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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 dated 27 February 1976 from the Permanent
Representative of Indonesia to the United Nations
Office at Geneva addressed to the Director of the
Division of Human Rights

With reference to the charges made by the Permanent Representative of Portugal contained in his letter to the Director of the Division of Human Rights regarding the question of the 23 Portuguese soldiers detained in East Timor (Doc. E/CN.4/1203), I have the honour to state the position of the Indonesian Government on this issue for consideration of all interested parties as follows:

1. The problem of 23 Portuguese soldiers detained in East Timor has emerged as a consequence of the armed conflict and civil strife which took place in East Timor starting in August of last year. In fact, this problem is part of the much wider and more tragic problem of fratricide and destruction, of thousands of refugees seeking safe haven across the border and of a countless number of people held captive by the various parties to the conflict, all resulting from a situation for which Portugal, as the administering power of the territory at that time, cannot evade full and sole responsibility.
2. It can be clearly seen, therefore, as has been stated on several occasions, that the Government of Indonesia cannot be held responsible in whatever way concerning the question referred to above, as it had no part in the origins of the problem, nor direct competence in solving the consequences thereof. From the beginning, this problem has been and continues to be one between the Portuguese Government and those parties directly involved in the conflict situation in East Timor. Hence, with the establishment of the present provisional government of East Timor it is a problem for which the Portuguese Government should appropriately endeavour to resolve directly with the de facto authorities in Dili.

3. Nevertheless, based on humanitarian considerations and in conformity with the spirit of the Rome Agreement, concluded between the Foreign Ministers of Indonesia and Portugal on the 2nd November 1975, the Indonesian Government has undertaken to make every possible effort to persuade the UDT Party to effect the release of said detainees.

After the formation of the provisional Government of East Timor on December 17, 1975, continued contacts have been and are being made with the competent authorities in Dili by the Indonesian Government to endeavour an early solution of this problem. Meanwhile, the Indonesian Government has been informed by the provisional Government of East Timor that the detainees will be allowed to send personal messages to their relatives in Portugal.

The Indonesian Government, therefore, categorically rejects any allegation or intimation questioning the sincerity of its efforts to assist in the solution of this problem.

4. It may be instructive to note that while on the one hand the Indonesian Government is continuing to lend its sincere co-operation in trying to resolve the problem of the 23 Portuguese detainees, the Portuguese Government on the other hand has consistently refused to consider any request by the UDT or any other party in East Timor, to help in resolving the problem of their members being detained by their opponents, i.e. the Fretilin, with which the Portuguese Government continues to maintain close contact throughout. In this light, therefore, it is indeed difficult to comprehend the inconsistency of the Portuguese Government in attempting to blame the Indonesian Government for its efforts while clearly demonstrating its own reluctance to co-operate or even to communicate directly with those parties immediately concerned in order to find an appropriate solution to the problem of detainees.
5. The Indonesian Government would further like to draw the attention of the Commission on Human Rights to the fact that in the humanitarian context it is Indonesia which has sheltered tens of thousands of refugees of East Timor, providing them with food, clothing, housing and medical care, ever since armed conflict broke out in East Timor.

Out of these numbers, about 10,000 refugees still remain in Indonesian Timor while the others have, with Indonesian assistance, returned to their villages. It is remarkable that Portugal while claiming continued recognition as the administering power in East Timor, has never shown any interest in the well-being of these refugees, which is indeed in sharp contrast with its concern for the 23 Portuguese detainees.

6. It may also be relevant to observe that at present in a wider context, efforts are being made by the Secretary-General of the United Nations, and specifically by Mr. V. Winspeare Guicciardi in his capacity as Special Representative of the Secretary-General, to obtain a solution to the question of East Timor. In view of this, Portugal's motives in submitting the question of the 23 detainees, indeed a minor part of the entire problem of East Timor, before the Commission on Human Rights, cannot but be held in serious doubt, as this action can only complicate and obstruct the efforts of the Secretary-General as referred to above in trying to achieve an integral solution to the problem of East Timor.

I would appreciate it very much if the text of this letter could be circulated as an official document of the Thirty-second Session of the Commission on Human Rights.

(Signed) Ali ALATAS
