

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

HAITIAN CENTERS COUNCIL, INC., et al.,)

Plaintiffs,)

v.)

GENE McNARY, Commissioner, Immigration)
and Naturalization Service, et al.,)

Defendants.)

Civil Action No.
92-1258 (Johnson, J.)

PLAINTIFF'S SECOND REQUEST
FOR PRODUCTION OF DOCUMENTS

PLEASE TAKE NOTICE that pursuant to Rule 34 of the Federal Rules of Civil Procedure, plaintiffs hereby request and demand that defendants produce and permit plaintiffs to inspect and copy the documents listed below commencing at 10:00 a.m. on the 17th of April, 1992, at such place as agreed to by counsel.

DEFINITIONS

Plaintiffs incorporate the definitions from their First Request for Production of Documents as if set forth fully herein.

INSTRUCTIONS

Plaintiffs incorporate the definitions from their First Request for Production of Documents as if set forth fully herein.

DOCUMENTS TO BE PRODUCED

1. On the most expedited basis, all documents directed or otherwise relating or referring to the fact that the screened-in rate for Haitians should be, was, or is capped at a certain level or is, has been, or should be lowered.

2. On the most expedited basis, all documents dated after February 24, 1992 which refer or relate to country reports, situation reports, or the Resources Information Center, regarding Haiti or information on which defendants rely on or have relied on, in making screening determinations about Haitians.

3. On the most expedited basis, all documents dated after January 1, 1991 which refer or relate to State Department evaluations, including but not limited to evaluations written by officials and staff members of the Bureau of Human Rights and Humanitarian Affairs, that refer or relate to conditions in Haiti.

4. On an expedited basis, all documents dated after the filing of the complaint in this lawsuit on March 18, 1992 which refer or relate to United States government practices regarding the screening or interviewing of Haitians detained at Guantanamo Naval Base, on United States Coast Guard cutters, or elsewhere in territory subject to United States jurisdiction.

5. To the extent that defendants have failed to produce all the documents earlier requested by plaintiffs, plaintiffs renew their First Request for Production of Documents, and renew the request for documents set forth in Harold Hongju Koh's letter to Lauri Steven Filippu dated March 28, 1992 memorializing the major points of the status conference with Judge Sterling Johnson held on March 28, 1992.

6. All documents which refer or relate to lost records of Haitians.

7. All documents which refer or relate to computer errors, hardcopy errors, mistaken identification of refugees having been screened-in or screened-out.

8. All documents containing statements by defendants expressing the belief that repatriated Haitians would suffer or had suffered persecution on their return to Haiti.
9. All documents which refer or relate to investigations by defendants of persecution suffered by repatriated Haitians.
10. All interagency documents which refer or relate to the screening or re-screening process taking place on Guantanamo Bay or on Coast Guard cutters or elsewhere in territory subject to U.S. jurisdiction.
11. All documents which refer or relate to country conditions in Haiti relied upon by defendants in making screening and asylum determinations for Haitians since October 1991.
12. All documents which refer or relate to refusal or granting of access to lawyers to Guantanamo Bay Naval Base since October 1991.
13. All documents which refer or relate to changes in rates of Haitians being screened-in and screened-out.
14. All documents dated August-December 1981 which refer or relate to the U.S.-Haitian Agreement, Executive Order 12,324 establishing the Alien Migrant Interdiction Operation or the Haitian Migrant Interdiction Program or that program as otherwise referred to.
15. All documents which refer or relate to the interdiction of non-Haitians pursuant to Executive Order 12,324.
16. All Executive Agreements entered into pursuant to the President's

directive in Executive Order 12,324.

17. All documents, not otherwise specifically called for above, which refer or relate to the allegations set forth in plaintiffs' complaint.

Dated: New York, New York
April 16, 1992

LOWENSTEIN INTERNATIONAL HUMAN RIGHTS CLINIC

By: Harold Hongju Koh
Harold Hongju Koh

Yale Law School
127 Wall St.
New Haven, CT 06520
(203) 432-4932

Attorneys for Plaintiffs
Haitian Centers Council, Inc., et. al.