

Bahamas: forcible return of Haitian asylum seekers breaches international law

The forcible return that started on May 2 of a number of Haitian nationals seeking asylum in the Bahamas is a violation of international refugee law, Amnesty International said today.

"The Bahamas has asserted that it is acting in accordance with UN Guidelines on the treatment of asylum-seekers; that the rights of those wishing to seek asylum have been upheld and due process afforded. Yet the facts refute this," Amnesty International added.

International law obliges the Bahamas to provide a meaningful procedure to determine whether asylum seekers have a credible fear of prosecution. The Director of Immigration yesterday stated unequivocally that all the incoming Haitians were economic migrants, yet journalists and others have received contrary reports from the asylum-seekers themselves.

Amnesty International has repeatedly sought assurances from the government of the Bahamas that the rights of those seeking asylum are upheld and continues to urge that every remaining asylum-seeker is given access to a fair and prompt refugee determination procedure. A letter sent by Amnesty on 19 August 1999 regarding access to asylum procedures, the detention of asylum-seekers and conditions of detention went unanswered.

Asylum claims must be carefully examined by a fully qualified and competent body, and access to an appeals process and to lawyers, interpreters and to the Office of the United Nations Commissioner for Refugees (UNHCR) guaranteed. Lawyers have expressed concern over the denial of access to asylum-seekers transferred in August 1999 from Carmichael Detention Center to Fox Hill prison.

Amnesty International remains concerned that repatriation agreements entered into with the Haitian and Cuban governments -- which reportedly provide for the imposition of time limits -- will not permit a fair determination of any claims for asylum, and that asylum-seekers will be returned to countries where they will be at risk of persecution.

For copies of Amnesty International's letter sent to the government of the Bahamas and for more information please call Amnesty International's press office in London, UK, on +44 20 7413 5566.
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