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Further information (2) on UA 10/95 (AMR 51/08/95, 13 January 1995) and follow-up AMR 51/50/95, 17 March 1995 - Fear of Refoulement

UNITED STATES OF AMERICA Haitian asylum seekers held at the US naval base, Guantánamo Bay, Cuba

Amnesty International has received various replies from the United States Department of State on the issue of Haitian asylum seekers held at the US naval base at Guantánamo Bay. In one such reply, Phillip Albano, the Program Officer at the Office of Refugee Admissions in Washington D.C., stated: *"No longer is it necessary to presume that interdicted migrants are seeking asylum"* and that *"The restoration of democracy in Haiti has permitted the repatriation of many thousands of Haitian migrants from Guantánamo."*

Amnesty International believes that while there have been undeniable improvements in conditions in Haiti since President Aristide's return, serious security concerns remain, particularly in some rural areas where people associated with the former regime have in many cases not been disarmed and continue to exert power. Furthermore, as the Director of the US Immigration/Naturalization Service, Gregg Baker, cautioned in a memo to Asylum Office Directors: *"there is no guarantee that President Aristide's return to Haiti will produce fundamental changes which are durable over time."*

In these circumstances, Amnesty International continues to urge that no Haitians should be forcibly returned or required to return unless a thorough examination of their case has established that they would not be at risk if returned to Haiti. Amnesty International continues to be concerned about the procedures used to screen Haitian asylum seekers held at Guantánamo which do not comply with internationally accepted asylum procedures.

Phillip Albano goes on to state that: *"The United States Government is doing what is best for the Haitian unaccompanied minors consistent with international practice"*. Amnesty International has learned that there now remain 183 Haitian minors at the US naval base at Guantánamo Bay. According to US State Department spokesman, Nicholas Burns, *"no unaccompanied minors will remain at Guantánamo"* after 30 June 1995. However, Amnesty International still believes that not only is there an absence of proper procedures in place to screen asylum seekers at

the US naval base in Guantánamo Bay but that extra care should be taken with the procedures being followed to repatriate the unaccompanied minors.

Amnesty International is pursuing its concerns on this issue through other channels, therefore no further action is required by the Urgent Action Network.
Thank you to all those who sent appeals.