*Journal of Refugee Studies Vol. 26, No. 1* © The Author 2012. Published by Oxford University Press.

doi:10.1093/jrs/fes027 Advance Access publication 7 December 2012

# Exporting Detention: Australia-funded Immigration Detention in Indonesia

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*MS received September 2011; revised MS received March 2012*

Since 2000, Australia has provided significant levels of funding and resources to encourage Indonesia to use immigration detention to deter asylum seekers from making the onward journey to Australia. In this way Australia has effectively extended its domestic policy of immigration detention beyond its own national borders. The provision of Australian funding for detention in Indonesia has resulted in an increased propensity of Indonesian officials to detain. This article examines the outcomes and implications of this transfer of immigration detention policy for asylum seekers and refugees in Indonesia. It draws on interviews conducted with individuals who have spent time in Indonesia's immigration detention centres, and Indonesian immigration officials, to assess the conditions of the detention centres. The particular arrangement between Australia and Indonesia, however, fails adequately to protect the human rights of immigration detainees. Ultimately, the detention of asylum seekers in Indonesia serves as one more barrier to finding effective protection in the Asia-Pacific region.

Keywords: immigration detention, asylum seekers, Indonesia, Australia, policy export

## Introduction

In 1998, Suhrke noted a tendency for wealthy Western states, each of them parties to the Convention relating to the Status of Refugees 1951 (hereafter, the Refugee Convention), to deploy strategies to restrict the entry to their territory for asylum seekers who might call on their protection. This 'globalised restriction on asylum' (Suhrke 1998: 396) continues to characterise many asylum policies throughout the world. One of the strategies used by wealthy Western states is to exercise influence over the asylum policies of their

sovereign neighbours. The asylum policies of Europe, North America and Australia today extend well beyond state boundaries into the jurisdiction of their neighbours. Immigration detention is one of the most important of these policy exports. Europe has built immigration detention centres in the Ukraine (Flynn 2006; European Union 2009; Flynn and Cannon 2010) and North Africa (Flynn 2006; Kimball 2007; Flynn and Cannon 2010), and the United States has funded a detention centre in Guatemala (Flynn 2002) and it has been suggested has also funded detention centres in Mexico (Kimball 2007). Since the mid 1990s, Australia has supported the development of a system of immigration detention centres in Indonesia. The cumulative effect of these detention centres is the creation of a buffer zone to deny access by asylum seekers to countries that are signatories to the Refugee Convention.

This article examines the outcomes and implications of Australian-funded immigration detention in Indonesia. Immigration detention has long been a key part of Australia's domestic border security strategy, developed to address domestic political concerns. This article argues that, at its core, the export of immigration detention to Indonesia is an export of domestic policy. The restriction of the freedom of movement of asylum seekers in Indonesia is in Australia's own domestic political interest, but it has provided Indonesia with sufficient incentives to encourage it to adopt this restrictive policy. The particular nature of the Australian–Indonesian bilateral relationship means that Indonesia would likely resist any overt imposition of policy by its neighbour. Indonesia has *agreed* to cooperate with Australia on detention policy. We argue that this specific dynamic shapes the character of the implementation of detention policy in Indonesia. Achieving consistency in the conditions, management, and treatment of detainees, is a problem for detention centres which are spread across the Indonesian archipelago and fall under different regional jurisdictions. Furthermore, neither the Indonesian nor Australian governments have implemented measures to protect the human rights of immigration detainees. More broadly, the detention of asylum seekers in Indonesia has considerable implications for the ability of asylum seekers to find effective protection in the Asia-Pacific region more generally.

This article is set out in five sections. The first section outlines our research methods. The second section outlines the context of asylum seekers in Indonesia and Australia. It explains why stopping the arrival of boats of asylum seekers is an important issue for the Australian government, and examines the maturing relationship between Australia and Indonesia that has facilitated cooperation on asylum matters. The third section provides a chronology of Indonesia's asylum policies. This section examines the transition of Indonesian policy from a general position of tolerance of asylum seekers in the early 1990s to the introduction of tougher detention laws in 2011. Throughout this chronology we identify points where Australia has influenced Indonesian policy. The fourth examines the outcomes of Indonesian law, drawing on interviews to build a picture of the experiences

of people subject to immigration detention in Indonesia. Finally, the fifth section discusses two major implications of immigration detention in Indonesia: the lack of protection of the human rights of people subject to it; and the reduced ability for asylum seekers to obtain effective protection in the Asia-Pacific region.

## Research Methods

This article draws on research conducted as part of a larger project entitled 'The Impact on the Human Rights of Asylum-Seekers and Host Communities of Australia's Border Control Cooperation with Indonesia and PNG', funded by the Australian Research Council, the Jesuit Refugee Service Australia and Oxfam Australia. The documentary information regarding Australian and Indonesian law, policy and practice has been collected from Indonesian and Australian government sources and websites. National and regional media provided some further insight into practice. Indonesian language texts were translated by members of the research team. The project also involved interviews with asylum seekers, refugees, and rejected asylum seekers in Indonesia, and with Australian and Indonesian officials and individuals working in the area of human rights protection of asylum seekers. Our findings on immigration detention are based on 24 interviews, comprising 12 interviews with Indonesian officials and Australian professionals and 12 interviews with individuals who were in detention at the time of the interview, or had spent some time in detention in Indonesia. The interviews were conducted between mid-October 2008 and early November 2009. Care was taken to interview detainees from a range of countries of origin, and in different detention facilities across Indonesia. Tables 1 and 2 provide details of interview participants.

## Asylum Seekers, Australia and Indonesia

There are few states in the Asia-Pacific region that are parties to the Refugee Convention. Australia, by contrast, has a reputation as an 'open' country that supports human rights (Richardson 2010: 13–15), and as such, Australia attracts a small but significant number of asylum seekers. It is worth distinguishing asylum seekers who arrive in Australia by boat from those who arrive by airplane. Those that come by airplane usually come on a valid visa, such as a business, tourist or student visa, and apply for asylum once they arrive. Reaching Australia by airplane is a problem for asylum seekers for several reasons: many may have problems getting a passport; Australia does not issue visas to people from many refugee-producing countries; and carrier fines ensure that airlines are vigilant against asylum seekers.

As a result, many asylum seekers travel to Australia by boat, mostly from Indonesia. The passage to Australia from Indonesia is aided by the relatively low restrictions on the entry to Indonesia of people from many

*Table 1*

**Interviews with Australian and Indonesian Officials and Advocates**

| Interview | Name | Role | Location | Date of interview |
|---|---|---|---|---|
| 1 | Anonymous interviewee | Australian Federal Police official | Australia | 14 July 2008 |
| 2 | Pamela Curr (1st interview) | Asylum seeker advocate | Australia | 7 August 2008 |
| 3 | Pamela Curr (2nd interview) | Asylum seeker advocate | Australia | 12 April 2010 |
| 4 | Anonymous interviewee | Anonymous source | Indonesia | 13 January 2009 |
| 5 | Anonymous interviewee | Riau Islands immigration official #1 | Indonesia | 30 June 2009 |
| 6 | Anonymous interviewee | Riau Islands immigration official #2 | Indonesia | 1 July 2009 |
| 7 | Gatot Subroto | Head of Detention and Deportation Sub-Directorate, Directorate General of Immigration | Indonesia | 7 August 2009 |
| 8 | Ridwan Salam | Head of Meulaboh Correctional Institution | Indonesia | 25 August 2009 |
| 9 | Suryo Santoso | Head of Meulaboh Immigration Office | Indonesia | 26 August 2009 |
| 10 | Tedy Sudiro | Head of Tanjung Priok Immigration Office | Indonesia | 27 May 2009 |
| 11 | Ohan Suryana | Head of Tanjung Pinang Immigration Office | Indonesia | 16 July 2009 |
| 12 | Husni Tamrin | Head of Immigration Detention Section, Directorate-General of Immigration | Indonesia | 4 June 2009 |

*Table 2*

**Interviews with Asylum Seekers, Refugees, and Rejected Refugees in Indonesia**

| Interview | Pseudonym | Country of origin, Ethnicity/Religion | Protection status | Place and time spent in detention | Total time in Indonesia | Date of interview |
|---|---|---|---|---|---|---|
| 13 | Zainuddin | Iraq, Muslim | Refugee | Not detained | 2 years | 1.10.2009 |
| 14 | Devnesan | Sri Lanka, Hindu | Refugee | Jakarta *rudenim*,1 month; Makassar *rudenim*, 10 months | 4 years | 20.10.2009 |
| 15 | Farouq | Sri Lanka, Sunni Muslim | Asylum seeker | Meulaboh prison in Aceh, 5 months | 5 months | 20.8.2009 |
| 16 | Gunalan | Sri Lanka, Hindu | Asylum seeker | Meulaboh prison in Aceh, 3 months | 3 months | 20.8.2009 |
| 17 | Hamid | Afghanistan, Shi'a Muslim | Asylum seeker | Batam *rudenim*, 3 months | 3 months | 1.7.2009 |
| 18 | Harsha | Sri Lanka, Catholic | Asylum seeker | Meulaboh prison in Aceh, 3 months | 3 months | 23.8.2009 |
| 19 | Kalaiselvan | Sri Lanka, Tamil, Hindu | Refugee | Makassar *rudenim* 10 months; Jakarta *rudenim* 1 month | 3.5 years | 26.10.2009 |
| 20 | Karaimidarran | Sri Lanka, Tamil, Hindu | Refugee | Jakarta Central Immigration Office, 1 month; Makassar *rudenim*, 10 months | 3 years | 2.10.2009 |
| 21 | Latif | Sri Lanka, Sunni Muslim | Refugee | Jakarta *rudenim* 2.5 months; Meulaboh prison in Aceh, 2 weeks. | 4 years | 26.8.2009 |
| 22 | Lingaratnam | Sri Lanka, Tamil, Hindu | Refugee | Jakarta *rudenim*, 1 month; Makassar *rudenim*, 10 months | 4 years | 14.10.2009 |
| 23 | Nasrallah | Iraq, Sunni Muslim | Refugee | Makassar *rudenim*, 8 months | 3 years | 17.10.2009 |
| 24 | Vitt | Vietnam | Rejected refugee | Jakarta *rudenim*, 3 months | 3 years | 1.7.2009 |

refugee-producing countries, including Iran, Iraq, Afghanistan and Pakistan (Taylor and Rafferty-Brown 2010a). In addition, Indonesia has traditionally been tolerant of asylum seekers. Indonesia is not a party to the Refugee Convention, but it has allowed the Office of the United Nations High Commissioner for Refugees (UNHCR) to set up an office in Jakarta. People seeking refugee status apply to UNHCR, and are subsequently issued with UNHCR attestation letters or identification cards, which allow the asylum seeker to live in Indonesia while their claim is processed and a resettlement country is found (Taylor and Rafferty-Brown 2010a: 7). While being tolerant, however, Indonesia does not provide refugees with the option of local integration (Taylor and Rafferty-Brown 2010a). Conditions for residence are largely dependent on the region in which the asylum seekers or refugees reside: for example, in some regions the rule that asylum seekers and refugees are not allowed to work is rigorously enforced, while in other regions authorities turn a blind eye. Most significantly for the asylum seekers and refugees we interviewed for this project, the majority of Indonesia's regional governments do not allow foreigners to send their children to Indonesian schools (Taylor and Rafferty-Brown 2010b). Some asylum seekers and refugees who we interviewed had been residing in Indonesia for up to nine years, living in a type of limbo that some referred to as living like animals, or as death or dying by stages (Taylor and Rafferty-Brown 2010b: 573). The inability to 'start ''living'' again' (Taylor and Rafferty-Brown 2010b: 573) has motivated asylum seekers and refugees[1] to pay people smugglers and travel to Australia by boat, seeking an opportunity to live a more meaningful life.

Asylum seekers arriving in Australia by boat have been met with hostile reactions from many politicians and certain sections of the Australian community, and the issue has been prominent and volatile in federal elections since 2001. Motivated by the understanding that a 'tough on asylum seekers' approach is politically expedient (McAllister 2003), Australian politicians have deployed policies which seek to deter asylum seekers and deny them access to protection in Australia. One of the main policies has been the mandatory and indefinite detention of asylum seekers. Australia has a system of immigration detention centres on the Australian mainland, and offshore on Australian islands such as Christmas Island. Until 2008, it also had the use of immigration detention centres on the Pacific nations of Nauru and Papua New Guinea as part of the 'Pacific Solution'. The Pacific Solution was one example of how the Australian government exported detention policy to its neighbours in an attempt to stop boat arrivals.

As the vast majority of asylum seekers who arrive by boat come through Indonesia, the issue of refugees and asylum seekers travelling to Australia from Indonesia has long been a sensitive aspect of the bilateral relationship (Neumann and Taylor 2010). This relationship is often characterized by the term 'strange neighbours' (Ball and Wilson 1991), but since the emergence of democracy in Indonesia late last century, the relationship has 'matured, with

both sides showing a willingness to learn and to be open with each other in order to lay strong foundations for a better future relationship' (Sulistiyanto 2010: 119). Indonesia is well aware that preventing asylum seekers from travelling to Australia is a high priority for Australia and has been willing to cooperate with Australia to achieve this objective in the interests of maintaining a good bilateral relationship (interview 1). At the same time, Indonesia is made up of more than 17,000 islands, meaning that controlling irregular migration would be a difficult task even if Indonesia had the resources of a developed country. It does not. Indonesia is a lower middle income country, with a population of almost 243 million people and many problems (for example, approximately 200,000 internally displaced people (Internal Displacement Monitoring Centre 2011)) to which most Indonesians would consider its resources better applied. The provision by Australia of capacity building assistance, including a substantial amount of direct funding, has therefore been essential to gaining Indonesia's cooperation in solving what that country considers to be primarily Australia's problem. Australia's agreements with Indonesia examined in this article are an important aspect of its endeavour to stop asylum seekers making the onward journey to Australia. In effect, we argue here, Australia has exported its domestic asylum policy to its neighbour. This article now turns to a chronological examination of the development of Indonesia's detention laws, and Australia's influences on these laws and their implementation.

## From Tolerance to Detention: Shifts in Indonesian Immigration Laws 1992–2011

### *Indonesian Immigration Law 1992*

Indonesia's first policy regarding the detention of foreign nationals was Immigration Law No. 9 of 1992, and related ordinances and regulations. This law was applicable at the time the authors were conducting their field research. The law provided that a foreign national in Indonesian territory could be placed in immigration detention if a) they did not have a valid immigration permit, b) they were awaiting expulsion or deportation, c) they had filed an objection to an immigration action and were awaiting a ministerial decision, d) they were subject to immigration law enforcement or e) they had completed a sentence or period of punishment but had not yet been repatriated or deported (Article 44(1), also Article 31 of Government Ordinance No. 31 of 1994 on Alien Control and Immigration Action (as authorized by Article 46 of Law No. 9 of 1992); Article 2 of Minister for Justice and Human Rights, Ministerial Regulation (Peraturan Menteri) No. M.05.IL.02.01 of 2006). The Law also provided that 'in particular circumstances' a person could be accommodated outside of detention (article 44(2)). In practice, however, Indonesia rarely detained asylum seekers (Lawyers Committee for Human Rights 2002: 45–47).

*Australia–Indonesia Bilateral Agreements, 2000 and 2007*

Australia has assisted Indonesia to strengthen its border control capacity since the late 1990s. Assistance has included infrastructure, equipment, and various kinds of technical assistance and training. Two arrangements are particularly important. The Regional Cooperation Arrangement (RCA), established in 2000, is an arrangement between the Australian and Indonesian governments and the International Organization for Migration (IOM). Under the RCA, Indonesian authorities intercept people thought to be intent on travelling irregularly to Australia or New Zealand and refer them to IOM for 'case management and care' (IOM Indonesia 2010b). People who indicate that they wish to make asylum claims are referred by IOM to UNHCR, which determines such claims pursuant to its mandate. IOM continues to provide individuals with material assistance pending the determination of their asylum claims and the finding, where applicable, of a durable solution (IOM Indonesia 2010b). IOM also provides repatriation assistance to individuals who wish to return home at any stage. IOM's RCA activities are funded by Australia (IOM Indonesia 2010b).

Indonesia allowed most asylum seekers who fell within the scope of the RCA to live in Australian-funded accommodation under IOM management in five designated areas: Cisarua / Cipayung (West Java Province), Jakarta (DKI Jakarta Province), Medan (North Sumatra Province), Pontianak (West Kalimantan Province) and Lombok (West Nusa Tenggara Province) (Stenger 2011). People living in IOM accommodation were subject to a night curfew (Biok 2009: 262–263), had their whereabouts monitored by Indonesian authorities (UNHCR 2005; Kapanlagi.com 2008), and needed police permission to travel from their area of residence (interviews 13 and 14). These restrictions placed on their freedom of movement were, however, qualitatively different from detention.

Similarly, asylum seekers registered with UNHCR but falling outside the scope of the RCA were not usually detained but instead had their whereabouts monitored by UNHCR. While Indonesian authorities did not prosecute asylum seekers as they would others who overstay their visas, some Indonesian police expressed concern about the asylum seekers not having permits (Kapanlagi.com 2008). Registered asylum seekers were required to report to UNHCR on a regular basis (interview 13). Non-detention of women and children was a pro-active policy choice, even if the father of the same family was placed in an immigration detention facility (interviews 2 and 11). Where whole families were detained it tended to be because they had chosen to be together in detention rather than be separated through implementation of other arrangements (interview 11). The use of alternatives to detention was sometimes also a practical necessity flowing from a lack of room in detention facilities.

The second arrangement of significance is the 'Management and Care of Irregular Immigrants Project' (MCIIP) which commenced in 2007. One of the

first components of the MCIIP involved the renovation and refurbishment of Indonesia's two largest *rudenim* (Immigration Detention Houses) located in Jakarta and Tanjung Pinang to bring them up to international standards (IOM Indonesia 2009: 88–89). As part of this refurbishment, the capacity of Tanjung Pinang was increased from 100 to 400 people with a surge capacity of 600 people (Illingworth 2008: 137). Another component of the MCIIP was the collaborative development by Indonesian Immigration (Imigrasi) and IOM of 'a standard operating procedures (SOPs) manual for use in all detention houses, detention rooms and border checkpoints' (IOM Indonesia 2009: 89). The SOPs 'use human rights instruments for their framework' (IOM Indonesia 2009: 86), 'provide guidance on the care of all detainees in relation to food, healthcare, communication, grievances and other aspects of daily life in a detention facility' and 'provide for the needs of special groups including individuals with a disability and unaccompanied minors' (IOM Indonesia 2009: 89). IOM has also developed a three-day training course on the SOPs, the 'first national course for immigration officers in Indonesia with a focus on human rights and the role of immigration officers in observing international human rights law' (IOM Indonesia 2009: 86). Like the RCA, the MCIIP is fully funded by Australia pursuant to a project funding agreement which calls for regular reporting by IOM to DIAC (DIAC 2008: 154). In 2010, IOM received over US$16.6 million from Australia for the MCIIP (IOM 2011). A 2011–2012 budget allocation of A$17.8 million[2] has been made for 'payment to IOM to establish an additional immigration detention and transit facility in Indonesia' (Australian Government 2010: 55; DIAC 2010: 200).

In addition to providing infrastructure, it is clear that Australia actively encourages the holding of asylum seekers in Indonesia, as articulated by the Secretary of the Department of Immigration and Citizenship Andrew Metcalfe:

> One issue that we have seen is that the Indonesian law enforcement authorities have been very active in helping to identify and intercept boatloads or groups of people en route to Australia but have not had the facilities in which to accommodate those people in a secure way... The funding here is to provide additional funds to Indonesia to strengthen its capacity to manage those people. So it is part of the arrangements but a ramping up of the arrangements to try and assist Indonesia to prevent, detect and hold people so that they are processed in Indonesia. That, of course, plays into an overall expectation that that would suppress the number of people coming to Australia (Metcalfe 2010: 54).

The Australian-funded increase in Indonesian immigration detention capacity has been matched by an increased tendency on the part of the Indonesian government to detain all asylum seekers (IOM 2010). For people granted refugee status, Indonesian government practice has long been to allow them to be at liberty in the community while awaiting resettlement (UNHCR 2007; Keski-Nummi 2009: 87). However, this practice too appears

to be changing. For instance, in April 2010 some people were still in detention though they had been recognized as refugees as long as nine months prior (interview 3, see also Taylor 2009, Curr in ABC 2010, UNHCR Indonesia 2011, UNHCR Indonesia 2012).

### *Indonesia's Immigration Law 2011*

In May 2011, Indonesia enacted Immigration Law No. 6 of 2011 which supersedes Immigration Law No. 9 of 1992. In many ways the new law is similar to its predecessor, but there are some important differences to note. For instance, where the 1992 law stipulated that immigration officials *may* deny entry to certain foreign nationals, including those not in possession of valid travel documents (article 8), the Indonesian language text of the 2011 law stipulates that immigration officials *shall* deny entry to certain foreigners, adding to the list those in possession of false immigration documents, and those 'involved in international crime' or 'included in prostitution, human trafficking and people smuggling networks or activities' (article 13(1)). The omission of the word meaning 'may' appears to remove discretion from immigration officials, and marks a legislative shift towards a more systematic application of immigration detention.

As in the previous immigration law, the 2011 immigration law provides for any foreign national in Indonesian territory to be placed in immigration detention if they a) do not have a valid immigration permit or travel document, b) are subject to immigration law enforcement which has resulted in the cancellation of their immigration permit or c) are awaiting expulsion or deportation (article 83(1)). However, where the 1992 immigration law stated that 'in particular circumstances' a person may be accommodated outside of detention (article 44(2)), leaving Indonesian officials with a broad discretion, the new law only allows the accommodation outside detention of children, the unwell, women about to give birth, and victims of human trafficking or people smuggling (articles 83(2) and 87). In other words, it may no longer be legally possible for Indonesian officials to allow asylum seekers and recognized refugees present in Indonesia without authorization to be at liberty in the community unless they happen also to fall into one of the categories just mentioned.

Immigration Law No. 6 of 2011 was eight years in the making and its passage owes much to the persistent diplomatic efforts of the Australian government over the intervening period (Alford 2010; Brown 2011). It has a focus on combating people smuggling and human trafficking which the previous law lacked and several provisions, including those dealing with immigration detention, appear to be modelled on Australian immigration law. It is also telling that, unlike the 1992 Law, the language which the 2011 law uses in relation to detention is very clearly derived from English equivalents, with detention referred to as 'detensi' or 'pen-detensi-an', immigration detention houses as 'rumah detensi imigrasi', and detainees as 'deteni'.

For the Indonesian government, asylum seekers have not previously been a policy priority as they have been in Australia. Although the 1992 law enabled it, Indonesia rarely detained asylum seekers before Australia began actively to encourage it to do so. Indonesia did not have the funding and infrastructure to detain, and the small numbers of asylum seekers in Indonesia enjoyed a relatively sympathetic reception from government authorities. Australia's financial contribution and diplomatic pressure have created incentives for Indonesia to take action on asylum seekers, in a way that ensures a good relationship with Australia at little expense to Indonesia. The article now turns to an examination of the implications of Indonesia's detention laws for the asylum seekers subject to them.

## Immigration Detention in Indonesia

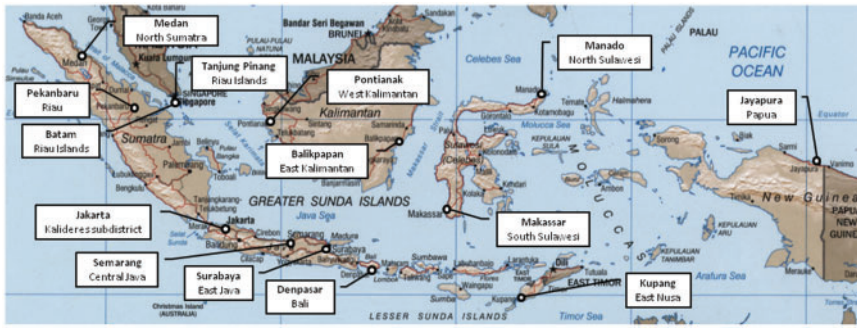
Our field research found that one of the primary characteristics of immigration detention in Indonesia is the high degree of variability in the conditions experienced by immigration detainees. The most critical reason for differences in detainees' experiences is due to there being two distinct levels of funding. Detainees who have applied for asylum with UNHCR have their day-to-day expenses covered by IOM (with Australian funding). Other non-nationals are supported by a much lower level of funding from the Indonesian government. Differences in detainees' experiences are also caused by inconsistency in facility management by different regional governments, the physical infrastructure of facilities, and different treatment depending on nationality of the detainee.

### *Accommodation*

Indonesia has two types of immigration detention facilities: immigration detention houses (*rudenim* or *rumah detensi imigrasi*) and immigration detention rooms. These categories have been formalized in the 2011 immigration law: article 1(33) defines a *rudenim* as a 'technical working unit which serves immigration functions as a place of temporary accommodation for foreign nationals who are subject to administrative immigration action.' At the time of our field research there were 14 *rudenim* across the Indonesian archipelago as shown in Figure 1 (Directorate General of Immigration 2008b).

Article 1(34) of the 2011 Immigration Law defines an 'immigration detention room' as 'a temporary place of accommodation, for foreign nationals who are subject to administrative immigration actions, which is in an (office of the) Directorate General of Immigration or an immigration office'. An immigration detention room may also be located at an immigration check point (TPI) (article 82). At the time of our field research there were 105 immigration offices, one central and 33 regional offices of the Directorate General and 40 TPI across the Indonesian archipelago (Directorate General of Immigration 2008c), but not all of these had an immigration detention

*Figure 1.*
***Rudenim* Locations**




room. Where local immigration detention facilities were non-existent or acutely overcrowded, prisons, police stations and other places were used for immigration detention.

The Australian government acknowledged that the conditions in Indonesian immigration detention facilities were not as good as in Australia (Evans 2009: 87). Indonesia's Director General of Immigration also admitted that, generally speaking, Indonesia did not have the infrastructure to house immigration detainees in conditions which are 'good, right, healthy and human rights dimensional' (Directorate General of Immigration 2008a). IOM noted that 'Indonesian detention centres have been in a state of disrepair for many years, because (Imigrasi) has insufficient funds to provide regular maintenance and do repair' (IOM Indonesia 2010a: 64).

The design of the three-storey *rudenim* building in Tanjung Pinang was prepared in close consultation between DIAC, Imigrasi and IOM (DIAC 2008: 154; Sinar Harapan 2008), and Australia closely monitored its construction (Steve Cook, cited in Pennells 2008). The building is designed to meet 'international standards' rather than higher Australian standards. For example, it has dormitory-style sleeping quarters for detainees rather than 'a single room for each person, which would be the accepted norm in Australia' (Keski-Nummi 2010: 90). The *rudenim* has 12 blocks of rooms (Kompas.com 2009). Each block is intended to accommodate about 30 detainees and has between one and four bathrooms (Kompas.com 2009). The Tanjung Pinang *rudenim* has an international standard capacity of 600, which means that there is a space of two feet between detainees in their sleeping quarters (interview 6). In an interview, an official explained that if Indonesian standards were applied the *rudenim* could accommodate 1,000 people, that in his own opinion accommodating 1,500 people would not be problematic, and that there was no guarantee that Indonesia would be able to meet international standards in the future (interview 6). For example, weeks after the official

opening in October 2009, it was reported that the *rudenim* was not yet connected to the mains grid but rather was using an unreliable diesel power generator which left it managing without electricity for at least seven hours each day (Kearney and Fitzpatrick 2009). The *rudenim* also lacked basic equipment such as telephones (Kearney and Fitzpatrick 2009).

Overcrowding in immigration detention is a major problem. At Batam *rudenim*, 59 people were in detention in July 2009 although it had an intended capacity of only 30 detainees (interview 6). These detainees included four children, two of whom—a child under one and another aged about two and half—had been born in the *rudenim*. Four of the women were pregnant. The head of the *rudenim* had coped with the numbers by placing some detainees in four rooms originally designated for staff use. The toilets were often clogged, especially when it rained, but weren't being fixed by the immigration office because of the high cost involved (interview 6).

Overcrowding is also a problem in detention rooms. The Tanjung Priok immigration office has two detention rooms. On 27 May 2009 they were described as being at maximum capacity, accommodating 11 people, but as many as 25 people had been held in the two rooms at one time (interview 10). The head of the immigration office was not pleased that so many people were being accommodated in these two rooms, but explained: 'Those are the rooms that we have. What else can we do?' (interview 10). In late August 2009 a Sri Lankan refugee, previously living in the community, was being detained in a so-called secure room in Meulaboh immigration office. He had a mattress to sleep on but found it difficult to sleep, take a bath or carry out other daily activities because 'from morning until evening many people come to this immigration office' (interview 21).

### *Freedom of Movement and Communication*

The freedom of movement granted to detainees varied between facilities and over time, and in many cases appeared to be arbitrarily determined by detention staff. In mid-2009, most detainees at Tanjung Pinang *rudenim* (Batam Pos 2009), Batam *rudenim* (interviews 5 and 6) and Pekanbaru *rudenim* (Waspada Online 2009) were free to move around the facility, but were not permitted to leave its grounds. However at both Tanjung Pinang *rudenim* (interview 11) and Batam *rudenim* (interview 6) those individuals thought to present a serious flight risk were locked in their cells, while those who had breached the *rudenim* rules or who were considered a danger to others were locked in the isolation room. The Vietnamese detainees at Batam *rudenim*, conversely, were permitted outside the grounds 'within certain distance and time limitations' (Head of Batam *rudenim* cited in Kompas.com 2008) because they were thought to present no flight risk. A Vietnamese man who was detained in the Jakarta *rudenim* for three months in 2003 said he had been locked in his cell for all of that time, as a means (he thought) of pressuring him to repatriate (interview 24). At the other extreme, in 2006

detainees who had a family member living in Jakarta willing to act as guarantor were allowed to venture out of the *rudenim* during the day in the guarantor's custody (interview 4). A Sri Lankan man who had spent time in both Jakarta and Makassar *rudenim* explained his different experiences of freedom of movement in the two institutions:

> In Jakarta it's cell you know, it's cell. As a prison. I mean, Makassar one also same. But in Makassar, they did not lock us. In Jakarta, we were locked. In Jakarta, one cell seven guys. There were no water. I mean, to have a bath, it's not enough at all for all person. They are seven so . . . Food horrible. Food twice a day, morning and evening (interview 20).

The Sri Lankan interviewees who were held at Makassar *rudenim* in 2006 said that the doors of their cells were left unlocked and that they were free to go out into the grounds of the *rudenim* (interviews 19, 20 and 22). Although they were not allowed to venture outside the gates on their own, they were sometimes taken on an outing to play football with the locals (interview 22). In stark contrast, nine Afghan men who were held at the same *rudenim* in 2008 complained that though they were supposed to be allowed out into the exercise yard from 1 pm to 7 pm every day this did not always happen (interview 2). In Meulaboh prison in August 2009 the conditions were different again: the interviewees held there were not locked in their cells but were free to move around within the prison grounds (interviews 9, 15 and 16).

The freedom of movement accorded to those held in immigration detention rooms appears more curtailed than that accorded to those held in *rudenim*, but they do not appear to be locked up all the time. The head of the Tanjung Priok immigration office said:

> In a humane manner, every day we invite them to do sports to flex their muscles, breathe some fresh air and feel the sunshine. We do that so they feel comfortable, as if they were at home. If we did more than that, the thing we would be afraid of is that someone would run away (interview 10).

The ability to make telephone calls is critically important for maintaining contact with family, friends, UNHCR and IOM, and long-term detention without access to television, radio or newspapers can be distressing for people uncertain about the safety of their family or their own future. As one detainee from Meulaboh prison explained:

> The important thing is that we want to know what happens in the world. We need TV or internet. And we can contact our family. Communication. Once a week is ok (interview 15).

The detainees held at Batam *rudenim* in mid-2009 were allowed to keep their mobile phones and to use them (as long as they could afford the phone cards) (interview 6). However, in October 2009, Australian journalists reported that detainees at Tanjung Pinang *rudenim* were not allowed to use their mobile

phones (Ritchie 2010) and that the only contact they had with the outside world was the contact they could make by 'yelling from their cell windows above the din of heavy traffic' (Kearney and Fitzpatrick 2009). There appears to be a trend of increasing restrictions on communication being imposed on immigration detainees throughout Indonesia. By April 2010, detainees in a number of detention facilities were complaining that they had to hide their mobile phones from the centre staff or risk confiscation (interview 3).

### *Food and Other Essentials*

As explained above, asylum seeker detainees are supported by IOM, while other immigration detainees are supported by the Indonesian government. The different levels of funding means a significant disparity in the amount and quality of food provided to detainees. IOM provides funding of approximately 25,000 rupiah per person per day for food for asylum seekers and refugees in immigration detention (interviews 5 and 10; Kompas.com 2009). Other immigration detainees receive food provided by Imigrasi at a set amount of 15,000 rupiah per person per day (interviews 5 and 6). The difference this makes to the daily diet of detainees is stark. In Batam *rudenim*, for example, those that came under IOM's mandate were provided with chicken, vegetables, egg and rice daily (interview 6). The other detainees were fed out of the *rudenim* budget, which purchased a diet of instant noodles, eggs and rice (interview 6).

Disagreement between detainees and detention facility staff over the quality and suitability of food is common. Detainees in the Immigration Directorate General Office in central Jakarta are provided with two meals per day and bottled water, paid for by IOM (interviews 12, 14 and 20). According to an immigration official, the meals detainees receive are of the same kind that Indonesians eat, including tofu, tempe, fish and egg (interview 12). According to detainees, however, the amount of drinking water they receive is inadequate (Fitzpatrick and Dodd 2008: 19), and meals consist mainly of chilli-laced rice (interview 14).

Complaints emerge when food is 'foreign' and unpalatable to detainees, lacks variety, or is not enough (interview 6). Detainees held in Makassar *rudenim* in 2008, whose meals were funded by IOM, complained that they were hungry and losing weight because they were not given enough food (interview 2). One of the Sri Lankan men held at Makassar *rudenim* in 2006 said he used money sent to him by his family to buy food, because he did not like the IOM meals (interview 20). In some cases, detainee complaints about food have met with an unsympathetic response. For example, one immigration official said:

> The problem is, their normal food is bread but we provide rice . . . They ask for bread but if (it's) not (provided), they have to respect (our country) and get used to it. There is no law that if people don't eat bread they will die. There's no such thing (interview 7).

In other cases, however, there has been accommodation of detainee preferences. For example, the interviewees held at Meulaboh prison found that the food given to prison inmates was not to their taste, so they requested that they be allowed to cook for themselves (interview 8). IOM satisfied this request by regularly supplying the men with raw ingredients (vegetables every day, 'sometimes egg, sometimes fish and sometimes meat') that they took turns cooking in the prison kitchen (interviews 8, 16 and 18).

As well as food, IOM provides additional essential items, such as clothing, bedding and personal care products to immigration detainees falling within its mandate (interviews 6, 10 11, 17 and 18; Kompas.com 2009). Other immigration detainees generally have to pay for clothes and other essentials with their own money if they have any (interviews 5 and 21).

### *Physical and Mental Health*

As with food and other essential items, the quality of health care detainees receive depends on whether IOM or the Indonesian government funds their detention. Detainees under the IOM mandate receive health care from IOM directly or through local hospitals as required (interview 2, 8 and 17; Kearney and Fitzpatrick 2009). Likewise, detainees who have asylum claims pending with UNHCR are provided with services such as regular medical check-ups through UNHCR's implementing partner, if they are assessed to be in need of such services (interview 4). The health care needs of other immigration detainees must be satisfied out of the budget of the detention facility in question. For example, the Batam *rudenim* had an apparently adequate health care budget of about 20 million rupiah per year out of which to pay for medical treatment, including hospitalization, of detainees not within the remit of IOM (interview 6).

Long periods of detention appear to have a detrimental effect on detainees' mental health. When asked how they felt after being in detention for three months, the men interviewed at Meulaboh prison in August 2009 said they thought about their life all the time and this made them sad (interview 15), upset (interview 18) or unable to sleep (interview 16). One Iraqi interviewee, a man who was used to working '24 hours', described detention in Makassar *rudenim* for eight months in 2007 as a 'nightmare' because it was a situation in which he had 'no job, no hobby, nothing' (interview 23). A Sri Lankan detainee in Meulaboh prison complained:

> It is the same as a jail in Sri Lanka. We can't . . . We already complained to the Immigration, IOM as to why we are in prison, whereas we are not criminals. They said that we should wait here and this is not a jail, but we can't go outside. That is why we wait here but no one helps. For three months we haven't got any access. Think a lot, they give food. Three months waiting they didn't promise anything. Just telling us not to go there, not to do this and not to do that. Same as a jail, this is a jail (interview 15).

The Head of the Tanjung Priok immigration office thought that detainees would be less 'scared, anxious and mentally disturbed' if they had access to weekly 'religious counselling according to their respective religions' (interview 10), but he was unable to fund such services out of his budget (interview 10). Likewise, detainees held in the Immigration Directorate General's office in Jakarta did not appear to have routine access to counselling services. Rather the head of immigration detention explained, 'We just see if anyone is stressed, (if they are) sometimes we let him out and we talk to him' (interview 12).

## Outcomes

### *Protecting the Human Rights of Detainees*

Perhaps the greatest problem for immigration detention in Indonesia is that the specific arrangement creates a gap in responsibility when it comes to monitoring detention centres for the protection of the human rights of detainees. The Indonesian government, as we have seen, lacks the financial resources and political will to ensure that the facilities are maintained to an international standard and that they are managed consistently. This includes a lack of active monitoring to ensure the human rights of detainees are protected. Some informal external monitoring of detention facilities is undertaken by UNHCR and IOM, but these organizations have limited powers to make changes to the conditions of detention other than, in the case of IOM, offering meals and medical assistance to those who fall under the RCA. More recently the Jesuit Refugee Service Indonesia has also started making regular visits to immigration detention facilities, though it maintains discretion in order to ensure continued access (interview 3). Australia has been clear that its role is limited to the building and refurbishment of detention facilities and the training of detention staff, and that it does not take responsibility for monitoring conditions to ensure that the human rights of detainees are met. In response to questions regarding the conditions, human rights, security, and monitoring of standards in Australian-funded Indonesian detention facilities, the Australian government has responded with some version of the following answer: 'the Indonesian government is responsible for detention facilities in Indonesia' (McClelland 2010: 149–150).

Ultimately, however, the specific nature of the arrangement between Australia and Indonesia means that Australia has no political leverage to monitor Indonesia's detention facilities. Australia must be seen to be respecting Indonesian sovereignty for the arrangement to work. One implication of this is that Australia cannot step outside the role prescribed by the arrangement, which does not appear to include provisions for the protection of human rights. For Australia to ensure Indonesia's continued cooperation, there is no room in this arrangement for Australia to complain to the Indonesian government if the human rights of detainees were breached.

Ultimately, this means that the protection of human rights of immigration detainees in Indonesia cannot be ensured under this arrangement. This task is left to organizations such as UNHCR, which have fewer resources and less negotiating power.

### *Achieving Effective Protection in the Asia-Pacific Region*

A second important outcome of this policy is that by restricting the pathway to Australia, the asylum seekers' ability to find effective protection and a durable solution to their plight in the Asia-Pacific region is greatly reduced. Within the framework of the international refugee regime, a durable solution is one which provides a refugee with a situation that is secure and stable and enables them to move on with their lives. UNHCR has identified three durable solutions: voluntary repatriation, local integration, and third country resettlement. The asylum seekers and refugees in this study have achieved none of these things. They cannot return to their country of origin, local integration is difficult without work rights or rights to educate their children, and they can wait for up to a decade for third country resettlement (Taylor and Rafferty-Brown 2010b). As such, asylum seekers and refugees in Indonesia are trapped in a kind of limbo. The fact that many now risk being detained in Indonesia's immigration detention centres makes being an asylum seeker or even a recognized refugee in Indonesia a more dangerous prospect.

That Indonesia, which 20 years ago did not consider it a problem large enough to warrant its attention, is now collaborating with Australia on asylum seekers indicates a big shift in the relationship between the two countries. Australian and Indonesian politicians have repeatedly expressed the view that the issue of asylum seekers in the region cannot be dealt with by one country alone. In addition to the Indonesian Immigration Law of 2011, both countries are committed to implementing the Regional Cooperation Framework established through the Bali Process on People Smuggling and Trafficking. The Asia-Pacific region accommodates the highest numbers of refugees in the world, but unlike Africa, has no regional agreement for dealing with them (see Saul *et al*. 2011). The Regional Cooperation Framework could be a much needed first step towards refugee protection cooperation in the Asia-Pacific region. The Framework's current focus on the criminal aspects of the asylum journey, however, risks making the provision of effective protection for asylum seekers a secondary priority. The responsibility now lies with the architects of the Framework to ensure that a safe journey to asylum in the Asia-Pacific region is possible.

## Conclusion

The shift towards a tougher approach to asylum seekers in Indonesia, including the extensive network and more frequent use of immigration detention, is

the outcome of many years of Australian financial support and political lobbying. In doing so, Australia has exported its asylum policy for domestic political reasons. Indonesian and Australian cooperation on detention policy has been facilitated by the maturing relationship between the two countries, and the financial and diplomatic incentives that Australia has provided Indonesia. By doing so, Australia has created the conditions whereby Indonesia may be seen to adopt immigration policy in its own national interest. One direct outcome of Australia's policy transfer to Indonesia has been the substantial increase in Indonesia's immigration detention capacity. This in turn has led to a significant rise in the number of asylum seekers being detained in Indonesian facilities. Despite significant levels of Australian funding Indonesian immigration detention continues to fall short of international standards. The importance of Australia being seen to respect Indonesia's sovereignty in this agreement, and in the Australia–Indonesia bilateral relationship more generally, means that Australia is not able or willing to play an active role in monitoring Indonesian immigration detention facilities. Finally, these measures ultimately make it more difficult for asylum seekers to achieve effective protection in the Asia-Pacific region.

**Acknowledgments**

The authors wish to acknowledge the research funding provided by the Australian Research Council Linkage Projects Scheme, the Jesuit Refugee Service Australia, Oxfam Australia, the La Trobe Refugee Research Centre and La Trobe University's Faculty of Business, Economics and Law. They also acknowledge with gratitude the assistance provided by Indonesian field researchers Melati Adidamayanti, Donny Amir, Laura Ariestiyanti, Rika Fitriyana, Peni Hanggarini, Muslaeni, Laily Nihayati, Aan Rukmana, and Yulyana, the co-investigator on the Linkage Project, Professor Sandra Gifford, and the following volunteer researchers: Katherine Brabon, Scott Bulman, Emma Frean, Jessica Gatenby, Natalia Gould, Samantha Hazlett, Jane Hodge, Nic Nelson, Yuta Noguchi, David Peiris and Febriansyah Soebagio. Responsibility for content lies, of course, with the authors alone.

1. For cases of recognized refugees paying people smugglers to reach Australia by boat, see Taylor and Rafferty-Brown 2010b; see also, for example, *The Age* 30 December 2009: http://www.theage.com.au/national/16-more-refugees-on-way-from-oceanic-viking-20091229-lis8.html.
2. A$1 = US$0.97 as of 23 May 2012.

***AGREEMENT BETWEEN AUSTRALIA AND THE REPUBLIC OF INDONESIA ON THE FRAMEWORK FOR SECURITY COOPERATION*** (2008) ATS 3 (entered into force on 7 February 2008).

**ALFORD, P.** (2010) 'Indonesian Delay on Smugglers Defended'. *The Australian*, 16 December. Available at http://www.theaustralian.com.au/news/nation/indonesian-delay-on-smugglers-defended/story-e6frg6nf-1225971768149 accessed on 31 July 2011.

**AUSTRALIAN BROADCASTING CORPORATION (ABC)** (2010) 'Asylum Seekers Threatened with Stun-guns'. *Lateline*, 14 June. Available at http://www.abc.net.au/lateline/content/2010/s2926789.htm.

**AUSTRALIAN GOVENRNMENT** (2010) *Portfolio Budget Statements 2010–11, Budget Related Paper No. 1.13 Immigration and Citizenship Portfolio,* p. 55.

**BALL, D.** and **WILSON, H.** (1991) *Strange Neighbours: The Australia–Indonesia Relationship*. Sydney: Allen and Unwin.

**BATAM POS** (2009) 'Tiga Imigran yang Kabur Ditemukan', (Three Escaped Migrants Found), 9 July, available at http://batampos.co.id/KEpri/KEpri/Tiga_Imigran_yang_Kabur_Ditemukan.html accessed on 14 September 2009.

**BIOK, E.** (2009) *Australia and Refugees in the Asia Pacific*, Doctor of Juridical Studies Thesis: The University of Sydney.

**BROWN, M.** (2011) 'Indonesia Passes Laws Criminalizing People Smuggling'. *ABC Online News*, 7 April. Available at http://www.abc.net.au/news/stories/2011/04/07/3185410.htm accessed on 21 July 2011.

**DAVIES, S.** (2006) 'The Asian Rejection? International Refugee Law in Asia'. *Australian Journal of Politics and History* **52**(4): 562–575.

**DEPARTMENT OF IMMIGRATION AND CITIZENSHIP (DIAC)** (2008) *Annual Report 2007–2008*.

**DEPARTMENT OF IMMIGRATION AND CITIZENSHIP (DIAC)** (2010) *Annual Report 2009–2010*.

**DIRECTORATE GENERAL OF IMMIGRATION** (2008a) 'Ditjen Imigrasi Kerjasama Dengan UNHCR Mengadakan Seminar di Batam', (Immigration Director General Works with UNHCR to Hold a Seminar in Batam). *Berita (News)*, 15 April. Available at http://www.imigrasi.go.id/index.php?go=news accessed on 23 April 2008.

**DIRECTORATE GENERAL OF IMMIGRATION** (2008b) *Unit Kerja – Rudenim* (Work Units – Rudenim), Available at http://www.imigrasi.go.id/index.php?option=com_contactandcatid=37andItemid=67 accessed on 5 August 2011.

**DIRECTORATE GENERAL OF IMMIGRATION** (2008c) *Unit Kerja* – TPI (Work Units – TPI), available at http://www.imigrasi.go.id/index.php?option=com_contactandcatid=38and Itemid=67 accessed on 5 August 2011.

**EUROPEAN UNION** (2009) *GDISC Ukraine: Capacity Building and Technical Support to Ukrainian Authorities to Effectively Respond to Irregular Transit-migration (ERIT)*, Mid-Term Review Report: Vienna.

**EVANS, C.** (2009) *Supplementary Budget Estimates, Senate Legal and Constitutional Legislation Committee Estimates, Official Committee Hansard*, 20 October, p. 87.

**FITZPATRICK, S.** and **DODD, M.** (2008) 'Still a Destination to Die For'. *The Weekend Australian* 13–14 December, p. 19. Available at http://www.theaustralian.news.com.au/story/0,,24790715-25837,00.html accessed on 9 September 2009.

**FLYNN, M.** (2002) 'Donde esta la frontera?' *Bulletin of the Atomic Scientists* **58**(4): 24–35.

**FLYNN, M.** (2006) 'On its Borders, New Problems'. *Bulletin of the Atomic Scientists* **62**(6): 21–23.

**FLYNN, M.** and **CANNON, C.** (2010) *Detention at the Borders of Europe: Report on the Joint Global Detention Coalition Workshop in Geneva, Switzerland, 2–3 October 2010*. Geneva: Global Detention Project.

**GOVERNMENT ORDINANCE NO**. 31/1994 on Alien Control and Immigration Action. Article 44(2) of Law No. 9 of 1992, Article 32.

**ILLINGWORTH, R.** (2008) *Official Committee Hansard: Additional Budget Estimates, Senate Standing Committee on Legal and Constitutional Affairs*, 19 February. p. 137.

**INTERNAL DISPLACEMENT MONITORING CENTRE (IDMC)** (2011) *Indonesia Country Page*, Available at http://www.internal-displacement.org/idmc/website/countries.nsf/(http Envelopes)/5347032E6CECCB46802570B8005A70E2?OpenDocument23.1.1 accessed on 20 June 2011.

**IOM** (2010) 'IOM's Experience with Immigration Detention and Alternatives to Detention', Paper presented at Sub-Regional Roundtable on Alternatives to Detention of Asylum-Seekers and Refugees, Seoul, 26–27 April.

**IOM INDONESIA** (2009) *Annual Report 2008*.

**IOM INDONESIA** (2010a) *Annual Report 2009*.

**IOM INDONESIA** (2010b) *Fact Sheet/Irregular Migration/2010/1*, Available at http://www.iom.or.id/project/eng/fs/Irregular%20Migration%20Fact%20Sheet_2010_eng%28lo%29.pdf accessed on 31 October 2010.

**IOM INDONESIA** (2011) *Financial Report for the year ended 31 December 2010*, MC2313, Appendix 8, p. 52.

**KAPANLAGI.COM** (2008) 'UNHCR Awasi Pengungsi WNA di NTB', (UNHCR Oversees Asylum Seekers in West Nusa Tenggara). 1 August. Available at http://berita.kapanlagi.com/pernik/unhcr-awasi-pengungsi-wna-di-ntb-ik2syui_print.html accessed on 5 August 2011.

**KEARNEY, S.** and **FITZPATRICK, S.** (2009) '"Life of Brutality" in Crowded Indonesian Lock-up'. *The Australian*, 24 October. Available at http://www.theaustralian.com.au/news/world/life-of-brutality-in-crowded-indonesian-lock-up/story-e6frg6so-1225790736921 accessed on 7 August 2011.

**KESKI-NUMMI, A. S.** (2009) *Official Committee Hansard: Supplementary Budget Estimates, Senate Legal and Constitutional Legislation Committee*, 20 October. pp. 87, 172.

**KESKI-NUMMI, A. S.** (2010) *Official Committee Hansard: Additional Estimates, Senate Standing Committee on Legal and Constitutional Affairs*, 9 February. p. 87–90.

**KIMBALL, A.** (2007) *The Transit State: A Comparative Analysis of Mexican and Moroccan Immigration Policies*, Working Paper 150, Centre for Comparative Immigration Studies, University of California: San Diego.

**KOMPAS.COM** (2008) '26 Manusia Perahu Vietnam Cari Negara Baru', (26 Vietnamese Boat People Seek a New Country). 11 November. Available at http://cetak.kompas.com/read/xml/2008/11/11/00084889/26.manusia.perahu.vietnam.cari.negara.baru accessed on 5 June 2010.

**KOMPAS.COM** (2009) 'Rudenim, dari Uurusan Air Galon Sampai Diplomatik', (Rudenim, from Organizing Drinking Water to Diplomatic (Relations)). 30 April. Available at http://cetak.kompas.com/read/xml/2009/04/30/04180154/rudenim.dari.urusan.air.galon.sampai.diplomatik accessed on 5 June 2010.

**LAWYERS COMMITTEE FOR HUMAN RIGHTS** (2002) *Review of States' Procedures and Practices relating to Detention of Asylum Seekers*, Available at http://www.rcusa.org/uploads/pdfs/Full_countryreview.pdf accessed on 13 September 2012.

**McALLISTER, I.** (2003) 'Border Protection, the 2001 Australian Election and the Coalition Victory'. *Australian Journal of Political Science* **38**(3): 445–463.

**McCLELLAND, R.** (2010) *Parliamentary Debates, House of Representatives Official Hansard, Answer to Question No. 1038*, 2 February. p. 149–150.

**METCALFE, A.** (2010) *Official Committee Hansard: Budget Estimates, Senate Standing Committee on Legal and Constitutional Affairs*, 27 May. p. 54.

**NEUMANN, K.** and **TAYLOR, S.** (2010) 'Australia, Indonesia, and West Papuan Refugees, 1962–2009'. *International Relations of the Asia-Pacific* **10**: 1–31.

**PENNELLS, S.** (2008) 'Canberra's $8m Indon Jail Gift Hushed Up'. *The West Australian*, 16 August.

**RICHARDSON, R.** (2010) 'Sending a Message? Refugees and Australia's Deterrence Campaign'. *Media International Australia* **135**: 7–18.

**RITCHIE, K.** (2010) 'Detention Centre Like a Prison, Say Tamils'. *ABC News Online*, 21 April. available at http://www.abc.net.au/news/stories/2010/04/21/2879323.htm accessed on 5 June 2010.

**SAUL, B., MOWBRAY, J.** and **BAGHOOMIANS, I.** (2011) 'Resistance to Regional Human Rights Cooperation in the Asia-Pacific: Demythologizing Regional Exceptionalism by Learning from Europe, the Americas and Africa'. In Nasu, H. and Saul, B. (eds) *Human Rights in the Asia-Pacific Region: Towards Institution Building*. New York: Routledge.

**SINAR HARAPAN** (2008) 'IOM Bangun Rumah Tahanan Imigrasi' (IOM Builds Immigration Detention Centre). 11 December. Available at http://www.sinarharapan.co.id/berita/0812/11/nus04.html accessed on 5 June 2010.

**STENGER, L.** (2011) 'Pencari Suaka and Pengungsi Lintas Batas di Indonesia' (Asylum Seekers and Foreign Refugees in Indonesia), Focus Group Discussion – UNHCR, HRWG, LBH, YLBHI, Jakarta, 23 June 2011.

**SULISTIYANTO, P.** (2010) 'Indonesia–Australia Relations in the Era of Democracy: The View from the Indonesia Side'. *Australian Journal of Political Science* **45**(1): 117–132.

**SUHRKE, A.** (1998) 'Burden-Sharing during Refugee Emergencies: The Logic of Collective versus National Action'. *Journal of Refugee Studies* **11**(4): 396–415.

**TAYLOR, J.** (2009) *Behind Australian Doors: Examining the Conditions of Detention of Asylum Seekers in Indonesia*, Available at http://www.law.monash.edu.au/castancentre/news/behind-australian-doors-report.pdf accessed on 13 September 2012.

**TAYLOR, S.** and **RAFFERTY-BROWN, B.** (2010a) 'Difficult Journeys: Accessing Refugee Protection in Indonesia'. *Monash University Law Review* **36**(3): 138–161.

**TAYLOR, S.** and **RAFFERTY-BROWN, B.** (2010b) 'Waiting for Life to Begin: The Plight of Asylum Seekers Caught by Australia's Indonesia Solution'. *International Journal of Refugee Law* **22**(4): 558–592.

**UNHCR** (2005) *Response to Questions Taken on Notice at Senate Legal and Constitutional References Committee Inquiry into the Administration and Operation of the Migration Act 1958*, 26 October, paras 2.1, 2.2. Available at http://www.aph.gov.au/senate/committee/legcon_ctte/migration/qon/26oct-unhcr.pdf.

**UNHCR** (2007) *Input provided by the United Nations High Commissioner for Refugees into the Office of the High Commissioner for Human Rights' Compilation and Stakeholders' Reports for the Universal Periodic Review of Indonesia*, November.

**UNHCR INDONESIA** (2011) Fact Sheet, September.

**UNHCR INDONESIA** (2012) Fact Sheet, February.

**WASPADA ONLINE** (2009) 'UNHCR Kunjungi Imigran Afghanistan' (UNHCR Visits Afghan Immigrants), 14 March. Available at http://www.waspada.co.id/index.php?option=com_contentandtask=viewandid=73187andItemid=30 accessed on 17 March 2009.