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NEWS SERVICE ITEMS: EXTERNAL - USA x 2 (These two items are being provided for sections to use if and as they see fit, but with the understanding that the Indonesia launch is the current focus of sections' energies. These statements are not being sent to the media from the IS.)

INTERNAL - USA (background information on the two enclosed items)

EDAI PLEASE NOTE: The two enclosed external items are for priority translation. Please would you e-mail the translated texts to me as soon as they are ready. Thanks - Dina S.

INTERNAL

INTERNATIONAL NEWS RELEASES

Indonesia - 0400 hrs GMT 28 September - SEE NEWS SERVICE 215 FOR INFORMATION ABOUT PANEL AT PRESS CONFERENCE LAUNCH

France - 12 October - SEE NEWS SERVICE 137/94

Algeria - 25 October - PLEASE NOTE NEW DATE. SEE NEWS SERVICE 137/94

APEC - 3 November -SEE NEWS SERVICE 212/94

TARGETED AND LIMITED NEWS RELEASES

Turkey - 14 October - SEE NEWS SERVICE 181/94

Iraq - 29 November - SEE NEWS SERVICE 212/94

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BACKGROUND ON ENCLOSED 2 ITEMS, FOR YOUR INFORMATION

On 25 and 26 September a five-person Amnesty International delegation and three Haitian Créole interpreters visited the US naval base at Guantánamo Bay, Cuba.

The delegation comprised:

Wesley Gryk - a US citizen practising as a lawyer in the UK;

Marta Fotsch - from AI's Swiss section;

Patrick Delouvin - refugee coordinator of AI's French section;

Marion Marshrons - an IS staff member;

Miraan Sa - a board member of AIUSA.

The purpose of their visit was to look into the situation of the Cuban and Haitian asylum-seekers who are held there after having been intercepted at sea by the US authorities.

The Cubans and the Haitians are held in separate camps at the naval base and are treated separately by the US authorities. As well, from Amnesty International's own standpoint, the visit comprised two distinct elements.

1) Looking into the situation of Haitians held at Guantánamo falls into the context of Amnesty International's overall mission to look into the protection of Haitian asylum-seekers in the region generally, and, more broadly, its concerns about developments in Haiti in recent months.

2) When the US authorities took steps in late August also to bring to the naval base Cubans who had been intercepted at sea, Amnesty International decided to take the opportunity, if it were granted access to Guantánamo to look into the situation of the Haitians, to include in its delegation people with special expertise on Cuba, in order to interview the Cubans there also.

The following two separate statements are about Amnesty International's findings relating to the two different groups of asylum-seekers at Guantánamo. Each of these statements can be treated as standing alone, or the two can be taken in conjunction with each other to give a preliminary picture of the overall findings of the delegation.

However, please note that while the broad principles of refugee protection which apply to each group are the same -- and are, indeed, the same as the principles which apply to any asylum-seekers, from whatever country they come -- the specific situation of the two groups of asylum-seekers, and the situations in their countries of origin, are not directly comparable.

Therefore, in describing its concerns Amnesty International would place emphasis on somewhat different issues with respect to each group. There may well be comparisons and contrasts which can be drawn between the US authorities' treatment of Cubans and Haitian asylum-seekers, in the past and at the present time. But Amnesty International believes that drawing explicit comparisons, particularly in statements which, like the preliminary statements that follow, are issued at speed, can carry a risk of oversimplification, and possible distortion, of the issues.

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UNITED STATES/HAITI: Haitian repatriation process questioned by Amnesty International delegation on return from Guantánamo

Haitian boat people held by the United States Government in camps at the US naval base at Guantánamo Bay, Cuba, may be volunteering to return to Haiti without adequate information about the unstable situation which continues to prevail in that country. This was the principal preliminary finding of an Amnesty International delegation which returned on Monday night from Guantánamo, where the US authorities gave them free access to the camps and facilities to interview the Haitians in private.

The delegation spent two days talking to Haitians, officials of the Office of the United Nations High Commissioner for Refugees (UNHCR), non-governmental organizations providing services in the camps, and members of the US military Joint Task Force (JTF) and other US Government officials responsible for running the camps. Amnesty International's delegates also observed various stages of the voluntary repatriation procedures, including screening interviews carried out by officials of the US Immigration and Naturalization Service (INS) and by UNHCR officials.

The Amnesty International delegation expressed concern that Haitians in the camps may not be in a position to make an informed decision regarding their repatriation. The only official sources of information disseminated in the camps are a twice-weekly Créole-language newspaper published by US officials and a Créole-language camp radio station also run by US officials. Both are viewed with some distrust by many Haitians in the camps as US Government media, which they believe are reporting selectively on events in Haiti. The authorities did on one occasion circulate independent newspapers in the camps, but this arrangement was suspended. The delegation called for a lifting of this suspension, which effectively amounts to a ban on the dissemination of independent written information, which would help the Haitians to make informed decisions on voluntary repatriation.

Amnesty International's delegates found from their interviews with Haitians at Guantánamo that they feel starved of information about the fluctuating situation in their home country. Their sense of isolation is increased by their inability to communicate with friends and family in Haiti and elsewhere. Telephone links with the outside world, promised by the US authorities some weeks ago, are still not operating. While the American Red Cross has recently established a message service to the US, only some 80 of the approximately 1,200 Haitians who have written to people in the US have received replies via this service. Only 100 Haitians have attempted to use the message service established with Haiti, and none have to date received replies; this is an indication of the worries that many Haitians have about the confidentiality and security of this service. Thus, only a few of the approximately 14,000 Haitians currently in the camps at Guantánamo have been able to communicate with the outside world. Lack of news for months from their families in Haiti, and concern that those families had no knowledge of their presence in Guantánamo, was a frequent reason cited to the delegation by those Haitians considering return to their country at this stage, even before the situation there has stabilized.

The Amnesty International delegation expressed concern also that a climate is being created within the camps whereby Haitians are effectively being encouraged to repatriate now. US officials regularly visit the camps announcing the possibility of immediate voluntary repatriation. One of the delegates was present with administrative detainees held in a segregation unit for involvement in alleged stone-throwing incidents, when a military official announced that administrative segregation orders with less than 10 days to run would be cancelled for those detainees who opted for voluntary repatriation. Detainees in this segregation unit told the Amnesty International delegate that they had no access whatsoever to news from the outside world -- not even the camp newspapers or camp radio broadcasts.

While the INS and UNHCR have established a "screening" procedure to determine whether decisions to repatriate are voluntary, the Amnesty International delegation described this procedure as "too little, too late". By the time that Haitians enter the procedure, they have made a decision to return and have already packed their bags and arrived with luggage and family members at a large aircraft hangar where the screening takes place, in preparation for leaving. Moreover, the screening interviews observed by the delegation took place in what amounted to an atmosphere of controlled chaos, with more than 100 people present and up to 10 interviews proceeding simultaneously via Créole interpreters.

The delegates found the INS interviews which they observed to be perfunctory, lasting on average less than five minutes. To the extent that any information was provided by the INS interviewer about the current situation in Haiti, such information was uniformly put in positive terms and encouraged a decision to return. One Haitian observed by Amnesty International's delegates inquired during the course of his interview: "Before I go home I want to know whether President Aristide will really go back and whether democracy is restored". To this, the INS interviewer responded in categorical terms: "President Aristide will go back after 15 October, democracy is being restored, 10,000 US troops are there, 1,000 police¹ have been sent to restore order. Do you now want to go back?".

While the interviews with the UNHCR officials were longer and more balanced in their content, there was significant variation in the level of information provided by the three UNHCR interviewers observed by the delegation. The interviews with UNHCR officials also appeared to be the first opportunity Haitians had to learn of the continuing security problems in their country. By this point in the process, however, it appeared to Amnesty International's delegates that the Haitians being interviewed, having previously made a decision to return, regarded the interview as an administrative formality. Only a very small proportion change their minds as a result of it. Those who do not change their minds are then placed in a separate camp awaiting the next available US Coast Guard cutter to transport them to Haiti.

Amnesty International's delegates viewed it as crucial that full and balanced information about the current situation in Haiti be provided to those contemplating return before they make decisions and preparations for return.

A large proportion of those who fled Haiti in recent months, and who are now held in Guantánamo, were fleeing the terror which spread through Haiti as its military rulers carried out their campaign of intimidation, arbitrary arrests and killings. Amnesty International's delegation found from its interviews with Haitians at Guantánamo that a large proportion of them would welcome the opportunity to repatriate to their country once they can feel sure that they are returning to a secure situation. Amnesty International believes that it would be possible for them to make informed decisions regarding repatriation only after a system is established for free circulation of relevant information in the camps.

However, even in the event of a general improvement in the security situation in Haiti, there are likely to be some individuals who will not wish to return there. Depending on the situation prevailing at the time, these may include some who would be at risk of human rights violations if returned, and who therefore are entitled to protection under international law. In order to assess the claims of such individuals, Amnesty International believes it will be necessary for the US Government to establish a fair and satisfactory procedure which contains all the safeguards required by international standards, to ensure that any Haitian asylum-seekers who would be at such risk are not returned to Haiti against their will, and are granted effective and durable protection.

As a final point, the Amnesty International delegates were disturbed to learn that 55 Haitians previously recognized by US authorities as refugees continue to be held in the camps. These are individuals refused admission to the US because of their health condition, together with their family members. The group, which includes people under treatment for tuberculosis and people who have been diagnosed as HIV positive, have thus far been refused permission to enter the US by the INS. One factor in this refusal has been their inability to obtain the sponsorship by appropriate non-governmental organizations which the US Government requires for refugees in such a situation.

¹ it is not entirely clear to which current or eventual police presence the INS interviewer may have been referring

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UNITED STATES/CUBA: Substantial number of Cubans held by the US authorities have fled risk of human rights violations in Cuba, states Amnesty International delegation returning from Guantánamo

Amnesty International believes that a substantial number of the approximately 32,000 Cubans who are now held in camps at the United States (US) naval base at Guantánamo Bay, Cuba could be at risk of human rights violations if required to return home. Accordingly, they must have the opportunity for their asylum applications to be thoroughly examined in a fair and satisfactory procedure which contains all the safeguards required by international standards. This was the conclusion reached by an Amnesty International delegation which, on a recent two-day visit, interviewed Cubans who have fled Cuba and been picked up at sea by the US authorities and taken to the Guantánamo Bay naval base.

The US authorities at present insist that Cubans held in the camps at Guantánamo cannot enter the US without returning to Havana to request the necessary visas at the US Interests Section there. Cubans who have arrived in the US, or in US refugee centres elsewhere, since 19 August 1994 are considered to be economic migrants under an agreement of 9 September between the US and Cuban authorities, and once further negotiations have been completed will be able to volunteer to return to Cuba. According to the agreement the US authorities will accept 20,000 Cubans per year if they fulfil certain criteria.

During the visit to Guantánamo Bay naval base on 25 and 26 September, the Amnesty International delegation was given free access to the camps as well as facilities to interview in private those Cubans they wished to meet. They had general discussions with leaders and people from most of the 25 or so Cuban camps there, as well as in-depth interviews with 10 people who had a history of political persecution in Cuba.

They also obtained lists of some 250 people from five camps alone who were said to have suffered for political reasons in Cuba. They included people who had served prison sentences for offences such as spreading "enemy propaganda", showing disrespect (*desacato*) towards state authorities, trying to leave the country illegally, and activities relating to membership in the Jehovah's Witnesses sect, which is banned in Cuba.

The delegation recognized one man they met as having been held in *Combinado del Este* prison in 1988 when Amnesty International visited Cuba. He said that at that time he had been sent to a punishment cell for two weeks after passing a note to the delegation during their visit to the prison. Another man interviewed at Guantánamo by the delegation stated that he had been conditionally released from prison pending the result of an appeal against a three-year sentence of forced labour (*trabajo correccional por internamiento*) for distributing "enemy propaganda", passed in April 1994.

Many others said they were activists of unofficial human rights, trade union and political organizations, and several were indeed known to Amnesty International as such. Members of these organizations have frequently suffered harassment, including short-term detention, close police surveillance, regular questioning, and loss of jobs because of their so-called "counter-revolutionary" activities. Some of the people interviewed by the delegation reported that they had been encouraged by the Cuban authorities to leave Cuba, under threat of renewed imprisonment if they refused.

Two other people interviewed by the delegation reported that they and others were put on rafts or boats by the Cuban authorities and encouraged to leave. Some of those put on boats by the authorities were said to be Cuban Government agents ordered to infiltrate the camps at Guantánamo. Both the US authorities and some of the Cuban camp leaders said they believed that some of the 30 Cubans held in indefinite administrative segregation at the naval base were such infiltrators, or common criminals released from prison and encouraged to take to sea by the Cuban authorities. The delegation was not able to visit these administrative detainees to establish precisely who was being held and for what reasons.

None of the Cubans Amnesty International spoke to wished to return to Cuba, although the US authorities and some of the Cuban camp leaders told the delegates that some had expressed the desire to do so. Many Cubans said they had requested US visas in Havana and had either not yet received a response or, in some cases, had had their application turned down.

Amnesty International believes that a substantial proportion of the Cubans currently held at Guantánamo could be at risk of human rights violations if required to return home. The Cuban authorities have reportedly said that no action will be taken against those who choose to return to Cuba, but in the past those who have tried to leave the country illegally, despite not having committed other serious offences, have frequently been imprisoned for several months, or even years, and become marginalized from Cuban society because their action was considered to be an "act of betrayal". Amnesty International therefore believes that, at the very least, such people, if returned, will be victimized.

Accordingly Amnesty International urges the US authorities to establish procedures by which Cubans at the Guantánamo Bay naval base, as well as those at the US bases in Panama to which some 2,000 have recently been transferred, can present asylum claims. These procedures should include the safeguards which are required by international standards, to ensure that any asylum-seekers who have a well-founded fear of persecution are not returned to Cuba against their will, and are granted effective and durable protection. Such procedures should be implemented as soon as possible, and before any repatriation program is initiated. Amnesty International also regards it as essential that information provided by independent sources about the situation in Cuba should be made available to any Cubans who are contemplating volunteering for repatriation, in order that they can make informed decisions on this matter.

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