



**Consejo Económico
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COMISIÓN DE DERECHOS HUMANOS
Subcomisión de Promoción y Protección
de los Derechos Humanos
51º período de sesiones
Tema 2 del programa

CUESTIÓN DE LA VIOLACIÓN DE LOS DERECHOS HUMANOS Y LAS
LIBERTADES FUNDAMENTALES, EN PARTICULAR LA POLÍTICA DE
DISCRIMINACIÓN RACIAL Y DE SEGREGACIÓN, EN TODOS LOS PAÍSES
Y EN ESPECIAL EN LOS PAÍSES Y TERRITORIOS COLONIALES Y
DEPENDIENTES: INFORME DE LA SUBCOMISIÓN DE CONFORMIDAD CON
LA RESOLUCIÓN 8 (XXIII) DE LA COMISIÓN DE DERECHOS HUMANOS

Carta de fecha 6 de agosto de 1999 dirigida al Presidente
de la Subcomisión de Promoción y Protección de los Derechos
Humanos en su 51º período de sesiones por el Representante
Permanente de Indonesia ante la Oficina de las
Naciones Unidas en Ginebra

Tengo el honor de referirme al documento E/CN.4/Sub.2/1999/4 de la Subcomisión de Promoción y Protección de los Derechos Humanos, presentado de conformidad con la resolución 1998/3 de la Subcomisión de Prevención de Discriminaciones y Protección a las Minorías, en el que se solicitaba al Alto Comisionado para los Derechos Humanos que realizase investigaciones sobre la situación relativa a la seguridad de las personas que figuraban en la lista anexa a la resolución.

A este respecto, desearía señalar a la atención el párrafo 12 del documento, en el que se dice que no se dispone de información sobre el Sr. Kasiepo, información que debía facilitar el Gobierno de Indonesia.

Me sorprende comprobar que la información facilitada por esta Misión enviada el 3 de agosto de 1999, no haya sido incorporada en el documento citado. Me desconcierta, además, observar que la nota de la Oficina del Alto Comisionado en que se solicita la información no se envió a la Misión hasta el 2 de julio de 1999, mientras que el documento en el que figura el resultado de sus investigaciones fue publicado el 5 de julio de 1999. Considero que esta situación es muy injusta y solicito, por consiguiente, que esta carta, y la respuesta de mi Gobierno que figura en el anexo*, se distribuyan como documento de la Subcomisión y que, en consecuencia, se corrija el documento mencionado (E/CN.4/Sub.2/1999/4).

(Firmado): Dr. N. Hassan Wirajuda
Embajador
Representante Permanente

* El anexo se reproduce como se presentó, en inglés solamente.



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

Annex

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

