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Dept for CA/OCS/ACS/WHA and WHA/MEX

E.O. 12958: N/A
 TAGS: CASC, PHUM, ASEC, MX
 SUBJECT: KIECKER CASE: STATE BLOCKS ISTANBUL PROTOCOL PROCESS

REF: A. CDJ 13495
 B. CDJ 8892
 C. CDJ 8985

1. According to the office of Commissioner Guadalupe Morfin, Chihuahua State officials have blocked the Federal Attorney General's (PGR) Office of Human Rights from conducting medical and psychological exams under the Istanbul Protocol in the cases of Amcit Cynthia Kiecker, her husband Ulises Perzabal, and David Meza. The state Attorney General's office has blocked the Istanbul Protocol process for Kiecker, Perzabal, and Meza by claiming that further examination of the allegations of torture is not permitted by the Protocol, since the state has already conducted its own investigations. Prior to the public announcement in August that the Protocol would be applied to the case of Victor "El Cerillo" Garcia Uribe, the state had not investigated the torture claims of Meza and Perzabal (ref A). Fierro believes that once the state realized that the PGR would be pursuing Protocol exams in the high-profile cases with alleged torture, they rushed a superficial investigation of Meza to have it completed prior to the PGR commencing its own investigations of those cases. An state investigation of Kiecker's alleged torture was completed in June, and the state determined her claims had no basis in fact (ref B). The status of any investigation into Perzabal's torture claims is unknown.

2. Because Morfin's office and the PGR are not formal actors in the trials of Kiecker, Perzabal, and Meza, these federal offices have no legal mechanism by which to continue the Istanbul

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Protocol procedures without specific authorization to do so from the state courts hearing these cases. Therefore, post has arranged a meeting on October 14 between Morfin's office and lawyers Miguel Zapien and Adrian Arzate, who represent all three defendants, to outline a strategy for the defense team to formally request from the courts that the PGR continue with the Protocol examinations in the three cases.

3. In addition, Fierro stated that the Argentine Forensic Anthropology Team (EAAF), which visited Cd. Juarez in June to review the state's forensic procedures in the murdered women's cases, will be returning to Cd. Juarez next week (ref C). Morfin has already received a copy of their report, which is quite damning of Chihuahua state authorities. Fierro plans to urge Zapien and Arzate to submit a copy of the report in the Kiecker case as further evidence of the serious concerns the defense has regarding the state's handling of the alleged remains of victim Viviana Rayas, and if necessary, will arrange for the EAAF to meet the lawyers to discuss the report. He also stated that the NGO Mexican Commission for the Defense and Promotion of Human Rights plans to present the EAAF report to the court on behalf of the Rayas family. He hopes that this coordinated approach will draw greater attention to the state's deficiencies, make the courts aware of the flaws in the state's cases against Kiecker, Perzabal, and Meza, and result in new investigations of the victims' causes of death.

4. Post will continue to advise of any developments.

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