

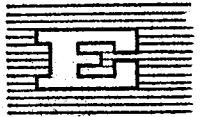
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COMMISSION ON HUMAN RIGHTS

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Item 13 of the provisional agenda

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

Letter of 27 January 1976 addressed to the Director of the
Division of Human Rights from the Permanent Representative
of Portugal to the United Nations Office at Geneva

On the instructions of my Government I have the honour to set forth below the main facts concerning the situation of the 23 Portuguese soldiers detained on Timor since September last year.

1. During the transfer of the Portuguese administration from Timor to the island of Atauro, a group of 19 Portuguese military men, accompanied by the wife and daughter of one of them, was imprisoned on 27 August 1975 by members of the União Democrática de Timor (UDT) near Batugadé, and are still being held there.
2. On 3 September another group consisting of five Portuguese soldiers took refuge at Atambua with the authorization of the Indonesian authorities; this is near the frontier, on Indonesian territory.

The Indonesian authorities have agreed that the Government of Timor may send a plane to pick them up in Atambua.

However, reneging on their undertaking, the Indonesian authorities refused to allow the five soldiers to board the plane, and took them to Kupang (the capital of Indonesian Timor), stating that they were doing so on the orders of their Government.

The authorities subsequently took the soldiers to Batugadé, stating that they did so at the latter's request, and handed them over to UDT.

3. At the end of October one of the soldiers was released together with his wife and daughter. The other 23 continued to be held in detention for no reason whatsoever.
4. The Portuguese Government considers that there are serious charges against the Indonesian authorities in this affair of the 23 soldiers detained by the UDT.

The proofs are the transfer to UDT of the 5 soldiers who had taken refuge at Atambua, and reports, some from reliable sources, that there were Portuguese soldiers on the Indonesian territory of Timor, notably at Atapupu where at one time they were placed under the protection of the Indonesian police.

5. The Portuguese Government has sent a note on 1 October 1975 to the Indonesian Government requesting the immediate repatriation of the detained soldiers.

In its reply of 30 October, the Indonesian Government confined itself to recounting its efforts to mediate between the Portuguese Government and UDT and annexed to its note a statement by the leader of the UDT party which imposed conditions for the release of the detained persons that were beyond the ability of the Portuguese Government to comply with, such as the previous release of UDT members who had been imprisoned by the Frente de Libertação de Timor (FRETILIN).

6. The Portuguese Minister for Foreign Affairs raised the problem of the 23 detained soldiers during talks with his Indonesian colleague in Rome on 1 and 2 November 1975.

On that occasion Mr. Malik acknowledged that the question was of the greatest importance for Portugal, and promised that he would do all he could with UDT to obtain the rapid release of the prisoners.

7. On 22 October my Government made insistent representations to the Indonesian Government with a view to obtaining a reply to the note referred to in paragraph 5.

At the same time, the Portuguese Government categorically rejected the statements attributed to the head of UDT to the effect that the party would be forced to take "punitive action against the prisoners" if Portugal insisted on obtaining their release without taking account of the position of UDT and its allies.

8. In October, the President of the Portuguese Republic invited the Indonesian Ambassador to Lisbon on two occasions to request the intervention of Indonesia in order to secure the release of the detained persons.

9. On 15 December, the Portuguese Government requested the Governments of nine friendly countries to mediate with Indonesia to obtain the immediate release of the Portuguese soldiers.

Representations have been made simultaneously at Lisbon by the Secretary-General of the Ministry for Foreign Affairs to the representatives of the United States, United Kingdom, France, Netherlands, Yugoslavia, Federal Republic of Germany, Japan, India and Australia and by our Permanent Representative in New York to the Permanent Representatives of those countries as well as of Tanzania.

10. The Portuguese Minister for Foreign Affairs has also raised the question in New York with the Secretary-General of the United Nations and requested his intervention on humanitarian grounds.

11. The Portuguese Government has likewise requested the International Committee of the Red Cross (CICR) to intervene.

12. The replies from the countries to which the representations referred to in paragraph 9 were made may be summed up as follows: as the Portuguese soldiers are in the hands of UDT, the Indonesian Government refuses to accept any responsibility for their continued imprisonment and regrets it is unable to take action in the matter.

13. The International Committee of the Red Cross has received no positive reply from the Indonesian Government on the subject of the prisoners.

14. In view of the replies referred to in 12, my Government made representations, through the Permanent Representative of Portugal to the United Nations, to the UDT leaders who had gone to New York.

They stated that they were unable to solve the problem which, according to them, was a matter for the Government of Indonesia alone since the prisoners are on Indonesian territory.

15. My Government has also asked the Ambassador of Brazil at Djakarta to approach the Indonesian Government on the subject but there have been no results so far.

16. Furthermore the Portuguese Government has drawn the attention of Mr. V. Winspeare Guicciardi, Special Representative of the Secretary-General of the United Nations, who has been asked to undertake a fact-finding mission to Timor, to the situation of the 23 Portuguese soldiers with a view to their release.

The Portuguese authorities have thus made every effort and tried every possible avenue to obtain the release of the 23 soldiers held at Timor, without tangible results.

I therefore appeal to you to take any action that you may deem useful to settle this case of the violation of human rights as soon as possible, bringing it, in particular, before the Commission on Human Rights.