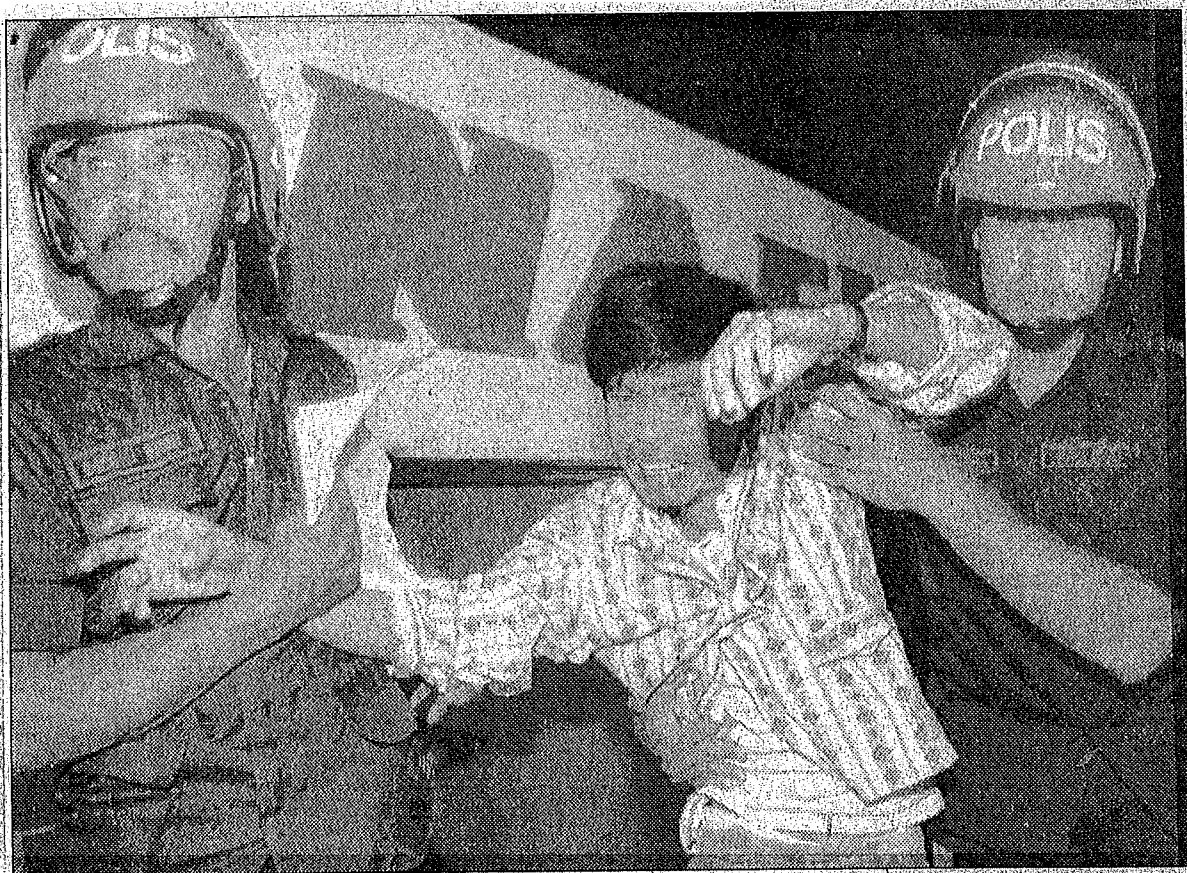


VIETNAMESE BOAT PEOPLE IN SOUTHEAST ASIA AND HONG KONG

UNHCR'S FAILURES IN THE COMPREHENSIVE PLAN OF ACTION:

A FACTUAL PRESENTATION

PART II: REPATRIATION



BOAT PEOPLE S.O.S.

MAY 1996

TABLE OF CONTENTS

EXECUTIVE SUMMARY

BACKGROUND

FORMS OF PERSECUTION

1. Imprisonment
2. House arrest, police surveillance and curfew
3. Ban on unauthorized contacts

UNHCR'S CLAIM

FACTS

CONCLUSIONS

ENCLOSURES:

1. "UN says no guarantee of safety for returnees," South China Morning Post, March 19, 1990
2. "A number of activities of reactionaries in refugee camps in ASEAN countries," People's Public Security Police, November 1994 Special Issue
3. "79 political suspects identified among 1,432 people repatriated to Hai Phong," Security Police -- Hai Phong, Weekly Publication No. 163, 19-26 September, 1995
4. Correspondence between UNHCR and Hong Kong's Refugee Status Review Board
5. Correspondence between UNHCR branch offices in Hong Kong and Vietnam
6. "SRV: Three 'Fake Holy People' Arrested for Proselytizing," AFP May 13, 1996

EXECUTIVE SUMMARY

For years, the Office of the United Nations High Commissioner for Refugees (UNHCR) has steadfastly maintained that the UNHCR-sponsored Comprehensive Plan of Action (CPA) has been fairly and competently implemented. On the one hand, the U.N. agency insists that it has not missed a single refugee in the screening process. On the other hand, it publicly maintains that no repatriated returnee has been harassed, mistreated or persecuted by Vietnamese authorities.

Many of the previous reports, listed at the end of this one, present proofs that, due to rampant corruption and other fundamental flaws in screening, numerous victims of severe persecution have been wrongly denied refugee status.

This report addresses UNHCR's claim about its repatriation program and the safety of returnees. Even with the limited resources and the lack of access to returnees, we have uncovered -- through direct reports by the victims, UNHCR's leaked documents, and statements by Vietnamese officials -- evidences squarely contradicting UNHCR's claim. These evidences show the Communist government's policy of tracking blacklisted returnees and arresting those suspected of subversive political and religious inclinations. These same evidences also show that UNHCR has systematically concealed incidents of persecution which it has been fully aware of.

The increasing rate of forcible repatriation makes effective monitoring even more important. One can reasonably expect that many of those who have resisted voluntary repatriation do so because of their well-founded fear of persecution. Instead of relying solely on UNHCR's assertions and promises, governments endorsing the CPA, via their consular offices in Vietnam, need to actively protect returnees against random harassment and mistreatment by local authorities and systematic persecution by the central government. As for genuine refugees who are still in first-asylum camps, they should not be forcibly repatriated.

UNHCR's institutionalized tendency to conceal failures and mistakes at the expense of victims of persecution warrant independent and thorough investigations by donor governments of its performance and accountability under the CPA.

BACKGROUND

Under the Comprehensive Plan of Action (CPA), the international community has tasked the Office of the United Nations High Commissioner for Refugees (UNHCR) with the dual roles of assuring fair screening of Vietnamese asylum seekers in first-asylum countries and monitoring the safety of those denied refugee status and repatriated to Vietnam. The UNHCR-sponsored screening process was riddled with fundamental deficiencies, serious procedural flaws, and rampant corruption. A large number of genuine refugees have been unfairly denied refugee status and now face forced repatriation. Among those who have returned, several have been interrogated, mistreated or imprisoned by the Communist government.

Despite undeniable evidences of problems and abuses in screening, UNHCR has made sweeping claims to the contrary, maintaining that not a single refugee had been wrongly denied refugee status. In early 1995, when it could no longer deny hard evidences of rampant corruption and improprieties committed by local screening officials and several UNHCR employees, the agency switched tactics. It conducted an internal review of the screening process and concluded that the review confirmed, rather conveniently, UNHCR's initial assertion. Published in January 1996, Part I of this report presented facts that squarely contradict UNHCR's claim about its screening program.

This Part II of the report addresses UNHCR's other sweeping claim: not a single instance of persecution, mistreatment or harassment against any of the 77,000 returnees. Like in screening, UNHCR has adopted the same policy of outright denial. Again, hard evidences exist that contradict UNHCR's claim.

FORMS OF PERSECUTION

According to UNHCR's Handbook on Procedures and Criteria for Determining Refugee Status, there is no universally accepted definition of persecution in general. However, Paragraph 51 of the Handbook specifies that a threat to life or freedom and serious violations of human rights, relating to the reasons enumerated in the 1951 Convention, always constitute persecution:

"From Article 33 of the 1951 Convention, it may be inferred that a threat to life or freedom on account of race, religion, nationality, political opinion or membership of a particular social group is always persecution. Other serious violations of human rights -- for the same reasons -- would also constitute persecution."

The following forms of human rights abuses are of particular relevance to repatriated Vietnamese asylum seekers.

1. Imprisonment

Vietnam's criminal code does not differentiate between political and non-political crimes. In numerous instances it would therefore be difficult to determine whether imprisonment constitutes prosecution or persecution. For instance, political prisoners and prisoners of conscience such as Dr. Nguyen Dan Que, Prof. Doan Viet Hoat, the Most Ven. Thich Huyen Quang, etc. have all been sentenced to long term imprisonment for "criminal activities."

"The Vietnamese Government does not distinguish between political crimes and criminal charges. Both are enumerated in its criminal code, and it just says all these people are convicted of breaking the law." (Statement of Dinah Pokempner, Legal Counsel for Human Rights Watch/Asia, at the Congressional Hearing on the Comprehensive Plan of Action for Indochinese Asylum Seekers, chaired by the International Relations Subcommittee on International Operations and Human Rights, July 27, 1995)

In such circumstance, the same UNHCR guidelines employed in the evaluation of refugee claims should be used to determine, for each imprisoned returnee, the real reasons behind the returnee's arrest. If the reasons are covered by the 1951 Convention, the arrest and imprisonment constitute persecution. This exercise, however, is virtually impossible in Vietnam, especially when the returnee has already been sentenced. So far, UNHCR and foreign embassies have been able to secure access to only a few of the imprisoned returnees, after their conviction. Even in these rare cases, it would be practically impossible to obtain meaningful information for evaluation. The imprisoned returnees would not dare to tell the truth because they know that UNHCR and foreign embassies cannot offer any protection against retribution by prison officials.

The line between persecution and prosecution is even murkier in cases of imprisonment for illegal escapes. The CPA calls on Vietnam to clamp down on illegal departures, giving the government a legitimate excuse to punish harshly people who organize escapes or who make repeated escape attempts. UNHCR monitoring officials in Vietnam have routinely dismissed such cases as prosecution without investigating the reasons behind the escapes. This is in direct violation of UNHCR's Handbook and other guidelines developed specifically for the CPA. These guidelines specify that imprisonment or other forms of punishment for illegal escapes may very well be persecution if the reasons for the illegal departures are related to one of the five Convention reasons:

"The legislation of certain States imposes severe penalties on nationals who depart from the country in an unlawful manner or remain abroad without authorization. Where there is reason to believe that a person, due to his illegal departure or unauthorized stay abroad, is liable to such severe penalties his recognition as a refugee will be justified if it can be shown that his motives for leaving or remaining outside the country are related to the reasons enumerated in Article 1 A(2) of the 1951 Convention." (Paragraph 61 of UNHCR Handbook)

"Punishment for illegal departures could amount to persecution if it is:
(a) disproportionate;
(b) of such a grave nature that life has been made intolerable; and
(c) if the attempted departure was related to Convention reasons or the disproportionate nature of the punishment indicates imputed political opinion."

(Section 5 of "Internal Guidelines on Refugee Status Determination (Appropriate Use of the Appeals Board)")

"Excessive punishment for illegal departure should be taken into account in the assessment of a claim because it usually indicates that the punished person is viewed negatively by the authorities (due to imputed political opinion or classification in the 'bad books' for other Convention reasons), which poses risks of future persecution."
 (Article 92 of UNHCR Guidelines on the Application of the Refugee Criteria to the Caseload of the Vietnamese Boat People in South East Asia.)

Article 92 defines as "excessive" sentences exceeding one year for illegal departures. As for boat organizers, the same article stipulates that the same principle stated above apply if *"a boat organizer... establishes that he/she committed the offence not for profit but for humanitarian or political reasons."* As in other parts of the world, it is not uncommon for victims of persecution from Vietnam to organize their own escapes.

2. House arrest, police surveillance and curfew

These different degrees of police monitoring and restriction of freedom of movement are all referred to in this report as "house arrest." It is a practice of Vietnamese authorities to place political suspects under around-the-clock surveillance by the local security police and by collaborators living in the neighborhood. The suspects are often prohibited from leaving their district or town, and must regularly report themselves to the local police station, where they have to submit detailed reports of their daily activities and contacts. Some suspects are even placed under curfew, usually from 10 p.m. to 6 a.m. These forms of house arrest often apply to political suspects under investigation or political prisoners on probationary release.

3. Ban on unauthorized contacts

People suspected of political activities in first-asylum camps are also ordered to avoid all contacts with foreigners and other suspected returnees. If any such contact occurs, the suspect must dutifully report to the local security police. This form of police control almost always accompanies house arrest.

UNHCR's claim of total absence of persecution against returnees will be evaluated against the agency's own guidelines.

UNHCR'S CLAIMS

UNHCR has persistently claimed that its monitoring officials in Vietnam have not discovered a single instance of a returnee being harassed, mistreated or persecuted by the government.

"[Vietnamese returnees] are integrating into society and we have absolutely no reports of ill-treatment, persecution or discrimination." (Werner Blatter, UNHCR Director for Asia and Oceania, Reuter, June 5, 1995)

"[UNHCR] monitoring teams... have never uncovered any convincing cases of official harassment of or discrimination against any of those returning." (UNHCR spokesperson Ruth Marshall's interview with Reuter on May 26, 1995)

"To date, monitoring has revealed no indication that returnees have been persecuted. The Vietnamese... authorities have upheld their commitment to ensure that returnees are treated in a way that assures their safety and dignity in accordance with national and international law." (UNHCR Information Bulletin, August 1995)

FACTS AND EVIDENCES

As in screening, UNHCR has indulged itself in sweeping statements, knowing that independent verification by a third party would be practically impossible. However, documentary evidences have surfaced over the years, which not only impugn UNHCR's claim but also reveal UNHCR's lack of credibility. Following are the facts and evidences that critically challenge the story that UNHCR wants the international community to believe. (The identity of some returnees is kept confidential for their own safety.)

- a. In March 1990, Dr. Alexander Casella, UNHCR's person-in-charge of the repatriation program, publicly admitted his agency's inability to protect returnees from mistreatment by the Vietnamese Government: *"There is no guarantee we can provide to the voluntary returnees, we cannot guarantee the safety of the returnees to their own countries."* (*"UN says no guarantee of safety for the returnees,"* South China Morning Post, March 19, 1990.) By its own admission, UNHCR monitors only 25% of all voluntary returnees. Its mandate does not cover forced returnees.
- b. Official statements by Vietnamese authorities highlight this reality. A November 1994 article by the Public Security Police Unit of Hai Phong disclosed the government's policy of identifying and targeting returnees suspected of political activities in first-asylum camps. According to this article, the Communist security police had identified groups it deemed as subversive: New Democracy, Vietnamese veterans associations, the Paris-based Vietnam Committee for the Defense of Human Rights, Interfaith Front for National Restoration, National Restoration, Serayka

United Front, Vietnamese Committee for a Free Vietnam, Youths To Serve, etc. The article concluded:

"Many people have realized the tricks of these reactionaries and have returned to their families and honest life in Vietnam. However, there is a number of naive people who continue to believe them and engage in activities against Vietnam and against the repatriation program; some have even secretly infiltrated back to Vietnam under the repatriation program so as to carry out their dark conspiracies. We will always be on guard, ready to uncover them on time so as to nip these sabotage activities in the bud and to contribute to pushing the CPA ahead and on schedule." ("Some Activities of Reactionaries in Refugee Camps in ASEAN Countries," People's Public Security Police, November 1994 Special Issue. See Appendix.)

- b. Ten months later, the same Public Security Police Unit reported the successes of its campaign: it had identified 79 political suspects among the 1,432 boat people repatriated to Hai Phong between November 1, 1994 and June 15, 1995. Out of approximately 716 cases (for an average of two persons per household), 11% had been placed on its blacklist.

"The PA 16 Bureau [for political investigation and interrogation] has fully documented records on 79 political suspects, [and] has arrested 3 suspects belonging to the reactionary organization 'New Democracy.' Based on this result, the PA 16 Bureau has implemented surveillance measures against these suspects in a timely manner, and has initiated legal actions against these reactionary targets, whose criminal activities have been fully documented." ("79 Political Suspects Identified Among 1,432 People Repatriated to Hai Phong," Security Police -- Hai Phong Weekly Publication, No. 163, 19-26 September 1995. See Appendix.)

- c. Do Manh Tuan, VRD 333/89, was among the 76 placed under house arrest. Forcibly repatriated on November 25, 1994, he was subjected to intense interrogation for three days and then put under police surveillance and curfew. The authorities charged Tuan of violating Articles 72-82 of Vietnam's Criminal Codes (The Especially Dangerous Crimes Against National Security) because of his anti-government poems published overseas during his stay in Hong Kong. Once a week, Tuan had to report to the counter-intelligence bureau of Hai Phong City's security police. After each interrogation session, he then had to report to the district police. In June 1995, Tuan escaped the second time to Hong Kong but was again forcibly repatriated in March, 1996.
- d. Leaked documents show that UNHCR has pretended ignorance of many cases of persecuted returnees such as Tuan. As early as 1990, Boat People S.O.S. intercepted UNHCR's correspondence with the Hong Kong Government regarding Van Tien Ka, who had been arrested soon after his return to Vietnam on November 30, 1989. Ka's brother, Van Thanh Dien, cited this incident in his UNHCR-assisted appeal to Hong Kong's Refugee Status Review Board (RSRB). Justice Francis Blackwell, RSRB Chairman, chastised UNHCR for allowing false claims to be made, which "could be

very damaging." UNHCR's Chief of Mission Robert Van Leeuwen responded that Dien's claims "*reflect facts which had indeed been ascertained by UNHCR.*" (See letters exchanged between RSRB and UNHCR in the Appendix.)

According to Dien's claim, his brother Ka signed up for voluntary repatriation after he got assurance from the Vietnam government of no punishment. After repatriation, he was arrested and sent to prison. According to Vietnam's account, Ka had to complete the 18-month sentence for having organized illegal escapes; he had served five and a half months before his escape to Hong Kong. According to an official article in the Vietnamese press (Bach Khoa Van Hoc, May 1991), Ka would be released from prison in February 1992, after having served 33 months for an 18-month sentence. Meanwhile, his brother Dien, who had escaped with Ka to Hong Kong, was recognized a refugee by RSRB.

When this case was reported in the Hong Kong press, Dr. Casella, in blatant violation of UNHCR's own guidelines, summarily refused to intervene or even to investigate the matter: "*It is universally recognized that organizers should be prosecuted, and I see no reason why we should ask the Vietnamese to commute his sentence.*" ("*Vietnam jail plea a fraud -- UNHCR,*" South China Morning Post, February 26, 1990.) According to its own guidelines, UNHCR should have assessed the reasons behind Ka's escape, especially in light of Hong Kong's recognition of his brother as a victim of persecution. If Ka's reasons for organizing the escape were related to the 1951 Convention, the 33-month imprisonment would be excessive by UNHCR's standards and must be treated as persecution.

As a follow-up on this case, in June 1992, Boat People S.O.S. asked Bill Fleming, Deputy Director of the Office of International Assistance for Africa, the Americas and Asia at the US State Department, to look into Ka's conditions during Fleming's visit to Vietnam. Fleming reported that, according to UNHCR's account, Ka had indeed been released from prison but had vanished without a trace. Even Ka's mother did not know his whereabouts. UNHCR speculated that Ka had escaped back to Hong Kong but had no confirmation of this.

- e. The case of Tran Le Bau is even more revealing. It shows that UNHCR, either out of connivance or because of pure incompetence, has willingly served as the perfect cover-up for the Vietnamese authorities in their policy of arbitrary detention. After a failed attempt to escape from Galang, Indonesia, to Australia, Bau was forced by Indonesian authorities to sign up for "voluntary" repatriation. He arrived in Vietnam in early 1995. Local authorities harassed his family and demanded financial "contributions." In May, he was arrested when he tried to break up an altercation between a neighbor and a police officer. He was charged of "obstructing law enforcers from carrying out their duty."

His brother, a US citizen, sought the intervention of UNHCR and US members of Congress. The case was presented at a Congressional hearing on July 27, 1995. On August 14, 1995, a UNHCR official visited Bau's family in Vietnam and promised

assistance. Three months later, in a letter to non-governmental organizations and the Vietnamese-American press, Rene van Rooyen, UNHCR Representative in the USA, reported that UNHCR had looked into the case and found that Bau had "admitted committing crimes."

Two months later, as several US members of Congress pursued this case, Vietnam released Bau. According to his family in Vietnam, the release order stated that "upon review, the government has found that Bau had been wrongly arrested." UNHCR had prematurely alleged Bau of crimes that even the Vietnamese government has eventually acknowledged he had not committed.

After eight months in prison, Bau now suffers mental dysfunction. He rarely speaks to anyone and requires the intense and constant care of other family members.

- f. Publicly UNHCR prides itself on the quality of its monitoring program but its leaked documents paint a different picture. One example is the case of Dinh Thi Thanh, a 17-year old minor, who voluntarily returned to Vietnam from Hong Kong in January 1990 to take care of her ill grand-mother. Once in Vietnam, she learned that her grand-mother had passed away. Soon after, her parents and siblings in Hong Kong received her letter from Vietnam reporting that she was in prison. They reported to a UNHCR field officer, who in turn asked her colleagues in Vietnam to verify Thanh's claim.

Three weeks later, the UNHCR Branch Office in Vietnam responded that it had checked with the Vietnamese Government, which claimed Thanh "*has never been arrested by the police*" and that "*she lives in freedom in Hongai, together with her mother and brother since her return.*" (Memorandum from Jacques Mouchet, UNHCR Representative in Vietnam, to Udo Janz, UNHCR Assistant Chief of Mission for Durable Solution [repatriation] in Hong Kong, dated April 10, 1990. See Appendix.)

UNHCR's investigation ended there despite a gross and evident discrepancy: Thanh's mother and brother were at the time in Hong Kong with the rest of her family. They were all subsequently recognized as refugees and resettled in Europe.

In 1992, UNHCR reported to Bill Fleming of the US State Department during his visit to Vietnam that Thanh had escaped to Hong Kong a second time but had again been forcibly repatriated to Vietnam. Also according to UNHCR, Thanh was living by herself, selling refreshment to earn her living, while waiting for family reunification with her family in Europe. Somehow the discrepancy regarding Thanh's mother and brother was never reconciled. UNHCR was unable to keep its story straight, be it truthful or not.

- g. When challenged with these documented cases, and some more, UNHCR in early 1995 suddenly revealed that a number of returnees had problems with the authorities. Issue No. 99 (First Quarter 1995) of the official UNHCR publication "Refugees"

mentioned 65 cases being investigated or detained by police. Less than six months later, the number increased by 35%: *"To our knowledge, 88 returnees have been arrested and detained on criminal charges since 1989."* (UNHCR Information Bulletin, August 1995). The article did not elaborate on whether these criminal charges pertain to prosecution or persecution.

- h. In a few instances, persecuted returnees were able to escape from Vietnam the second time. These "double-backers" are physical evidences of the persecution many returnees may have faced in Vietnam. Do Manh Tuan, already mentioned, was one. UNHCR has shown no interest in soliciting information from these "double-backers." Tuan had been forcibly repatriated before the Hong Kong Government decided on his petition for legal aid. The case of Van Luan below is illustrative of UNHCR's careless and indifferent attitude.

Luan escaped to Thailand in 1986 but then left his refugee camp to join the Khmer resistance forces headed by Son San. In April 1993, he returned to Thailand and was registered by UNHCR as a newly arrived asylum seeker. After he had been denied refugee status and his appeal rejected by Thailand, he returned to Vietnam at UNHCR's encouragement and under its promised protection. Arriving in Vietnam in August 1994, he was held at the Thu Duc Reception Center for one week for intense interrogations by the public security police.

Back in his village, Luan was soon taken by the police to its station for another round of interrogation. From October 15 to December 25, 1994, he was detained at a local prison for repeated interrogations by Communist authorities. Afterwards, he was placed under house arrest. He received no visit from any UNHCR official.

In April 1995, he escaped from his village and then to Cambodia, where he stayed for five months, waiting for his wife and children to join him. The entire family then trekked into Thailand. They arrived at Sikiew Camp on September 16, 1995. As soon as they reported their "double-backers" status to UNHCR and the persecution they had faced in Vietnam, Luan and his family were placed in the jail inside Sikiew Camp. They were then transferred to an unknown location and have not been heard from since. UNHCR has so far ignored all inquiries from non-governmental organizations about the conditions and whereabouts of Van Luan and his family.

- i. UNHCR monitoring officials in Vietnam have on their own discovered many cases of persecuted returnees even among the limited number of people they monitor. However, there are strong indications that these UNHCR officials have attempted to conceal their findings. In early 1994, several followers of the Ching Hai [aka Thanh Hai] Meditation Association, a fringe Buddhist Sect based in Taiwan, were arrested upon their return from Hong Kong camps. They were ordered to renounce their religion. One person challenging this order was briefly detained. Upon release, he went into hiding to avoid retribution by the local authorities. At a secret meeting with a UNHCR monitoring official in a hotel room, he was advised that if he stopped proselytizing, the government would drop its case against him. This Ching Hai

follower refused to cooperate and chose to stay in hiding. In July 1995, Assistant Secretary of State Phyllis E. Oakley reported at a Congressional hearing that UNHCR officials "are still investigating" this case, eighteen months after the incident had been discovered by UNHCR and more than a year after a UNHCR official had privately confirmed the incident.

A recent Agence France Press (AFP) news article confirms Vietnam's policy of targeting this group of Buddhist followers for persecution, a fact that UNHCR has worked hard to conceal. On May 13, 1996, AFP reported that the Vietnamese government had arrested three Ching Hai followers for the crime of proselytizing. (See Appendix.) All three, two men and one woman, are returnees from Hong Kong. It is unclear whether the person mentioned in the 1994 incident was among those arrested.

- j. The arrest and imprisonment of returnees have not subsided as the first-asylum countries step up their forced repatriation efforts. Huynh Cong Dau was forcibly repatriated on February 7, 1996, along with his wife and three children. They were taken home from Dong Ngac Reception Center in a police car. En route, Dau was separated from his family and taken to Hoa Son Prison, Quang Nam, Da Nang. He has remained in prison since.

In early March 1996, several NGOs in Hong Kong requested that UNHCR investigate this incident. Three months have elapsed and UNHCR has not offered any response although the agency had been provided with the exact location, along with the street address, of Hoa Son Prison.

An active member of the Vietnamese Veterans Association in High Island Detention Centre, Dau had many times expressed to UNHCR his fear of being arrested if repatriated. In 1975, he was captured by the Communists as a prisoner of war. In 1978, Dau escaped from re-education camp but was caught and sent to 11 additional years of re-education. He was then put under house arrest and re-arrested many times on unnamed charges before he fled Vietnam with his family.

- k. Beside arrests and imprisonment, numerous returnees have reported harassment and mistreatment by the local authorities. These returnees have been subjected to repeated interrogations at local police stations, ordered not to contact other suspected returnees or former camp volunteers, and fined for their illegal absence from Vietnam.

"[The subject] was stunned when I appeared on his doorstep, and clearly very worried about my presence. However, he quickly admitted me into his home, and we spent the next two hours discussing his situation. After landing in Hanoi, [the subject] was brought to a small room with three public security officers. For the next three days, he underwent intense interrogation. The public security officers were intimidating and often threatening. Almost immediately, the officers produced a file containing information on [the subject]. The file included several articles written by [the subject] and published in overseas Vietnamese newspapers and magazines.

"After questioning him about his personal activities, the officials focused on others in the camps. They were particularly interested in the various anti-Communist organizations and its leaders. The security forces in Vietnam are quite familiar with camp activities, and must be receiving information directly from the camps. At the conclusion of the interrogation, [the subject] was told that he should consider that that day as day zero, and not to have any contact with people he met in Hong Kong." (Trip report of David Ireland to Legal Assistance for Vietnamese Asylum Seekers, December 22, 1994)

Following is a letter describing the typical interviews that many returnees have undergone upon arrival in Vietnam. Through these intense and thorough interviews, the Vietnamese government has been able to compile and maintain a blacklist of asylum seekers suspected of political activities in the camps.

"I arrived in Vietnam without any incident. Initially everything was fine. However, things are turning for the worse..."

"I just came back from the provincial security police station. The authorities requested that I report all the activities of political organizations in the detention center in Hong Kong. Of course, they prefaced with a warning that my future would depend on how truthful my report was. At the end of the session, they told me that they would need my cooperation many more times."

"Seeing that the situation would be difficult for you and your friends, I am writing to warn you and sending you the summon I received from the security police as proof. I met C. He was also interrogated by the security police but on religious activities in the camp. Please contact L. for me. It would not be safe for me to write him directly. I have to ask someone else to post this letter to you." (Letter from a returnee to a friend in Hong Kong, July 8, 1995)

Following are excerpts from a letter of a returnee to his brother in the United States describing the risk their brother T., who was still in Galang Camp, Indonesia, would face if repatriated.

"It has been a month since I returned to Vietnam. So many things have happened to me that I feel I need to write to you immediately and ask you to tell T. not to return to Vietnam under any circumstance. He will be arrested. During my two days at the Thu Duc Detention Center, I was interrogated by the authorities. After going through my biodata, they then asked me why T. did not return. I told them that he was seriously ill and would not be able to endure the repatriation flight. They let me go home."

"The next day, I was again summoned to the police station. My interrogator was new in the area, and so I had hoped he would not know much about our family background. But, it turned out that he knew everything as if he had been with us in the camp all along. He scrutinized me about T.'s activities in the camp. He also

knows about our brother H., who was executed for anti-government activities in 1976. He asked me my motive for returning to Vietnam, insinuating that I could not be trusted. I was so frightened and so upset by his mentioning the tragic death of our brother H. Later I found out that a neighbor who had recently returned from Indonesia had reported everything about us to the local authorities.

"Three days later, I was again summoned to the police station for another round of interrogation. This time, the interrogator focused on the organizations which T. belonged to in the camp. The interrogation was very intense. A few days ago, I was again interrogated. Please tell T. that he should not return." (Letter of a returnee to his brother in the United States, March 25, 1995)

The following excerpts pertain to a letter from Jimmy Kendal, a British camp volunteer, to Jahanshah Assadi, UNHCR Chief of Mission in Hong Kong. In February 1995, Kendal visited a returnee. The local police immediately summoned the latter to the police station for repeated interrogations. He had to report to the police his relationship to Kendal and other camp volunteers, and the political affiliations of his brother, who is still in Hong Kong. The police then ordered him to report any contacts with former camp workers to the security police at both the district and city levels and to the people's committee in his ward.

"I have worked in the Vietnamese camps for some years now and have many Vietnamese friends so it is natural for me to want to see them when I visit Vietnam. I went to see [the subject] when I was in Danang in February -- he seemed to be very happy and I was not aware of any troubles at that time. But it seems that after my visit the P.S.O. [Public Security Officers] interrogated [the subject]. He writes in his letter that more recently an American called J. has visited him when he was out and since that time he has been harassed by the P.S.O.

"I believe it is your responsibility to check this situation and find out why the Vietnamese are renegeing on their promise not to harass the returnees. I am also concerned for [the subject]'s brother and his family here in High Island Detention Centre. It seems that the situation surrounding this family has changed and they might qualify for refugee status as they now have a reasonable fear that they will be harassed on their return to Vietnam." (Letter of Jimmy Kendal to Jahanshah Assadi, September 16, 1995)

Enclosed in the Appendix are excerpts from a returnee's report on the interrogation he had undergone. They show the level of details regarding camp activities and political affiliations many returnees must provide to the security police upon arrival in Vietnam.

CONCLUSIONS

Facts presented in this and previous reports show that UNHCR has failed in its protection roles under the CPA -- both as the watchdog and safety net for the screening process, and as the monitoring body for the safety of returnees.

More concerned with concealing its failures -- both in screening asylum seekers and in monitoring returnees -- than with protecting victims of persecution, UNHCR has reacted to international scrutiny and public criticisms with outright denials of undeniable evidences and sweeping assertions squarely contradicted by facts. In August 1995, the head of UNHCR, Madame Sadako Ogata, gave CPA governments her personal assurance that the screening process, flawed and corrupt as it was, did not miss a single refugee. Similarly, her office has time and again denied that any returnee had ever been harassed, mistreated or persecuted by the Vietnamese government. Ironically, Communist Vietnam has been less secretive about its persecution of blacklisted returnees than UNHCR.

As the CPA winds down and first-asylum countries gears up forced repatriation, effective protection of returnees becomes critical. In view of UNHCR's failures in both of its protection roles, there is an acute need for immediate actions by the international community, including governments and non-governmental organizations, to address this problematic situation. The following actions are recommended.

1. CPA governments such as the United States, Canada, Australia, France, Britain and other members of the European Community need to supplement UNHCR's monitoring program with their own. These governments should be asked to intervene, through their consular offices in Vietnam, on behalf of returnees targeted by Vietnamese authorities for harassment, mistreatment and persecution.

2. UNHCR should exercise its mandate authority to thoroughly review compelling cases and facilitate the quick resettlement of those found to be genuine refugees. Meanwhile, they should be protected against forced repatriation.

3. Donor governments need to thoroughly and independently investigate UNHCR's accountability and performance under the CPA so as to prevent similar mistakes and failures in other UNHCR-sponsored refugee programs.

Published Reports

1. Report on Corruption in the Screening Process Under the Comprehensive Plan of Action in Galang Camp, Indonesia, August 1994
2. Families Broken: The Consequence of Screening Errors, September 1994
3. Hard Evidences of Corruption in Screening Under the Comprehensive Plan of Action, December 1994
4. A Cry to Humanity: How a Humanitarian Effort Turns into a Tragedy, January 1995
5. Corruption in the Screening Process in the Philippines, July 1995
6. Failures of the Comprehensive Plan of Action: Flaws and Corruption in the Screening Process in Malaysia, September 1995
7. A Proposal for Peaceful Removal of Vietnamese Boat People from the Philippines First-Asylum Camp, Palawan, October 1995
8. UNHCR's Failures in the Comprehensive Plan of Action: A Factual Presentation, Part I: The Screening Process, January 1996
9. The Role of UNHCR in the Forced Repatriation Operation in the Philippines, February 1996
10. Forced Repatriation and Abuses of the Human Rights of Vietnamese Asylum Seekers in Malaysia, March 1996

UN says no guarantee of safety for returnees

From MICHAEL CHUGANI
in Washington

SAFETY from persecution could not be guaranteed for boat people repatriated to Vietnam, a senior United Nations High Commissioner for Refugees (UNHCR) official has told Vietnamese groups in the United States.

The UNHCR's special adviser for Southeast Asia, Mr Alexander Casella, angered the expatriate Vietnamese by telling them that returning boat people would have to face the consequences of their actions.

And he accused Vietnamese parents who put their unaccompanied children on boats heading for Hongkong of being guilty of child abuse.

Based in Thailand, Mr Casella had been invited to the United States by Vietnamese groups to discuss aspects of the boat people crisis.

But during a Washington meeting with about 50 leading members of the community, Mr Casella was asked



Alexander Casella

how the UNHCR could guarantee the safety of asylum-seekers who returned voluntarily to Vietnam.

"There is no guarantee we can provide to the voluntary returnees, we cannot guarantee the safety of the returnees to their own country."

Mr Casella said since the returnees were going back to their own country, they were subject to the laws of their land.

The UNHCR had only one monitoring officer in Hanoi but aimed to get one

more to ensure increased monitoring of returnees.

But he said it was "impossible" to monitor all boat people who went back voluntarily.

Mr Casella was asked what could be done to prevent abuse of boat people in detention centres but said Vietnamese should face the consequence of their own actions.

When he was asked about incidents of sexual abuse in Thai refugee camps and what the UNHCR could do to prevent such occurrences, Mr Casella said those fleeing by boat should take into account the possibility of such abuse and leave Vietnam through the Orderly Departure Programme instead.

He also implied it was difficult to punish the Thai perpetrators involved because "the Thais don't like the Vietnamese. No Thai would take action against another Thai because he

(Cont'd on Page 2, Col 3)

● Editorial - Page 28

SOUTH CHINA MORNING POST, MARCH 19, 1990

No guarantees for returnees

(Cont'd from Page 1)
mistreated a Vietnamese. They just don't like the Vietnamese".

When he was asked about unaccompanied children who had fled Vietnam in boats without their parents, Mr Casella replied:

"I don't want you people to think that I'm rude. If an adult wants to leave on a boat that is his decision. Putting a six-year-old child on a boat is child abuse."

He said those wanting a new life outside Vietnam should not send their children out first as an "anchor" because it was cheaper.

The incident, which took place last week, has created a sour mood within the community, casting a shadow over efforts to get the Vietnamese community in the US to persuade their countrymen in Southeast Asian

camps to accept voluntary repatriation.

Those present at the meeting said the mood turned tense when Mr Casella gave allegedly insensitive answers to their questions on the safety of voluntary returnees and the abuse of camp detainees.

His reply so startled his audience that one of those present, Mr Tu Nguyen, who until recently had been in Hongkong, stood up and remarked that if the Vietnamese in Hongkong camps were made aware of what Mr Casella had said, there would be an uprising.

A Washington-based UNHCR official who also attended the meeting confirmed Mr Casella's remarks but stressed that there had been a misunderstanding.

The official said Mr

Casella only meant that the UNHCR could not guarantee the actions of a government.

Mr Casella, who is no longer in Washington, has sent a letter clarifying his remarks to various community leaders.

But this has apparently not soothed ill-feelings which are still festering over other comments Mr Casella made during last week's meeting.

Those who attended the meeting criticised Mr Casella's remarks as insensitive and added that they were very disappointed with his attitude.

"It wasn't what we had expected to hear. Nobody came away satisfied that the UNHCR was doing enough for the boat people," said Mr Chinh Nguyen who attended the meeting.

Thời gian qua, hoạt động của các tổ chức người Việt trong các trại tỵ nạn ở các nước ASEAN ngày càng phức tạp, mang màu sắc chính trị nhằm mục đích chống lại chương trình hồi hương tự nguyện, chống chính sách thanh lọc của chính quyền sở tại và HCR. Đặc biệt sau hội nghị quốc tế tại Gionève về chương trình CPA và tuyên bố của bà Cao ủy tỵ nạn về việc: "không công nhận quyền tỵ nạn của những người di dân kinh tế" thì mức độ hoạt động kích động để phản ứng về lời tuyên bố trên của các tổ chức phản động trong các trại tỵ nạn càng ráo riết hơn, các vụ biểu tình tuyệt thực, tỵ thiếu, liên kết giữa các trại thường xuyên xảy ra đòi được đi định cư và không hồi hương.

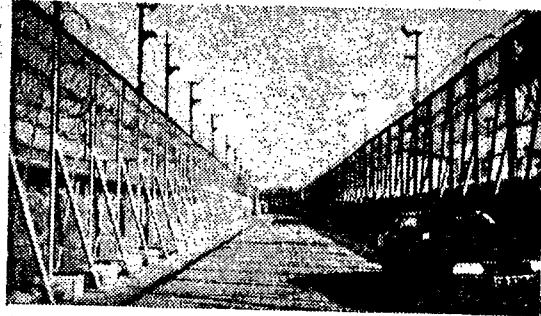
MỘT SỐ HOẠT ĐỘNG CỦA BỌN PHẢN ĐỘNG TRONG TRẠI TỊ NẠN Ở CÁC NƯỚC

ASEAN

NHÂN cơ hội đó bọn phản động lưu vong ở các nước đẩy lên làn sóng chống đối trong các trại tỵ nạn để tuyên truyền, kích động, lôi kéo và phát triển tổ chức làm nòng cốt cho các hoạt động chống phá Việt Nam, ngăn cản người hồi hương tự nguyện. Các hoạt động trên đã làm chậm tiến độ chương trình CPA, gây tình hình phức tạp trong các trại tỵ nạn, đòi hỏi phải có sự phối hợp chặt chẽ hơn nữa giữa HCR với các nước ASEAN và Việt Nam để thực hiện tốt chương trình CPA, đúng thời gian.

Trong các tổ chức hoạt động chống phá Việt Nam và chương trình CPA đáng chú ý là:

- Tổ chức "Tân dân chủ", đều có chi nhánh hoạt động ở các trại tỵ nạn ở Hồng Kông và các nước Đông Nam Á, số cầm đầu tổ chức, Tân dân chủ liên kết chặt chẽ với các tổ chức phản động lưu vong, đại diện các tôn giáo, các đảng phái cũ. Tuy bị chính quyền các nước sở tại và HCR đã áp dụng nhiều biện pháp như: tịch thu tài liệu, thư, bắt giam một số tên cầm đầu quá khích nhưng chúng vẫn tiếp tục hoạt động, thay đổi phương thức lén lút, bí mật với ý đồ chống phá Việt Nam lâu dài thông qua xâm nhập bí mật về nước và qua con đường hồi hương. Trước mắt liên kết với hội cựu quân nhân hoạt động gây khó khăn cho các đoàn Việt Nam sang phỏng vấn người hồi



Ở một trại giam các thuyền nhân Việt Nam.

hương, chống phá chương trình hồi hương, đòi được đi định cư ở nước thứ ba, vu cáo Việt Nam vi phạm nhân quyền...

- Tổ chức "Cựu quân nhân": chủ yếu qui tụ số sĩ quan binh lính chế độ cũ ở các trại làm nòng cốt, mục đích để được coi là tỵ nạn chính trị nhằm được đi định cư. Mặt khác họ còn tìm cách liên hệ với hội cựu quân nhân bên ngoài trợ giúp về chính trị, kinh tế cho số ở trại tỵ nạn. Ngoài ra số này còn chủ mưu các cuộc biểu tình tuyệt thực và các hoạt động ngăn cản người hồi hương tự nguyện.

- Ủy ban thống nhất đấu tranh bảo vệ nhân quyền: Tổ chức này được sự hỗ trợ, kích động của Võ Văn Ái ở Pháp, phối hợp với số Tân dân chủ, Cựu quân nhân, tổ chức các cuộc biểu tình, kích động, số thanh thiếu niên phạm tội hình sự để sử dụng làm nòng cốt cho các cuộc biểu tình phản đối hồi hương.

- Các nhóm "Mặt trận liên tôn phục quốc", "Phục quốc" "Mặt trận Serayka đoàn kết" (Đảng khăn trắng), "Hội đồng Việt Nam cho một Việt Nam tự do", "Thanh niên phụng sự"... đều là các nhóm do số địch ngụy cầm đầu, có sự hỗ trợ, chỉ đạo của bọn phản động lưu vong từ bên ngoài

(Xem tiếp trang 21)

MỘT SỐ HOẠT ĐỘNG... (Tiếp theo trang 13)

nhằm kích động, truyền bá tư tưởng chống đối Việt Nam trước mắt cũng như lâu dài. Dựa vào các tổ chức bên ngoài để xin viện trợ tài chính, xin được đi định cư đồng thời kích động các hoạt động vu cáo Việt Nam vi phạm nhân quyền, tổ chức biểu tình, tuyệt thực phản đối chương trình hồi hương tự nguyện.

Hiện nay nhiều người đã nhận rõ sự lừa bịp của bọn phản động nên đã hồi hương về với gia đình làm ăn lương thiện. Tuy nhiên vẫn còn một số người nhẹ dạ cả tin tiếp tục có các hoạt động chống phá Việt Nam, chống phá chương trình hồi hương thậm chí có một số tên còn lén lút xâm nhập trở về Việt Nam hòng thực hiện âm mưu đen tối. Chúng ta luôn luôn cảnh giác, sẵn sàng phát hiện kịp thời đấu tranh ngăn chặn các hoạt động phá hoại của chúng, góp phần thúc đẩy chương trình CPA đúng thời gian.

LÊ BÌNH LUYỆN

People's Public Security Police -- Special Issue, November 1994, page 13

Recently, the activities of Vietnamese organizations in refugee camps in ASEAN countries have become more and more complex, colored with politics and aiming at opposing the voluntary repatriation program, [and] opposing the screening policy of the local governments and UNHCR. Especially, after the Geneva International Conference on the CPA and the statement of Madame High Commissioner for Refugees regarding: "not to recognize the refugee status of economic migrants," the level of instigating activities of reactionary organizations in the refugee camps in response to that statement became more intense; demonstrations, hunger strikes, self-immolation, coordinated among different camps, became frequent with the aim of demanding resettlement and opposing repatriation.

A NUMBER OF ACTIVITIES OF REACTIONARIES IN REFUGEE CAMPS IN ASEAN COUNTRIES

Taking advantage of this opportunity, reactionaries in exile in different countries have whipped up a wave of opposition in refugee camps so as to spread propaganda among, incite, and recruit [asylum seekers] to expand their organizations and to turn them [the recruits] into the core group for activities to undermine Vietnam and to block voluntary repatriation. These activities have slowed down the progress of the CPA, created complex situations in refugee camps, and demanded a tighter cooperation among HCR, ASEAN countries and Vietnam in order to implement the CPA according to schedule.

Among those organizations whose activities aim at undermining Vietnam and the CPA, the followings deserve special attention:

- "New Democracy" with branches active in all refugee camps in Hong Kong and Southeast Asia. The leaders of "New Democracy" are in close alliance with other reactionary organizations in exile, representatives of the different religions, and former [South Vietnamese] political parties. Although the local governments and HCR have implemented many measures, such as: confiscation of documents, mail, and imprisonment of a number of radical leaders, this organization continues to operate, switching to underground and secret methods, with the objective of attacking Vietnam in the long run through secret infiltration under the repatriation program. In the short term, [this organization] allies with veterans organizations in creating difficulties to Vietnamese delegations coming [to the camps] to interview applicants for the repatriation program, undermining the repatriation program, demanding resettlement in third countries, falsely accusing Vietnam of human rights violations...

- "Veterans organizations": Primarily rallying officers and soldiers of the former regime in the camps as its core group, with the goal of demanding political asylum and resettlement. On the other hand, they also contact veterans organizations outside the camps for financial and political support. Furthermore, they mastermind demonstrations, hunger strikes and other activities to block voluntary repatriation.

- Committee for a Unified Struggle for Human Rights Protection: This organization has the support of and is incited by Vo Van Ai [President of Vietnam Committee for the Defense of Human Rights] in France, and allies itself with New Democracy, veterans organizations in organizing demonstrations and in instigating young criminals that they use as the core group in demonstrations against the repatriation program.

- Groups such as "Interfaith Front for the National Restoration," "National Restoration," "Serayka United Front" (White Turban Party), "Vietnamese Committee for a Free Vietnam," "Youths to Serve"... are all headed by our enemies, [former US] puppets, under the direction of reactionaries in exile overseas and with the objective of inciting [the asylum seekers], [and] spreading ideologies against Vietnam, for their immediate and long term goals. They rely on overseas organizations in terms of financial support, seek their help in gaining resettlement, and incite others to engage in accusing Vietnam of human rights violations, and staging demonstrations and hunger strikes in opposition to voluntary repatriation.

Many people have realized the tricks of these reactionaries and have returned to their families and honest life in Vietnam. However, there is a number of naive people who continue to believe them and engage in activities against Vietnam and against the repatriation program; some have even secretly infiltrated back to Vietnam under the repatriation program so as to carry out their dark conspiracies. We will always be on guard, ready to uncover them on time so as to nip these sabotage activities in the bud and to contribute to pushing the CPA ahead and on schedule.

An ninh

Hải Phòng

TUẦN
BÁO

SỐ 163
19-26-9-95

PHÁT HIỆN 79 ĐỐI TƯỢNG NGHI VẤN VỀ CHÍNH TRỊ TRONG 1432 NGƯỜI HỒI HƯƠNG TỰ NGUYỆN VỀ HẢI PHÒNG

Từ ngày 1-11-1994 đến 15-6-1995, cùng với các đơn vị nghiệp vụ khác, phòng PA 16 CẢNH lập nhận 1432 trường hợp xuất cảnh trái phép về Hải Phòng. Trong đó, hồi hương từ trại giam Hồng Kông 1358 người, Nhật Bản 73 người In-đô-nê-xi-a 1

1 NGƯỜI HỒI HƯƠNG TỰ NGUYỆN

người...

Bằng các biện pháp nghiệp vụ đơn vị đã phát hiện trong tổng số 1432 người hồi hương 12 đối tượng hình sự có lệnh truy nã và lệnh bắt thi hành án, gồm cả những tên tội phạm nguy hiểm giết người bỏ trốn. Đặc biệt, phòng PA 16 đã có đầy đủ tài liệu lập hồ sơ 79 đối tượng có nghi vấn về chính trị, đã bắt 3 đối tượng

trong số chức phản động Tân dân chủ. Từ kết quả trên, phòng PA 16 CẢNH đã có biện pháp quản lý với các đối tượng này và đề xuất biện pháp xử lý kịp thời bằng pháp luật đối với những đối tượng phản động đã có đầy đủ chứng cứ, tài liệu và hành vi phạm tội của chúng.

CÔNG NGUYỄN

SECURITY POLICE -- HAI PHONG
WEEKLY PUBLICATION, NO. 163, 19-26 SEPTEMBER, 1995

79 POLITICAL SUSPECTS IDENTIFIED AMONG 1,432 PEOPLE REPATRIATED TO HAI PHONG

From November 1, 1994 to June 5, 1995, in cooperation with other agencies, the PA 16 Bureau [for political investigation and interrogation] of the Security Police Unit of Hai Phong had received 1,432 cases of illegal departure repatriated to Hai Phong. Among them, 1,358 people were from Hong Kong, 73 from Japan, and 1 from Indonesia...

Using professional methods, our Unit has identified among these 1,432 returnees 12 criminal offenders who had been served with search and arrest warrants, including dangerous criminals who had committed manslaughter before their escapes. Of special interests, the PA 16 Bureau has fully documented records on 79 political suspects, [and] has arrested 3 suspects belonging to the reactionary organization "New Democracy." Based on this result, the PA 16 Bureau has implemented surveillance measures towards these suspects in a timely manner, and has initiated legal actions against these reactionary targets, whose criminal activities have been fully documented.

Cong Nguyen



NATIONS UNIES
HAUT COMMISSARIAT
POUR LES REFUGIES

UNITED NATIONS
HIGH COMMISSIONER
FOR REFUGEES

Bureau du Chef de Mission

Office of the Chief of Mission

查詢 OUR REF: (7) in RSRB/A/7196

查詢 YOUR REF:

Tel. No. : 3011122

Telephone (+ 852) 760-9271
Telegrams: HICOMREF HONG KONG
Telex: 34980 UNHCR HX
Fax (+ 852) 770-5504

P.O. Box 73887
Kowloon Central Post Office
Hong Kong

Mr Robert Van Leeuwen,
Chief of Mission,
United Nations High Commissioner for Refugees,
P. O. Box 73887,
Kowloon Central Post Office,
Hong Kong.

EO/0051 (611.1)

21 March 1991

Dear Robert,

Dear Francis,

Re : VAN THANH DIEN - VRD 192/18-21/89

Re: VAN THANH DIEN - VRD 192/18-21/89

On the 27th February 1991 the Board received a statement/submission from AVS in connection with the case of the above-named Asylum Seeker. I enclose a copy of paragraph 24 of that said statement/submission because if what is stated is true, the effect on your voluntary repatriation scheme could be very damaging. The truth of this claim is ascertainable and it is reasonable to assume that this was brought to UNHCR's notice by AVS before being made. AVS must behave responsibly and not just put forward claims on behalf of applicants, not caring whether such claims be true or false and then trying to hide behind the Asylum Seeker when queried about any assertion which may have been made. The duties of AVS are set out in Regulation 6(i) of the Boards' Procedural Rules and because of the wording of that definition a duty is laid upon AVS to behave in a manner expected of responsible well disciplined legal counsellors.

I refer to your letter of 14 March 1991 addressed to me regarding an AVS submission made on behalf of the above-mentioned asylum seeker which included statements regarding this asylum seeker's brother. I have examined the AVS submission in question, notably paragraphs 24 to 29 thereof, and requested further details from colleagues concerned.

Let me assure you that the AVS Appeals Counsellor made the statements in the submission to which you refer only after thorough consultation with UNHCR on the facts of the brother's fate after the latter's return to Vietnam under UNHCR auspices. I am personally familiar with this case precisely because of its potential implications for the voluntary repatriation programme and can assure you that the relevant statements in the AVS submission correctly reflect facts which had indeed been ascertained by UNHCR.

I am therefore disturbed by the serious and entirely unfounded allegations made in your letter. It would surely have been preferable for the Board to have sought clarification in this matter, which could have been readily provided, directly from the AVS Senior Appeals Counsellor.

In the case in question, please could you let me know if you have, or your colleagues in Vietnam have, any knowledge about the Voluntary Returnee referred to in the AVS claim.

Yours sincerely,

Sincerely,

Francis
(F. W. Blackwell)
Chairman

Rob

Robert Van Leeuwen
Chief of Mission

Mr. F. W. Blackwell
Chairman
Refugee Status Review Board
Room 905
66 Mody Road
Tsui Shatsui Centre
Kowloon

Refugee Status Review Board

COMMUNITY AND FAMILY SERVICES INTERNATIONAL

MEMORANDUM

UNHCR /Vol.Rep. To <u>Request for Verification</u> Subject _____ Your Ref _____	Puji/Social Worker From _____ Date <u>20 March 1990</u> Our Ref _____
--	--

Mr. Dinh Van Nhat .# 47615 VRD 288/89 (accomp. wife + 4 minor children) Hut 10B/Section 7, has received a disturbing letter from his daughter who returned to Vietnam on 10 January 1990. The daughter, Ms. DINH THI THANH, 17 y.o, ex # 47616, reported that she became unaccompanied in Vietnam because her paternal grandmother has died. Moreover she has been put in the no.14 prison of Halam, Dong Vai, Quang Ninh, for unknown reason since 25 January 1990. Mr. Nhat is naturally very concerned and is anxious to have this matter verified. Grateful your advise of any outcome of your immediate verification.

Best regards, *[Signature]*

cc. AVS Appeal Consultant, for info.

NATIONS UNIES
HAUT COMMISSARIAT
POUR LES RÉFUGIÉS



→ VC / 1/165 ju
~~UNITED NATIONS~~
 UNITED NATIONS
 HIGH COMMISSIONER
 FOR REFUGEES
*Jerome-
pls take
care of.
Thanks.*
 HK81411

MEMORANDUM

A -- TO: *[Signature]* Udo Janz, Assistant Chief of Mission (Durable Solution), OCH
Hong Kong

DE -- FROM: *[Signature]* J. Mouchet, Representative, UNHCR Branch Office in Hanoi

NOTRE -- OUR REF: HAN/MISC/049
 VOTRE -- YOUR REF: DS/0534/90 DATE: 10 April 1990

OBJET -- SUBJECT: Alleged detention of returnee DINH THI THANH

1. After checking with Labour Department in Quang Ninh, we have received a telex with the following content:
 "Returnee Dinh Thi Thanh has never been arrested by the police. She lives in freedom in Hongai, together with her mother and brother since her return".
 By telephone, we have got further information stating that the father and sisters are in Hong Kong.
2. When visiting Hongai next time, we will make a thorough investigation and report to you soonest.
3. Grateful your checking up of the family relations in Hong Kong.

SOUTHEAST ASIA

**FBIS-EAS-96-093
15 May 1996**

**SRV: Three 'Fake Holy People' Arrested for
Proselytizing**

*BK1305084196 Hong Kong AFP in English
0731 GMT 13 May 96*

(FBIS Transcribed Text) HANOI, May 13 (AFP) — Three Vietnamese have been arrested in the country's central Quang Nam-Danang province for proselytizing for an allegedly anti-communist Buddhist sect, local police said Monday.

The two men and one woman were arrested late April in Dien Ban district for disseminating the teachings of a "Chinese Buddhist sect based in Hong Kong, which calls on its followers to oppose communism," a police official said.

The "fake holy people", originally from southern Dong Nai province, were former boatpeople repatriated in 1993 from Hong Kong, where they had joined the sect, he added.

The three were leaders of the group of about a hundred Vietnamese followers, the official said, adding that local police had seized hundreds of "anti-government" documents.

The sect, known as Thanh Hai Vo Thuong Su, is previously unheard of in Vietnam.

Three quarters of Vietnamese are Buddhist but the religion is tightly controlled by the Patriotic Front, a communist party offshoot which monitors the official Buddhist Church, the only such body authorized by the government.

A returnee's report about the interview he had undergone at the reception center in Vietnam:

August 16, 1992

To attorneys Pam Baker & Michael Darwyne
in Hong Kong.

Dear Sir and Madame:

My name is [REDACTED], date of birth: [REDACTED].
[REDACTED] camp number [REDACTED]. Family includes: 1 wife
and 4 children. Originally from: Green Island
Reception Center, Hong Kong.

On the morning of August 4, 1992, my family and I were forced by Hong Kong police to go by boat to Kai Tac Airport, then put on board a military aircraft C-130, to be escorted to Viet Nam. After 3 hours and 45 minutes flying time, we arrived at Noi Bai Airport, Hanoi. The Hong Kong officials then delivered us--the miserable souls--to the Vietnamese Communists.

Then, we were transferred by the Vietnamese Security Department to the Reception Center at Hanoi. We were harshly searched at this reception center.

On the night of 8 August, 1992, Special Security at the center gave each of us 2 personal background forms. They forced us to list very clearly all the details of our lives and to turn in these forms by early the next morning.

We were very frightened and, therefore, stayed up all night to finish these forms.

*This is the content of the personal background form:

(1) List your personal history, your address before leaving Vietnam, and your relatives both in Vietnam and overseas (such as parents and siblings on both husband's and wife's side).

(2) Reason for leaving Vietnam. How did you escape from Vietnam? Who organized the trip? Where was the location of the departure? Who was with you? Who was the captain? Of those on the same boat with you, who returned to Vietnam with you? While in Hong Kong, in how many camps have you lived? Specify the time you spent at each camp. Which room/hut /section did you stay in? Who was in charge of your section/hut? If you can remember, list other inmates' names and each person's function or duty in your detention center.

(3) What did you say during your refugee screening sessions? With which lawyer or international organization did you meet? How many times? Where? Reasons, purposes...?

(4) Do you know any group or organization from overseas that aims to oppose the government of Vietnam? What are the names of these organizations? Which countries are they from? Who are their leaders? At your detention center, who are the members of these organizations?

(5) While in Hong Kong, did you participate in any of the demonstrations? How many times did you participate? What kind of slogans did you shout? What were the messages on the banners? Who were the leaders? Among the leaders, who held the highest authority? During these demonstrations, did anyone assume the opposite stand? Were the leaders of these demonstrations sponsored by any overseas anti-Communist organization? Who served as the connection and to which organization or religious group did he or she belong?

(6) In the detention center, how many organizations express an anti-Vietnamese government view? How many members does the RVN Military Men Association at your detention center have? Who were the leaders? How did they communicate with other anti-Communists groups from overseas? Do you know any individual who often communicated with foreign journalists? What are the names of these newspapers and/or magazines and their points of view?

(7) Within this group of repatriates, do you know or suspect any individual who could be planted to sabotage the Vietnamese government?

Such was the content of the personal background form. Also at the end, each person had to write: "I guarantee that the above responses are true. If they prove to be false, I will take complete responsibility under the present laws of the Vietnamese government."

With such a personal history such as mine being written in those forms, I was certain that I would have to face further complications and headaches.

On the morning of 5 August 1992, I was asked to come to the Security Department for interrogation. They interrogated me until my head was about to burst...

This report was prepared in conjunction with many organizations in the United States, Canada, Europe and Australia. For additional copies of this report or further information on the Comprehensive Plan of Action, contact:

Boat People S.O.S.

P.O. Box 2652
Merrifield, VA 22116, USA
tel: 703-205-3916
fax: 703-204-2662

Vietnamese Refugee Sponsorship

Coordinating Council -- Canada
249 Rochester Street
Ottawa, Ontario K1R-7M9, Canada
tel & fax: 613-230-8282

**Council of Vietnamese Refugee
Supporting Organizations in Australia**

P.O. Box 606
Cabramatta, NSW 2166, Australia
tel: 612-726-6595
fax: 612-728-7949

International Society for Human Rights

Borsigallee 16
D-60388 Frankfurt/Main, Germany
tel: 49-69-42-0108-26
fax: 49-69-42-0108-33



Forced repatriation from Malaysia, May 9, 1996