



# Amnesty International

Orange County

GROUP 141 ORANGE • GROUP 175 LONG BEACH  
GROUP 178 IRVINE • GROUP 596 HUNTINGTON BEACH

February 2005

<http://www.aiusaoc.org>

## Real I.D. Act Erodes Rights of Asylum Seekers

Rep. James Sensenbrenner (R-WI) has introduced a bill that could prevent victims of persecution from finding asylum in the United States. Under the bill, H.R. 418, immigration judges or asylum officers would be authorized to deny asylum if they distrusted an asylum applicant's demeanor, or because an applicant wasn't able to produce a particular piece of evidence. Higher courts would be restricted from reviewing some immigration judges' decisions. Rep. Sensenbrenner is trying to rush this bill through the House of Representatives, claiming that it would prevent terrorists from obtaining asylum. But terrorists are already categorically barred from asylum, and Amnesty International USA believes the new provisions would, instead, harm legitimate asylum-seekers who represent no threat to U.S. security. The bill may go straight to the floor of the House for a vote next week. Please call and fax your Representative, urging a vote against the bill, which is called the REAL ID Act of 2005.

### Background

In addition to its anti-asylum provisions (which are disingenuously named, "Preventing Terrorists from Obtaining Asylum"), this bill would restrict states from issuing drivers' licenses for various categories of foreigners, and would direct the U.S. government to ignore any relevant laws (such as environmental laws) that might slow the construction of a fence along the U.S.-Mexico border. Last fall, Rep. Sensenbrenner tried to attach some of the same provisions to the bill to implement the recommendations of the September 11 Commission—even though the Commission recommended nothing of the kind. These provisions were stripped from the final bill; now, he is trying again. Here are the provisions of H.R. 418 about which Amnesty International USA is most concerned:

### Raising the Burdens for Asylum Claims

Section 101 would create a new burden of proof for establishing an asylum claim by requiring the applicant to show that "a central reason" for his or her persecution was or will be his or her race, religion, nationality, membership in a particular social group, or political opinion. It can be very difficult for an asylum-seeker to prove this, especially when his or her persecutor extorts or robs, or commits rape and other sexual abuses. As an example, if a Janjaweed militiaman in Sudan steals a Darfurian woman's cow and rapes her, how can she prove that his "central" reason was her ethnicity, and not his desire to rape her or to take her cow?

Section 101 would also increase the burden of proof for some asylum applicants by allowing judges to require supplemental evidence, and to deny asylum if it isn't provided. Obtaining such evidence can be difficult for refugees who often flee without their belongings, and who are often put into

detention after they arrive here. Finally, asking their family or friends back home to collect the evidence often puts those friends and family in danger. This section also restricts higher courts' ability to reverse an immigration judge's demand for such corroborating evidence.

Section 101 would also introduce new credibility grounds for denying asylum. An applicant's "demeanor" (among other highly subjective factors) could become the determining factor in assessing credibility. It would also allow asylum to be denied for lack of consistency with any statement the applicant made at any time to any U.S. official, including "any inaccuracies." This would permit a judge to deny asylum based on minor inconsistencies that are not even pertinent to the asylum claim. Since asylum-seekers often find themselves forced to use false documents to escape their countries, it is unreasonable to use an applicant's first statement to any U.S. official to impeach his or her sworn testimony—no matter how well supported.

### A Broad Definition of Terrorism

Section 103 also creates an unreasonably high standard on immigrants to prove by "clear and convincing evidence" that they did not know that an organization with which they had some association was involved in "terrorist activities," broadly defined. This is virtually impossible because it would require a person to prove what they did not know. The definition of terrorist organizations includes a "group of two or more, whether organized or not" or a subgroup of such a group that is involved in vaguely defined terrorist activities. For example, if an immigrant donated money to help tsunami victims, to a charity that was part of an organization that had a subgroup involved in rebellion against the Indonesian government, the donor could become deported for aiding terrorists—unless he or she could prove "by clear and convincing evidence" that he or she didn't know of the link.

Section 103 penalizes people for espousing or endorsing terrorist activity, again, so broadly defined that it could refer to what the Founding Fathers did—calling for the armed overthrow of an oppressive regime. This broad language extends beyond conduct and has the potential to infringe on a person's freedom of speech. To verbally endorse an activity is currently well permitted in the Constitution of the United States. The bill in its current form imposes dangerous penalties on freedom of speech in this country.

Section 103 also makes no allowance for innocent people who are often forced by rebel groups to provide them support, such as shelter or transportation. Fearing for their safety, these individuals flee to the United States for protection from such threats and extortion. Under this bill, they would be denied asylum for the same reason for which they are seeking it.

## January Meeting Minutes

### Group #175 Long Beach

#### Attendees

Mary Kay Dunn, Norma Edwards, Mike Farris, Kevin Gaffney, Bobbi Kendig, Jim Roberts, Naomi Steinfeld, and Steve Wicke.

#### Familiar Face

The group welcomed Steve Wicke to the meeting. Steve has been very active in Amnesty in the past, and we're hoping to lure him back to one of the area Amnesty groups. The Long Beach group has been enjoying a variety of visitors lately and encourages anyone to drop by a meeting when they can. Every little bit helps.

#### A Prison of the Mind

The one-woman death penalty play *A Prison of the Mind* in December was a success. All who attended the play agreed that it was a very compelling performance. The event went well and made a very slight profit. Kevin reported an audience of over 100, which is a nice turnout. Thanks to all the volunteers at Amnesty and the Orange County chapter of California People of Faith Against the Death Penalty who coordinated and organized the event.

#### Prisoner Case: Nguyen Dinh Huy

##### RELEASED!

At the meeting, Jim reported that there wasn't much hope soon for our prisoner's release, though there was a slim chance our prisoner would get released in a government amnesty / release (which happen four times a year). Our focus to get Nguyen Dinh Huy in this amnesty would be that he is ill and elderly and should be released for humanitarian reasons. It seemed doubtful that our prisoner, who has spent most of the last 30 years in prison, would get out.

However, after the meeting, we learned that our prisoner has been released! The following information comes from an Amnesty International release (edited: for full text, go to <http://www.amnestyusa.org/news/document.do?id=F656A3564FEAE77785256F9A0061D03D>. [See the article on page 3 of this newsletter as well.]

"Amnesty International warmly welcomes reports that several prisoners of conscience will be released in the coming days, including Dr. Nguyen Dan Que, Nguyen Dinh Huy, Thich Thien Minh, and Father Nguyen Van Ly [subject of a Special Focus campaign—94,000 letters were sent on his behalf by Amnesty members]. They are being released as part of a general amnesty for more than 8,000 prisoners to mark Tet, the Lunar New Year."

"Amnesty International has been campaigning for these prisoners of conscience for many years and some of the credit for their release must go to the thousands of Amnesty International volunteers worldwide. From Thailand to Portugal to Long Island [and Long Beach!], members have held vigils and written to the Vietnamese authorities and their own governments to ensure that these prisoners have not been forgotten."

"These four human rights advocates have been incarcerated

ated for a total of 88 years since the late 1970s,' said Natalie Hill, Deputy Asia Director at Amnesty International in London. 'Given the harsh conditions in these prisons it is remarkable that they are still alive. The Vietnamese authorities have at long last realized that locking up elderly men for decades, for doing nothing more than peacefully criticizing government policy, is both a tragedy for those concerned and a stain on Viet Nam's reputation.' "

"Nguyen Dinh Huy, 73, a former English and History professor, was the founder of the Movement to Unite the People and Build Democracy (MUPBD). He was arrested in November 1993 with 11 other MUPBD members for planning an international conference on democracy and human rights in Ho Chi Minh City. He was sentenced to 15 years' imprisonment under national security legislation and has suffered from ill health for many years. He had previously spent 17 years in prison for 're-education' without charge or trial."

Many thanks to our Action File Coordinator, Jim Roberts, for all his hard work on Nguyen Dinh Huy's case.

#### Group News

- In December the group met for dinner at Saigon Express in Lakewood, in honor of our Vietnamese prisoner of conscience. Now we'll have to schedule a celebration dinner!
- At the January meeting, Group #175 sent three letters to the Sudan; four to Kosovo; five to Guatemala; eight to Washington, D.C.; ten to Vietnam; and 17 to Tanzania, for a total of 47 letters to further human rights. The group discussed organizational issues and possible workshop ideas for the mini conference in March.

## January Meeting Minutes

### Group #178 Irvine

#### Attendees

Jaques Kilchoër, Stephanie Jones, Kris Elali, Maung Nyeu, Julie Ralls, Liza Vick, Raquel, Steven, Al White.

#### Letters Written: 37

#### Group Business

Irvine has two new co-coordinators: Maung Nyeu and Kris Elali. We honored the voluntary services of our past co-coordinators, Jacques Kilchoër and Julie Ralls. We celebrated with chips, salsa, coffee, snacks, fruits, etc. Also we presented them with Amnesty certificates as a token of our sincere appreciation.

The ice cream fundraiser was a resounding success and we are happy for the added funds.

Three members from our group will participate at the AGM, Jacques, Kris, and Maung. A motion was made and approved to give \$100 each to Jacques and Maung for the AGM.

We decided to show a documentary, *Señorita Extraviada, Missing Young Woman*, in one of our future monthly meetings. It tells the haunting story of the more than 350 kidnapped, raped and murdered young women of Juárez, Mexico. We agreed to invite Rev. James Lawson to host a non-violence workshop. Time and place TBD.

## From the Executive Director The Issues That Didn't Bark

*This article is taken from the February 2005 Connect.*

Do you remember the Sherlock Holmes story in which the great detective solved the case by noting that a guard dog had not barked when he would have been expected to? With the benefit of a couple of months' hindsight on the Presidential election, I am struck by two issues that didn't "bark" during the course of the campaign, that weren't raised by either of the candidates, though we might have expected them both to be.

The first is the growing story of torture by U.S. officials—military, CIA and perhaps others—in Iraq, Afghanistan and Guantanamo Bay. One would have thought (hoped?) that John Kerry would have raised this issue in criticizing the Bush Administration, which continues to contend that the incidents were merely the work of "a few bad apples." (New documents recently released by the American Civil Liberties Union have clearly put the lie to that notion.) But the Democratic candidate was noticeably silent on the matter—perhaps calculating that, when push came to shove, more voters would approve torture in pursuit of "security" than be scandalized by it. What a lost opportunity to put front and center one of the great moral outrages of our time!

The other issue that didn't bark reflects a more positive development for human rights. George W. Bush did not use the death penalty against John Kerry, despite the fact that Kerry has always opposed that barbaric practice (though, as he prepared his run for President, he adopted an exception for terrorists). Consider how Daddy Bush used the issue against candidate Michael Dukakis in 1988. Since then, public opinion has shifted noticeably and, while a majority still favor the death penalty in the abstract, abolitionists have made great strides—so great that the President, despite his proud association with state-imposed death, calculated that trying to hang the death penalty around John Kerry's neck was no longer a winning political strategy.

The first of these silences reinforces how important it is to build that "culture of respect for human rights" that we in Amnesty keep talking about. The second silence reflects the fact that we may have made more progress in that respect than we sometimes give ourselves credit for. And both remind us that true leadership rarely comes from politicians—at least not without strong constituencies behind them. Which is of course why Amnesty is what it is—the only international grassroots human rights organization in the world - and works the way it does.

More power to us!

William Schulz  
Executive Director

## Although Released, Nguyen Dan Que and Nguyen Dinh Huy Are not Free

Cyber-dissident Nguyen Dan Que and journalist Nguyen Dinh Huy, who were released from prison on February 2, are being kept under constant police surveillance, Reporters Without Borders said today, calling for them to be allowed to fully enjoy their freedom. Both spent more than 15 years in prison.

Dinh Huy is being so closely watched that there are even two policeman inside his home in Ho Chi Minh City. All his telephone calls are monitored.

Two plainclothes are constantly watching Dan Que's home. When he went out a few days after his release, the authorities immediately telephoned his wife to ask why he had gone out and tell her that he should henceforth warn them whenever he went out.

## Austin AGM: Leave No Rights Behind

Amnesty International USA's 2005 Annual General Meeting is scheduled for April 8-10, in Austin, Texas at the Hyatt Regency. This year's theme highlights Amnesty International's commitment to "leave no human right behind." Panel topics, which will span a spectrum of issues, from torture to corporate responsibility, to securing the rights of minority communities and exploring the complexities of genocide, will reflect the principle that universal human rights do not waiver based on race, nationality, ethnicity, economic status, gender, sexuality or religion. No excuses. No exceptions.

Attendees will have the opportunity to engage in panels that will provide practical information and training on new and effective tactics for human rights activism.

Go to <http://www.amnestyusa.org/events/agm/> to learn more or to register for the conference. The Hyatt Regency is offering a special conference rate of \$149 per night if you book by March 7. Please note that there are a limited number of rooms available at the student rate of \$109 per night. To make a reservation, call 1-800-233-1234.

## Joe Baker Leaves Amnesty

Joe Baker, Director of Internet Communications in AIUSA's New Media Department, has decided to leave Amnesty International to become Executive Director of N-Ten, a network that helps non-profit organizations use technology more effectively. Baker, a longtime Amnesty activist, has been on staff for nearly 10 years, first as Deputy Director of the Western Regional Office and then as Grassroots Advocacy Director, before assuming his current position four years ago. His last day on staff was January 28.

If you would like to continue receiving this newsletter and supporting the work of the Orange County and Long Beach Amnesty International groups, please return this coupon to the address shown with annual dues of \$10.00. Dues cover the costs of this newsletter and of stamps used for saving lives. Your address label contains your membership expiration date. Join us!

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**Return to:**  
Amnesty International  
Group 178  
P.O. Box 14485  
Irvine, CA 92623-4484

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*Please make your check payable to Amnesty International. Contributions to AI are tax-deductible. Thank you for your interest and support!*

# Calendar

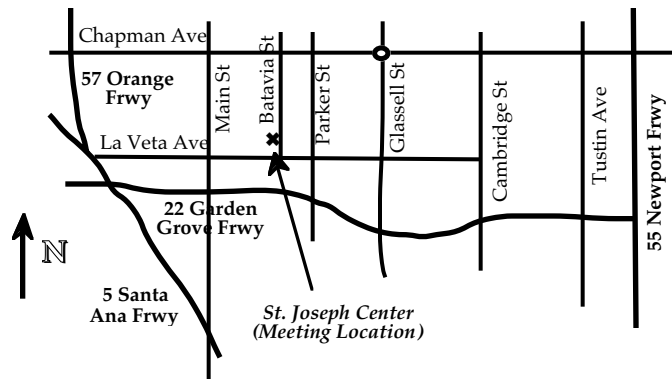
## February

15 Tuesday 7:00 PM

**Group #141 Orange Monthly Meeting** in Classroom 3 at the Sisters of St. Joseph, 480 S. Batavia Street, in Orange. Look for the classroom/auditorium building behind the main building. Drive around and to the back. Group #141 meets the third Tuesday of each month. For further information about the group, contact Deidre Jackson at (562) 430-7381.

16 Wednesday 7:00 PM

**Group #175 Long Beach Monthly Meeting** at the Unitarian Universalist Church, Rooms 1 and 2, 5450 Atherton Street, Long Beach. Letter-writing from 7:00–7:30. For further information about the group, contact Norma Edwards at (562) 425-4353.



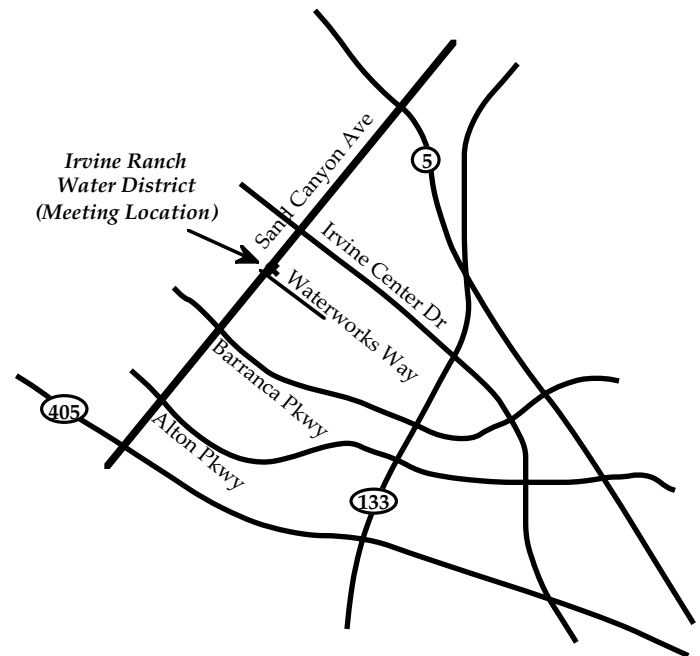
Group #141 Orange Meeting Location

22 Tuesday 7:00 PM

**Group #178 Irvine Monthly Meeting** at the Irvine Ranch Water District, 15600 Sand Canyon Avenue, Irvine, between the 5 and 405 freeways. See details on the web page <http://www.aiusaoc.org>. For more information about the group, contact Kris Elali at (714) 724-5811.

28 Monday 7:00 PM

**Group #596 Huntington Beach Meeting** at Saints Simon and Jude Church, Room 7A, 20444 Magnolia Street in Huntington Beach. Group #596 meets the last Monday of each month.



Group #178 Irvine Meeting Location

Amnesty International  
Group 178  
P.O. Box 14485  
Irvine, CA 92623-4484