

VIII. QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

87. The Commission considered agenda item 12 and its subitems at its 1271st to 1285th meetings from 25 February to 6 March 1974. Consideration of the item as a whole took place at the 1271st to 1279th meetings.

88. In connexion with the item as a whole, the Commission had before it a list of decisions relevant to the question adopted by United Nations bodies during the year 1973 (E/CN.4/923/Add.7) and a note by the Secretary-General containing the annual reports of the ILO and UNESCO on the elimination of racial discrimination, submitted to the Commission in accordance with Economic and Social Council resolution 1588 (L) and General Assembly resolution 2785 (XXVI) (E/CN.4/1140 and Add.1). Written statements submitted by a number of non-governmental organizations in consultative status were circulated in documents E/CN.4/NGO/177 and E/CN.4/NGO/178. In addition, the following letters addressed to the Chairman of the Commission were circulated at his request: a letter from the Deputy Permanent Representative of Bulgaria to the United Nations transmitting a letter from the representatives of Bulgaria, the Byelorussian Soviet Socialist Republic, Cuba, Czechoslovakia, the German Democratic Republic, Hungary, Mongolia, Poland, the Ukrainian Soviet Socialist Republic and the Union of Soviet Socialist Republics (E/CN.4/1149); letters from the Deputy Permanent Representatives of Bulgaria and Yugoslavia to the United Nations, respectively (E/CN.4/1150 and E/CN.4/1151); and a letter from the Permanent Representative of Chile to the United Nations (E/CN.4/1152).

89. During the consideration of the item the question arose whether the debates of the Commission could be televised. After considering the matter the Commission agreed with the concluding statement of its Chairman to the effect that, unless the Commission itself explicitly decided to the contrary, in a specific case, the proceedings could be covered by all information media.

90. In the course of the general debate many representatives noted that in spite of the progress achieved in the 25 years since the adoption of the Universal Declaration of Human Rights, observance of and respect for the principles enshrined in the Universal Declaration and other international instruments in the field of human rights were lacking in different parts of the world and that flagrant violations of human rights still occurred on a massive scale in many countries. In this regard several speakers stated that it was the duty of the Commission to respond to the growing realization on the part of the international community that certain basic human rights could not be abrogated, irrespective of particular situations or circumstances that might arise, and that human rights matters covered by the relevant international instruments were no longer to be considered as falling solely within the purview of domestic jurisdiction.

91. Several representatives felt that the machinery available to the Commission on Human Rights should be further strengthened on the basis of the procedure laid down

in Economic and Social Council resolutions 1235 (XLIII) and 1503 (XLVIII). In their view the Commission had an obligation to improve present methods of examining and studying violations of human rights and to enhance in particular its role in efforts at alleviating the sufferings of victims. They pointed out that, although the Commission might not be the proper forum for considering isolated cases, it was undoubtedly competent to act where there was a consistent pattern of gross and massive violations of human rights that resulted from national policies or internal legislative or administrative practices.

92. During the discussion allegations of violations of human rights were made against certain Governments. Those allegations as well as the replies made thereto by representatives of the Governments concerned are summarized in the records of the 1271st to 1278th meetings. In this connexion, statements by the representatives of the following non-governmental organizations in consultative status were heard: Amnesty International (1275th meeting); International Association of Democratic Lawyers (1274th meeting); International Confederation of Free Trade Unions (*ibid.*); International League for the Rights of Man (*ibid.*); Women's International Democratic Federation (1271st and 1274th meetings); Women's International League for Peace and Freedom (1274th meeting); World Conference of Religion for Peace (*ibid.*).

93. It was generally felt that racial discrimination and apartheid in southern Africa and colonial domination by Portugal in African territories still constituted a most persistent and flagrant pattern of violations of human rights. Of grave concern also were the widespread use of torture and reports about maltreatment of prisoners in many countries. Several representatives stressed, in this connexion, the responsibility of the Commission to place special emphasis on safeguarding the rights of political prisoners.

94. The attention of the Commission was drawn in particular to the situation that had prevailed in Chile since the military coup d'état on 11 September 1973. Three representatives had noted this situation at the very beginning of the session. It was pointed out by many representatives that the rights to life, liberty and security of person, as provided for in the Universal Declaration of Human Rights, were being violated and that there were reliable reports of summary executions by the armed forces. Concern was voiced that thousands of people were currently being detained, many anonymously and incommunicado, without any specific charges being brought against them. Many representatives cited cases of prominent political figures who were suffering hardships and inhuman treatment in Chilean prisons and whose life was reported to be in imminent danger. It was claimed that many Chilean citizens and foreigners residing in the country were being persecuted because of their political views, that adherents of the former Government were being accused ex post facto of crimes against the State, that freedom of the press had been eliminated and free expression curtailed, that political parties had been declared illegal and trade unions dissolved. It was also pointed out that the right to asylum and to freedom of movement had been violated.

95. The representative of Chile stated that his country was presently the victim of a world-wide campaign of defamation instigated by foreign Powers which had sought to dominate the country prior to the change of Government. He maintained that the armed forces had been forced to take action to put an end to foreign intervention. In the present emergency, and in accordance with the provisions of the Constitution itself, the exercise of certain rights had been temporarily suspended. Arrests had been made solely for reasons of public safety, and in no case had any Chilean authority ordered or accepted any form of torture. The representative of Chile

maintained that the temporary restriction of freedom of expression and association was being gradually relaxed. He urged the Commission not to adopt a political stance, to uphold its uniquely humanitarian role, and to refrain from interference in matters which were essentially within the internal jurisdiction of States. Some representatives categorically rejected the assertions of the representative of Chile.

96. Several representatives felt that immediate action by the Commission was called for to restore respect for human rights in Chile. It was, however, pointed out that, though the Commission could not fail to respond to the appeal of world public opinion, it should not resort to drastic condemnation but should focus its attention on the humanitarian aspects of the problem by endeavouring to save human lives, secure the right of asylum and ensure that persons who wished to leave the country were allowed to do so. Certain representatives felt that the Commission should initiate an impartial and objective investigation or study while other speakers voiced misgivings about the effectiveness of establishing a committee of inquiry at the current stage.

97. At its 1279th meeting the Commission decided without a vote to authorize the Chairman to address a telegram to the Government of Chile. For the text of the telegram, see chapter XIX, section B, decision 1.

A. Report of the Ad Hoc Working Group of Experts prepared in accordance with resolution 19 (XXIX) of the Commission on Human Rights

98. The Commission considered item 12 (a) of its agenda at its 1273rd meeting on 26 February and at its 1276th to 1280th meetings from 27 February to 1 March 1974.

99. The Commission had decided, in resolution 19 (XXIX), of 3 April 1973, that the Ad Hoc Working Group of Experts should continue carefully to observe further developments concerning the policies of apartheid and racial discrimination present in the situation prevailing in Namibia, Southern Rhodesia, Angola, Mozambique and Guinea-Bissau, give particular attention to situations which interfered with human rights in Guinea-Bissau, and remain active and vigilant in its observation of colonial and racially discriminatory practices, especially those arising from the Bantu homeland policies, and the disclosure of the payment of wages below the poverty line to black workers in South Africa. The Group was requested to bring pertinent developments to the notice of the Chairman of the Commission in due course and to submit an interim report to the Commission at its thirtieth session.

100. The Commission accordingly had before it the interim report of the Ad Hoc Working Group of Experts prepared in accordance with resolution 19 (XXIX) of the Commission (E/CN.4/1135).

101. The Commission also had before it a note by the Secretary-General (E/CN.4/L.1225/Add.2) concerning the comments of the International Law Commission on the study of the Working Group concerning the question of apartheid from the point of view of international penal law.

102. At its 1279th meeting the Commission heard the representative of the ILO and the representatives of the following non-governmental organizations in consultative