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Bahamas -- No safe haven from persecution

Haitian asylum seekers in the Bahamas should not be returned to their country unless their individual asylum claims have been fully examined by an independent body, Amnesty International said today.

“These people are fleeing a very volatile situation, where they may potentially be exposed to persecution. It is the responsibility of the authorities of Bahamas to make sure that this is not the case and to provide protection to those who need it,” the organization continued.

“The imminent forcible return of asylum-seekers seems to be motivated by the practical problems posed by their presence in large numbers. But this is no good reason for the government of Bahamas to evade its responsibilities.”

The planned forcible return of Haitian asylum-seekers is a violation of the Bahamas’ obligations as a state party to the 1951 UN Convention relating to the Status of Refugees (the Convention) and its 1967 Protocol.

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 the principle of non-refoulement is the necessity to establish a satisfactory asylum procedure.

“The government of the Bahamas is failing to ensure that people arriving in the Bahamas seeking refuge are afforded 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,” Amnesty International said.

The organization is also urging the authorities of the Bahamas to immediately cease the practice of detaining asylum-seekers and preventing them from getting access to interpreters, and securing legal assistance -- including from the UNHCR and appropriate non-governmental organisations -- as required by international standards.

"Asylum-seekers in the Bahamas are being held with common criminals, in conditions which are inhumane, unsanitary and overcrowded and which may amount to cruel, inhuman and degrading treatment," Amnesty International said.

The organization also urged the government to comply with international standards on refugees which unequivocally prohibit the detention of children under the age of 18.

"The government should take all necessary measures to establish procedures to determine asylum claims in keeping with relevant international standards," Amnesty International said.

"Such procedures should include an independent and specialised decision-making body, with provisions for an effective appeal against any decision to refuse asylum. Asylum seekers must be allowed to stay in the country for the duration of the appeal," the organisation added.

According to reports received by Amnesty International, the 222 Haitian nationals detained on Friday 28 April 2000 in Fox Hill prison and the 123 placed in the custody of the Royal Bahamas Defence Force in Matthew Town last Friday have not been informed of their right to apply for asylum, and have been denied the right to legal counsel, the assistance of interpreters and the right to contact and have access to the Office of the UNHCR.

Amnesty International also understands that at least one high-ranking official from the Ministry of Immigration has stated that applications for asylum do not fall within the remit of the Ministry, even though immigration authorities are understood to be handling the transfer, detention and proposed return of the Haitian nationals.

Background information

Amnesty International and other international organisations have repeatedly expressed concern about the failure by the Bahamas to uphold international standards regarding refugees.

Amnesty International has long-standing concerns regarding the human rights situation in Haiti since the country's emergence from a military regime in 1994. (See for example, "Haiti: Unfinished Business - Justice and Liberties at Risk", March 2000, AMR 36/01/00 and "Haiti - Political Violence", 30 March 2000, AMR 36/04/00 NS 60/00). The organization is unable to make any assessment on the veracity of any of the claims made by the recent arrivals. However, several independent journalists and other witnesses have stated that a number of the Haitian nationals they interviewed reported individual accounts of fleeing persecution, amidst the general escalating climate of political intimidation and violence that has occurred in recent weeks as Haiti prepares to hold long-overdue elections. A number of those recently arrived are believed to be affiliated with an opposition political coalition party.

The number of Haitians forcibly returned from the Bahamas so far this year is estimated at 1,600.

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For more information or to arrange an interview, please call Amnesty International's press office in London, UK, on +44 207 413 5562.