



BOAT PEOPLE S.O.S NEWS BULLETIN

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EDITORIAL

Recent news articles, studies, reports, briefings, and Congressional hearings on the Comprehensive Plan of Action (CPA), all corroborated allegations of a scandalously corrupt and flawed refugee screening program.

In most first asylum countries, monetary and sexual corruption has been pervasive at all stages of screening. In the few places where corruption is at bay, procedural flaws and hostility have caused as much damage. No matter what it says and what propaganda game it now plays, the UNHCR has virtually lost control of the screening process. A substantial but undetermined number of genuine refugees have been wrongly denied refugee status. They are facing deportation to Vietnam, in blatant violation of "non-refoulement," the international principle against repatriating refugees to their place of persecution.

Last May, the US House of Representatives passed the Smith amendment to H.R. 1561, which calls for a halt in forced repatriation until a fair review of refugee claims has been implemented. Those found to be refugees are to be resettled, in the US or any other resettlement country, and non-refugees repatriated. The State Department and the UNHCR vehemently accuse Congress of undermining the CPA, causing camp violence, and undercutting repatriation.

This is a symptom of aggravated dyslexia. It is the frauds, abuses and mistakes in screening, not the corrective measures proposed by Congress, that have undermined the integrity of the CPA. And voluntary repatriation has dramatically diminished since last year, long before the Smith amendment was introduced. This amendment attempts to break the deadlock, to appease the escalating confrontation, and to put the CPA back on track. It attempts to restore decency and integrity to a scandalous UNHCR program.

It is time for the State Department and the UNHCR to stop living in their world of pretenses, where defect vision takes the place of reality. They should recognize the problems and work with well-intentioned members of Congress in search of a remedy. Otherwise, the scandal will develop into a full-blown catastrophe.

HOUSE PASSED LEGISLATION ON INDOCHINESE REFUGEES

Washington, DC -- Despite strong opposition from the State Department and the UNHCR, the US House of Representatives on May 24 passed a legislation to remedy the flawed Comprehensive Plan of Action (CPA).

The legislation, introduced by Rep. Chris Smith (R-NJ) as an amendment to the American Overseas Interests Act, prohibits the use of US money towards repatriating Vietnamese and Hmong asylum seekers in Southeast Asia unless the President can certify that no genuine refugee is wrongly screened out. The legislation also calls for the fair review of refugee claims and the resettlement of those found to be genuine refugees.

The State Department and the UNHCR blamed the legislation for causing violence in Hong Kong and Malaysia and for slowing down voluntary repatriation.

Refugee advocates and camp workers pointed out that violence had been a common phenomenon

in the first asylum camps for years and that voluntary repatriation had been low since April of last year. Refugee Concern Hong Kong issued a report claiming that a violent incident had been staged by Hong Kong just prior to the House vote so as to embarrass US legislators.

Rep. Doug Bereuter (R-NE), the lead opponent of the Smith legislation, acknowledged the existence of serious mistakes and abuses in the screening process. He, however, proposed a limited review of egregious screening decisions instead of an overall rescreening.

Opponents of the legislation also forecast that the passage of the legislation would effect a large exodus of boat people from Vietnam. The predicted outflow did not materialize.

After a heated debate, the legislation finally gained bipartisan support and was passed by 266 to 156 votes.

An amendment with similar language is to be introduced by Senator Robert Smith of New Hampshire into the Senate State Department Re-authorization Bill in September. Both the Senate and House versions of the legislation are supported by American veterans organizations such as the American Legion, Bravo, Veterans of Vietnam War, Counterparts, and Saigon Mission.



Forced repatriation in Hong Kong, May 1995

CONGRESS HOLDS HEARINGS ON CPA

Washington, DC -- Two Congressional hearings have uncovered serious problems in the implementation of the Comprehensive Plan of Action, including flawed and corrupt screening and the risk of sending refugees back to persecution.

Witnesses at the July 25 hearing included Ambassador Phyllis Oakley from the State Department and several issue experts.

In reference to problems in screening, Ambassador Oakley informed Congress that UNHCR was investigating several of its own officials implicated in money and sexual favor extortion. She also indicated that her office was formulating a mechanism to review cases wrongly denied refugee status. Regarding asylum seekers already repatriated, she expressed knowledge of only three cases of imprisonment or mistreatment of returnees by the Vietnamese government.

Dr. Nguyen Dinh Thang, executive director of Boat People S.O.S. contended that there were numerous instances of imprisonment, interrogation and harassment of returnees. He cited several cases already reported to the State Department but not mentioned by Mrs. Oakley in her testimony. [A recent UNHCR document reports 88 known cases of returnees imprisoned by the Vietnamese government.]

Other witnesses exposed the serious problems in screening. Daniel Wolf, General Counsel of Legal Assistance for Vietnamese Asylum Seekers (LAVAS), described screening under the CPA as a farce. A former camp worker revealed that he had verbally reported the problem of corruption in screening to the UNHCR a number of times but had seen no remedial actions.

In the follow-up hearing on July 27, witnesses from human rights organizations such as the Open Society Institute, Lawyers Committee for Human Rights and Human Rights Watch/Asia strongly criticized the procedural flaws in screening and the risk of mistakenly deporting genuine refugees to their place of persecution. Two lawyers formerly with the UNHCR confirmed these flaws and were highly critical of the "school of cynicism" prevailing throughout this UN agency.

Several victims of corruption in screening, several of whom were American citizens, emotionally related their personal experiences. Others gave searing accounts of relatives being imprisoned, abducted, or murdered after their repatriation to Vietnam and Laos.

Concluding the hearings, Pamela Baker, an Hong Kong lawyer providing pro bono legal assistance to Vietnamese asylum seekers, and Shep Lowman, Director of International Refugee Programs of US Catholic Conference, proposed that

resettlement countries sideline the UNHCR and conduct their own review of asylum claims.

POLICE STAGED VIOLENT CRACKDOWN IN SUNGEI BESI

Malaysia -- A police attack on Vietnamese boat people at Sungei Besi Camp caused two dozen injuries and heightened the tension in that camp.

According to eye-witnesses, at 5 am on May 21, the police surrounded the Sungei Besi Camp, located near Kuala Lumpur. The operation aimed at breaking up a peaceful demonstration going on since March and segregating the camp into smaller units.

Fearing this was a preparatory move for eventual forced repatriation, demonstrators blocked the entrance to the camp. At 9 am, the police fired tear gas, broke through the human barricade and entered the camp.

A group of demonstrators escaped the attack and resumed their peaceful demonstration outside of the camp, waving banners along a national highway. After several rounds of negotiation, the majority of the demonstrators returned into the camp. A small group refusing to leave were assaulted by the police. Some twenty demonstrators, including two minors and several women, were injured and hospitalized. In the dead of the night, the police took them away to a prison.

The UNHCR, which had been working hard to prevent the passage of the Smith legislation, described the incident to the media as a "riot" initiated by asylum seekers holding "false hopes" in the legislation.

Some members of Congress adopted this view and also blamed the legislation for the violence. Nevertheless, the US House of Representatives passed the Smith amendment by almost two to one a few days later. Soon afterwards, the Malaysian authorities quietly released all twenty detainees, initially accused of inciting the "riot".

SPLIT FAMILY CASES REVIEWED

Kuala Lumpur -- The UNHCR Branch Office in Malaysia has reviewed some 40 cases of families split during screening. Of these, 21 involve reunification with immediate relatives in the United States.

Under international norms and laws relating to refugee protection, immediate family members of a refugee would automatically qualify as derivative refugees. However, this principle has not always been observed in refugee screening under the CPA. Some 200-300 refugee families have been torn apart due to conflicting screening decisions.

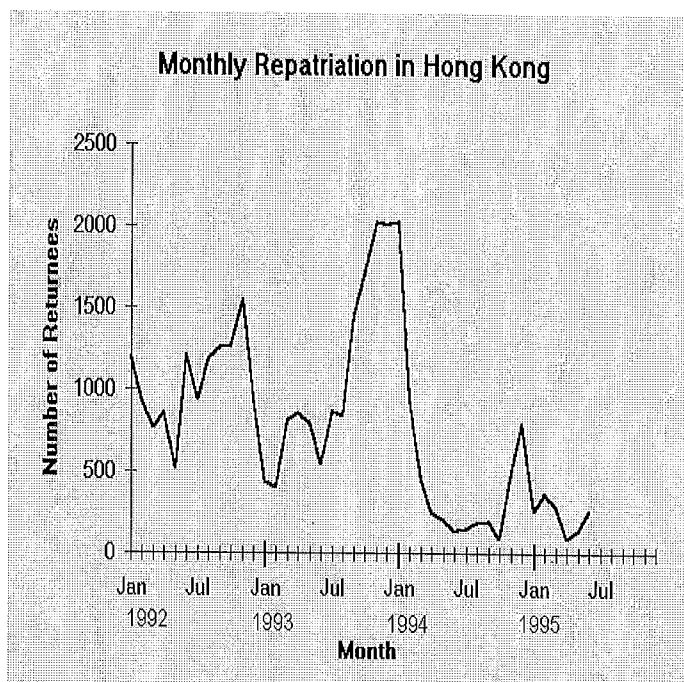
While the discrepancies in screening decisions are mostly due to technical oversight, there have been allegations that some screening officials had demanded resettled refugees to pay for the release of their family members held behind in the camp.

A CHRONOLOGY OF VIOLENCE

- Nov. 90 -- Mass demonstration at Pulau Bidong, Malaysia.
 Mar. 91 -- Thai police cracked down on demonstration at Panat Nikhom Camp, causing one death and several injuries.
 Jun. 91 -- Demonstration at Sikiew Camp, Thailand.
 Aug. 92 -- Mass demonstration at Pulau Bidong, Malaysia. One person committed suicide.
 Nov. 92 -- Hunger strike at Palawan Camp, the Philippines
 Mar. 93 -- Mass demonstration at Sungei Besi, Malaysia.
 Dec. 93 -- Demonstration at Palawan Camp. Crackdown by the Philippine marines caused a dozen injuries.
 Jan. 94 -- Demonstration at Manila Transit Center over the shooting dead of a minor by a security guard.
 Apr. 94 -- Demonstration and hunger strike at Galang Camp, Indonesia. Two boat persons committed suicide.
 Oct. 94 -- Police broke up an eight-month sit-in in Galang and imprisoned two hundred leaders of the boat people.
 Feb. 94 -- Mass demonstration at Tai A Chau Detention Centre, Hong Kong.
 Apr. 94 -- Hong Kong police raided Whitehead Detention Centre, causing over 200 injuries.
 Sep. 94 -- Hunger strike at High Island Detention Centre, Hong Kong.
 Mar. 95 -- Demonstration at Sungei Besi Camp, Malaysia.
 Mar. 95 -- Hunger strike at Whitehead Detention Centre, Hong Kong.
 Apr. 95 -- Mass demonstration at Sikiew Camp, Thailand. Two people died.
 May 95 -- Police raided Whitehead Detention Centre, causing 200 injuries.
 May 95 -- Malaysian police raided Sungei Besi Camp and arrested 20 demonstrators.
 Aug. 95 -- Police assaulted demonstrators at Sungei Besi Camp, causing 16 injuries.

AROUND IN THE COMMUNITY

- * *Awards* -- BPSOS was recognized by the Vietnamese-American community of Washington DC, Virginia and Maryland at a fundraising dinner on August 20. On July 19, Legal Assistance for Vietnamese Asylum Seekers (LAVAS) was honored by the Viet-American Forum at its fourth annual award dinner. Congresswoman Zoe Lofgren presented LAVAS with a Resolution of Commendation for the occasion.
- * *Walkathons* -- About 1,000 participants helped raise over \$15,000 in a series of walkathons held in San Jose, California, Montreal and Melbourne over the past four months.
- * *BPSOS in cyberspace* -- BPSOS has established its presence in cyberspace with a World Wide Web home page at www.deltanet.com:80/nd/bpsos/. BPSOS can be contacted at email address BPSOS@aol.com, courtesy of America Online.
- * *Radio interviews* -- BPSOS went on air ten times over the past three months in interviews with VOA, BBC and New Horizon Radio (Japan).



* *Delegations* -- On June 19-20, a delegation of Vietnamese-Americans convened on Capitol Hill to advocate for a fair and humane treatment of Indochinese refugees. The delegation also met with State Department officials and Thai and Malaysian diplomats. Two weeks before, another delegation met with Indonesian embassy officials.

* *Demonstrations* -- Since March 1995, a series of demonstrations against unfair screening have been organized to target Indonesian, Thai and Hong Kong embassies/consulates in the United States and Australia. In June, 400 demonstrators protested in front of the UNHCR's Canberra office for its flawed refugee screening program.

* *Trust funds* -- A trust fund has been established by Committee for the Relief of Vietnamese Refugees (CRVR) for open letters on major US newspapers regarding the issue of Vietnamese boat people. So far \$20,000 have been raised to pay for four open letters in the Washington Times. A similar fund under the Council of Vietnamese Refugee Supporting Organizations in Australia helps pay for three open letters in The Australian and Canberra Times.

* *New Branch Offices* -- Responding to the large volume of casework and advocacy activities, BPSOS has opened two additional branch offices: Boat People S.O.S./Houston, P.O. Box 721464, Houston, TX 77272, USA; and Boat People S.O.S./San Jose, 1115 East Santa Clara, Suite 2, San Jose, CA, 95116, USA.

* *Fundraising* -- This year BPSOS again participates in the Combined Federal Campaign (CFC). Government employees in the Washington metropolitan area can designate their contributions to BPSOS via CFC designation number 7014. Others can contribute via United Way.

Following is a letter from Sikiew Camp, Thailand. The content of this letter does not necessarily reflect the view of Boat People S.O.S.

On April 30, 1995, twelve hundred and forty boat people in Section A, an isolated detention area of Sikiew Camp, staged a peaceful demonstration protesting 1) the transfer of boat people from the camp without prior notification, and 2) the use of force and violence to coerce boat people into having their pictures taken for use in involuntary repatriation. The number of demonstrators later increased to fourteen hundred.

The demonstration was triggered by an incident on April 25, 1995 when Sikiew security officials used violence against boat people of Section A. Officials took 151 boat people to another camp 2km away from Section A to have their pictures taken. These people were one by one called into a small room where they were immediately photographed upon entering the room. Those who resisted were brutally beaten by Lam Joe (a Thai security chief) and by his Vietnamese henchmen: Nguyen Tan Phong, Tran Viet Tu, Cuong, Ngoc, Think... A few suffered from external injuries while the majority suffered severe internal injuries.

Among the injured were Nguyen Van Think, PST 5239, and Le Van Tron, PST 1694, both ruthlessly beaten. They were then taken to jail where they continued to be beaten until they lost consciousness. And there was Ms. Luong Huu, PST 2943, who was two and half month pregnant and suffered miscarriage because of the brutal beatings.

In the days following the incident, another 35 boat people underwent the same ordeal. They either had their pictures taken by surprise or with force.

All of the 1,400 boat people participating in the demonstration have been refusing food and have gone without sleep. As a result, over 300 have lost consciousness due to exhaustion and have been given emergency care. Two people have attempted suicide by swallowing harmful medicine: Nguyen Van Hien, PST 8148 and Linh Ly Phuong, PST 9494. They have also been taken to emergency care.

Since the April 25, 1995 incident, there have been approximately 30 boat people who were beaten and imprisoned for resisting picture taking. A few thousand others have been threatened, insulted, summoned at random by camp security officials to be terrorized and coerced into having their pictures taken.

The 1,400 boat people of Section A including 400 children have suffered a great deal because of isolation from outside world and lack of food supply. Communication via mail has been banned.

As of today, the peaceful demonstration at Section A continues. The lives of these people are at stake because their health is deteriorating quickly. If the problem is not resolved soon, they will all die! What a tragic situation! The boat people are crying out in desperation. They are sacrificing their lives for freedom.

The boat people at Section A, including 15 religious leaders, are vehemently opposing the repeated attempts by Thai to force Vietnamese boat people to repatriate.

I urge the overseas community to take prompt actions to prevent further abominable acts of violation of human rights and dignity in Sikiew Camp.

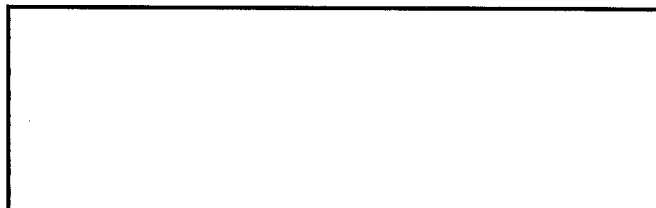
*Signed, A Buddhist Monk
Sikiew Camp, June 1995*



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**Statement of Dr. Nguyen Dinh Thang, Executive Director of Boat People S.O.S., before
the International Relations Subcommittee on International Operations & Human Rights, 7/27/95**

Mr. Chairman,

I would like to join other members of the panel in recognizing that the actions of your Subcommittee have opened new opportunities which could not have existed otherwise. In the last few months a number of alternatives have been offered to bring the Comprehensive Plan of Action to a humane and dignified ending. While there remain disagreements on the specific modality to reach such an ending, these alternatives agree on the following common and essential points.

1. Mistakes and abuses in screening have caused a significant number of genuine refugees to be wrongly screened out.

2. Their involuntary repatriation would violate the principle of *non-refoulement* in international laws on refugee protection, which is also a primary principle of the Comprehensive Plan of Action.

3. The only way to identify this group of genuine refugees is to conduct an overall review of each case among the 40,000 asylum seekers in Southeast Asia and Hong Kong.

4. Establishing presumptive categories of refugees not only helps achieve a fair review but also helps expedite the review process. There might be cases with compelling claims but which do not fall into any of the pre-defined categories. These cases might need lengthy interviews but their number is expected to be limited and small.

Even the State Department and the UNHCR have come to agreeing, if tacitly, to these points. The House of Representatives took into account these same points when it passed the legislation which you, Mr. Chairman, had introduced.

The disagreements on modality are only technical and concentrate on two issues: where to conduct the review and which presumptive categories to use.

Advocates of in-Vietnam processing work on the premise that first asylum countries would not allow processing in their territories. However, this premise certainly does not hold for Hong Kong, which is required by its own laws to facilitate the resettlement of any asylum seeker in its territory who has a chance for resettlement in another country. And

half of the population of Vietnamese asylum seekers are in Hong Kong.

In-camp processing can be started immediately in Hong Kong with virtually zero lag time. It may save millions of dollars in unnecessary expenses on transportation and on the maintenance of transit camps in Vietnam. It would do away with many unknowns related to Vietnam, which will only further complicate an already complex situation. Its successful implementation in Hong Kong may convince other first asylum countries to follow suit. If not, then at the least asylum seekers in these countries would by then feel more comfortable with the program and agree to return to Vietnam for processing from there.

As for categories, let us be lenient to the extent possible, so that if we err, we would err on the side of generosity. Even for people with only marginal claims, their suffering over the past six or seven years in detention should be sufficient reason for some compassionate consideration. A final act of generosity is certainly fitting for a refugee program that has saved one million lives in the last two decades.

Thank you, Mr. Chairman.

Quotes from other Testimonies at Congressional Hearing on July 27, 1995

Gerassimos Furlanos, former UNHCR lawyer: "In my opinion, corruption or not corruption, the screening was faulty. There were many flaws. Even if you would assume that there was no corruption at all, and yet, as we have seen, there is evidence of several instances of corruption, but even without those, the screening could not be good anyway... You could go and read case assessments, especially in Indonesia, even by UNHCR consultants. You will see the total lack of harmonization and great discrepancies in quality and a lot of other flaws and errors..."

Simon Jeans, former UNHCR lawyer: "... corruption in Indonesia was systematic. It was organized at the top, and it worked down. They were very, very collective in their structures. People did not work as individuals. They worked as a team. They collected the money. It went into a pool from which everything was shared... The person at the top gets the most, and the people at the bottom also share."

Elisa Massimino, Legal Director of Lawyers Committee for Human Rights: "What we have to look at is what the procedure was designed to do. If you have a procedure that is not even designed to accurately determine who is a refugee, then you are going to have large numbers--hundreds, maybe thousands of this group--who are inaccurately screened out as not being refugees. Those who say that the CPA is a great success, it depends on what the goals are for your program. If the sole goal is control of refugee movement, even then I guess we would have to argue whether the CPA has been a success. That is the only ground I think on which we could say that it has been a success."

Quotes from the May 24 House Debate and July 25 & 27 Congressional Hearings

Rep. Zoe Lofgren (D-CA): "There are thousands of these refugees lingering in miserable camps throughout Southeast Asia, waiting for freedom. I think we need to stand by our former allies and make sure that they are treated as the refugees they are."

Rep. Dan Burton (R-IN): "If there is any doubt about these people [Vietnamese and Hmong refugees] being sent back to death, or worse, at the hands of the Vietnamese Communists, then we should err on the side of safety."

Rep. Henry Hyde (R-IL): "It is a matter of honor. They worked with us, they fought with us, they moved where we are, the land of liberty and freedom. We are not asking that they be repatriated to America. We are asking that they not be forcibly returned to the places from which they fled."

Rep. Howard Berman (D-CA): "I... want to focus on energizing our State Department to get the UNHCR and the people in charge of that screening process to take a look at a number of cases where it is clear that people with a well-founded fear of persecution, if they were to be repatriated back to Vietnam, should have a chance to prevent what could be a catastrophe for them."

Rep. Thomas Davis III (R-VA): "I have received numerous reports from my constituents which provide credible evidence that these refugee camps are overwhelmed by corruption and mismanagement. I am concerned that corruption is tainting the refugee screening process conducted by the United Nations High Commissioner for Refugees and funded by the United States. A completely fair and conscientious screening process is necessary to avoid the tragic consequences of repatriating genuine refugees to Vietnam."

Rep. Douglas Bereuter (R-NE): "What about the egregious cases that are mentioned and identified by the NGO's? I will work with my colleagues and the NGO's to press UNHCR and the State Department to be more active in seeking redress."

Rep. Jerry Nadler (D-NY): "We must not abandon our commitment to honesty, fairness and decency. I know money for refugee programs is politically unpopular these days. At the very least we should agree that those scarce dollars that are available should not be used to move refugees involuntarily to their countries of origin to face persecution."

Rep. Bill McCollum (R-FL): "I do not want my name and the name of this Congress and the money of the American people being spent for the kind of forcible repatriation that I believe is going on..."

Rep. Robert Dornan (R-CA): "I have been fascinated that all sides here agree there is abuse. We are arguing over how much abuse. To ask a man to give you his daughter for sexual abuse, a type of coercive rape over seeking liberty, is probably the most offensive sex crime that you could possibly imagine..."

Rep. David Obey (D-WI): "I do not favor forcing a single refugee back into their original country if they do not want to go."

Rep. Bruce Vento (D-MN): "The increased interest of the governments in camps, the Thai Government, to close refugee camps has, I think, rushed the process greatly. There have been repeated reports... concerning mistreatment and abuse of individuals in these areas."

Rep. Frank Wolf (R-VA): "We have talked to families in my area who have talked about their family members who have literally committed suicide."

Rep. Steven Gunderson (R-WI): "The fact is that we are dealing with either an intentional or unintentional misinformation game, and people's lives are at stake as this game goes on... I do not enjoy calling people like our State Department or the UNHCR liars, but I have to tell my colleagues when we are talking about truth, when we are talking about justice, when we are talking about people's lives, both of these agencies are misrepresenting the truth."

Rep. Donald Payne (D-NJ): "I hope that we can find out what is wrong in the U.N. system and if we can have them review so that those employees who are corrupt and are not doing the job right will be expelled and that those many workers who are doing the job well should be continued."

Rep. Benjamin Gilman (R-NY): "The screening process of refugees administered by the Comprehensive Plan of Action must be broadly reviewed in order to remedy unfair and otherwise defective status determination. The use of U.S. funds must be conditioned on a thorough review of this process."

Rep. Christopher Smith (R-NJ): "We remain firm in our belief that the CPA screening process was hopelessly inadequate. We are by no means confident that wrongly screened out refugees will be safe upon their return to Vietnam or Laos."

Ambassador Phyllis E. Oakley: "We want to end the CPA in the most humane and fairest way possible, and we always have. We do not put a deadline on the pursuit of fairness and justice. The CPA still permits review of cases where additional information may indicate that an initial screening decision was wrong..."