

UA 191/01

Forcible Return of Asylum Seekers

27 July 2001

BAHAMAS

An estimated 130 Haitian nationals, some of whom are understood to be seeking political asylum, are at risk of being forcibly returned to Haiti, without any 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 Haitian nationals were shipwrecked in Great Inagua, Southern Bahamas, on July 18 2001. Sixty-nine of them were reportedly found six days later by the Bahamian authorities. Two others were found dead, but the US Coast Guard, who are assisting the Royal Bahamas Defence Force to search for survivors, reports that as many as 60 asylum seekers are feared dead. The Bahamian authorities are reportedly searching for approximately 70 people, believed to be hiding in the area where the ship ran aground.

The Royal Bahamas Defence Force has reportedly stated that the Haitian nationals would be taken to Nassau and held in detention facilities, pending their imminent return to Haiti.

The survivors are understood to be suffering from malnutrition, lack of water and exposure.

BACKGROUND INFORMATION

Under the principle of *non-refoulement*, set out in Article 33 of the 1951 UN Convention Relating to the Status of Refugees, 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 this principle is the necessity to establish a satisfactory asylum procedure to identify those who would be at risk.

Amnesty International has repeatedly expressed concern about the Bahamas' failure to uphold international standards regarding refugees. The Bahamas government reportedly returned an estimated 1,600 people to Haiti during 2000.

RECOMMENDED ACTION: Please send telegrams/faxes in English or your own language calling on the government of the Bahamas:

- to ensure that no asylum seeker is returned to Haiti until their individual asylum claims have been fully examined;
- to respect its international obligations as a state party to the Refugee Convention, in particular the principle of *non-refoulement*;
- to establish that all those wishing to claim refugee protection are granted immediate access to a full and fair procedure, including an effective appeals process;
- to ensure that all the asylum seekers receive adequate medical care and treatment;
- to immediately cease holding asylum seekers alongside convicted criminals, and to ensure that asylum seekers are treated humanely throughout the process of determining their asylum claims;
- to comply with conclusion No. 44 adopted by the states participating in

the United Nations High Commissioner for Refugees (UNHCR) Executive Committee in 1986, which states that "detention [of asylum seekers] should normally be avoided".

APPEALS TO:

Prime Minister

The Honourable Hubert Ingraham
Office of the Prime Minister
Cecil V. Wallace-Whitfield Centre
PO Box CB 10980
Nassau
Bahamas

Telegrams: Prime Minister, Nassau, Bahamas

Fax: + 1 242 327 5807

Salutation: Dear Prime Minister

Minister for Foreign Affairs

The Honourable Janet Bostwick
Minister for Foreign Affairs
PO Box N 3746
Nassau
Bahamas

Telegrams: Foreign Minister, Nassau, Bahamas

Fax: + 1 242 328 8212

E-mail: mfabahamas@batelnet.bs

Salutation: Dear Minister

Acting Director of Immigration

Vernon Burrows
Immigration Department
PO Box N 831
Nassau
Bahamas

Fax: + 1 242 326 0977

Salutation: Dear Director

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

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