

**REPORT No. 34/10**  
PETITION 1118-04  
DECISION TO ARCHIVE  
SURINAME  
March 16, 2010

**ALLEGED VICTIMS:** Luis Miguel Sánchez Aldana

**PETITIONER:** Yenna Sandra Sanchez Aldana

**ALLEGED VIOLATIONS:** Articles 4 and 5 of the American Convention on Human Rights (the "American Convention")

**I. POSITION OF THE PARTIES**

**A. The petitioners**

1. On October 22, 2004, the Inter-American Commission on Human Rights (the "Inter-American Commission" or the "IACHR") received a petition and a request for precautionary measures from Yenna Sandra Sánchez Aldana (the "petitioner"), against Suriname (the "State"), on behalf of her brother Luis Miguel Sánchez Aldana (the "alleged victim") a Colombian national, allegedly detained since December 7, 2001, in the Duisburglaan Penal Institution of Suriname. The petition claims that the State refuses to provide adequate and required medical treatment to Mr. Sanchez, in violation of his right to life and to humane treatment, under Articles 4 and 5 of the American Convention.

2. The petition indicates that Mr. Sanchez was convicted on October 20, 2002, under the Law of Narcotics, but adds no further detail. Allegedly, Mr. Sanchez urgently required surgery to correct a life-threatening blockage of blood vessels. The petitioner mentions that he previously had surgery in Columbia in June 2000 for the same condition and required further surgery to correct a recurrence. The petitioner claimed that Suriname lacked the facility to treat Mr. Sanchez adequately. In addition, she alleged that Mr. Sanchez was sleeping on the floor, resulting in his legs becoming gangrenous due to the lack of blood circulation. Ultimately, the petitioner claimed that the alleged victim was at risk of dying from his condition unless he received urgent treatment.

3. In reply to the IACHR request for information, the petitioner confirmed that no domestic remedies were pending or initiated in Suriname on behalf of her brother, but did not inform whether he could have access to such domestic remedies or access to the service of an attorney. The petitioner underscored that Mr. Sanchez cannot communicate effectively with the authorities as he speaks only Spanish and the official language of Suriname is Dutch.

**B. The State**

4. Following the request for precautionary measures, the State informed the IACHR that appropriate actions would be taken to comply with the request. It underlined that since his arrest, Mr. Sanchez received regular medical attention and that the State would consult with his physician on specific measures which could be taken to address the situation. The State further submitted the report of an examination conducted on Mr. Sanchez by a cardiologist, reporting that Mr. Sanchez complained of pain in his right leg and that his toes show a black discoloration. However, the medical report stated that Mr. Sanchez had no other complaints; that the black discoloration of the toes was not visible during the examination; and that there was sufficient flow in the leg, which was not in danger. The report concluded that there was no accurate threat and that no immediate urgent intervention was required.

5. In further communications, the State asserted that the condition of Mr. Sanchez improved to such an extent that he could walk normally again; that no further complications had been found regarding his health condition; and that he was under continuous medical care of the physician of the prison.

## II. PROCESSING BEFORE THE INTER-AMERICAN COMMISSION

6. On October 28, 2004, the Inter-American Commission requested the petitioner to submit additional information, which was received on November 5, 2004. On November 11, 2004, the IACHR requested precautionary measures from the State to provide the medical attention to protect the life, physical integrity and health of Mr. Sanchez, and notified the petitioner thereof. The State responded to the request for precautionary measures in a note dated November 19, 2004. Several letters were exchanged between the parties with respect to the precautionary measures between November 2004 and July 2005.<sup>1</sup> In light of the information received, the IACHR lifted the precautionary measures on July 11, 2005 and informed both parties on the same date.

7. On November 17, 2005, April 26, 2007 and July 15, 2009, the IACHR requested additional and updated information from the petitioner. On December 8, 2009, the request was reiterated, and the petitioner was informed that in the event information was not received within one month, it may archive the petition under Article 48.1.b of the American Convention.

## III. GROUNDS FOR THE DECISION TO ARCHIVE

8. Article 48.1.b of the American Convention, as well as Article 42 of the Rules of Procedure of the Commission establish the procedure when the time period established for the parties to send information requested by the IACHR has elapsed. In such cases, the Commission shall ascertain whether the grounds for the petition still exist or subsist and if it considers that they do not, it shall order the case to be archived. In addition, Article 42(1)(a) of the Rules of Procedure establishes that the IACHR may also decide to archive a case when the information necessary for the adoption of a decision is unavailable.

9. In the present case, the petitioner did not respond to the Inter-American Commission's request for information on whether the alleged victim had access to domestic remedies or to the service of an attorney to raise the claims contained in the petition at the domestic level. The IACHR did not receive response either on the subsequent requests for updated information in 2005, 2007 and 2009.

10. In these circumstances, the Inter-American Commission considers that it lacks the necessary elements to make a determination as to whether the grounds underlying the initial petition subsist, to enable it to pronounce on the admissibility of the petition, or to reach a decision on the alleged human rights violations, and in accordance with Article 48(b) of the American Convention and Article 42 of the IACHR Rules of Procedure, decides to archive this petition.

Done and signed in the city of Washington, D.C., on the 16<sup>th</sup> day of the month of March, 2010. (Signed: Felipe González, President; Paulo Sérgio Pinheiro, First Vice-president; Dinah Shelton, Second Vice-president; María Silvia Guillén, José de Jesús Orozco Henríquez, and Rodrigo Escobar Gil, Members of the Commission).

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<sup>1</sup> The petitioner sent observations on November 29, 2004, January 28, 2005 and May 16, 2005; the State did the same on January 14, 2005, February 24, March 10 and March 23, 2005.