked by virtue of the new cases for dismissal added by Decree-Law N° 32 have no right to redundancy payments.

- b) RETIREMENT. Even though the conditions necessary to meet retirement requirements may be fulfilled, those having the right to retirement are deprived of it because the provisional organism involved does not follow up the cases in question under the pretext that the work contracts of the workers applying for their retirement have expired. According to the military junta, this is a reason for taking away the right of retirement.
- c) MATERNITY BENEFITS. The rights of pregnant women to ante- and post-natal benefits are not respected. Neither is the special right forbidding dismissal during pregnancy.
- d) DETAINEES. Imprisoned workers do not, of course work, are not considered as unemployed and receive no benefits. Once they have been released, even if they have been cleared of all suspicion, they are sacked on return to work.
- e) SUSPENSIONS. In both the public and private sectors, a new arbitrary measure is being applied. This is "suspension" and means that the worker is deprived from working for an unlimited period without payment or compensation.
- f) RE-EMPLOYMENT. Groups of workers are continually dismissed and re-employed with lower wages. This abusive system is employed in both the public and private sectors.

The application of these measures are in flagrant violation of the provisions contained in I.L.O. Conventions concerning maternity protection and protection at work which Chile has ratified and is bound to honour.

11. THE RIGHT TO PARTICIPATE. This is a right that was fought for and won by the workers more than thirty years ago. During the constitutionally-elected government of President Allende it reached an even higher level.

Through agreements between the CUTCh and the government trade unionists obtained representation in the management of the enterprises in the social sector of the economy, in the administration of the social security system, in the National Housing Office, in the education system, the health service, vocational training, the Corporation for the Development of Production, sports, leisure and in planning the national economy.

The military junta has replaced the committees and other bodies democratically-elected and representative, by military delegates which hold all the powers of these bodies between their hands.

12. THE UNITED WORKERS' CENTRE OF CHILE AND ITS ADMINISTRATIVE DISSOLUTION :

The United Workers' Centre of Chile (CUTCh) has been

dissolved by Decree-Law N° 12. The authorities have tried to justify their action by a series of explanations which reveal a complete lack of knowledge of the Chilean trade union movement.

The CUTCh was created during its founding congress which took place from 12th - 14th February 1953 in Santiago de Chile. Its creation ended a long period of division amongst the workers by bringing together all working people throughout the country.

Set up to defend the economic interests of the workers, it has developed its own activities free from the grip of employers, governments and political parties.

Its main strength lies in its unity based on ideological plurality and respect for all ideas within a framework of trade union democracy.

The CUTCh is the biggest and broadest social organisation in the history of Chile. At its 6th Congress, in 1972, it was able to count one million members in its ranks. This is 40 % of all wage-earners and 90 % of all trade unionists. The membership is grouped in national unions, district organisations and local branches.

The CUTCh is the most democratic and representative organisation in the country. All its leaders, from local branches to the National Directing Committee are elected throughout the country by direct, personal vote in a secret ballot. Elections are by proportional representation. The present Committee was elected in 1972 in a national ballot from 9 lists of candidates representing the different currents of opinion and the national leadership was elected from the four lists receiving the highest percentage of votes.

No employers' organisation provides for such democratic elections of their leaders.

Attempts are made to distort these facts by declaring that some CUTCh leaders were at the same time members of parliament. In the same way as all other citizens, the workers have the right to vote and to stand as candidates and no constitutional or other legal text indicates any incompatibility between the functions of trade union leader and those of member of parliament, senator or other elective positions.

For many years the workers of Chile demanded the formation of a democratic government of the people in order to put an end to the country's dependence and under-development. Several of the demands adopted at CUTCh congress or contained as part and parcel of their action programmes were retained and included in the Programme of the Popular Unity government. In this way, President Allende's government embarked upon a programme in which were embodied the most important aspirations of the workers. They included a full employment policy, decent wages, a more extensive social security system, industrial democracy, an improved health service, better housing and education, improved sports and cultural facilities and more leisure.

When the multinational companies were stepping up their economic squeeze against Chile and the forces of reaction within the country unleashed a campaign of terrorism and black-marketeering with the aim of paralysing the country's production by a transport stoppage, the President of the Republic appealed for the constitution of a government comprising the parties of Popular Unity, the three branches of the armed forces and the police and representatives of the CUTCh. This government was called "the Cabinet of National Security".

The long struggle of the CUTCh against the threats of coups d'état was a determining factor for the inclusion of its representatives in this cabinet as the only way of guaranteeing the rights, conquests and freedoms of the workers in the circumstances in which the country found itself.

As the recent International Labour Conference indicated, in the struggle for the defence of the workers' economic and social interests, rights and political liberties, "it is difficult to draw a clear line between the political and purely trade union aspects". However, we know very well that neither the armed forces, nor the CUTCh, are political parties.

#### FELLOW WORKERS, BROTHERS!

This report mirrors the terrible reality of Chile today. It shows the criminal trampling down of human rights and dignity, of civil and trade union rights.

We appeal for a strengthening of solidarity with the trade union movement and people of Chile.

We ask that the following demands of the 59th International Labour Conference be supported in concrete terms:

1. THAT PRIORITY BE GIVEN TO DISCUSSION OF THE RESOLUTION ON CHILE.
2. THAT THIS RESOLUTION BE SUPPORTED.
3. THAT THE OFFICIAL UNIONS OF THE CHILEAN JUNTA BE REJECTED.

United Workers' Centre of Chile

( CUTCh )

6th - 7th July 1974

APPENDIX 1VIOLATION OF HUMAN RIGHTS AND OF TRADE UNION AND CIVIL LIBERTIES BY THE MILITARY JUNTA IN CHILESUPPRESSION OF TRADE UNION RIGHTS

- A. THE NUMBER OF DEAD AND IN PRISON
- B. ANALYSIS BY TRADE OF THOSE AFFECTED BY THE REPRESSION
- C. PARTIAL LIST OF WORKERS' LEADERS MURDERED BY THE JUNTA
- D. PARTIAL LIST OF WORKERS' LEADERS IMPRISONED BY THE JUNTA

CENTRAL UNICA DE TRABAJADORES (CUTCh)  
(UNITED WORKERS CENTRE OF CHILE)

APPENDIX 1 ATOTAL NUMBER OF PRISONERS AND DETAINEESDETAINEES

Between 11th September 1973 and 30th March 1974 the military Junta ordered the arrest of 70,000 persons.

Because of the strict censorship imposed by the junta on every means of information, it is impossible to know exactly how many of them have died, disappeared, are under house arrest or how many have been released.

PRISONERS

At 30th March 1974 the military junta held 8,500 people in prison, concentration camp, military or police establishments or other places of detention.

APPENDIX 1 BANALYSIS BY TRADE OF THOSE AFFECTED BY THE REPRESSION

a) Wage-earners	61.1 %
b) Artisans	8.5 %
c) Liberal professions, technicians, intellectuals	8.4 %

d) Students	8.4 %
e) Soldiers and policemen	3.1 %
f) Shopkeepers	1.4 %
g) Entrepreneurs	0.3 %
h) Unclassified	8.8 %
TOTAL	100.0 %

OVERALL ESTIMATE OF THE REPRESSIVE MEASURES OF THE MILITARY JUNTA AGAINST THE CHILEAN WORKERS.

APPROXIMATE FIGURES

MURDERS

Total	25,000
Workers	15,000
Trade union leaders at every level	400

ARRESTS sept 1973 - March 1974

Total	70,000
workers	43,000
trade union leaders at every level	1,000

PRISONNERS May 1974

Total	8,500
workers	5,000
trade union leaders at every level	150

CENTRAL UNICA DE TRABAJADORES DE CHILE  
UNITED WORKERS CENTRE OF CHILE