



Komisi Untuk Orang Hilang dan Korban Tindak Kekerasan



## English Version

### JOINT STATEMENT

#### CIVIL SOCIETY ORGANIZATIONS OBSERVING REFUGEE AND ASYLUM SEEKERS ISSUES IN INDONESIA

#### **QUESTIONING INDONESIA'S HUMANITARIAN PROMISES FOR ROHINGYA REFUGEES**

(17 November 2023) *Humanitarian promises are ignored. The refusal to dock a boat carrying around 249 Rohingya refugees (the exact number is yet to be confirmed) occurred in Pulo Pineung Meunasah Dua Village, Panjang District, Bireuen Regency in the early hours of November 16, 2023. The implementation of the Presidential Regulation on the Handling of Foreign Refugees (Presidential Regulation 125/2016) is once again doubtful.*

The boat was anchored for some time while the Rohingya refugees landed in Pulo Pineung Meunasah Dua Village before they were asked to sail back. This happened despite the worrying condition of the boat and the Rohingya refugees, most of whom consist of children and women, some are even ill. It was worsened by the conditions and dangers they faced during their journey which was alleged to arrive from Bangladesh.

The boat was towed out to sea with one gravely ill person remaining on land and four people deciding to jump and swim ashore, while the rest could only look on helplessly from the boat. However, with the help of Acehnese fishermen, local villagers who couldn't bear only to witness decided to work together providing food to the boat which was floating not far from land. Ironically, the boat was still asked to leave and the risky journey continued.

The legal provisions of international customary law mention the principle of non-refoulement which stipulates that an individual, including refugees, should not be returned or refused in the country where they seek protection. Allowing the rejection of a Rohingya boat to happen would be a negative record in honoring the principle.

In the afternoon, the boat anchored in Ulee Madon Village, Muara Batu District, North Aceh Regency. By land route, this location is no more than 45 minutes away by motor vehicle. The boat was leaking which worsens the condition of Rohingya refugees. Compassionate residents provided fit-for-use clothing upon noticing several refugees experienced hypothermia.

The boat was repaired. Water that had entered the boat was discharged. Fuel was filled into the tank. Refugees were prepared to be returned to the boat and asked to leave the mainland again! The pattern was the same as in Bireuen and appeared to be very coordinated. Needless to say, this is not the coordination as promised in The Presidential Regulation with a very humanitarian approach, in line with Indonesia's promises regarding refugees often made in global forums including the G-20, ASEAN, and the Global Refugee Forum which will be held in December 2023. Particularly acknowledging the extension of Indonesia's position as a Member of the UN Human Rights Council, the country perhaps should provide answers regarding today's events.

The incident reminds us of Presidential Regulation 125/2016 which stipulates that refugees found on land must be taken into control by the police, while if they are found in the waters, especially in emergency conditions, then the coordination responsibility lies with Basarnas or the National Search and Rescue Agency. Subsequent articles in the regulation require the police to hand over refugees to immigration agencies and local governments who have the obligation to determine their shelter. This Presidential Regulation applies nationally, including Aceh. It gives a leadership mandate to the Coordinating Ministry for Political, Legal, and Security Affairs to ensure that all the appropriate stages are fulfilled. However, the Presidential Regulation was once again ignored in this incident.

A lazy and unconvincing argument that Indonesia is not a signatory of the 1951 Refugee Convention and the 1967 Protocol is still frequently echoed while in fact, Indonesia has ratified other human rights instruments, such as the life-saving provisions in the law of the sea or UNCLOS, provisions in the Bali Process, and other human rights conventions that protect women, children, and disabled groups among others. This is not to mention the international statements previously made by the country.

This boat is the third one after two previous boats successively anchored in Pidie Regency on 14 and 15 November 2023. Shared responsibility had occurred. Local governments, international institutions, humanitarian agencies, and citizens flocked to help. However, while the focus of rescue is in Pidie, the incidents in Bireuen and North Aceh on November 16 2023 are very worrying. Moreover, these boats' arrival may not be the last.

Myanmar's condition has not improved despite Indonesia's contribution of five-point consensus when it became the chairman of ASEAN. The situation in Bangladesh, where Rohingya refugees have fled, is also increasingly worrying with overcrowded conditions, violence, fires, and a decline in aid. Inevitably, Rohingya refugees will take dangerous journeys through smugglers to get protection and a chance to reunite with their families who may be in Indonesia, Malaysia, or other countries. Should there be another option for safe evacuation other than smugglers, perhaps that would be taken. Unfortunately, this option is the only way. Not infrequently people have died and were exploited on the journey. As a country committed to protecting victims of human trafficking, we often forget that these refugees have the potential or may have already been victims of such mechanisms.

This Joint Statement was made by a network of humanitarian agencies at local and national levels with great concern. The Joint Statement is a humanitarian call for all Indonesian citizens and

governments at various levels to respect the Presidential Decree and implement the international statements that have been made.

The conditions in Bireuen and North Aceh should disturb our conscience. We may have to remember again, our society (Aceh) is an open society. Conditions in Bireuen and North Aceh have disturbed Aceh's Islamic values and customs *peumulia jamee* (to honor the guests). This condition needs immediate attention with the refugees rescued without delay. Therefore, we, a network of humanitarian and human rights institutions, call for the following:

1. Support the implementation and fulfillment of Human Rights principles in response to refugees by saving refugee boats and not asking refugees to reboard the boat or pushing the boat back into the sea because it would deny responsibility in respecting the principles of non-refoulement and humanitarian response.
2. Implement the Presidential Decree Number 125 of 2016 on the Handling of Foreign Refugees to bring Rohingya refugees to shelters. There are various responsibilities including the Police and Basarnas at the time of discovery, Immigration and Regional Government especially North Aceh. The responsibility also belongs to the Coordinating Ministry for Politics, Legal, and Security Affairs to coordinate and maintain the dignity of Presidential Decree.
3. Urge the Coordinating Minister for Politics, Legal, and Security Affairs to call for the Task Force for Handling of Foreign Refugees to immediately take action when coordination is not working appropriately, primarily with the Regional Government, including the Task Force for Handling of Foreign Refugees at the provincial level and other institutions in making decisions regarding finding and placement.
4. Invite members of the local communities, mentioned as well in the Presidential Regulation in the finding section, to coordinate and urge the government to carry out its responsibilities.
5. Appreciate and invite residents of Bireuen and North Aceh to show the public that Acehese traditional values are still adhered to by providing assistance such as food and clothing.
6. Determine and facilitate temporary shelter locations specified by the Regional Government, especially North Aceh and Bireuen.
7. Encourage international institutions and humanitarian agencies to coordinate with the government as part of shared responsibility regarding humanitarian responses that will be carried out throughout the landing.
8. Appreciate the role of local community members, humanitarian agencies, and local governments involved in handling refugees in the Aceh region amidst the absence of concrete steps in Bireuen and North Aceh.
9. Encourage joint initiatives and coordination regarding efforts to identify and protect vulnerable groups on boats including sick people, children, pregnant women, victims of violence, people with disabilities, and others.

#### CIVIL SOCIETY ORGANIZATIONS OBSERVING REFUGEE AND ASYLUM SEEKERS ISSUES IN INDONESIA

1. KontraS Aceh
2. SUAKA
3. KontraS
4. RDI Urban Refugee Research Group (RDI-UREF)
5. Yayasan Jesuit Refugee Service Indonesia (JRS Indonesia)
6. Perhimpunan Bantuan Hukum dan HAM Indonesia (PBHI Nasional)

7. Dompok Dhuafa
8. Sahabat Insan
9. Human Rights Working Group (HRWG)
10. Lembaga Bantuan Hukum (LBH) Banda Aceh
11. Sandya Institute
12. Lembaga Bantuan Hukum Asosiasi Perempuan Indonesia untuk Keadilan (LBH APIK)  
Jakarta
13. Asia Justice and Rights (AJAR)