



SHE IS BANGING HER HEAD, FLESH AND BLOOD AGAINST THE COLD HARD WALL, WHAT CAN WE DO TO NOT LEAVE HER DOWN OUT IN THE COLD?

Statement of the rally in support of the deported Indonesian writer, Yuli Riswati

This is what happened to our friend, Yuli: she was detained for an unspecified period without having committed a crime, abused in detention and then deported “on her own agreement”. In Hong Kong, millions have participated in the anti-extradition (a.k.a. fight for democracy) movement, and many were much more involved than Yuli. So why Yuli? She was only writing about the movement, bringing the facts and following developments for her fellow Indonesians. Why should she be cast into such a disastrous situation?

With the Indonesian Consulate repeatedly warning Indonesian migrant workers not to be nosy about the anti-extradition movement, Yuli was well aware that the movement is a sensitive issue. But still, she took the dangers upon her own shoulders. Now that we Hongkongers have learned of this dangerous aspect of the movement, shall we try to understand more about the root causes of Yuli’s calamity and to rethink the relationship between an “us” and a “them”? Because we cannot let her down, we cannot leave her out in the cold.

When the story of Yuli came to light, people were upset and angry, understanding her as one of the victims of the government’s crackdown on the movement. Being friends of Yuli, we are grateful for your support. And while Yuli is banging her head against the cold, hard wall, her bloodstain left on the wall exposes that the Anti-ELAB movement has only been the fuse to spark off a greater bomb.

After Yuli was arrested, her friend S, a fellow migrant, remarked heartbreakingly, “Being domestic workers in Hong Kong, are we not allowed to support democracy?” S was not merely talking nonsense; her struggle and fears were clearly visible on her face.

There are two main reasons that have trapped Yuli in such dire straits: the unlimited power of the Immigration Department, and the underprivileged situation of foreign domestic workers in our system. If we truly care about our sister Yuli, we must address these two major problems.

Hong Kong Immigration Department: Unlimited Power, and the Horrible CIC Detention Centre Worse than San Uk Ling

Unlimited Power - Not Even Challengeable by Judicial Review

By the end of November, the Immigration Office (IO) insisted upon issuing a deportation order to Yuli, forcing her to eventually let go of her resistance. As advised by her lawyer, even if Yuli were to legally challenge her case by submitting a judicial review of the deportation order, the possibility of winning the case would be very low, as the power of the IO is almost unchallengeable.

Even if the decisions of the IO are questioned and/or unreasonable, they can still be enforced and executed. For the 29 days that she was detained at the Castle Peak Bay Immigration Centre (CIC), a detention centre, Yuli's lawyer and employer tried every method possible to apply for a Recognizance in order to secure her release from the CIC. The reason that the Immigration Office gave for Yuli's detention was that Yuli had neither relatives nor a residence in Hong Kong. But the fact is that her employer had repeatedly stated to the IO that she wills Yuli's employment and would provide for her residence and daily necessities during the period in which her visa was being processed. There is no reason, therefore, that IO should insist upon detaining Yuli. No matter how much her employer and her lawyer tried and fought for Yuli, the IO never gave any reasonable response and only continued her detainment indefinitely.

CIC Detention Centre: As Horrible as San Uk Ling

When we visited Yuli, she looked devastated. The dark circles around her eyes had grown even bigger than her eyes, and she tried hard to hold back her tears while speaking to us through the glass panel. The CIC Detention Centre is used for the detention of adults who have breached the "Immigration Ordinance" or who are awaiting repatriation. The charges against Yuli were dropped, and she was released in the court of law on 4 November, **but why was she held at CIC until 2 December?**

Yuli told us that she had experienced abusive treatment daily, including abuses specifically targeting females. Despite the cold weather, the detainees were only allowed to shower with cold water. Even when becoming ill or catching a cold, even as Yuli was vomiting all the time, the IO would only provide a single pill a day, and she was not even told what kind of medicine it was. The freedom of the detainees in CIC is also very much limited. In the prisons of the Hong Kong Correctional Services, prisoners can listen to news on the radio. But in the CIC detention centre, Yuli was only permitted to watch TV broadcasts without sound, and the news programmes were censored. They were not allowed to take breaks or get fresh air in the outdoor compound. They could even be punished simply from playing around with paper tissues. Yuli told us that she saw that some of the people inside becoming disoriented and showing signs of losing their minds.

It is important to point out, again and again, that Yuli was released and set free by the court of law. What on earth then could lead to such abuses against an innocent person?

Underprivileged Foreign Domestic Workers: Three Key Points That Make it Impossible To Enjoy Political Freedom

When the abuse of Erwiana came to light in 2014, then Secretary for Labour and Welfare Bureau Matthew Cheung Kin Chung proclaimed loud and clear that foreign domestic workers should enjoy the same rights just like ordinary people in Hong Kong. He claimed that they would also be protected by the Employment Ordinance. But still today, the limitations that the foreign domestic workers in Hong Kong face continue to keep them as second-class citizens. Basic rights which we all treasure, like freedom of speech and the possibility to participate in politics, are a luxury to them.



Let's now take note of a few particular key phrases: “breach of the conditions of stay”, “two-weeks rule” and “rights for the application of permanent residence”.

“Breach of the Conditions of Stay”

Some might accuse foreign domestic workers of only thinking and caring about making money in Hong Kong, that they do not care about the society.

Actually now in Yuli's case, we see that caring about or participating in Hong Kong society can become a reason for them to be prosecuted.

Foreign domestic workers are forbidden to perform any work other than those listed in the Employment Contract, be it paid or unpaid. Even if you have only performed unpaid voluntary work, if the IO has targeted you, they can sue you for a breach of the conditions of stay. The consequences can include: getting fined, imprisoned, or losing the possibility to work in Hong Kong forever. How would you explain all that to family waiting for your remittance to put food on the table back in Indonesia?

“Two-weeks rule”

Upon the termination of the employment contract, foreign domestic workers only have two weeks to look for another employer or else they must depart Hong Kong when the two-week period is up. Foreigners in other types of work such as professors and professionals do not have such restrictions.

With such a limitation in place, it is not easy for foreign domestic workers to go against the will of or disobey their employers. It is difficult for them to leave a job even if they are abused, let alone talk about their views on society or politics.

“Rights for the application of permanent residence”

Foreign domestic workers do not enjoy the rights of applying for permanent residence in Hong Kong. Even if they have worked in Hong Kong for ten, twenty years or more, the answer will still be, “No!” It should be noted that they are not only banned from permanent residence: they are even not allowed to apply. Such a restriction reduces domestic workers to permanent second-class citizens.

When we blame foreign domestic workers for not participating in Hong Kong social affairs, have we ever thought about the limitations that they are facing? And have we ever realised that even if they do not participate in direct politics, they actually have always contributed to our society? In the picket action in front of the IO last Monday (2 December), a brother dressed in black bloc and full gear pointed out in his speech that when many protesters go back home, fatigued and covered with tear gas residue after participating in every Sundays' anti-extradition actions, it is the caring service of foreign domestic workers that rejuvenate them and allow them to move forward.

Being oppressed and suffering in both body and spirit, Yuli was determined to struggle and resist during her 29-day detention. With a resolute will, she fought for the justice that should belong to her and all foreign domestic workers. She has exposed huge and complicated problems. Just like the anti-extradition movement in which Hongkongers do not accept fate as it is and stand firm to resist, Yuli and we all must continue to expose the hidden dirt and lies of governmental departments. We hope that what Yuli have given for the cause can inspire a broader imagination and understanding of “community” among people in resistance: Who are our sisters and brothers after all? What problems and issues do we want to solve in our society?

Finally, these are our demands to the government:

- 1. The Immigration Office must respond immediately: Why has Yuli been subject to detention and deportation without being convicted by the court of law?**
- 2. The Immigration Office must address and improve the horrible treatment of those kept in the detention centres.**
- 3. The government must stop all oppression of people in resistance.**
- 4. The government must respect the freedom of participation in politics by foreign domestic workers, including the freedom of speech and political participation.**

This statement has been initiated by: Yuli Support Group - formed by friends of Yuli in Hong Kong, including organizations and individuals



YULI RISWATI TIMLINE

SEPTEMBER

In early 2019, Yuli signed a two-year contract with her current employer.

In early September, Yuli was interviewed by the media and talked about writing about the anti-ELAB movement on an online media platform. On 23 September, the Immigration Department arrested Yuli for the overstay of her visa. From 26 September to 3 November, Yuli was granted bail and continued to live with her employer.



EARLY NOVEMBER

4 November (Day 1 of Detention)

The Immigration Department withdrew the charge of overstay by offering no evidence (O.N.E.). On the same day, Yuli visited Kowloon Bay Immigration Department Office to obtain documents for extending her working visa but was asked to visit Castle Peak Bay Immigration Centre (CIC).

Upon arrival at CIC, the Immigration Department immediately detained Yuli because “she doesn’t have relatives and doesn’t have a place to live”. During the detention period, Yuli was never told how long she would be detained, neither was she provided with any application forms to re-apply for a working visa.

END OF NOVEMBER

28 November (Day 25 of Detention)

The Immigration Department informed Yuli that her appeal failed and would be deported soon. CIC officers forced Yuli to write a statement that she would like to withdraw the visa application since she wanted to return to Indonesia as soon as possible. The officers refused to let Yuli meet her lawyer on the grounds that there had been a loss of contact.

On the same day, Yuli became ill and requested to see a doctor. She was only permitted to see one after three days.



DECEMBER UNTIL NOW

2 December (Day 29 of Detention)

Yuli was asked again, without the presence of her lawyer, to write a statement that she understood and was satisfied with the arrangement of Immigration Department. Yuli refused but was still forced to write: "I know and understand the arrangement of deporting me back to Surabaya, Indonesia, today. I agree to fly to Indonesia today." At 10:45 a.m., Yuli was sent to the airport and flown back to Surabaya.

3 December Until Present

Yuli has continued to voice up after returning to Indonesia, and she shares her experience of recording the anti-ELAB movement as well as what happened to her and other fellow detainees at the CIC.



8 November (Day 5 of Detention)

Being unable to contact her lawyer, Yuli signed an application form for a working visa.

11 November (Day 8 of Detention)

The Immigration Department issued a deportation order while Yuli was still waiting for the application results of her visa. Yuli appealed, complaining about being targeted and discriminated because of the normal precedent that employers can apply for the extension of their employee's visa.

INNOCENT YULI WAS DETAINED FOR 29 DAYS CASTLE PEAK BAY IMMIGRATION CENTRE (CIC): A CONCENTRATION CAMP FOR PERSONS WITH UNKNOWN RIGHT OF ABODE

From 4 November until 2 December, Yuli was detained in the notorious Castle Peak Bay Immigration Center (CIC), where human rights conditions are awful. If a Hongkonger has been arrested, they can only be detained for a maximum of 48 hours, but anyone with an unknown right of abode, even without having committed a crime, can be detained in theory at CIC for an unlimited duration, from just a couple of days to a couple of years.

CIC claims that the reason they detained Yuli is because she does not have relatives nor a place to live in Hong Kong, therefore not releasing the permission letter that would allow her to go outside. But in fact, her employer had sent many letters to the Immigration Department stating that they will continue to employ Yuli as well as provide for her food and accommodation. The Immigration Department only ignored it and continued to unlawfully detain Yuli.

The condition of Yuli in CIC:

- === No hot water for bathing
- === No medical care when ill
- === Not provided any information about why she was detained and when she would be able to leave
- === Was not permitted to contact her lawyer on the day of her deportation
- === Gender-based harrasment from the staff of CIC
- === No procedure for lodging complaints
- === Forced by staff to sign an agreement to withdraw her application for a working visa, and forced to write that she was "satisfied with Immigration's arrangement".

Yuli's event is only the tip of the iceberg of CIC's awful conduct. In the past, people have been tricked to sign agreements to be detained at CIC, without their understanding that it is basically a prison: men and women are detained separately, detainees must wear uniforms and given holding numbers. In a past incident, a female detainee was nearly sexaully violated by another inmate, forcing her to move to a single cell.

CIC staff told Yuli that if she there was anything in which she was not satisfied, she would be able to issue a complaint, but after she formally made her statement, she was only further picked on. In past incidents, one detainee wrote complaint letters repeatedly, went on hunger strike and hit his head against the cell bars repeatedly before there was any progress made on his case. Yuli even observed an insane inmate in CIC who became very ill, but no one provided any medical help for her.

The Immigration Department threatened Yuli that if she does not want to be detained, she would have to cancel the application of her working visa, so Yuli was left with no choice. In the end, she still does not know why she was detained, how to issue a complaint, how she could have contacted the outside world, when she would be able to leave, nor was she properly informed about the legal implications of any of the documents she signed.

CIC has seriously exploited human rights, especially Personal Freedom and the Right to Know. Yuli was deported on the same day she was informed, not even allowed to say goodbye to her friends and employer.

Under the management of the Immigration Department, CIC has maintained this kind of bureaucratic chaos for more than ten years. Even if we have not seen police beating people inside, the public supervision of CIC can be said to be even more chaotic and abusive than San Uk Ling Holding Centre.

We solemnly demand the Hong Kong Immigration Department to make a thorough explanation and apologize for the case of Yuli Riswati!

