

**CORRUPTION IN THE SCREENING PROCESS
UNDER THE COMPREHENSIVE PLAN OF ACTION
IN GALANG CAMP, INDONESIA**

20 August, 1994

Warning: Graphic content inside

**Boat People S.O.S.
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Fairfax, VA 22116 USA**

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Le Xuan Tho, 28, self-immolated on May 20, 1994, to protest unfair screening in Indonesia. He died two days later.

Distribution: 1000 copies in English and 500 copies in French

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SUMMARY OF THE PROBLEM

1. Under the Comprehensive Plan of Action (CPA) established in 1989, Indonesia implemented a screening procedure to determine the refugee status of Vietnamese boat people arriving in Indonesia after March 14, 1989. The CPA, including the screening process, was to be monitored by the office of the United Nations High Commissioner for Refugees (UNHCR). The United States has contributed well over 100 million dollars to the UNHCR for that purpose. An equal amount has been contributed by the European Community, Canada, and Australia.
2. In Galang Camp, the screening process went through several stages. First was the preliminary interview by UNHCR lawyers, during which assessment was made and recommendations passed to the Indonesian screening officers who conducted the actual screening interview. In case of a negative screening decision, asylum seekers could appeal to the Review Committee. If the decision was not overturned, a second appeal could be submitted to the Appeal Board. The screening team, the Review Committee and the Appeal Board were under the jurisdiction of the Indonesian P3V Task Force. UNHCR had representatives on both the Review Committee and the Appeal Board. While this arrangement seemed to provide good protection against erroneous screening decisions, in reality it only provided UNHCR and Indonesian officials with multiple opportunities to extort money and sexual favours from the asylum seekers. The screening process in Galang Camp was severely rigged by widespread corruption. This reality is well known among camp workers and UNHCR officials.
3. The leader of the corruption ring was Colonel Wim Roesdi, Chairman of the P3V Task Force. His right-hand man was Obrien Sitepu, aka Papa Phuc, a screening officer who speaks fluent Vietnamese. Others were Suryadi, Suwarno, Omar, Lukman, Marbun, Nur Arifin, Mustafa, Prastowo on the screening team; Budinio, Lt. Colonel Hasibuan, Wulandari Diah, Eddy Pratomo, Kristyo Wahyono, Nano Suhusono, Arwin Adhityawarman... on the Review Committee or the Appeal Board; and some UNHCR lawyers such as Tudjiah Hasjim, who conducted preliminary interviews, and Rahmad Irwan, UNHCR representative on the Review Committee.
4. At the preliminary interview stage, some UNHCR lawyers would charge anywhere from \$500 to \$4000 (US dollars) to make favourable recommendations to the Indonesian screening team. For instance, Mrs. Tudjiah Hasjim operated through a Vietnamese female operator who has resettled in Los Angeles in the United States. In at least one known case, an asylum seeker, now resettled in Australia, had to pay Mrs. Hasjim as much as \$4000 to be screened in. She was also known to routinely recommend mistresses, operators and clients of P3V officials for refugee status.
5. At the screening stage, the price was \$2000-3000. During the screening interview, the Indonesian officers openly asked for bribes and demanded sexual favours. In many screening sessions, the screening officer only asked about the financial conditions of the asylum seekers' overseas relatives. If it was found that they could not afford the bribes, the interview would be immediately terminated. Some screening interviews lasted only 5 minutes. Often, the screening officers also demanded that the boat people offer their wives and daughters for several nights or longer, sometimes for months, as part of the deal. If satisfied, these officers might give a discount on the price. Many boat people with strong refugee claims still had to offer their wives or daughters

and pay bribes to Colonel Roesdi, Papa Phuc, and other screening officers to get screened in as refugees. A number of these victims are willing to testify. The screening interviews were not monitored by the UNHCR as stipulated by the CPA.

6. The price rose to \$5000-7000 for a favourable review of "appeals" to the Review Committee. Mr. Rahmad Irwan, the UNHCR representative on the Review Committee, and other Indonesian officials shared the proceeds. Mr. Irwan also accepted sex in exchange for refugee status.

7. On "second appeal" (to the Appeal Board), the price was \$7000-10000, or even \$12000 in some instances. The bribes were often paid directly to Colonel Roesdi. Every time Colonel Roesdi (or sometimes his assistant, Lt. Colonel Hasibuan) came to Galang, those awaiting their turn to pay the bribes formed a long line in front of the P3V office. Many had to pay an entrance fee to Colonel Roesdi's bodyguards. Colonel Roesdi also openly demanded that young female asylum seekers have sex with him for a review of their appeals. One victim who has resettled in the United States is willing to testify.

8. Besides the core group of officials directly involved in the screening process, there were many scouts and operators actively outreaching to different layers of the camp population. These included Indonesian guards (Mr. Sembering was the most notorious) headed by Major Kamiso, the Camp Commander; employees of non-governmental organizations (most notoriously the IOM); some members of the Vietnamese Camp Committee; and Vietnamese mistresses of Indonesian officials (young women who had to provide sex and seek "clients" for Indonesian officials in exchange for refugee status). Employees of the Joint Voluntary Agency (JVA), affiliated with the U.S. Consulate, also took part in the corruption scheme. For instance, Mr. Sumarno, Office Manager of the JVA office in Tanjung Pinang, regularly proposed bribery deals to U.S. citizens who came to visit their relatives. In 1992, he was denounced by several U.S. citizens. One of the denunciations caught the attention of Senator Richard G. Lugar (R-IN). The JVA subsequently forced Mr. Sumarno to resign but covered up the corruption charges. These scouts and operators usually charged around \$200-500 in commission.

9. There were also UNHCR employees not directly involved in the screening who served as operators for UNHCR lawyers. For instance, Mr. Adolf, with the UNHCR Technical Office, operated for Mr. Rahmad Irwan, the UNHCR representative on the Review Committee. (In at least one known case, Mr. Adolf also did a deal with the P3V officials to get a female asylum seeker screened in on condition that she would have sex with him. This asylum seeker has resettled in the United States.) These operators also included many Vietnamese employees hired from the camp population. They worked as clerks collecting biographical data for UNHCR's preliminary interviews or translating appeals into English before these appeals were passed to UNHCR lawyers. Some of these Vietnamese employees also demanded sexual favours.

10. As a consequence of widespread corruption, those with cash as well as collaborators, operators, and mistresses of Indonesian officials were regularly screened in. On the other hand, cases with strong refugee claims but without money to pay, or wives and daughters to offer, were often denied refugee status. Even the most compelling cases had to pay bribes to be recognized as refugees. For example, Ven. Thich Thanh Lien, the Chief Representative in Galang Camp of the Unified

Buddhist Church of Vietnam, was denied refugee status despite the severe persecution he faced in Vietnam. In 1993, his disciples had to pool money to pay Colonel Roesdi \$7000 to get the Venerable screened in. Similarly, Ven. Thich Minh Hau, another Buddhist monk, was granted refugee status only after his disciples paid \$5000 in bribes to the screening authorities. In some instances, some members in the family were screened in so that they, once resettled, must pay to get the rest of their family out.

11. Those who could afford the bribes could either pay the officials in the camp, pay to a bank account on Tanjung Pinang Island, or ask their overseas relatives to deposit payment in overseas bank accounts. Papa Phuc had set up a bank account in the US for this purpose: Chemical Bank, New York, A/C Bank Paribas, Singapore, Chips, USD162984, Ref. 872556, 1429.9E. Another bank account had been set up in Australia. In a number of cases, overseas relatives of the boat people were told to travel to Jakarta to meet and pay Colonel Roesdi at his headquarters. Some female relatives must also have sex with Colonel Roesdi as part of the deal.

12. Many boat people recently resettled have offered to testify. Simon Jeans, a former UNHCR lawyer in Galang Camp, has gone on BBC and the Australian Broadcasting Corporation to denounce the widespread corruption in the screening process. In his words, "several refugees whose status had been accepted by UNHCR officials were turned down by Indonesian officials after failing to come up with the cash." He is willing to serve as a witness.

13. In summary, the screening process in Indonesia, theoretically implemented in accordance with international standards and under the auspices of the UNHCR, has in fact been severely undermined by widespread corruption and is therefore critically flawed and unfair.



As a result of corruption, many genuine refugees have been wrongly denied refugee status. These include former political prisoners, religious leaders, human rights activists, communist defectors, dissident artists and writers, etc. They now face repatriation by force and coercion. The UNHCR has resorted to deprivation to make camp conditions increasingly miserable so as to drive the boat people home. Food rations, medical services, education programs, and other basic services have been cut or drastically curtailed. An increasing number of Vietnamese boat people have taken their own lives to protest such a unfair policy.

Nguyen Van Quang, former corporal of South Vietnam's First Airborne Battalion, hanged himself on April 12, 1992, after being denied refugee status.

PROPOSED ACTIONS

1. Government signatories of the Comprehensive Plan of Action, especially those financing the UNHCR for its implementation, should investigate the improper conduct of some UNHCR officials and the UNHCR's failure to guarantee fairness and justice in screening.
2. These same governments, through diplomatic channels, should request Indonesia to conduct its own investigation and prosecute those Indonesian officials found guilty of corruption.
3. A commission should be established to identify and review cases wrongly denied refugee status. This commission should consist of UNHCR lawyers from the International Protection Bureau (Geneva), officials of government signatories of the CPA, and lawyers from human rights organizations.
4. The Legislative Branch of each government should monitor the work and progress of this commission to ensure that the problem be satisfactorily corrected.

PARTIAL LIST OF WITNESSES

1. Simon Jeans, former UNHCR Legal Consultant, now living in Sydney, Australia.
2. Nguyen Tien Ung, former boat person in Galang, now living in West Australia.
3. Nguyen Van Noi, boat person from Galang, now living in New South Wales, Australia.
4. Le Xuan Anh, former Chairman of the Camp Committee in Galang Camp, now in Australia.
5. Ven. Thich Thien Chi, now the Abbot of Thap Phuong Temple in New York, USA.
6. Ven. Thich Tam Dao, now residing at Tu Hieu Temple, in Southern California, USA.
7. Tran Duy Doi, former Chairman of the Disabled Veterans in Galang, now in Texas, USA.
8. Randall K. Witwer, witness regarding corruption by a JVA employee, now residing in Indiana.
9. Nguyen Thi Kim Chi, former IOM employee in Galang, now living in Tennessee, USA.
10. Nguyen Uoc, former Secretary General of the Vietnamese Camp Committee in Galang, now living in Toronto, Canada.

There are some 30 other witnesses who prefer to remain in anonymity but are willing to testify before or submit written testimonies to appropriate authorities. A list of scouts, operators and their clients/victims, and evidences will also be provided in confidence to appropriate authorities.

**AFFIDAVIT OF VENERABLE THICH THIEN CHI
ON THE SCREENING PROCESS AT GALANG CAMP, INDONESIA**

Respectfully submitted to: United Nations High Commissioner for Refugees

My name is Thanh Phuong Vo, born on April 19, 1956, in Vietnam. I am a Buddhist monk under the religious name Thich Thien Chi.

I left Vietnam on May 9, 1989, and arrived in Galang Camp, Indonesia, on May 24, 1989.

I was notified on November 26, 1990, that my refugee status had been granted on February 28, 1990. I was resettled in the United States on May 20, 1993. I am currently residing at

Thap Phuong Temple
2222 Andrews Avenue
Bronx, NY 10453

I would like to express my sincere gratitude to the UNHCR, the Indonesian Government and the American Government for having facilitated my resettlement so that I could live in the United States where human rights and freedom of religion are protected.

However, because of my duty towards my fellow countrymen and because of my duty as a Buddhist to uphold the truth, I have to point out some of the wrongdoing that I had witnessed in Galang Camp from the beginning to the end of the screening implementation. In the following, I would like to describe the problematic screening and the corruption in that camp:

1. First, I would like to attest to the denouncement of Mr. Simon Jeans, an Australian lawyer who worked for the UNHCR in Galang. I also would like to commend him for having acted in good conscience and in accordance with the law.
2. I attest to the fact that non-Indonesian UNHCR officials conducting preliminary interviews did not accept bribes but only those who are Indonesian did.
3. A person who had not undergone the preliminary interview and wished to be granted refugee status had to pay around \$2000 (US dollars) either to Indonesian UNHCR lawyers or to Indonesians in the P3V Task Force.
4. If a person had been denied status in the first-instance decision, he or she could get the status during the appeal by paying some \$4000 (the amount varied somewhat, depending on the specific circumstance).
5. In the beginning, bribery was kept a secret. It eventually became public. Bribery progressed through the following three stages.

Stage 1: Overseas relatives of the screened-outs would fly to Jakarta to work out a deal with Colonel Wim Roesdi (the Chairman of the Indonesian P3V Task Force in charge of screening) at his office to buy refugee status.

Stage 2: In 1992, the asylum seekers who had been screened out traveled to Tanjung Pinang, Indonesia, to meet with Colonel Roesdi or his staff to submit bribe money obtained from overseas relatives. (They must also pay for the boat ride from Galang to Tanjung Pinang.)

Stage 3: Colonel Roesdi himself traveled to Galang Camp to meet directly with the boat people and to collect bribes. During this stage, the bribery became almost public. In order to expedite the process, the boat people could add an additional \$200 to bribe Colonel Roesdi's bodyguards.

6. For those boat people who did not pay at the screening or appeal stage because they were not able to come up with the money or because they believed in the merits of their cases, Colonel Roesdi demanded \$7000 for a second appeal reconsideration of the case.

7. There was another form of bribery for refugee status. Female asylum seekers who had been denied refugee status were exploited by Indonesian officials who wanted sexual favours in exchange for the women's refugee status.

8. The problem with bribery led to the problem of most appeals being ignored or unfavourably considered unless a bribe or a sexual favour was accorded. As a result, the number of cases in which boat people obtaining refugee status because of bribery or sexual favour far exceeded the number of cases in which decisions were made based on true merits. There are undoubtedly a large number of boat people who had been unfairly denied refugee status because they did not have the money to pay for it. The corruption in the screening process in Galang undermines the integrity of the CPA and renders invalid many screening decisions.

As a former boat person and a Buddhist monk, I am wholly responsible for the above statements.

Done in the State of New York of the United States of America on the tenth day of August, 1994.

Simon Jeans is an Australian lawyer who worked for the UNHCR during the first half of 1992 in Galang Camp, Indonesia. He has publicly denounced the widespread corruption in the screening process in Galang Camp on the Australian Broadcasting Corporation and the BBC.

Excerpts from "INDONESIANS ACCUSED OF EXTORTING SEX, MONEY FROM REFUGEES", by David Williams, Agence France Press, November 9, 1993:

...Under an agreed Comprehensive Plan of Action, UNHCR officials made an initial assessment on whether boat people should be treated as refugees and resettled in third party nations, but Indonesian officials had the final say, Jeans told AFP.

Some Indonesians had learned Vietnamese in an Australian training program and "they could put the hard word on girls, they might go to their rooms half a dozen times or as many times as they liked and then the girls would get refugee status," he said.

"There were other girls who would have sex with other Indonesians who would then do deals with those doing the screening... Boat people would be charged 3,000 dollars to gain refugee status at the interview in Galang, 5,000 dollars for a favourable review in Jakarta after rejection in Galang and 8,000 dollars to sway a final appeal board in Jakarta... Several refugees whose status had been accepted by UNHCR were turned down by Indonesian officials after failing to come up with the cash," he added.

...A UNHCR official in Canberra said the matter was extremely sensitive and he could not immediately make any comment.



Ms. Trinh Kim Huong, 28, burned herself alive on August 30, 1991, in Galang Camp, after being denied refugee status. She died a few days later.

Excerpts from "TERRORISED IN THE CAMP OF SHAME", by Michael Bociurkiw, South China Morning Post, June 6, 1993:

...Complaints about Galang do not only involve physical and sexual abuse. Indonesian camp officials were accused of rigging the refugee determination process, which they had almost sole jurisdiction over, to make money, inevitably denying legitimate cases a fair hearing. Only about 20 per cent get screened in as refugees.

...Former inmates said officials extracted bribes of up to US\$5,000 (HK\$38,700) for classification as a refugee, bringing likely resettlement to a third country like Canada, Australia or the United States.

...Camp authorities are also alleged to have taken bribes in exchange for a second interview and appeals.

...To most Galang inmates, paying several hundred dollars to improve their chances of being screened in as refugees was out of the question, as most had sold all of their belongings before leaving Vietnam.

"There were those who were rich and they were ready to do it," Mr. Nguyen said. "In many cases, senior members of Vietnamese criminal gangs could easily produce that kind of cash to get themselves a ticket to a new life abroad.

In the camps, Indonesian guards used a euphemism for bribe money. They would ask if we had any 'supplementary documents'. If we said 'yes' then the money would have to be paid one week later and an interview would come," Mr. Nguyen said. "I felt very resentful and disappointed when I saw this happen."

Mr. Nguyen said with the refugee determination process heavily rigged to favour those with money, some of the ones rejected tried to burn or stab themselves. "They were angry and disappointed because they were not accepted for an interview. They have no money to bribe with."

...What makes the allegations of graft even more serious is that the Indonesian decision has considerable weight. "Most countries do tend to accept the decision of the asylum countries," said J. A. Versteegh, head of the immigration section of the Canadian Embassy in Singapore. They send diplomats to Galang on a regular basis.

...Asked about the allegations of bribery and abuse, a British aid worker, who has made several visits to the camp, said: "These things don't surprise me." Curiously, the UNHCR report makes no mention of the allegations of bribery or human rights violations.

"The rumours certainly abound," said Mr. Versteegh, when asked about the allegations of abuse. Canada sends officials to the camp on a regular basis to select screened-in boat people for resettlement. Mr. Versteegh said that although Canadian officials took the allegations into account, digging further was difficult. "We don't have the resources to investigate."

SAMPLE CASES

Many genuine refugees have been "screened out" because they could not afford to bribe the Indonesian screening authorities. Following are sample cases, kept in anonymity to protect the subjects who are still in Galang Camp:

CASE X -- Refugee Status: APPEAL DENIED

X was a second lieutenant in the Army of the Republic of Vietnam (ARVN). After the fall of Saigon in 1975, he took a deceased brother's identity to avoid severe punishment by the communist regime. In 1979, he attempted to escape from Vietnam. He was caught and imprisoned for seven years, during which he was subjected to ruthless torture and hard labour on suspicion that he was an officer using a false identity. His wife was forced to marry a communist officer. Released in 1986, he continued to be subjected to forced labour. His true identity was discovered in 1989. After witnessing the execution of another officer whose secret identity was discovered, X and his son fled from Vietnam.

X was asked to pay \$3000 (US dollars) if he wanted to be recognized as a refugee. Since he could not afford to bribe the screening officer, in 1992 he and his son were denied refugee status. His son burned himself to death in front of the UNHCR's office in Galang Camp to protest the unfairness.

CASE Y -- Refugee Status: APPEAL REJECTED

Y was a first lieutenant of ARVN. His responsibilities included ferreting out communist infiltrators. In 1975, the communists sent him to various re-education camps where he had to endure hard labour, self-criticism and mistreatment.

Upon his release from the re-education camp in 1978, he was sent to the NEZ (New Economic Zone, a form of Gulag), where his activities were tightly measured. His family was denied a household registration card. He was subjected to forced labour clearing mines. In 1979, he was arrested and beaten by the police for practicing Buddhism.

In May 1981, not being able to withstand the harassment, Y fled from the NEZ. In 1985, he was caught and sent back to the NEZ where he had to report daily to the local police and endured hard and dangerous labour clearing battlefields and digging for construction.

In 1990, he was arrested and repeatedly tortured in an investigation on the reactionary activities of two of his friends. He was released from prison only after torture had crippled him. In March 1990, Y was once again summoned by local authorities. Fearing further persecution, he escaped from Vietnam.

His refugee claims were rejected on May 21, 1993, after he failed to pay the \$3000 demanded by his screening officer.

CASE Z -- Refugee Status: APPEAL REJECTED

Z was 18 when he escaped Vietnam with his father and arrived in Galang on June 2, 1989.

Z's father was an artillery lieutenant of ARVN and faced persecution under the communist government as a result. His father was granted refugee status upon appeal by the Indonesian government on April 24, 1992, and was offered resettlement by the United States. Z, however, was screened out and denied refugee status. His appeal and his father's petition on his behalf were rejected by the Indonesian government. On September 5, 1992, Z's father slashed his wrists and stomach in protest of the injustice against his son. After his release from the hospital, Z's father killed himself by hanging. The screening authorities still demanded several thousand US dollars from Z to favourably review his appeal. Z did not have the money; his appeal was again rejected.

WHAT CAN I DO?

Write to:

- The Honorable Madame Sadako Ogata
The United Nations High Commissioner
Office of the United Nations High Commissioner for Refugees
Case Postale 2500, CH-1211 Geneve 2 Depot, Switzerland
- The Honorable Phyllis E. Oakley
Director of Bureau of Refugee Programs
State Department
2201 C Street, NW, Rm. 5824
Washington, D.C. 20520
- Your Senators
U.S. Senate
Washington, D.C. 20510
- Your Representative
U.S. House of Representatives
Washington, D.C. 20515

Points to make:

- Department of State should investigate the allegations of corruption by UNHCR and Indonesian officials.
- UNHCR should identify meritorious refugee cases and grant them refugee status.
- Congress should play an active role in ensuring that the above investigation and corrective action be properly carried out.

Ask your friends and colleagues to do the same.