

EXTERNAL (for general distribution)

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Further information on UA 10/95 (AMR 51/08/95, 13 January 1995) - Fear of Refoulement

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

Amnesty International has learned that 3,900 Haitians were returned to Haiti after 6 January following what was described by the UN High Commissioner for Refugees (UNHCR) as " cursory screening " by the US authorities at the Guantánamo naval base. A total of 771 Haitians remained at the base after completion of the screening operation. Of those, 99 were said to be on " safe haven hold " after expressing sufficient fear of return to warrant further investigation; another 273 on " medical hold " for various reasons; 44 were approved refugees for health reasons who have not yet been admitted to the US on health grounds; and the remainder consisted of 314 unaccompanied children, together with 41 Haitian adults who have been designated as their " houseparents ".

More recently, it was reported that the US Government was continuing the process of forcible return (*refoulement*) of Haitians by repatriating unaccompanied minors and minors who have " aged out " (term used to indicate when minors turn 18 years of age while held at the US naval base).

Approximately eight unaccompanied minors and over 50 Haitian adults were put aboard a US cutter on 7 March 1995 and returned to Haiti on 8 March. Furthermore, there were reports that another group of accompanied minors and " aged out " minors were put aboard a US cutter on 14 March, scheduled to arrive in Haiti on 15 March.

The US Government believes that those minors who have " aged out " during their stay at the US naval base can now be treated as part of the adult population and returned to Haiti. The US Government also claims that those minors (under 18 years of age) returned to Haiti have relatives there, yet Amnesty International has received evidence to the contrary. Affidavits from unaccompanied minors provide testimony that they have either lost their parents to the Haitian security forces in the past and fled Haiti alone or that they fled Haiti fearing for their lives and hoped to join parents and other relatives in the United States.

Also, reports indicate that mistakes have been made in the " aged out " selection process. For example, one 16-year-old minor, mistakenly identified as 18 years of age, was returned to Haiti despite attempts to clarify her age to officials in Guantánamo and despite the fact that her mother is a legal permanent resident in the United States.

While there has been an undeniable improvement in conditions in Haiti since President Aristide's return, serious security concerns remain, particularly in some rural areas where people associated with the former military government of General Raoul Cédras have in many cases not been disarmed and continue in practice to exert power. No government should forcibly send or return anyone, or require anyone to return, to a country where they fear human rights violations unless a thorough examination of their case establishes that they would not be at such risk. The procedures in place to screen all Haitian asylum seekers who remain at the US naval base in Guantánamo fall far short of internationally

accepted asylum procedures and are quite inadequate to identify any individual who may be at risk if returned.

FURTHER RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express and airmail letters

- calling for an immediate halt to the forcible repatriation of all Haitians, including unaccompanied minors, from the US Naval base at Guantánamo, Cuba;
- for those who remain at Guantánamo, urging the immediate implementation of a full and fair refugee determination procedure at Guantánamo in accordance with internationally accepted standards, including access to appropriate legal advice and an effective right to appeal a negative decision;
- requesting the implementation of appropriate procedures in Haiti to monitor the safety of those who have been repatriated by the US authorities.
- urging that steps be taken to resolve the situation of the 44 who have been recognised as refugees but who have not yet been admitted to the United States.

APPEALS TO

1) President

Bill Clinton
The White House
Office of the President
1600 Pennsylvania Ave
Washington DC 20500, USA
Telegrams: President, Washington, USA
Faxes: +1 202 456 2461
Telexes: ITT 440074
Salutation: Dear Mr President

2) Department of State

Mr Terry Rusch
Director of Admissions
Bureau of Population, Refugees and Migration
Washington DC, USA
Faxes: +1 202 663 1061
Salutation: Dear Mr Rusch

3) Commissioner, Immigration and Naturalization Service

Ms Doris Meissner
Commissioner
Immigration and Naturalization Service
425 Eye Street
Washington DC 20536, USA
Faxes: +1 202 514 3296
Telegrams: Commissioner Meissner, INS, Washington, USA
Salutation: Dear Commissioner

COPIES OF YOUR APPEALS TO:

President of Haiti

M. Jean-Bertrand Aristide
Président de la République d'Haïti
Palais National
Port-au-Prince, Haiti

New York Times

The New York Times Co
229 W 43 St
New York
NY 10036, USA

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

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat,
or your Section office, if sending appeals after 3 May 1995.