

EXTRA 45/00

Forcible**BAHAMAS**

Haitian asylum seekers are being forcibly returned from the Bahamas, without any examination of their claims for asylum. Amnesty International has longstanding concerns about human rights violations in Haiti, and fears their lives may be in danger if they are returned.

Some 345 Haitians heading for the Bahamas by boat were picked up by immigration officials after a shipwreck in late April. The Department of Immigration apparently started forcibly returning them today, and the rest are due to be returned in the next few days.

While 123 of the Haitians were held by the Royal Bahamas Defence Force in Matthew Town, at least 222 were detained in Fox Hill prison, alongside convicted criminals, in inhumane, unsanitary and overcrowded conditions which may amount to cruel, inhuman and degrading treatment. Fox Hill has housed people deemed to be illegal immigrants since Carmichael Detention Centre was damaged by Hurricane Floyd in September 1999.

Among the Haitians are reported to be one pregnant woman and two babies. The UNHCR Guidelines relating to the Detention of Asylum Seekers prohibit the detention of children.

None of the Haitians were apparently informed of their right to apply for asylum, and they have been denied the right to competent interpreters and legal counsel, including the right to contact the Office of the United Nations High Commissioner for Refugees (UNHCR). The Bahamas is obliged to grant asylum seekers effective access to a full and fair procedure to determine whether they would be at risk of human rights violations if returned to their country of origin, as a state party to the 1951 UN Convention relating to the Status of Refugees and the 1967 UN Protocol.

The Department of Immigration has reportedly stated that applications for asylum do not fall within its remit, even though immigration authorities are understood to be handling the transfer, detention and proposed return of the Haitians.

Some of the Haitians are believed to be affiliated to an opposition political party, and several have described political persecution and intimidation to independent journalists and other witnesses. Haiti is preparing to hold long-overdue elections, and political intimidation and violence have reportedly increased in recent weeks.

BACKGROUND INFORMATION

Under the principle of *non-refoulement*, set out in Article 33 of the Refugee Convention, the Bahamas is obliged to ensure that no person is returned, directly, or indirectly, to a country where "his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion." Implicit in this principle is the necessity to establish a satisfactory asylum procedure, to identify those who would be at risk.

Amnesty International and other international organisations have repeatedly expressed concern about the Bahamas' failure to uphold international standards

regarding refugees. The Bahamas has returned an estimated 1,600 people to Haiti so far this year.

RECOMMENDED ACTION: Please send telegrams/faxes in English or your own language calling on the government of the Bahamas:

- to respect its international obligations as a state party to the 1951 UN Convention Relating to the Status of Refugees and the 1967 UN Protocol, in particular the principle of *non-refoulement* contained in article 33 of the Convention;
- to immediately halt the forcible return of Haitians wishing to seek asylum in the Bahamas and to ensure that no asylum seeker is returned to Haiti until their individual asylum claims have been fully examined;
- to establish a full and fair procedure for asylum seekers to claim refugee protection, including an effective appeals process;
- to comply with international standards on refugees, such as the UNHCR's February 1999 Guidelines relating to the Detention of Asylum Seekers, which unequivocally prohibit the detention of children under the age of 18;
- to immediately cease holding asylum seekers alongside convicted criminals, and to ensure that asylum seekers are treated humanely throughout the determination process;
- to comply with conclusion No. 44 adopted by the states participating in the UNHCR's Executive Committee in 1986, which states that "detention [of asylum seekers] should normally be avoided".

APPEALS TO:

Prime Minister

The Honourable Hubert Ingraham

Telegrams: Prime Minister, Nassau, Bahamas

Fax: + 1 242 327 5807

Salutation: Dear Prime Minister

Minister for Foreign Affairs

The Honourable Janet Bostwick

Telegrams: Foreign Minister, Nassau, Bahamas

Fax: + 1 242 328 8212

E-mail: mfabahamas@batelnet.bs

Salutation: Dear Minister

Acting Director of Immigration

Vernon Burrows

Fax: + 1 242 326 0977

Salutation: Dear Director

COPIES TO:

Newspapers

The Tribune

Fax: 1 242 328 2398

Nassau Guardian

Fax: + 1 242 328 8943/ 325 3379

Miami Herald

Fax + 1 305 376 5287

and to diplomatic representatives of the Bahamas accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 31 May 2000.