

UA 294/01

For

JAMAICA Six Haitian nationals

Six Haitian nationals, understood to be seeking political asylum, are at risk of being forcibly returned to Haiti. They were among 131 Haitians who landed in Jamaica on 18 November; the rest have already been returned to Haiti without any proper examination of their asylum claims. Amnesty international has longstanding concerns about human rights violations in Haiti, and fears their lives may be in danger if they are returned.

The boat carrying the Haitians had been heading for Miami, USA, but was forced to land in Falmouth, Jamaica, by bad weather and lack of food. Fifty-one of those on board reportedly wanted to apply for political asylum. Some told journalists that they feared they would be tortured or killed if they were returned to Haiti, because of their political activities.

On 25 November a representative from the Ministry for Foreign Affairs announced that 125 of the 131 Haitians had been returned to Haiti over the previous two days. In a press release issued late that night, the ministry said the remaining six Haitians would be "clinically assessed" this week "before any further action is taken." All six are understood to be staying at Falmouth Hospital, and some are understood to be suffering from dehydration and other medical ailments.

BACKGROUND INFORMATION

Jamaica has ratified the 1951 UN Convention Relating to the Status of Refugees, and is therefore 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" (Article 33). This is known as the principle of *non-refoulement*.

It is implicit in this principle that states must establish a satisfactory asylum procedure or identify those who would be at risk. The Jamaican authorities must make sure that the six remaining Haitian nationals are aware of their basic human right to apply for asylum.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language:

- expressing concern that 125 Haitian nationals appear to have been forcibly returned without proper examination of their asylum claims, in violation of international law;
- urging the authorities to ensure that the six remaining Haitian nationals are granted immediate access to a full and fair procedure, with access to legal assistance, interpreters and an effective appeals process, and that none of them is returned to Haiti until any asylum claims have been fully examined;
- asking them to respect their international obligations as a state party to the Refugee Convention, in particular the principle of *non-refoulement*;
- urging them to ensure that the asylum-seekers are treated humanely throughout the process of determining their asylum claims, and that they are given adequate medical care.

APPEALS TO:

Minister of National Security
The Honourable Dr. Peter Philipps
Ministry of National Security
Mutual Life Building
North Tower
2 Oxford Road
Kingston 5
Jamaica
Fax: + 1 876 906 1712
Salutation:Dear Minister

Minister of Foreign Affairs and Trade
The Honourable K.D. Knight
Ministry of Foreign Affairs and Trade
21 Dominica Drive
P.O. Box 624
Kingston 5
Jamaica
Fax: + 1 876 929 5112/6733
Salutation:Dear Minister

COPIES TO: diplomatic representatives of Jamaica accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat,
or your section office, if sending appeals after 7 January 2001.