

---

# AMNESTY INTERNATIONAL NEWS SERVICE 194/94

---

TO: PRESS OFFICERS  
FROM: IS PRESS OFFICE  
DATE: 23 AUGUST 1994

AI INDEX: NWS 11/194/94  
DISTR: SC/PO

NO OF WORDS:845

NEWS SERVICE ITEMS: EXTERNAL - CUBA (This item is for response only. The information in the item will be used to answer any questions on Cuba that may arise at the press briefing on Haiti in Miami tomorrow).

**PLEASE NOTE:** For your information: US crime bill - the research team is drafting a statement on our concerns in relation to this bill but we're waiting until the bill has been passed through the Senate, which won't be considering it until next week.

## INTERNATIONAL NEWS RELEASES

Haiti - 24 August - SEE NEWS SERVICE 184/94

Brazil - 14 September - PLEASE NOTE THIS IS AN INTERNATIONAL RELEASE. SEE NEWS SERVICE 137/94

Kosovo - 19 September - SEE NEWS SERVICE 137/94

Indonesia - 28 September - LAUNCH OF CAMPAIGN

Algeria - first week of October - SEE NEWS SERVICE 137/94

France - 12 October - SEE NEWS SERVICE 137/94

## TARGETED AND LIMITED NEWS RELEASES

Bhutan/Nepal - 25 August - See news service 168/94

**\*\* Yemen - 1 September \*\*** - We are swiftairing you a document on human rights concerns following the recent conflict. A news service item to go with this is currently being written and should be with you by the end of this week.

Thailand - 6 September - SEE NEWS SERVICE 184/94

Togo - 15 September - See news service 168/94

Turkey - 14 October - SEE NEWS SERVICE 181/94

News Service 194/94

AI INDEX: AMR 25/WU 03/94  
23 AUGUST 1994

**CUBA: AMNESTY INTERNATIONAL CONCERNED THAT CUBAN ASYLUM SEEKERS MAY BE DENIED ACCESS TO PROPER REFUGEE PROCEDURES**

The US Coast Guard is to expand its efforts to stop boats bringing undocumented Cubans to the United States, according to a recent announcement by the US Government.

Those intercepted at sea are to be taken to the US naval base at Guantánamo Bay, Cuba, while the US authorities explore the possibility of other so-called "safe havens" within the region. Those who reach US territory are to be sent to special centres pending a determination of how they should be processed by the Immigration and Naturalization Service (INS).

"We are concerned that these measures may amount to a reduction in the level of protection offered to any of these Cubans who are asylum-seekers fleeing a risk of serious human rights violations in Cuba," Amnesty International said.

Until now any such asylum-seekers have routinely been allowed to enter and remain in the United States under special legislation applying to all Cubans. This legislation has thereby provided legal protection to any among them who would be at risk of human rights violations if they were to be returned to Cuba.

Among Amnesty International's current concerns in Cuba are the imprisonment of at least 500 prisoners of conscience, some serving sentences of thirteen or more years; arbitrary detention and unfair trials of political opponents; intimidation and harassment of political opponents by the security forces; and ill-treatment of prisoners, sometimes amounting to torture.

"Those fleeing Cuba may include individuals who would be at risk of such serious human rights violations if returned," Amnesty International said.

The organization recognizes that governments are entitled to control immigration and entry to their territory, but it calls on governments to ensure that asylum-seekers nevertheless have effective access to their asylum procedures, and that immigration control measures do not amount to a denial of the right -- set out in the Universal Declaration of Human Rights -- to seek asylum in other countries from persecution.

Governments are obliged, under the international principle of *non-refoulement*, not to return asylum-seekers in any manner whatsoever to any country where they would risk serious human rights violations. In order to ensure that asylum-seekers fleeing serious human rights violations are identified and afforded the protection they need, and to which they are entitled under international law, they must be allowed effective access to a fair and satisfactory asylum procedure.

At this stage it is not clear what kind of procedures are to be established for Cubans at the US naval base at Guantánamo Bay. Amnesty International is calling on the US authorities to ensure that whatever procedures are established at Guantánamo Bay or elsewhere are fully in accordance with international standards for the protection of asylum-seekers.

International standards require that any refugee determination procedures include elements such as the right to appropriate legal advice and to an effective review if the application for asylum is refused.

**Above all, the international principle of *non-refoulement* requires that no asylum-seeker who expresses a fear of serious human rights violations in a particular country should be returned there against their will, or in any way pressured to return there, unless a fair and thorough examination of their individual case establishes that they would not be at risk after return.**

**In any case where an asylum-seeker would be at risk of serious human rights violations if returned, he or she should be granted effective and durable protection, which should include legal protection. Moreover, such asylum-seekers should not be sent to any third country unless the government sending them there has ensured that they will be granted effective and durable protection there, which should normally include legal protection, against forcible return.**

**ENDS\**