5th SESSION OF THE INTERNATIONAL COMMISSION OF ENQUIRY INTO THE CRIMES OF THE MILITARY JUNTA IN CHILE, Algiers, January 27th-31st

GENERAL REPORT PRESENTED BY HANS GORAN FRANCK
SECRETARY GENERAL OF THE INTERNATIONAL COMMISSION

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The International Enquiry Commission into the Crimes of the Military Junta in Chile has arranged its 5th Session in order to again present facts, documents and testimony concerning developments in Chile, mainly during the period since our latest session at Helsinki in March 1976.

At the Helsinki session Ihad the opportunity of presenting a report after having conducted my own investigation in Chile.

My report dealt with violations of human rights in general, but was primarily concentrated on presenting information concerning the detention and pending military trial of the UP leaders, some of whom I had visited in the concentration camp, Tres Alamos.

The conclusion at that time was that the majority of the people of Chile were opposed to the Junta and desired a return to democratic government. The Junta had failed to win the support of a major part of the population. The state of seige remained in force and fear was widespread among the people.

The arrest and imprisonment of the UP leaders had no valid legal basis in Chilean law. There was not the slightest evidence that any of them had committed a crime and, after more than two and a half years in prison, they had not even been informed what crimes they were suspected of having committed.

But what is the present situation ? In spite of Pinochet's so-called referendum there is no reason to change the conclusions drawn about the attitude of the Chilean people. Opposition to the Pinochet regime has increased rather than decreased during the past two years. The sharp criticism against the present system made by the Catholic church, the independent trade unions and the political parties, including the Christian Democrats, is an expression of this.

Pinochet did not even have a majority for the referendum within the junta itself. Two of the four junta members expressed their open opposition.

On December 30, 1977 General Leigh stated in a letter to General Augusto Pinochet on behalf of the Air Forces that he was strongly opposed to the referendum which was proclaimed on December 22, despite the fact that an agreement had been reached two days earlier that it would only be a "consultative plebiscite" whose time, form and content would be determined at a later date.

He continued to say that the Air Forces is opposed since, no matter what result is reached, the form of the referendum will arouse doubt and suspicion both in Chile and abroad, with an unavoidable loss of prestige. "You, he wrote", called the referendum which violates both Articles 6.2 of Constitutional Act 2 and Law Decree 527, despite the opposition of two members of the junta. You must bear full responsibility for this".

In a statement even sharper than that of General Leigh, Admiral Merino, whose standpoint is not so widely known, expressed on behalf of the Navy his total rejection of the referendum and added that "in the future I will not tolerate that you confront me with de facto situations which I must approve in order to prevent dissention among the armed forces". He concluded by saying that a repetition of this type of action would have the "most serious consequences for the country".

These statements do not mean that Leigh and Merino want a democratic government but are an expression of dissention within the junta and of dissatisfaction with the Pinochet regime.

Thus, there was no legal basis for the referendum - not even in the junta's decrees. The procedure was also denounced by the junta's own Contralor General de la Republica, who was subsequently removed from office.

The referendum was carried out during the state of seige declared and repeatedly prolonged by the junta. No real guarantees for the right of free speech or freedom of demonstration were given before the election.

Among regulations governing the conduct of the referendum were:
"Propaganda by posters which spoil the beauty of the city or the
country side is not permitted. Freedom of the press, radio, TV
and other media remains as hitherto, with valid restrictions especially
applicable to the prohibition against political parties":

We all know what kind of freedom the junta means. All non-junta radio stations, including Radio Balmaceda have been closed down. Press censorship is strictly observed and the press therefore speaks with one voice.

Electorial secrecy was not maintained. The ballot envelopes were so trqnsparent that it was possible to see the result without any difficulty, even before they were opened.

No democratic control of the counting of the votes was permitted. The questions were provocative and confusing.

There are indications that the numbers of voters and the announces result of the balloting are incorrect and may even be falsified. Further investigation would seem to be called for.

This type of referendum with the same procedure and results is well-known from other dictatorial regimes such as the military junta under Papadoupoulas in Greece and in Franco Spain, Then, as now, we know that these so-called referendums are not an expression of the will of the people.

Pinochet will not be more credible in Chile or the rest of the world as a result of the balloting since he lacks the support of the Chilean people.

The activity of the Commission in revealing the lack of basis for imprisoning the UP leaders and in demanding their liberation has been of vital importance. It has contributed to strengthening world opinion and inspired initiatives by many governments and the United Nations.

The efforts to bring about the release of these UP leaders helped to liberate hundreds of other political prisoners at other places of imprisonment.

We are pleased that two UP leaders I met in priscn, Luis Crevelan and Anibal Palma, in March two years ago are here with us today.

Although fear of the junta is still strong, the people of Chile are expressing their dissent more and more. The strong protests and activities of the Catholic chruch, the political parties and the independent trade unions, as well as the strikes among the workers, hunger strikes and other demonstrations bear witness to this Some examples of the open and defiant opposition to the Junta are:

On November 16th the secret police forced their way into premises belonging to the bishopric of Santiago, where a study and information meeting of trade union nature was in progress, and disbanded the meeting under the false pretext that there was a bomb on the premises.

The Cardinal of Santiago called this an "obvious act of discrimination" and also stated that "the active participation of workers in economic and social decisions which affect their future and their right to organize without fear of reprisals is one of the basic human rights".

On September 2 and 3 workers in two mines went out on strike to protest the non-payment of promised production bonuses. Their action was so effective that the authorities agreed to their demands.

Hundreds of people have participated in various hunger strikes to reinforce. demands for information about and the release of disappeared persons.

One of these strikes was so intense that General Pinochet had to promise United Nations Secretary General Waldheim a report on the situation. Pinochet's reason for not fulfilling this promise within the proscribed time is still an open question.

Prior to this session the Commission decided that I should undertake a new journey to Chile, primarily to investigate the situation of the disappeared persons. Now, as in 1976, we were aware of the difficulties connected with this mission. In both cases I travelled with the support of my government and of my party, the Social Democrats.

In 1976 the trip was carried out without any greater difficulties but now in 1978, I was deported from the airport. Immediately after I went through the passport control I heard my name called and an official informed me that according to junta decrees 109 and 1306 there were obstacles to prevent my entering the country. This was evident from a punched computer card which was taken out when I submitted my entry card to the passport control. These cards are evidently checked against the computer cards in the police register at the airport.

Information received would indicate that the police were not only informed about the coming session but about my anticipated arrival. This explains why they could obtain such a rapid reply from the computer. Of importance is also that the flight lists are apparently cheeked daily. The junta press gave publicity to the fact that I was Secretary General of the Commission and as such had been deported. Some days later an article about the coming session appeared in the newspapers.

At the airport they gave no factual reason for deporting me: I objected and demanded a written decision which was refused, as was the possibility of appeal.

The computers at the airport are not only modern method of preventing the entrance of an international observer but also - and mainly - important instruments in the persecution of the Chilean people.

When the police learned that I had a diplomatic passport and had previously visited the president of the Supreme Court, Jaime Eyzaguirre, and the former Minister of Justice, Miguel Schwitzer (now replaced by one of Pinochet's nieces) and that I intended to do so again, they agreed to contact the Ministry of the Interior by telephone. They were also informed that I wanted to study the real situation in Chile and that I had a legal commission from Chileans living in Sweden. The Ministry confirmed the decision to deport me and I was compelled to leave on the next plane which was bound for Buenos Aires.

A spokesman for the Swedish Foreign Office stated after my deportation: "From the Chilean authorities decision to deport Franck no other conclusion can be drawn than that the violations of human right in Chile continue and that the junta wishes to conceal what is taking place".

The International Commission has become increasingly known in Chile, not only among the democrats and the oppressed but also among the adherents of the military regime. There have been heavy attacks against the Commission, and even against me as its Secretary General. On January 3 and 4 of this year there were articles about this in the newspaper El Mercurio.

These articles, of which one was an editorial expressing massive dissatisfaction with the United Nations Ad Hoc Working Group on Chile, stated that the Group was under influence, of the International Commission, international communism and the Soviet Union, among others, The repeated condemnations by the U.N. General Assembly were not Rue to the fact that the overwhelming majority of U.N. members, including the United States, could not properly evaluate the situation in Chile. They were misled by the Ad Hoc Group, the International Chile Commission, international communism and Soviet influence.

The Ad Hoc Working Group consists of five members from Pakistan, Sierra Leone, Austria, Sri Lanka and Ecuador, The chairman of the Group is Ghulam Ali Allana from Pakistan. None of these countries has a communist government nor is any communist a member of their governments.

It is apparent that the Pinochet regime has understood that the International Commission is an important body but the junta and the mass media have not given correct information about what the Commission stands for.

The International Commission was founded in 1974 as an independent body of enquiry. No organization, party, government or any other authority can control its activities. The members do not represent any organization. They only act in their capacity as concerned individuals. The purpose of the Commission is to collect and present

facts, documents and other material about conditions in Chile. On the basis of this material the Commission shall draw and present its own conclusions after every session.

The Commission, as well as many other organizations, has presented its material to the Ad Hoc Working Group and has been able to ascertain the group has functioned impartially and responsibly.

It should be emphasized that the activities of this group must continue until democracy has returned to Chile.

As the Ad Hoc Group stated in its latest report, it has been handicapped in that it could not conduct investigations in Chile. The responsibility for this rests with the Pinochet regime wich has endeavoured to determine the conditions for the investigation. It has been able to present its material to the Ad Hoc Group both orally and in writing. It is obvious that the junta must not be permitted to control the investigation of the accusations against it. If this were permitted, then the impartiality of the Group could really be questioned.

As long as the Pinochet regime refuses the United Nations Ad Hoc Group (and our own Commission) entrance to Chile and the right to inspect violations of human rights, the refusal will be considered strong proof that the junta is concealing the reality of the situation in Chile today.

The Ad Hoc Group has been able to collect an extraordinarily extensive and highly qualified mass of facts and evidence and has reported back to the United Nations. From its report of September 29, 1977 I can only mention some of their conclusions.

The Chilean authorities have systematically refused to respect the rights and security of all whom it believes to be opposed to the regime. They have been illegally arrested and taken to secret

detention places for questionning and torture, from which they sometimes disappear and are never seen again.

A new form of intimidation has replaced massive detention of opponents of the regime. This entails control of the actions of Chileans by means of short-term detention, torture and subsequent harassment of the person and his family. Judicial remedies, including the right of amparo, are useless in such cases.

Fair trials are not guaranteed for security cases and some people are detained for long periods without trial. People continue to disappear after detention despite continued and detailed evidence received by the Group to confirm their arrest. The promise of the Chilean government that a full investigation of all such cases would be carried out has not been fulfilled and the Group therefore demands that, as a starting point, the 383 and 501 cases presented to the Supreme Court be investigated and the results made public.

Torture continues and is now an integral part of the system of intimidation practiced by the regime. The refusal of the Chilean authorities to prosecute and punish those practicing torture clearly indicates that the practice enjoys official support.

Although critical of the decree laws abolishing DINA and establishing the Central Nacional de Informaciones, CNI, the Group hopes that this may prove to be a step toward the restoration of human rights.

The Constitutional Acts of September 1976 have proved to be a mere façade, as evidenced by the closing of Radio Balmaceda in January 1977 and the continued strict control of education by the military.

The economic situation of the people is deplored by the Group since the burden of costs rests heaviest on the poorest strata of the population. The cost of education, for example, has been transferred from the State to the student at the same time as the Group points out that arbitrary dismissal of teachers for political reasons is wide-spread. Health care services have been drastically reduced from a per capital expenditure of 38 dollars in 1970 to a proposed 13 dollars in 1977. At the same time, the restriction of trade union rights has deprived the people of the ability to participate in the democratic economic process.

This report of the Ad Hoc Working Group, whose mandate was extended, was approved by the U.N. and formed the basis for the United Nations General Assembly resolution of November 30, 1977. The resolution "deeply deplores the destruction of democratic institutions... formerly enjoyed by the Chilean people" and "expresses its indignation and concern at the continued disappearance of persons which is shown by the available evidence to be attributable to political reasons" and the refusal of the Chilean authorities to undertake even an adequate investigation of cases brought to their attention.

The U.N. "demands that Chilean authorities put an immediate end to practices of inadmissables secret arrests and the subsequent disappearance of persons while in detention". It also calls for humanitarian, legal and financial aid to those arbitrarily arrested or imprisoned, to those forced to leave the country and to their relatives.

From the very beginning it has been of great importance to our Commission to send observers to Chile. We can naturally work in a more informal manner than the Ad Hoc Group. Some twenty observers have appeared and presented reports before the sessions and hearings arranged by the Commission. All of them have not been sent out by the Commission but have established contact with the Commission since we are an important organization for evaluating and spreading reports.

The Pinochet regime's rejection of my visit to Chile naturally does not imply that we do not have fresh reports from Chile at this session. The possibility of a deportation had been taken into consideration and we had arranged for a substitute who has been able to carry out the planned investigation even in my absence.

After my speech you will hear a personal account by my assistant and interpreter, Mrs Gertrud Bjorkbom, of her observations in Chile and a report by Gerhard Stuby. I would only like to make some notes and comments on the actual situation.

1. Arrests continue, but now at lower level, through the numbers fluctuate continuously. Repression has not diminished but has become more selective. Most recently it has become more intensive, for example twelve leading Christian Democrats were deported to the north same weeks ago.

Last week five people from MIR were killed by the police and six more were arrested, whose present whereabouts is not known.

2. The new security police (Central Nacional de Informaciones) continues to apply Dina's methods under a new name.

The CNI has a puters at its service and it is considerably more difficult for refugees to leave the country, even though they have visas for other countries. They are refused passports or are stopped by computerized searches among records, etc.

- 3. Torture is still commonly practiced, especially during the first few days of detention, that is to say, the period of interrogation.
- 4. Lists and substantiated documentation over persons who have disappeared have been presented to various Chilean authorities, among them the Supreme Court. 383 and 501 cases have been submitted

to the Supreme Court for investigation. Despite strong representations from the whole world and the United Nations, the tragic disappearances of people who have been arrested for primarily political reasons continue. During 1976 and 1977 they have amounted to several hundred, 135 of which are documented by the Vicariate of Solidarity.

The Vicariate which makes substantial demands of proof before taking up a case has registerered 566 disappearances. This does not mean that there are no more cases since the Vicariate only has offices in Santiago and a smaller number of provincial centres. Many people are too afraid to report disappearances, even to the Vicariate.

Lists containing almost 2000 names have earlier been shown to the Commission and the Ad Hoc Working Group has published data concerning lo15 cases of disappearance.

Under such circumstances it is naturally difficult to give a precise figure. Even if there are some mistakes or misunderstandings about some of these cases, they can only concern a minor number. Taking all facts and circumstances into consideration I have reason to believe that the disappearances could be as many as 2000, The fact that Pinochet has not been able to present the promised account is very serious. This, in conjunction with other information, could indicate that many of the disappeared have been murdered, tortured to death or have died under other circumstances.

5. Since the release of Senator Jorge Montes in June 1977 the junta has declared that there are no political prisoners in Chile. Any disappeared persons who are still alive in detention are naturally political prisoners. In addition there are hundreds of people who have been convicted by military tribunals for political reasons or who await trial. Those who have been arrested and convicted as common criminals but who have, in fact, been deprived of their freedom principally for political reasons also belong to the category.

6. The political repression must be seen against the background of the extremely grave economic exploitation of the Chilean people. There is mass unemployment, mass poverty, hunger and starvation in the country.

The official unemployment statistics show 15 o/o but in reality the figure should be at least 20 o/o and in certain branches 30 to 40 o/o, for example in the building industry.

Official statistics show that 23 o/o of the population now lives in extreme poverty; 21 o/o are on the brink of starvation. At least 50 o/o of Chilears live below the official poverty line.

It is my hope that when the Commission draws its conclusions it will consider what I have reported and will bear in mind the following demands and proposals.

Urgent demands concerning the situation inside Chile

1. Complete accounting for all disappeared persons.
All who are alive shall be immediately brought before a United
Nations body, receive rapid medical aid and be liberated.

All disappeared persons who have been murdered or died in detention shall be identified and a complete official report be reported in every case.

- 2. All political prisoners shall be released, even those whose status as political prisoners has not been acknowledged.
- An end must be made to all political arrests, deportations, torture and other brutal treatment.
- 4. The fulfillment and execution of the above three points shall be unconditionally carried out under the immediate supervision of a U.N. body.

- 5. The state of seige shall be repealed.
- 6. All who have practiced torture; committed murder or other brutal crimes shall punished.
- 7. All Chileans shall have the unconditional right to leave the country and to return without fear of punishment of restrictions.
- 8. A stop to all discriminatory actions against adherents of the political parties, the trade unions and members of the Vicariate.

Demands and appeals to world opinion, national and international bodies

The Pinochet regime must be isolated by political, economic, military and other means.

The sale and delivery of arms and other equipment intended for the junta's military and police forces must be prevented.

All foreign loans and investments in Chile should be restricted by governmental action. No cultural or scientific exchange should take place.

The trade unions should continue to concentrate on boycott actions directed primarily against Chilean ships and other means of transportation carrying Chilean products.

The government of the United States has a grave responsibility for the military coup d'etat. It is therefore the duty of the new government in the United States to support international actions against the junta till human rights are restored in Chile.

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The United Nations resolution of November 30, 1977 should be carried out in full, including the rendering of all possible humanitarian, legal and financial aid to those who are arrested or who are forced to leave the country as well as to their relatives.

The Ad Hoc Working Group must be permitted to enter Chile now. United Nations observers should also be sent to Chile.

The independent trade unions, the political parties and other antidictatorial forces must receive all possible support in their struggle to restore freedom and democracy to Chile.

Individuals, organizations and governments all over the world have a duty to isolate the junta and support the Chilean people in their struggle against this cruel dictatorship of fascist nature.

The success of the struggle for democracy in Chile is of vital importance to freedom-loving people everywhere.