

International Mission of Hope response to allegations of baby trafficking in the World Security Newspaper on December 27, 2001

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On December 27, 2001, the World Security Newspaper published an article about the work of International Mission of Hope in Viet Nam. Unfortunately, the article contains many inaccuracies – including allegations of baby-trafficking. Since then, the U.S. INS office in Ho Chi Minh City has faxed and distributed the article by mail to Senators and other US elected representatives to support INS' concerns about IMH's activities in Viet Nam as the basis for detaining eight families with their nine children in Ho Chi Minh City. As only one example, on January 15, 2002 Mr. Rick Sell, Acting Officer in Charge of US INS in Ho Chi Minh City, sent a copy of the article addressed to the Honorable Zell Miller, Member of Congress, Atlanta, Georgia. The article was attached as a "supporting document" and in his letter Mr. Sell commented: "I have also included a copy of an original article appearing in the Security World newspaper along with a translation regarding IMH". Therefore, because INS officers have sent this article to so many elected officials, we have no choice but to respond.

IMPORTANT NOTE: The World Security Newspaper (An Ninh The Gioi) has been described by the Far Eastern Economic Review as vying "for the same lurid appeal" as the "raunchiest" tabloids in Viet Nam:

http://www.feer.com/articles/2001/0103_29/p024region.html

The Far Eastern Economic Review is published by the Dow Jones corporation, which also publishes The Wall Street Journal. The Far Eastern Economic Review is described as "Asia's premier business newsweekly," founded in 1946 with a circulation of about 100,000. It is a very well-respected news magazine read by most business professionals in Asia. It has the highest credentials there and it recently won the runner-up award in the Johns Hopkins University School of Advanced International Studies-Novartis International Journalism Competition.

The following is a point-by-point response to the allegations made against International Mission of Hope in the World Security Newspaper (An Ninh The Gioi) on December 27, 2001.

(1) "International Mission of Hope"-called "IMH"-is a non governmental organization with the head-office in Denver, Colorado, U.S.A. and 79/15 Sukhumvit Soi 15 Bangkok, Thailand. The operating network of IMH spreads all over the U.S., led by Cherie Clark. IMH has had representatives in nearly all of the Vietnamese provinces.

IMH does NOT have offices outside of Vietnam. IMH's head office is located at 31 Le Duan, Ha Noi, Vietnam and a branch office at 168 Hai Ba Trung, Ho Chi Minh City, Vietnam. IMH representatives are only located in these two offices. When

Cherie Clark's children attended school in Thailand before the United Nations school opened in Viet Nam in the early 90's she rented a house at the above address but that residence has not been rented or visited by IMH in more than six years.

(2) IMH has a license for setting up a Project Office, which was issued by PACCOM (The Committee on Non-Governmental Organizations) mentions clearly that: "...be able to do humanitarian aid activities, but not include adoption."

IMH does have a license no. 023/UB/GP for a permit for establishing a project office by the Government's Committee on Foreign NGO's Affairs (PACCOM) which was issued on August 1, 1997. IMH is also sponsored by the Ministry of Labour, Invalids, and Social Affairs of Vietnam (MOLISA). All licenses for NGO's are given with that statement that this is not for the purpose of work in adoption - ALL licenses.

Currently, no regulations exist that provide for the licensing of Vietnamese or Foreign adoption agencies in Vietnam, i.e. it is not possible to obtain an adoption license in Viet Nam. In practice, governmental figures suggest that over 30 NGO's in Vietnam plus nearly 40 other agencies are making international adoption placements for Vietnamese children (see Bringing the Vietnamese Children Abroad for Adoption, by Manh Quan –Dong Ho, on www.theadoptionguide.com). INS itself recognizes that "[in Vietnam] adoption facilitation is allowed unofficially in return for charitable work and/or contributions from the NGO and agencies" (see Interview with Larry Crider, Officer in Charge, Ho Chi Minh City INS, October 2001, on www.adoptvietnam.org.)

(3) At the end of 1990, contacting with an American working in the field of social affairs in the American-Vietnamese Committee, we knew that "Cherie Clark is an international child-trafficker who has been expelled from India, Korea... and now, she comes to Viet Nam because it is a new market; easy to do business."

Cherie Clark has never been expelled from any country. She worked in India from 1978 to 1989. In 1989, she resigned as President of International Mission of Hope (India) Society to be able to give more of her time to the need in Vietnam. International Mission of Hope (India) Society is still a recognized and respected orphanage in India. (See http://travel.state.gov/adoption_india.html under "List of Indian Social/Child Welfare Agencies Recognized by Government of India.") Ms. Clark frequently visits International Mission of Hope (India) Society but is no longer the President of IMH India or working with the Society that she established with the assistance of Mother Teresa.

Cherie Clark visited Korea on only one occasion for three days with a friend. She has never facilitated adoptions from Korea nor was she ever expelled from the country.

(4) From July 25, 1989 to September 1992, IMH visited Binh Dinh and Quy Nhon many times under the cover of doing charitable activities, but in

actuality did not help these provinces in any way. Wherever she came, she used to promise to help, sponsor, but after collecting some children and taking them to the U.S., Ms. Cherie Clark disappeared.

IMH did visit the province where both Binh Dinh and Quy Nhon are located on several occasions between 1989-1992 to assess the need of the orphanages, hospitals and clinics. However IMH never promised or signed any contracts of agreement to do charitable activities. IMH has *never* facilitated an adoption nor removed a child from Quy Nhon province nor attempted to do adoptions or desired to do adoptions from this region of Viet Nam.

Quy Nhon is the birthplace of Cherie's son whom she adopted in 1974 and Binh Dinh is the birthplace of Cherie's daughter whom she adopted in 1973. The visits were social visits by Clark family members to visit the Catholic Sisters who cared for the Clark children prior to their adoption. Furthermore, IMH built a clinic in My Lai which was at that time in the same province as Binh Dinh and Quy Nhon during the same time period (1991). This project was sponsored by the Ministry of Foreign Affairs and is an ongoing project of IMH. The provinces are now separate provinces. IMH has never facilitated or attempted to facilitate or desired to facilitate any adoptions from Quang Ngai province despite significant aid work in this province.

(5) In Hanoi and some Northern provinces, IMH also operated vivaciously in many areas. In 1993, IMH signed an agreement with the People's Committee of Tu Liem, Hanoi on "Sponsorship Project for nurturing center of orphaned children in Mai Dich, Tu Liem" with \$80,000 for constructing the center; feeding 50 orphaned and abandoned children from newborn to 4 years. In fact, this is a pilot by which IMH lost little, but gained alot. Since the construction, IMH has used the center as a gathering place, feeding children collected from other provinces, then looking for Americans who have a need to adopt by "selling". Because of a change in administrative border, on December 21, 1998, under the decision of the People's committee of Hanoi, this center belonged to the People's Committee of Cau Giay district.

The Cau Giay Center for Orphaned and Malnourished Children ("the Center") was developed by Tu Liem District People's Committee pursuant to Hanoi People's Committee Decision no. 2660/QD-UB of November 2, 1992 and the Tu Liem District People's Committee's Certification of Receipt of Full Contributions from IMH dated September 25, 1994. These documents indicate that the Center is an orphanage administered by the Tu Liem District People's Committee. (By Hanoi's People's Committee's Decision no. 5447/QD-UB of December 21, 1998, the Center was transferred to Cau Giay District's People's Committee.) All the funding agreements with IMH have a limited term and do not offer IMH ownership of the Center; the Center is set up and run by the government.

It is lawful for IMH to fund the Center under an agreement with the government. Under the Regulation on Foreign Non-government Organizations ("Foreign NGOs") in Vietnam promulgated by the Prime Minister's Decision 340/TTg of 24 May 1996, a

Foreign NGO, including a socio-cultural fund, institution, university, education Center, and a foreign individual, must obtain a license from the relevant government agency in Vietnam in order to operate in (i) development assistance, and/or (ii) humanity aid without profits in Vietnam. The Foreign NGO then must operate in Vietnam within the scope of the license.

Under IMH's extended License BM023/UB-DA, dated 30 September 2001, IMH is authorized to aid children facing difficult conditions. We believe that children facing difficult conditions include orphaned children, and the License covers the right to fund orphanages. This is confirmed by various official letters by the government and agreements between IMH and the government. Just by way of illustration, MOLISA's agreement with IMH for the period 1998-2000 provides for IMH's funding of various orphanages in different provinces, including the Center in Ha Noi. Various official letters by the Ha Noi People's Committee propose that PACCOM extend IMH's license on the ground that IMH should be allowed to continue to fund the Center. Based on these proposals, IMH received its extended License BM023/UB-DA.

(6) Since then, this center has given a hand to IMH to implement successfully many cases exporting Vietnamese children to the U.S. for profitable purposes. According to individuals who "sold" their children to IMH, it was Ms. Hoang Thi Vinh, Director of the center who directly came, persuaded and received their babies; brought them back to Cau Giay center for feeding. Understanding more about the way this center works, we know that in Phu Tho province, there have been 90 children who were fed in Cau Giay and then "exported" to America. It was easy for Mrs. Vinh to collect children in Phu Tho because she has a nephew, a "Trojan horse", named C.T.K, who works as a doctor in the obstetric ward in Phu Tho Hospital.

There is nothing to support this allegation. In fact, according to an affidavit signed by Dr. Vinh, former Director of Cau Giay Center appointed by the District People's Committee, the Center was the only institution of this kind in northern Viet Nam that was adequately equipped for many years following its establishment:

"Upon the People's Committee's receipt of the funds from International Mission of Hope for the development of the Center, the People's Committee committed in its acknowledgement of receipt that 'the Center shall accept orphans sent from different provinces'...

"The Center was well known to many hospitals and maternity wards in the north because many doctors in those institutions were my fellows in medical school... The rate of babies who were abandoned or who were born into poor families in Northern provinces is much higher than that in Hanoi, but there was almost no orphanage in those provinces or, if there was any, the sources of funding were very limited. For this reason, the Center frequently received requests for acceptance of babies from Northern provinces. Gradually, the Center became known as a destination for children who were orphaned, abandoned, mal-nourished, or who faced extremely poor conditions..."

Only a few years after the establishment of the Center, many mothers from distant provinces after getting some information about the Center from their friends or acquaintances have taken their babies to the Center to request for help. With the conscience of a physician and the sense of responsibility of a person with a charitable mission, we have found it to be a must for us to accept those helpless children and to find parents for them. Some mal-nourished babies have looked as though they would be unable to survive when they were first found or were sent to the Center. However, after a period of extensive care in the Center, they recovered and were adopted. About 50% of the babies were mal-nourished when arriving at the Center. We had to have some of them immediately taken to the hospital to save their life. Some others suffered disabilities or mental disorders and have remained in the Center for many years without any chance of being adopted...

Upon receipt of an abandonment notification and a request of the police, hospital, maternity house, etc., as the case may be, we send a doctor to examine the baby's health conditions and complete the procedures required by law to take the baby to the Center. One of the compulsory procedures to be completed is to have a minutes of abandonment prepared by the police, the hospital or the maternity house as the case may be. In case that the baby's birth mother or family sends their baby to the Center, they have to manifest their wish by writing a letter of application in which they declare that they voluntarily refer to the Center for help."

(7) Another ruthless fact is that when the delegation of the American Immigration and Naturalization (INS) came to check the real situation of some children in Cau Giay center, who were waiting to complete procedures to go to the U.S., director Vinh asked the guard to lock the door preventing the delegation from entering inside. During that time, Mrs. Vinh herself looked slyly through the bush to see what the reactions of the American staff were. Guard of Cau Giay Center under the guideline of Director Vinh closed the door preventing authoritative officers to come in.

Dr. Quy, the current Director of Cau Giay Center, has stated in a signed affidavit that:

"The Center never received an American INS as 'a delegation'. There are some times appearing only 2 persons: one foreigner and one Vietnamese as an interpreter. They came to the Center and declared by themselves that they were from the American INS and they wanted to visit the Center. It is hard to understand that their visits are always out of working time and without any introduction. The details as follows:

The first visit: 2 persons came to the Center at 16:00. At that time, Mrs. Vinh, the Director, ended her work and prepared to go home, but for a courtesy, she received them although they did not have any introduction. After 30 minutes, Mrs. Vinh asked them that she would work with them next day if they had an introduction, and then she saw them off. During seeing

them off, Mrs. Vinh was shot the picture as mentioned in the article with its untrue content.

The second visit: Next day, these 2 guests returned the Center out of working time and no introduction, so Mrs. Vinh had to ask them another day.

The third visit: At noon on a Saturday these 2 guests came to the Center again without any introduction, like as 2 previous times. The foreigner showed his card: Larry Crider – Chief of the American INS in Vietnam. Saturday is day off, so no leader works. There were only nurses, with their professions, taking care of children. Of course, the nurses could not be on half of their leader to receive the “Delegation” of 2 persons who, without any introduction, came to the Center on day off. So the nurses did not open the gate but only asked them to return on Monday in working time. The gate has to be locked out of working time and days off to assure for children under the Center’s regulations. The picture of the locked gate on the newspaper is misleading.”

It is the Vietnamese government who requires foreign officials to seek permission to visit the center. The INS officials never presented any such document. When officials visited from the Italian Government they were accompanied by Vietnamese Government officials and warmly received. They spent more than two hours discussing all aspects of the working of the Center. Despite the fact that the Director of the Cau Giay Center did not have a permit to allow the INS officers to visit, she allowed them to come into the center and even to take photographs. However the third visit was on a Saturday morning when the Director of the orphanage was not present. The nurse informed the officers of this and asked that they return on Monday when the Director could meet with them. The center is locked after hours just as the INS office in Ho Chi Minh City locks its doors after operating hours. Failure to do so by the Center would raise serious suspicions of irresponsible care of children.

(8) IMH also launched a document in Internet, the first page of this document, they wrote: "Because all the orphanages in Phu Tho were full, IMH decided to bring them to Cau Giay center for taking care and nurturing..." (you can check at the website address: <http://www.imh-vn.org/phutho1.htm>). A ridiculous fact is that some authoritative officers came directly to the Protection Center for Children, Viet Tri, Phu Tho and saw two rows of houses with ten each row having ten rooms. There were only four orphaned children below 12 months. This is a real trick in order to hide the children trafficking activities of IMH.

In a statement from the Director of Cau Giay Center, Dr. Quy states the following:

“The Feeding Center for Orphaned & Malnourished Children (Center) was established in 1992 under the Decision No. 2660/QD-UB signed by the Hanoi City People's Committee on November 20th, 1992. Since its establishment, the Center has been operated according to its functions & obligations under the

official correspondence No. 304/UB signed by the Tu Liem District People's Committee on April 20th, 1993 on guiding for strengthening its operation system and accepting children into the Feeding Center for Orphaned & Malnourished Children. At the time of the establishment, there was only one Feeding Center for Orphaned & Malnourished Children in the North, but children in Hanoi under the policy were very few, meanwhile there were a lot of ones in special need from many Northern provinces that had no Feeding Center for Orphaned & Malnourished Children. At that time, the International Adoption Office of the Ministry of Labor, Invalids & Social Affairs granted the Center to contact Northern Provinces to receive children under the policy to bring them to the Center. After receiving some children from Northern provinces, some families with similar situation, by themselves, contacted and came to the Center for sending their children into. Since then, the Center has accepted children from provinces with the form that birth families voluntarily bring their children under objects of the policy to the Center and complete all legal documents regulated. When any child has enough conditions for domestic or international adoption, the Center makes all paperwork according to the Decree No. 184 of the Ministry of Labor, Invalids & Social Affairs that a child from what province will be completed all adoption procedure and organized his giving & receiving ceremony at the Justice Department of that province."

- (9) What is called "humanitarian support" of IMH was taken off by its victims. Nguyen Thi Ly, living in Khet hamlet, Kim Duc district, Phu Ninh, Phu Tho was one of the many victims that sent a complaint letter to the U.S. Embassy, accusing that: "On November 1, 2000, a group of five people came to my house by car, introduced themselves as representatives for IMH, a charitable organization in Tu Liem, Hanoi and asked to buy my child with 46 million vnd. They gave me 25 million VND in advance as a deposit. The remaining amount of money, they said that when my child came to Sai Gon or the U.S. without any difficulties, they would pay me. But so far, I have never seen what they promised". Thus, is it possible for us to call those actions as a kind of children trafficking of IMH?**

Ms. Nguyen Thi Ly voluntarily relinquished her child to the Cau Giay Center and signed the appropriate relinquishment form on November 7, 2000 which is confirmed to be factual by the People's Committee of the province where she resides. To this date, the child remains in the custody and care of the Center (see photo below). Her complaint to the USA Embassy is due to a person who came to her house and deceived her to write a petition with the content as mentioned in the newspaper in order to defame IMH. Her affidavit on this matter follows:

My name is Nguyen Thi Ly. I was born in 1969. Now I live in Kim Duc commune, Phu Ninh district, Phu Tho province. My job is farming.

- 1. On 1 November 2000, I delivered a baby girl and named her Nguyen Thi Ha.*

2. *As I was alone and homeless and had to raise another child (who was born in 1993), I faced many difficulties. I decided to send my newly-born child to Cau Giay Centre one day after I gave birth to her.*
3. *I decided to send my child to Cau Giay Centre at my own will and also wished that Ha would be adopted by a family with better conditions.*
4. *About one month after Ha was sent to Cau Giay Centre, a young man, a little hunch-backed, around 30 year-old, with a fair complexion and with a black briefcase came to meet me when I was having lunch with my parents and my sister's family at my sister's house. In the presence of all people at my sister's house he introduced himself as a officer of a hospital for mothers and children and asked me to go out for a talk.*
5. *When there were only two of us, the man identified himself as Nguyen Van Tuan, a policeman. He informed me that my child had been sent to the United States and asked me whether I had received any money from the US Embassy. In reply I said that I did not know anything about that. In fact, I was very surprised. The man went on that all the mothers who had their children adopted by Americans were paid USD 500, an equivalent of VND 46 million. He said that he was very surprised that I did not receive that amount. He said that he wanted to help me. The man told me that to obtain the money, I had to write a letter to the US Embassy under his guidance.*
6. *I thought that the man was a policeman who was investigating the case and who meant to help me, so I agreed to write the letter. In fact, I did not know who was "Peter Peterson," what "INS" meant, and how many Vietnamese dong the 500 US dollars were worth. I simply did what the man asked me to do.*
7. *The man dictated the letter to me. I had to write three times before the letter became satisfactory to him. My family told him to let us have the letter certified by the communal People's Committee. He said that was not necessary and took the letter from me and hurriedly left. Before leaving he promised that I would receive the money in one week. Until now I have not received any information from him.*
8. *As the event occurred so quickly and suddenly, my family and I did not realise that we had been cheated until the man left.*
9. *In April 2001, a group of people from a charity association came to meet me; they looked very tense. I realized that they came from the charity association that Mr Tuan dictated to me in the above letter; I had never met or heard of this association before. I told them the story and agreed to write a report and give it to them. I also accompanied them to the Department of Justice to tell the story to the State authorities.*

*10. Then they took me to Cau Giay Centre to visit my daughter Nguyen Thi Ha and to take a photo with her. Because of what I did, now no adoption procedures could be completed for my daughter, and my child would have to stay in the Centre forever. **I am so sorry for Ha and for what I did.** I said that I wanted the Centre to help me and continue to raise my child, because I could not afford to raise her.*

I undertake that all the above-said is true and shall be responsible to the law for it.

Nguyen Thi Ly

IMH is aware of another letter, which is almost identical to Nguyen Thi Ly's letter to the US Embassy. The two letters to the US Embassy were written in December 2000. They are written by two women, residing approximately sixty miles apart from each other, in small villages and the women have never met each other. The description of the man who solicited the letters is identical.

In January of 2001 Amy Monk of the US Embassy in Hanoi faxed these letters to Rick Sell (INS) in Ho Chi Minh City. Exhibits in the NOIDs show at the top of the letter that it was faxed with a notation to Rick Sell from Amy Monk and marked, "URGENT!!!" IMH came to know of the existence of these letters on April 3, 2001 through MOLISA. On April 4, 2001 Cherie Clark and staff of IMH and Cau Giay Center visited Nguyen Thi Ly in her village. On that day she signed an affidavit at the Provincial Department of Justice with the Provincial Police present. Her explanation was witnessed by the People's Committee of her commune. On the same day IMH asked Ms. Nguyen Thi Ly if she would like to come to Hanoi to see her baby and she agreed. The child was residing at the Cau Giay Center and still resides there.

On the following day, April 5th, officials of the US Embassy had arranged for a meeting in Hanoi at the United States Embassy for adoption facilitators working in Viet Nam. IMH was present at the meeting as were representatives of other organizations such as Holt International. Cherie Clark, Executive Director of IMH, gave Mr. Larry F. Crider (Officer in Charge, INS) a copy of the letter executed by Ms. Ly, her original relinquishment, and the affidavit executed by Ms. Ly the day before. She also provided Mr. Crider with photographs of Nguyen Thi Ly with her child. Cherie Clark showed the contents of the folder to Mr. Crider and handed it over in the presence of officials of the US Embassy and other adoption facilitators.

At no time were additional questions asked of IMH regarding these papers. Ms. Nguyen Thi Ly and the other woman, Ms. Luong Thi Trieu, have both stated that INS never visited or investigated their cases. The letter addressed to Peter Peterson, Ambassador and Larry Crider OIC INS has surfaced in newspaper stories without any further explanation. Both women have stated that they have no idea who Peter Peterson or Larry Crider are. Although these letters were faxed in January of 2001

and INS processed more than 135 orphan visas from the same center, the letters were never questioned. A full year later the letters were used as supporting evidence in nine NOIDs issued to IMH families between the date of December 27th and January 5th 2002. The NOIDs state that: "INS and the American Embassy have received letters from Vietnamese woman claiming that agents of IMH and Cau Giay Center purchased their babies" and the letter is attached as exhibits B and C to the NOIDs.

The letters have also been widely distributed by INS to anyone asking for information on IMH cases - as in the case of Christopher M. Green who filed for information regarding a delay in his adoption of the child Nguyen Thi Thuong under the Freedom of Information Act. Mr. Green received the letters from Mr. Larry F. Crider as "exhibits B and C." It was not mentioned that the cases had never been investigated by INS and there was no clarification that IMH had provided INS with affidavits regarding these cases.

At a meeting with Cherie Clark on October 31, 2001 in the IMH office in Hanoi, Mr. Crider acknowledged that Cherie Clark had provided him with the letter and the explanation from Nguyen Thi Ly. IMH and the Phu Tho Police never saw the second letter from Luong Thi Trieu until it appeared in the NOIDs issued to IMH families. Luong Thi Trieu has since executed an affidavit stating that she signed the letter when a man appeared and stated that harm would come to her child if she did not sign the letter. This threat was made in the presence of her family members.

The Public Security of Phu Tho province has thoroughly investigated both of these cases, reported their findings to the Ministry of Public Security and written the following report:

MINISTRY OF PUBLIC SECURITY
PUBLIC SECURITY SERVICE
OF PHU THO PROVINCE
No.: 08/PA39
Ref. to Imposture concerning adoption

Viet Tri, 2 January 2002

To: Madam Director,
Centre for Orphaned and Malnourished Children ("Centre")
Hanoi City

Re.: **A swindle case relating to the adoption of a child**

The Public Security Service of Phu Tho province acknowledges receipt of letter 215 dated 31 December 2001 of the Centre in which you requested verification of the allegation that Ms Nguyen Thi Ly of Quarter 10, Kim Duc commune, Phu Ninh district, Phu Tho province sent her newly born baby girl Nguyen Thi Ha, who was born on 1 November 2000, to the Centre for fostering and then submitted a letter to the US Embassy to claim that the Centre had allegedly

purchased the child at VND 46 million. We have conducted an investigation and come to the following conclusion.

Ms Ly had totally volunteered to send her baby to the Centre, and this act was conducted in proper compliance with the procedural requirements imposed by the law. She did not demand any consideration or support in exchange for so doing. After the baby had been sent to the Centre, a man who claimed himself to be a Hanoi Police officer and who then claimed himself to be Tuan from the Centre, went to Ms Ly's house to swindle Ms Ly and her family. The man said that if Ms Ly wrote a petition to the US Embassy, the US Embassy would intervene in the case and the person who wished to adopt her child would have to pay her VND 46 million. The man provided Ms Ly some guidance and dictated her a letter to be sent to the US Embassy to request the adopter to pay the amount to her. After Ms Ly completed the letter, the man took the letter and promised that several days later a person from the US Embassy would come to make payment. Ms Ly said that the letter should be certified by the communal People's Committee, but the man replied that there was no need to do that. Ms Ly and her family became doubtful of being swindled and requested for re-possession of the letter. The man did not return the letter and hired a motorcycle (xe-om) to escape. At that time, Ms Ly and her family were sure that they had been swindled, and they reported the whole story to the police.

This was not the only case of this kind. We have found that at the same time, the man conducted another, similar swindle case in Tam Nong district of Phu Tho province.

The Public Security Service of Phu Tho province has determined from investigations that this was a swindle case which gave rise to unhealthy social opinions and adversely affected the social security and safety and the Vietnamese traditions and customs. Efforts are being made to identify and arrest the man in accordance with the law. However, until now the man has not been identified. We hereby request that your Centre keep track of and identify any suspect and furnish us with any relevant information for the purpose of resolving the case.

We hope that the above is helpful to you and look forwards to your co-operation.

By order of the head of Public
Security
Service of Phu Tho province
(Signed and sealed)
Lieut.-Col. **Nguyen Ngoc Oanh**,
Chief of Department

This document was translated and certified to be accurate translation by VILAF – HONG DUC (Vietnam International Law Firm) on 10 January 2002.

VO HA DUYEN

The child of Ms. Nguyen Thi Ly at the Cau Giay Center:



Nguyen Thi Ha, child of Ms. Nguyen Thi Ly

The child of Luong Thi Trieu has been adopted by a Vietnamese family.

(10) Knowing the illegal activities of IMH in Viet Nam, on Nov 12, 2001, the International Relations Department of the Ministry of Labour, War Invalids and Social Affairs had a working time with Ms Cherie Clark. At the meeting, Ms Cherie Clark said that: " IMH implements non-profit and humanitarian projects in Viet Nam, for the adoption activities, IMH only cooperates with other organizations which have license from the American authoritative organs".

A meeting did take place on November 12th between Cherie Clark and the MOLISA authorities. There were no reporters present at this meeting who could have quoted the conversation at the meeting with Vietnamese Government officials. However, Cherie Clark did respond to an email from INS OIC Larry Crider when she returned home from the meeting. A car from the US Embassy was at the Ministry that day.

The purpose of this meeting was to obtain a letter requested by INS officials in order to clear a group of families who were being delayed by INS in HCM City when they arrived for visa processing with their legally adopted children. At no time did the authorities of MOLISA, IMH's legal partner in Viet Nam, ever state that IMH was working illegally. To the contrary, they issued a letter to help clarify the Cau Giay Center and IMH's work in Viet Nam to enable IMH to clear the group of families being delayed by INS. Upon receipt of the letter by INS, the families were cleared to travel to the United States with their adoptive children.

As stated previously, no regulations exist that provide for the licensing of Vietnamese or foreign adoption agencies in Vietnam. (See item #2.)

IMH assists families in adopting from Viet Nam. These (American) families must go through a legally licensed adoption agency in the US. All families adopting from Viet Nam must have an approved I-600A approval which requires that the family must meet all State regulations regarding adoption and have an approved homestudy from a licensed adoption agency and/or Social worker.

(11) This is really a contradictory with the contract that IMH signed with adoptive parents. There appears many absurd clauses: "Clause 1: Application fee for adoption dossier: an adoptive family has to pay \$1,500 along with the dossier for IMH; when the family gets information about the introduced children (through IMH) and agrees to adopt him, they must pay \$8.000 more..."

Families must pay an application fee to IMH for preparation of the adoption dossier. IMH will assist the family in obtaining authentication, notarization and translation of the documents for the purpose of adoption. Portions of the fee are also used to support the many humanitarian projects of IMH in Viet Nam. A quick review indicates that IMH fees are consistent with other agency/facilitator's fees. (See <http://www.adoptvietnam.org/adoption/agency.htm>.)

(12) More absurd clauses are those such as: "We consent and agree not to contact any congressional, senatorial, or US Embassies officials in Vietnam without the express consent of IMH, That further, I/we understand that I/we or any agent (ie: friend, relative, or attorney) on our behalf can not and will not contact the Orphanage, Ministries or any Vietnamese authorities without the consent of IMH. And should I/we elect to do so without the consent of IMH, I/we understand that IMH may withdrawal their approval of my/our application and all fees paid to IMH will be non-refundable."

This was added to the *Statement of Understanding* many years ago when US Embassy Officials, US INS and the Orderly Departure Program in Bangkok, Thailand told us specifically that we should **NOT** allow our families to contact them personally because of the volume of work it created. It is a statement that is in most agreements between other agencies and families in the US and overseas. The same information in the above two paragraphs is present in the nine NOID's issued to US families. At no time was the *Statement of Understanding* given to any newspaper in Viet Nam, however this information was personally handed to US INS official Rick Sell in the Ho Chi Minh City INS office by an IMH volunteer.

(13) Another obvious law violation is that on August 9, 2001, the Ministry of Justice has official letter proposing all Departments of Justice not receive adoption dossiers of foreigners through foreign non-governmental organizations... Yet, January 4, 2001, Mrs. Ha Thi Kim Quy, new director of Cau Giay Protection and Nourishment Center for Orphaned Children (Mrs.

Vinh suddenly had resigned on November 1, 2001 without any explanation) still signed on the document asking for 10 children to go abroad as adopted ones.

Dr. Vinh did not “suddenly resign on November 1, 2001 without any explanation.” Dr. Vinh was a government employee assigned to the Center and was past retirement age. Due to her health, the District People’s Committee issued a decision for her to retire and concurrently granted a decision for Dr. Ha Thi Kim Quy to become the Director of the Center on November 1, 2001. Dr. Vinh was 61 years old at the time of retirement and the usual age of retirement is 55 for most Vietnamese women.

On 9 August 2001, the Ministry of Justice did indeed issue Official Letter 590/TP-HT. However, Official Letters are not laws or regulations; they are issued from time to time to publish the government’s policies. Official Letter 590 reads in its pertinent part:

“the Ministry of Justice respectfully proposes that provincial People’s Committees: ...

2. Instruct your Department of Labor, War Invalids and Social Affairs or other local departments, pending a new decree,... for existing [aid] projects, they should continue to be performed, but should not be attached to the Vietnamese side’s obligation to assign children to [Foreign NGOs] for adoption referrals.”

First, IMH's Agreement with Cau Giay People’s Committee dated 21 May 1999 for the funding of the Center does not require the Center to “assign” children in the Center to IMH for adoption referrals. Second, Official Letter 590 is a mere proposal to local People’s Committees, and some provinces chose not to implement the proposal as stated. Failure to implement a proposal is not a violation of Vietnamese law. Even Official Letter 590 states that “existing [aid] projects should continue.”

Following is a statement by Dr. Quy regarding the documents signed for the 10 children:

“The Center has 10 children who have had the Decisions on Adoption issued by People's Committees of City and Province and had the giving and receiving ceremony on adoption to foreigners implemented by Justice Departments. Previously, on the foreign adoption procedure, if having a decision of accepting a child into the Center based upon the Decision No. 154/LDTBXH of the Ministry of Labor, Invalids and Social Affairs, all Vietnamese competent authorities as well as American INS recognize. But recently, after these 10 children has finished their legal procedure, the American INS has not accepted that paper because they feel that the Decision No. 154/LDTBXH is invalid. That is why I write to explain the reasons and request them to accept the old procedure as we did previously. I has not signed any document to request for these 10 children to foreign countries for adoption as mentioned by the newspaper.”

(14) To deal with the new band, Cau Giay center has changed all center certificates by the People's Committee certificates in introducing adopted

children. This once more breaks law because under the law of Viet Nam, the district level has no power to implement adoption procedures. This power belongs to the Department of Justice and the local People's Committee. It is possible to say that Cau Giay center has many "mysterious" activities which we will pay concentrate in the next issues.

Following is a statement by Dr. Quy, Director of Cau Giay Center, regarding the documents signed for the ten children:

The Cau Giay District People's Committee granting certifications and introducing children to adoption as mentioned in the newspaper are untrue. The District People's Committee granting the certification after having Proces-Verbal on adoption issued by the City Justice Department and Decision on Adoption issued by the City People's Committee is that previously for children to adoption, both Vietnamese and USA sides accepted the certification from the Center, not from the District People's Committee, the authority manages directly the Center. Recently, after having all the above papers, the American INS persists to request the certification from the District People's Committee of Cau Giay District under the Decision No. 544/QD-UB dated December 12th, 1998 issued by the Hanoi City People's Committee and the child is brought up at the Center.

This document was specifically requested by US INS officials in Ho Chi Minh City by a form letter given to US families who were waiting for the visas of their adopted children. The letter in part reads:

Date: November 28,2001

“This office has received and reviewed the above listed petition and determined that the following documents are required for further processing....

It is then typed in:

“Documentation issued by the respective People’s Committee or other government entity maintaining authority over the Cau Giay Orphanage, formally conferring custody of the beneficiary to said orphanage.”

The document was submitted as asked for from the Cau Giay People’s Committee and visas were granted to nineteen families in 24 hours by the US Consulate in Ho Chi Minh City. One family had been delayed in Viet Nam for four weeks before this request was given to them. The original copy of this document was not returned to the families, which is normally done with all documents relating to their adoptions. The information was not used for the Vietnamese side of the adoption process and was only given over to the US INS office in Ho Chi Minh City for the processing of the case. It is a confidential adoption document that was not given to any Vietnamese newspaper by anyone at IMH or by any adopted family.

(15) So far, for IMH, we know quite clearly that all illegal activities of IMH are being exposed, members of this organization are preparing for the plan escaping from Viet Nam, but IMH still gets in stuck with 90 collected children with whom IMH is trying to do the last haul before fleeing.

This allegation is totally false. None of the IMH representatives in Viet Nam are planning or preparing to leave Viet Nam. Quite the contrary, they reside with their families in Viet Nam on visas granted by the Vietnamese Government based on their work in Viet Nam.

We would also like to comment on the three photos which were printed with the article with misleading captions. The photo inside was taken during the visit of Mr. Crider, INS OIC, HCMC and Mr. Dung, translator, at the Cau Giay Center. (There was no newspaper reporter present when these photos were taken.) The explanatory comments below the photos belong to Dr. Hoang Thi Vinh, former Director of Cau Giay Center:



Collected children put in such bad conditions like this, waiting to go abroad!

This photo shows a "mother" playing with our children on a mat. (At the Centre, each social worker is assigned the responsibility to take care of four to five children, and we call her the "mother" of these children, so that they all have their "mother".) In the hot weather in Vietnam, it is normal to let children play on a mat during day time; and the two visitors who took the photos were expected to see that our children all had their own beds because the beds were put just near the mat. Nevertheless, the newspaper footage' note, with information provided by Mr Dung and Mr Crider, reads, "Children collected by IMH are fostered in poor conditions (lying on the ground), waiting to be leave Vietnam."



Director Hoang Thi Vinh was lurking herself in the bush to see what the delegation did.

The photo showing me seeing off Mr. Dung and Mr. Crider at their visit was given a note which says, "Director Hoang Thi Vinh was hiding herself behind a bush to keep an eye on the inspection team." I believe that these notes were deliberately distorted.



Guard of Cau Giay Center under the guideline of director Vinh closed the door preventing authoritative officers to come in.

The article also alleged that the Centre had closed the gate to block away the "inspection delegation." We did not receive any "inspection delegation." In addition, it has been our practice, which is common all over the world as I believe, to close the Centre's gates on week-ends to ensure safety for our children, because fewer

workers are on duty on the week-ends then on working days. We are sure that even other types of organizations, even the United States and Vietnamese government offices, close their gates on week-ends.

The photo above is of Mr. Larry F. Crider, former Officer in Charge, INS, with a Nurse at the Cau Giay Centre as published in the newspaper. The photo was taken on a Saturday. The Nurse in the photo stated that only two people came that day: Mr. Crider and a Vietnamese man. The gate is off the main road and down a small alley. It would be highly unlikely that a newspaper reporter would have simply been driving by and taken a picture of Mr. Crider at the gate and find it news worthy enough to publish on the 30th page of a tabloid newspaper. It should be noted that Mr. Crider is in casual clothing and is attempting to visit a Government Center without permission on a Saturday. The nurse had no idea who he was and could not allow him or any other visitor into the center without stated permission and appropriate officials of the center being present

We sincerely hope that the information we have provided in response to the allegations in this newspaper article provides a more balanced view of the **true** nature of IMH's work in Viet Nam. We would be happy to discuss any of this information further with interested parties.

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