

Edition September 2014

# REFUGE

Jesuit Refugee Service Indonesia

Accompany, Serve and Advocate the Cause of Forcibly Displaced People

*Something to Look Forward to  
during the "Long Wait"*

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*Refugee Children  
Have a Right to Protection*

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*Hope is all what Remains*

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*Pictures Inviting Us to See,  
Reflect and Act*

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# Something to look forward to during the ‘Long Wait’

*Daryadi Achmadi*



Ball game at one of the longed for visits at a local swimming pool

Life of asylum seekers in the Immigration Detention Center (IDC) is a ‘Long Wait’. They have to wait for the RSD (Refugee Status Determination) and thereafter still have to wait for the process to be received by a third country (resettlement). The long wait and the monotony of daily life often lead to stress, tiredness and boredom.

The process of determining if someone is a genuine refugee can take between eight months to a year. People experiencing this time in an Immigration Detention Center rename it ‘Immigration Tension Center’ to describe the atmosphere of uncertainty, stress and tension.

When JRS started to offer an opportunity of enjoying the atmosphere outside detention at a local swimming pool, the idea was greeted with enthusiasm not only by people detained but also immigration, because these activities can make the detainees feel happier. Now the

swimming events take place every Wednesday, allowing ten people to visit a swimming pool about 12 miles from the IDC. Between March and August 2014 almost all detainees have enjoyed time at the pool, some even come 2 times. The swimming activity is offered in collaboration between IOM, JRS and is accompanied by 20 immigration staff.

“I am very happy with this activity. I can see the outside world and reduce the boredom after months in immigration detention,” stated a Somali refugee awaiting resettlement.

“At least, I can get out. I can swim and enjoy the atmosphere outside detention. I was also able to buy something for my friends.” said detainee of Somali origin.

The Head of Security and Order in the IDC stated, “With the swimming events, at least they can have fun while exercising. So their boredom can be reduced.” In fact, he adds,

"If possible I actually agree that this kind of activity happens more often, how about two times a week."

Another senior immigration staff adds, "The important thing is the detainees can be happy and cheerful, so there are not too much complains and the feeling of being stressed. If you feel happy and not stressed, you are healthier."

Detainees often ask when it will be their next turn to go swimming. According to one asylum seeker from Afghanistan "to go swimming helps reducing stress, even if I have to wait two more months to get a turn."

Swimming activities is one way to fulfill the rights of refugees to freedom, even if only for a short time. Being able to see the outside world and enjoy the excitement, gives something to look forward to during the 'long wait'.

## Refugee Children Have a Right to Protection

*Vembri Turanto*

"A child so little is fighting with time. For the sake of a dream that often disturbs its sleep. A child so small has no opportunity to enjoy time, forced to break rocks, clenching its limp fingers."

The lyrics of Iwan Fals song "Sore Tugu Pancoran" crossed my mind when I got home after visiting one of the Sri Lankan family who lived in a rented house on the outskirts of Jakarta. Harshan Chandra lives with his wife and two children. It's been almost a year and a half since the family arrived in Indonesia after a harsh journey by boat from Sri Lanka, through Malaysia.

Chandrika their first born is now 12 years old and one of the many refugee children who are deprived of the excitement and joy of playing and learning in a school like other children. At present she and her brother had to seek refuge together with her parents to ensure their lives are safe and peaceful.

Travelling on this path, perhaps an unexpected journey never imagined before. As a child, she imagined the journey like a vacation; a boat ride, fun and full of adventure. In reality the trip was an exhausting evacuation, full of risks



A refugee child is coloring pictures

and dangers, leading to the family to run out of food and money to survive.

Initially, the family was very hesitant to accept my arrival at their rented house. We had never met before. After introducing myself I show her the medication I brought for her father, which made Chandrika happy, "Oh yes, medicine for father. Thank you sir." The atmosphere soon turns relaxed when Harshan Chandra invited me to come in and sit down, while waiting for his wife make coffee.

Harshan Chandra suffers from a heart disease and asthma. JRS helps to provide the needed medications. Every month, JRS delivers

medicine into his rented house. Asylum Seekers and Refugees are vulnerable with limited access to health services. For children like Chandrika, JRS organizes English classes where they can learn and play together with their peers. It is one way of opening up access to education for children displaced with their parents.

Chandrika is very happy and keen to learn English. Because of this, she often helps becoming the translator in conversations with her parents, occasionally she also mixes in Indonesian words.

"Besides English, Chandrika also learns Indonesian?" I asked her. "Yes I speak a little Indonesian. I love learn with friend," she replied in broken Indonesian. "You also stay in Bogor, sir?" she continued. "No, I stay in Yogyakarta, it is another place," I replied. "Oh okay. Jogja far from Bogor?" She asked again. "Yes, take the train or bus for about ten hours. It is about ten hours by train or bus," I replied. "Wow, ten hours is very far, sir," she

said nodding. Not long after her mother came in with a cup of coffee, politely inviting me, "Please sir, drinking coffee," pointing to a cup of coffee that is presented on the table.

Chandrika is one of about 2,652 refugee or asylum seeking children in Indonesian. 908 of whom are unaccompanied or separated from their families. Being forced to leave their own country, they lose the right to an education. Prone to be caught and locked up in immigration detention centers not suitable for children, prone to be misunderstood without help and protection.

These children are now present in our midst. They may still face a long journey full of uncertainty, moving from one place to another. Children who were forced to evacuate, have a right to get help and protection so that they still have a future, as stated in Article 22 of the Convention on the Rights of the Child which was agreed by the United Nations on November 20, 1989.



Asylum seekers listening during one of JRS's Information Sessions

## Hope is all what remains

*Gading Gumilang Putra*

In Afghanistan, persecution is not only based on religious differences. Ethnic differences and land seizures can become a reason to fight. "I came to Indonesia in August 2013 and have been here for a year. Now my wife is six months pregnant with our first child," said Mustafa with tearing eyes. Fatimah, his wife, tries to smile.

That afternoon, JRS met Mustafa and his family in Bogor to help them preparing for the Refugee Status Determination process. "In the next three days, we will be interviewed by UNHCR. We don't know the process, so we are worried. We have been waiting for a long time.

We are very happy that JRS is willing to take the time to help us. Thank you,” said Mustafa when JRS came. Mustafa lived with his wife, Fatimah, and his brother-in-law, Hamid.

“I don’t know where to start,” said Mustafa in broken English. He fled Afghanistan when he was just 8 years old. Because of the civil war in Afghanistan he went to Iran with his parents. After living for 25 years there in exile, they were deported by the Iranian government as they were considered ‘illegals’.

After returning to Afghanistan problems got worse. “I was forced by the villagers to fight against some armed groups. These groups wanted to seize our land. Every night we heard gun shots, but I didn’t like to fight,” Mustafa remembers. Because he could not bear the burden and fear, he left his families only house in Afghanistan. “After a week the five of us finally decided to leave. Me, my wife, my brother-in-law, my father and mother-in-law did not want to take up guns and we were afraid.”

On their way the armed groups stopped the public bus they took and with guns pointed at their heads forced every male to get out of the bus. Mustafa was separated from his wife and his mother-in-law. With Hamid and his father-in-law he surrendered to be forced to get out of the bus, was beaten, and eventually arrested.

“Then one night, there was no one to guard us. We gathered all our courage and escaped through the window,” said Mustafa with a smile, that then disappeared from his face. “But my father-in-law got lost in the middle of the forest when we run away. We were separated and we have never met again until now,” Mustafa said softly as he looked at his wife.

“Our mother also could not be here with us,” added Fatima. After this experience Mustafa’s family decided to flee to Pakistan. In Pakistan they met a people smuggler. The agent promised to bring Mustafa’s family to Australia by boat, but his mother had to be the last one to leave. Feeling they had no other option, they agreed with the agent’s suggestion and gave him all what was left from their savings. “Until now, I can not contact the agent. There is no

boat available anymore to get to Australia, and our mother never departed from Pakistan,” Mustafa said as he bowed his head. Fatima squeezed his hand tightly.

“The Refugee Status Determination process of UNHCR is the only hope we still have. So we are very grateful that JRS is willing to come here,” Fatimah said. The loss of family, home and property caused distress for Mustafa and his family. “I never thought that our journey would be like this. But we try to be patient. At least the three of us are still allowed to live together.”

When asked about the condition of her womb, again Fatimah only can smile. “Insha Allah, it is fine. I don’t know exactly because for six months the doctor has checked my womb only once in the third month.” Mustafa said in a very low voice that his family has been facing financial problems because in Indonesia they are not allowed asylum seekers to work. “We decided to move to Jakarta to get financial support. We hope that we could get support at least for our baby. We are also grateful to get a cheaper rent for our home.” Fatimah tried to comfort her husband by saying, “I just wished you could be a tailor again as you were in the past.” Now, Mustafa looks at his wife and smiles.

“Now I understand the UNHCR process. I feel ready for the interview too. Do not forget us, please, at least as a friend,” Mustafa said to JRS as we were about to leave his home.

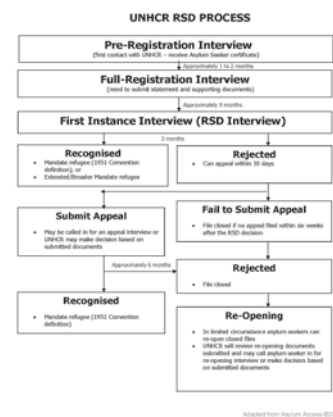


Diagram of Refugee Status Determination Process

# Pictures inviting us to see, reflect and act

*Indro Suprobo*



A visitor looking at photos of Greg Constantine at Jogja Gallery

"The situation of the Rohingya people raises questions of the state, humanity and democracy. Greg Constantine's pictures and approach conveys a deep message to humanity. The photographic work of Greg Constantine is an opportunity for the Indonesian people to understand the problems of injustice in Indonesia through the issue of injustice in the world, experienced by Rohingya people" said Alissa Wahid, when opening the photo exhibition 'Exiled to Nowhere: Burma's Rohingya' in Jogja Gallery on Saturday afternoon, 23 August 2014.

The seven day exhibition aimed to highlight the plight of Rohingya people not only via photographs but in various discussions, activities and seminars organized in collaboration with the Faculty of Law and Center for Human Rights Studies, Islamic University of Indonesia, Faculty of Law, University of Atma Jaya Yogyakarta, ASEAN Studies Center at University Gadjah Mada,

and the Center for Religious and Cross-Cultural Studies, Graduate School of University Gadjah Mada. Discussions were also held through a live broadcast on Radio Republic Indonesia and Radio Sonora Yogyakarta. More technical talks including about the role of photography were held at Jogja Gallery in cooperation with Yogyakarta Morning Class.

"Photography and Exhibitions just create an opportunity to discuss the Rohingya issue in more detail and the wider context as it raises concerns about human rights, identity, international law and refuge. If this exhibition can bring some change to the situation for the Rohingya, then this would be a remarkable thing. Incidents of human rights violations occur everywhere so a photography exhibition can be one way to raise awareness about a very alarming situation. At the end, this exhibition is not about photography but about engagement," said Greg Constantine.



Greg Constantine, Lars Stenger and G. Sri Nurhartanto facilitating Seminar at Atma Jaya University of Yogyakarta

Life as stateless people is experienced by the Rohingya who are not recognized as nationals by any State or Government in this world. The denial of identity cards, passports, birth certificates leads consequently to the loss of their fundamental rights. There are approximately one million Rohingyas do not have citizenship and experiencing the worst living conditions in the world. The situation of the Rohingya represents humanitarian issues around the world, namely discrimination and human rights violations of states against its own citizens.

In Myanmar, the Rohingya people are not recognized as citizens and are facing many restrictions by the government, which leads to difficulties and vulnerabilities. The experience of extortion when trying to obtain the permission to marry, threats of punishment and imprisonment, deprivation of land and property, loss of jobs and livelihoods, forced labor, persecution and harassment are only some of the reasons forcing them to flee to neighboring countries, including Indonesia. They continue to face harassment, violence, lack of rights, protection and support wherever they go, facing rejection as no country would accept them as citizens.

In 2014, the number of Rohingyas in Indonesia reached 863 people with the status of refugees

and 76 people with the status of asylum seekers. They have no legal status, children born here do still not receive birth certificates. Being not allowed to work to support themselves and their families no long-term solution for them is in sight, be it in the form of integration into the society of Indonesia or resettlement to a third country. Hundreds of them were detained in immigration detention centres, including women and children. Their condition remains critical.

"Having ratified the Refugee Convention or not, each country, including Indonesia, has an obligation to protect Refugees. This is a standard principle in international law and humanitarian standards. The Indonesian government is also obliged to respect the principle of *non-refoulement*, prohibiting the return of refugees to the country of origin where their life is at risk" said Gregory Sri Nurhartanto, dean of the Faculty of Law, University of Atma Jaya Yogyakarta.

The situation of statelessness and consequent human rights violations requires the attention of the international community. What is needed are legal mechanisms to help people without citizenship.

"Stateless communities are ignored in a world that celebrates humanity nowadays. Urge



Alissa Wahid and Greg Constantine opening the exhibition

ASEAN to create policies for their protection," wrote one visitor to the photo exhibition in the visitor book, collecting impressions and messages.

In the ASEAN context, Dr. Sefriani, S.H., M.Hum., lecturer at the Faculty of Law at University Islam Indonesia proposes two paths to be taken to improve the situation of Rohingya people: 'The ASEAN Way' which is flexible and constructive or through 'The mechanism of the Responsibility to Protect'. Through the ASEAN Way, ASEAN countries can undertake humanitarian diplomacy towards Myanmar's government and encourage them to amend their discriminatory Citizenship Act and raise it as a humanitarian issue. Through the mechanism of the 'Responsibility to Protect' another country may intervene for reasons of humanitarian protection, when a state is not willing to protect people within its territory and violates humanitarian principles.

For Indonesian people, to be seriously engaged in addressing the situation of statelessness is urgent and important. Indonesia needs to seek legal, social, economic, cultural and humanitarian solutions in order to assist stateless persons residing in its territory. \*\*\*

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