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LETTER DATED 9 SEPTEMBER 1999 FROM THE PERMANENT REPRESENTATIVE OF  
PORTUGAL TO THE UNITED NATIONS OFFICE AT GENEVA ADDRESSED TO THE  
UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS

Albania\*, Angola\*, Australia\*, Austria, Belgium\*, Brazil\*,  
Bulgaria\*, Canada, Cape Verde, Cyprus\*, Czech Republic, Denmark\*,  
Estonia\*, Finland\*, France, Germany, Greece\*, Honduras\*, Hungary\*,  
Iceland\*, Ireland, Italy, Latvia, Liechtenstein\*, Lithuania\*,  
Luxembourg, Malta\*, Mozambique, Netherlands\*, New Zealand\*,  
Norway, Poland, Portugal\*, Romania, San Marino\*, Slovakia\*,  
Slovenia\*, Spain\*, Sweden\*, Switzerland\* and United Kingdom of  
Great Britain and Northern Ireland: draft resolution

S-4/... The situation of human rights in East Timor  
The Commission on Human Rights,  
Meeting in special session,

Guided by the principles embodied in the Charter of the United Nations,  
the Universal Declaration of Human Rights, the International Covenants on  
Human Rights, the Convention against Torture and Other Cruel, Inhuman and  
Degrading Treatment or Punishment, the Convention on the Rights of the Child,

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\* In accordance with rule 69, paragraph 3, of the rules of procedure of  
the functional commissions of the Economic and Social Council.

international humanitarian law, including the Geneva Conventions of 12 August 1949 for the protection of war victims and the Additional Protocols thereto of 1977, and other relevant international human rights instruments,

Conscious of its responsibility to promote and encourage respect for human rights and fundamental freedoms for all, and resolved to remain vigilant with regard to violations of human rights wherever they may occur and to prevent such violations,

Reaffirming that all States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights and other applicable human rights instruments,

Recalling the Agreement between the Government of Indonesia and the Portuguese Republic of 5 May 1999 on the question of East Timor (the overall agreement) and the Agreements between the Governments of Indonesia and Portugal and the United Nations of the same date regarding the modalities for the popular consultation of the East Timorese through a direct ballot and regarding popular consultation (the security agreement) (A/53/951-S/1999/513, annexes I-III),

Deeply concerned by the human rights situation in East Timor, and in particular reports indicating that systematic, widespread and flagrant violations of human rights and international humanitarian law have been committed in East Timor, as well as the situation of displaced persons in East and West Timor and elsewhere in the region,

Recalling Security Council resolution 1264 (1999) of 15 September 1999 in which the Council demanded that those responsible for such acts be brought to justice,

Recalling also previous resolutions and statements by the Chair of the Commission on Human Rights on the subject, the most recent of which was the statement by the Chair made on 23 April 1998 at the fifty-fourth session of the Commission (E/1998/23-E/CN.4/1998/177, para. 416),

Deeply concerned by the report of the United Nations High Commissioner for Human Rights following her visit to Darwin and Jakarta (E/CN.4/S-4/CRP.1)

and the information provided by the United Nations High Commissioner for Refugees and non-governmental organizations concerning the human rights and humanitarian situation in East Timor,

1. Welcomes:

(a) The decision of the Government of Indonesia to allow the exercise by the East Timorese of their right of self-determination and the massive participation of the East Timorese in the free and fair popular consultation of 30 August 1999, as well as the announcement by the Government of Indonesia on 4 September 1999 to honour and accept the result of the popular consultation;

(b) The efforts deployed by the Secretary-General in promoting the consultation and in trying to implement fully the Agreement on the question of East Timor concluded in New York and the expressed commitment of the Government of Indonesia to cooperate with the international community;

(c) The invitation by the Government of Indonesia of an international force and its deployment in East Timor as well as the contribution of all States, in particular those in the region, to restoring peace and security;

(d) The efforts of the High Commissioner for Human Rights in addressing the situation, including her visit to Darwin and Jakarta;

(e) The assurances given by the Indonesian authorities that the displaced persons have the freedom to exercise their right to return voluntarily, the assurances regarding the activities of the Office of the United Nations High Commissioner for Refugees and other international humanitarian organizations, including the security of the personnel of the Office, and the further assurances regarding free access to all displaced persons, in particular in West Timor;

(f) The humanitarian response to the current crisis;

(g) The establishment on 22 September 1999 of the independent Fact-Finding Commission for Post-Ballot Human Rights Violations in East Timor by the Indonesian National Commission on Human Rights, and looks forward to the concrete results of its work in close cooperation with international bodies;

2. Condemns:

(a) The widespread, systematic and gross violations of human rights and international humanitarian law in East Timor;

(b) The widespread violations and abuses of the right to life, personal security, physical integrity and the right to property;

(c) The activities of the militias in terrorizing the population;

3. Expresses its deep concern:

(a) At the widespread forced removal and dislocation of persons to West Timor and other nearby areas;

(b) At the serious humanitarian situation of the displaced East Timorese, who have been deprived of food and access to basic health services, particularly as it affects children and other vulnerable groups;

(c) At the violence and intimidation directed against international agencies as well as most of the independent media;

(d) At the lack of effective measures to deter or prevent militia violence and the reported collusion between the militias and members of the Indonesian armed forces and police in East Timor;

4. Affirms that all persons who commit or authorize violations of human rights or international humanitarian law are individually responsible and accountable for those violations and that the international community will exert every effort to ensure that those responsible are brought to justice, while affirming that the primary responsibility for bringing perpetrators to justice rests with national judicial systems;

5. Calls upon the Government of Indonesia:

(a) To ensure, in cooperation with the Indonesian National Commission on Human Rights, that the persons responsible for acts of violence and flagrant and systematic violations of human rights are brought to justice;

(b) To ensure that human rights and international humanitarian law are fully respected in regard to all persons within its jurisdiction or under its control;

(c) To continue to implement its obligations under the Agreement of 5 May 1999;

(d) To guarantee the voluntary return of all the refugees and displaced persons, including those who have been forcibly displaced to camps in West Timor;

(e) To ensure immediate access by humanitarian agencies to displaced persons, both in East Timor as well as West Timor and other parts of the Indonesian territory, and to guarantee the security and free movement of international personnel;

(f) To continue to allow the deployment of emergency humanitarian assistance;

(g) To cooperate fully with the High Commissioner for Human Rights and with the special procedures of the Commission on Human Rights and to continue to cooperate with the Office of the High Commissioner for Human Rights in Jakarta;

6. Calls upon the Secretary-General to establish an international commission of inquiry, with adequate representation of Asian experts, in order, in cooperation with the Indonesian National Commission on Human Rights and thematic rapporteurs, to gather and compile systematically information on possible violations of human rights and acts which may constitute breaches of international humanitarian law committed in East Timor since the announcement in January 1999 of the vote and to provide the Secretary-General with its conclusions with a view to enabling him to make recommendations on future actions, and to make the report of the commission of inquiry available to the Security Council, the General Assembly and the Commission on Human Rights at its fifty-sixth session;

7. Decides:

(a) To request the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Representative of the Secretary-General on internally displaced persons, the Special Rapporteur on the question of torture, the Special Rapporteur on violence against women and the Working Group on Enforced or Involuntary Disappearances to carry out missions to East Timor and report on their findings to the Commission on Human Rights at its fifty-sixth session and, on an interim basis, to the General Assembly at its fifty-fourth session;

(b) To request the High Commissioner for Human Rights to facilitate the activities of the mechanism of the Commission on Human Rights;

(c) To request the High Commissioner for Human Rights to prepare a comprehensive programme of technical cooperation in the field of human rights,

in cooperation with other United Nations activities, focusing especially on capacity-building and reconciliation with a view to a durable solution to the problems in East Timor;

(d) To request the High Commissioner for Human Rights to keep the Commission on Human Rights informed of developments.

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