# THE ROLE OF UNHCR IN THE FORCED REPATRIATION OPERATION IN THE PHILIPPINES

FEBRUARY 1996

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BOAT PEOPLE S.O.S.

P.O. BOX 2652 MERRIFIELD, VA 22116, USA Tel: 703-205-3916

Fax: 703-204-2662

## THE ROLE OF UNHCR IN THE FORCED REPATRIATION OPERATION IN THE PHILIPPINES

The Office of the United Nations High Commissioner for Refugees (UNHCR) has steadfastly maintained that, as a matter of policy, it would not participate in the forced repatriation of asylum seekers. As recent as January 16, 1996, Ruth Marshall, spokesperson for the UNHCR, was quoted by the press as declaring that her agency would participate in the Orderly Return Program only on the condition that "no threat or use of force occur in the context of those movements." ("Vietnamese Boat People Can Have Good Life At Home -- UN," Stephanie Nebehay, Reuter, January 16, 1996).

#### The Use of Force

CNN footage, pictures in the local press and eye-witness accounts have established beyond dispute that force had been used in the military operation leading to the February 14 repatriation. Filipino marines and the national police had twice raided Palawan Camp to round up asylum seekers. During the second round-up, the marines laid siege to the Van Duc Buddhist Temple; assaulted the asylum seekers, including women and children, and desecrated the temple. The 150 asylum seekers rounded up for deportation were detained in squalid conditions and received threats from top Wescom officials. On the day of the repatriation, 89 boat people were dragged to the runway, escorted by armed marines. Those who resisted were severely beaten or roughed up by the military guards. At least 18 boat persons have suffered injuries, including one miscarriage, as a result of the incident.

Such an operation was clearly not voluntary. It was neither conducted "in conditions of safety and dignity" as specified in the Memorandum of Understanding (MOU) signed by the Philippines, Vietnam and UNHCR regarding the Orderly Return Program (ORP).

#### **UNHCR's Role**

UNHCR has played an omnipresent role in the planning, financing and carrying out of this forced repatriation. The following Chronology of Events and the enclosed documents show that UNHCR compiled the initial list of asylum seekers for the forced repatriation exercise; when Wescom failed to round up those in that list, UNHCR negotiated with Vietnam for the return of asylum seekers caught at random during the February 7 and February 10 raids; it also chartered and paid for Vietnam Airlines' Airbus A320 used to repatriate the boat people; it even paid for the return flight of the 20 Filipino security officers who escorted the boat people home.

Despite its claims to the contrary, UNHCR has financed an operation that involves force and violence, the brutal beatings of asylum seekers and the forced separation of many families, the desecration of a Buddhist temple and numerous violations of human rights, and the loss of one life -- that of a baby yet to be born. Ironically, while UNHCR finances the forced repatriation operation, it has refused to pay for the medical treatment of several asylum seekers who suffer serious injuries as a result of that operation.

#### **CHRONOLOGY OF EVENTS**

February 5, 1995 -- The Philippines, Vietnam, and UNHCR signed a Memorandum of Understanding (MOU) on Orderly Return Program (ORP). Section 2.h of this MOU specifies the role of the UNHCR: "Within the framework of the Comprehensive Plan of Action and to the extent possible under its mandate, UNHCR will make available its expertise and resources, including the provision of transportation of returnees from the Philippines to Vietnam for the implementation of this agreement." This MOU also stipulates that the repatriation must be carried out "in conditions of safety and dignity."

May 30, 1995 -- UNHCR submitted to the Philippine Western Command (Wescom) the list of 119 people targeted for the first ORP operation. Among these, 106 are deferees, i.e., those who had volunteered but then withdrew their names; the rest are unaccompanied minors, euphemetically referred to by UNHCR as Family Reunification Program (FRP) cases (UNHCR's letter to Major General Carlos F. Tanega, Commander of Wescom and Administrator of Palawan Camp).

May 31, 1995 -- Navy Captain Rex C. Robles, Deputy Camp Commander, communicated to the Chief of Staff of the Armed Forces of the Philippines his cost estimate for the ORP flight, which UNHCR had agreed to pay. Initially, the plan called for the use of a military cargo plane to fly deportees directly from Palawan to Ho Chi Minh City. (See Captain Robles' memorandum to Camp General Emilio Aguinaldo.)

**September 19, 1995** -- General Tanega requested anti-riot gears in anticipation of unrests in the camp. The ORP flight was initially scheduled for October 1995. (See General Tanega's memorandum to the Chief of Staff of the Armed Forces of the Philippines.)

**December 1995** -- The date for the first ORP exercise was pushed back to early 1996. Instead of a C130, the new plan called for the use of a commercial Airbus A320 chartered from Vietnam Airlines at a cost of US\$37,000, to be paid by UNHCR.

January 1996 -- Ambassador Lauro Baja, on behalf of the central Government in Manila, gave General Tanega the go-ahead for the ORP exercise, now rescheduled to February 9. According to the new plan, 80 asylum seekers from the list of 106 deferees and 13 unaccompanied minors, would be escorted by 20 Filipino security personnel and ten Vietnamese security police officers. UNHCR had agreed to pay, on top of the cost for the chartered airplane, all the costs involving accommodations and the return flight for the 20 Filipino security personnel. UNHCR had also agreed to make logistical arrangements for the ORP operation.

January 24, 1996 -- Captain Robles held a meeting with responsible agencies to plan the ORP operation. In the minutes of the meeting (see enclosed), Captain Robles reiterated the role of UNHCR in arranging for the airplane.

**February 6, 1996** -- UNHCR withdrew its personnel from the camp and closed down its office, in anticipation of unrests and violence caused by the ORP exercise.

February 7, 1996 -- At 5 am, some 200 Philippine marines assisted by the National Police surrounded Palawan Camp and conducted a house-to-house search for asylum seekers listed in the roster of 119 people targeted for ORP. At 8 am, having failed to capture anyone in the list, Captain Robles ordered the boat people to rally at the center of the camp to listen to his announcement, promising no harm to them. Those who showed up were captured. Captain Robles then sent his troops to round up asylum seekers who stayed in line for food distribution. A total of 24 were captured on that day; none was on the target list. They were all taken to Wescom. A group of boat persons staged a peaceful demonstration in the front yard of Van Duc Buddhist Temple. The marines quickly moved in to confiscate their banners.

The Camp Administration ended food rations to the 119 on the ORP list and the 24 detained at Wescom. Asylum seekers in Palawan Camp had to bring food and water to feed those in detention.

February 8, 1996 -- A delegation sent by the Catholic Bishops' Conference of the Philippines (CBCP) arrived in Palawan at 11 am. The delegation was headed by Msg. Nguyen Van Tai and included a lawyer from Legal Assistance for Vietnamese Asylum Seekers (LAVAS), a reporter with BBC from London, and several local reporters. At a meeting with Msg. Tai, Captain Robles suggested that he would consider returning the 24 detainees to their families for Tet (Vietnamese New Year). The asylum seekers agreed to end the demonstration and took down all the banners as an act of good will.

**February 9, 1996** -- The delegation returned to Manila, except for the LAVAS lawyer. Captain Robles sent the list of the 24 detainees to UNHCR to be forwarded to Vietnam for clearance.

February 10, 1996 -- The LAVAS lawyer left Palawan for Manila in the morning. At noon, the marines and the national police again surrounded Palawan Camp and laid siege to Van Duc Temple. The soldiers broke down the front gate and indiscriminately assaulted those found caught within the perimeter of the temple, sparing not even women and children. Mr. Le Bao Thien, a lay leader of the Buddhist congregation, called on the marines to stop their beating. He was assaulted and severely beaten. Mr. Thien and many Buddhist followers were carried by the marines onto waiting trucks. Ven. Thich Nu Dieu Thao, the Abbot of Van Duc Temple, was interrupted during her prayer and dragged by soldiers onto a truck. They were all taken to a detention center at Wescom. Some Filipino soldiers engaged in the desecration of the temple. Captain Robles then surrounded Section 8 of Palawan Camp to round up more asylum seekers. In total, 126 were picked up that day. Their names were passed to UNHCR which then forwarded to Vietnam for clearance (memorandum of Captain Robles to Merida Morales-O'Donnell, UNHCR Representative to the Philippines).

February 12, 1996 -- Sixty four asylum seekers among the 150 detained at Wescom started a hunger strike. Since only four among them were on the initial list of people targeted and approved by Vietam for ORP, UNHCR asked Vietnam to waive the two-

week advance notice required in Section 2.d of the MOU. After some initial resistance, Vietnam agreed to UNHCR's request.

**February 13, 1996** -- Following a meeting with a CBCP delegation, the Government of the Philippines issued a joint statement announcing that force would not be used. General Tanega, however, told the 150 detainees that they would soon be repatriated by force.

February 14, 1996 -- At 7 am, the A320 of Vietnam Airlines arrived in Palawan. Captain Robles ordered the detainees to report themselves for repatriation. Very few did. The marines dragged some 140 asylum seekers to the runway. Those who resisted were carried to the tarmac. A large demonstration by 1,000 asylum seekers at Palawan Camp delayed the boarding of the returnees. General Tanega charged into the crowsd and beat up many demonstrators, including women and elderly persons. Some 18 people have reported injuries. One pregnant woman suffered a miscarriage as she resisted being carried onto the plane. Mr. Le Bao Thien, already injured in the February 10 raid, was brutally beaten again because he refused to cooperate. Finally, 84 boat persons boarded the plane. CNN footage shows Mr. Tran Anh Tuan carried onto the plane by four marines. The plane took off at 9 am.

At Tan Son Nhat Airport, the Vietnamese authorities refused to take a boat person who is married to a Philippine citizen. He was later returned to Manila. At least nine persons were forcibly separated from their families as a result of the forced repatriation.

**February 15, 1996** -- Secretary of State Domingo Siazon officially announced the end of forced repatriation. The Camp Administration agreed to compensate for the damages to the Van Duc Temple.

February 16, 1996 -- General Tanega called leaders of the boat people to a meeting in the camp. He threatened to target for the next deportation those who reported to the outside world human rights abuses committed during the ORP exercise. He also demanded that the Interfaith Committee in the Palawan Camp accept responsibility for the detainees before he releases them: the Interfaith Committee will have to deliver the detainees in its care to General Tanega if requested for deportation. The Interfaith Committee rejected the unreasonable condition. Some of the asylum seekers suffering severe injuries were taken to the Wescom hospital.

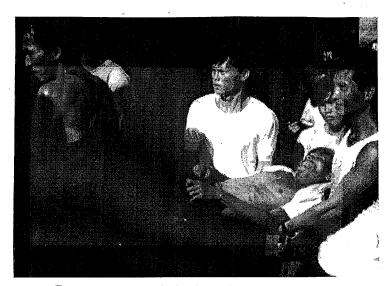
February 17, 1996 -- Venerable Thich Nu Dieu Thao was released.

February 18, 1996 -- All remaining detainees were released. Food rations were restored to them.

February 23, 1996 -- Mr. Tran Ba Diep, an Amerasian, continues to be locked up at the "monkey house."

#### LIST OF ENCLOSURES

- 1. List of asylum seekers suffering injuries
- 2. Families broken apart by forced repatriation
- 3. UNHCR's letter of May 30, 1995 to General Tanega
- 4. Memorandum of Captain Robles to Camp General Aguinaldo, May 31, 1995
- 5. Memorandum from Major General Tanega to Camp General Aguinaldo, Sep 19, 1995
- 6. Memorandum from Assistant Secretary Lauro Baja to General Tanega, Jan 1996
- 7. Minutes of meeting between Captain Robles and responsible agencies, Jan 24, 1996
- 8. Memorandum from Captain Robles to UNHCR, February 10, 1996
- 9. Eye-witness account by a Church envoy to Palawan
- 10. Eye-witness account by an asylum seeker about the military raid of the Van Duc Temple on February 10, 1996
- 11. Eye-witness account about the forced repatriation on February 14, 1996
- 12. Report of Ms. Nguyen Thi Bich Huyen, victim of General Tanega's beating
- 13. Report of Ms. Tran Thi Thuy Hang, victim of General Tanega's beating
- 14. Affidavit of Ms. Ho Vu Giang Chau, who suffered a miscarriage
- 15. Affidavit of Le Bao Thien



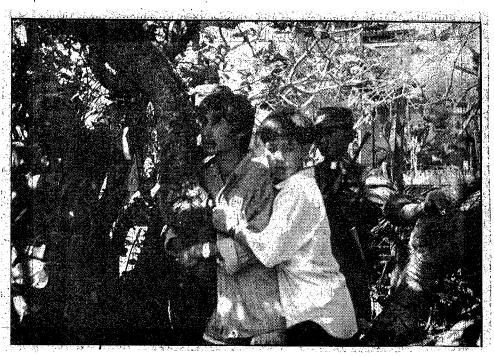
Boat person rescued after being hit by the marines.

## LIST OF BOAT PEOPLE SUFFERING INJURIES AS A RESULT OF THE USE OF FORCE BY THE PHILIPPINE MILITARY

- 1. **Dinh Thanh Cong, PS 1065:** Bruised face and body. Cong was caught on February 10 and was seriously beaten because he refused to sign up for "voluntary" repatriation. He was among the 89 dragged by Philippine marines to the runway on February 14 for deportation. However, at the last minunte, he and four others were left behind. UNHCR had promised to review cases of split families such as Cong's (his wife and child are in Santa Ana, California). Yet, he was rounded up and almost forcibly repatriated had he not fiercely resisted. On February 20, he made a collect call to his wife to complain about painful bruises all over his body.
- 2. **Phan Van Ngoc, PS 858:** Hit and kicked by Gen. Carlos Tanega. He now suffers a dislocated vertebra.
- 3. Trinh Minh Duc, PS 4435: Bleeding mouth and nose.
- 4. Vo Thi Hiep, PS 1803: Bleeding nose and mouth, and sprained ankle.
- 5. **Thai Thi Nhu Y, PS 256:** Dislocated vertebra. She breathes with difficulty as a result of severe blows in the chest.
- 6. Tran Thi Thuy Hang, PS 2084: Gen. Tanega kicked her in the stomach and back. She now limps..
- 7. **Nguyen Thi Dao, PS 2469:** Gen. Tanega kicked her shin, causing her left leg to swell badly. She cannot walk.
- 8. **Nguyen Tan Vinh, PS1498:** Swollen right shoulder. Vinh has difficulty breathing because he was hit in the chest.
- 9. Nguyen Van Dac, PS 4497: Swollen neck caused by severe blows. His left leg was dislocated.
- 10. **Huynh Van Tan, PS 3935:** His head was slit. He still suffers pain in his stomach caused by severe blows.
- 11. Mai Thi Kim Phuong, PS 162: Her ears bleed due to severe blows to her head.
- 12. **Pham Dinh Tuan, PS 1581:** His right arm was slit and required six stitches. His left ear was torn.
- 13. Tra Thi Thu Ha, PS 1044: Beaten by the marines until she fainted.

- 14. **Le Bao Thien, PS 1815:** Two broken fingers and three fractured ribs. Thien was beaten by the marines on Feb 7 until he fainted. Then, on Feb 14, as he resisted repatriation, he was again savagely beaten. UNHCR has refused to pay for his medical treatment.
- 15. Ho Tan Hung, PS 2928: A dislocated elbow, and bleeding in the nose and in one eye.
- 16. **Ho Vu Giang Chau, PS 2928:** Roughed up by the marines, she suffers a miscarriage. Chau is the daughter of Ho Tan Hung.
- 17. **Ngo Thien, PS 2282:** Bruised face and body and swollen eyes caused by severe beatings by the marines. Mr. Thien was locked up at the "monkey house" in Palawan Camp for two days without food.
- 18. **Tran Ba Diep, BV 837.185:** Bruised face and body. He was locked up at the "monkey house" by Captain Robles' order. As at February 23, he was still in detention and had threatened suicide. Mr. Diep is an Amerasian awaiting resettlement in the United States.

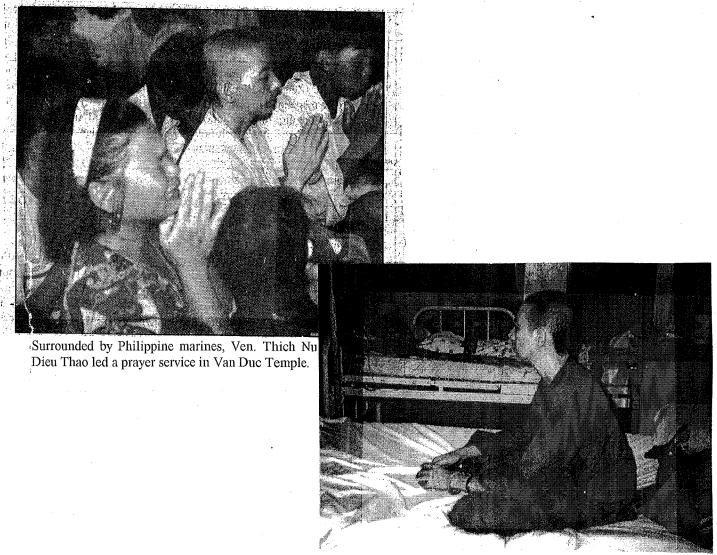
Many among those forcibly repatriated on February 14 were also victims of brutal beatings by the Philippine marines.



Mr. Le Bao Thien, his mouth bleeding, held on to a tree trunk to avoid arrest. His son attempted to protect him from further beatings by the marines.

#### PARTIAL LIST OF FAMILIES BROKEN APART BY FORCED REPATRIATION

- 1. **Dang Van Tam, PS 4232:** Forcibly repatriated, leaving behind his wife Ho Thi Be and his 2-year old son Dang Ho Tan Vu.
- 2. **Nguyen Van Dong, PS 3515:** Dong, his wife and four children were repatriated while three sons were left in Palawan Camp. The oldest is 20 and the youngest is 15 year old.
- 3. Luong Van Quy, PS3487: Forcibly repatriated, leaving behind his common-law wife Nguyen Thi Kim Anh, PS 2827, and their 3-year old daughter.
- 4. **Nguyen Van Tai, PS 2757:** Forcibly repatriated, leaving behind his 18-year old son Nguyen Anh Tuan.



Ven. Dieu Thao in Wescom hospital after her release. Also shown is Ms. Ho Vu Giang Chau, who suffered a miscarriage.

# UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

Branch Office in the Philippines



Ref.: PPC/1094



# HAUT COMMISSARIAT POUR LES RÉFUGIES

Délégation pour les Philippines

Postal Address:
P.O. Box 878 MCPO
Makati, Philippines
Cable Address: HICOMREF MANILA
Telex: PH 23248, 66908

30 May 1995

Dear Major General Tanega,

Please find attached lists of deferees and unaccompanied minors for your use during the next repatriation exercise. Per the request of the concerned parties we have also established information such as their age, sex, addresses in the camp and provinces of region.

My best regards.

Yours very truly,

MOHAMMAD NISAR Head of Field Office PFAC-Palawan

Major General Carlos F. Tanega Camp Administrator PFAC-Palawan

cc: Capt. Rex Robles, Deputy Administrator

3.25

Ref No. PFAC/95-84

31 May 1995

Subject:

C130 Flight to Ho Chi Minh City

To:

Chief of Staff, AFP Camp Emilio Aguinaldo Quezon City

Attn: J-3

- 1. Per agreement with the United Nations High Commissioner for Refugees (UNHCR), PFAC has scheduled the repatriation of 120 asylum seekers to Vietnam on 09 June 1995.
- 2. To implement the repatriation in the most efficient manner, these asylum seekers will be flown directly from Puerto Princesa City to Ho Chi Minh City, most appropriately via a C130 aircraft.
- 3. PFAC have prepared a cost estimate of this flight and have forwarded the same to the office of the UNHCR which will shoulder such expense. (See attached copy).
- 4. Request advise CG Wescom of the availability of C130 Aircraft NLT 04 June 95.

BY AUTHORITY OF CAMP ADMINISTRATOR:

REX C ROBLES
CAPT PN
Deputy Administrator

CC: TFIRAA UNHCR SND OP Ref No PFAC/95-133

19 September 1995

Subject:

Anti-Riot Materials, Request for

To:

Chief of Staff, AFP
Camp General Emilio Aguinaldo
Quezon City

Attn: DCS for Logistics, J-4

- 1. The Western Command, as mandated under EO 554 to administer the Philippine First Asylum Camp, is responsible among other things, to maintain security, peace, and order within the camp.
- 2. With the impending implementation of the Orderly Repatriation Program (ORP) under which Vietnamese asylum seekers will be returned to their country involuntarily, unrest in camp is anticipated.
- 3. In order to deal with possible demonstration and other riot situation, request provide WESCOM with the following anti-riot gears:
  - a. 50 pcs anti-riot shield
  - b. 50 pcs anti-riot helmet
  - c. 50 pcs truncheon
- 4. Further request that said equipment be made available to this command the soonest as we intend to effect the first repatriation of the Vietnamese asylum seekers this coming October 95. Lt Nilo R Cornelio PA, a staff of this command, will coordinate with your office re this matter.

CARLOS F TANEGA
MAJOEN AFP
Administrator



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# Mepartment of Foreign

#### MANIL4

### JURGENT/CONFIDENTIAL

MEMORANDUM FOR

Clen. Carlos Taffega Commander, Western Command Administrator, Philippine First Asylum Camp (FFAC)

ATTENTION

Capt. Rex Robles (PN) Caph Inocencle Silbol (PA)

FRUM

LAURO L. TAJAIJR. Assistant Secretary, Office of Asian and Pacific Affairs (ASPAC), Department of Foreigh Affairs Chairman, Took Force on International Refugee Assistance and Administration (THIRAA)

SUBJECT

4.

Repatriation of First Batch Under the CIRP

L Overvlew

> Departure Date of First Batch (1)

> > To ensure adequate preparations for an orderly and peaceful repatriation, the departure of the first batch under the ORP has been received Rebuild UNHER has relayed this date to Vietnam.

Mode of Transport and Number of Passengers

UNHER has made arrangements with all Vietnatt for the use of one A320 which will fly direct to Puerto Princesa.

The A320 could accommodate 120 passengers consisting of eighty (80) Vietnamese boat people (asylum seekers); twenty (20) Filipino security personnel and ten (10) Vietnamese security personnel.

(3) Deployment of Alpino Security Personnel

TFIRAA has obtained clearance and authority from the President for AFP security personnel to accompany the first batch who will be repatriated.

TFIRAA has requested UNHCR to make arrangements for the accommodation and return flight of the Hilpino security personnel.

(4)

The Bureau of Immigration and Deportation and the Bureau of customs will be consulted regarding the possibility of easing up (or even walver) of some requirements and/or procedures.

# Major Tasks (1) PFAC

11.

- Shall select and prepare the list of those who will constitute the first batch; PFAC shall submit said list to TFIRAA and UNHCR Manila by 30 January 1996 (names and case numbers).
- Shall select and designate twenty (20) security personnel who will accompany the first batch; the list shall also be forwarded to TFIRA issuance of visas).
- Shall facilitate the processing and issuance of the Travel Authority/Travel
  Orders for the security personnel.
- 14) Shall coordinate with the concerned governments agencies in Puetto Princesa to ensure the smooth and orderly repatriation of the first batch

#### (2) TFIRAA

- 2.1) Coordinate with UNHCR regarding administrative and legistical arrangements for the repatriation.
- 22) Facilitate the issuance of passports and visas for the APP security personnel, as well as the issuance of overflight clearance for Air Vietnam's A320.
- 2.3) Coordinate with DOTC, BID and BOC for the easing up of walver of some regulations and procedures relative to the repairiation project (especially the use of Puerto Princesa as an entry/exit point); customs clearances; walver of alreport taxes etc.).

#### III. Contingency Situations

If there is any indication of resistance or prior to or during the repatriation, PHAC is enjoined to exercise maximum restraint. However, like in the Morong operations, there could be a show of force provided there's no overt use of the same.

However PFAC is given the leeway to exercise its judgement based on its analysis or approach of specific contingencies.

#### MINUTES OF THE MEETING JANUARY 24, 1996

PRESENT: Nelson Dasco - OIC

Sister Maura - CADP Anne Pesito - CADP Olive Pagaduan - CFSI MSGT Membrere - Security Rodil Tolentino - OIC

The meeting started at 10:20 a.m. with the reading of the announcement from the Office of Asian and Pacific Affairs which states that:

On the informal Consultation between the ASEAN First Asylum Countries (FACs) and Vietnam:

- 1. Vietnam will speed-up the issuance of clearance to the remaining non-refugees in all ASEAN FACs within one month for most cases and for exceptional cases not beyond two months, as from 15 January 1996;
  - 2. ASEAN FACs and Vietnam agreed to end repatriation of non-refugees as soon as possible.
  - 3. ASEAN FACs and Vietnam agreed to exercise flexibility on the mode of transportating non-refugees either by land, air or sea, and:
  - 4. It was also agreed that no country should undertake actions or new initiatives which will interrupt or adversely affect the implementation of CPA, particularly repatriation.

It was also announced that the PFAC has a plan to stage an initial DRP exercise very soon. That the transportion will be arranged through UNHCR and it will fly ORP candidates straight from Puerto Princesa to Vietnam.

Possible candidates for ORP:

Cleared Individuals

Deferred volrep applicants (PFAC)

FRP Residual Cases

T O T A L

1,296

106

177

Clearance lists, volrep and FRP lists were then distributed.

The following concerns were then discussed:

- 1. There are rumours spreading in camp that the asylum seekers will:
  - throw acid to the people that will pick them up from their houses
  - set fire to buildings
  - stage a demonstration
  - physical resistance
  - human barricade following the example set by the asylum seekers in Malaysia

#### 2. Suggested activities:

- a. Captain Robles holds a general assembly meeting stating strongly that the Philippine Government will seriously implement the final stage of CFA which is the Orderly Repatriation Program. This is to formally announce the closure of the camp and that the population will be returned back to Vietnam in a way determined by the PFAC Administration.
- b. Agencies in camp help in disseminating information to the ORP candidates by posting the list of possible candidates and counselling their clients to volunteer to return rather than be forced.
- c. On the day before the scheduled date of departure, WESCOM establishes communication with local government units and law enforcers (PNP, Bantay Puerto, etc) to assist in picking up asylum seekers found outside FFAC and to be brought straight to the pre-departure area.

#### Issues clarified and discussed:

- 1. All ORP candidates who volunteered to return prior to a date set by UNHCR will be classified as volreps and thus will qualify for a fifty dollar allowance.

  Those asylum seekers that will be picked up will not be given allowance.
  - 2. It would be a lot easier if everyone has a clearance prior to the initial exercise. Then, identification before the properties properties of the properti

It was agreed that another meeting will be called once specific guidelines are issued by the administration. The meeting was adjourned at 11:00 a.m.

Notes taken by:

Ref No. PFAC/96-021

10 February 1996

Ms. Merida Morales-O'Donnel
HCR Representative to the Philippines
Jaka Bldg., Legaspi St.
Makati, Metro Manila

Dear Ms. D'Donnel:

Attached please find list of 126 asylum seekers who have been segregated from the rest of the camp population and who will comprise the first batch of ORP returnees scheduled to depart for SRV on 14 February 1996.

This new list is an addendum to the list that we have submitted last 9 February 1996 consisting of 24 names, and persons, we request your office to obtain 9RV approval for requirement.

Thank you.

Sincerely yours,

CAPT REX C. ROBLES PN Deputy Administrator

## INCIDENT REPORT ON PHILIPPINE FIRST ASYLUM CAMP (PFAC), PALAWAN

Feb. 15, 1996 at 10:00 AM

While the Bishops were on the meeting with the President, we the Catholic NGO and staff were in prayerful posture in spite of the disturbing news regarding the continuing pick up of asylum seekers and the emotional crisis found in the camp. People were in horror when their sacred haven the Pagoda was stormed and its accessories destroyed as the result of the military raid. The Buddhist Nun and other Buddhists were physically carried out to the army truck which brought them to the detention area in Western Command (Wescom).

The camp administration eventually agreed to repair the damage rendered by the military task force that conducted the offensive attack to the Pagoda. Meanwhile, while we knew that the Bishops were negotiating with the President on their behalf, we did not tell the asylum seekers because we could not fathom the result of the meeting. The picked up asylum seekers and potential members for forced repatriation begun their hunger strike to protest such military aggression and violation of human dignity and rights.

Upon receiving the news about the Joint Statement, we were relieved, knowing the positive reactions of the President toward the Church's intervention on forced repatriation. We still could not tell the people because we knew that in spite of President Ramos' agreement to halt the forced repatriation, the first planned forced repatriation may have to be implemented as it had been scheduled.

Feb. 14, 1996 proved to be another eventful day in the lives of the refugees in Palawan. Early morning around 4:00 AM, the picked up and detained asylum seekers were taken to the special admission room at the Airforce area of the airport runway, awaiting the arrival of Air Vietnam. They were told to present themselves for identification prior to their departing for Vietnam. The majority of the group refused to do so and were physically carried to the plane after they had begged the government not to send them home. Some looked so pitiful that the soldiers who implemented the order had to close their eyes and allow some of them to remain instead of being carried to the plane.

While the UNHCR and Wescom were determined and set to implement forced repatriation, they were unable to send home 50 applicants of voluntary repatriation (Volrep) who had applied to go home in the last six months.

The asylum seekers on the other hand demonstrated their solidarity with the departing passengers when they went to the runway to send them off. They were treated rudely and even savagely not by the soldiers but by the highest officer of the Wescom. He kicked them while they squatted on the ground and implored his pity on behalf of the departing asylum seekers. The wounded asylum seekers were not given medical attention even if they are still in the custody of the military.

Around ninety (90) asylum seekers were airlifted to Vietnam yesterday, Feb. 14, 1996. Nine (9) families were separated from their members as they were flown back to Vietnam. Some went home (Vietnam) on shorts and slippers which were well illustrated by the

media in their evening news report. Around 54 are still detained and 120 received no more food distribution because they had refused to go home. UNHCR stopped entertaining voluntary departure applicants upon the start of the forced repatriation which is called Orderly Return Program (ORP) by some of the military.

The camp is on relative curfew during the day while strict curfew is imposed at 8:00 PM to 5:00 AM. No one is allowed to get out of the camp.

Nothing was declared by the camp administration even after the news published about the halted forced repatriation. Nothing was done to lessen the fear, the apprehension of people in the camp. Many stopped sleeping at their residence. People acted as fugitive and abandoned their income-earning activities inside the camp. The anxiety is written over their face.

People still fear that in spite of Presdient Ramos' promise, the Wescom may act in retaliation to the frustrated forced repatriation plan. The asylum seekers request the Bishops' follow up on the President's plan so that soon peace, serenity, reflection and sanity can be established in the camp. Only on that condition can people think clearly and make appropriate decision regarding their permanency whether through voluntary repatriation or on local integration.

From the special envoy of the Catholic Church to Palawan, eye-witnessing the event of 14 February, 1996.

# AN ACCOUNT OF THE FORCED REPATRIATION OF VIETNAMESE BOAT PEOPLE IN PALAWAN CAMP, PHILIPPINES (report from Palawan by an eye-witness)

Around noon of February 10, 1996, the Philippine national police from Puerto Princesa suddenly arrived by trucks at Van Duc Temple. Then came the military men from the Western Command (Wescom). The temple was completely surrounded by 12:30 pm, when Ven. Thich Nu Dieu Thao, the Abbot, was preparing for a religious ceremony.

The residents and guests of the Van Duc Temple were alarmed when the soldiers, armed with M16 rifles, broke the front gate and raided the temple from two directions. Without saying a word, the armed soldiers attacked the boat people present in the temple with rifle butts without regards to women or children, causing many injuries, and suffocation to some children.

Angered by the cruel attacks on children, Mr. Le Bao Thien, the deputy counsellor of the temple, implored the men to cease the beatings. Instead, Thien received numerous rifle butt blows in the face, neck and chest.

Navy Captain Robles then called upon the asylum seekers to present themselves for a check against the list of 120 deferees (those who had originally signed up for voluntary repatriation but later decided to withdraw their applications) targeted for deportation. Thien was the first to submit himself for verification. Even though his name was not in the list, he was still arrested by Captain Robles. Infuriated by the trick used by the Philippine authorities, Thien resisted the arrest, holding on to a tree trunk. Four soldiers used rifle butts to strike his shins, knocked him down to the ground, and hauled him away.

The marines then began arresting the boat people who did not volunteer to repatriate but whose names had been among the list of 1,300 cleared for repatriation by the Vietnamese government. Some women resisted the arrest by throwing themselves on the floor with their children. Some disrobed themselves to protest the arrest.

Mr. Ngo Thien, PS 2282, and Mr. Tran Be Diep, BV 837.185, who were not among those arrested, voiced their protest against the brutality of the marines. As a result, they were both beaten, thrown in the "monkey house" -- a small prison cell located at the camp's entrance, and left to starve. Mr. Thien was not among the 1,300 cleared by Vietnam and Mr. Diep is an Amerasian awaiting resettlement in the United States.

At 3pm that same day, while Ven. Dieu Thao was praying inside Van Duc Temple, two soldiers came and dragged her out -- her robe was all torn -- and then shoved her on a truck which took her to Wescom. The Philippine soldiers proceeded to search the temple, break down doors, destroy several statues of Buddha, break containers storing ashes of the dead, step on the altar, and consume the fruits offered only to Buddha.

At 4pm, the raid stopped. Captain Robles and his men moved the operation to Section 8 of the camp. The soldiers drove the boat people out of their billets. Some were terrified and went to hide behind chicken cages, in the kitchens, the public toilets, and even in the

sewer. The picture of Ms. Son struggling and screaming while being carried away was published in the Philippine Inquirer on February 12, 1996.

The arrest operation was video taped by Wescom.



A VIETNAMESE woman screams as she and her child are hauled off by Philippine soldiers to a holding area for repatriation.

#### EYE-WITNESS ACCOUNT ABOUT THE FORCED REPATRIATION ON 14 FEBRUARY, 1996

At 7:00 AM on 14 February, when the A320 plane from Vietnam circled twice over Palawan Camp, the Vietnamese asylum seekers became very distressed and agitated. They were worried for the fate of those detained at 570th Composite Tactical Wing at Antonio Bautista Airbase. These had been captured in the two raids on 7 February and 10 February, for the first forced repatriation operation in the Philippines.

A number of asylum seekers walked towards the runway, disregarding the risk they were facing. Small groups of 20, 30 quicly coalesced into a crowd of some 1,000 people advancing towards to parked airplane, carrying banners with messages such as "Stop Forced Repatriation -- we need freedom," "Down with Vietnamese communists," "Be humane,"etc. When the demonstrators were about 1 km from the airplane, they were met by reporters covering the forced repatriation operation. These reporters videotaped and took pictures of the marching crowd. The few Wescom soldiers on the scene fired two shots in the air to stop the advancing throng.

Soon, more troops arrived. Pulling and pushing between the advancing demonstrators and the soldiers blocking their way intensified. Gen. Tanega appeared. He was very angry. He plunged into the crowd and kicked Ms. Tran Thi Thuy Hang in her stomach, hit Ms. Nguyen Thi Dao, and kicked Mr. Phan Van Ngoc in his back (Ngoc now cannot walk). General Tanega grabbed one asylum seeker by his neck, had him photographed, and threatened to deport him in the next operation. That asylum seeker managed to free himself from General Tanega's grip and ran away. Many women and elderly people fainted when they were hit by the strong streams of water from the fire hoses. Other women were roughed up by the soldiers, their dress torn showing their underwear. The men were more severely beaten. Many had blood all over their noses, mouths, arms and bodies. Many were photographed by Wescom soldiers and threatened that they would be among the next ones to be deported.

The confrontation lasted for about two hours, with people crying and wailing, some shouting slogans against communism while others calling the names of their relatives about to be deported. The airplane could not take off on time.

When the reporters withdrew, the marines intensified their beatings. The demonstrators ran for cover. The plane took off at around 9:00 AM.

Only four among the 84 deported were deferees targeted for deportation. The rest were picked up at random by Captain Robles. Mr. Le Bao Thien, who resisted deportation, were beaten up. He suffered two broken fingers and three fractured ribs.

#### APPEAL OF MS. HO VU GIANG CHAU, PS 2928

My name is Ho Vu Giang Chau, PS 2928, born on March 24, 1972. I arrived in Palawan on August 20, 1989. I would like to report the following.

On February 7, 1996, when Navy Captain Robles, Deputy Camp Commander, announced on the PA system that he wanted to speak to the boat people at the platform at the center of the camp, I showed up. I and 21 others were immediately captured by the marines. They took us to a military barrack at Airforce Unit 570.

On February 14, at around 5:15 am, the marines transferred us, 154 persons, to the Palawan airport for forced repatriation. I screamed and refused to go. Three marines grabbed me and threw me on a truck. I was one-month pregnant. My vagina bled profusely all the way from the barrack to the waiting room at the airport.

At the airport, I reported my conditions to the Philippine guards and asked for medical attention. No one replied to my appeal. I became dizzy and fainted. By the time I regained conscience, I found myself back at the barrack. There I saw a Philippine doctor and talked to him about my conditions. He said something in Tagalog to a Philippine soldier. I then went into a fever and fainted again. Only around 9 pm was I transported to the Wescom clinic. At 10:30 pm on February 16, 1996, they took me to the delivery room and aborted the fetus.

I am a defenseless asylum seeker and have been wronged. Please help me bring this matter before justice, so as to prevent the re-occurence of the unfortunate incident of the past few days.

My deepest gratitude to you.

Philippine First Asylum Camp, February 2, 1996 Signed,

Ho Vu Giang Chau

## REPORT OF MS. NGUYEN THI BICH HUYEN, VICTIM OF GENERAL TANEGA'S BEATING

I am Nguyen Thi Bich Huyen, PS 3095.

At around 7:00 am on February 14, 1996, when the airplane from Vietnam Airlines landed at Puerto Princesa Airport to take back to Vietnam a number of my compatriots under force, I was deeply moved by the plight of these most unfortunate people. I joined others in their march to the runway, carrying banners in protest of forced repatriation.

When we were about one kilometer from the plane, we were stopped by the Philippine marines. The altercation started and lasted for about one hour. The marines beat up the demonstrators and then aimed firehoses at us. Many of us, especially women like me, were knocked down to the floor by the vigorous water jet.

We squatted down and locked our arms. I was at the front holding fast to a banner, when suddenly General Tanega plunged towards me and kicked and hit me. I fainted after he hit me in the chest with his boot.

When I woke up, I learned that Mr. Tran Ngoc Sang, PS 2763, had rescued me and taken me back to the camp.

Above is an accurate account of what had happened to me and I will take full responsibility for it.

Respectfully,

Signed,

Nguyen Thi Bich Huyen

# REPORT OF MS. TRAN THI THUY HANG, VICTIM OF GENERAL TANEGA'S BEATING

My name is Tran Thi Thuy Hang, PS 2084. In the evening of February 13, 1996, I heard on the BBC that the Philippine Government had stopped forcible repatriation. However, the following morning, Wescom personnel were seen beating many among the 150 of my Vietnamese campmates rounded up by Wescom on February 7 and 10, 1996. I believed that's not right and decided to go to the runway to stop the plane from taking these people back to Vietnam against their will.

When we were being blocked by the Philippine marines from advancing towards the plane, General Tanega suddenly appeared. He shouted at the crowd of women who were squatting in the front of the crowd. He kicked us indiscriminately. I was knocked down to the ground. He ferociously trampled on my stomach with his boot. Now I still feel unbearable pain whenever I walk.

What I said above is the truth. I would like to request for your help.

Respectfully,

Signed,

Tran Thi Thuy Hang



A child was taken away for forced repatriation.

#### AFFIDAVIT OF LE BAO THIEN, PS 1815

Following is my report covering the period from February 10 to February 14, 1996, and the reasons that have led to the injuries that I am suffering.

At noon on February 10, 1996, a large number of soldiers and the Philippine National Police (PNP), all fully armed, suddenly appeared and surrounded Van Duc Temple, where many families and children came to seek refuge from forced repatriation. As the Deputy Representative at the temple, I assisted Ven. Thich Nu Dieu Thao, the Chief Representative, in taking care of these people in accordance with Buddhist compassion.

At 12:30, the marines broke down the front gate of the temple, pointed their guns at the asylum seekers, and pushed them into the sanctuary. They then proceded to knock down the many structures in the temple, including the altar. Those asylum seekers who tried to block their entrance into the sanctuary were hit with rifle butts. We were all subdued by the brutality that I had never seen from Filipinos. Finally, we were all pushed into the sanctuary. Ven. Dieu Thao and I felt miserable before the desecration of our sacred temple and religion, and amidst the screaming and wailing of the people around us.

We were ordered to squat down into two separate groups, with males on the one side and females on the other. A soldier grabbed my 13-year old son by the neck and lifted him from his hiding place behind a pile of firewood. Infuriated, I stood up and protested to the officer directing the operation. I asked him: "Why are you attacking us and destroying our temple? Why are you threatening innocent people, including a 13-year old child?"

Just for that, I was hit by a sergeant standing by the officer. His rifle butt hit me from the neck all the way to my left eye, causing a bleeding injury on my face. The soldiers dragged me out of the crowd to beat me some more but others in the crowd pulled me back.

Then two soldiers kicked open the door and Navy Captain Robles entered the sanctuary. He told us to present ourselves by groups of four for an inspection against the list of 120 deferees targeted for ORP, reassuring us that those not in that list would be allowed to go home peacefully. No one budged because we still remembered the incident on February 7, when people who showed up to listen to Captain Robles were rounded up and taken to Wescom. He angrily threatened us that if we did not obey his order, we would be held in the temple indefinitely and that force would be used against us.

Fearing that he would hit women and children and destroy our temple, I voluntarily walked out to the front yard for name verification, knowing that I was not among the targeted deferees. However, the soldiers grabbed me. I shouted to warn those remaining in the sanctuary of the trick. At the same time, I resisted arrest by holding fast to a tree trunk. Six soldiers rushed towards me. They hit me repeatedly in my chest and back with their rifle butts. They threw me and my son into a truck. We were taken to a military barrack somewhere in Wescom.

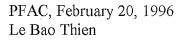
Two days later we started a hunger strike to protest the brutality of Philippine soldiers and the unjust arrest.

We had not recovered from the terror and were still in fear when suddenly at 4:15 am on February 14, 1996, 250 military officers, fully armed, surrounded the two-storied building where we were detained. They announced that we would be moved to another barrack within Wescom. However, we had already heard on BBC that a plane from Vietnam would come to Palawan for the forced repatriation. We resisted the transfer by squatting down and refused to budge. People screamed and cried in despair when an overwhelming number of soldiers moved in. The soldiers took Ven. Dieu Thao away. Seeing no escape, some boat people entered the waiting vans at the order of the soldiers. Others -- begging and screaming -- were dragged onto the vans. They yelled back to those behind: "They are taking us to the plane, not to another barrack as they had said."

The soldiers appeared to have guessed that I would resist as I did on February 10. They started by pulling those around me onto the van, using excessive force. (One of the women, Ho Vu Giang Chau, PS 2928, later suffered a miscarriage. She had to be hospitalized. Another person, Dinh Quang Minh, PS 821, was hit in his stomach. He was later repatriated to Vietnam.) When only myself and my son were left behind, some 30 soldiers surrounded me and made many menacing gestures. In despair, I pulled out my pocket knife and threatened that I would commit suicide if they forcibly repatriated me. Without hesitation, one soldier jumped on me and hit me with his truncheon. Other soldiers joined in: one pinned my head to the floor, a second punched me in the face, and others took turn to kick my chest and my stomach until I lost consciousness. When I woke up, a soldier was tying my legs with a copper cable. Several others then lifted me up and told me to stand straight. One soldier pushed me from behind, shouting "Go!" I fumbled and fell to the floor on my face. My son cried and yelled for mercy but to no avail.

I was then taken onto a van which drove me directly to the airport under the escort of eight soldiers. They untied and dragged me down. An officer ran to report to General Tanega. I was then moved to the departure area, about 50 m from the runway. The plane was full and 54 people were left behind. I and my son were among these lucky ones. The soldiers took us back into detention.

I did not receive any medical treatment although I suffered injuries all over my body. The following day, February 15, I had to beg an officer to take me to a hospital. The X-ray showed that I suffered several fractured ribs (see enclosed diagnosis) and a broken finger. I also felt the pain caused by internal injuries. My left eye bled and was traumatized, affecting my sight. To this date, the pain is still acute.





EMMANUEL B. YAP, M.D.

Age/Sex

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#### Letter of Chau Phuoc Bao from the residence of Captain Rex Robles:

Manila, March 5, 1996

Dear brothers and sisters in the family,

On February 15, 1996, I wrote a few lines to you and family along with a letter to my wife. I don't know whether my wife remembered to forward it to you. I have not received any news from your family at the camp.

When I boarded the plane, I had no luggage with me. After almost two hours, the plane landed at Tan Son Nhat Airport, at around 11 am, Vietnam's time. Following a roll call, four persons -- including myself -- were found not to be on the repatriation list. The rest were accepted by the Vietnamese government and taken to Thu Duc Camp. The four of us had to stay at the airport while the authorities verified our local addresses. After two hours, the authorities took us to Thu Duc Camp to wait for the result of an emergency meeting between Vietnamese officials, the UNHCR, and Captain Robles.

At Thu Duc, the authorities thoroughly searched every piece of luggage (depending on the officer conducting the search). If they like something, they just ask to keep it. They also told us to report any foreign currency we had. If we had dollars, they gave us Vietnamese dongs at a very low exchange rate. Those with pesos were allowed to keep, if the amount was not too large. In general, the authorities did not search us for the cash.

The authorities then handed each of us a self-report form, which we had to turn in the following morning. After we turned in the self-report, we were interviewed one by one. The guards took our fingerprints for identity cards. They told us that we would not receive the US\$50 from UNHCR, but the Vietnamese government would give us a bus ticket to return to our local village.

After I presented my self-report, I was called to the camp's administrative office and then taken to the airport. A government representative told me I would return to the Philippines because they could not locate my family in Vietnam. Captain Robles told me UNHCR agreed to pay for only one plane ticket and the Vietnamese government chose me because I was virtually empty-handed. When I returned to the airport, I got only one pair of trousers and a T-shirt donated to me by a friend...

I am writing to you from Captain Robles' residence. He posted two guards to keep me from running away. I have to do house chores, cleaning the house and cooking for Robles' wife and children. Robles says that I have to stay here for a month because if I return to Palawan, General Tanega will arrest me. I have to wait until General Tanega retires.

Please respond as soon as you receive this letter. I am eager to learn about Palawan. Best wishes:

Western Command Philippine First Asylum Camp Palawan -- Philippines

To: UNHCR Office in Palawan, Philippines

My name is Pham Thi Kim Thoa, born in 1965, PS 3610. I reside at billet 6, Section 3 of Palawan Camp. My husband is Nguyen The Thuy, born in 1964, PS 2468.

On 7 February, 1996, at 9:30 am, my husband went to the gathering area at the center of the camp to listen to the Deputy Camp Commander, per his order. My husband was then blocked from returning home by Filipino soldiers. These soldiers then checked the name of my husband against the list of deportees. He was then taken into detention at the office of the Officer In Charge and remained there until 3:00 pm, when he was transported along with 23 others to the Western Command (Wescom).

My husband was detained at Wescom from 7 February to 14 February. During that entire period I and our daughter Nguyen Pham Hoang Truc were not allowed to see him.

In the morning of 14 February, 1996, a Vietnamese airplane arrived at Palawan airport. My husband was forcibly repatriated wearing only a short and a torn T-shirt. He was totally empty-handed. He could not even say good bye to his wife and his 3-year old daughter. Since that day, I and my daughter have been so distressed and so miserable.

I therefore submit this request to all responsible agencies for the return of my husband to Palawan.

Enclosed are the documents showing our legal marital relationship

While waiting for your assistance, I would like to express my deep gratitude to you.

Respectfully,

Signed, Pham Thi Kim Thoa Palawan, 4 March, 1996 Western Command Philippine First Asylum Camp Palawan -- Philippines

To: UNHCR Office in Palawan, Philippines

My name is Ho Thi Be, born in 1971, PS 4232, residing at number 50, Section 3. My husband is Dang Van Tam, of the same PS number.

On 7 February, 1996, at 9:30 am, my husband went to the gathering area at the center of the camp to listen to Captain Robles, Deputy Camp Commander. The soldiers, preventing my husband from leaving the area, checked his name against the list of deportees. He was then taken into custody at the office of the Officer In Charge along with many others. Past 3:00 pm, 24 of them, men and wome, were transported to detention at the Western Command.

During my husband's detention from 7 February to 14 February, I and my 2-year old son Dang Ho Tuan Vu were not allowed to visit him.

At around 7:30 am on 14 February, 1996, a plane of Vietnam Airlines landed at the Palawan Airport. My husband and 83 other Vietnamese were forcibly repatriated, leaving me and my son behind in the camp. Neither my husband nor myself have ever signed up for repatriation.

When he was taken back to Vietnam, my husband was in short and slippers. He had no luggage.

We are legally married.

I am submitting this application to the authorities to request that my husband be returned to Palawan to be reunited with me and our son, because my husband is the prime caretaker of my family. I cannot live without my husband, especially when our son is still so young.

I respectfully request that you consider my appeal. I sincerely thank you.

Signed, Ho Thi Be, PS 4232 Palawan, 28 February, 1996 Western Command Philippine First Asylum Camp Palawan -- Philippines

To: UNHCR Office in Palawan, Philippines

We, the undersigned, are three brothers:

- Nguyen Van Duong, born on 1976
- Nguyen Van Teo, born on 1978
- Nguyen Van Cao, born on 1980

We all share the same PS number: PS 3515, and are residing with CADP. Following are the members in our family forcibly repatriated on 14 February, 1996:

- Our father: Nguyen Van Dong, PS 3515
- Our mother: Nguyen Thi Ngoanh, same PS
- Our older sister: Nguyen Thi Phuong Dung, same PS
- Our younger sister: Nguyen Thi Men, same PS
- Our younger sister: Nguyen Thi Dieu, same PS
- Our younger brother: Nguyen Van Hien, same PS

Now we would like to present to you the incident that had occurred on that day.

On 10 February 1996, when our family was having lunch, the soldiers arrived at the camp. Our parents were startled and we brothers and sisters went to hide at the Van Duc Temple. At around 11:15, over one hundred Filipino soldiers led by Captain Robles forcefully entered the camp and started to capture people, put them into trucks and take them away.

At noon, the soldiers raided Van Duc Temple. Frightened, many asylum seekers climbed onto the roof of the temple to hide but they were also caught by the soldiers. Our parents were among those taken away to a detention center near the airport. The three of us escaped and went into hiding. The soldiers looked everywhere for us.

No one in my family has ever signed up for repatriation. The soldiers used force to make the detainees to sign up for "voluntary" repatriation. Exhausted and intimidated, some had to sign up. My father is a veteran of South Vietnam. He cannot return in safety.

As for the three of us, Captain Robles cut off our food rations and threatened that if we ever attempted to riot or to escape from the camp, his soldiers had received order to shoot without any reservation.

In the morning of 14 February, 1996, a Vietnam Airlines plane landed at Palawan Airport. Our parents, our siblings and a number of our compatriots were repatriated on that flight. It was not voluntary but forcible.

We are now writing this petition to responsible agencies and authorities to request that our parents and siblings be reunited with us in Palawan. While awaiting your assistance, we remain

Gratefully Yours,

Signed, Duong, Teo and Cao

Certification of Veterans of the Vietnam War Inc. (VVnW), Post PH-01-PFAC Nguyen Van Dong is member of VVnW Inc. LNPNDG:479, Military Serial Number 73/005189, ex-corporal.