

CCPC



Foreign and Commonwealth Office

London SW1A 2AH

7 March 1985

Meredith

Dear Charles,

Chile at the UN

Len Appleyard said in his letter of 1 February that Chile would come up for discussion at the United Nations Human Rights Commission meeting in Geneva from 4 February to 15 March.

The debate on Chile is now imminent. Our representative at the Commission will make a speech within the next few days which sets out the UK views on human rights on each of the countries under discussion by the Commission. Our delegation will also need to vote on a resolution criticising human rights violations in Chile and extending for a further year the mandate of the UN Special Rapporteur.

The UK has in recent years, together with all European partners and every other major Western country except the US, voted in favour of UNHRC resolutions on Chile providing for the renewal of the Rapporteur's mandate. We consider the British interests in Chile are best served by encouraging the Chilean government to observe basic human rights and to work towards an orderly return to a democratic government. We have, however, equally made clear our dislike of the UN's practice of selectivity whereby a handful of countries, including Chile, are regularly singled out for consideration by individual Rapporteurs and separate resolutions. We have also deplored terrorist violence.

We abstained on resolutions critical of Chile in the 1982 and 1983 UN General Assemblies on the grounds that we disapproved of selective treatment, and in particular, of the General Assembly's practice of trying to prejudge the outcome of the Human Rights Commission's considerations of Chile. Moreover in 1983 we felt that the resolution took insufficient account of some more hopeful developments in Chile. Unfortunately these proved to be short-lived; and in view of the sharp deterioration in the internal situation last autumn, we decided to vote in favour of the 1984 UNGA Resolution, in the company of our European partners including the FRG, whose views on this subject are generally most in harmony with ours.

/Wetherefore



/ We therefore propose to instruct our representative to vote in favour of the resolution before the current session of the Human Rights Commission (copy enclosed). This would serve as a further reminder to the Chilean government of our continuing concern about their human rights record. A change in our regular pattern of voting in favour of renewing the Rapporteur's mandate - at a time when this was not justified by the situation in Chile - would send the wrong signals to other Western countries and to the Chilean authorities and would not serve to advance our longer term interests vis-a-vis Chile. We have also asked Sir Anthony Williams to include a reference to Chile in his general speech which would express our concern about the situation there, but balance this by making clear our abhorrence of terrorist violence and dislike of the UN's practice of selective treatment of Chile.

Yours ever,

Peter Ricketts

(P F Ricketts)  
Private Secretary

C D Powell Esq  
10 Downing Street

WE SPACE 2

Question of human rights in Chile

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The Commission on Human Rights,

Aware of its responsibility to promote and encourage respect for human rights and fundamental freedoms and resolved to remain constantly vigilant with regard to violations of these wherever they may occur,

Drawing the attention of the Chilean authorities to the obligation to respect and protect human rights in accordance with the international instruments to which Chile is a party,

Recalling its successive resolutions on the situation of human rights in Chile and, in particular, its resolution 11 (XXXV) of 6 March 1979 which appointed a Special Rapporteur to examine the situation in question, and its resolution 1984/63 of 15 March 1984 in which it decided to extend the mandate of the Special Rapporteur for another year,

Recalling also, among others, General Assembly resolution 39/121 of 14 December 1984, in which the General Assembly, in addition to expressing its indignation at the persistence of and increase in serious and systematic violations of human rights in Chile, invited the Commission on Human Rights to take the most appropriate steps for the effective restoration of human rights and fundamental freedoms in Chile, including the extension of the mandate of the Special Rapporteur for one more year,

Having examined the report of the Special Rapporteur according to which the situation of human rights in Chile has continued to deteriorate, while an increase has been noted in serious violations of, inter alia, the right to life and to physical and moral integrity, and also to freedom of expression, information, assembly and association, a situation which is aggravated by the extension of the states of siege and of emergency, as well as by the adoption of legislative and administrative measures and the pronouncement of judicial sentences with adverse consequences for human rights and fundamental freedoms,

Noting with growing alarm the proceedings leading to the death penalty <sup>massive</sup> which are being held in the military judicature, the re-establishment of ~~con~~ <sup>detention centres</sup> ~~concentration camps~~ and the merciless repression of the authorities against workers, community dwellers, students and indigenous minorities in particular,

Deploring once again the fact the repeated appeals of the General Assembly and of the Commission on Human Rights to re-establish human rights and fundamental freedoms have so far been ignored by the Chilean authorities, which also continue to refuse to co-operate with the Commission on Human Rights and its Special Rapporteur,

1. Commends the Special Rapporteur for his report on the situation of human rights in Chile prepared in accordance with Commission resolution 1984/63;

2. Reiterates its dismay at the disruption in Chile of the traditional democratic legal order and its institutions, particularly by the existence of a Constitution which does not reflect the will of the people freely expressed and whose provisions considerably limit the enjoyment and exercise of human rights and fundamental freedoms, by the institutionalization and consolidation of the régime of exception through the promulgation of the relevant legislation and the enforcement of various states of emergency, and by the extension of the jurisdiction of the military courts, all of which constitutes an integral system for the denial of civil and political rights and freedoms;

3. Expresses its indignation at the persistence of an increase in serious and systematic violations of human rights in Chile, as reported by the Special Rapporteur and, in particular, at the violent repression of popular protest in face of the refusal by the authorities to restore the democratic order, which has led to mass arrests and a large number of dead and injured;

4. Once again denounces the administrative and judicial impunity enjoyed by the repressive and arbitrary actions of the police and security bodies, and particularly the National Information Agency (CNI);

5. Reiterates its profound concern at the ineffectiveness of the remedies of habeas corpus or amparo and of protection, owing to the fact that the judiciary does not fully exercise its powers of investigation, monitoring and supervision in this respect and is subject to severe restrictions which compromise its independence;

6. Insists in its demand that the Chilean authorities should re-establish and respect human rights in accordance with the obligations they have assumed under various international agreements with a view to the restoration of the principle of legality, democratic institutions and the effective enjoyment and exercise of human rights and fundamental freedoms, and, in particular,

(a) put an end to the régime of exception, and especially the practice of declaring "constitutional states of emergency" under which serious and continuing violations of human rights are committed;

(b) investigate and clarify, without delay, the fate of the persons arrested for political reasons who later disappeared, aid and inform their families of the results of such investigation, and ensure that those responsible for their disappearance are brought to trial and punished;

(c) put an immediate end to intimidation and prosecution, as well as arbitrary and improper arrests and imprisonment in secret places, and respect

the right to life and to physical and moral integrity by halting the use of torture and other cruel, inhuman or degrading treatment or punishment, which, in some cases, have resulted in unexplained deaths;

(d) respect the right of Chilean nationals to live in and freely enter and leave their country, without restrictions or conditions of any kind, and put an end to the practice of "relegation" (assignment of forced residence) and forced exile;

(e) restore the full enjoyment and exercise of trade union rights, including the right to organize trade unions, the right to collective bargaining and the right to strike;

(f) respect and, where necessary, restore economic, social and cultural rights and, in particular, the rights intended to preserve the cultural identity and improve the social status of indigenous populations, including the right to their land;

7. Calls again upon the Chilean authorities to co-operate with the Special Rapporteur and to submit their comments on his report to the Commission on Human Rights at its forty-second session;

8. Decides to extend for a year the mandate of the Special Rapporteur, and requests him to inform the General Assembly at its fortieth session and the Commission on Human Rights at its forty-second session on the situation of human rights in Chile.

9. Recommends the Economic and Social Council to take appropriate steps for the necessary financial resources to be made available as well as sufficient personnel to implement the present resolution;

10. Decides to study the question of human rights in Chile as a matter of high priority at its forty-second session.



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10 DOWNING STREET

From the Private Secretary

Prime Minister

Chile.

Our practice has been to vote in favour of critical resolutions in the Human Rights Commission, but to abstain in the more political General Assembly.

There seems no real ground to change our practice this year. Too much would be read into it.

Agree to vote in favour as usual, with disclaimers?

Yes no  
C.D.P. 7/3. /

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10 DOWNING STREET

*From the Private Secretary*

11 March 1985

Chile at the UN

Thank you for your letter of 7 March about our vote on the resolution on Chile before the current session of the UN Human Rights Commission.

The Prime Minister agrees that we should vote in favour of the resolution. This is without prejudice to what we may decide to do when the same issue comes before the United Nations General Assembly later in the year.

(C.D. Powell)

Peter Ricketts, Esq.,  
Foreign and Commonwealth Office

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