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COMMISSION ON HUMAN RIGHTS
Sub-Commission on the
Promotion and Protection
of Human Rights
Fifty-first session
Agenda item 2

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS,
INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION, IN ALL
COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT
COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER
COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

Letter dated 6 August 1999 from the Permanent Representative of
Indonesia to the United Nations Office at Geneva addressed to the
Chairman of the fifty-first session of the Sub-Commission on the
Promotion and Protection of Human Rights

I am writing in reference to document E/CN.4/Sub.2/1999/4 of the Sub-Commission on the Promotion and Protection of Human Rights submitted pursuant to resolution 1998/3 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities in which the High Commissioner for Human Rights was requested to inquire into the security situation of individuals listed in its annex.

In this regard, I should like to draw your attention to paragraph 12 of the document, where it is written that there is no information available on Mr. Kasiepo which was to be provided by the Government of Indonesia.

I am surprised to see that the information provided by my office, which was sent on 3 August 1999, was not incorporated into the above-mentioned document. Furthermore, I am disconcerted to see that the note from the Office of the High Commissioner requesting information was only sent to my office on 2 July 1999 while the document containing the result of her inquiry was published on 5 July 1999. This situation I feel is quite unfair and I would therefore request that this letter, along with the annexed response from my Government,* be issued as a document of the Sub-Commission and that the above-mentioned document (E/CN.4/Sub.2/1999/4) be corrected accordingly.

(Signed): Dr. N. Hassan WIRAJUDA
Ambassador
Permanent Representative

* The annex is reproduced as received, in English only.



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ANNEX

PERMANENT MISSION
OF THE REPUBLIC OF INDONESIA
TO THE UNITED NATIONS
AND OTHER INTERNATIONAL ORGANISATIONS
GENEVA

The Permanent Mission of the Republic of Indonesia to the United Nations and Other International Organizations at Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights and, in reference to the latter's note dated 2 July 1999, has the honour to provide its response in respect to Mr Victor Kasiepo as follows:

Mr Kasiepo left Indonesia in the early 1970s and has never returned to live there since. Therefore, he has never been, since then, engaged in activities in the field of human rights promotion and protection in Indonesia, including in the province of Irian Jaya, let alone labelling himself as a human rights defender in Irian Jaya.

Mr. Kasiepo has reportedly been living in the Netherlands but has never reported his presence to any Indonesian diplomatic representation or consular service there or in any other country. According to the Indonesian laws on citizenship, Indonesians living abroad must report to an Indonesian representation in the country of their new residence in every five years. Failing to do so automatically entails that he/she renounces to his/her Indonesian citizenship. Because Mr Kasiepo has not complied with the laws, he is no longer considered an Indonesian citizen. Being neither Indonesian citizen nor resident, he can therefore not avail himself of the protection of the Government of Indonesia.

In this regard, resolution 1998/3 adopted by the Sub-commission on Prevention of Discrimination and Protection of Minorities in which the United Nations High Commissioner for Human Rights was requesting to inquire about the security situation of individuals listed in the annex to the resolution, including Mr Kasiepo, does not apply to Indonesia.

Office of the United Nations
High Commissioner for Human Rights
Palais Wilson
52 rue des Paquis
1201 Geneva

The facts also prove that Mr Kasiepo is not a stranger to the Office of High Commissioner for Human Rights since he has frequently attended various human rights meetings at Palais des Nations for at least in the past few years. For example, his name appears in the lists of participants for the 50th session of the Sub-commission on the Prevention of Discrimination and Protection of Minorities and for the Fifty-Fifth session of the Commission on Human Rights under the banners of two NGOs, namely Survival International and International Work Group for Indigenous Affairs respectively. Just recently, in July 1999, he also attended the pre-sessional Working Group on Indigenous Populations.

For the latter's information, human activists need not to take cover to conduct their activities in Indonesia. In the current political environment more and more Indonesians are beginning to engage not just in the discourse of human rights but also in the active promotion and protection human rights through practical measures. The formation of organizations by Indonesians aimed at promoting and protecting human rights is the most apparent feature of this new active participation. NGOs have been growing in number and are increasingly becoming active in the promotion of a civil society. In this regard, several NGOs have recently emerged whose activities, ranging from human rights in general to more specific aspects of human rights, are getting substantial recognition from both the Indonesian people and the Government. This attests the commitment of the Government of Indonesia to developing partnerships with individuals, groups, institutions and NGOs in the promotion of democracy, human rights and fundamental freedoms for the advancement of democratic societies, institutions and processes.

The Permanent Mission of the Republic of Indonesia avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 3 August 1999

