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# AMNESTY INTERNATIONAL NEWS SERVICE 97/94

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TO: PRESS OFFICERS  
FROM: IS PRESS OFFICE  
DATE: 10 MAY 1994

NO OF WORDS:1133

AI INDEX: NWS 11/97/94  
DISTR: SC/PO

NEWS SERVICE ITEMS: EXTERNAL - HAITI, YEMEN

**PLEASE NOTE:** CORRECTION TO BURUNDI ITEM SENT OUT IN NEWS SERVICE 95/94 - See 4th paragraph on page 2. The second sentence should begin: On 21 March in that same suburb...

NEWS INITIATIVES - INTERNAL

INTERNATIONAL NEWS RELEASES

Saudi Arabia - 10 May - SEE NEWS SERVICE 62

Burundi - 17 May - SEE NEWS SERVICES 81/94, 53/94 and 36/94

China - 1 June - SEE NEWS SERVICE 81/94

Pakistan - 29 June - SEE NEWS SERVICE 81/94

TARGETED AND LIMITED NEWS RELEASES

FORTHCOMING NEWS INITIATIVES

Annual Report - 7 July - SEE NEWS SERVICE 51/94

AI INDEX: AMR 36/WU 02/94  
10 MAY 1994

**HAITI: AMNESTY INTERNATIONAL CAUTIOUSLY WELCOMES CHANGE IN US POLICY**

Amnesty International said today that US President Bill Clinton's announced change in US policy regarding Haitian asylum-seekers is a step in the right direction but no more than that.

According to the US government, Haitian asylum-seekers intercepted at sea by the US Coast Guard will no longer be summarily returned direct to Haiti but will be given a chance to present their asylum claims on board US vessels, or in other countries in the region.

"It's hard to believe that this new measure will provide asylum-seekers with a hearing which includes all the essential safeguards required by international standards for the protection of refugees", Amnesty International said.

In order to ensure that people at risk of human rights violations are properly identified and given effective protection from forcible return, international standards require that the merits of their asylum claim must be examined in a full and fair procedure which is adequate to effectively identify all those in need of protection. Such a procedure must provide for each asylum claim to be given a thorough examination by an independent and specialized authority which is staffed by people who have expertise in international refugee law and international human rights law, and who base their judgments on objective and independent information about the human rights situation in the asylum-seeker's country of origin.

All asylum-seekers, at all stages of the procedure, must benefit from the right to legal counsel and interpreters, and the right to have access to UNHCR. All asylum-seekers must be allowed an effective review of any negative decision before they are returned to the country from which they fled.

Amnesty International said it is difficult to see how these essential safeguards can possibly be applied, in light of President Clinton's reported statement that: "We think we can do them fairly quickly, in a matter of a few days and then return those who should be returned and take those who should be taken into the United States".

President Clinton's announcement comes almost two years after then-President George Bush issued an Executive Order under which thousands of Haitian asylum-seekers have been intercepted at sea by the US Coast Guard and forcibly returned to Haiti without even the most cursory attempt to identify those who might be at risk of human rights violations there.

Amnesty International said that one indication of the human toll of that policy is that out of more than 900 asylum-seekers sent back to Haiti since the beginning of this year, almost 140 were arrested immediately on return. Some were reportedly ill-treated while in detention.

"While the new measure represents a step forward from the policy of the last two years, far more needs to be done by the US government to ensure that people fleeing the human rights crisis in Haiti have a real opportunity to have their asylum claims heard in a procedure that fully satisfies international standards for the protection of refugees", Amnesty International said.

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News Service 97/94

AI INDEX:MDE 31/WU 01/94  
10 MAY 1994

**YEMEN: AMNESTY INTERNATIONAL CALLS ON BOTH SIDES TO RESPECT HUMAN RIGHTS**

Amnesty International is today appealing to both sides in Yemen's current internal conflict to respect human rights and observe basic international humanitarian standards.

In the past few days, Amnesty International has received reports of widespread arrests of civilians, particularly in the cities of Ta'iz, Sana'a and Hudaida. Most of the arrests are believed to have been carried out by members of al-Amn al-Siyassi (Political Security) and al-Istida' al-Harbi (Military Intelligence). Scores are reportedly held incommunicado at undisclosed locations.

"We are concerned about the safety and well-being of both civilian detainees and members of the armed forces captured during the conflict," Amnesty International said. "We fear that they may be tortured or ill-treated, extrajudicially executed or may simply 'disappear'."

Amnesty International is calling on the military commanders of both sides to issue, as a matter of urgency, clear public orders to their troops not to kill or torture prisoners or those who have not taken up arms. Amnesty International also asks them to ensure that the armed forces only use those methods which are strictly necessary for the execution of their duties and in conformity with international humanitarian and human rights law. The human rights organization urges that effective measures be taken to prevent attacks against all sections of the Yemeni population, without discrimination.

The fighting between forces of the former Yemen Arab Republic (YAR - north Yemen) and the former People's Democratic Republic of Yemen (PDRY - south Yemen) appears to have intensified in the last two days, particularly in Abyan, Dhali' and Karash. The two former states had unified in May 1990 but their respective armed forces were never merged. Relations between the two sides began to deteriorate a year after unification following disagreements over power-sharing arrangements and common economic policies in the new Republic of Yemen. Following Western and Arab mediation, an agreement was signed in February this year in the Jordanian capital, Amman. The agreement, known as "The Document of Commitment and Accord" (Wathiqa al-'Ahd wal-Itifaq), laid down the principles governing the future relations between the two sides. However, none of its 18 clauses were ever implemented.

Expectations that human rights would be respected had been raised in the wake of unification by a series of positive developments, including the release of many political prisoners and detainees. In December 1992, the Republic of Yemen became a State Party to the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in response to recommendations made by Amnesty International.

However, the deepening political crisis in Yemen has been accompanied by a deterioration in the human rights situation. In December 1992, hundreds of people were arrested during anti-government riots in the north. Many were held incommunicado and tortured; at least 15 of them may have been extrajudicially executed. In the south, scores of suspected Islamist activists were arrested during 1993 and 1994 following bomb attacks and attempted political assassinations. The vast majority remain held without trial and without access to defence counsel. In January this year, Amnesty International submitted a comprehensive memorandum to the government, detailing its concerns and making a series of recommendations aimed at improving the human rights situation in the country.

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