

**EXTERNAL (for general distribution)**

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**27 May 1992**

*Please bring this action to the attention of the Haiti, Refugee and CARRAN coordinators in your section for immediate action.*

**Further information on UA 403/91 (AMR 51/61/91 of 20 November 1991) and follow-up AMR 51/71/91 of 20 December 1991 - Refoulement**

**USA: Haitian Asylum Seekers**

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Amnesty International is seriously concerned about President Bush's decision to return Haitian asylum seekers to Haiti without any kind of refugee determination procedures. Amnesty International is concerned that there is a grave risk that those returned could include many people who are at risk of serious human rights violations in Haiti.

Since the coup of 30 September 1991, tens of thousands of people have fled from Haiti. Thousands have reportedly gone overland to the neighbouring Dominican Republic. Others have left the country by boat, landing in Cuba, and many more are seeking protection in the USA. To date, over 34,000 Haitian asylum-seekers have reportedly been intercepted by US Coast Guard ships before reaching US territorial waters. Of those, some 9,000 have reportedly been allowed to pursue claims of political asylum. More than 13,000 have been returned to Haiti, according to USA Immigration and Naturalization Service figures. Some 12,000 asylum seekers are reportedly being kept in Guantánamo Bay, a US naval base in Cuba, and several hundred on board US Coast Guard vessels. Most of these have been intercepted in the past month. Since September 1981 a bilateral agreement between the governments of the US and Haiti has permitted the US authorities to intercept outside US territorial waters Haitians trying to reach the USA and return them to Haiti. In the 10 years from September 1981 to September 1991 more than 20,000 Haitians had been interdicted at sea by US Coast Guard vessels. In the past eight months since Haiti's coup the number of Haitian asylum seekers intercepted by the US Coast Guard has been much higher.

Article 33 of the United Nations Convention relating to the Status of Refugees, which is binding on the USA, prohibits refoulement - the forcible return of any person to a country where they risk serious human rights violations. In order to ensure that such people are properly identified and given effective protection from forcible return, it is essential that the US Government grants all asylum-seekers access to a full and fair procedure for determining the merits of their asylum claims. Amnesty International is concerned that the US Government has not given any such opportunity to the Haitian asylum-seekers currently seeking the protection of the USA. Those at Guantánamo US naval base are "screened" in order to ascertain whether they are likely to have a claim for asylum and so may be allowed to proceed to the USA to lodge their asylum claim; others are returned to Haiti. But this screening procedure lacks certain essential safeguards which must be allowed to asylum-seekers and which are required by international standards, including the right of every asylum-seeker to appropriate legal advice and, if their application for asylum is rejected, the right to have an effective review of their case before being expelled from the country where they seek asylum.

President Bush's order to return all those interdicted at sea denies asylum seekers the possibility of having their cases heard, thereby placing those who would be able to demonstrate a well-founded fear of persecution and would therefore qualify as refugees at serious risk of human rights violations upon return to Haiti. The US Government's action appears to contradict Article 14.1 of the Universal Declaration of Human Rights, which states that "everyone has the right to seek and to enjoy in other countries asylum from persecution" and Article 33 of the UN Convention relating to the Status of Refugees.

The US Government maintains that the asylum-seekers sent back to Haiti will not face persecution there, and that the action was necessary to protect the lives of the Haitians. A presidential spokesperson reportedly claimed, upon announcement of the executive order to return Haitians picked up at sea, that "Under current circumstances, the safety of Haitians is best assured by remaining in their country". However, Amnesty International is concerned that many of those returned may include people with reasonable claims for asylum and that returning them to Haiti without having their cases heard will put them at risk of serious human rights violations by the security forces and armed civilians acting with them.

An Amnesty International delegation visiting Haiti in late March and early April 1992 has found evidence of continuing gross human rights violations, including serious intimidation and harassment, arbitrary and illegal arrest, severe ill-treatment and torture and extrajudicial execution. Amnesty International has also found evidence of extortion of money from civilians by the Haitian security forces, in order to ensure that they will not be subjected to arrest, torture or other ill-treatment, that they will be given better prison conditions, or simply to obtain their release from prison. Victims of human rights violations have included all sectors of the population, particularly peasants, trade unionists and popular organizers, students, members of the press and the Catholic church, and virtually anyone suspected of supporting the return of deposed President Jean-Bertrand Aristide. There is, however, extensive evidence that the security forces have also committed widespread human rights violations against the civilian population for no apparent political reason. Amnesty International is at the moment finalizing a report on the findings of its visit to Haiti.

**RECOMMENDED ACTION: Please send telegrams/telexes/telephone calls/faxes/express and airmail letters:**

- expressing concern that the US government is returning asylum seekers to Haiti without giving them any chance of having their reasons for leaving Haiti properly examined, in apparent contradiction with Article 14.1 of the Universal Declaration of Human Rights;
- stressing the US Government's obligation under international law not to return people to countries where they risk serious human rights violations, and that this requires that all asylum seekers be provided with access to a full and fair asylum determinations procedure;
- calling on President Bush to reconsider his decision to return Haitian asylum-seekers to Haiti without any determination of their claims for asylum.

**APPEALS TO**

1) The President of the USA:

George Bush

Head of State

The White House, Office of the President

1600, Pennsylvania Avenue, Washington DC 20500, USA

**Telegrams: President Bush, Washington DC 20500, USA**

**Salutation: Dear Mr President**

**Telephone:** + 1 202 456 1414

**Faxes:** + 1 202 456 2461

**Telexes:** ITT 440074

**COPIES OF YOUR APPEALS TO:**

Secretary of State:

James Baker  
Secretary of State  
2201 C Street, N.V.  
Washington DC 20520, USA

Attorney General:

William P. Barr  
Attorney General  
Department of Justice  
10th Street and Constitution Ave N.W.  
Washington DC 20530, USA

**Faxes: + 1 202 514 4699**

New York Times (Newspaper)

229 W 43 St  
New York, NY 10036, USA

Washington Post

(newspaper)  
1150 15th St NW  
Washington, DC 20071, USA

Haiti en Marche

(newspaper)  
173 N.W. 94 St  
Miami, Fl 33150, USA

**Faxes: + 1 202 334 5561**

and to diplomatic representatives of the USA in your country.

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 8 July 1992.