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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention
of Discrimination and
Protection of Minorities
Forty-seventh session
Agenda item 6

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: REPORT OF THE SUB-COMMISSION
UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXXIII)

Mr. Bengoa, Ms. Chavez and Mr. Eide: draft resolution

Situation in Indonesia

The Sub-Commission on Prevention of Discrimination and Protection of
Minorities,

Guided by the Universal Declaration of Human Rights, the International
Covenant on Civil and Political Rights, in particular article 6 on the
inherent right to life, article 18 on freedom of thought, conscience and
religion, and article 19 on the right to freedom of expression, and other
relevant human rights instruments,

Recalling the report of the Special Rapporteur on the question of
torture following his visit to Indonesia and East Timor in November 1991
(E/CN.4/1992/17/Add.1), in particular his recommendation in paragraph 80 (b)
that the independence of the judiciary should be scrupulously respected, and

the report of the Special Rapporteur on extrajudicial, summary or arbitrary executions on his visit to Indonesia and East Timor in July 1994 (E/CN.4/1995/61/Add.1), in particular the recommendation in paragraph 81 (b) that the independence, fairness and transparency of the judiciary should be improved and guaranteed,

Reaffirming that all States have an obligation to promote and protect human rights and fundamental freedoms as enshrined in the Charter of the United Nations, the Universal Declaration of Human Rights and various international instruments in the field of human rights,

Deeply concerned at the fate of over 20 political prisoners held since the late 1960s in connection with the events of October 1965, 5 of whom have been under sentence of death for more than 20 years, and the fate of ex-political prisoners who suffer from systematic discrimination,

Gravely concerned at the continuing reports of the killing of unarmed civilians in Irian Jaya in the vicinity of the Freeport copper and gold mine at the Tembagapura in the last six months of 1994, numerous killings of members of the Islamic community such as occurred at Tanjung Priok, Jakarta, in 1985; at Aceh, in the northern part of Sumatra and at Haur Koneng, western Java, and the reported killing of petty criminals, known as Bromocorah, in various parts of the archipelago,

Deeply concerned at the continuing interference of the security apparatus in religious affairs, notably in the case of Lutheran churches in northern Sumatra, which has resulted in the loss of human life,

Deeply concerned also at further restrictions on the freedom of expression, including the use of excessive force in suppressing demonstrations, in particular pertaining to the situation of press freedom in Indonesia since the banning of three major journals and the subsequent arrest and detention of three members of the Independent Journalists Association and one member of a pro-democracy non-governmental organization whose trial is now in progress,

Concerned that several people are on trial in Indonesia for defamation of the head of State, thereby posing a threat to freedom of expression,

Noting that the Government of Indonesia has not yet ratified the International Covenant on Economic, Social and Cultural Rights,

1. Expresses its deep concern that there are continuing threats to the right to life of five political prisoners who have been detained for more than 25 years;
2. Also expresses its deep concern at the reports of continuing widespread and systematic violations of human rights in Irian Jaya;
3. Further expresses its deep concern that the security apparatus continues to use excessive force against civilians and to enjoy impunity;
4. Requests the Secretary-General to transmit information from all reliable sources on the human rights situation in Indonesia to the Commission on Human Rights at its fifty-second session;
5. Recommends that the Commission consider, at its fifty-second session, the situation pertaining to human rights and fundamental freedoms in Indonesia, and to that end recommends that the Commission urge the Government of Indonesia to invite the Special Rapporteur on the independency and impartiality of the judiciary and the Special Rapporteur on freedom of opinion and expression to visit Indonesia;
6. Requests the Secretariat to transmit all reliable information pertaining to the situation of all aspects of human rights and fundamental freedom in Indonesia to the Sub-Commission at its forty-eighth session.
