

To Whom It May Concern.

Statement of Peter Andrew Hansen.

1. I am a seminarian of the Roman Catholic Archdiocese of Melbourne, Australia, in my sixth year of formation. I am due to be ordained later this year. I am also a Barrister And Solicitor of the Supreme Court of Victoria, and prior to entering the seminary, practiced in this capacity for nine years.
2. From January 1991 until August 1991, and again from November 1992 until February 1993, I worked in Hong Kong as a Volunteer Legal Counsellor for the Jesuit Refugee Service. During that time, I worked in the High Island, Tai A Chau, Whitehead and Hei Ling Chau camps. My duties consisted of providing advice to asylum-seekers prior to their first-round screening interviews with officers of the Hong Kong Department of Immigration.
3. From September 1991 until January 1992, I was the Founding Director of the Jesuit Refugee Service's Lawyers Project at the Philippine First Asylum Camp, a Puerto Princesa, Palawan Province, in the Philippines. I there supervised a team of five lawyers (two Filipino nationals, two other lawyers and myself), together with interpreters and other staff. Our task there, sanctioned by the government of the Republic of the Philippines, and the United Nations High Commissioner for Refugees, was to assist asylum-seekers who had been screened out (had their claim for refugee status rejected) at first instance to prepare their appeal documents for lodging with the appeals committee.
4. In the course of this work, I read many documents issued by the Philippines Bureau of Immigration giving reasons for decisions for rejecting claims for refugee status. In my general contact with asylum seekers in the camp, I also read many documents setting out reasons for positive decisions; ie., the granting of refugee status. I estimate that I read more than 500 documents setting out reasons for decisions. Either I, or the other lawyers working with me, would have read nearly all of the negative Reasons For Decisions extant at that time. Each of these documents carried the name of the Immigration Officer; consequently, I am able to recall sequences of decisions issued by various individual officers. However, I have not retained copies of any of these documents.
5. I know of no convincing evidence to the effect that the screening system in Hong Kong was corrupt; to the contrary, I believe it was not. However, I do believe that it contained an institutionalized bias against asylum-seekers which meant that several asylum-seekers who should validly have been accepted for refugee status were in fact rejected. In some cases, this was rectified by exercise of the UNHCR's mandate; in other cases, it was not. By institutionalized bias, I mean that the officers of the Immigration Department;
 - (a) persistently refused to give the benefit of any doubt to asylum-seekers;

- (b) refused to accept that whenever assertions made by asylum-seekers were at variance to information on their data base, it may be that the database was at fault, or that local variations or aberrations may be responsible;
- (c) refused to accept that the effect of overall liberalization in Viet Nam were not fully operative in some localized regions, where persecution still persisted;
- (d) were prepared to resort to generalizations as to the situation in Vietnam, which invariably mitigated against the asylum-seeker, without investigating thoroughly the extent to which the generalization pertained to the asylum-seeker's case. For example, there was a widespread assumption that because free church worship could be observed in Ho Chi Minh City, that consequently no case for ongoing religious persecution could be sustained.

6. Of the many documents outlining the Reasons For Decisions for asylum seekers at the Palawan, Philippines camp, I would say that in the majority of cases, the legal reasoning was poor, and in many cases very poor. I do not say this simply because they were not in accordance with the form or style of reasoning that I am used to in my own Australian jurisdiction. Their internal reasoning was often contradictory, obviously contrary conclusions drawn from facts, and the conclusions were often based on extraneous, irrelevant and prejudicial considerations. Moreover, decisions issued by the same immigration officer in relation to cases with essentially similar facts often reached divergent and contradictory conclusions. For example, I recall a case of two brothers, separated by only a year or two in age, whose life circumstances were essentially identical; one was screened in, one screened out, by the same Immigration Officer.

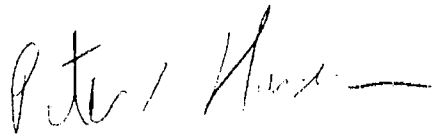
7. I should stress that the legal reasoning in those decisions which I saw that granted refugee status to the asylum-seekers were contained no higher standard of legal reasoning than those which rejected their claims. It follows that I believe that in Palawan, many asylum-seekers were screened out who in my opinion had a valid claim to refugee status, whilst at the same time, a number were screened in who had no such valid claim.

8. In my time in Palawan, a number of people made claims to me that they had been approached by officers from the Bureau Of Immigration to pay money for a favourable screening decision. I believe that this was put to me on approximately twenty occasions. On each occasion, the name of the Immigration Officer was given to me, or I was able to trace it by reason of their name being on the Reasons For Decision. About three or four officers regularly appeared on this list. On occasions, I was only given this information indirectly, but several of these cases were people who said that they themselves had been solicited, or had, in their desperation for a favourable decision, had themselves offered a payment which had been accepted. The sum referred to was usually either US\$500 or US\$1,000. It was further alleged that, on occasions, the Immigration Officer accepted the payment, but then in fact did not provide a favourable decision.

9. Whilst I by no means accept each and every allegation of corruption that was put to me, there were a number of allegations made which I believe to have been credible,

reliable, direct and contemporary. Some were made by people who I knew and specifically have reason to trust. Others were told to me in circumstances of confidence where I assume openness (ie., those Catholics to who confided in me as a representative of the Church). Finally, some I was able to corroborate myself, by seeing that the allegations persistently related to certain individual immigration officers whom I was able to identify from the Reasons For decisions. I noted that in several cases where payments had allegedly been made, dubious conclusions were drawn in favour of the asylum-seeker, whereas in facts with similar cases, the same Immigration Officer had drawn adverse conclusions.

10. I understand that at the present time, it is asserted that the screening system provided for under the Comprehensive Plan of Action provided a system that was fair and just. I believe that there was not always so. I believe that the administration of screening by the countries of first asylum was not always just or fair. Whilst I readily accept that the vast majority of those screened out in the Philippines, and more particularly Hong Kong, did not deserve to receive refugee status, a significant number of persons who did deserve to receive a favourable decision were in fact rejected as a consequence of inadequacies in the screening procedures and their administration. I strongly suspect that a number remain in the first-asylum centres of Hong Kong and the Philippines today.



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Melbourne, Australia.
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**UNITED NATIONS HIGH COMMISSIONER OF REFUGEES
'UNHCR' HELPER OR OPPRESSOR?**

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UNITED NATIONS HIGH COMMISSIONER OF REFUGEES 'UNHCR' HELPER OR OPPRESSOR?

What does one do when those who are to protect you from persecution and oppression are making your life miserable and are taking away your human rights? Many of the Vietnamese asylum seekers are beginning to think, wonder, and ask this question amongst themselves. They have been seeking freedom from the persecution before and since the fall of Saigon in 1975. Those who escaped before the Comprehensive Plan of Action which began in May of 1989 were the fortunate ones who were automatically resettled to a third country. Those who escaped after the CPA were made to go through a vigorous screening process and have had to live a life of misery in the camps throughout Southeast Asia.

Many of these camps in Southeast Asia are closed camps; meaning that the refugees are not allowed to leave them. They are shut up behind barbed-wire fences, and some are even beaten and persecuted by the guards who have been hired to protect them. They are also forced to do hard labor in the hot sun without proper food and water. Many of these asylum seekers escaped the New Economic Zones (NEZ) in their own country to avoid this type of treatment only to find their lives no better off than what they once were.

There have been many children born in these camps and many have never seen the trees nor grass outside the camps. The camps in Hong Kong are located within a prison, and these children have lived behind high barbed wire fences since their birth. The children in many of the refugee camps are denied the right to any kind of an education. This is in violation of "Article 26" within the Universal Declaration of Human Rights:

- (1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.**
- (2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.**
- (3) Parents have a prior right to choose the kind of education that shall be given to their children.**

The parents within the Philippines First Asylum Camp (PFAC) on the island of Palawan chose to educate their children, and with the assistance of Non-Government Organizations (NGOs) they were allowed to build their own schools for the children's education. These schools were not only built by the asylum seekers; they were also staffed by them. The schools were begun to educate the children in general subjects such as math, reading, science, literature,

and history. They were also set up to help maintain the Vietnamese culture and language. Although there was one school supported by UNHCR, it was staffed and run by Filipinos who were teaching all subjects in English, and not teaching the students about Vietnamese traditions and culture. This was the reason refugee parents began the Vietnamese Elementary and Secondary Schools within the camp.

The adults also wanted to continue with their education and attended classes in English, French, and other languages, which were taught by many of the asylum seekers themselves. The upper classes of the English Language Program (ELP) were taught by Overseas Volunteers (OVs), a program of which I was a part for almost two years until I was forced to leave the camp to which I had been assigned.

The young people in the camp, those who had completed secondary school, also wanted to continue learning, so they helped organize a Polytechnic School. This school was also staffed by many of the asylum seekers who were supervised by the OVs. The program was set up as a one year program and students would receive knowledge in computers, management, accounting, secretarial programs, or education.

A skills training program was set up for those who had not finished secondary school. These classes were conducted by asylum seekers and consisted of the following: French bread making, restaurant management, tailoring, auto-mechanics, electronics, and goldsmithing.

Education is an important part of these peoples' lives, and it is now being taken away from them by UNHCR. Since UNHCR is wanting to close the camps in Southeast Asia, they are cutting back on many of their programs. Education is one of these programs which has been dropped. UNHCR has closed all of the schools in PFAC, denying the children the right of an education. Teachers and parents are trying to continue the education of the children on a volunteer basis, but the needs of the children are not being met.

These programs were all set up to assist in the training and educating of the asylum seekers. They were to help give the asylum seeker a chance for better employment in a third country, or back in Vietnam if the decision were repatriation. UNHCR closed all of these programs because they said people were not enrolling for repatriation. Have they ever asked and actively listened to the reasons why people don't want to go back to Vietnam?

I have personally had asylum seekers tell me that they would "rather die in freedom than to return to a communist country" where they fear they will never hold or have freedom of speech, education, religion, or movement. At the beginning of my volunteer service in the camp, the asylum seekers had all of these freedoms; however, once the administration of the camp changed in January, 1994, many of these rights and freedoms were taken away.

UNHCR and the administrator of the camp also began to close all of the businesses which were privately owned by the asylum seekers. The movement in and out of the camp became more difficult. People had to wait two, three, or even four hours to go down town for a two-hour shopping spree. If they were too late in returning, they would be placed in the "monkey-

house" (jail) for one or two days. All of the schools were closed and the children are denied an education. The mailing section and money exchange section have been placed under the supervision of the Officer in Charge (OIC). This means, that all mail must be opened in the OIC office in front of an OIC official; moreover, if there is a check, money order, or any cash, it must be given to the OIC official to be deposited into an account for the asylum seeker. The asylum seeker has been limited to only \$50 a month, and if the check is more than \$50 the remainder of the check is placed in the account and will be given to the asylum seeker upon repatriation.

This is an invasion of a person's privacy and strips away a person's dignity. If this is allowed to continue, UNHCR is no better than the country from which these people are fleeing. They are in violation of "Article 12" in the Universal Declaration of Human Rights:

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

By placing these restrictions upon the asylum seekers, UNHCR is forcing people to sign up for repatriation.

Many of the asylum seekers who have already returned to Vietnam have families and homes to return to, while many of those who have not returned no longer have family members or homes. They are the only members left in the family, and they had to sell their homes to raise the money for their escape to freedom, or their property was confiscated by the communist government. By forcing these people back to a country where they have no family, property, nor means to support themselves, UNHCR would be breaching the following articles within the Universal Declaration of Human Rights:

Article 17:

(1) Everyone has the right to own property alone as well as in association with others.

(2) No one shall be arbitrarily deprived of his property.

Article 18:

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private to manifest his religion or belief in teaching, practice, worship and observance.

Article 19:

Everyone has the right to freedom of opinion and expression, this right includes freedom to hold opinions without interference and to seek, receive

and impart information and ideas through any media and regardless of frontiers.

Article 23:

(1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

(2) Everyone, without any discrimination, has the right to equal pay for equal work.

(3) Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

If the asylum seekers are forced to return to Vietnam, all the suffering, death, persecution, and oppression which they fought against and risked their lives to escape, will be placed upon them again.

Many of them fear death or persecution if they return to Vietnam. Some of them are Veterans of the South Vietnamese Republican Army, government officials of the South Vietnamese Republic, or religious leaders who were denied refugee status because they would not give into the dubious conditions of those who were employed by UNHCR.

There were many grievances brought against UNHCR employees who were working with the screening process, but these cases were overlooked. One official was transferred to another refugee camp in Africa. Several women reported that he had asked them for sexual favors in return for refugee status. Others were asked to pay \$1000 or more to receive refugee status. Although this was brought to the attention of UNHCR, nothing has been done to correct this injustice. People were denied refugee status because they refused to pay bribes or to sleep with the person interviewing them. These people should have a chance for an appeal, but UNHCR refuses to look at their appeal. Why?

Other people were denied refugee status because of poor interpreters. The translators often misinterpreted what the asylum seeker was saying because they were not familiar enough with the Vietnamese way of thinking and language. The translators were often Phi-Viet, half Filipino and Vietnamese, and spoke Tagalog and English better than Vietnamese. Because of the misinterpretations, many asylum seekers were accused of lying when being interviewed during the appeal; therefore, they were denied refugee status because their stories did not coincide with the first interview.

There are many injustices being committed to asylum seekers and refugees all over the world; however, the ones I have been discussing are specific to the Vietnamese asylum seekers and refugees whom I knew personally. For the past two years, I lived, talked, ate, and slept with these people in the refugee camp in Palawan. I saw and heard about many of these injustices against the asylum seekers.

The injustices contributed to the deaths of three asylum seekers within a month's time. On December 8, 1993 a man in his early twenties died of asthma because UNHCR had closed the hospital and cut back on medical care to the asylum seekers. He died because he did not have medication. One or two weeks later an expectant mother was taken to the military hospital for a Caesarean and lost her baby because of inadequate medical supervision. The medical staff was often lethargic in responding to the assistance of an asylum seeker, and this led to the baby's death. On January 10, 1994 another young man was taken to the hospital and died of malaria because of improper medication. Even though he had previously informed the medical staff that he had had malaria in Vietnam, they treated him for influenza. Lack of interest and concern for the Vietnamese asylum seekers is what led to these three deaths.

After the death of the first young man on December 8, 1993, the asylum seekers staged a demonstration. Although they were using the issue of medical care as the key to the demonstration, the prime issue later became the unfair refugee screening process. This had been the prime concern in an earlier demonstration of December 1992 which lasted about two weeks. UNHCR promised that they would begin to look into several of the cases which were brought to their attention during the '92 demonstration; nevertheless, they did nothing.

The '93 demonstration was a peaceful sit-down demonstration until February 3, 1994, then UNHCR had the Philippine Military come to disperse the crowd. This only made the asylum seekers unite their forces even more, and the 200 strikers became 1500 - 2000. When the military moved in, they began to beat some of the asylum seekers with the butt-end of their rifles and their fists. They also wore bandannas so they would not be recognized. The following morning those who were setting in front of UNHCR headquarters were not allowed to leave their positions. They were being forced into a hunger strike, and were made to sit in the hot sun without shelter, food, or water. Many women and children were physically abused and beaten during an attempt to take food and water to those sitting in front of the UNHCR office.

When an international organization (UNHCR), whose role is to protect the human rights of the asylum seekers and refugees, begins to resort in these methods, and begins to abduct people for participating in a peaceful demonstration, it is time for the whole world to look into and to check the credentials and policies of the organization. On February 3, 1994, UNHCR and the administration of PFAC abducted and accused five men as being the leaders of the demonstration. These five were taken without the knowledge of their families or anyone else in the camp and detained at the Western Command military base in Palawan. They were later secretly put on a military plane and taken to the Transit Center in Manila where they were under constant guard. These five were falsely accused and had their dignity stripped from them and all of their human rights taken away from them because they participated in the demonstration. "Article 20" in the Universal Declaration of Human Rights states: "Everyone has the right to freedom of peaceful assembly and association."

If this is true, then why are four of these men still incarcerated and kept from their families while the real leaders still move freely about in the camp and are consulted by the camp administrators for advice? One of the five has received a mandate and has been resettled in the

United States, while the other four are still threatened with deportation after being locked up and separated from their families for over nine months.

Since this is the Year of the Family, how can UNHCR keep these four men imprisoned and enforce reunification of families? In June of 1994, UNHCR forced all the unaccompanied minors back to Vietnam. Even though several tried to escape and one went on a hunger strike, they were forced back to Vietnam through the Family Reunification Program (FRP). Many of these children were their parents only hope to flee from a communist country and were therefore told by their parents to stay in the camp. UNHCR did not only force all unaccompanied minors into repatriation, but also minors who were with relatives other than parents. In July 1994, those minors were also collected and sent back to Vietnam through the FRP.

Because of the forced repatriation of the minors, in the name of the Family Reunification Program, many of the adults fear they will also be forced back to Vietnam. This is already being done in the Hong Kong camps and other Southeast Asian refugee camps. UNHCR is abducting the asylum seekers and forcing them on planes back to Vietnam. The veterans in these camps fear that if they return to Vietnam they will either be placed in the New Economic Zones, imprisoned, or put to death. If these people are sent back to Vietnam and forced to do hard labor in the NEZ, then they will have had their dignity and all human rights taken away from them once again. So how can an organization which is constructed to protect a persons human rights make the asylum seekers and refugees lives more miserable and oppressed?

We need to begin to ask hard questions of UNHCR: "Why are you treating those whom you are supposed to be protecting without dignity?" "When you decide to close a camp, does that mean that the people in them are no longer human beings and have no human rights?" "Do they no longer have human rights because they are not in their own country?"

UNHCR has been set up to assist the asylum seekers and refugees around the world with honor and dignity. We need to keep check on them to see that they are doing the job for which they were founded. They have helped thousands upon thousands of people with their generosity and concern. At the same time, they have also hurt and lost face with many of those whom they have helped but failed to listen to. When UNHCR officials refer to those they are helping as "stupid people," they are not being professional nor are they carrying out the United Nations mandates. When they begin to use force to disperse a peaceful demonstration, they are not showing their strength to actively listen and their willingness to negotiate the needs of the people. They are showing their weakness and destroying the dignity of those they are helping. When they begin to cut programs and make life in a camp more appalling than it already is, then it is time for them to ask themselves and the world to ask them, "Are we the helper or the oppressor?"