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OPEN LETTER TO KEITH CHRISTOPHER ROWLEY PRIME MINISTER OF TRINIDAD AND TOBAGO

Dear Prime Minister,

I am writing on behalf of Amnesty International to express our deepest concern regarding the deportation of 82 Venezuelans to their country of origin on 21 April 2018, which according to reports was a joint operation between the governments of Venezuela and Trinidad and Tobago. We would also like to request information about the procedures followed by the government of Trinidad and Tobago in carrying out the deportation.

Amnesty International is a global movement of more than seven million people that researches, campaigns and advocates on human rights violations in more than 160 countries. For decades, our organization has closely followed the situation of human rights in the Caribbean, including Trinidad and Tobago.

As media has widely reported, in a public statement on 21 April, the Trinidad and Tobago Minister of National Security stated that the decision for this deportation was taken as a result of a meeting between your government and the Venezuelan authorities, where an agreement was reached to hand over the Venezuelans held at the Immigration Detention Centre in Aripo¹. According to the Minister, on Saturday 21 April, the 82 Venezuelans were returned voluntarily on a Venezuelan (Army) aircraft.

However, according to the office of the United Nations High Commissioner for Refugees (UNHCR), the group, comprising of 53 men and 29 women, included several individuals who had been registered as asylum seekers with the agency in Trinidad and Tobago as well as others who had initiated asylum requests or had expressed an intention to do so because of fear of return to Venezuela.

Amnesty International has received information that suggests that those returned did not do so voluntarily, contrary to the Minister's claims, but were presented with papers to sign, in a language they do not understand, stating that they would return voluntarily.

As part of the Convention relating to the Status of the Refugees (1951 Refugee Convention) and its Protocol (1967), Trinidad and Tobago is obliged to fully protect the rights of those in need of international protection. To do otherwise implies a breach of international law and it is regrettable that your government has chosen to ignore its obligations in a way incompatible with international human rights standards.

¹ Amnesty International regrets that irregular entry or stay is penalized in Trinidad and Tobago under the Immigration Act of 1976. States are obliged to refrain from imposing penalties to people in need of international protection, on account of their irregular entry or presence.



Mass deportations are prohibited under international law, as is the violation of the principles of non-refoulement, confidentiality, non-penalization, and the right to due process and judicial protection. This means that states are obliged under the 1951 Refugee Convention not to expel or return refugees in any manner whatsoever to the frontiers of territories where their lives or freedoms would be threatened; not to share information with their country of origin; and not to impose penalties, on account of their irregular entry or presence to people in need of international protection. The Convention also guarantees the right of refugees to submit evidence to clear himself or herself, to appeal, to and be represented for the purpose before competent authority.

The mentioned principle of non-refoulement, which prohibits states from transferring people to another country or jurisdiction where they would face a real risk of serious human rights violations or abuses, has the status of customary international law making it binding upon all states.

Based on the information received by our organization it would appear that your government chose to ignore each one of these key protection principles and questions remain as to why a government that should protect refugees and asylum seekers as part of its international obligations offered confidential information to the Venezuelan authorities, and deported asylum seekers with open refugee claims back to their country where they may face torture or other grave human rights violations.² If indeed those deported were forcibly returned without an individualized assessment or having the opportunity to challenge or appeal their deportation orders, without having their legal options explained to them in a language they understand and without access to their lawyers or UNHCR, the actions of your government have undermined due process, your government's own policy on asylum, and your country's international human rights obligations. This cannot be repeated.

Trinidad and Tobago must guarantee the rights of the growing number of asylum seekers and refugees from Venezuela in need of international protection, whose hope for survival are increasingly countries such as yours. To fail to do so is to ignore your country's commitment and international obligations to protecting human rights. Amnesty International will continue to monitor this type of situations to ensure the human rights of refugees and asylum seekers to be respected everywhere.

Sincerely,

Erika Guevara Rosas
Americas Director

² Amnesty International and many other human rights organizations have documented Venezuela's grave human rights violations in the last few years and consider that Venezuelans are living through the worst human rights crisis in the country's history.

See the Amnesty International: The state of the world's human rights annual report entry on Venezuela (<https://www.amnesty.org/en/countries/americas/venezuela/report-venezuela/>) and our work on the reasons why Venezuelans are fleeing the country in massive numbers: <https://www.amnesty.org/en/latest/news/2018/03/venezuela-unattended-health-rights-crisis-is-forcing-thousands-to-flee/>