



# Behind Australian Doors: Examining the Conditions of Detention of Asylum Seekers in Indonesia.



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**EMBARGO: 12.01AM TUESDAY 3 NOVEMBER 2009**

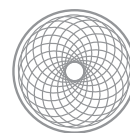
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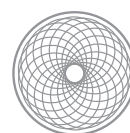
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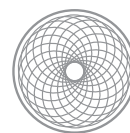
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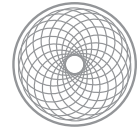
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# Executive Summary

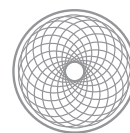
Recent information obtained from the International Organisation for Migration (IOM) indicates that there are around 2000 asylum seekers and refugees currently being held in prisons, detention centres and compounds across Indonesia. This figure includes a large number of children, babies and unaccompanied minors. They are mostly Iraqi, and Afghan Hazaras. Many of these people have a plausible connection with Australia. Many have family members who are Australian permanent residents or citizens. Others were held in the Nauru camp under the Pacific Solution, and forcibly returned to Iraq or Afghanistan under the previous government. Others made it all the way to Australia, were granted Temporary Protection Visas and (unaware of limitations on that visa) travelled overseas to see their families, only to be disallowed return to Australia.

Living conditions for the asylum seekers range from acceptable to appalling. They are administered either by Indonesian immigration authorities and police, or by IOM. Living conditions are (generally) unsanitary, unsafe, isolated and utterly inappropriate for children. Detainees are often denied schooling, appropriate food, medical care and clean water. Detainees suffer malnutrition, depression, anxiety, skin diseases, vomiting and diarrhea, and have been subject to violent beatings by Indonesian authorities. Beatings usually occur after escapes from detention facilities, as a 'punishment' of remaining detainees for the escape of others. Australia has provided many millions of dollars of funding over the past few years, through programs facilitated by IOM, among others. Australian taxpayers should not be funding programs which breach our international obligations to refugees, nor building or renovating centres where human rights violations will occur outside of Australian control.

Detainees are to be processed by UNHCR, which is hugely under-resourced and overworked. Consequently, processing often takes many months. It is not uncommon for people to wait 24 to 36 months between their initial registration and their refugee status determination. Delays depend on a number of factors, including geographical location of the applicant (ie, in Jakarta, applicants have fairly easy access to UNHCR, but in the remote centres, access is more difficult, and delays are often prolonged). A huge number of asylum seekers have returned to their countries of origin due to a perceived lack of hope in their situations, and because of the famous case of one man who has been in Indonesia, whose case has been complicated for around 9 years due to issues with his identity and nationality.

People routinely wait for many months to be registered and interviewed by UNHCR. It may take another 12-18 months after interview to receive a determination. Positive findings of refugee status are meaningless in the current context, as there is no prospect of third country resettlement. Refusals are often given without reasons, either written or oral, despite UNHCR guidelines to the contrary.

It is our view that in funding the processing and housing of asylum seekers in such a manner, Australia is behaving very poorly and should immediately work towards a more humane, efficient and sustainable processing and resettlement solution.



# Project

## What We Hope To Achieve

There is growing concern about the volume of asylum seekers flowing into Indonesia from Afghanistan, Iraq, Sri Lanka and Burma (in particular). Until recently, there had been an almost total media blackout on the subject, but information has seeped through, confirming that Australia is involved in the practice of warehousing asylum seekers (including children and babies) in Indonesia, and that taxpayers' money is being used to facilitate this practice.

In July 2009, we decided to go to Indonesia and explore the situation. We made contact with a number of people in detention (and their Australian resident families), and due to the networks in place, a picture emerged of many hundreds - possibly thousands - of people in situations of crisis across that country. It quickly became clear that I would be overwhelmed with requests for visits and advice from asylum seekers in prisons, hostels and detention compounds all across Indonesia. I sourced names from the worried families of asylum seekers (many of whom are resident in the Greater Dandenong area of Melbourne), and from Pamela Curr at Asylum Seeker Resource Centre.

Most recent figures gleaned from IOM staff in Jakarta indicate that there are at least 2000 asylum seekers in Indonesia, 900 of whom are Afghans. More than 400 have been deported in recent months, and another 400 are on waiting lists to be deported. UNHCR figures indicate that there are 2,107 people registered with UNHCR (as at 26 October 2009).

In the meantime, their living conditions are appalling, and I receive many, many phone calls each day from people seeking urgent assistance from Indonesia, and from their friends and family members in Australia.

We are also currently seeking funding to turn the footage we obtained into a full length documentary entitled 'Behind Australian Doors'. Parts of footage obtained have been broadcast on ABC and Channel Ten news and current affairs programs, including Lateline.

The larger objective of this project is to procure for the asylum seekers a swift, humane durable resettlement solution to the predicament in which they now find themselves. For many of the asylum seekers, it is appropriate that the remedy be implemented immediately and with *no* further delay.

## Resettlement Facts

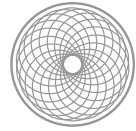
DIAC figures indicate the following resettlement numbers from Indonesia over recent years:

2008-2009: 35 people

2007-2008: 89 people

2006-2007: 32 people

These figures are extremely low, and provide insight into why many asylum seekers are attempting the boat journey.



## Who We Are

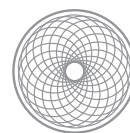
This trip to Indonesia ran from 6-29 July 2009. Three of us travelled the length of Indonesia, visiting 11 places of detention, and people who were not detained. We met and spoke to around 250 people, including around 120 children and unaccompanied minors.

I, Jessie Taylor, am a recently admitted Victorian lawyer with around 7 years' experience visiting and supporting asylum seekers in immigration detention in Australia. I have particular interest in the responsibilities of nations towards Afghan Hazara asylum seekers, and in the role of Australia in dealing with the international refugee burden.

I was travelling with David Schmidt, a documentary film maker and talented cinematographer. In 2007, David and I made a film called *'We Will Be Remembered For This: A Film about Australia'*, documenting a visit by a group of young Australians to the Baxter Detention Centre. I knew that there would be no better person than David to document the people we met and record the conversations we had.

For the first ten days of the trip, David and I were accompanied by a young Afghan Hazara man, Ali, who recently received his Australian Citizenship. During his long, drawn-out trip to Australia, Ali had spent 12 months in Indonesia, in various forms of detention and police custody. Ali's role was to guide us through the experience of living as an asylum seeker in Indonesia, to perform the function of interpreter, and to build trust and rapport with vulnerable asylum seekers, based on his ethnic and linguistic links with them.





## The Solution

Our primary finding is that in order to stop boats from coming, the Australian government need only to:

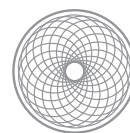
1. Install a controlled, robust and fair assessment and resettlement process direct from Indonesia to Australia (most logically through bolstering the capacity of the UNHCR); and
2. Slightly increase its resettlement intake, allowing swift durable solutions for individuals determined to be refugees under the Refugee Convention.

This simple, viable two-step solution would eradicate the demand for people smugglers to carry asylum seekers into Australia. It would enable Australia to uphold its international legal obligations, and assume a credible leadership role in the expansion of human rights protections in the Asia-Pacific region.

It could be rolled out in stages, including an immediate interim stage, a stop-gap stage, and a longer term diplomatic strategy, dealing with the realities of global people movement.







# Initial Recommendations

## IMMEDIATE ACTION REQUIRED

We respectfully recommend:

### **1. Refugee Status Determination (RSD) Completed - Successful**

Those who have been found by the UNHCR to be refugees should be immediately resettled in Australia on permanent protection visas, with the standard social services entitlements that accompany that status. Australia should increase the annual number of refugees that it will resettle from within this category, all of whom applied to the UNHCR, waited through the determination process, and were found to be refugees entitled to protection under the 1951 Refugee Convention.

### **2. Refugee Status Determination (RSD) Completed - Unsuccessful**

Cases in which individuals were not determined to be refugees, where reasons are not supplied or are insufficient, should be reviewed with regard not only to the Refugee Status Determination procedure, but with full regard to the principle of non-refoulement and a willingness to provide complementary protection in borderline cases. This includes, for example, protection for individuals who would likely be tortured if returned to their country of origin, but whose claims may not fit within the limited legal categories under the Refugees Convention. The process of determining whether individuals should receive protection should take into account trauma already suffered in Indonesia, fears of return to country of origin, family situation and ties to Australia.

### **3. Former Nauru / Christmas Island detainees - RSD not completed**

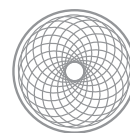
These cases should be processed without delay and, where a positive refugee status determination is made, resettled in Australia immediately. See Recommendation 1.

### **4. Families with Children - RSD not completed**

These cases should be processed without delay and, where a positive refugee status determination is made, resettled in Australia immediately. See Recommendation 1. Children should be released with their families from detention immediately and housed in humane alternative accommodation.

### **5. Unaccompanied Minors - RSD not completed**

These cases should be prioritised and processed without delay. Where a positive refugee status determination is made, they should be resettled in Australia immediately. Children should be released from detention immediately and housed in humane alternative accommodation.



## **6. Those with family or sponsors in Australia - RSD not completed**

These cases should be processed expeditiously and, where a positive refugee status determination is made, resettled in Australia immediately. Our experience is that the vast majority of asylum seekers in Indonesia have relatives or friends who are willing to assist them to settle in Australia and help them to integrate as productive members of the Australian community. This goodwill should be harnessed.

**URGENT ACTION REQUIRED**

## **7. Alterations to RSD Process (UNHCR)**

Australia should increase the capacity of UNHCR Jakarta to ensure that asylum seekers are registered, interviewed and processed in an effective and timely manner. A reasonable time period would be 12 weeks from first registration to status determination. For those living in highly stressful situations (e.g. jails) and those with children, a faster process is required. Improvements to process must include greater access to qualified interpreters of the same ethnicity of the applicant (or at worst, an ethnicity not traditionally hostile to that of the applicant).

## **8. Alternatives to Detention**

Australia should assist Indonesia to develop humane alternatives to detention that respect asylum seekers' human rights and human dignity and comply with Indonesia's international obligations under the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. Australia should assist Indonesian civil society to access asylum seekers and to provide legal advice in relation to the RSD process. Where detention is maintained, conditions should comply with basic international human rights standards. Detention should be for a finite period of time, that is as short as possible.

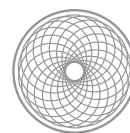
## **9. Alterations to Australia's relationship with IOM**

Australia should condition its funding of IOM on the rectification of the following issues:

IOM activities amounting to involuntary returns, including 'demotivating' language, constant encouragement to return home, informing asylum seekers that it will be many years before UNHCR completes the process of status determination, and recounting stories of how hostile and unaccommodating an environment Indonesia is;

IOM supply of sub-standard accommodation, unfit for human habitation, especially children;

IOM failure to provide basic medical care, even when it is advertised as being available.



# Findings

## A word about our findings

By virtue of their situations, many of the asylum seekers we met were in states of severe distress, depression and anxiety. Some experience mid-level chronic issues brought on by extended periods of instability and insecurity. Others appeared to suffer more acute disorders bordering on total incapacity.

These issues, compounded by obvious feelings of hopelessness and desperation (and the fact that we were often perceived as ‘the only hope’), may have lead asylum seekers to dramatise or catastrophise aspects of their testimony. We note also that many of our findings are based on anecdote. However, I cannot stress enough the extent to which stories, complaints and problems were consistent in every place of detention we visited. People who have absolutely no contact or connection with each other have told substantially similar stories of unreasonable delays in processing, issues with interpreters, insufficient medical care even in life-threatening situations, and the terrible conditions of their accommodation and maintenance. These complaints were universal.

## Places of Detention Visited

Throughout Indonesia, asylum seekers are held in many different forms of accommodation. Some are makeshift cells in the corner of an immigration office, others are high security prison facilities, families are in crowded compounds, and others are in converted warehouse space. Please note that figures relating to people detained at each place were as at July 2009.

### Jakarta (Kuningan)

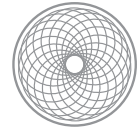
3rd Floor, Immigration Building, opposite Pasar Festival Shopping Centre, Kuningan, Jakarta

Adults	Minors	Accommodation style	Administered by
24	2	2 x prison cells attached to immigration office. 13 people in each cell. Each cell approx 4x3m.	Indonesian immigration authorities with regular visits by IOM.

#### PHYSICAL LAYOUT

The Kuningan facility is located in central Jakarta, on the 3rd floor of the immigration office building, opposite the Pasar Festival Shopping Centre. One wall of the central office features a whiteboard with scribbled blue names of detainees (many misspelled or incorrectly transliterated). There are four or five small offices adjoined to the central office. As far as we could deduce, these house the supervisor of the detention facility, as well as a senior immigration official who is seldom in the office. There was also a man who seemed to serve a security or supervisory function.

Surprisingly, given the large number of personnel present, we were not asked for our names or any form of ID. We were simply asked a number of questions about our purpose, and whether we were affiliated with any organisation. Interestingly,



officials suspected that we were AFP officers, choosing not to disclose our affiliation. The reasons for this assumption are a mystery to me.

#### POPULATION

This centre was populated mainly with Iraqis and Afghan Hazaras. There were also some Sri Lankan men, and a small number of African men. There were two minors present in detention at Kuningan; both of them Afghan Hazaras. Their initials are JA (15) and SMH (17). Both of them are significantly distressed, unwell and frightened. Given the harsh surrounds of the Kuningan prison, it is a matter of utmost urgency that these unaccompanied minors have their RSD fast-tracked, and they be resettled as soon as possible.

#### UNHCR STATUS

On the day we visited, a UNHCR representative was present, registering the Afghan Hazara detainees. The Iraqis had been registered two weeks previously. There was not an interpreter available for the registrations, so one of the more educated detainees was being used to interpret. This man, Dr MAA, is a medical doctor who completed his 8 years training in the Ukraine. I was informed by Dr MAA that UNHCR had not come to register them for many months, but after he confronted the immigration officer and strongly requested assistance, UNHCR came the following day.

*It is a matter of utmost urgency that these unaccompanied minors have their RSD fast-tracked, and that they be resettled as soon as possible.*

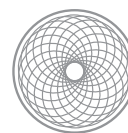
The UNHCR representative seemed frustrated, exhausted and overwhelmed. She told us with exasperation that there are “two or three thousand” asylum seekers in Indonesia, and that the UNHCR is massively under-resourced. A striking example of this was her comment that “we have three interpreters for Persian language. One of them isn’t even fluent in English, and the other two are Tajik”. We were informed later that there are around a dozen members of staff working in RSD at the UNHCR office in Jakarta. If this information is correct (that there are two thousand asylum seekers and twelve RSD officers), then it is clear that fair and timely processing of vulnerable asylum seekers is being massively retarded by under-resourcing of the UNHCR. This ought to be remedied as a matter of priority.

#### IOM ISSUES

Detainees at Kuningan report frequent visits by IOM, sometimes to deliver food and water (generally water is rationed at around 500mls per person per day). Detainees report that every time an IOM representative comes, they invite detainees to volunteer for repatriation. IOM representatives are constantly engaged in behaviour that Dr MAA describes as “demotivating”, saying things like “you’ll be in prison for years, this is not your country, this place will be very difficult for you, so why don’t you just let us help you go back to your home?”

#### OTHER CONCERNS

A number of detainees at Kuningan are suffering an aggressive skin disease. It is dark purple in colour, and has the appearance of an allergy or fungal infection, and causes great discomfort to those who suffer from it. It is apparently brought



on by lack of each person's ability to maintain an acceptable standard of personal hygiene, and the cramped and filthy conditions inside the cells.

As there are 13-15 adult males in each of the irregularly shaped 3x4m cells, sleeping is very difficult. Detainees inform us that they sleep in rows, on their sides, as there is not enough room to lie flat.

An older man, BA, is detained at Kuningan. He has a heart condition. My understanding is that he does not have access to necessary medications. On Monday evening 20 July, BA collapsed inside his cell at the Kuningan Centre, and was unconscious. I received a frantic call from Dr MAA, stating that the detainees were locked inside their cells with no access to outside, and no way to get BA to hospital. Dr MAA was doing his best to stabilise BA. As the incident occurred after office hours, there were no officers around to deal with the emergency situation. I gave Dr MAA a number of telephone numbers for emergency medical clinics. Some time later Dr MAA stated that BA had been moved to hospital and had stabilised. There exists clear potential for catastrophic loss of life in the event of a fire or other emergency, if detainees are locked inside their cells with no escape or exit.

*“We need someone to hear our voice and spread it around the world. We are like animals here. I don't understand these people” - Dr MAA, Kuningan*

*NB: the prisoners held in the Kuningan jail were moved to the jail at Makassar (South Sulawesi) on Tuesday 25 August 2009. While the facilities there are marginally better, I am very concerned that the distance from Jakarta will cause massive delays to the process of interviewing the asylum seekers. Some detainees were finally interviewed in the week of 26 October 2009.*

### **Jakarta (Kalideres Qarantina)**

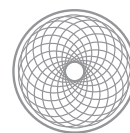
Rumah Detensi Imigrasi, Jl Peta Salatan 5D, Kalideres, Jakarta

<b>Adults</b>	<b>Minors</b>	<b>Accommodation style</b>	<b>Administered by</b>
65	?	high security prison	Indonesian immigration authorities

#### PHYSICAL LAYOUT

I travelled to Kalideres alone. It was very difficult to gain access to this prison, as its high security practices are prohibitive. This is the only centre where I was asked for ID, and my drivers licence was taken for the duration of the visit. The centre is located in West Jakarta, not far from the airport, down a difficult one-way street that appears always to be clogged with traffic.

The facility appears new, and I understand that it was built or significantly renovated with Australian money. It has shiny steel electronic gates out the front, reminiscent of the front of the Baxter and Maribyrnong centres. There is a watch house at the front, and a courtyard / carpark leading to the front of the building. The building is blue in colour, two stories high. The windows are barred. As I approached the building, there was a hand-painted sign hanging from a second-storey window



that read “We are on hunger strike, we are refugee, we are not criminal... we are detained without of guilty, we are continue until free or die”.

I only saw the entrance hall of the downstairs of the prison. All i could see was a staircase leading to the second floor, and two or three large prison cells taking up most of the ground level.

As in other centres, food is delivered in paper bags which prisoners tear open and eat on the floor.

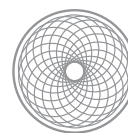
Photographs provided by detainees show extremely cramped conditions inside the jail. Prisoners sleep on the dirty tiled floor, using flattened cardboard boxes as a makeshift mattress (see photograph, below right).



*Conditions at Kalideres Qarantina. Supplied by detainees*

## POPULATION

Our contact inside the Kalideres Qarantina is a man, KM, whose brother is an Australian permanent resident living in Dandenong (KM is pictured below left, on the far left of the photograph). I was not allowed to enter the prison, so I waited outside for KM. When he came to meet me he commented that he was glad I was not allowed inside, as it meant he could come outside for the first time since his incarceration a number of months earlier. He just sat for a few moments, enjoying the sun on his face, before telling me about his experiences in the jail.



## UNHCR STATUS

A number of the men at this prison had been granted refugee status by UNHCR more than three months before we visited them (ie, around April 2009). The rest had been registered on the papers, that is, a UNHCR representative had sent them registration forms, but no assistance (interpreters, advisors, advocates) had been provided to assist with registration. At the time of writing, they are still waiting for UNHCR interviews. A small number of them have been moved to the jail at Medan, North Sumatra.

*“We are on hunger strike, we are refugee, we are not criminal... we are detained without of guilty, we are continue until free or die”* Sign on a window at Kalideres Qarantina, West Jakarta

## OTHER CONCERNS

It was at this prison that the brutal beatings of four men occurred, following the escapes of another group of men. Photographs of injuries sustained are supplied later in this report.

### **Cisarua / Cepanas / Puncak**

Raya Bandung, Cisarua / Cepanas / Puncak, West Java

Adults	Minors	Accommodation style	Administered by
around 50	around 20	Houses / lodges / hostels	IOM

## PHYSICAL LAYOUT

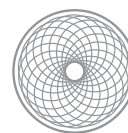
We saw only one hostel in this area, which was a two-level compound, divided in to small but acceptable living quarters, each housing a family or a group of single people. Set high in the mountains of central Java, the climate is much milder than in Jakarta and other cities, and the foliage is lush and green. However, complaints endure about the dearth of services available to detainees, and there are major issues surrounding delivery of medical services.

## POPULATION

The population here is Iraqi and Afghani. This is the home of MDK, who has been waiting nine years for his refugee status determination, due to complications around establishing his identity and nationality.

An Iraqi man, AH, was living in Australia working for a number of years on a Temporary Protection Visa (TPV). He was told that he could not travel to see his family on a TPV, but that when he got his next visa (presumably a permanent visa), he'd be able to travel. Unfortunately, AH was granted a subsequent TPV, but was not warned that he could not travel on this visa. So off he went to see his family. It was not until he was in the transit lounge at the airport to return to Australia that he became aware of the problem. So he has been in limbo since 2005, with a job still waiting for him in Australia, but without a visa to enter the country. He came to Indonesia in 2005, and his family followed him after a period of time. For three years,





AH did not receive any assistance at all from IOM or any other agency. His entire family has now been recognised by UNHCR as requiring protection. AH has a large tumour-like growth on his right elbow. He has repeatedly requested attention from IOM, but they have not seen him. He is very concerned about this growth.

#### UNHCR STATUS

Most of the people waiting here had been accepted as refugees many months prior to our visit.

#### IOM ISSUES

There are various reports of IOM neglecting their duties to detainees in this area, including failing to provide food, clothing and medical care when it is required.

*He has been in limbo since 2005, with a car and a job still waiting for him in Australia, but without a visa to enter the country.*

### Lombok (Mataram - Single Men)

Jl Koprasi, Ampenan, Lombok

Adults	Minors	Accommodation style	Administered by
6 - 10	-	Converted grain storage warehouse	IOM

#### PHYSICAL LAYOUT

This converted grain storage warehouse is now adorned with makeshift trappings of accommodation suitable for human occupation, but its veneer does not conceal its original purpose. The kitchen (described below under the heading "IOM - Housing: Suitability & Hygiene") is open to the elements and covered in fungus and mold. The shower is a hose over a filthy toilet. The water supply is polluted and contaminated. There are problems with rodents and snakes in the kitchen and living areas.

#### POPULATION

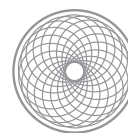
This centre is just across the road from the family compound, and it houses the single men separately from the families. There are usually around 10 people housed here.

#### UNHCR STATUS

Almost all of the men housed were found to be refugees by UNHCR in mid-late 2008, and are awaiting resettlement. The vast majority of them have family members who are Australian citizens or permanent residents.

#### IOM ISSUES

The filth in this accommodation is difficult to describe, and constitute by far the worst conditions I have seen human beings living in. This 'house' alone should cause enormous grief to the top echelons of IOM management, as their operations and



blatant disregard for the needs of the asylum seekers daily cause skin diseases, hair loss, diarrhea, vomiting, food poisoning, and other illnesses. Infestations of rodents and snakes are a part of life. That there are negative mental health consequences goes without saying.

It is particularly the usage of this accommodation that gives rise to detainees' accusations that IOM is involved in the "Chinese Mafia" in Lombok. This accusation seems dramatic, however the head of IOM in Lombok, Mr Jung, is a man of Chinese Malay origin. He has a close relationship with the landlady of this facility (and the family compound, over the road), who is also Chinese Malay. I am not aware of the amount of money changing hands between the parties, however I am sure that the accommodation used to house asylum seekers in Lombok is dangerously filthy and inadequate, and that in the ordinary course of dealings between an NGO and private landlords, such filth would not be tolerated, let alone paid for.



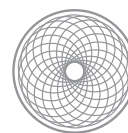
### Lombok (Mataram - Families)

Hotel Wisata, Jl Koprasi 19, Ampenan, Lombok

Adults	Minors	Accommodation style	Administered by
40 (approx)	60 (approx)	makeshift compound	IOM

#### PHYSICAL LAYOUT

This accommodation is pitifully inadequate for families. The compound building runs in a long, narrow U-shape along an outdoor corridor. On the inside of the U are the makeshift outdoor spaces constructed by families at their own expense, upon receipt of a permit from IOM. Most families have one small room (approx 3x3metres), with a small, dank, mildewy



bathroom attached. Facilities are unsafe and unsanitary. Most of the families sleep at least 2 adults and 3 children in this space. In instances where a family physically cannot fit in the room, the children are housed in separately to their parents.

We had a close look at a room belonging to young Iraqi children. The toilet was filthy and dangerously dark. There was an enormous canister of insect spray sitting on the window sill. The spray appeared to be the super-strength stuff that is designed for getting rid of spiders and cockroaches.

An Iraqi woman, B, was very embarrassed to admit that there is a terrible infestation of rats in the family compound. She has a three year old son, and Indonesia is a country with a rabies problem. Having rats around children under such circumstances is obviously extremely unsafe.

Many of the families in Mataram have constructed an annex-style kitchen area. These are built mainly from chipboard walls, with wicker mats as a makeshift ceiling. Where chipboard or other solid material is unavailable, doors and walls are fashioned from pieces of cloth. We heard from an Iraqi woman that there have been a number of fires, where the heat from cooking equipment and gas stoves has ignited the wicker, and the fire had spread quickly. The wicker roof also decays quickly, and leaks terribly during rainy weather.

#### POPULATION

Families, all with young children and babies.

#### UNHCR STATUS

Almost all of these detainees have been accepted as refugees by UNHCR, many of them in mid-2008. Needless to say they are anxious as to when they might be resettled elsewhere in a country where their children can get on with life.

#### IOM ISSUES

IOM appears to neglect the safety of detainees in this compound. There are risks due to fire, rodents, insects, contaminated water supply, and the compound fronts onto a busy road. IOM does not run any activities or school for the children during the day. IOM staff will sometimes come and open a locked room, which one of the Iraqi women uses as a classroom to teach the children English. When there is some confrontation or dispute between detainees and IOM staff, the first punishment is that the classroom is not unlocked. This happened on the day we visited the family compound at Mataram. Clearly, depriving children of their only chance to study is not an appropriate tactic for resolving points of contention between IOM and adult detainees.

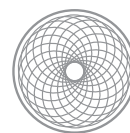
### Lombok (Raya Lembar)

Hotel Mashuri, Jl Raya Lembar, Lombok

Adults	Minors	accommodation style	administered by
12	3	Rooms in a hostel under 24 hour armed guard.	IOM

#### PHYSICAL LAYOUT

This hostel / hotel is in a remote part of Lombok, around 20kms from Mataram, towards Lembar. When we arrived, there was an armed guard standing watch over the hotel, ensuring that none of the detainees left, and that nobody entered unnoticed.



## POPULATION

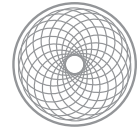
Afghan Hazara men, including three unaccompanied boys aged 14, 15 and 16.

## UNHCR STATUS

Most of these men had been registered with UNHCR, but not yet interviewed. Many of them had appointments for mid July to be interviewed by UNHCR in Jakarta, but due to the fact that they had been detained, they were unable to attend the interviews. They called the UNHCR, and they were told that UNHCR would come and see them. It is not difficult to imagine the delays that would occur given that they are now a thousand kilometres from the nearest UNHCR office. A boy of 16 told us that “first UNHCR told us they will come next week, then two weeks, then next month, then the month after that. I think they just will never come”.



*“I do not want my children with pistol to play, or with A-K to play. I want they play with computer, to start a good life - a serious life, for human.” - Hossain, Mataram Lombok*



## IOM ISSUES

When we arrived at this hotel, we found the detainees deep in conversation with Mr Jung, the (in)famous head of IOM in Lombok. This man is of Chinese Malay origin, and prior to meeting him we had heard very mixed reports about his interactions with detainees. Some despise him, and accuse him of being a member of the “Chinese Mafia”, as discussed above. Others speak about him with respect, and point to his visits and his conversations with them as evidence of his genuine concern for their wellbeing. However, I was deeply concerned after the conversation that I witnessed. Ali and I came and sat among the detainees and Mr Jung as they were discussing repatriation options, in English, with one of the detainees struggling to interpret Mr Jung’s thickly accented English. Mr Jung was telling the detainees that it will probably be a very long time before they are processed by UNHCR, and that they might be more comfortable if they go back to Afghanistan, as life in Indonesia is difficult, and perhaps it’s not worth their while to wait for UNHCR to go through the motions of processing their claims. I was very concerned at the caring, avuncular tone he was using in order to persuade these men to return to a potentially life-threatening situation in Afghanistan.

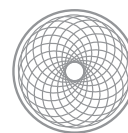
I also witnessed Mr Jung telling the detainees that if they attempted to enter Australia by boat, Australian Naval and Customs personnel would tow the boat out to sea and set fire to it while it was still in the water. I took issue with this and asked him to explain what he meant. When challenged by me, he changed his story and said that Australian personnel would allow the asylum seekers to disembark the boat and would *then* set fire to it. This is certainly not what he said (or appeared to mean) in the first instance. He appeared to be trying to scare the asylum seekers into believing that a) the UNHCR would never process them, and b) that there was no other way to get to Australia, leaving them no other option but return to their country of origin.

Apparently, it worked. That evening, many of the detainees made the decision to go back to Afghanistan. They had been kept inside their hostel 24 hours a day, the food and water massively inadequate, and the heat in the accommodation was oppressive. The lack of sufficient water was seriously worrying. Also, the power in the hostel frequently blacked out for long periods of time, which is obviously a serious safety issue.

Medical treatment was utterly lacking. There was a man who had broken his ankle very badly a number of weeks previously. The ankle was inflamed and infected around the primitive stitches, and he depended on another detainee to dress the weeping, pus-covered wound once or twice a day. Fluid seeped through the bandage and was visible from the outside of the dressing. He had been supplied with weak painkillers by IOM, but no further attention had been paid to him and he was in significant pain.

Two weeks after we returned to Australia from Indonesia, I got a call from the 16 year old boy, AA. He and one other boy had escaped from the accommodation, and were on the run somewhere around Jakarta. They informed me that, given the absence of other viable options, they are waiting to find a boat to take them over the sea to Australia. When I expressed concern about this plan, he told me “don’t worry about us - we are strong”. This did not reassure me.

I learned in mid-August that the other twelve men had indeed returned to Afghanistan after giving up waiting for the UNHCR to interview them. If something should happen to any of those men, the fault must lie somewhere between UNHCR, IOM, and the Australian government in funding the IOM’s massively substandard operations in Indonesia.



*Twelve of the men have returned to Afghanistan after giving up waiting for the UNHCR to interview them.*

### **Makassar (Ujunpandang) - Single men**

Hotel Wisma Benhil, Makassar (Ujungpandang), South Sulawesi

<b>Adults</b>	<b>Minors</b>	<b>Accommodation style</b>	<b>Administered by</b>
10	-	single rooms, each with a primitive bathroom attached, on the top storey of the Wisma Benhil hotel on the outskirts of Makassar.	IOM

#### PHYSICAL LAYOUT

A strange art deco hotel, on the outskirts of Makassar. These men live on the top floor, in small single rooms with a toilet attached. The accommodation seems quite comfortable, but the detainees report that it feels like prison, as they do not have any money at all with which they can take a taxi to the city, or go anywhere else but the hotel.

#### POPULATION

Around 10 Hazara men, ranging from the early 20s to a 46 year old man who spent 2 years in detention on Nauru. He reports hearing of 24 men who were killed when they were sent back to Afghanistan from Nauru.

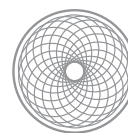
#### UNHCR STATUS

All of these men have been found to be refugees by UNHCR.

#### IOM ISSUES

Inadequate food, water, clothing, attention to the well-being of detainees. Examples given are no provision of telephone cards or mobile credit to maintain contact with families. A more immediate complaint came on behalf of a young man we met at Makassar. We met this softly spoken Hazara man in his mid 20s on a Wednesday morning. On the Monday afternoon, his young wife had died of cancer in Kabul, leaving behind their seven year old girl. He was sick with grief and with worry for his daughter, who was staying with her maternal grandparents, but could not remain with them. Another detainee was furious with IOM for their neglect of this grieving husband and father, and that they had not checked on him and his needs under these terrible circumstances.

*This man's young wife had died of cancer in Kabul, leaving behind their seven year old girl. He was sick with grief and with worry for his daughter.*



## Makassar (Ujungpandang) - Prison

We were not able to visit the jail at Makassar, but since mid August I have received almost daily messages, emails and telephone calls from prisoners there. I understand that the prison at Makassar is a terrible facility, with all the hallmarks of a maximum security jail, regardless of the fact that almost all of the prisoners have been accepted as refugees by UNHCR. In early September I received word that a number of detainees had been hospitalised due to reactions to the food, which they describe as inedible.

On 8 September, I received a call from Dr MAA, who was recently moved to Makassar prison from Kuningan. He informed me that on the evening of 7 September, three detainees escaped from the prison, which gave rise to a frightening chain of events. He described being shut into total lockdown by guards who were threatening detainees with knives, while shouting “this is not your country!”. Indonesian immigration officials are now refusing IOM staff access to the detainee population. When Dr MAA rang IOM in Australia, he was told that this was not their problem, and that he should speak to IOM in Indonesia. Needless to say, this advice was utterly useless.

Very concerningly, Dr MAA told me about one particular guard, a Sunni muslim, who criticised the detainees during the month of Ramadan. He reportedly told the Shia prisoners that their prayers are wrong, and that they are not proper muslims. Dr MAA reports that this guard said to him “why do you want to go to Australia anyway? I can teach you how to fight and to be mujahideen, and we can fight jihad against the west”. Dr MAA told me that this frightened and shocked him. He was unusually agitated during this phone call, whereas he is normally calm, measured and undramatic in his speech.

Given the presence of a number of children and unaccompanied minors (and people who have been determined by UNHCR to be refugees) it is imperative that attention be paid to living conditions in this jail, and to swift resettlement of prisoners.

## Pontianak

Rumah Detensi Imigrasi, Jl Adi Sucipto Km15, Arang Limbung, Pontianak, West Kalimantan

Adults	Minors	Accommodation style	Administered by
around 50 - 60	12 UAMs, 4 children under 9 years of age	Prison. Quite high security.	Indonesian immigration authorities, jointly with IOM.

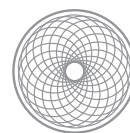
### PHYSICAL LAYOUT

It was quite difficult to gain access to this prison, as its high security practices are very prohibitive, and the guards were highly suspicious. Two women live with their four children in a dirty, unfurnished series of rooms with open walls. The children roam the compound, and have no play area.

The men are kept in jail cells under lock and key. A group of around 15 men (group 2) live in a small dark cell of around 4x5 metres. A very large group of around 40 men (group 1, including the husbands of the two women) is kept in a large cell, about 5 metres wide and 20 metres long, with an open sewerage ditch running the length of the back wall outside. The smell from the sewerage fills the cell. (See IOM: Housing - Suitability & Hygiene)

There is a decent sized playing field / grassed area past the end of the cell (perhaps 15x15m), but since a man escaped by jumping wall in the corner of that field, the prisoners are not allowed to use it and are kept inside their cells 24 hours / day.





## POPULATION

The population of this prison is made up almost exclusively of Afghan Hazaras. Two mothers and their four young children live in a separate compound, and at the time we were there, there was a group of Thai fishermen who were kept separately inside the prison compound, although not under lock and key.

## UNHCR STATUS

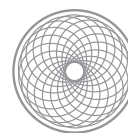
The majority of detainees here have been registered by not interviewed by UNHCR. They have been waiting many months for UNHCR representatives to visit them and take interviews. When we were there, a young father, YY, was on his fifth day of a hunger strike, attempting to draw attention to the long delay in interviewing detainees.



## IOM ISSUES

On the first of the two days we visited Pontianak jail, there was a young man strolling around, not in uniform, behaving in a very arrogant and unprofessional way (ie reclining with his feet up on a table or desk). When I asked him if he was an IOM employee, he said “maybe”. At the same moment, a prison guard replied “yes, he is”. That was the only way we knew he was from IOM. He seemed extremely cagey and unwilling to disclose his occupation. His conduct towards us and toward the detainees was very interesting. He interrogated us about our interest in the detainees, and he certainly considered the their complaints and concerns to be a major inconvenience to himself and IOM. We were told that he had come to Pontianak from Kupang, for a brief visit. It was not clear why.

*“We didn’t come here for a vacation. We came here just to save our life.” - Anon, through the cell bars at Pontianak jail*



## OTHER CONCERNS

A few days after our visit in mid July, a small number of detainees escaped from the Pontianak jail. Since that time, the others have been suffering terribly. Mobile telephones were immediately confiscated. Since that day, in mid-July, not one single person has been allowed outside of the cell, they have not had any exposure to the sun, and they have had no exercise. People have developed skin diseases and are extremely distressed by their confinement inside the cell, as punishment for the 'sins' of the escaped prisoners.

This must all be considered in light of the obvious fact that these particular prisoners are not accused of any offence.

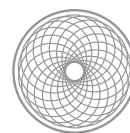
There are serious concerns to be raised about the safety of the four young children resident in this facility. Issues relating to potential sexual assaults against the children, and the lack of clothing and toys supplied to them, are address later in this report. This particular situation requires urgent attention in relation to the wellbeing of children and babies in the Pontianak jail.



### Medan (Families & Unaccompanied Minors)

Asrama P4TK, Jl Guru Sinomba, Raya Belakang / Ruma Sakit Sufina Aziz Jl Karya Helvatia, Medan

Adults	Minors	Accommodation style	Administered by
30 approx	40 approx	An L-shaped compound, featuring a row of two-room 'houses', with a small bathroom and makeshift kitchen attached to each.	IOM



#### PHYSICAL LAYOUT

This is perhaps the most externally attractive compound we saw during our trip. There is a wide grass area that serves as a playground for the many children, and the rooms are starkly but comfortably furnished. At one end of the compound is a large tandoor oven which was either built or purchased by detainees who were there previously. Every few days, the women in the compound get together to make the dough, and together they bake bread in the traditional way.

#### POPULATION

This compound is full of families. There are children running around at all times, in and out of each other's family housing and in the grassed area in the centre of the compound. The population is primarily Afghans (mostly Hazara, but with two Qazelbash families), with a number of Iraqi families, and two Iranian families whom we did not meet. There are very young children and babies here.



*“They tell us, ‘if you don’t like it, don’t take it. Just stay hungry inside your house’.”*

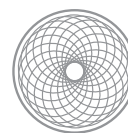
*- Z, 9yo, (above centre), on IOM’s response to complaints about Carrefour vouchers*

#### UNHCR STATUS

Most of these families are still waiting for UNHCR interviews, after many months.

#### IOM ISSUES

Instead of providing food rations to the families at Medan, IOM provides vouchers to the french department store / shopping centre Carrefour. These “cheques” (as the detainees refer to them) are worth INR100,000 (around AU\$14) and each family receives one per fortnight. There are a few problems with the vouchers. First, Carrefour is very expensive compared to local



markets and corner shops. Second, not all shops at Carrefour will accept the cheques. Often they do not honour the vouchers, to the dismay of the asylum seekers. Third, no change is given. So if the asylum seekers want to buy something for INR15,000, they will have to forfeit the whole INR100,000 voucher for that purchase. They asylum seekers are given absolutely no additional money to buy food or clothing. They are forced borrow and swap clothes with their neighbours. Nine year old Z, (pictured above, centre) informed us that when complaints are made to IOM about this system, the asylum seekers are told “if you don’t like it, don’t take it. Just stay hungry inside your house”.

## Medan (Singles)

Jl Bunga Cempaka PSP3 Padang Bulan, Medan Mess PAP

Adults	Minors	Accommodation style	Administered by
7 Hazara men, around 14 Burmese men.	-	Rooms in what appears to be an old boarding house / hotel in a remote part of Medan.	IOM

### PHYSICAL LAYOUT

There are three people to a room in this dilapidated compound. The asylum seekers were in small rooms with a grimy bathroom attached. On the doors of the rooms were large red signs indicating that the rooms were structurally unsafe and not fit for occupation until structural and electrical repairs had taken place. It can only be presumed that these rooms would be very cheap, and that once again, the well-being of asylum seekers is not IOM’s primary consideration when sourcing accommodation.

### POPULATION

We spent around an hour with seven Afghan Hazara men, five of whom had been moved from the Kalideres Quarantina prison in West Jakarta, and two from a detention centre in Denpasar which we had not heard about elsewhere. As we were getting in a taxi to the airport, a group of around 10 Burmese men descended upon us and asked for assistance. We had a flight to catch, so all we could do was to write down their names and promise to make contact later.

One of the Afghan men had been held in detention on Nauru for more than a year in 2002. He was sent back to Afghanistan after the so-called ‘fall’ of the Taliban, but was not able to stay there. He now finds himself in Indonesia again.

*“If I go back to Afghanistan tomorrow,  
Taliban will kill me.” - AB, former Nauru detainee, Medan*

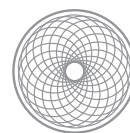
### UNHCR STATUS

All of the Afghan men have been accepted by UNHCR. I am not sure of the status of the Burmese men.

### IOM ISSUES

Neglect of well-being of asylum seekers by placing them in sub-standard, unsafe, cramped accommodation, far from the centre of town, and out of touch with the local community.





## Major Issues, Complaints & Problems

The major complaints by asylum seekers were made against the United Nations Commissioner for Refugees (UNHCR), the International Organisation for Migration (IOM), the Indonesian immigration authorities and police and Australian Federal Police (AFP). Complaints against IOM and UNHCR were universal. Complaints against other agencies varied in their frequency and gravity depending on the individual experiences of asylum seekers.

### UNHCR - Pace of operation

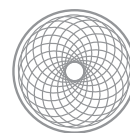
The most common complaint of *all* those we heard concerned the slow operation of the UNHCR. There is a standard delay of many months between each stage of the RSD process - registration, interview and determination. Often, people are not registered face to face with a UNHCR representative. Rather, they are sent the relevant form and expected to complete it without assistance from a lawyer, support worker or interpreter.

It is absolutely normal for asylum seekers to wait 8-10 months between registration and interview, and another 10-14 months between interview and receiving a determination. Such a lengthy delay in a life-and-death process is unacceptable.



*“I’ve been waiting nine years now.*

*How much longer will it take?” - MDK, 26, Cisarua*



## UNHCR - Under-resourcing

Through discussions with asylum seekers and a UNHCR representative, we gleaned the impression that there are around 12 members of staff in the Jakarta office of UNHCR, and around two thousand asylum seekers in Indonesia. The UNHCR representative we met informed us that she had conducted 20 interviews the previous day.<sup>1</sup> If this information is correct (subject to the doubts expressed by UNHCR as footnoted), then it is extremely concerning. Based on an 8-hour day, this allows 24 minutes per interview. The interview is the only opportunity asylum seekers have to present their full claims to the UNHCR. If they are allowed 24 minutes at interview, half of that time must be allocated to the process of interpreting. Half of the remaining time should be allowed to the UNHCR representative to explain the RSD process and ask questions. This leaves the applicant only six minutes to put forward the grounds for their application for asylum. Any qualified migration agent or solicitor will attest to the fact that this process, done properly, should take between 8 and 14 hours, over a number of interviews, allowing the applicant to process trauma, organise and chronologise memories, and go slowly and carefully when describing the trauma that has caused them to flee their homelands.

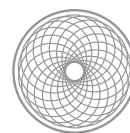
Whether or not the UNHCR representative did really interview 20 applicants the previous day, it is clear that fair and timely processing of vulnerable asylum seekers is being massively retarded by under-resourcing of the UNHCR. This ought to be remedied as a matter of priority.



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<sup>1</sup> At a meeting in Canberra on 20 October 2009, a senior UNHCR official approached me and took issue with this assertion, stating that he would be horrified if it were true. He suggested that perhaps the UNHCR staff member had registered 20 applicants the previous day, or perhaps taken biometric data. He said that the allocation of such short time for substantive interviews was far below UNHCR standards, and undertook to look into it. I stated that I very much hoped he was right in insisting that this was not possible, and that I would include his doubts and objections in my report. I am happy to acknowledge the possibility of miscommunication or misunderstanding, in the hope that this explains an otherwise worrying claim.

*Asylum Seekers in Indonesia: Project, Findings & Recommendations*



## UNHCR - Lack of information & background understanding

On many occasions, we heard from asylum seekers that UNHCR staff were ill-equipped with basic knowledge relevant to claims. For example, the Afghan applicants often told us that they had to explain to UNHCR staff the complex history of ethnic and tribal tensions in Afghanistan; which facts are central to their claims of persecution. They state that UNHCR staff do not understand the reasons for Afghan asylum seekers spending long periods of time in Iran or Pakistan. Particularly the Afghan asylum seekers state that the UNHCR staff's lack of knowledge of social, political and historical matters proves to be an enormous barrier to communication. This is obviously worsened through use of interpreters of different ethnicities, who will contribute their own different versions of history or tribal politics when providing context to UNHCR staff.

## UNHCR - Interpreters

UNHCR staff seem to consider use of qualified interpreters a luxury. On the day we visited the Kuningan centre, detainee Dr MAA was being used by UNHCR to interpret for other detainees. He was not comfortable with this, but he understood that if he did not assist, it would lead to further unreasonable delays in the registration of the Afghan asylum seekers.

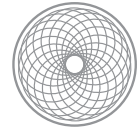
It is best practice that interpreters belong to the same ethnic and tribal grouping as the client, to avoid conflicts, disagreements, and deliberate or inadvertent alteration of testimony by interpreters. Even where an interpreter is completely professional and objective, it is likely that an applicant may feel uncomfortable with the interpreter, and may not give the full version of events. The statement of the UNHCR representative that "we have three interpreters for Persian language. One of them isn't even fluent in English, and the other two are Tajik" is cause for deep concern. This means that a Hazara applicant is not guaranteed a sympathetic or even unbiased interpreter. The implications of this range from mildly inconvenient to catastrophic. Anecdotal evidence points to full-blown sabotage of testimony in some cases (albeit a very small number), with disastrous consequences for the applicant.

*"We have three interpreters for Persian language. One of them isn't even fluent in English, and the other two are Tajik." - UNHCR representative, Jakarta (10 July 2009)*

MDK has been in Indonesia since 2001, awaiting finalisation of his case by UNHCR. He is from the Jaghoori district of Ghazni province in Afghanistan. His parents still live in Afghanistan. During his initial interviews with UNHCR in 2001, his interpreter was Iranian. MDK told us that while they could make each other understood, nuance and subtlety were lost in the differences between the Persian dialects. At an early interview, the interpreter commented to the UNHCR that "this man is not Afghan". Despite presentation of the address and phone number of his parents in Afghanistan, the UNHCR representative was not moved. Mohammad's application for refugee status was rejected by UNHCR in 2002, and no reasons were given. In mid October, he was rejected by UNHCR again, with a vague indication that he had once again failed to prove his nationality. As this report goes to release on 2 November 2009, MDK had recently obtained proof of nationality documents from the Afghan government, and had lodged them with UNHCR. He is waiting for their response.

MDK's story has taken on the status of a legend among asylum seekers in Indonesia. Even though his case has been complex and difficult, it has been distilled to the basic fact that "this man has been waiting for nine years". Naturally, asylum seekers live in fear of the prospect of nine years waiting for the UNHCR process. It is this fear that precipitates many attempts to come to Australia by boat, instead of waiting for the UNHCR determination process to run its uncertain course.





## **UNHCR - Conduct of Registrations (Jakarta office)**

While talking to various asylum seekers in Indonesia, we heard reports of a disturbing and degrading practice at the UNHCR headquarters in Jalan Jaksa, Jakarta. Reportedly, UNHCR opens its doors and registers 20 asylum seekers each Wednesday and Friday morning. Consequently, groups of asylum seekers (including single mothers and their children) can often be found camping out in front of the office on Tuesday and Thursday nights, sleeping on the streets overnight to reserve their place in this 'queue'. Frequently, there are more than 20 asylum seekers in the queue, so people are turned away once the quota of twenty registrations has been reached.

This phenomenon was reported to us by various people, so we decided to investigate it. We arrived at the UNHCR Jakarta headquarters a little after 6am on a Wednesday morning. We found there a very wary group of Afghan men who had waited since the small hours of the morning to queue for the chance to be registered by UNHCR. They were extremely nervous and anxious about their situation, and they did not want to be recorded or interviewed. These feelings were compounded by a hovering heavily-armed security officer, who moved closer and closer to our group as we spoke. After a brief and cordial conversation, we left the men. I do not know if they succeeded in registering on that day.

I understand that the number of asylum seekers who queue to register in this manner is never large, but that UNHCR staff are unwavering in cutting off intake at twenty. The practice of turning away people who have slept on the streets in order to register is concerning.

## **UNHCR - Reasons for adverse finding not provided**

People who have received negative status determinations are not provided with reasons - orally or in writing - for their refusal.<sup>2</sup> This is bad practice for a number of reasons, not least of which is that it strips the applicant of the opportunity to address mistakes or misunderstandings in his or her case history.

This practice is also particularly cynical because applicants in Indonesia have no access to advocates, lawyers or any other advisors to assist in formulating and framing claims in accordance with the relevant law. So it is highly likely that adverse findings are often drawn from the applicant's failure to emphasise the relevant aspects of their claims. Were reasons provided, applicants could have at least some opportunity to identify these gaps and attempt to provide a more complete picture at any subsequent interview.

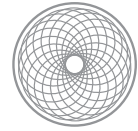
There were a few people who we met who had succeeded in securing a declaration of refugee status from UNHCR in the Kuala Lumpur office of UNHCR, but that determination was subsequently summarily overturned by the Jakarta office, with no reasons given. The level of distress caused by this can be imagined without too much difficulty.

## **UNHCR - Attitude to applicants**

An Iraqi man reported to us that a UNHCR representative had said to him "you should enter Australia via the door, not the window". Another man quotes UNHCR as telling him that he should not complain about having to wait for long periods of time, or about the conditions of his detention. He told us that the UNHCR staffer said to him "if you don't like it, go home!".

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<sup>2</sup> At the aforementioned meeting in Canberra on 20 October 2009, I was informed by senior UNHCR officials that it is UNHCR policy to provide written reasons with any refusal. I am willing to accept that this may happen as a matter of course, but I would find it difficult to accept that the policy is always strictly adhered to. It is important that reasons are not only provided, but also explained in a language and manner that ensure the applicant fully understands.



I have had experiences where an asylum seeker has contact me, stating that he is unable to reach his UNHCR caseworker. Five minutes later, I have rung the caseworker and been put straight through. Then the applicant has tried again and the same situation has arisen. There are wide-ranging complaints that UNHCR officials are simply unwilling to engage with applicants, even when they have valid concerns and questions about their situations.

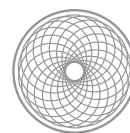
The single men being held under guard in the Hotel Mashuri, Raya Lembar, Lombok were all given appointments with UNHCR in Jakarta before they were arrested in June 2009. Obviously, when they were held in custody, it was not possible to travel to Jakarta for their interviews. So, they contact the UNHCR in Jakarta to inform them of this, and the UNHCR cancelled their appointments and told them a representative would travel to see them “some time”. Ali, an unaccompanied minor in Lombok told us that “first UNHCR told us next week, then two weeks, then next month, then the month after that. I think they just will never come”. As previously mentioned, the majority of those men returned to Afghanistan after giving up on the prospect of UNHCR ever getting to them. This is a harsh criticism of UNHCR, but **it is important to note that UNHCR deficiencies in Indonesia appear to be wholly due to under-resourced and overburdened staff. It is vitally important that UNHCR’s funding not be cut or withheld as a result of these shortcomings; rather, it must be bolstered in order to improve quality and efficiency of processing.**

*“First UNHCR told us they will come next week, then two weeks, then next month, then the month after that. I think they just will never come.” - AA, 16, Lombok*

### **IOM - Housing : Suitability & Hygiene**

IOM’s primary responsibility in Indonesia appears to be the procurement and provision of accommodation to asylum seekers. The standards of this accommodation are - frankly - startlingly variable. From relatively comfortable accommodation in a hotel (Wisma Benhil, Makassar), to filthy cells attached to an office, high-security prisons and RUDENIM (Rumah Detensi Imigrasi) facilities, the standards are starkly different. However, perhaps the most appalling accommodation we saw is that of the single males (all Iraqi men) at Mataram, Lombok. This converted grain storage warehouse is now half-heartedly done up with the trappings of accommodation suitable for human occupation, but its veneer does not conceal its true purpose. The kitchen is open to the elements, with no roof to speak of. It comprises a solid concrete bench, lined with five or six primitive rat traps which - we were informed - are kept very busy. The sink is also concrete, lined with dark moss and fungus, and a rusty orangey residue. It has a crude plughole, which is not attached to any plumbing - whatever passes through the plughole splashes onto the floor, into a shallow irrigation ditch along the wall and into a foaming, clogged, filthy drain in the corner of the kitchen. It is this foamy mess that attracts rodents.

Adjacent to the men’s accommodation at Mataram is a compound housing around 15 Iraqi families and their children. This accommodation is pitifully inadequate for families. The compound building runs in a long, narrow U-shape along an outdoor corridor. On the inside of the U are the makeshift outdoor spaces constructed by families at their own expense, upon receipt of a permit from IOM (often hard won. Most families have one small room (approx 3x3metres), with a small, dank, mildewy bathroom attached. Most of the families sleep at least 2 adults and 3 children in this space. In instances where a family physically cannot fit in the room, the children are housed in separately to their parents.



We had a close look at a room belonging to young Iraqi children. The toilet was dangerously dirty and dark. There was an enormous canister of insect spray sitting on the window sill. The spray appeared to be the super-strength stuff that is designed for getting rid of spiders and cockroaches.

An Iraqi woman was very embarrassed to admit that there is a terrible infestation of rats in the family compound. She has a three year old son, and Indonesia is a country with a rabies problem. Having rats around children under such circumstances is obviously extremely unsafe.

*“We turn on the tap, and look - can you see? - there is fungus, and feces. When we cannot get bottled water from IOM, we must drink this. We all become so sick from this water.” - AR, a respected microbiologist, Mataram Lombok*

### **IOM - Housing : Safety**

Many of the families in Mataram have constructed an annex-style kitchen area. These are constructed mainly from chipboard walls, with wicker mats as a makeshift ceiling. Where chipboard or other solid material is unavailable, doors and walls are fashioned from pieces of cloth. We heard from an Iraqi woman that there have been a number of fires, where the heat from cooking equipment and gas stoves has ignited the wicker, and the fire had spread quickly. (Incidentally, the wicker roof also decays quickly, and leaks terribly during rainy weather).

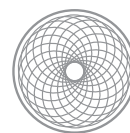
The U-shaped compound is extremely narrow, and exits are obstructed and difficult to access. I understand that the families live in fear of a fire, as it would be virtually impossible to evacuate the 80 or so inhabitants before the whole place (chipboard, wicker, and cloth) went up in flames.

The Kuningan facility in Jakarta poses a similar fire risk. I understand (based on an incident that occurred on 20 July 2009) that the detainees are kept in 24 hour lockdown inside their cells, with no emergency or fire exit, and that the building is left unattended outside of office hours. This means that anybody requiring urgent medical attention is unable to access it, and there exists clear potential for catastrophic loss of life in the event of a fire or other emergency, if detainees are locked inside their cells with no escape or exit.

### **IOM - Housing : Water & Sanitation**

Water and sanitation standards at IOM managed facilities remain seriously deficient. In Mataram, we met AR, a qualified and respected lab technician and microbiologist who had fled Iraq. In the kitchen described above, AR ran some tap water into a clean glass jar for us to see. There were large pieces of dark matter in the water. Some of them looked like fingernail-sized pieces of mold or fungus. Other pieces of matter were smaller and darker. He said, “we turn on the tap, and look - can you see? - there is fungus, and feces. When we cannot get bottled water from IOM, we must drink this. We all become so sick from this water.” Episodes of vomiting and diarrhea are, predictably, common.

The water supply at the single men’s compound is an open, uncovered well. A number of detainees reported that a few days before our visit, the water had a more putrid stench than normal. The next day, they had seen the landlady there with some sort of contractor with a pump, who appeared to be dragging something out of the well. The men told us they thought it was the carcass of a cat or a large rat.



In this compound, there are no proper showers - just makeshift hoses above the squat toilets, surrounded by black mold and fungus. The men must shower where they defecate. Again, the water for showering comes from the open well. A number of men have reported significant hair loss, which they attribute to the water used in the shower.

At the Pontianak prison, the accommodation is a long rectangular cell, with bars on one side (facing onto a walkway), and at the back, a solid wall with high barred windows. The toilets are set along the back wall. Waste from the toilets flows outside, straight into an open ditch situated one metre from the rear wall of the cell. Pontianak is a city that lies right on the Equator. In the heat, the fumes of raw sewage seep into the cell through the windows and infuse the cell 24 hours a day. There are many unaccompanied minors in the prison at Pontianak, and four children under 9 years of age.

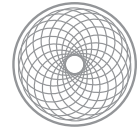


### **IOM - Housing : Failure to Provide Housing**

In early September, I began receiving many calls each day from a group of around seven young Iraqi men in Makassar. In spite of regular requests for IOM to provide them with housing (after they had been released from the prison), these young men were sleeping on the streets of Makassar. This photograph (above) was taken on 5 September 2009, after the men decided to camp out in front of the IOM office until they received some assistance from IOM. My understanding is that after more than ten days, they were assisted to find housing, where seven of them are now living in a one-bedroom flat.

### **IOM - Food & Nutrition**

Indonesian food is among the spiciest in the world. Almost every dish has a strong chili flavour and many non-Indonesians report that the food is difficult to eat. Many detainees told us that their children, in particular, have difficulty with the chili in the food, to the point where they often cannot eat the meals provided by IOM. This problem is the subject of frequent complaints by detainees to IOM, but there seems to have been no response. Also, older detainees and those with digestive complaints or illnesses have significant difficulty with the spiciness of the food. One middle-aged man in Kuningan lives with



almost constant heartburn and painful reflux (as well as a heart condition) which is seriously exacerbated by eating nothing but rice with chili. This problem led to his recent collapse and hospitalisation.

Aside from a lack of variety in flavour, many detainees complain that they and their children are malnourished. A detainee at Pontianak, KN, told us that in his 3 months of imprisonment there, he has eaten literally ONLY rice, potatoes and bread. There is no fresh fruit and no vegetables (although he did tell us that he once saw an orange the size of an egg). He alluded to the obvious health and digestive problems that would result from this diet. Any medical or nutrition professional could attest to the long-lasting damage that could be caused by this terribly plain, unvaried, stodgy, pure carbohydrate diet.

## **IOM - Medical Care**

Complaints about IOM's failure to provide medical care are unending. They include the following:

### **Medical needs - adults**

The young men housed at the Wisma Benhil Hotel in Makassar have experienced various medical problems, some requiring hospitalisation. One of the young men in particular speaks excellent Indonesian, and is therefore able to listen to conversations between IOM nursing staff and hospital staff. He reports that whenever a detainee is awaiting medical treatment, IOM staff constantly request rooms and services that are "moura, moura!" (cheap!). Cost, rather than quality, seems to be the most important criterion in securing medical treatment for detainees.

An Iraqi woman in Mataram Lombok reportedly has kidney stones or gall stones. She has lived in crippling pain for many months. She was admitted to hospital, but received no treatment. At the direction of the IOM nurse, she was sent home from hospital with some medication, which was discovered to be the wrong medication after nine days of worsening pain. The IOM staff lost this woman's file, her medical records, her scans and other documents. She remains in terrible pain.

Another Iraqi woman at Mataram has suffered rectal bleeding for more than ten months. Her husband has repeatedly begged IOM for medical attention but they have taken no meaningful action to treat this very serious condition. She often cannot sleep, and her husband told us she frequently lies awake at night whimpering in pain.

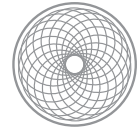
At the hostel in Cisarua, a man has a tumour-like growth on his elbow that has been there for many months, increasing in size. He has repeatedly requested medical attention from IOM (in accordance with the glossy IOM-branded poster stuck to a door at the compound) but has received no response.

There are countless other reports of broken, swollen and painful limbs, feet and knees, which are going untreated despite constant requests. There is a spreading dark purple skin disease in the Kuningan jail, which is causing great discomfort to a number of the prisoners.

### **Medical needs - children**

The mental health consequences of long-term imprisonment of children are well known, especially in the context of Australian detention centres. Needless to say, there is no attention whatsoever paid to these issues in the detention centres in Indonesia, and many children commented to us that they were extremely distressed to watch their parents' hope fade day by day. They generally commented that their fathers are desperate to work, and that their mothers cry a lot.

Many children talked about traumatic events such as watching school friends killed by bombs, seeing teachers executed by Taliban, and other horrific incidents. One nine year old girl, Z, described a favourite Taliban execution method - hammering nails into the skulls of Shia people. Watching a pretty nine year old girl mime this action was very disturbing. The level of



post traumatic stress and anxiety suffered by some of these children is undoubtedly very high, and there is no assistance available whatsoever.

The immediate medical needs of children are also neglected. At Mataram in Lombok, a 6 year old Iraqi boy had been suffering very swollen and painful glands in his neck for more than three weeks before we met him. His 2 year old brother had no teeth in his top gums. There appeared to be little sockets where his teeth should come through, but these were infected and discoloured. No medical attention had been paid to him, despite repeated requests.

### **Delivery of babies**

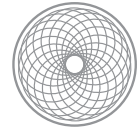
Obviously, families from conservative muslim cultures have strict and particular practices surrounding maternity and delivery of babies. One young woman in Lombok was expecting a baby, and she made an arrangement for a private room in a local hospital, in preparation for delivery. The IOM nurse told them they had booked a room in a local hospital, but when the family went to see the hospital, they found it filthy, with dogs and cats roaming around the hospital, "like a market". IOM staff had given the instruction that when the woman was ready to deliver, she should go to the hospital, where a room would be ready for her. When the time came, the woman's husband rang the IOM nurse more than ten times, but she did not answer her phone. They went to the hospital and found the delivery room full of men, sleeping beside their wives who had already delivered their babies. There were more than ten people in the delivery room. This is totally unacceptable in Iraqi Islamic culture, where the sanctity of privacy and veiling of the female body are vitally important. Inquiries by the family revealed that there was no file, no booking, no room, no doctor, and no respect for the religious requirements of the woman. The woman's husband reports that as soon as the hospital called the IOM nurse, she answered the phone (which supports the allegation that she was screening and ignoring calls from detainees - an accusation leveled by detainees all across Indonesia). Ultimately, the woman's husband paid for a room and for the medical care she required. She delivered her baby, and after only 5 hours' rest, her husband had to bring her back to their rooms at the detention compound because there was no further room in the hospital.

On 29 September 2009, I received a frantic email from an Iraqi detainee, on behalf of a woman in the jail at Makassar. This woman was nine months pregnant with twins, and had not received any medical attention for the number of months she had been imprisoned at Makassar. In preparation for her delivery, she had been calling IOM constantly, asking for assistance and medical treatment. However, she had not been spoken to or had her calls answered or returned, let alone seen a doctor. I called IOM on Canberra on 29 September 2009 and was given an undertaking that they would call the IOM chief in Indonesia to see that she was properly attended to and cared for. I am still waiting for news as to her situation. Either way, I am horrified that it requires the intervention of a white Australian advocate before proper medical attention is paid to a woman who is in prison, alone, about to give birth to twins in filthy and traumatic conditions.

### **Emergency situations**

There have been a number of emergency situations that have arisen in the detention compounds in Indonesia. We were given a lot of information about the aftermath of a motorcycle accident in Lombok, as a result of which a young man, YAH, was seriously injured. We are informed that Nurse Freida is the IOM staff member responsible for treatment of medical issues in Lombok, and that she was called repeatedly in the aftermath of the accident. YAH was taken to hospital, where he was not treated because the hospital's staff had not received permission from IOM. A specialist physician examined the patient, and wrote a letter recommending immediate transfer to Denpasar or Jakarta for urgent brain surgery. Two or three days later, we are informed, nothing had happened. The medical staff in Lombok were repeatedly asking other detainees "where is IOM? He's going to die, and without IOM permission we can't do anything". At the behest of the specialist physician who had written the recommendation letter two days previously, a surgical transfer was organised. After IOM were





contacted, they provided an opinion that the man “needed to rest”, and cancelled the surgical transfer. Detainees have video recordings of various segments of this conversation in the hospital, around the young man’s hospital bed.

YAH was finally airlifted to hospital where he underwent surgery. It was found that he had two skull fractures, blood in his lungs and stomach, and bleeding on the brain.

YAH’s friends were furious, and confronted IOM staff verbally, criticising them for putting the life of their friend at risk. At one point, a man was arrested after IOM called police when he became verbally agitated, but not violent. He was eventually released and nothing came of it.

However, the fallout from this incident has had serious consequences for another woman’s health. ZQ has had serious problems with kidney stones for many months. At one point, she was scheduled to go into hospital for ICT scans, to assess the operability of the stones. The radiologist suggested further scans and an x-ray, and that they schedule surgery. Nothing was done. She was in terrible pain and could not move. When they spoke to the IOM staff, they were told to go to the emergency department of a local hospital, and wait for permission from IOM. ZQ waited for 3 days, and was finally discharged, having received no treatment whatsoever. ZQ’s husband called me a few days later, and told me that she was once again in terrible pain. I spoke with the IOM doctor (Dr Oka) on the telephone, and he assured me that she was due to go back to hospital the following day (27 July 2009). I asked him why there had been such delay in treating this woman, and he said that because of the circumstances surrounding YAH, some of the detainees had spoken angrily or threateningly towards Nurse Freida, and as a result she was refusing to allow treatment to the detainees. This appalled me, and I clarified with him that the nurse was withholding treatment from other detainees as a result of a previous dispute. He said yes, but that ZQ would be examined the following day.

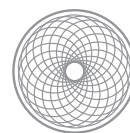
### **IOM - Encouragement to repatriate**

Regardless of whether the overall attitude of detainees towards IOM was positive, negative or neutral, there was one comment that we heard in every single place we visited. It seems that every time IOM visits detainees in prison, detention centres, compounds or hotels, they ask if anyone is ready to return to their country of origin. These questions are sometimes incidental and seem genuine in their inquiry, but they are often reported as persistent, coercive, forceful and manipulative. A detainee at Kuningan refers to this behaviour as “demotivating”, quoting IOM representatives as saying things like “you’ll be in prison for years, this is not your country, this place will be very difficult for you, so why don’t you just let us help you go back to your home?”

While the constitution of IOM mandates the organisation to participate in “voluntary return migration” (implicitly prohibiting forced returns), it appears that in Indonesia, this prohibition is reduced to a mere technicality. If an asylum seeker does finally agree to be sent home, it is usually after many months or years of imprisonment, demotivation, starvation and malnutrition, often beatings and other forms of physical or psychological torture, and with the spectre of Mohammad Dawood Kalandari’s 9-year ordeal looming large behind the inaction of IOM and the UNHCR. It becomes spectacularly clear that IOM does not have any meaningful protection mandate, and that their constant encouragements to repatriate ‘voluntarily’ walks a line dangerously close to *refoulement*.

*“The water is salty and the food is not enough. IOM tell to Indonesian police to punish us to go back in our country.”* - Nahim, Pontianak jail, by text message, 24 August 2009





*GA, Makassar, holds up a photo of his friend, one of 24 people he knows were killed upon return from Nauru to Afghanistan.*

### **IOM - Isolation from media & external communication**

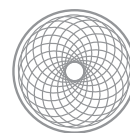
In early July 2009, a team of journalists from Al Jazeera news network came to see the asylum seekers living at Mataram Lombok. Within minutes of their arrival, senior IOM officials were summoned by the landlady, and arrived to intercept the journalists. Reportedly, the IOM officials burst into the family's room where the journalists were sitting, without knocking on the door or waiting to be invited in. This immediate, urgent response contrasts starkly with the total lack of action by the same staff in response to emergency medical situations.

It is also widely understood that any visitor to the other prisons or detention camps will be denied entry if they declare that they are journalists. This has obviously contributed to the media blackout surrounding this issue, and has led to blanket unawareness of the conditions of people detained in Indonesia. It is probable that this allows the relevant authorities to operate with a sense of impunity.

### **IOM - Withholding of services (especially education)**

AA, a 16 year old unaccompanied boy at Raya Lembar, Lombok, told us that IOM refused to provide schooling in English or other general education until the UNHCR had made a positive status determination. This seems illogical, especially given the long delays by UNHCR in making final determinations.

On the same day we visited the families in Mataram Lombok, IOM had refused to unlock the children's makeshift classroom due to a dispute relating to medical treatment of a man who had been in a motorcycle accident. As a result of some angry words being exchanged between the adult detainees and the IOM staff, the classroom remained locked. (It is important to



note that the classes are run not by IOM people or qualified teachers, but by an Iraqi woman - a detainee and mother of 18 year old twins and a 3 year old boy - who has taken it upon herself to teach the children English).

When parents complain on behalf of their children, the single most persistent complaint is of the lack of education available to children. Indefinite waiting periods are massively worsened by the sense of not knowing when it will all come to an end.

*“Our children must go to school. This the life of an animal, just eating and sleeping” - Mahdi, Medan*

### **Indonesian Police & Immigration Authorities - Imprisonment**

Anecdotal evidence suggests that original arrests of asylum seekers are almost always performed by Indonesian police and immigration authorities. One nine year old girl explained to us the moment of her arrest along with her family, and she said that a policeman was shouting and holding a gun to her head for a while, until another woman told him to lower his weapon. This was the only time a gun was mentioned, but one thing is sure: each mention of interactions with police or immigration officials is coloured by fear and a definite impression of aggression and intimidation.

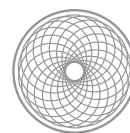
Almost all of the families we met in compound-style accommodation had spent months in jails or prisons before being released into a lower grade of detention. This was without regard to the age of their children or their health, or the well-being of the families.

The effects of this imprisonment plays heavily on parents, especially, who rue the day that they came to see their children and babies behind bars. Many parents wept when they recalled the image of their children in the prisons.



*“I am too bad luck man that I saw my son, 8 months old, in the jail.”*

*M, father of S, 8 months old (pictured above in Medan prison). Supplied by detainees.*

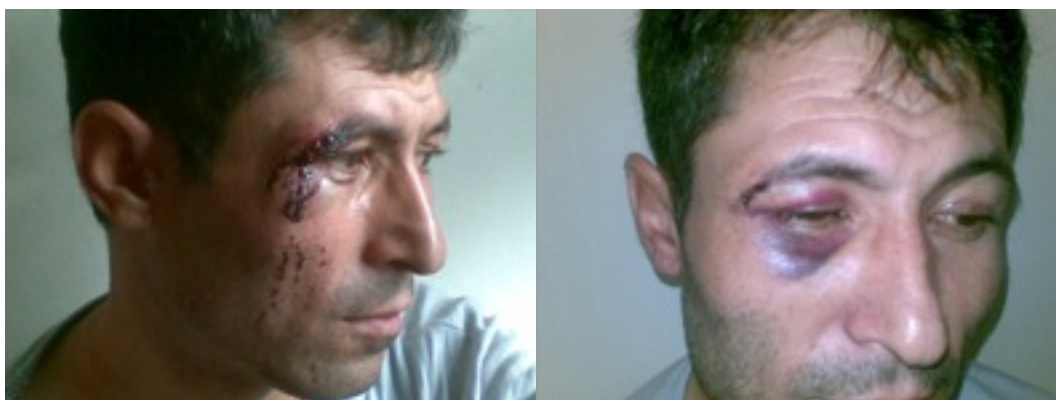


## Indonesian Police & Immigration Authorities - Brutality and beatings

The Kalideres Qarantina facility has seen many incidents of brutality against asylum seekers. In March 2009, 19 people attempted to escape from the facility after becoming frustrated with the failure of UNHCR to deal with their claims. 15 people successfully escaped, but four were caught and severely beaten by the immigration police. (see photographs below, supplied by detainees at Kalideres) These men have now been sent back to Afghanistan. I do not have any information regarding the voluntariness or otherwise of their return to Afghanistan, and I understand that they have not been heard from since their return.

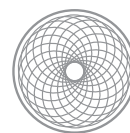
A few days after our visit to the Pontianak jail, a number of detainees escaped. Since that time, the remaining prisoners have been in a state of oppressive lockdown. Immediately, mobile phones were confiscated from prisoners. Reportedly, IOM attempts to repatriate the asylum seekers have ramped up significantly, rations of food and water have decreased, and beatings have increased in frequency. It is important to note that there are also four children resident in that facility.

Prisoners perceive the situation as IOM requesting the prison authorities to increase pressure on them, to encourage so-called 'voluntary' return.



*Injuries sustained by prisoners during beating by guards at Kalideres Qarantina, mid 2009. Supplied by detainees.*





## Indonesian Police & Immigration Authorities - Safety in prison

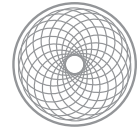
There are various situations in the prisons that cause serious risks to the safety of asylum seekers. One of the most stark example of this is at the prison at Pontianak. The men are locked in their cell 24 hours a day. Two women - wives of two of the men - live in a separate compound with four children. Also resident at the Pontianak jail are around 15-20 Thai men - fishermen who had been intercepted in Indonesian waters and had immediately agreed to return home. Because they have agreed to return, they are not kept under lock and key; rather, they are free to wander around the compound, giving them full access to the family accommodation, which does not have a door or windows that can be locked. The two women at Pontianak expressed to us their distress that these men have easy access to their children, and that sometimes their children go missing for a period of time. The women are terrified of what they reasonably perceive to be inevitable sexual assault of their children by the men. They also fear that it may already have occurred.

The women are also concerned about the conduct of the prison guards. I personally witnessed a very worrying incident that validated this concern. I was holding the 18 month old daughter of one of the women (below), when a guard came up to her and put his face right into her little face, opened his mouth very wide, and stuck out his tongue, made a loud, frightening gagging noise and waved his tongue around only centimetres from the child's face. I found this incident very vulgar and disturbing. That jail is *not* an appropriate environment for children, and it does appear that some form of physical harm to the children is not only possible, but likely.

A few minutes later, I witnessed the same little girl playing with parts of a motorcycle engine, as she does not have any other toys. It is clearly only a matter of time before some harm or injury occurs.



*Sarena, 18 months old, Pontianak jail*



## Indonesian Police & Immigration Authorities - Corruption

Frequent reports are made that money is a get out of jail free card in Indonesia. Some detainees tell stories of other prisoners who paid prison guards a sum of money in return for their freedom.

There is also a deep discomfort when asylum seekers and people smugglers are locked up in prison together. This bewilderment turns to despair when smugglers are released after a week or two, and asylum seekers are left to languish in prison for months on end. Whether this is brought about by payment of bribes is unclear, but this is certainly the notion held by many of the asylum seekers.

## Australian Federal Police - Focus on People Smuggling

Many of the detainees we met told us that they had met with agents of the Australian Federal Police. It quickly became apparent that many AFP agents had spent time with detainees all over Indonesia, but interviews had not covered any ground aside from information relating to people smugglers. AFP agents were interested in names, contact details, the logistics of the smuggling operation and the current whereabouts of the smugglers used by the asylum seekers. Most of the asylum seekers appeared cynical about these interviews, and found the AFP's dogged pursuit of people smugglers almost a cause for amusement. This is not to suggest that smuggling of people is not a very serious issue; more, it highlights the asylum seekers' view that the pursuit of smugglers with a view to shutting down their operations is naive. Most believe that it is impossible to shut down smugglers before first stemming the reasons why people *need* to be smuggled. Simple principles governing any black market will dictate that where there is need for covert movement of people, there will always be services available. Punishing the human cargo is not an effective method of closing down smuggling operations.

This truth was beautifully summarised by MTJ, a 24 year old detainee at Makassar, who stated that "it's not possible to close the ocean way. You must first kill the reason why refugees leave their home". This statement is undeniably true.

The asylum seekers are also quite nonplussed that the AFP seem unconcerned with their plight and the difficult circumstances they find themselves in. They have never had an opportunity to discuss their protection concerns, the safety of their families or any other issues of importance to themselves or their families. After discussions of smugglers have concluded, the asylum seekers find themselves talking to the AFP officers' retreating backs.

## Further Comments

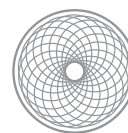
The major complaints by asylum seekers were made against the United Nations Commissioner for Refugees (UNHCR), the International Organisation for Migration (IOM), the Indonesian immigration authorities and police and Australian Federal Police (AFP). Complaints against IOM and UNHCR were universal. Complaints against other agencies varied in their frequency and gravity depending on the individual experiences of asylum seekers.

Clearly, in recent weeks, Australian involvement in the Indonesian regime has gained international attention and criticism. There have been announcements of agreements with the Indonesian government, whereby Australia will channel funds in to Indonesia to support a program of detention of asylum seekers. Whether processing and meaningful resettlement prospects will feature as a part of this arrangement remains to be seen. In any event, it is vital that Australia not abrogate its responsibilities to asylum seekers under international law, hand-balling responsibility to Indonesia, which is not a party to the Refugees Convention.

## Australian Involvement - Funding

It is well documented, but not widely known, that Australia provides millions of dollars in funding to IOM and other agencies each year for programs in Indonesia. The Department of Immigration and Citizenship (DIAC) administers the Displaced





Persons Program (DDP) more formally known as *'Initiatives to address the situation of refugees and other displaced persons and to promote sustainable returns'*.

Funding for the program from 2007/08 to 2011/12 and forward estimates is as follows:

*Table 1: Budget Allocations (\$m) 2007-08 to 2011-12*

	2007-08	2008-09	2009-10	2010-11	2011-12
Base funding	5.8	6.536	6.616	6.695	6.842
Additional funding	*2.0	**10.000			
TOTAL	7.8	16.536	6.536	6.536	6.842

\* \$2m provided for one year only *'to improve process of effective protection to, and the stabilisation of, refugees and populations displaced by conflict in people smuggling source and transit countries'*.

\*\*\$10m provided for one year only *'to help address the protracted situation of displaced Iraqis in neighbouring and transit countries'*.

According to DIAC, projects funded under this program must support at least one of the following funding objectives:

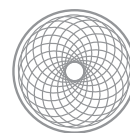
1. Supporting programs that can reduce the prospect and flow of unauthorised arrivals from source countries;
2. Encouraging sustainable voluntary returns of persons no longer in need of protection, including assisting negotiations with source countries on returns and with countries of first asylum on readmission;
3. Supporting countries of first asylum to host refugee populations where return is not practicable and/or feasible, including support for resettlement and local integration; and
4. Enhancing the protection role of the UNHCR and other relevant agencies in source countries and countries of first asylum.

Projects are delivered by international organisations such as UNHCR and IOM, and more recently by Australian non-government organisations. All projects must be approved by the Minister for Immigration and Citizenship.

*(Source: Question taken on Notice - Budget Estimates Hearing 28 May 2008. (45) Output 1.2: Refugee and Humanitarian Entry and Stay. Response to question by Senator Ellison at L&CA 105).*

The Funding Objectives listed above are certainly *not* being satisfied by the projects we saw and recorded in Indonesia.

Funding Objective #1: This objective is arguably being met, albeit in a cynical manner - imprisoning asylum seekers so that they cannot possibly make their way to Australia by boat or other unauthorised means certainly reduces the flow of unauthorised arrivals. It is not clear how funding IOM to imprison those same asylum seekers could possibly reduce the prospect of asylum seekers from source countries. It is widely known that detention of one group of asylum seekers does not act as a deterrent to the next group. Detention will not deter the next generation of refugees leaving countries like Afghanistan or Iraq.



Funding Objective #2: it is patently clear that the majority of returns being encouraged are neither sustainable nor voluntary. Rather, they are precipitated after long periods of imprisonment, hardship and duress on the part of the funded organisations, and without due attention being paid to any protection needs of the asylum seekers. It is blatantly clear that the return of Hazara people to Afghanistan is not a sustainable or safe prospect in the current climate.

*“Please a little pay attention to these refugees. We are behind Australian doors.” - MTJ, 24, Makassar*

Funding Objective #3: This objective is being met only in the loosest definition of its meaning. It appears that in most places of detention in Indonesia, “supporting countries of first asylum to host refugee populations where return is not practicable and/or feasible” is doublespeak for enabling and/or turning a blind eye to brutalities inflicted during imprisonment by Indonesian police and immigration authorities, providing dramatically substandard and unsafe accommodation for asylum seekers, facilitating unendurable pressure to return, delivery of misinformation and demotivating manipulation, putting adults and children alike in the way of serious physical and psychological harm, and providing only the bare minimum food, shelter and water necessary for survival. Admittedly, in the more palatable places of detention (ie the family compound in Cisarua) this is less so. However in the vast majority of cases, the above is absolutely true.

Funding Objective #4: It has already been amply demonstrated that the protection capabilities of UNHCR in Indonesia are thoroughly inadequate. It must be pointed out that the protection capabilities of UNHCR could indeed be enhanced if the allocated AU\$44.25mil over five years were redirected to improving the refugee determination system and enabling swift resettlement in Australia. This would clearly be a more effective and humane long-term strategy than the current policy of supporting IOM's involvement in expensive and damaging detention and imprisonment practices which do absolutely nothing to developing the long-term solution to the problem of the irregular refugee movement.

It should also be remembered that other funding flows into Indonesia under the guise of defence, border protection, regional security and international aid. I am unsure what proportion of these funds are used for the aim of deterring and imprisoning asylum seekers.

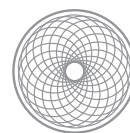
### **On People Smugglers**

It is our view that demonisation of people smugglers is simply demonisation of asylum seekers by another name. We agree completely with MTJ that “it is not possible to close the ocean way - first you must kill the reason why people need to leave their country”. The warehousing of asylum seekers as a method of dealing with people smuggling rackets is a completely misguided practice, punishing innocent people for their own unfortunate circumstances. This is morally clumsy and ineffective policy, and Australia can do better.

### **On Boats**

The Australian government and the asylum seekers are agreed on one thing: trying to reach Australia by boat is not a good idea. To my surprise, more than 90% of people we met in Indonesia had not come with the intention of getting on a boat. The prospect of the long, dangerous journey is the last thing that most families want to face. Instead, we gleaned the impression that people came to Indonesia to be processed by UNHCR and resettled. They are willing to wait for this to happen. However, when weeks stretch to months and months stretch to years, with no apparent action from UNHCR or IOM, the boat option begins to look more attractive. It is because of delays in processing and failure to resettle genuine refugees that Australia has seen an increase in boat arrivals in recent times. This is clearly a problem that can be easily fixed:





if the asylum seekers could see a genuine movement in the process, and feel like their claims were being properly considered, and if they were allowed access to decent services (particularly simple schooling for their children), it seems that the number of boat arrivals would drop off drastically. One thing is for certain: nobody happily makes the decision to make the ocean journey - they are driven to do so by the lack of any other viable option presenting itself.

This reinforces the idea that **in order to stop boats from coming, the government need only to install a controlled, robust and fair assessment and resettlement process direct from Indonesia to Australia, wiping out the demand for people smugglers. The resettlement intake must be increased slightly to accommodate those found to be genuine refugees, in accordance with international obligations.**



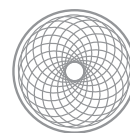
*Jessie Taylor with detainees in the family compound at Medan, North Sumatra.*

### **Wars in Iraq & Afghanistan**

It may be unnecessary to mention that Australia has already recognised (to a great extent) the validity of asylum claims from Afghanistan and Iraq, through involvement in wars in both of those countries. Australia has fought hard and made many sacrifices to assist Iraq to come to some state of peaceful, meaningful democracy in the wake of Saddam Hussein's regime. Unfortunately these efforts have not yet succeeded. However, Australia as a nation recognises the many difficulties faced by Iraqi people, not only in general violence and warfare, but in terrible sectarian and tribal conflicts that are the causes of so many asylum seekers' flight from their homeland.

*“It's not possible to close the ocean way. You must first kill the reason why refugees leave their home”.*

*- MTJ, 24, Makassar*



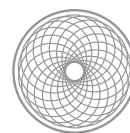
The Taliban in Afghanistan is well recognised as one of the most brutal militia forces on earth. For more than a decade, it has wreaked fear and terror among Afghan people - especially the Shi'a Hazara group, as one of the Taliban's primary objectives is eradication of Shi'a people from Afghanistan. Many Australians have fought and died in battle against the Taliban. Australia recognises the terrible deeds this group has committed against their countrymen.

Why is it that so many Australians can readily recognise the evils of the Taliban or other oppressive forces, but they cannot extend that understanding to the lives of the victims of those groups? Many people can denounce the shocking human rights abuses meted out by Taliban, but few are willing to welcome the victims of those abuses, and provide them with safety and a refuge. In my view, it is partly the role of the Australian government to make those connections for people, clarifying and explaining the importance of welcoming refugees of conflicts in which Australia is deeply involved.

In an effort to understand the reasons behind recent spikes in numbers of Afghan refugees, it is useful to examine the increasingly fraught situations in traditional asylum countries such as Pakistan and Iran. Iran has famously begun a push to repatriate all Afghan refugees living in that country, while in Pakistan, sectarian violence has reached boiling point in Afghan-populated areas such as Quetta and Peshawar. These reasons - not the perception of Australia being an 'easy target' - push Afghans to try their luck on the ocean.

It is also important to remember that between Pakistan and Australia, the only country signatory to the Refugees Convention is Cambodia. In reaching Australia, asylum seekers are not being picky or 'destination shopping'; rather, they are making their way to the first country that has promised to process asylum seekers, by signing the Refugees Convention.





## Australia's Responsibility

Australia is substantially responsible for the wellbeing of the asylum seekers being held in Indonesia. Aside from obvious international legal obligations, this may be difficult to prove, if Australia were not involved in financing their detention and imprisonment. However, this financial commitment can easily be interpreted as an assumption of responsibility.

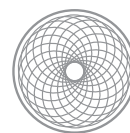
Further, the fact that many of the asylum seekers have been in Nauru or Australia before, and have family members who are Australian citizens and permanent residents, establishes undeniable ties with the Australian community.

Indonesia is *not* a safe nor an appropriate place for these asylum seekers to be held. Indonesia is not a signatory to the Refugees Convention, and has no obligations towards the asylum seekers. This could not be more blatantly demonstrated than through the treatment of the asylum seekers, as documented in this report and in the footage obtained during our trip. As a Convention signatory, and as the desired destination of the asylum seekers, Australia has obligations to the asylum seekers. Given the small number of people in question, we respectfully submit that immediate resettlement of these asylum seekers ought to be made a priority.

We are confident that we could find Australian citizen or permanent resident sponsors for the vast majority of the asylum seekers. This has certainly seemed to be the case from the number of phone calls, emails and text messages I receive every day from concerned family members in Australia.

DIAC figures indicating that in 2008-2009 there was resettlement of 35 people from Indonesia display the gross inadequacy of Australia's resettlement program in dealing with the 'queue' in Indonesia. It must come as no surprise whatsoever that, given the apparent impossibility of resettlement, asylum seekers make the frightening decision to attempt the boat journey.

Given that there is no sign of a decrease in global refugee numbers, it is in the best interests of all parties (except people smugglers) that Australia should increase its resettlement intake and bolster the processing capabilities and efficiencies of the UNHCR, taking a leadership role in the Asia-Pacific region, and satisfying its obligations under international law.



# A Case Study: Meet Jafar Ali

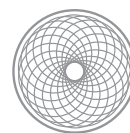
I met Jafar Ali on a Friday, on the third floor of a tall building, grimy but mercifully air-conditioned, in central Jakarta. I had walked through a door into a bare office, furnished with clunky wooden chairs and dated black-glasstop desks. On one side of the office, I saw was a whiteboard on the wall, covered with names and dates in blue scrawled handwriting. His name was on the whiteboard – Jafar Ali – Afghanistan. I was chatting to the guards as I turned around to face the other side of the office. My stomach dropped as I saw what I hadn't quite expected– two cage-like cell doors, with men and boys crowded behind them, putting their hands through the metal grid, resting their elbows on the metal bars that separated them from me.



*Jafar Ali, 15, in the Kuningan Detention Cells, Central Jakarta. (Behind Australian Doors - Jessie Taylor)*

Jafar's face is faithful to his 15 years, unlike so many of his kinsmen whose eyes, especially, succumb to exhaustion, suffering and struggle, adding ten or fifteen years to their weary faces. His eyes are almonds, set into high cheekbones. His pale skin and fine features betray his ethnicity immediately – Jafar Ali is Hazara.

The Hazara people are the Taliban's Public Enemy #1. Taliban leaders have repeatedly declared their intention to commit genocide against the Hazara people; wanting to eradicate their religious difference (Hazaras are Shi'a, while most other



Afghans are Sunni), their rich traditions and culture, and their well-founded historical claims on large parts of the Afghan nation. As a small boy, Jafar lost his big brother and sister at the hands of the Taliban.

After the loss of their two eldest children, Jafar's parents quickly left Afghanistan with their three remaining sons - Jafar and his two younger brothers. The family fled to Quetta, a troubled city in the Baluchistan province of Pakistan, home to many thousands (some 3 million) of displaced Hazara people. There they remained for a number of years, living as best they could as unregistered migrants in a foreign country. Work, security, shelter, education and even food were not guaranteed. Survival was touch and go, even in days of relative peace. Recently, though, Quetta has become a hotpot of sectarian violence. The Hazaras are physically as different from the majority of Pakistanis as is day from night. They are clearly discernible, and with each Shi'a festival day or religious holiday, more people are killed. Reports from Quetta in recent months speak of Hazara refugees being shot in the streets, bombings in Shi'a mosques, bazaars, and any public place where there are likely to be lots of Shi'as or Hazaras.

In the midst of this violence, Jafar's father sent him away from Quetta. He told his oldest remaining son, "I have lost two children. I will not watch you die here. You must move yourself away from this place". So, Jafar left. After a long journey, he arrived in Jakarta, with the help of a people smuggler. He was captured by immigration officials almost immediately, and put into a detention camp in Lampung. After a few days, he was moved to the prison cells on the 3rd floor of the Imigrasi office in Jakarta.

One of the 14 men who shares a 3x4 metre cell with Jafar is Aliwarez, who trained as a medical doctor in Ukraine. Aliwarez told me how worried he and the other prisoners are for Jafar's wellbeing;

"We cannot sleep properly, no properly food provided for us, no hygiene. You can see the size of the cell, and 14, 15 people are in that cell. He's totally mentally tortured... He is worried about his family, and his family is worried about him. Somehow he's communicating with his family, and they are all worried what's happening to him. But he cannot mention to them that I'm actually in this place, he says "I'm OK mum, I'm OK dad, I'm happy". He cannot mention what is actually happening over here. And he's getting too weak right now. I can see his condition right now. He's totally weakened. I don't know how can we help. Only God can help us in this condition. There's a lot too much now, and I don't know what will be happen."

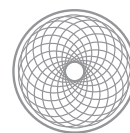
As Aliwarez speaks about Jafar's family, the boy's sorrow is unmistakable. His cheeks flush, his brow furrows and his eyes fill with tears. This is a boy who is away from his mother, alone, invisible and terrified. This is a boy whose biggest mistake has been to seek a life of safety and prosperity in Australia.

Before I left the prison, I asked him just to tell me what he wants. His answer came without hesitation;

"I want a peaceful life. I want a good life, I want to study like others, I want to have a good education like others. I don't want that my life should be everyday under threat, or there is somebody who is watching us, or there is somebody who wants to kill us. I want to live like others, I want to have a peaceful life. I want that someone understands me. They read our cases but they cannot understand. They think that I have come here just for fun..."

"The only thing is that I need freedom right now. If they want to lock us up, at least they should lock us in a wide spread area so that at least we can walk and we can see some people. We cannot see the sun rise. We are sitting in this cell, we can just see there is a little spotlight, and then back to dark... We cannot see the sun. We cannot see outside."

"Now we have found out that no IOM, no UNHCR is going to help us. There must be some other kind of people, nothing else, maybe only God, nothing else."



As I left the jail, I was grateful for my big sunglasses, and the white scarf I had been wearing to cover my hair. I wrapped it tightly around my face, and allowed myself to share a few of Jafar's tears.

No child should be asked to endure the conditions that Jafar Ali is currently suffering. After everything he has seen, and the risks he has taken to survive, the next chapter in his life should have been characterised by peace, prosperity and growth. Why is it, then, that Jafar's daily reality now consists of fear, uncertainty, and a crippling lack of hope that stretches as far into the future as his mind dares to venture?

Australia is fighting a terrible war in Jafar's home province of Oruzgan. International forces are discovering the unspeakable brutality of Taliban on a daily basis. No person in their right mind could support the warped, dangerous ideologies of Taliban, nor the homicidal impulses so frequently acted out against vulnerable Afghan citizens. Australia recognises the formidable evil that exists and grows more powerful every day in Jafar's homeland. Australia believes that this evil is worth spending money and lives to eradicate. Australia believes that it is for the good of human kind that the Taliban be battled into non-existence.

So why cannot Australia offer protection to this boy whose entire life is stained with the evil of Taliban's work? One boy who is at a crossroads – survive, recover and flourish, or give in to despair, and rot in an Indonesian prison cell? One boy who could one day become a doctor, an engineer, a social worker, a teacher, a great dad, a great Australian...? That is what Jafar wants the most in the world.

I want to see Jafar Ali grow, prosper and learn. He is still young, and Australia still has a chance to prove that it is a great country. It's not too late - Jafar still has a chance to become a citizen of the same world I knew when I was 15 – free, exciting and full of potential. Who could possibly want to stand in his way?