

# **ROHINGYA REFUGEES IN ACEH: AN UPDATE**

**9 September 2020  
IPAC Report No. 67**

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In the early hours of 7 September 2020, a boat packed with 296 Rohingya refugees landed at Ujong Blang beach, in Lhokseumawe, Aceh, where an earlier group of Rohingya had landed in June. That first group – originally 99 but now down to 93 with a few escapes – was a manageable population. Donations and supplies were sufficient; humanitarian groups had worked out a clear division of labour. But the arrival of almost 300 more people presents an unprecedented challenge for the local government, the task force charged with refugee management and the NGO coalition working with it. Both boatloads are part of the same group of hundreds of Rohingya from the camps around Cox’s Bazar, Bangladesh that paid people-smugglers to take them to Malaysia and left in early 2020.

Indonesia continues to maintain that its priority is repatriation, although the local government, pressured by the Acehnese community, has expressed its willingness to accommodate the Rohingyas for as long as is needed.<sup>1</sup> But a more comprehensive solution is needed that involves better regional cooperation to enable a speedy, collective response to emergency situations (implementation of the so-called Bali Process), less focus on repatriation when repatriation is not a viable alternative, more discussion of regional resettlement, and more systematic investigation and prosecution of officials, including members of regional security forces, found to be involved with or profiting from smuggling networks. The failure of the Myanmar to grant full citizenship rights or even basic protection to this most persecuted of populations remains the root of the problem, but there is much to be done in the short term even as long-term solutions remain elusive.

## I. BACKGROUND

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Sometime in March 2020, although the date is not certain and could have been earlier, as many as 800 Rohingya desperate to leave squalid camps in Cox’s Bazar paid traffickers to take them by sea to Malaysia.<sup>2</sup> No one knows for sure how many originally left or in how many boats.<sup>3</sup> The news emerged on 15 April, after one boat filled with 400 Rohingya refugees was rescued by Bangladesh maritime authorities in the Bay of Bengal. While the survivors returned to their camps in Bangladesh, countless were said to have died due to starvation and violence on board and their bodies thrown overboard.<sup>4</sup> More boats were believed to have reached international waters in the Andaman Sea, en route to Malaysia where a huge Rohingya diaspora population lives.<sup>5</sup> A boat carrying 269 Rohingya landed in Malaysia on 8 June 2020; its trafficked passengers were detained.

On 15 May, Indonesian Coordinating Minister for Law, Security and Politics was put on notice that two boats filled with at least 500 refugees were sighted near Indonesian waters, just north of Aceh province. At that time, the instruction from Aceh police was clear:

If we find them, it is better not to direct them to the land. If they need help, we will fulfil their needs immediately then direct them to wherever their original destination was.<sup>6</sup>

On 24 June, 99 Rohingya – 17 men, 49 women and the rest children – were rescued by a crew of Acehnese fishermen as they were drifting about four miles off the coast of Seunodon, a coastal town in North Aceh. It took two days of arguments between maritime authorities, who wanted to push the boat back, and Aceh’s customary leader, the Panglima Laot, before the boat was finally allowed to land on

1 Responding to the disembarkation, Foreign Minister Retno Marsudi gave a statement during an ASEAN virtual meeting that Indonesia’s priority for the repatriation of Rohingya refugees back to Rakhine state, in line with principles of voluntary return with safety and dignity. “Indonesia urges ASEAN to help ensure Rohingya safety,” [www.aa.com.tr](http://www.aa.com.tr), 24 June 2020.

2 Refugees interviewed by IPAC in August said they left in March but separate UNHCR sources have mentioned January and February.

3 “Rohingya: LSM yakini peranan jaringan penyelundup manusia saat hamper 300 orang ‘mendarat’ di Aceh, akan ada lagi kapan pengangkut orang Rohingya ‘Oktober atau November’” BBC News, 7 September 2020.

4 “Joint statement on Rohingya refugees at sea,” [www.reliefweb.int](http://www.reliefweb.int), 1 May 2020.

5 The Rohingya population in Malaysia is believed to be about 130,000. Of these some 101,320 were registered with the UNHCR as of July 2020.

6 “500 Imigran Rohingya Akan Masuk Perairan Aceh, Polisi Perketat Pengawasan,” [www.kompas.com](http://www.kompas.com), 15 May 2020.

the coast of Lancok, North Aceh. Aceh's traditional maritime law, hukum adat laot, obligates Acehnese to rescue any seafarers whose life is threatened at sea. It was apparent that conflict might erupt on shore as tension was high between the Acehnese coastal community who demanded the refugees be saved and the Indonesian authorities who opposed what they said was illegal intrusion.<sup>7</sup>

Faisal Afrizal, the Acehnese captain responsible for transferring the refugees to his fishing boat said the Indonesian maritime police (Polair) were so angry at him for rescuing the Rohingyas that they prevented him from disembarking at his home-port in Seunodon on 23 June.<sup>8</sup> They interrogated him and seized his boat. From the questions they asked, Faisal said (and the Lhokseumawe police chief confirmed) that the police suspected him of being part of the smuggling ring. Although he was not detained, he was left jobless, as his boat as of late August was still docked at the Polair station in Lhokseumawe. It had been methodically stripped of all its equipment, including its engines.<sup>9</sup>

Once the Rohingyas were rescued, local authorities working with an NGO coalition were already waiting ashore and transferred the refugees to the immigration office's facility in Lhokseumawe for temporary shelter. The refugees said one passenger had died on board, and all agreed that they had spent four months at sea. But dozens may have died – Faisal believes that he saw at least ten lifeless bodies stored in the lower cabin – and the stories were so identical that they sounded rehearsed.<sup>10</sup> The Rohingyas were likely under pressure from the traffickers to reveal as little as possible about the actual details of departure, provisioning and treatment on board.

## II. THE MECHANICS OF THE TRAFFICKING

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Aceh's Commission for Missing Persons and Victims of Violence (Kontras) has been investigating the smuggling rings responsible for bringing the Rohingya refugees to Aceh. According to Hendra Fadli, the coordinator of Kontras, it is clear that the trafficking methods used in the last two boatloads are very different from the spontaneity of 2015 refugee boat crisis, where hundreds of Rohingyas were believed to have died of hunger. The full picture is still unclear but some interesting facts have emerged.

Based on the medical evaluation of the first batch of refugees that arrived in June 2020, almost all of the refugees were relatively hydrated, albeit malnourished, despite being at sea for roughly four months. The new batch is also the same, despite seven months at sea. It seems that this time the smugglers employed a kind of shuttle system, with smaller fishing boats going back and forth with food and water to ensure the refugees in the larger boats were fed. Faisal Afrizal said the refugee boat was already leaking when he boarded it and would likely have sunk within three hours.

According to the testimony of one of the four Malay speakers in the June group, each person paid 10,000 Malaysian ringgits (\$2,400) for boarding the boat. Additional payments are expected from their relatives in Malaysia. In the past, this payment was on arrival but in some cases, more recently, traffickers were said to be demanding transfers of as much as 5,000 ringgit before the victims left the boat.<sup>11</sup>

## III. REFUGEE CAMP MANAGEMENT

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The Lhokseumawe municipal government has legal authority for dealing with the refugees under Presidential Decree No. 125/2016 on Managing Refugees from Abroad. The decree emerged from the emer-

7 IPAC interview with Yayasan Geutanyo, Lhokseumawe, 19 August 2020. See also "Yayasan Geutanyo: Penyelamatan Rohingya di Laut oleh Nelayan Aceh Perbuatan Kemanusiaan yang Nyata," [www.aceh.tribunnews.com](http://www.aceh.tribunnews.com), 26 June 2020.

8 IPAC interview with Faisal Afrizal, Seunodon, Aceh, 21 August 2020.

9 The police and navy believed that there are more boats carrying Rohingya refugees in Southeast Asian waters. They noted that a large vessel referred to as "the mothership" carrying more than 400 passengers is still adrift in the international waters north of Aceh province.

10 IPAC interview with Faisal Afrizal, Seunodon, Aceh, 21 August 2020.

11 "Traffickers demand payments for Rohingya stranded at sea," Reuters.com, 15 June 2020.

gency humanitarian response to the 2015 Rohingya boat crisis in which the Aceh local government, the UN High Commissioner on Refugees (UNHCR), International Organisation on Migration (IOM) and NGOs worked together to rescue and manage more than 1,000 Rohingya who fled violence in Myanmar. The decree gives local government the responsibility to establish a refugee taskforce (*Satuan Petugas*, Satgas) to manage both the humanitarian response and provide shelter for the refugees and asylum seekers, while IOM and UNHCR share responsibility for their welfare and resettlement.<sup>12</sup>

Based on this framework, the Lhokseumawe municipality formed a “Satgas Rohingya”, comprised of the local immigration office, social department and various security actors, including the police, military and intelligence. This body works with an NGO coalition consisting of several humanitarian organizations that have been involved in the Rohingya refugee response in Indonesia, Myanmar or Bangladesh, including UNHCR, IOM, Indonesian Red Cross (PMI), Aksi Cepat Tanggap (ACT), Yayasan Geutanyo, Dompot Dhuafa and Muhammadiyah Disaster Management Center.<sup>13</sup> On day-to-day basis, it is the NGO coalition that runs the camp.

The Satgas delegated camp management to a working group (*kelompok kerja*, Pokja) consisting of organizations affiliated with or funded by the Department of Social Affairs, namely Karang Taruna (Youth Organisation), Tagana (Youth Community-based Disaster Management), KNPI (National Committee of Indonesian Youth) and BPBD (Regional Agency for Disaster Management). Friction has arisen between NGO workers and Pokja over logistic procurement and transportation, and while some of the immediate problems were worked out, tensions continue.

The 2016 Decree did not spell out how a local government could reallocate its budget to take care of refugee management. It also fails to spell out the division of labour among institutions in the Satgas, and the role of provincial and central governments. Thus far, the Lhokseumawe municipal government has been left to its own devices. It has received about US\$1500 in donations, but using even this minimal amount without a legal framework could get municipal officials into trouble.<sup>14</sup>

The provincial government has a hefty “Aceh Emergency Fund” but has been reluctant to use it for the refugees, especially as it is now being drawn on to address the Covid-19 pandemic. One of the volunteers from a government-affiliated youth association said that the mayor has provided “cigarette money” out of his own pocket to him and his friends, but they have not received other payments for their work in the camp.<sup>15</sup>

#### IV. LIVING CONDITIONS, ESCAPES AND SCAMS

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Most of the humanitarian workers in the camp agree that Rohingya refugees in Lhokseumawe have adapted to their new life relatively well. The life in the camp has been orderly, with no sign of potential conflict thus far, in stark contrast to the chaotic management of the 2015 refugees.<sup>16</sup> The fact that the majority of the new batches are women and children and all originated from the same place – Maungdaw township in Rakhine State – may have contributed to the relatively orderly situation as well.<sup>17</sup>

The high numbers of women have raised another problem as well. Most are already married either virtually or otherwise to men in Malaysia who financed their travel. While the men in the new batches may be more patient in waiting for the process of Refugee Status Determination (RSD) or even resettlement in a third country, most of the married women wanted only to be reunited with their husbands.

12 Peraturan Presiden Republik Indonesia Nomor 125 Tahun 2016 Tentang Penanganan Pengungsi dari Luar Negeri.

13 ACT and Dompot Dhuafa are two Muslim charity organisations. ACT has been active in Myanmar, Bangladesh, Palestine, and Turkey. Dompot Dhuafa was founded in 1993 by *Republika* newspaper.

14 IPAC interview with Ridwan Jalil, head of Satgas Rohingya, Lhokseumawe, 19 August 2020.

15 IPAC interview with members of Karang Taruna, Lhokseumawe, 18 August 2020.

16 More than 700 out of 1000 of Rohingyas sheltered in Aceh in 2015 ran away from the camps. Antje Missbach, “Rohingya Refugees in Aceh, Indonesia: Hostile Hospitality”, Middle East Institute, 2 June 2016.

17 IPAC interview with UNHCR officer, Lhokseumawe, 20 August 2020.

Neither UNHCR nor Indonesian authorities have any legal means to prevent refugees from leaving the camp, and in any case, this would violate their right to freedom of movement. But Myanmar's disenfranchisement of the Rohingya has left most of the community without citizenship, let alone travel documentation. Unless their relatives in Malaysia have legal residence, the only way to get from Indonesia to Malaysia is illicitly, by using the service of a smuggler. Family reunification between undocumented Rohingya refugees in Lhokseumawe and undocumented migrants in Malaysia thus inadvertently breaches both countries' laws.

Since 11 July 2020, when the 99 refugees were first given shelter at the Lhokseumawe municipal facility (Gedung BLK), there have been countless people visiting the camp claiming to be either a relative or as emissaries sent to pick up one of the women. Most did not return after they were asked for identification. The first escape finally happened on 9 August 2020, when a girl named Tasfiah (17 years old) ran away around dawn. A car was said to have picked her up.<sup>18</sup> Before she left, Tasfiah had already expressed her intention to be reunited with her husband in Malaysia. According to the camp management, Tasfiah has 12 distant relatives in the camp but she was always on her own and did not mingle with them. Before the incident, a police assigned to guard the camp had arrested three suspicious persons who were falsely claiming to be humanitarian officers from Medan and trying to enter the camp.<sup>19</sup> During the interrogation, it was revealed that the one person was a Rohingya refugee based in Medan, while two others were Acehese locals. They had been trying to pick up Tasfiah before they were arrested. The three were released as the police had no legal basis to detain them.

The second escape attempt took place on 17 August, on the night when the Indonesian Red Cross (PMI) held a Bollywood movie screening to celebrate Indonesian Independence Day. The attempt failed, because the PMI officers present had received a tip from one of the refugees who believed that four people, two pairs of a mother and child, were going to escape that night.<sup>20</sup> The movie screening itself was a ploy to pre-empt the attempt. Another escape attempt, this time successful, took place on 7 September. Five women, three adult and two children managed to slip away from the camp early in the morning.<sup>21</sup> Repeated attempts such as these have heightened NGO suspicions toward local volunteers, some of whom stay overnight in the camp.

Further concerns arose when money was starting to circulate in the camp. The head of PMI Lhokseumawe, Muhammad Wali, noted that after the Idul Adha Islamic celebration day (31 July 2020) some of the Rohingya were using their own mobile phones instead of borrowing one from the UNHCR or PMI staff. Money transfers from relatives abroad to refugees in the camp were becoming more frequent by August, causing disputes in some cases when locals who facilitated the money transfer were accused of skimming and only turning over part of the transfer to the designated recipients. One of the cases involved a local teenager who received a Rp.5 million (\$270) transfer from a refugee's relative in Malaysia but only turned over Rp.1 million to the person involved. It reportedly costs Rp.20 million to get a Rohingya from the camp to Medan and then to Tanjung Balai, where many boats leaving illegally for Malaysia are located. It is not clear who facilitates these money exchanges.

The camp's atmosphere has been affected by 'whodunit' suspicions, especially between humanitarian NGO workers and the local government-affiliated youth organisations. Some of the NGO workers suspect that some volunteers and security guards may be involved in these financial scams. Some of the volunteers in turn see the NGOs as part of a 'humanitarian industry' in which more money is used for salaries than for useful projects.<sup>22</sup> More systematic salaries for the youth group workers might alleviate these suspicions.

18 "Begini Kisah Tasfiah gadis Rohingya Cantik yang telah Kabur dari Kamp Pengungsian di Lhokseumawe", [www.serambinews.com](http://www.serambinews.com), 9 August 2020.

19 IPAC interview with a police officer at BLK camp, 20 August 2020.

20 IPAC interview with Muhammad Wali, Lhokseumawe, 19 August 2020.

21 "Rohingya Arrivals Receive Aid as Indonesia, Indonesia, UN Ponder Next Steps," [www.benarnews.org](http://www.benarnews.org), 08 September 2020.

22 See also IPAC report No. 46, "Indonesia and Rohingya Crisis," June 2018, pg. 10-11.

## V. LOOKING FORWARD

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The new batch of arrivals will certainly change the dynamics of refugee management in Lhokseumawe. A preliminary count from UNHCR shows 14 children under 10 years old, 169 children from 10 to 18 years old, while the rest are adults. The NGO coalition would prefer that the BLK camp, where the first group has been living for the last three months, be used as the shelter for the new arrivals because they do not want to stretch resources too thinly with multiple refugee camps across Aceh. The problem is that there is only one unoccupied building at the camp which is smaller than the two buildings now in use. Furthermore, sheltering roughly 400 refugees at a single refugee camp with limited space could aggravate the risk of conflict, whether between different batches of refugees, or between them and local Acehnese, however welcoming they have been to date. The presence of now many more adult males and youths, in contrast to 17 earlier, may cause additional security issues.

Since resettlement is likely to be an agonisingly slow process and formal integration in Indonesia is unlikely since Indonesia is not a signatory to the 1951 Refugee Convention, UNHCR and the Lhokseumawe municipality have been working to create livelihood training and language learning programmes.<sup>23</sup> The programme would allow the refugees to work certain areas, such as restaurants or farms, but with payments below the minimum wage to prevent ‘jealousy’.<sup>24</sup> Ridwan Jalil, head of the Satgas, said he hopes that the program can become a model for refugee management in Indonesia. Of course it would help if Indonesian would accede to the convention, but any action in the near future is unlikely.

## VI. RECOMMENDATIONS

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The Rohingya exodus to Southeast Asia has been expected since the violence and forcible expulsion from Myanmar sent some 700,000 Rohingya into Bangladesh in late 2017. Very little, however, has been done to ensure an effective collective response that would save lives in accordance with the goals of the so-called Bali Process. Malaysia, Thailand, Indonesia are all pursuing independent policies, sometimes at cross-purposes to one another, while the Association of Southeast Asian Nations (ASEAN) refuses to exert meaningful pressure on Myanmar. The Foreign Ministers of ASEAN have an opportunity on 10 September to issue a statement that goes beyond platitudes and comes up with concrete measures, but the likelihood of a useful intervention is not high.

President Jokowi needs to show leadership in revising Presidential Decree No.125/2016 to take some of the financial burden off local governments and provide more active support from the center. The Satgas needs to have the funds to employ trained staff rather than volunteers, whose unpaid status contributes to tensions and suspicions in the Lhokseumawe camp. More importantly, it needs to elevate the basis for refugee protection from a presidential decree to an actual law that affirms the principles of non-refoulement and refugee rights, even if Indonesia decides that it cannot take on all the obligations of the 1951 Refugee Convention and the 1967 Protocol.

In the meantime, the government should move forward quickly with a green light for UNHCR’s proposed livelihood program, allowing refugees to live more meaningful lives as they await longer term remedies.

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23 See also Matthew LoCastro et. Al., “Unlocking the Economic Potentials of Indonesia’s Refugee Community: A Survey on Labour Characteristics,” Sandya Institute Research Paper, November 2019.

24 IPAC interview with the head of Satgas, Ridwan Jalil, Lhokseumawe, 19 August 2020.

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