

# INDONESIA

## An Audit of Human Rights Reform

In May 1998, BJ Habibie assumed the Indonesian presidency promising reform. In the months which followed a series of initiatives were taken which indicated that the new government was indeed willing to address Indonesia's poor human rights record. Restrictions on political parties, independent trade unions, and the media have been relaxed. A number of prisoners of conscience and political prisoners have either been released, had the charges against them dropped or parole restrictions lifted. A bill on human rights and another giving greater powers to Indonesia's National Commission on Human Rights are expected to be passed shortly. The government has also shown a greater willingness to cooperate with the United Nations (UN) on human rights, including by permitting two UN human rights thematic mechanisms to visit Indonesia and East Timor.

While the measures which have been taken are welcome, there are still questions about the Habibie Government's commitment to human rights reform. The government has not fulfilled several of its own commitments or begun to address many of the legal and institutional changes needed to protect human rights. As a result the pattern of human rights violations - the arrest of individuals engaging in legitimate peaceful activities, torture, ill-treatment, "disappearances" and unlawful killings - remains largely unchanged.

Over 30 Indonesian prisoners of conscience continue to serve prison terms for their peaceful political activities. The government has not reviewed the convictions against political prisoners imprisoned following unfair trials. Legislation allowing for the imprisonment of individuals for the peaceful exercise of their beliefs remains on the statute books. A much publicised government commitment to repeal the Anti-subversion Law has not yet been fulfilled and there are fears that the government intends to incorporate some of its key provisions into the Criminal Code (KUHP) or a new national security law effectively rendering its repeal, when it eventually happens, meaningless.

Some recent human rights violations by the military have been investigated and the alleged perpetrators brought to trial, but there has been no concerted effort towards ending impunity. The government has not yet established the mechanisms needed to ensure that there are systematic, full and impartial investigations into all allegations of human rights and that perpetrators of human rights violations are brought to justice in civilian courts. While cooperating with the UN and other governments on training for the judiciary, the government is moving slowly in tackling the structural and legislative changes needed to create an independent and impartial judiciary.

This document provides an audit of the human rights reforms which have been implemented so far and lists those measures which Amnesty International believes should be taken in order to bring about effective and durable human rights protection in Indonesia.

## **1. Prisoners of conscience and political prisoners**

### *What has been done*

- C Since May 1998, at least 179 Indonesian and East Timorese political prisoners and prisoners of conscience, have been released from prison, had the charges against them dropped or parole restrictions lifted in a program ordered by President Habibie. Although criteria for those selected for release were never published, it was clear that three categories of prisoners were excluded. They are those who were convicted for undermining the state ideology *Pancasila* or the Indonesian Constitution, those who have been accused of committing criminal acts and those convicted for “Marxist” activities.

The government’s figures on those who benefited from the program are also misleading as they include at least 47 prisoners who had been released previously on parole but who remained subject to parole conditions - such as employment restrictions. Twenty-one others were either already eligible for parole having served two thirds of their prison sentence, or were within months of reaching their eligibility date.<sup>1</sup>

### *What needs to be done*

- C *The Indonesian Government should immediately and unconditionally release all those Indonesian and East Timorese prisoners of conscience who remain in prison.*
- C *Restrictions on former prisoners of conscience should be removed.* Some former prisoners of conscience, released following completion of two thirds of their sentence, remain subject to parole restrictions.
- C *The Indonesian Government should review the convictions against all political prisoners in Indonesia and East Timor.* While some prisoners accused of violent

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<sup>1</sup>In March 1999 the government announced that it was considering granting an amnesty to Budiman Sudjatmiko, the leader of the People’s Democratic Party (*Partai Rakyat Demokratik*) and the other student activists from the PRD and its affiliated organizations. It is not clear whether this includes all eight student activists imprisoned in connection with PRD activities and whether they will be offered unconditional release.

opposition to the government have received pardons as part of the prisoner release program, the government has so far ignored calls to review the convictions against at least 138 political prisoners who remain in custody and who Amnesty International believes were convicted after unfair trials.

## 2. Legislative Reform

### *What has been done*

- The Indonesian Government published a five year National Action Plan on Human Rights (NAP) on 25 June 1998. The NAP has four main elements: preparation for ratification of international human rights instruments; implementation of ratified human rights instruments; formulation of priority actions to promote and protect human rights; education/dissemination of information on human rights.
- The government has made a commitment to repeal the Anti-subversion Law, although this has yet to be fulfilled. A law repealing the Anti-subversion Law is currently before the parliament. Members of the government have indicated that some articles of the Anti-subversion Law - notably those which have been extensively used to imprison peaceful political activists - will be retained either through incorporation into the Criminal Code (KUHP) or in the form of a new law on national security. The government argues that incorporating certain articles of the Anti-subversion Law into the KUHP is a positive move as it would mean that people arrested under those provisions would enjoy the rights guaranteed under the Indonesian Code of Criminal Procedures (KUHAP). Currently, the Anti-subversion Law contains its own legal procedures under which individuals are denied rights contained in KUHAP.
- © A draft bill on Human Rights and a separate one on the National Commission on Human Rights (*Komisi Nasional Hak Asasi Manusia, Komnas HAM*) are to be discussed in the national parliament in April. The draft bill on human rights is believed to outline Indonesia's obligations under international human rights law, and contain explicit prohibitions of torture, extrajudicial executions, and "disappearances". The draft bill on Komnas HAM provides greater power to the commission to investigate human rights complaints.
- © The government is currently reviewing the KUHP and is believed to be also reviewing the KUHAP in light of Indonesia's international human rights obligations. The outcome of both reviews remained unclear at the time of writing.

*What needs to be done*

- C *The Indonesian Government should fulfil its promise to repeal the Anti-subversion Law and ensure that none of the provisions contained within it which allow for the imprisonment of individuals for peaceful activities are retained in another form.*
- C *The government should repeal all articles of the Criminal Code which have been used to imprison individuals for their legitimate peaceful activities, including the so-called "hate-sowing" articles. Many articles of the KUHP have been used to imprison peaceful critics and all remain on the statute books. Under Article 154, "...the public expression of feelings of hostility, hatred or contempt toward the government..." is punishable by up to seven years' imprisonment. Article 155 prohibits the expression of such feelings or views through the public media, with a maximum penalty of four-and-a-half years' imprisonment. Article 160 prescribes a maximum of six years' imprisonment for "inciting" others to disobey a government order or to break the law. Article 134 punishes "insulting the President" with a maximum sentence of six years' imprisonment. Article 137 allows for the imprisonment of up to one year and four months for anyone who "disseminates, demonstrates openly or puts up a writing or portrait containing an insult against the President or Vice President".*
- C *Abolish the death penalty and commute the death sentences against at least 33 people awaiting sentence of death.*

### **3. Institutional Reform**

#### **Indonesian Armed Forces (ABRI)**

*What has been done*

- C In October 1998, General Wiranto, Head of the Armed Forces, announced that the police would be separated from the armed forces. According to the announcement the supervision of the police force is to be handed over to the Ministry of Defence and Security for six months, following which a decision will be made about which ministry will ultimately control the police force. It appears however that the separation has been delayed until after the national parliamentary election in June 1999.

- C A human rights training program, developed by the police in consultation with Komnas HAM, has begun. The extent of human rights training within the Armed Forces is not clear although some limited initiatives are known to have taken place.

*What needs to be done*

- C *The Government must take immediate steps to end unlawful killings and excessive use of force by the security forces. The government should issue immediate instructions that all members of ABRI must act in accordance with international human rights standards at all times, including in their response to demonstrations and disturbances.* Excessive use of force continues to be used by ABRI in the context of demonstrations, disturbances and military operations and detainees continue to be subjected to ill-treatment and torture in police and military custody. Since May 1998 at least 50 people have been unlawfully killed by ABRI during student demonstrations in Jakarta, in disturbances in Irian Jaya and in the context of military operations in Aceh and East Timor. There are also concerns about unlawful killings of criminals; ninety suspected criminals are reported to have been shot dead by the police during 1998 in Jakarta alone.
- *The government should revoke the February 1999 order from the Commander of the Armed Forces for security forces to shoot-on-site suspected criminals and rioters.* The order was issued in response to increasing civil disturbances throughout the country. Indonesia's National Police Chief has been reported as saying that members of the security forces who do not obey the order face dismissal. Amnesty International believes that the order contravenes international human rights standards on the use of lethal force which require that firearms be used only as a last resort in self defence, to protect others against imminent threat of death or serious injury, to prevent a serious life-threatening crime, or to apprehend a person presenting such a danger.<sup>2</sup>
  - *The Indonesian Government should fulfil its commitment to create a separate civilian police force as soon as possible. The government should ensure that there is a clear separation of roles between the Armed Forces and the civilian police force and that normal policing functions are conducted by the police and not the Armed Forces. The government should ensure that there is appropriate training, including in international human rights standards, for all police.*

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<sup>2</sup> Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, adopted by consensus by the Eighth UN Congress on the Prevention of Crime and Treatment of Offenders on 7 September 1990.

- *The Government must ensure that the deployment of civilian militias does not result in human rights violations.* The Indonesian Government has passed a bill allowing for the establishment of a new civilian security force to help police the June 1999 elections. In the absence of effective and transparent lines of command and accountability and an institutionalised process for the independent investigation of all allegations of human rights violations, it is feared that the presence of a new civilian security force could lead to an escalation of abuses.
- *The government must ensure that it prioritises comprehensive training of members of the security forces in international human rights standards.* The government should also ensure that there is meaningful participation of non-governmental organizations in such human rights training programs.

### **Systems of accountability**

#### *What has been done*

- Some recent unlawful killings and “disappearances” by ABRI have been investigated by the Military Police and some perpetrators brought to military trials since May 1998. Eleven members of ABRI alleged to have been responsible for the “disappearance” of nine activists in 1997 and 1998 are currently on trial. Another five members of ABRI have been tried and convicted for killing five detainees in Aceh.

#### *What needs to be done*

- *The Indonesian Government should ensure that systems of accountability are established so that full and impartial investigations are conducted into all allegations of human rights violations and that the perpetrators are brought to justice in civilian courts.* Human rights violations by members of ABRI are still not being systematically investigated or prosecuted. Mechanisms to ensure that all violations of human rights violations by ABRI are systematically, fully and impartially investigated and that the perpetrators are brought to justice in civilian courts, have not yet been developed.

In the few instances in which members of ABRI have been investigated and prosecuted for human rights violations, there has not been a full and impartial investigation by an independent body. Instead, prosecutions have been based on investigations by the Military Police, which is part of ABRI and which has limited powers of investigation. The investigations have not been complete and their findings have not been published. The trials are conducted by military courts

and with only a few exceptions it has been low ranking rather than commanding officers who have been prosecuted.

- *The government should immediately create an effective witness protection program.* Many victims of human rights violations, their families or witnesses will not make complaints against ABRI out of fear of reprisals if they do so. Threats and intimidation of witnesses, victims and family members continue. No action is taken to investigate such threats.
- *The government should develop a system for providing compensation to the victims of human rights violations and their families.*

### **The Judiciary**

*What has been done*

- The government has established an independent corruption committee.
- The government has begun discussions with the United Nations Office of the High Commissioner on Human Rights on human rights training for members of the judiciary in human rights.

*What needs to be done*

- *The Government must establish in law an independent judiciary by removing the judiciary from the control of the Justice Ministry.*
  - *The government must review the judiciary with a view to ensuring that it is in accordance with international standards on the independence of the judiciary and rights to a fair trial.*
  - *The government must ensure that there is comprehensive training of the judiciary in international human rights standards and that there is meaningful participation of non-governmental organizations in this training.*
- *The government should remove the requirement that judges have to be members of the Indonesian Civil Service Association (Korpri).* Korpri is an association of government employees which is under the control of the Home Affairs Ministry.

International standards on the independence of the judiciary require that judges should be free to form and join associations of judges or other organizations.<sup>3</sup>

### **National Commission on Human Rights (Komnas HAM)**

#### *What has been done*

- C In April 1999, the national parliament will begin debating a draft bill on Komnas HAM. In addition to establishing Komnas HAM in law - rather than its previous standing under a presidential decree - the draft bill provides greater powers for Komnas HAM to conduct investigations, to search detention facilities and subpoena documents and witnesses.

#### *What needs to be done*

- *The Indonesian Government should ensure that the Komnas HAM Bill accords fully with international standards regarding national human rights institutions.<sup>4</sup> The legislation concerning Komnas HAM should clarify its mandate and powers, ensure that Komnas HAM has sufficient authority to carry out human rights investigations, and clarify the process of resolving complaints handled by Komnas HAM. The government should ensure that Komnas HAM has sufficient resources and expertise to carry out its mandate effectively.*
- *The government should ensure that regional offices of Komnas HAM are established as soon as possible and given adequate resources.*
- *The government should review all previous statements and reports by Komnas HAM with a view to implementing those recommendations which would redress past human rights violations and strengthen human rights protection in Indonesia.*

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<sup>3</sup> Basic Principles on the Independence of the Judiciary and Procedures for the effective implementation of the Basic Principles on the Independence of the Judiciary.

<sup>4</sup> These principles, referred to as the "Paris Principles" are set out in "Principles Relating to the Status of National Institutions", United Nations General Assembly Resolution 48/134.



## 4. Human Rights Protection and Promotion

### Freedom of association and expression

#### *What has been done*

- C In January 1999 new legislation was passed allowing the formation of independent political parties. A number of restrictions remain in place including a requirement for political parties to adhere to the state ideology, *Pancasila*.<sup>5</sup> The Indonesian Communist Party (*Partai Komunis Indonesia*, PKI) remains illegal and former political prisoners alleged to have been members of the PKI can still not form political parties or run as candidates for parliamentary election - although their relatives may do so. Former PKI prisoners and their families are now able to vote. The new electoral laws also revoked a previous requirement that candidates undergo ideological screening by a National Screening Committee which included representatives from the government and from the military agency, the Coordinating Agency for the Maintenance of National Stability, *Bakorstanas*. This process screened candidates for their adherence to the state philosophy and for any links with banned political organisations.
- C The government has stated that independent trade unions can be established. The ban on the independent trade union the Indonesian Prosperous Workers' Union (*Serikat Buruh Sejahtera Indonesia*, SBSI) was lifted in May 1998. An agreement was made between the Ministry of Manpower and senior military officials that ABRI should refrain from intervening in labour disputes.
- C There has been some relaxation of the rules governing the formation of mass organizations, including religious groups and non-governmental organizations. In the past such groups were required by law to adopt *Pancasila* as the sole basis for the group. While adherence to *Pancasila* remains a requirement, organizations are now being asked not to be "inconsistent" with it rather than to base their groups ideology on it.
- C In June 1998 a Ministerial Decree relating to press licencing was revoked. The system of licencing was one of the most powerful tools for controlling press freedom. Before acquiring a Press Publication Business Licence (*Surat Izin Usaha Penerbitan Pers*, SIUPP) a publication had to fulfil 16 conditions. The Minister of Information had the

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<sup>5</sup> *Pancasila* embodies five principles; the belief in one God, humanitarianism, national unity, democracy and social justice.

power to refuse or permanently revoke the licence if the publication was considered to have been too critical of the government. Under a new Ministerial Decree, publishing licenses cannot be revoked but can be suspended for a limited time for administrative reasons, such as the publication failing to continuously publish during a defined period of time. This suspension can only be achieved through the courts. A draft law on the press is currently being discussed which, if adopted, will replace the SIUPP with a registration process. The relaxation of restrictions combined with a more open atmosphere in the country mean that the press is able to report relatively freely.

- In October 1998, a law on “Freedom of Expression” was passed. The law states that three days notice should be given to the police of demonstrations, rallies, large gatherings and public speeches. The law, widely criticised by human rights and political activists, requires that the police be informed of the purpose of the event and the names and addresses of the organisers. Amnesty International is concerned that the law has been abused in a way that has undermined fundamental rights such as peaceful assembly.

#### *What needs to be done*

- *The Government should ensure that any legislation relating to the holding of demonstrations does not restrict the peaceful exercise of freedom of expression and assembly.*
- *The Government should remove any remaining barriers to the participation as candidates in the elections of those imprisoned for their alleged links with the PKI.*
- *The Government should ensure that the requirement that non-government organizations and political parties are not “inconsistent” with or adhere to Pancasila does not conflict with commitments to freedom of expression and association.*
- *The Government should take steps to ensure that those engaged in activities in defence of workers’ rights are not subjected to intimidation, arbitrary detention, or excessive use of force by the security forces. Labour activists continue to be arrested for their peaceful involvement in strikes and worker demonstrations. The security forces have used excessive force in quelling labour protests.*

#### **Women**

*What has been done*

- C A National Commission on Violence Against Women was established by Presidential Decree in 1998. Members of the Commission include academics, lawyers and representatives of non-governmental organizations.
- The Indonesian Government established an independent inquiry, the Joint Fact Finding Team (*Tim Gabungan Pencari Fakta*, TGPF), to investigate allegations of rapes and physical attacks against ethnic-Chinese Indonesians during the May 1998 disturbances in Jakarta and other towns in Indonesia. The TGPF concluded that 66 women - mostly ethnic-Chinese - had been raped. The government has not yet implemented any of the inquiry's recommendations.
- C The Indonesian Government has begun discussions with the United Nations Office of the High Commissioner for Human Rights concerning the possibility of establishing a witness protection program for female victims of violence and witnesses to such crimes.
- C Under the five-year National Action Plan on Human Rights the government has committed itself to the provision of human rights education on women's rights for government officials, and to reviewing domestic legislation with a view to bringing it in line with the Convention on the Elimination of Discrimination Against Women (CEDAW).

*What needs to be done*

- *The government should ensure that all allegations of rape and sexual abuse of women by members of the security forces are fully and impartially investigated and that the perpetrators are brought to justice.* Many cases of rape by members of the security forces in East Timor, Aceh, Irian Jaya and other areas of Indonesia, have been brought to the attention of the Habibie Government. Little action has been taken to investigate these cases independently and no member of the security forces is known to have been brought to justice for involvement in rape or sexual abuse. While the government established the TGPF inquiry, it has not yet implemented any of the recommendations contained in the TGPF report.
- *The government should ensure that any witness protection program provides effective protection for female victims of violence and witnesses of violence against women.*
- *The government should ensure that its review of KUHP and the KUHAP brings both in line with Indonesia's commitments under CEDAW.*

- *The Government should take steps to implement the recommendations of CEDAW - in particular in relation to violence against women and women in situations of armed conflict. CEDAW has urged Indonesia to collect data on violence against women and has emphasised the need for ‘gender sensitization of authorities, including the judiciary, law enforcement officers, lawyers, social workers, health professionals or others who are directly involved in combatting violence against women’.*<sup>6</sup>

## **Discrimination**

### *What has been done*

- In September, President Habibie signed a presidential decree which prohibited the use of different terms to refer to ethnic-Chinese Indonesians by government officials although there has been criticism of the government’s failure to disseminate this decree throughout the bureaucracy. The decree reportedly committed the government to review a range of legislation, policies and programs to ensure that ethnic-Chinese Indonesians are no longer subjected to discrimination. It is not clear whether this review is underway and if so, how far it has progressed.
- The government is believed to be considering adopting legislation to combat discrimination but it is unclear how far this process has gone.
- The Government has made a commitment to ratify the Convention to Eliminate all forms of Racial Discrimination (CERD) in the National Plan of Action on Human Rights. Legislation on ratifying the CERD is currently before parliament.

### *What needs to be done*

- *The government should develop a clear policy for the protection of vulnerable groups including the ethnic-Chinese against threats and attacks on their physical and mental security. The government should ensure that adequate protection is provided to ethnic-Chinese Indonesians against attacks and threats from the community during civil disturbances.*

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<sup>6</sup> Concluding observations of the Committee on the Elimination of Discrimination Against Women: Indonesia, 14 May 1998.

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- C *The government should ensure that it enacts legislation to protect religious and ethnic minorities as soon as possible and that such legislation is in accordance with international human rights standards on discrimination.*
- *The government should review all legislation, government, ministerial and presidential regulations to ensure that they do not discriminate against ethnic-Chinese Indonesians and create conditions whereby they are especially vulnerable to human rights abuses.* Amnesty International is concerned that regulations and decrees which discriminate against ethnic-Chinese - in contravention of CERD - fuel racism against ethnic-Chinese Indonesians and place them in a position where they are vulnerable to mob violence.

Ethnic-Chinese Indonesians were subjected to mob violence on several occasions in 1998 most notably during the May riots which were characterised by, in many instances, the unwillingness or inability of law enforcement officials to protect them. In some cases the direct involvement of the authorities fuelled attacks against the ethnic-Chinese. The nature of such incidents indicates gross negligence on the part of the security forces and suggests tolerance for the acts themselves. Amnesty International believes that the Indonesian authorities can be held responsible for the conditions which create a climate in which crimes of this nature are committed against ethnic-Chinese men and women. These conditions include government regulations, presidential and ministerial decrees which prohibit the publication and printing of Chinese language characters, the practice of Chinese religious beliefs or traditions, and which require different procedures for ethnic-Chinese Indonesians to obtain national identity cards or citizenship documentation.

### **Ratification of international human rights standards and cooperation with the United Nations**

#### *What has been done*

- C Indonesia's National Action Plan commits the government to the ratification of eight international human rights instruments. These are: the International Covenant on Economic, Social and Cultural Rights (ICESCR); the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), [Ratified in October 1998]; the International Convention on the Elimination of all forms of Racial Discrimination (CERD); the Convention on the Prevention and Punishment of the Crime of Genocide; Slavery Convention of 1926; the International Convention on the protection of the Rights of All Migrant Workers and Members of their Families; the Convention

on the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, and the International Covenant on Civil and Political Rights (ICCPR).

- The NAP commits the government to reviewing domestic legislation to ensure that it complies with the international human rights instruments to which Indonesia is already a party and to review domestic legislation in light of those instruments which will be ratified.
- In October 1998, Indonesia ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) which had been signed in 1985.
- C In July 1998, the government ratified International Labour Organization (ILO) Convention 87 relating to freedom of association and the right to organize. A letter of intent to ratify three other ILO conventions was signed in December 1998. The three conventions are 105 concerning forced labour, 138 abolishing child labour and 111 on discrimination.
- C In August 1998, the Indonesian Government signed a Memorandum of Understanding (MOU) with the Office of the UN High Commissioner for Human Rights, (HCHR) providing the basis for a technical cooperation program, including human rights education and the strengthening of national institutions. The MOU excludes monitoring of human rights. As agreed in the MOU, the HCHR has established a human rights post in Jakarta to oversee the technical cooperation program. The officer will have access to East Timor but will not engage in human rights monitoring in either Indonesia or East Timor.
- C Requests to visit Indonesia and East Timor by two United Nations thematic mechanisms have been accepted by the government. In November 1998 the Special Rapporteur on Violence Against Women visited Jakarta and East Timor. The Special Rapporteur was not given permission to visit Irian Jaya or Aceh. In February 1999, the UN Working Group on Arbitrary Detention (WGAD) visited Jakarta and East Timor. Permission for access to Aceh and Irian Jaya was also refused.

*What needs to be done*

- *The government should implement outstanding recommendations contained in resolutions and Chairs' Statements of the UN Commission on Human Rights and recommendations of the UN High Commissioner for Human Rights following his*

*visit in 1995.<sup>7</sup> The government should implement recommendations contained in reports of the UN Special Rapporteur on torture and the UN Special Rapporteur on extrajudicial, arbitrary or summary executions following visits in 1991 and 1994 respectively.<sup>8</sup>*

- *The government should invite the Special Rapporteur on torture and the Special Rapporteur on extrajudicial, summary or arbitrary executions to conduct follow up visits to Indonesia and East Timor. The government should also invite the Special Rapporteur on the Independence of Judges and Lawyers who has requested a visit to Indonesia.*
- *The government should ensure that any UN human rights experts and mechanisms are given full access to all areas of Indonesia and East Timor.*
- *The government should allow human rights monitoring by domestic and international non-governmental organizations to all areas of Indonesia and East Timor.*
- *The government should ensure that domestic legislation is brought into line with international human rights standards.*

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<sup>7</sup> Resolutions concerning the situation in East Timor were adopted by the United Nations Human Rights Commission (CHR) in 1993 and 1997. Chair's statements were made by the CHR in 1994, 1995, 1996 and 1998.

<sup>8</sup>Report of the Special Rapporteur, Mr Bacre Waly Ndiaye, on his mission to Indonesia and East Timor from 3 to 13 July 1994, E/CN.4/1995/61/Add.1, 1 November 1994. Report of the Special Rapporteur, Mr P Kooijmans, pursuant to Commission on Human Rights resolution 1991/38, E/CN.4/1992/17/Add.1, 8 January 1992.