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COMMISSION DES DROITS DE L'HOMME
Sous-Commission de la promotion
et de la protection des droits
de l'homme
Cinquante et unième session
Point 2 de l'ordre du jour

QUESTION DE LA VIOLATION DES DROITS DE L'HOMME ET DES LIBERTÉS
FONDAMENTALES, Y COMPRIS LA POLITIQUE DE DISCRIMINATION RACIALE
ET DE SÉGRÉGATION, DANS TOUS LES PAYS, EN PARTICULIER DANS LES PAYS
ET TERRITOIRES COLONIAUX ET DÉPENDANTS : RAPPORT DE LA SOUS-COMMISSION
ÉTABLI EN APPLICATION DE LA RÉOLUTION 8 (XXIII) DE LA COMMISSION
DES DROITS DE L'HOMME

Lettre datée du 6 août 1999, adressée au Président
de la Sous-Commission de la promotion et de la protection
des droits de l'homme à sa cinquante et unième session
par le Représentant permanent de l'Indonésie auprès
de l'Office des Nations Unies à Genève

La présente lettre a trait au document E/CN.4/Sub.2/1999/4 de la
Sous-Commission de la promotion et de la protection des droits de l'homme
présenté en application de la résolution 1998/3 de la Sous-Commission de la
lutte contre les mesures discriminatoires et de la protection des minorités,
par laquelle la Haut-Commissaire aux droits de l'homme était priée de mener
des enquêtes sur la sécurité des personnes dont la liste figurait en annexe
à ladite résolution.

À cet égard, j'appelle votre attention sur le paragraphe 12 de ce
document selon lequel on ne dispose pas de l'information que le Gouvernement
indonésien aurait dû fournir sur M. Kasiepo.

Je suis surpris de constater que l'information fournie par mes services,
qui a été envoyée le 3 août 1999, ne figure pas dans le document précité.
En outre, je suis déconcerté de voir que la note du Haut-Commissariat
demandant des renseignements n'a été envoyée à mes services que
le 2 juillet 1999, alors que le document exposant les résultats
de l'enquête de la Haut-Commissaire a été publié le 5 juillet 1999.

J'estime qu'il y a là une grande injustice et je demande donc que la présente lettre ainsi que la réponse de mon Gouvernement qui y est annexée */ soient distribuées en tant que document de la Sous-Commission et que le document susmentionné (E/CN.4/Sub.2/1999/4) soit rectifié en conséquence.

L'Ambassadeur
Représentant permanent

(Signé) N. Hassan Wirajuda

*/ La réponse jointe, reproduite telle qu'elle a été reçue, n'est diffusée qu'en anglais.

Annexe



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

