

I. STATEMENT OF THE ISSUES

May the Government, in contravention of international obligations and wholly insulated from judicial scrutiny, forcibly repatriate political refugees it has interdicted on the high seas?

Must the Government abandon its current standardless attempts to determine the political refugee status of black Haitians fleeing a brutal military regime and be directed to establish a determination process which conforms to the United States express internal law and statutory obligations?

May the Government, consistent with the First Amendment, wholly preclude an activist organization, previously recognized by this Court in banc as having First Amendment rights, from contacting, associating and informing Haitians interdicted by the defendants of their legal rights?

Are the procedures of the Immigration and Naturalization Service beyond judicial scrutiny when such procedures utterly fail to provide a meaningful opportunity for Haitians fleeing persecution to demonstrate that their lives and freedom would be threatened upon return to Haiti?

Where the record demonstrates that plaintiffs' lives and freedom would be threatened if forcibly returned to Haiti, do such plaintiffs have judicially enforceable rights arising under Executive Order 12324, guidelines promulgated thereto, the Refugee Act of 1980, the Immigration and Nationality Act, and the Administrative Procedures Act?