

PUBLIC

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UA 102/09 Fear for safety

MEXICO Yasser Vilchez Grant Domingo (m), aged 26, Nicaraguan national

Nicaraguan national Yasser Vilchez Grant Domingo, who was travelling illegally through Central America, injured his foot in southern Mexico. On account of being a migrant, doctors refused to treat him, and the infection spread to his foot and leg. On 12 March his leg was amputated at the thigh. He filed a complaint against the doctors, but has been threatened and told not to pursue the complaint. Amnesty International believes that he is at risk of reprisals and fears that he may be deported to Nicaragua before his case is fully investigated.

The Mexican migration authorities mounted an operation in the town of Arriaga, in the southern state of Chiapas, on 20 February, to detain people from Central America travelling through the region in an attempt to reach the USA. One officer chased Yasser Vilchez, who escaped, but trod on a nail as he ran and injured two of his toes. He hid for two days in the hills around the town. While he was there his injury became infected, so he walked to the General Hospital in the city of Tapachula, which took three days: he arrived on 26 February.

According to the account he gave in his complaint, a doctor told him, "I am not going to treat you because you are a bloody migrant and I can't stand migrants." (*no te voy a atender porque eres un pinche migrante y no soporto a los migrantes*). He made repeated attempts to get treatment at the hospital, without success. The infection eventually spread to his entire foot. On one occasion, the pain was so great that he crawled along the hospital floor and pulled at a doctor's trousers to grab his attention and ask for help. The doctor allegedly kicked him.

On 29 February Yasser Vilchez Grant was admitted to a local shelter for migrants. He explained his situation to staff at the shelter, who were able to get him admitted to Tapachula General Hospital. When he got there, a doctor said to him, "So you've come back, you son of a bitch" (*Y volviste hijo de puta*). The doctor then told him that his entire leg needed to be amputated as the infection had spread. The amputation was performed on 12 March.

After the operation Yasser Vilchez Grant went back to the migrants' shelter to recuperate. On 2 April, a man came to the shelter looking for him and told him, "Look, even doctors make mistakes." (*mira, también los doctores hacen errores*) and offered him a very large sum of money not to file a complaint. Yasser Vilchez Grant refused, and the man threatened that his decision would carry serious consequences.

On 13 April Yasser Vilchez filed a complaint of negligence against several doctors with the Chiapas State Public Prosecutor's Office (*Procuraduría General de Justicia del Estado*). He has gone into hiding until his complaint is investigated.

BACKGROUND INFORMATION

Hundreds of thousands of people attempt to travel through Mexico from Central and South America every year to reach the USA. Many are detained by the Mexican migration authorities and returned to their countries of origin. In October 2008 Amnesty International visited Mexico to investigate reports of human rights violations

against these people. They found that many had been kidnapped by gangs, sometimes with the complicity of local officials. These gangs and the corrupt officials are rarely brought to justice and people who file complaints against them may face reprisals and swift deportation. Many migrants are seriously injured during their journey north and reports of inadequate medical attention are common. Impunity for abuses against migrants has allowed these abuses to increase since about 2003, despite government commitments to ensure respect of migrants' rights.

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

- calling on the authorities to guarantee the safety of Yasser Vilchez Grant Domingo and to provide him with a temporary visa available to migrants who have filed complaints and protection, so that he can testify against those responsible without fear of reprisals or repatriation;
- calling on them to order a full and prompt investigation into the 2 April attempt to intimidate Yasser Vilchez Grant Domingo into abandoning a legal complaint;
- asking them to ensure that Yasser Vilchez Grant Domingo has access to legal advice, consular officials and any medical attention he may require;
- calling on the authorities to order a full, prompt and impartial investigation into Yasser Vilchez Grant Domingo's complaints of discrimination and medical negligence, and to ensure those found responsible are sanctioned accordingly;
- calling on the authorities to ensure that all irregular migrants who are victims of crime are able to report the offences and assist in the investigation without fear of reprisal or deportation.

APPEALS TO:

Governor of Chiapas

Lic. Juan José Sabines Guerrero
Gobernador del Estado de Chiapas
Palacio de Gobierno, 1º piso, Col. Centro,
C.29000, Tuxtla Gutiérrez, Chiapas, México

Fax: +52 961 618 8050. You will then be asked for an extension number, type in: 21122

Email: juansabines@chiapas.gob.mx

Salutation: Dear Governor/Señor Gobernador

Minister of Justice of Chiapas state

Lic. Amador Rodríguez Lozano
Ministro de Justicia del Estado de Chiapas
Libramiento Norte s/n, tercer nivel
Col. Infonavit "El Rosario", CP 29049, Tuxtla Gutiérrez, Chiapas, México

Fax: + 52 961 61 657 24

Email: arodriguez@mje.chiapas.gob.mx

Salutation: Dear Minister/Señor Ministro

Human Rights Commission of Chiapas

Lic. Juan Carlos Moreno Guillén
Presidente de la Comisión de los Derechos Humanos de Chiapas
Comisión de los Derechos Humanos de Chiapas
Boulevard Comitán 143, Col. Moctezuma
Tuxtla Gutiérrez, Chiapas, México

Fax: +52 961 639 6615 (if someone answers, say: "me da tono de fax, por favor")

Salutation: Dear President/Señor Presidente

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

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 29 May 2009.